

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Residential Recycling Rewards Program presentation to Dennis and Marjorie Vedder by Linda Wainstock, Recycling Specialist, on behalf of the Waukesha County Department of Parks and Land Use.

CALL MEETING TO ORDER

Mayor Schuman called the meeting to order at 7:03 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.
- Gerald MacDougall, Ald.
- Lynn Morrison, Ald.
- Ron Miskelley, Ald.
- Matt Carlson, Administrator

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 JUNE 4, 2007 COMMON COUNCIL MEETING

R. MISKELLEY MOTIONED TO APPROVE THE MINUTES FROM THE JUNE 4, 2007 MEETING AS PRESENTED. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SIX WERE IN FAVOR. E. SADOWSKI ABSTAINED. MOTION CARRIED.

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

Steve Jenecko, 2713 Burries Road – Spoke regarding the FEMA meeting on the floodplain. Mayor Schuman stated that the City will be filing a protest, but that the DNR timetable for the turnaround is needed. S. Jenecko stated that there are about two weeks. T. Hafner stated that the time is more than two weeks.

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S. Jenecko stated that Dan Vrakas and the County are not happy with FEMA's process. He hoped that the Council would present urgency to the whole issue. The City of Delafield has approximately 50 homes on Lake Nagawicka where the home itself is in the new floodplain. B. Leonard has requested that a meeting be held for those 50 homeowners as soon as possible. S. Jenecko asked that the City expedite this. The City's target date for the protest is June 20th. In addition, S. Jenecko was concerned that a bid has gone out in the amount of \$750,000 for a dam that the DNR has approved in conjunction with the City, but doesn't meet the DNR's requirements and is coupled with the situation with the culverts. The facts are that there are number of residents at risk, a tax base at risk, the DNR is trying to overcome City positions, and he hoped that "everyone is awake at the switch." The County would like to work in concert with the City and other municipalities. He asked that the calculations be done on the dam before the \$750,000 be spent. E. Sadowski stated that the City has not yet started construction. This is a perfect time to find out, not after the fact.

Jeff Voss, 2819 Burries Road – In regards to the FEMA, it was clarified that the nature of the protest must be scientific data. Mayor Schuman stated that the City's engineer will provide scientific data.

CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA

Hans Huber, 1510 Second Street – Inquired about the zoning code and parking issues by Fish Bones. M. Carlson stated that the safety concerns in his letter were addressed when the Fire Chief took a parked vehicle and ambulance and physically demonstrated how emergency services could be provided to his home. Parking issues are on tonight's agenda for discussion.

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

It was requested to remove Items a, b and c from the Consent Agenda.

- a. APPROVAL OF CHANGE ORDER FOR WELL #2 PUMP STATION AND RESERVOIR PER STAFF MEMO DATED 6/11/07.

A complete breakdown of the change order was in the commissioner's packets. The majority of the expenses are for the security system and computerized, self-contained data system. Under B004 – omitting the landscaping J. Krickhahn asked why this was omitted. T. Hafner stated that the landscaping was double bid out. Redmond has agreed to do the work. The landscaping will be done per plan. T. Hafner stated that the project is 99% complete and he felt that it was unforeseeable that

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anything else could happen. The majority of the change order was for a security system which for some unknown reason it was omitted. He will investigate to see if there are any grants available.

R. MISKELLEY MOVED TO APPROVE THE CHANGE ORDER FOR WELL #2 PUMP STATION AND RESERVOIR. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. RECOMMENDATION TO APPROVE A CHANGE IN BANKING SERVICES FOR THE CITY OF DELAFIELD.

Marie Williams, Accountant, put together a RFP for banking services. She was present at the meeting and explained that every three years an RFP is sent out. The breakdown of details was included in the packets. Chase would charge virtually no fees, is near-by, and is offering many advantageous features. Town Bank has offered their services for tax collection at any of their five locations. She stated that Chase Bank would be used for a minimum of three years.

L. MORRISON MOTIONED TO APPROVE THE CHANGE IN BANKING SERVICES FOR CITY OF DELAFIELD. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED.

- c. APPROVAL OF 2008 BUDGET CALENDAR AND BUDGET PROCESS.

R. MISKELLEY MOTIONED TO APPROVE THE 2008 BUDGET CALENDAR AND BUDGET PROCESS. J. KRICKHAHN SECONDED THE MOTION. B. LEONARD ASKED IF A SURVEY WOULD BE DONE. M. CARLSON CONFIRMED THAT THE COUNTY HAS PROVIDED THE CITY WITH DATA. A SURVEY WAS NOT DONE IN 2006 UNDER THE THEORY THAT PAST RESULTS WERE VERY CONSISTENT. THE COUNTY RESULTS WILL BE DISTRIBUTED. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

- d. RESOLUTION 2007-12 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELAFIELD REGARDING THE 2006 COMPLIANCE MAINTENANCE ANNUAL REPORT SUBMITTAL TO THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES FOR THE CITY'S WASTEWATER COLLECTION SYSTEM.

