

CITY OF DELAFIELD COMMON COUNCIL MINUTES

SPECIAL PRESENTATION BY DELAFIELD CHAMBER OF COMMERCE REGARDING  
REVOLUTIONARY WAR ENCAMPMENT JULY 28 AND JULY 29, 2007

Lisa Geason-Bauer, Executive Director of the Delafield Area Chamber of Commerce/Tourism gave a brief introduction regarding the Revolutionary War Encampment. A presentation took place and a handout was distributed to the Council outlining the events that will take place.

CALL COMMON COUNCIL MEETING TO ORDER

Mayor Schuman called the meeting to order at 7:05 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.  
Ron Miskelley, Ald.  
Matt Carlson, Administrator

Absent

Gerald MacDougall, Ald.

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

1. APPROVE MINUTES OF JULY 2, 2007 COMMON COUNCIL MEETINGS.

**R. MISKELLEY MOTIONED TO APPROVE THE MINUTES FROM THE JULY 2, 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

Dorothy Peterson, W237 Oakwood Drive – Was concerned about the property to the south of the City Hall. She thought it would be ideal for use in expanding the City Hall. She felt that there should always be money in the budget for purchasing land that could be used for the City.

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Hans Huber – He distributed a memo to all of the alderpersons addressing the parking at Fish Bones. He felt that Fish Bones does not meet the conditions of Zoning Code 17.52 Parking Requirements and that if 17.14 (2) and 17.75 (5) were used it would be breaking the zoning code regulations. He addressed vision clearance and off street parking. E. Sadowski stated that only the half-truths were being presented. Mayor Schuman stated that this will be investigated and that the cars are parked legally.

Laura Schult, 935 Bahr Rd. – Inquired as to the status of a new City Clerk/Treasurer. Mayor Schuman stated that an update would be given this evening.

**CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA**

Gerry Flakas, 293 Fieldstone Road – Spoke regarding the Capital Project Referendum. He supported continuing the level at \$1 million.

Dan Wiley, 493 Lillian Court – Addressed the \$1 million spending cap. He felt this was a good way to control large project growth in the City. However, because of inflation, perhaps it should be increased to approximately \$1.25 million to \$1.5 million with inflation to be factored in thereafter.

Laura Schult, 935 Bahr Rd. – Was in favor of the \$1 million cap. She felt that the issue is about trust. When asked for specific instances that made trust an issue, she stated that there are some alderpersons on the Council that make it this way. When certain comments and actions take place, when the City gets slapped on the wrist by the DA, credibility is lost. Trust is something that is earned.

Ed McAleer, 3413 Lake Drive – Spoke regarding the Plan B Committee's work on the space needs referendum. He felt that changing the cap on the referendum could hinder the space needs referendum. He did not think a higher cap was needed for emergencies. He felt scheduling the building referendum to coincide with the February presidential primary would ensure a large turnout.

Dan Costigan, 1547 Milwaukee Street – He thought that the cap should stay where it is, perhaps with increases tied to inflation. He would like to see spending down to a reasonable rate.

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

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

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3. CONSENT AGENDA

E. Sadowski asked to remove Item c for discussion.

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

- a. NATIONAL MULTIPLE SCLEROSIS (MS) WISCONSIN CHAPTER'S ANNUAL 150 BEST DAM BIKE TOUR ON SATURDAY AND SUNDAY, AUGUST 4 AND, 5, 2007 (THROUGH THE CITY OF DELAFIELD ON SATURDAY, 8/4/07)

Approved. See above.

- b. RESOLUTION 2007-17 – A RESOLUTION TO CORRECT A REFERENCE IN RESOLUTION 2007-14.

Approved. See above.

- c. RECOMMENDATION TO AWARD YAGGY COLBY THE GIS CONTRACT IN THE AMOUNT OF \$74,550.00

This is a proposal for GIS mapping that allows the City to computerize its utility system and will tie together information. This is a continuation of the project. It would not have any affect on property taxes.

**E. SADOWSKI MOTIONED TO AWARD YAGGY COLBY THE GIS CONTRACT IN THE AMOUNT OF \$74,550.00. M. DEYOE SECONDED THE MOTION.** This project will make it a standardized project so that it is not linked to Yaggy Colby for maintenance, etc. M. Carlson stated that the City's system would be compatible with that of Waukesha County's. T. Hafner stated that this system could be updated as often as the City would like and the updates would come directly from the County. M. Carlson gave an example of how the system would work. **ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.**

4. COMMITTEE REPORTS

- a. LICENSES - APPROVAL OF THE FOLLOWING LICENSES

Two-year Bartender  
Elizabeth Schroeder, West Allis; PDQ  
Jeffrey Locklin, Wales; Marty's Pizza  
Jessica Skiston, Lake Mills; Applebee's  
Scott Huss, Muskego; Applebee's

