

CITY OF DELAFIELD COMMON COUNCIL MINUTES

CALL COMMON COUNCIL MEETING TO ORDER

Acting Chairperson E. Sadowski called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Absent

Jeff Krickhahn, Ald.
Beth Leonard, Ald.
Erv Sadowski, Ald.
Michele DeYoe, Ald.
Gerald MacDougall, Ald.
Matt Carlson, Administrator

Mayor Phil Schuman
Lynn Morrison, Ald.
Ron Miskelley, 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 16, 2007 COMMON COUNCIL MEETINGS.

M. DE YOE MOTIONED TO APPROVE THE MINUTES FROM THE JULY 16, 2007 MEETING. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. G. MAC DOUGALL ABSTAINED. MOTION CARRIED.

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

Hans Huber – Distributed and read a letter to the alderpersons. The letter addressed various incidents in regards to Fishbones' employees and parking issues.

CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA

No citizens wished to speak.

J. KRICKHAHN 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

G. MAC DOUGALL MOTIONED TO APPROVE THE CONSENT AGENDA. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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- a. "HALFWAY TO ST. PADDY'S DAY" EVENT SPONSORED BY WELLS STREET TAVERN ON SATURDAY, SEPTEMBER 15, 2007.

Approved.

- b. VEOLIA ENVIRONMENTAL SERVICES ONE-TIME BRUSH COLLECTION TO TAKE PLACE ON SATURDAY, OCTOBER 20, 2007.

Approved.

- c. DEPUTY CITY CLERK/TREASURER AND ACCOUNTANT POSITION CLASSIFICATION RECOMMENDATION.

Approved.

4. COMMITTEE REPORTS

- a. LICENSES - APPROVAL OF THE FOLLOWING LICENSES

Two-year Bartender

Jessica Nigl, Pewaukee; Marty's Pizza

Temporary Bartenders for Waukesha Blues Fest:

Thomas Constable, Waukesha

Richard Kobriger, Waukesha, Agent

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

- b. PLAN COMMISSION (MINUTES OF JULY 25, 2007)

1. RECOMMENDATION TO APPROVE THE FINAL SIP ARCHITECTURE, LANDSCAPING AND LIGHTING PLANS FOR A RETAIL BUILDING, **TAX KEY 804.993.006, 3150 GOLF ROAD, DELAFIELD**, CONTINGENT UPON THE WORKING WITH STAFF.

This building would be occupied by Verizon Wireless.

M. DE YOE MOTIONED TO APPROVE THE FINAL SIP ARCHITECTURE, LANDSCAPING AND LIGHTING PLANS FOR THE BUILDING CONTINGENT UPON WORKING WITH STAFF. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. RECOMMENDATION TO APPROVE AN ATTACHED SHED FOR THE EXISTING BARN FOR **CEDAR VALLEY FARM, TAX KEY**

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795.982.002, LLC, 41 CEDAR VALLEY ROAD, DELAFIELD, AS A MINOR CHANGE TO THE CONDITIONAL USE PERMIT.

J. KRICKHAHN MOTIONED TO APPROVE. G. MAC DOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. RECOMMENDATION TO APPROVE THE CONDITIONAL USE PERMIT FOR LAKE COUNTRY HEALTH CENTER, **TAX KEY 787.999, 1452 GENESEE STREET, DELAFIELD**, BASED ON THE SITE PLAN DATED JUNE 29, 2007.

It was explained that Dr. Murray, a Chiropractor, would like to open his practice at this location and in the future would like to further enlarge the building. Approval would allow the operation of his business with a small expansion now. A proposal for a larger addition may come forward later.

J. KRICKHAHN MOTIONED TO APPROVE. G. MAC DOUGALL 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

No discussion took place.

- c. LAKE WELFARE COMMITTEE (MINUTES OF JULY 11 AND JULY 25, 2007)

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

The committee is working on the lake restoration project and how to finance it. G. Mac Dougall expressed concern about the expenses that have been incurred up to this point in time on the project. M. Carlson stated that if a benefit could be shown on the expenses for the project, and if the City could make a connection between those expenses, a special assessment could take place. The assessment will be tied to the areas where the work is being done. M. Carlson will provide an example of a property that has been dredged in the past and one that has not. E. Sadowski stated that there has always been a positive push to do this project.

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Implementation of bio-logs for shoreline stabilization at the Bleeker Street boat launch has taken place.