This is required by the DNR. Each year the City completes a report. T. Hafner compiled and submitted the report to the DNR. The materials were reviewed and assigned an "A" for the system – a very good grade and the highest that the City could achieve on the grading scale. T.

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Hafner stated that Paul Zellner and Marie Williams did a great job working on this. M. De Yoe stated that Del-Hart also received an "A".

L. MORRISON MOTIONED TO APPROVE RESOLUTION 2007-12. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- e. RESOLUTION 2007-13 – A RESOLUTION TO APPROVE THE FINAL PLAT FOR VALLEY ROAD FARMS SUBDIVISION PHASE II

R. MISKELLEY MOTIONED TO APPROVE RESOLUTION 2007-13 AND 2007-14. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- f. RESOLUTION 2007-14 – A RESOLUTION TO APPROVE THE FINAL PLAT FOR MISSION PRAIRIE SUBDIVISION

See above.

4. COMMITTEE REPORTS

- a. LICENSES - APPROVAL OF THE FOLLOWING LICENSES

Two-year Bartender

Thomas Compton, Delafield; Noodles & Company
Luke Szymaszek, Delafield; PDQ
Carrie Imoehl, Palmyra; The Gathering
Emily A. Manchester, Oconomowoc; Loaf & Jug
William M. Wustner, Delafield; Loaf & Jug

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

- b. PLAN COMMISSION

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

No report. The next Plan Commission meeting will be held June 27, 2007.

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c. LAKE WELFARE COMMITTEE

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

The Annual Lake Awareness Meeting will be held this Wednesday, June 20, 2007 at 6:30 p.m. at Del Hotel. Many items will be discussed including the status of the dredging project and floodplain discussions.

d. PARK AND RECREATION COMMISSION

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

The next Park & Recreation Commission meeting will be held on June 25, 2007 at 7 p.m. in the Council Chambers

e. PUBLIC WORKS COMMITTEE (MINUTES OF JUNE 6, 2007)

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

T. Hafner reported that the Public Works Committee (PWC) toured the Well #2 Pump Station. Other issues discussed were the local sewer use ordinance that the City needs to take action on. He has reviewed approximately 60% of the document. Recommendations are being made. The user charge portion of the ordinance will be worked on. Recommendations will be finalized at the next PWC meeting and then brought to the Common Council.

The Kettle East Business Center site plan and stormwater drainage was reviewed. The developer abuts the City's booster station property. It was suggested that a temporary grading easement be obtained from the City (this would come to the Common Council for approval). In return, the City trees would be relocated. The developer agreed that if the trees don't survive, they would be replaced.

The FEMA meeting that took place last Wednesday was reviewed. Yaggy Colby is working on modeling. The City's primary appeal is that the DNR modeled the dam as if it were inoperable. The City's point of contention is that the City has records going back to 1991

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showing that each and every day the dam is operable and the City has been able to open or close the tainer gate as necessary to maintain the regulated water levels. The construction for rehabilitation of the dam has been awarded, the construction is scheduled to start on Monday, June 25, 2007 and should be completed in September to avoid significant daily fines that the DNR threatened the City with. The statements regarding the DNR requirements are not true. The DNR's requirements are that hydraulically the dam needs to pass the 100 year flood and it does do that. The design was approved by the DNR itself. The DNR approval letter was received in early May.

The modeling is finding that the DNR is wrong, but it will not go back to the way it was. The correct numbers show less than what the DNR is proposing, but more than shown now. B. Leonard will provide step-by-step instructions for viewing properties on the County website with contour lines. T. Hafner stated that the person in charge of the modeling knew about the culvert problem a couple of days prior to the meeting. The DNR doesn't allow you to discharge any where you want down the stream. G. Mac Dougall stated that the DNR said that if you calculate the water flow through the dam with tainer gates out (100 year flood) that the culvert would become the problem with backwash. T. Hafner stated that the DNR would have to evaluate this if the City wanted to make changes. Mayor Schuman will discuss the issue with Dan Vrakas. T. Hafner has been working on this issue nonstop since it came to light. If the existing floodplain elevations were properly mapped, many of the properties now shown in the floodplain would have been shown in the floodplain in 1983. It appears that in 1983 the calculations were done to establish floodplain elevations that an error was done in the mapping. B. Leonard discussed the devaluation of these properties and their potential marketability. T. Hafner stated that surveyors could do a survey that establishes the vertical elevation of the property within a few days at approximately \$300-\$400 for private property. The appeal is hoped to be submitted by June 20. Turnaround from the DNR is that the evaluation will be July 12 and then a few months from that date. Mayor Schuman stated that individuals have another option and that is to appeal with an individual letter at any time. B. Leonard stated that if the individual letter was submitted by July 12, FEMA would do a footnote on the map – it would be cleaner. After July 12, a document would be created stating that a property was not in the floodplain even though it is shown on the map. T. Hafner stated that the letter of map amendment date was sometime in December. A one-page draft appeal document will be provided to the citizens.

