

CITY OF DELAFIELD COMMON COUNCIL MINUTES

PRESENTATION TO STEPHEN J. LOMBARDO FOR HIS HEROISM IN ASSISTING A CITIZEN IN DISTRESS

Mayor Schuman presented J. Lombardo with a plaque for his heroism in assisting a citizen in distress.

CALL COMMON COUNCIL MEETING TO ORDER

Mayor Schuman called the meeting to order at 7:01 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 SEPTEMBER 4, 2007 COMMON COUNCIL MEETINGS.

R. MISKELLEY MOTIONED TO APPROVE THE MINUTES FROM THE SEPTEMBER 4, 2007 MEETING. L. MORRISON SECONDED THE MOTION. G. MAC DOUGALL STATED THAT ON PAGE 8, ITEM 1, IN THE SIXTH PARAGRAPH, THE SENTENCE SHOULD READ "A PROJECT MANAGER SHOULD BE HIRED TO ENSURE THE HIGHEST RETURN DOLLAR FOR THE TAXPAYER DOLLARS". R. MISKELLEY AND L. MORRISON ACCEPTED THE AMENDMENT. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

Hans Huber, 1510 Second Street – He read a letter that was distributed to the council prior to the meeting addressing the parking problems by Fishbones. He stated that he has not heard what the Council thinks of the blending idea and

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the examples given for this issue. He felt that Fishbones does not meet the parking requirements. M. Carlson stated that the City provided H. Huber with a copy with the City Planners parking calculation. A copy will be provided to him again.

There were no other citizens who wished to speak regarding items off of the agenda.

CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA

John Topping, 4315 Campbell Trace – Spoke about the special assessment on Campbell Trace – he took exception and disagreed with the terms of “benefiting” or “improvements”. He did not feel this was benefiting or that it was an improvement. If he had a choice, if his septic failed, he would put in another septic system. He asked if there was a plan for the \$3.4 million in the sewer fund. Mayor Schuman stated that the sewer fund is for the maintenance of the sewer. Del-Hart has been discussing repairs of some of the sewer lines. J. Topping had not heard about the water. Mayor Schuman stated that this is because he was not required to hook up. The benefit of water may be reflected in the homeowner’s insurance premium. These are two different items – the lines themselves and the hook-up to the sewer. J. Topping asked if he had to trench out for sewer, if he could connect to water also. Mayor Schuman stated that he could. J. Topping asked who negotiated the fixed fee contribution of \$300,000 with the developer. Mayor Schuman stated that this was brought to the city and was voted on by the Common Council. This agreement is on the City’s website. J. Topping stated that the residents are being asked to pay for more than one-half of the cost for something that they did not want. He asked why the sewer did not go down Highway 83. The preliminary resolution was addressed and J. Topping disagreed with it. He moved here in 1983 for peace and quiet and it is now very noisy.

Randall Aripit, 3911 Campbell Trace – He discussed the special assessment and stated that he did not consider himself as “benefiting”. Village Square is the one benefiting 100% from this service, yet they will be paying less than one-half of the cost. He asked if they could negotiate on the price that they pay. He did not think this would increase the value of his property, but if it did would it affect his real estate taxes. It was clarified that there is a quarterly bill for the sewer. R. Aripit stated that former Mayor Paul Craig stated that they would not have to hook up unless their septic failed or if they did \$20,000 worth of improvements to their property. He preferred “Plan C” to go back to Village Square and get the money.

Bryan Diel, 3915 Campbell Trace – Agreed with the previous statements. He supported “Plan C”.

Mike Gatzow, 4439 Vettelson Rd. – He has been a big supporter of Village Square and thought that it turned out very well. He did not have a problem with the water and sewer and thought it was a good idea. He disagreed with

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the notes from Yaggy Colby on the comment “such as a special assessment for these properties benefiting from the sewer services”. It is not mandatory to hook up to the sewers. If you don’t hook-up you will not receive a benefit. There is no benefit for most of his neighbors. Everything they were told during the development was that the City would defer the cost to future developers. The City is now turning this around and asking the property owners living there to pay for the special assessment. This is not right. He requested that in the future prior notifications include an agenda. Mayor Schuman stated that the letter went out before the agenda went out.