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 on August 27, 2007.

e. PUBLIC WORKS COMMITTEE (MINUTES OF AUG. 1, 2007)

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

The budget was reviewed and worked on during the Public Works Committee meeting. B. Leonard discussed a capital budget item regarding green infrastructure (open space conservancy program). The Public Works Committee had motioned to remove the open space conservancy program from the budget until more information was provided. M. Carlson discussed the budget process; a staff recommended budget would be developed before it comes to the Council. At that time Council can discuss any items.

f. DEL-HART COMMISSION (MINUTES OF JULY 17, 2007)

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

The preliminary budget was reviewed for the upcoming year. Potential leasing of part of the Del-Hart property was postponed until the August 21st meeting. Discussion took place regarding commercial users on the system.

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 JULY 14, 2007)

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

J. Krickhahn met with Rob from Arch Design, K. Kemnitz and Noel Aicher (from the Plan B Committee) regarding the design for the 10,000 sf section of the library. A design should be available soon.

Robin Flory, Library Director, has resigned. Her last day will be August 24, 2007. A meeting to discuss actions to be taken in regards to the Library Director position will be held at 7 p.m. on August 14, 2007.

- i. FINANCE ADVISORY BOARD (MINUTES OF JULY 24, 2007)

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

Revenues and expenses for mid year were reported. Revenues were at 52% and expenses are at 47% -- the City is earning more and spending less.

The interest rate on the recent debt recognized the strength of the City's financial position and its upgraded bond rating. The interest rate for debt reflected those with AAA bond ratings – in other words, the marketplace priced the debt as if the City of Delafield was a AAA bond rated community.

Expenses were looked at per capita – a historical look over time of expenditures of assessed evaluation was charted. Over time (10 years) it has declined. E. Sadowski commended the Common Council and City Administration on a job well done. M. Carlson stated that the leadership manages the budget throughout the year; the budget is a process.

- 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.

Actions were reflected in the minutes.

- k. PROMOTIONAL AND TOURISM COMMITTEE

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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

The committee is moving ahead. The DPW site and wetland of delineation were discussed. The wetland delineation has been ordered from SEWRPC. The Del-Hart property is being surveyed by Yaggy Colby to determine appraisal values. Conversion of park land was discussed; it is being determined if this has been completed. Narratives are being written up by each work group; these will be consolidated into one precise document. Floor plans and room layouts are being reviewed. Three separate independent cost estimates are being formulated. The next meeting will be held on August 10th will at 11 a.m. Preliminary cost estimates will be reviewed along with the first draft of the narrative. It is estimated that the Common Council will have the narratives by the end of August or early September. M. Carlson stated that discussions with St. John's have been very positive. Many ideas and options are being explored. J. Krickhahn stated that it is the library board's intention to analyze both the St. John's option and the present city hall location and come up with a recommendation.

5. OLD BUSINESS

- a. APPROVAL OF "FAST FOOD" DEFINITION IN VILLAGE SQUARE SETTLEMENT AGREEMENT

A standard definition was not found by either the City Attorney or the City Planner. M. Carlson created a definition which stated: "Fast Food establishments prohibited under the Settlement Agreement are intended to mean free-standing, drive-through restaurants (without wait staff) similar to McDonalds, Taco Bell, KFC and White Castle, but not coffee shops, ice cream shops, quick serve restaurants, and submarine sandwich shops." He clarified that this was solely for the purpose of defining fast food for the Village Square Settlement Agreement. This would not apply elsewhere in the City's Code, it is not a zoning text amendment, and it would be narrowly define "fast food" for purposes of the Settlement Agreement.

J. Krickhahn thought that the definition was still too vague. His interpretation of fast food for Village Square was that fast food creates congestion for traffic and creates litter. Fast food entices people to eat in the parking lot, in their car, and empty their cups in the driveway. He was also concerned that there already were tables and chairs set up outside of the Pick 'n Save for outside dining. He reviewed a definition

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from Oxford University which basically defined fast food as “inexpensive food, such as hamburgers and fried chicken, prepared and served quickly”. He stated that by Subway’s own definition on their website they are a fast food restaurant. Bill Restock defined fast food as “any place of business that sells prepared food that is ordered at a counter or drive through and is not consumed on premise. If you place an order at a table with a server and consume the food on premise, it is not fast food.” J. Krickhahn went on to state that another study’s definition was “modern commercial fast food is often highly processed and prepared in an industrial fashion. It is usually wrapped and served in cartons or bags or in plastic wrapping. In most fast food operations menu items are genuinely made from processed ingredients prepared at a central supply facility and then shipped to individual outlets where they are reheated, cooked, or assembled in a short amount of time.”

