

CITY OF DELAFIELD COMMON COUNCIL MINUTES

CALL COMMON COUNCIL 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

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

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 AUGUST 9, AND AUGUST 20, 2007 COMMON COUNCIL MEETINGS.

R. MISKELLEY MOTIONED TO APPROVE THE MINUTES FROM THE AUGUST 9 AND AUGUST 20, 2007 COMMON COUNCIL MEETINGS. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

Sherry Myers, 4447 Vettelson – Asked why speed bumps and stop signs have not been installed in Village Square. Mayor Schuman stated that investigation will take place. Additionally, S. Myers inquired about the planted berm by the pump house (north side of the 2.7 acres). This too will be investigated.

Martin Rose, 2409 Hirschman Lane – Asked and received answers as to when and why the sanitary sewer got changed from Oakwood Lane to Hirschman. He now requested information as to who changed it, how it got changed, and what the process is. Mayor Schuman stated that all unanswered questions would be answered at the next meeting.

Barb Rose, 2409 Hirschman Lane – Urged the Common Council to look into issues on the Hirschman Lane sewer issue. She and her husband have done a

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lot of research on this item. The research has shown that it was never mentioned that the residents would be responsible for the costs. She stated that they did not have their due process. She would like to know who asked for the special assessment of Hirschman Lane residents.

No other citizens wished to speak.

CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA

Sherry Myers, 4447 Vettelson – Distributed photos regarding Pump House #2 with the diesel generator prior to a solution being found. The photos showed a lot of smoke around the building. She brought the photos because another generator is being considered tonight by the Common Council for the Geason Farm. Although the exhaust and smell has been rectified at Pump House #2, there is still a noise problem. This needs to be addressed.

John Topping, 4315 Campbell Trace – He asked about the sewer line and was opposed to the residents on Campbell Trace paying for the sewer line. These questions will be addressed at the next Common Council meeting. He inquired about the Plan Commission meeting topic on the fitness center; it was clarified that the fitness center was approved. He addressed the dredging project – it was clarified that the lake resident will pay for 100% of what is in front of their house in addition to a portion of the common areas. He stated that the lights at Village Square were very bright.

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

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

3. **CONSENT AGENDA**

E. Sadowski asked to remove Item c.

R. MISKELLEY MOTIONED TO APPROVE ITEMS A & B. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- a. UNIVERSITY LAKE SCHOOL'S ANNUAL HOMECOMING PARADE AT 2:00 P.M. ON FRIDAY, SEPTEMBER 21, 2007 IN THE CITY OF DELAFIELD.

Approved.

- b. 4TH ANNUAL CLASSIC CAR SHOW HOSTED BY AN AMERICAN CLASSIC ON SUNDAY, SEPTEMBER 9, 2007 FROM 11:00 A.M. TO 4:00 P.M.

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Approved.

- c. HALLOWEEN TRICK OR TREAT IN THE CITY OF DELAFIELD ON SUNDAY, OCTOBER 28, 2007 FROM 4:00 – 7:00 P.M.

E. Sadowski stated that daylight savings time would still be in effect on October 28. It was suggested to have Trick or Treat from 5-8 p.m.

E. SADOWSKI MOTIONED TO HAVE TRICK OR TREAT HOURS BE FROM 5-8 P.M. ON OCTOBER 28TH. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. COMMITTEE REPORTS

- a. LICENSES - APPROVAL OF THE FOLLOWING LICENSES

Two-year Bartender

Evan Reis-Green, Wales; The Delafield Hotel
Phillip Olsen, Oconomowoc; The Delafield Hotel
Richard Wood, Waukesha; Marty's Pizza
Steven Lopez, Hartland; Water Street Brewery
Jennifer Platz, Oconomowoc, Twist n' Olive

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

Change of Agent

Christopher J. Wulff, Pick 'n Save

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

Without objection Item 4 "1" was presented next.

- b. PLAN COMMISSION

1. RECOMMENDATION OF A CONDITIONAL USE PERMIT AND APPROVAL OF A SITE PLAN TO ALLOW FOR A REDUCED BUILDING SETBACK FOR LAKE COUNTRY HEALTH CENTER, **TAX KEY 787.999, 1452 GENESEE STREET, DELAFIELD.**

R. Dupler distributed aerial photos of the area and reviewed the history of the proposed project. The building would be built 15' nearer to the road than it should. The Plan Commission felt that the addition would be beneficial as it would create a larger buffer

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for the residential neighbors. J. Krickhahn stated that no citizens spoke against the project at the public hearing. Parking ratios have been met. There is a parking agreement in place with Christ the King Lutheran Church. The Plan Commission has recommended this to the Common Council as a major change to the Conditional Use Permit.