Martin Rose, 2409 Hirschman Lane – He discussed an email that Ald. B. Leonard sent to Mayor Schuman and M. Carlson regarding the special assessment. R. Miskelley stated that everyone of M. Rose’s questions would be answered tonight. M. Rose was representing himself and the other neighbors on Hirschman Lane. He talked to T. Hafner who stated that the estimated cost was determined to be lower to go down Hirschman Lane. He distributed the 2006 and 2007 estimates to the alderpersons. He was concerned that if the cost was to be lower, why was the estimate the same? One of the reasons that it was so expensive to go down Hirschman Lane was because the street already existed. He felt that the costs were high because they ran into the water table. A portion of the October 16, 2006 Common Council minutes was distributed to the alderpersons along with a map of all the properties along Hirschman Lane. He stated that Hirschman Lane was resurfaced in 2005 and Oakwood Road was planned to be resurfaced in 2007/2008. They tore up a road that had just been laid. He referenced statements made by T. Hafner at the June 7, 2007 meeting. He stated that if the church had the right to be involved in the process, they should have been too. State Statue 660703 and City Ord. 3.104 were reviewed. Where did this special assessment come from? Mayor Schuman stated that the preliminary resolution would be discussed tonight. M. Rose stated that he did not agree with the actions of the City Administrator.

Dave Morris, 4023 Campbell Trace – He felt that this meeting should have been held before the project was done instead of after. He was levied one-third of the cost after the developer paid their share. He was not in agreement with the formula used. His land is zoned 3-5 acres. Many properties were left out, why were they not included? They were asked if there was a development plan for their property, but since they do not plan on developing the land, they did not have one. He felt that if his farm were ever developed, the sewer would go south. The process seemed backwards to him. Federal Aid should be obtained to offset the costs. His land is zoned A1E and did not think it was legal to put this type assessment against land such zoned. His farm is 100 acres. He described the farm’s location.

Andy Zietlow, 4411 Vettleson Road – Discussed special assessments. He was very frustrated with the process and the actions taken by the governing body. He sees the City having clearly biased thinking, hidden agendas, and being driven by the dollar instead of the citizens who voted the alderpersons into their positions. It is the people that make a community great. Special assessments

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are another attempt to drive people from their homes in order to have more development. He demanded a paradigm shift in how they treat people. He asked that the City serve the people of this community.

Khuzema Kaka, 2401 Hirschman Lane – Supported all of the people who spoke against the special assessment of Hirschman Lane. He felt that this was a bulldozed project. The people were not notified in a timely fashion. The process used was not a good one.

Al Zietlow, 3312 Bayview – Discussed the special assessments. He felt that he has been told fibs and lies over the years by the City. The developers were supposed to be the payees of the sewer line. The non-developers were never told that they would have to pay part of it. He did not think it was fair to be assessed the amount of money proposed when they did not have a voice as to where the sewer line would go. More and more people are becoming disgruntled with the City. Communication is very important. The residents are paying more than the development. When the decision is made, please consider the residents. He did not like the direction of the City at this time. Consideration should be made in terms of the charges for the assessments for which the residents had no vote on.

Paul Craig, 413 Highland Street, Wales, Wisconsin – He was present to correct the re-writing of the history of the Village Square Agreement and the 83 water sewer connections. It was never the intent that Village Square have drive-throughs other than a bank. The water system was stated not to cost the citizens that were near or on the route of the water or sewer pipe. It was often stated that this was not going to be paid for by the taxpayers, but by the developers and users. If someone wanted to hook-up they would pay. Section 13.04 Section d and e explain when someone would have to hook-up and what would trigger the process. He stated that it should be noted that this has never really been enforced and that he was not present to suggest that enforcement should start. However, there is a mechanism that clarifies and explains the method and the timing. There should not be any special assessments for the areas now serviced with water and sewer. If there is a need for additional dollars to pay for the system, use the sewer fund. That is what a contingency fund is for. No is no.

Mayor Schuman asked three times if any further citizens 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

None.