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**E. SADOWSKI MOTIONED TO APPROVE. B. LEONARD 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

The next meeting will take place on July 25, 2007.

c. LAKE WELFARE COMMITTEE (MINUTES OF JULY 2)

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

Meetings were held on July 2 and 11 in addition to the Lake Awareness meeting. One of the suggestions at the Lake Awareness meeting was that the Lake Welfare Committee goes on record as to how the dredging project would be funded. There was much discussion at the July 11 meeting as to how this should be put together. A meeting will be held on July 25 at 7:15 p.m. at the Fish Hatchery to propose how the funding would be proposed.

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 Park and Recreation meeting will be held on Monday, July 23, 2007 at 7 p.m.

e. PUBLIC WORKS COMMITTEE (MINUTES OF JUNE 6 AND JULY 11, 2007)

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

No report.

f. DEL-HART COMMISSION

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

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The next meeting will take place on July 17, 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 JUNE 12 AND JUNE 30, 2007)

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

The Library Board hosted Family Fest during Delafield Days. There were 19 contestants for Delafield Idol. J. Krickhahn thanked all who helped with the event.

The Library Board had a joint meeting with the Plan B Committee. The Library Board members are in total support of the Plan B Committee's proposal for a 10,000 sf library with a possible buildout of 7,000 sf.

Karen Irwin has resigned from the Library Board. The Library Board now has openings for two members. Anyone interested in serving on the library board should fill out the volunteer application available on the website. It will be determined if this position is a County-appointed position

The next meeting will be held August 8, at 7 p.m.

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 (MINUTES OF JULY 12, 2007)

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

No report.

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k. PROMOTIONAL AND TOURISM COMMITTEE

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

No report.

1. PLAN B SPACE STUDY COMMITTEE (MINUTES OF JUNE 15, 2007, JUNE 29, 2007 AND JULY 5, 2007)

An aerial photo showing the DPW site was distributed to the alderpersons. The committee asked that a survey be done to update the DPW site to clear up the property lines and delineate the stream bed (needed for the Chapter 30 permit). The other request was to contract to get the wetland delineation finalized; this would also be needed for the Chapter 30 permit. M. Carlson stated that the City could contact SEWRPC to do the delineation of the wetland. M. DeYoe suggested that the area by the St. John's potential library be done at the same time. M. Carlson discussed the land within the bold yellow lines on the map and the conditions attached to the property. The process to use the Geason property to offset the conversion of the land needs to take place. M. DeYoe stated that Plan B wanted to clear up any property line questions and delineate the streambed. M. Carlson will direct Yaggy Colby to survey the land and also delineate the wetland delineations on the DPW and St. John's site.

The joint meeting with the Library Board went very well. In response to the comment made by Mrs. Peterson in Citizen's Comments, B. Leonard stated that tentatively the footprint for the City Hall/Library created surplus land on the south side of the present site which could at sometime possibly be sold back to the private sector. There would not be enough room at the DPW site for the City Hall and Library. The Committee will generate three cost estimates for the project in order to come up with solid costs. Costs for additional equipment and/or furniture will be factored in and detailed.

Mayor Schuman commended the Plan B Committee on their hard work. If the referendum were to pass, plans still need to be done.

1. RECOMMENDATION OF A CONTRACT FOR APPRAISAL SERVICES FOR THE 3 ACRES OF LAND LOCATED AT THE DEL-HART TREATMENT PLANT.

In order to determine a leasing amount M. Carlson recommended using S. Reich to appraise the land located at the Del-Hart Treatment Plant at a cost of \$1,500.

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**L. MORRISON MOTIONED TO ACCEPT M. CARLSON'S RECOMMENDATION TO USE S. REICH TO APPRAISE THE LAND LOCATED AT THE DEL-HART TREATMENT PLANT AT A COST OF \$1,500. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

2. PLAN B DEADLINE FOR RECOMMENDATION TO CITY COUNCIL

The goal for the Plan B Committee is to have a deadline by the end of August.

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

The next Plan B Committee meeting will take place at 11 a.m. on July 27, 2007.

5. OLD BUSINESS

- a. DISCUSSION REGARDING CAPITAL PROJECT REFERENDUM REQUIREMENT.