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S. Janecko (resident) asked if a brand new home was built since 1983 and was in full compliance with City ordinances and building codes, and now you find out that there was a violation of building codes (floodplain), what would happen.

T. Hafner clarified that the dam contract was in the amount of \$410,000 was awarded and has been approved by the DNR – construction will start on Monday and the design was approved by the DNR.

S. Janecko stated that even if the City is in full compliance with the dam, the culvert issue will need to be addressed.

f. DEL-HART COMMISSION (MINUTES OF JUNE 6, 2007)

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

A special meeting was held on June 6. Three presentations from engineering firms took place. The Commission awarded the engineering contract to Strand Associates. The next Del-Hart meeting will be on June 19, 2007 at 7 p.m.

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 OF MAY 8 AND JUNE 12, 2007)

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

T. Hannen, Director of Waukesha County Federated Library System, discussed issues regarding a possible St. John's joint venture. He will put numbers together regarding space prior to the next meeting. Some members of the Library Board met with the Plan B Committee. There is a difference of opinion regarding the square footage needed for a new library. T. Hannen is also checking into these numbers. He believed that the initial square footage was excessive for a community of the size of Delafield. A

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meeting to go over a planning strategy and to develop a building statement to present to Plan B Committee will be held on Saturday June 30, 2007 at 9 a.m. A joint meeting on July 5, 2007 will be held with the Plan B Committee to discuss space needs. The next regularly scheduled meeting will take place on July 10, 2007.

The election of officers took place: Dick Reul is now the Vice President with the remaining officers being the same.

J. Krickhahn attended a meeting today regarding Delafield Days.

i. FINANCE ADVISORY BOARD (MINUTES OF MAY 25, 2007)

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 24, 2007 and will focus on the budget process.

j. BOARD OF ZONING

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

A meeting was held on June 14, 2007 and the variance was granted.

k. PROMOTIONAL AND TOURISM COMMITTEE

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

The Committee met last Tuesday. The new head of Chamber/Tourism attended. Ads are being placed. By the next meeting, a long range plan should be developed. Saturday is the Taste of Delafield from 11 a.m. – 11 p.m.

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

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

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The Committee met last Friday, June 15, 2007. The Committee wanted to confirm the future viability of sewer, water, and stormwater funds and their ability to absorb a proportional share of the new DPW building construction costs and to get legal opinion from the City Attorney on this. The workgroup for the DPW was not sure how to interpret the funds for the financing of the construction costs for this facility. M. Carlson stated that without objection, Staff will provide direction to the City's accountant, Kevin Krysinski, who is doing the sanitary sewer rate study, and have that question asked with respect to the viability of those future funds. The City Attorney will also be asked for his opinion on these issues. The council concurred that the accountant and attorney review these issues. A staff report will be compiled and submitted to the Plan B Committee.

The square footage in terms of the library is approx 10,000 – 12,000 sf, but a joint meeting with the library board will be held on July 5, 2007 to go over details. The capital cost of the library and the make-up of the clientele of the library was discussed.

G. Mac Dougall stated that the St. John's efforts are paralleling the library work. He was impressed by the work done by the library sub-group. M. Carlson and R. Flory have set up another meeting to discuss details of the operation and it is looking good. B. Leonard stated that this demonstrates that the City is looking at all options to try to make this as efficient as possible.

Mayor Schuman would like to see someone from the Plan B Committee contact T. Aul to determine the status of the Library's Capital Campaign. G. Mac Dougall stated that the funding and raising of private funds was a function of the library itself, however Mayor Schuman asked that this item be put on the Plan B Committee joint meeting agenda with the library board.

Bubble diagrams (building footprints) for DPW, Safety, City Hall, etc. were reviewed. Costs are now being reviewed.

The next meeting of the Plan B Committee will be held on June 29, 2007 at 11 a.m. The meeting with the library will be held on July 5, 2007 at 7 p.m.