M. Carlson stated that his intention was to identify specific examples. What needs to be determined is the intent when the Settlement Agreement was signed. E. Sadowski stated that the definition given by M. Carlson was the intent of the majority of the Common Council at the time of the settlement agreement. J. Krickhahn did not agree. M. Carlson stated that his view was reflected in the definition.

B. Leonard was not comfortable making a decision on the definition given.

Drew Johnson from United Properties was present at the meeting and addressed the Council. It was their intent to be able to have users within the shopping center that offer a variety of foods.

G. Mac Dougall summarized that he thought J. Krickhahn’s main concern revolved around trash. M. Carlson stated that if the property is not properly maintained, the City could provide a notice and if it is not complied with the City could use City force or City employees to go out and pick up those materials and bill it back to the owner of the shopping center. D. Johnson stated that it was their intent to run a first class, grade A retail center. They felt that this center would be brochure quality throughout the nation on what someone can build and how it can work. They want the center to be a vibrant place.

D. Johnson of United Properties stated that he would be in agreement with the definition that was prepared by M. Carlson. E. Sadowski stated that this developer has worked very cooperatively with the City.

J. Krickhahn stated that the development was very nice looking, but he wanted to make sure that there were not any loopholes.

M. Carlson stated that the Settlement Agreement does not say “no drive throughs”, it says “no drive through restaurants”.

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M. DE YOE MOTIONED TO DEFINE FAST FOOD ESTABLISHMENTS AS PER M. CARLSON'S DEFINITION, SPECIFICALLY THAT "FAST FOOD ESTABLISHMENTS PROHIBITED UNDER THE SETTLEMENT AGREEMENT ARE INTENDED TO MEAN FREE-STANDING, DRIVE-THROUGH RESTAURANTS (WITHOUT WAIT STAFF) SIMILAR TO MC DONALDS, TACO BELL, KFC AND WHITE CASTLE." G. MAC DOUGALL SECONDED THE MOTION. B. LEONARD STATED THAT NO REFERENCE COULD BE MADE TO SIGNAGE APPEARANCE AS THIS AN ISSUE THAT THE PLAN COMMISSION NEEDS DEAL WITH. THREE WERE IN FAVOR OF THE MOTION. B. LEONARD AND J. KRICKHAHN OPPOSED. MOTION CARRIED.

6. MAYOR'S REPORT

Appointments

Denise Labott – Library Board

Conn Huffaker – Library Board

B. Leonard was concerned that the library board did not have anyone from the east side of Delafield and that the two appointments lived in close proximity to each other.

M. DE YOE MOTIONED TO APPOINT DENISE LABOTT TO THE LIBRARY BOARD. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

B. LEONARD MOTIONED TO HOLD THE APPOINTMENT OF THE SECOND PERSON TO THE NEXT MEETING DUE TO THE CLOSE PROXIMITY TO THE FIRST CANDIDATE. DISCUSSION TOOK PLACE ON GEOGRAPHICAL BALANCE. J. KRICKHAHN SECONDED THE MOTION. NO FURTHER DISCUSSION TOOK PLACE. ALL WERE IN FAVOR. MOTION CARRIED.

E. Sadowski encouraged residents on the east side of the lake to apply for the library board.

7. NEW BUSINESS

None.

8. ADMINISTRATOR'S REPORT

- Has been working on the reassessment process
- The Board of Review will need to meet a second night on August 22, 2007.
- Has been working on the 2008 budget
- Met with Plan B Committee
- Worked on the Fox Wood Development agreement

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- Applications for the Assistant City Administrator/Administrative Services Director are coming in. He expects to have a good group of people in for interviews during the week of the 20th.

9. CLERK'S REPORT

- a. Temporary Class B Beer License:
Waukesha Rotary Club Charitable Fund Inc, for Waukesha Blues Fest,
August 10-11, 2007
(Naga-Waukee Park)

10. FINANCIAL REPORT

- a. APPROVE VOUCHER LIST

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

- b. TREASURER'S REPORT – JUNE 2007

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

11. CORRESPONDENCE

None.

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 8:24 P.M.

Minutes Prepared By:

Accurate Business Communications, Inc.