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

2. **RECOMMENDATION OF A MINOR CHANGE TO THE CONDITIONAL USE PERMIT FOR THE GEASON PROPERTY TO ALLOW FOR VERIZON WIRELESS SITE IMPROVEMENTS, TAX KEY 781.990.001, 1604 HIGHWAY 83, HARTLAND.**

The silo at the Geason farm supports a number of cell phone carriers which are governed under a conditional use. The agreement states that once the neighborhood changes, the conditional use is in jeopardy. Because of the additional need for cell phone service, the Plan Commission asked the Petitioner and landowner to come up with one cohesive design to house the units. Petitioner was not interested in this approach as they merely wanted to add generator on the ground. They have offered visual screening to hide equipment. In the Plan Commission's motion it asked that the landowner address a more desirable solution for a cohesive location prior to any further approvals. G. Mac Dougall asked if the other three carriers would also want generators. The Verizon rep stated that this was not necessarily so because if the power went out roaming would be implemented by the other carriers. L. Morrison addressed the noise factor. The Verizon rep stated that the generator was diesel powered and would have a testing period that would take place one time per week. R. Miskelley encouraged Staff and the City Administrator to get the four carriers together so that additional generators are not needed. He would like the four companies to work together. He made a strong recommendation that the four companies work with staff to come up with a collaborative agreement in regards to the generator on the site. M. Carlson commented that consolidations of facilities have been suggested. At some point the property will convert to residential use. What is the long term plan for cellular facilities in this area? If the barn architecture could be the facility to house equipment for the cell tower users, this could be a positive long term solution. The Verizon rep stated that the testing of the generator could be programmed to take place on a certain day at a certain time. J. Krickhahn expressed concern about the smoke that could possibly come from the generator. M. DeYoe would like to have this be clear and was concerned about

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future requests. It was again stated that the Plan Commission recommended that a more desirable solution be addressed prior to any future approvals. R. Miskelley thought that a plan and solution should be developed by the Plan Commission. M. Carlson addressed co-location of cell phone providers.

B. LEONARD MOTIONED TO APPROVE THIS AS A MINOR CHANGE TO THE CONDITIONAL USE PERMIT, SPECIFICALLY THE 8' FENCE, THE ADDITION OF THE GENERATOR, AND LANDSCAPING AS RECOMMENDED BY THE PLAN COMMISSION AND ASK THE PLAN COMMISSION AND STAFF TO DEVELOP A PLAN OR RECOMMENDATION FOR A MORE COMPATIBLE SOLUTION ON THIS SITE. J. KRICKHAHN SECONDED THE MOTION WITH A FRIENDLY AMENDMENT: TO REVISIT IN REGARDS TO NOISE AND SMOKE OF THE GENERATOR. B. LEONARD AGREED TO THE AMENDMENT. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. E. SADOWSKI AND L. MORRISON OPPOSED. MOTION CARRIED.

3. RECOMMENDATION OF A TEXT AMENDMENT FOR THE M-1 ZONING DISTRICTS PERMITTED USES TO INCLUDE B-1 THROUGH B-4

Ordinance 577, Section 17.39(28) was included in the Commissioner's packets and explained by R. Dupler.

B. LEONARD MOTIONED TO APPROVE THE CHANGES. L. MORRISON 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

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

The next meeting will be held on September 12, 2007 at 6 p.m.

d. PARK AND RECREATION COMMISSION

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

The next meeting will be held on September 24, 2007 at 7 p.m.

e. PUBLIC WORKS 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 September 5, 2007 at 6:30 p.m.

f. DEL-HART COMMISSION (MINUTES FROM AUGUST 21, 2007)

1. STATUS UPDATE ON DEL-HART DISCUSSIONS REGARDING PUBLIC WORKS' USE OF DEL-HART PROPERTY/REQUEST FOR DIRECTION REGARDING APPRAISALS.

The last meeting was held on August 21, 2007. G. Mac Dougall was present at that meeting to discuss appraisals on the site. M. Carlson asked if a letter of engagement should be signed for this appraisal and the Common Council was in consensus that it be signed.