5. OLD BUSINESS

None.

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6. MAYOR'S REPORT

- o Attended Lake Country School's 8th grade graduation.
- o Will attend the 100 year anniversary of Fish Hatchery this Wednesday at 7:30 p.m.
- o Will attend Lake Welfare Committee Annual Meeting this Wednesday

a. APPOINTMENTS

Thomas Huckabee – Library Board – expiration 2010

Mayor Schuman withdrew this nomination.

7. NEW BUSINESS

- a. STAFF RECOMMENDATION TO APPROVE A SPECIAL FALL BRUSH PICK UP WITH VEOLIA ENVIRONMENTAL SERVICES IN THE AMOUNT OF \$9,103.25.

This was a result of Common Council direction for a one-time fall brush pick-up program. This would include both brush and leaf pick-up on a one-time basis on a Saturday in the fall for City residents. It was clarified that funds were available in the general fund and could be reallocated to pay for this service. Paper bags can be purchased from hardware stores to put the materials in. This would help collect materials that the brush drop-off cannot accommodate.

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

M. Carlson stated that this was not intended to replace the brush drop-off service. T. Hafner will work with Veolia to set a date in October for the brush pick-up.

- b. DISCUSSION REGARDING CAPITAL PROJECT REFERENDUM REQUIREMENT.

A copy of the ordinance that the City adopted was distributed. Attorney Sewell stated that the ordinance was enacted because of the Direct Legislation petition. The Ordinance was enacted on August 1, 2005. On August 1, 2007, the Common Council is free, if it chooses, to repeal or amend this ordinance. If nothing is done it could be changed at any time after August 1, 2007.

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R. Miskelley would like to consider changing this because \$1 million is too restrictive; he suggested a \$5 million cap. This would give the City more room to maneuver in catastrophes. This is not to say that referendums would not be used for things under \$5 million. L. Morrison was in agreement and stated that when emergency type issues come up, the City would be able to deal with it. J. Krickhahn suggested having an exceptions clause as part of the ordinance. It was stated that there are provisions in the City Codes for special assessments. E. Sadowski also felt that \$1 million was too low of an amount; however, the taxpayers and citizens' trust still needs to be earned. If something does come up, the ordinance can always be adjusted. Mayor Schuman asked for citizen's input in his Mayoral letter. This ordinance is also a way of controlling development in the City. He thought this needed to be discussed. R. Miskelley requested that M. Carlson look into the language that the Common Council a couple of years ago for the "health, safety, and public welfare". He thought that perhaps a larger cap with exceptions like J. Krickhahn suggested would be a possibility. B. Leonard would like examples or plausible events that could require the City to go over \$1 million because of an emergency. M. De Yoe requested that M. Carlson investigate what other communities have done. It was stated that Mt. Horeb has rescinded their Direct Legislation requirement. G. Mac Dougall thought that referendums for big projects were good, but emergencies need to be handled differently.

c. **DISCUSSION REGARDING PARKING ISSUES ON FISHBONE'S PROPERTY/WOESTE PROPERTY, 1712 MILWAUKEE STREET, DELAFIELD, TAX KEY 797.985.001.**

D. Sobczak was present at the meeting. Tomorrow will be Fishbone's 7th anniversary. He explained that employees are parking in a legal area. The history of the property and surround area where his establishment is located was reviewed. E. Sadowski reviewed the history of the zoning, businesses, and parking for this location. D. Sobczak stated that the employees park in legal areas. L. Morrison thought that when the cars parked at the residential lot it was good because it got the cars off of the street. Attorney Sewell explained that the lot was zoned residential and commercial uses are not allowed on residential property. L. Morrison stated that the residents were the last to come into this area of the lake. She discussed former businesses in the area. Mayor Schuman again stated that the employees are parking legally. R. Miskelley asked if the Woestie land could be rezoned. Attorney Sewell stated that the standard zoning process would have to take place. E. Sadowski stated that people invested in this area when they bought residential properties 18 years ago, the area was zoned residential and a change in zoning would affect many, many people. He would not be in favor of any zoning changes. R. Miskelley stated that a logical way of taking the cars off of the street would be to rezone the Woestie property. E. Sadowski clarified that

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parking on the residential parcel only took place in 2006. M. De Yoe asked if it were possible to have employees park their cars in city lots and be shuttled over to the restaurant. D. Sobczak stated that this would not work. M. Carlson stated that the cars parking on First, Second, and Third Streets are parking legally. Unless the Common Council initiates the process to rezone property, it would end. B. Leonard stated that the issue is that the residential and business districts need to peacefully co-exist. E. Sadowski added that threats, harassment, and cursing at the employees took place by a resident of Second Street. The employees were scared and worried; the matter was referred to the police. This happened two separate times. Mayor Schuman stated that Staff can talk to D. Sobczak to see if something could be done. He did not see a need for any changes to zoning.