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4. COMMITTEE REPORTS

a. LICENSES - APPROVAL OF THE FOLLOWING LICENSES

Two-year Bartender

Michelle Reimer, Milwaukee; Marty's Pizza

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

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

No report.

c. LAKE WELFARE COMMITTEE

1. JOINT FUNDING AGREEMENT BETWEEN THE U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR AND THE CITY OF DELAFIELD TO CONTINUE STREAM FLOW MONITORING FOR THE BARK RIVER FROM OCTOBER 1, 2007 – SEPTEMBER 30, 2008.

The funding agreement was included in the Commissioner's packets. This was in the capital budget of last year.

E. SADOWSKI MOTIONED TO APPROVE. B. LEONARD SECONDED THE MOTION. THE FLOW MONITOR IS LOCATED AT THE BRIDGE AT NAGAWICKA ROAD. THIS EVIDENCE CAN BE USED FOR THE PIT AT THE BASE OF THE BARK RIVER THAT THEY WANT TO DREDGE. THIS IS NOT A NEW ITEM. L. MORRISON HAD RECOMMENDED THAT THIS BE PUT ON THE BUDGET NEXT YEAR AS OPERATIONAL, BUT T. HAFNER RECOMMENDED AS CAPITAL BECAUSE ONCE DREDGING IS APPROVED, IT WILL NOT BE NEEDED EACH YEAR. USGS IS PAYING FOR A PORTION OF THE COST. E. SADOWSKI CALLED FOR THE VOTE. ALL WERE IN FAVOR. MOTION CARRIED.

The online reference will be provided to the alderpersons.

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

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L. Morrison discussed the preliminary assessment for dredging – this is the first step in the process.

Discussion took place at the Lake Welfare meeting regarding the preliminary assessment. Foth & Van Dyke discussed their progress. J. Romanowski will prepare an Engineer's Report. The response to the DNR will be complete by November. A meeting between K. Attwell and D. Tills, who were involved in the funding plan, along with T. Hafner and M. Carlson should take place with J. Romanowski to assist in the preparation of the Engineer's Report. This meeting is in the process of being set up. There are approximately 300 properties that would be affected if the DNR permitted all to be included. However, what the DNR will allow is not known, so the timing of the letters is not yet known. B. Leonard stated that most people are not aware of the scope of the project. L. Morrison stated that she thought that the majority of the people were aware. The next step will be the preparation of the Engineering Report. Because there are certain areas that the DNR does not want included, it may affect the amount of spoils. The Lake Welfare Committee believes that because of the reduced amount of spoils that not as many places may be needed for the spoil disposal. The DNR would get back to the City by January, 2008.

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 held on September 24, 2007 at 7 p.m.

e. **PUBLIC WORKS COMMITTEE (MINUTES OF SEPTEMBER 5, 2007)**

1. **RECOMMENDATION TO APPROVE PROPOSED ORDINANCE ESTABLISHING A SEWER USE AND USER CHARGE SYSTEM FOR THE CITY OF DELAFIELD.**

A copy of the ordinance was included in the alderpersons' packets. B. Leonard expressed concern about having a clear policy for extending and paying utilities for a sole user. How would this new policy deal with situations such as the special assessments being discussed tonight? She would also like to have the public process documented.

M. Carlson stated that there were two issues: the issue of the City taking action to trigger development of farm land and the

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development of a policy on how to treat extensions. Some way of identifying a fair policy to be implemented in all neighborhoods should be developed. L. Morrison stated that a policy is needed for moving forward. She asked what percentage of the City of Delafield is not sewerred. It was estimated at 30-35%. It is very important to know if it is the policy of the Common Council to have all city residents on sewer, and if so, how will they get connected to the lateral. These questions should be dealt with. R. Miskelley was concerned about the bill that the developer gets – this would be included in the price of the developments. M. De Yoe stated that it is a question of fairness. Mayor Schuman stated that the Village Square was done because of the Settlement Agreement. G. Mac Dougall stated that a long term plan to sewer the whole city should be designed now. M. Court stated that there is not a sewer plan for the entire City, but there have been sewer studies in certain areas.