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

The Del-Hart commissioners discussed the 2008 budget and it was approved.

The first industrial customer will be operational the first of the year.

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

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

Minutes of the Library Board meeting were distributed prior to the meeting. A special board meeting held last Tuesday where a unanimous decision was made to offer the full time position of Library Director to T. Zignego. She accepted the offer and will begin effective October 1. M. DeYoe attended the grand opening of the Pick 'n Save at Village Square. Roundy's presented the Friends of the Library with a check for \$2,500 and donated a drop box for the Library which will be operational in the near future. A book sale will take place on September 15 from 9-3 at the Fish Hatchery. The next meeting will be held on September 11, 2007 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.

The next meeting (the budget show and tell) will be held on October 4.

When this committee was formed it was created with a sunset provision of December 31, 2007. Discussion will take place at the next meeting regarding the continued existence of this committee.

- j. BOARD OF ZONING

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

No report.

- 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 Tuesday, September 11, 2007 at 7 a.m. at the Fish Hatchery.

1. PLAN B SPACE STUDY COMMITTEE (MINUTES FROM AUGUST 24, 2007)

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Chairperson, Kean Kemnitz, was present at the meeting. The members of the Plan B Committee were introduced: Beth Leonard, Gerry Mac Dougall, Noel Aicher, Jim Hayne, Tim Turnock, Gerry Holton, Jerry Dunnick, and Cate Rahmlow. ArchDesign and Jendusa Engineering also worked extensively with the Plan B Committee. Great cooperation was received from the City staff.

1. FINAL REPORT AND RECOMMENDATION REGARDING SPACE NEEDS.

The final report and recommendations were distributed to the Council members. C. Rahmlow stated that the group worked very hard to come up with a plan that they could support. A specific recommendation was given in the report for the location and size of the buildings. Additional recommendations were also included.

It was stated that the City should avoid a special election day, but have a referendum vote on a regular election date, i.e. February 2008.

In regards to how the referendum should be phrased to the voters, it was suggested that there be two questions: consent for the entire safety campus and consent for the City Hall/Library recommendation.

It was strongly urged that if other locations are considered other than those presented in the report, that they are explored as thoroughly as the Plan B Committee did with these locations.

The estimates provided are accurate and can be achieved within the budget. It was also recommended that in order to limit significant changes to the project, that the Common Council closely watch the process used to manage the process.

A project manager should be hired to ensure the highest return for the taxpayer dollars.

The Common Council should work to have a stronger sense of civic connection.

2. PLAQUES PRESENTED TO PLAN B COMMITTEE MEMBERS FOR SERVING AS MEMBERS OF THE COMMITTEE.

Mayor Schuman congratulated the Plan B Committee on a job well done. Plaques were presented to the Plan B Committee members by Mayor Schuman.

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- m. SIGN REVIEW COMMITTEE (MINUTES FROM AUGUST 17 AND AUGUST 31, 2007)

Minutes were included in the packets.

5. OLD BUSINESS

- a. DIRECTION REGARDING POSSIBLE ORDINANCE REVISION TO ALLOW DEER BOW HUNTING IN THE CITY OF DELAFIELD.

A memo from Mike Gavin, Administrative Intern dated August 29, 2007 was included in the Commissioner's packets. Hiring sharpshooters has been done by the Village of Chenequa. M. DeYoe stated that there is a real problem in her district with deer. M. Carlson stated that the City Attorney has advised that hunting cannot be allowed in only one section of the City without allowing it in the entire city. E. Sadowski and R. Miskelley opposed allowing hunting in the entire City.

E. SADOWSKI MOTIONED TO MOVE THIS UNTIL NEXT YEAR AND REVISIT IT AT THAT TIME. R. MISKELLEY SECONDED THE MOTION. NO FURTHER DISCUSSION TOOK PLACE. ALL WERE IN FAVOR. MOTION CARRIED.

6. MAYOR'S REPORT

- a. RESIGNATION FROM LAURIE O'LOUGHLIN, PARK & REC COMMISSION

L. O'Loughlin has resigned from the Park & Rec Commission.

- b. APPOINTMENTS

Laurie O'Loughlin – Finance Advisory Board – expires 2008
Therese Lusic – Park & Rec Commission – expires 2010

E. Sadowski was opposed to L. O'Loughlin being on any committee as she was never present at any Park & Rec meeting. Mayor Schuman reviewed her qualifications.