Mayor Schuman addressed outside influences on this issue. L. Morrison stated that she has not received any comments in favor of raising the amount – she thought that the organization should be considered trust worthy, but there is not a big difference between Direct Legislation of \$1 million and \$1,250,000. J. Krickhahn stated that all seem to be in favor of keeping the limit at \$1 million. The trust issue seems to be coming back; strides are being made. To do anything other than to keep it at \$1 million would hurt the process and the \$1 million should be kept. M. DeYoe stated that the trust issue stems from what may happen when some of the present council members are no longer serving – there is fear of the unknown. E. Sadowski stated that the dollar amount is not important, but that Direct Legislation is very limiting. The wording of what is passed or not passed is more important than the dollar amount. He thought that verbiage should be considered as well as the dollar amount. B. Leonard thought that projects that are special assessed still use staff time, etc. There should be input as to whether the project is a good use of the City's efforts. She gave the example of brush pick-up. It affects the City's resources and use of time. R. Miskelley appreciated the citizen's input on this issue. The alderpersons did not see a need to have this item on a future agenda at this time.

- b. DISCUSSION AND STATUS OF FEMA FLOODPLAIN APPEAL

T. Hafner was present and reported that the City submitted its appeal and forwarded 24 separate appeals from private residences. The DNR

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has indicated that they will take 2-3 months on the status of the appeals. Once they respond, the City will have 30 days to respond. The formal appeal process has ended. There is a separate process that remains open infinitely – a letter of map amendment could be filed. The City's cut off date was in order to be shown on the map. T. Hafner stated that the dam project is proceeding according to the schedule. Mayor Schuman stated that several meetings took place regarding the floodplain.

6. MAYOR'S REPORT

The Mayor reported the following:

- Attended a meeting with two DNR officials
- Went out in the police boat and toured lake
- Viewed the dam
- Opening on the library board and FAB

a. APPOINTMENT

Fran Balistreri - Sign Review Committee

**R. MISKELLEY MOTIONED TO APPROVE THE APPOINTMENT OF FRAN BALISTRERI TO THE SIGN COMMITTEE. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

The Sign Committee is now fully staffed.

b. LIBRARY BOARD RESIGNATION FROM KAREN IRWIN.

It will be checked to see if this is a County appointed position.

7. NEW BUSINESS

- a. REQUEST FOR CLARIFICATION OF THE SETTLEMENT AGREEMENT GOVERNING DELAFIELD VILLAGE SQUARE.  
(LETTER FROM KEITH ULSTAD, UNITED PROPERTIES, DATED JULY 9, 2007)

A letter was included in the commissioner's packets regarding the definition of fast food restaurants. Keith Ulstad from United Properties was present at the meeting and addressed the Council. He requested clarification of the term "fast food". He proposed a clarification definition of "Fast food use is intended to mean nationally branded, free-standing, drive-through restaurant (without wait staff) concepts like McDonalds, Taco Bell, KFC, and White Castle, but not coffee shops, ice cream shops, quick serve restaurants, and submarine sandwich shops."

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R. Miskelley suggesting that staff and legal counsel prepare a document defining "fast food".

B. Leonard felt that it was important that whatever wording is proposed that it should also be reviewed by the Plan Commission and the Common Council. R. Miskelley agreed but thought that staff should prepare the legal language. J. Krickhahn wanted to provide some direction to staff; the loopholes need to be closed. E. Sadowski agreed that a definition was needed. He thought that when the Settlement Agreement was drawn up, fast food was thought of in regards to drive-through and stand alone restaurants. M. DeYoe felt that legal counsel should be sought. M. Carlson stated that legislative intent needs to be considered. J. Krickhahn would be comfortable with "upscale fast food" (i.e., Paneras, etc.) without a drive-through.

**B. LEONARD MOTIONED TO ASK THE CITY PLANNER, CITY ATTORNEY, AND CITY ADMINSTRATOR TO LOOK AT THE PROPOSED DEFINITION TO SEE IF IT MEETS THE ORIGINAL INTENT, ASK THE CITY PLANNER TO DO A WEB SEARCH ON FAST FOOD RESTAURANTS TO SEE WHAT OTHER COMMUNITIES AND THEIR PROFESSIONAL PLANNING STAFFS ARE DOING TO ADDRESS THE ISSUE, AND REPORT BACK TO THE COMMON COUNCIL AND PLAN COMMISSION. THE MOTION DIED FOR LACK OF A SECOND.**

R. Miskelley suggested that Staff and Planning Staff define "fast food" according to what the intent of the Settlement Agreement was.