M. Carlson addressed triggering development. He referenced how the Siepmann property had an agreement so as the property was not triggered for development.

T. Hafner was present at the meeting and discussed the change to Section 13.04 and 13.05. The Public Works Committee reviewed the proposed language generated by Del-Hart. In his memo to the council he discussed the language for sewer connection that was recently modified in the last few years. This ordinance does not address the funding of the infrastructure.

A recapture ordinance was explained by M. Carlson. This allows the developer to recover expenses from property owners along the route using the city's ability to collect those dollars. He stated that when new developments come in, they tell the developers that it must be sewerred.

R. Miskelley stated that there is a difference between a policy and an ordinance.

M. DeYoe suggested having a town hall meeting to develop a policy. G. Mac Dougall suggested having a framework to work from prior to conducting a town hall meeting.

J. Krickhahn would like to have a policy before adopting the ordinance. R. Miskelley did not see a conflict between a policy and the ordinance. He felt that this ordinance should be passed tonight.

R. MISKELLEY MOTIONED TO APPROVE THE PROPOSED ORDINANCE ESTABLISHING A SEWER USE AND USER

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CHARGE SYSTEM FOR THE CITY OF DELAFIELD. L. MORRISON MADE A FRIENDLY AMENDMENT TO INCLUDE THE CHANGED LANGUAGE AND NUMBERING. R. MISKELLEY AGREED TO THE AMENDMENT. L. MORRISON SECONDED THE AMENDED MOTION. SHE THOUGHT IT WAS OKAY TO PASS THE ORDINANCE AND THEN TRY TO GET A POLICY. G. MAC DOUGALL AGREED THAT A POLICY IS NEEDED, BUT THIS DID NOT NEED TO BE HELD UP UNTIL A POLICY IS DEVELOPED. M. DE YOE REQUESTED A ROLL CALL VOTE. A ROLL CALL VOTE WAS TAKEN: J. KRICKHAHN, NAY; B. LEONARD, AYE; E. SADOWSKI, AYE; M. DE YOE, AYE; L. MORRISON; AYE; G. MAC DOUGALL, AYE; R. MISKELLEY, AYE. SIX WERE IN FAVOR, ONE OPPOSED. MOTION CARRIED.

For the next Common Council agenda B. Leonard would like to have a public policy on the utilities (sewer & water) to include how the infrastructure would be funded, public participation, and a policy on the extension of the utilities.

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

The Plans and Stormwater Management for Lyons Electric Building was acted upon by the Public Works Committee. In addition, discussion took place on the lighting at Village Square. Standards for measuring radial light were requested. Mayor Schuman stated that this is an engineering problem. M. Carlson spoke to D. Johnson from United Properties. At 9 p.m. this evening United Properties and their contracting representatives are meeting to determine photometric plans. Internal shields are being considered for the lights. Steps are being taken to bring the lighting into compliance.

f. DEL-HART COMMISSION

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

The next meeting is scheduled for September 18, 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.

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No report.

h. LIBRARY BOARD (AUGUST 14, AND SEPTEMBER 11, 2007 MINUTES)

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

The Friends of the Library had a book sale over the weekend that raised \$500+. The next meeting will be held the second Tuesday of October 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.

A budget Show & Tell will take place on October 4, 2007 in the Council Chambers at 6:00 p.m.

j. BOARD OF ZONING

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

Two cases will be heard on September 27, 2007 beginning at 7:30 p.m.

k. PROMOTIONAL AND TOURISM COMMITTEE

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

A change in the staffing at Tourism has taken place. The Chamber and Tourism are working together to handle all of the things that need to be done. They elected and offered some support to Summer Stage, Holiday Lights, Gallery Night Artist Walk, and Hawks Inn. Everything is moving forward. Ads for holiday magazines are being worked on.