R. Miskelley stated that he believed in the purgative of Mayoral appointments.

R. MISKELLEY MOTIONED TO APPROVE THE APPOINTMENT OF L. O'LOUGHLIN TO THE PARK & REC COMMISSION. G. MAC DOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. E. SADOWSKI AND B. LEONARD OPPOSED. MOTION CARRIED.

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M. DEYOE MOTIONED TO APPROVE THE APPOINTMENT OF T. LUSIC TO THE PARK & REC COMMISSION. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

c. OTHER

M. DeYoe asked for the following to be on the next Common Council agenda:

- Separation of Clerk Treasurer & City Administrative functions.
- Discuss & Act on interim City Clerk/Treasurer
- Discussion Clerk/Treasurer job description
- Administrative Services Director evaluation of job description

Mayor Schuman reported the following:

- Article in Business Journal on the City of Delafield
- Attended Grand Opening of Pick 'n Save at Village Square
- Attended League of Municipalities Executive Workshop in Elkhart Lake
- Information on the League of Municipalities 10/3-5 Conference in Milwaukee was given

7. NEW BUSINESS

a. DISCUSSION REGARDING DOWNTOWN DELAFIELD PARKING RESTRICTIONS

M. DeYoe was contacted by downtown business owners who would like a three hour parking restriction on Main Street. This would make the area consistent. The Common Council's direction was to have staff develop an ordinance Main Street from Oneida to Genesee Street to have a three hour parking restriction.

8. ADMINISTRATOR'S REPORT

a. FOLLOW-UP ON VILLAGE SQUARE LIGHTING

A test of the perimeter lighting took place and it was in compliance with City ordinances. The Interior lighting will be tested. Yaggy Colby took 80 samples and concluded that the Village Square parking lot lighting is out of compliance with the photometrics approved by the Plan Commission. The property owner has been requested to reduce wattage in bulbs, to install deflectors in lights, and to reduce the night time burn-in period by running lights 24 hours per day. After burn-in, the lighting will be reduced 28%. A request has been made to have the wattage of the perimeter lights reduced and deflectors installed on these lights also, but

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at this point in time the developer has not agreed. It was stated that the goal is to have the people living in the area to be satisfied and happy.

- b. ADMINISTRATIVE SERVICES DIRECTOR/ASSISTANT CITY ADMINISTRATOR PROCESS

Nine interviews are scheduled for tomorrow afternoon.

- c. UPDATE REGARDING WELL HOUSE #2 GENERATOR

The timing of the testing has been changed but did not take place this last Monday due to a power outage. Improvements with the diesel fuel and exhaust have been made. Noise will be investigated.

- d. BALANCE IN SEWER FUND

There is approximately \$3.4 million in the Sewer Fund as of end of 2006. These funds have accumulated over time. Sources: connection fees into system and quarterly sewer charges that residents pay who are hooked up to the system.

9. CLERK'S REPORT

- a. Board of Review Reconvenes on Thursday, September 6, 2007 at 3:00 p.m.
- b. Temporary Class B Beer License:
Delafield American Legion Post Unit 196/Post 196

10. FINANCIAL REPORT

- a. APPROVE VOUCHER LIST

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 from Time Warner Cable dated July 20, 2007 regarding notification of programming change.

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 (PENDING SIGN ORDINANCE CODE ENFORCEMENT ACTION).

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E. SADOWSKI 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 (PENDING SIGN ORDINANCE CODE ENFORCEMENT ACTION). L. MORRISON SECONDED THE MOTION. A ROLL CALL VOTE WAS TAKEN: E. SADOWSKI, AYE; B. LEONARD, AYE; J. KRICKHAHN, AYE; M. DEYOE, AYE; G. MAC DOUGALL, AYE; L. MORRISON, AYE; R. MISKELLEY, AYE. AYE. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED INTO CLOSED SESSION AT 9:00 P.M.

13. RECONVENE INTO OPEN SESSION

E. SADOWSKI MOTIONED TO RECONVENE INTO OPEN SESSION. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. OPEN SESSION WAS RECONVENED AT 9:20 P.M.

14. ACTION OF ITEMS DISCUSSED IN CLOSED SESSION

No action was taken.

15. ADJOURNMENT

A MOTION WAS MADE AND SECONDED TO ADJOURN FROM THE MEETING. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 9:22 P.M.

Minutes Prepared By:

Accurate Business Communications, Inc.