E. Sadowski recognized that United Properties has worked with the City from the beginning.

**E. SADOWSKI MOTIONED TO DEFINE WHAT THE CITY DID NOT WANT FOR FASTFOOD: STAND ALONE AND DRIVE-THROUGHS.** K. Smith stated that if a motion was made, the City would take an action that was not on the agenda. M. Carlson stated that this is ready for action. **E. SADOWSKI GAVE EXAMPLES SUCH AS MC DONALDS, TACO BELL, ETC. E. SADOWSKI AMENDED HIS MOTION TO HAVE THE CITY ATTORNEY AND CITY PLANNER REVIEW THIS. J. KRICKHAHN SECONDED THE MOTION. R. MISKELLEY MADE A FRIENDLY AMENDMENT FOR THE STAFF AND CITY PLANNER TO COME UP WITH LANGUAGE FOR THE COMMON COUNCIL TO REVIEW. E. SADOWSKI AND J. KRICKHAHN AGREED WITH THE FRIENDLY AMENDMENT. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. APPROVAL OF DEVELOPMENT AND STORMWATER MAINTENANCE AGREEMENTS WITH ACUITY DEVELOPMENT FOR FOXWOOD CROSSINGS SUBDIVISION SUBJECT TO FINAL REVIEW AND APPROVAL BY CITY ATTORNEY.

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Both documents were included in the Commissioner's packets. B. Leonard questioned page 7, assessment. M. Carlson explained how the \$2,560,000.00 was calculated. The 374 represents the number of residential equivalency units based on the City's Master Plan. B. Leonard asked if a signaled intersection could be put into this document. Mayor Schuman stated that the City Attorney could determine if something could be put into the document regarding a signal at this intersection.

**L. MORRISON MOTIONED TO APPROVE SUBJECT TO FINAL REVIEW AND APPROVAL BY THE ATTORNEY AND TO CONSIDER LANGUAGE OF DOT REQUIREMENTS FOR SIGNAL TO BE PAID FOR BY THE DEVELOPER. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. FIVE WERE IN FAVOR OF THE MOTION. B. LEONARD OPPOSED. MOTION CARRIED.**

- c. RESOLUTION 2007- 18 - PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE POWERS PURSUANT FOR SANCTUARY LANE AND MAIN STREET ROADWAY IMPROVEMENTS.

This is the first step in establishing a special assessment. The process is has two steps.

**J. KRICKHAHN MOTIONED TO APPROVE RESOLUTION 2007-18. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. E. SADOWSKI ABSTAINED. MOTION CARRIED.**

- d. STAFF RECOMMENDATION FOR AWARD OF SANCTUARY LANE IMPROVEMENTS SUBJECT TO SPECIAL ASSESSMENT IN DEVELOPMENT AGREEMENT.

There were two bidders for the work. The low bid was Payne & Dolan, Inc. in the amount of \$338,961.85.

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

8. ADMINISTRATOR'S REPORT

- a. MILWAUKEE STREET STORMWATER POND

A call was received from Charles Dix's sister expressing concern about using the Dix name in connection with the pond. The pond will now be referred to as the Milwaukee Street Stormwater Pond.

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b. ADMINISTRATIVE SERVICES DIRECTOR UPDATE

M. Carlson provided an update to the Alderpersons. Thirty-six applicants had expressed interest in the position prior to the deadline and three after the deadline. Interviews took place. An offer was extended, but the candidate declined. No sufficient applicants have been generated. He would like to re-advertise the position and re-title it as Administrative Services Director/Assistant City Administrator. M. DeYoe suggested re-titling it as Assistant City Administrator to get more applicants. L. Morrison thought the Administrative Services Director/Assistant City Administrator should be used. M. Carlson stated that the pay classification would remain the same. He stated that two people in the administration department have stepped up and done a stellar job since the retirement of the former city clerk, namely E. O'Brien, Deputy Clerk and M. Williams, Accountant. He will inquire to see if any internal staff is interested in the position.

9. CLERK'S REPORT

a. NOTICE OF PUBLIC HEARING REGARDING CONSIDERATION OF A  
CONDITIONAL USE PERMIT TO ALLOW FOR A CHIROPRACTIC OFFICE  
AT 1425 GENESEE STREET, DELAFIELD.

The public hearing will take place on Wednesday, July 25, 2007 at 7 pm.

b. ASSESSMENT MAILINGS, DATES & PROCEDURES FOR OPEN BOOK  
AND BOARD OF REVIEW

Open book dates are Tuesday, July 17 from 12 pm – 7 pm, Wednesday, July 18 from 9 am – 3 pm, and Thursday, July 19 from 12 am – 7 pm. The Board of Review will meet August 9 from 7 pm to 9 pm. M. Carlson clarified that the City of Delafield does a reassessment every three years.

10. FINANCIAL REPORT

a. APPROVE VOUCHER LIST

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

11. CORRESPONDENCE

a. Department of Natural Resources letters dated July 11, 2007 from Mayor Phil Schuman

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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 9:09 PM.**

Minutes Prepared By:

Accurate Business Communications, Inc.