1. PLAN B SPACE STUDY COMMITTEE (AUGUST 31, 2007 MINUTES)

1. DISCUSSION OF AUGUST 31, 2007 REPORT TO COMMON COUNCIL

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Mayor Schuman stated that while the City Council determines when a referendum will be, he did not think that one should take place until spring 2008. His reasons include the reassessment taking place now, possible issues regarding the Safety Campus and land conversion issues, and working with St. John's. One of the concerns that people had on the last referendum was the possible sale of the present City Hall. Mayor Schuman stated that he received a letter from Quail Real Estate Partners in August 2007. The Mayor read the letter expressing interest in the City Hall property. He stated that met with Mr. Quail and Mr. Lang to discuss the environment of the City. He has talked to the business manager of St. John's. G. Mac Dougall reviewed and he and T. Turnock met with K. Smits, St. John's Northwestern Military Academy. Mayor Schuman stated that St. John's is interested in working with the City of Delafield.

E. Sadowski addressed the letter from Quail Real Estate Partners. He hoped that the letter was unsolicited. He wanted to proceed with Plan B. If there if a firm offer and a fair offer, it should be considered, but the letter from Quail was just a sheet of paper. M. Carlson stated that if the city is intent on selling this property, a full blown public bid process on the property should take place. R. Miskelley stated that the Quail letter was just information and had nothing to do with Plan B. L. Morrison stated that the Plan B Committee was told to give the recommendation which was given. B. Leonard stated that the way it was presented gave it significance. She stated that the Closed Session would deal with the St. John's lease agreement and reminded everyone of the very good recommendation provided by the Plan B Committee which was recommendation #3 that said "any other building locations being explored, i.e., park land adjacent to St. John's Military Academy, should be investigated as fully with the same level of detail and transparency as was demonstrated by the Plan B Committee." She did not want to go into Closed Session to discuss something about St. John's when there has been no public discussion. G. Mac Dougall stated that at the September 4, 2007 Committee Council meeting Plan B presented the summary. On September 5, 2007 G. Mac Dougall talked to Ken Smits and later provided him with a copy of the Plan B recommendations. M. Carlson stated that he met with K. Smits on August 15 and September 6, 2007. B. Leonard stated that the worst thing the City could do is ask people of their time and talents and then disregard their work. M. Carlson stated that there are a lot of players that want to make it known that they are interested in downtown Delafield. E. Sadowski again asked if this was unsolicited. Mayor Schuman stated that J. Holton came before the Council before the referendum and questioned who would

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purchase the City Hall. The letter is a response to it. Mayor Schuman stated that he had a meeting with Mr. Quail and Mr. Lang to get the feel for things. This was not discussed at that meeting. J. Krickhahn read the unanimously voted upon motion on September 11, 2007 that the Library Board made which stated "The Delafield Public Library Board enthusiastically endorses the Plan B Committee Report to the Delafield Common Council as a depiction of a true community library. The St. John's Northwestern Military Academy's tentative proposal for a joint library will be critically evaluated as an alternative assuming it is presented as a written proposal of the same quality as the Plan B report." M. DeYoe stated that going into Closed Session for St. John's was not appropriate since none of the Council members had any information on it and none of the Council members had participated in any substantial discussions.

M. Carlson suggested listening to what was presented in Closed Session and then deciding how to proceed in open session. J. Krickhahn stated that they were telling the Mayor that they did not like the way they are negotiating with St. John's – the library has no clue as to what is going on. M. DeYoe stated that the Council did not have a clue either.

E. Sadowski asked when the negotiations started on the \$2 million. Mayor Schuman stated that it was not a negotiation. E. Sadowski asked the Mayor when he knew it was happening. Mayor Schuman stated that when he got the letter stamped (August 22, 2007). E. Sadowski asked why it was first found out about now. R. Miskelley stated that it established a baseline value for this building. Mayor Schuman stated that he wanted to have Plan B Committee finish their work and tell the City what their recommendations were.

B. Leonard did not understand why this was not presented to Plan B. L. Morrison felt that the letter was a slap in the face to the Plan B Committee. B. Leonard asked what other information was withheld from the Plan B Committee.

G. Mac Dougall stated that Plan B's charter was to come up with the wording for the referendum. To get the wording, a lot of research had to be done to come up with the background so that the referendum could be worded properly. Consideration for the timing of the referendum took place. Mayor Schuman has had various discussions with builders regarding the process. R. Miskelley stated that it was up to this Council to act on the Plan B recommendations.