R. Miskelley asked that this come back at a future meeting in order to discuss and act on a zoning change. He requested that the residents in this area, including Mr. Woestie, be present at the next meeting in order to address the Council.

June Rojahn, 1718 Milwaukee Street – She is the president of the Southshore Condo Association. There were 12 cars parking in 2006 parking six days per week. This Common Council approved expansion of these condo units. There has been over a \$2.5 million investment in the seven units that are directly adjacent to Fishbones. Photos were distributed of the parking situation. They had suggested to carpooling and parking in municipal lots. Many nights there are empty spots behind Fishbones that could be used for parking. This is not about not wanting the restaurant there. They would like reasonable cooperation because there has been investment in their property. They would like to work to come up with a good solution for the parking.

This item will be placed on the next agenda.

8. ADMINISTRATOR'S REPORT

a. ZONING CODE BLENDING QUESTION (WRITTEN REPORT PROVIDED)

An email was provided in terms of gang activity. The police department has reviewed this and it is provided under separate cover.

b. OTHER

- Met with St. Johns Academy regarding a joint library opportunity.
- Attended the Wisconsin City Managers meeting – attended last week where a lot of discussion took place regarding succession planning

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and building your organization to absorb work changes in the work force that are coming.

- Bids are being accepted for debt on July 2, 2007 at the Common Council meeting. Bids will be opened and a quorum is necessary.

9. CLERK'S REPORT

None.

10. FINANCIAL REPORT

a. APPROVE VOUCHER LIST

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

b. TREASURER'S REPORT - MAY 2007

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

11. CORRESPONDENCE

None.

12. ADJOURN INTO CLOSED SESSION PER §19.85(1)(G) CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED (OAKWOOD CHURCH - CSM DISCUSSION AND DIRECTION); (OPEN PANTRY CONDITIONAL USE PERMIT VIOLATION DISCUSSION AND DIRECTION) AND (UPDATE AND POTENTIAL LITIGATION ON THE DIX POND)

B. LEONARD MOTIONED TO ADJOURN INTO CLOSED SESSION PER §19.85(1)(G) CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED (OAKWOOD CHURCH - CSM DISCUSSION AND DIRECTION); (OPEN PANTRY CONDITIONAL USE PERMIT VIOLATION DISCUSSION AND DIRECTION) AND (UPDATE AND POTENTIAL LITIGATION ON THE DIX POND). L. MORRISON SECONDED THE MOTION. A ROLL CALL VOTE WAS TAKEN: J. KRICKHAHN, AYE; B. LEONARD, AYE; E. SADOWSKI, AYE; M. DE YOE,

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AYE; G. MAC DOUGALL, AYE; L. MORRISON, AYE; R. MISKELLEY, AYE. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED INTO CLOSED SESSION AT 8:55 P.M.

13. RECONVENE INTO OPEN SESSION

R. MISKELLEY MOTIONED TO RECONVENE INTO OPEN SESSION. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING RECONVENED INTO OPEN SESSION AT 10:15 P.M.

14. ACTION OF ITEMS DISCUSSED IN CLOSED SESSION

B. LEONARD MOTIONED TO APPROVE THE OAKWOOD CHURCH CSM SUBMITTED BY THE CHURCH AS REVISED ON 3/13/07 FOR PAGE ONE AND 3/17/07 FOR PAGES TWO THROUGH SIX AND THAT IT BE APPROVED CONTINGENT ON THAT THE 33' WIDE ROAD RESERVATION BE ELIMINATED SHOWN ALONG THE WEST BOUNDARY LINE NORTH OF THE 60' WIDE HORSESHOE SHAPED PUBLIC ROAD AND THAT THE CITY DIRECTS THAT THE CSM BE RECORDED ON OR BEFORE JUNE 30, 2007. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

B. LEONARD MOTIONED TO DIRECT THE CITY ATTORNEY TO PREPARE A RESOLUTION FOR THE FILE THAT INDICATES THAT IT HAS BEEN THE INTENT OF THE CITY ALL THE TIME IN ISSUING THE CONDITIONAL USE PERMIT AND APPROVING THE DEVELOPER'S AGREEMENT THAT THE DEDICATION WILL BE WITHOUT COST TO THE CITY FOR THE SOUTHERN STORMWATER OUTLOT. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

15. 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 10:16 P.M.

Minutes Prepared By:

Accurate Business Communications, Inc.