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M. Carlson proposed that the negotiating team include Library Board Present, J. Krickhahn; Alderperson G. Mac Dougall, and City Administrator M. Carlson to finalize the lease proposal and to present it to the City Council for consideration. L. Morrison suggested that this be done and then discussion could take place. A closed session should not take place tonight.

Discussion took place on “sprinkled” versus “non-sprinkled”. Kean Kemnitz, Chairman of the Plan B Committee, was present at the meeting and addressed the Council members regarding the issue. He stated that the numbers should hold for the Safety Campus and the City Hall, depending on a partial-sprinkler or deep well. K. Kemnitz stated that the residents felt that the first proposal had too many questions and that the Plan B Committee had to work as closely to real numbers as they do in the public sector. Secondly, if you were to decide to spend out the money to finalize the plans, and then go to referendum, it would not be the best route to take. You must interview and hire people who are lump sum contracting people and this is understood that that is the number.

Mayor Schuman discussed the downtown civic center. K. Kemnitz felt that the downtown civic center would be under construction for approximately 9 months after police and fire moved out. Temporary quarters were discussed.

The Council expressed their thanks to the Plan B Committee.

M. Carlson has had discussions with the DNR regarding land conversion by the Fish Hatchery. Conversion is needed if the land is converted to a use other than outdoor recreation. K. Kemnitz stated that the Plan B Committee looked at this and they were staying on the DPW site, strictly west of the tributary. He felt that it would be simpler than in the past proposal. The existing site plan is totally on the DPW site. M. Carlson stated that there was a site plan that included buildings that encroached on the land that was given to the City. There is a section in the DNR requirements that states if the property is being used for maintenance, than you don't have to convert.

Discussion took place on the closed session regarding St. John's. E. Sadowski stated that if there is a specific offer or plan in place, he would be happy to go into Closed Session, but if it is just general, he thought everyone should be part of it. M. Carlson stated that the proposed discussion for the Closed Session is terms and conditions of the lease with St. John's. It is a policy discussion by the Common Council.

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G. Mac Dougall agreed with E. Sadowski, but stated if there was something in the Closed Session that would give him directives on what to talk to St. John's about, it should take place.

m. SIGN REVIEW COMMITTEE (AUGUST 31, 2007 MINUTES)

The minutes were included in the Commissioner's packets.

5. OLD BUSINESS

a. PRELIMINARY RESOLUTION ESTABLISHING A SPECIAL ASSESSMENT DISTRICT FOR HIRSCHMAN LANE SEWER PROJECT.

A presentation took place by M. Court and J. Romanowski on the special assessment process and on the history of the Oakwood Church Sanitary Sewer Extension. L. Morrison stated that there are three steps to do an assessment: preliminary to establish a baseline, a review of costs, and determination of how to pay for it. She stated that Mr. Rose read the City's ordinance and said that the preliminary assessment process can be done either before or after the expenditure. She agreed that it seems backwards. J. Krickhahn stated that none of the residents on Hirschman Lane or Campbell Trace had an opportunity to speak as to whether they wanted the sewer. E. Sadowski commented that he was on the Common Council at the time and they told the citizens that it would be paid for by developers and future developers. J. Krickhahn was in agreement with this statement. B. Leonard stated that there were no public hearings on this.

A review of the special assessment process took place along with the project history of the Village Square Sanitary Sewer Extension.

B. Leonard stated that you can't do something about a situation if you don't know anything about it. She noted that there was an inconsistency in the adopted November 21, 2005 Capital Improvement Program 2006-2010 page shown on the PowerPoint presentation compared to that in her budget book. M. Carlson stated that the creation of the special assessment district was approved as part of the Village Square Agreement. Whether the properties should be included or not was up to the Common Council. E. Sadowski stated that the Council heard about the special assessment until it was on the agenda. He was on the Council when the citizens were told that they would not have to pay. M. Carlson stated that only one special assessment district needed to be adopted. The City Council can exempt properties from that one special assessment. The City Council is required to set up a special assessment district.

M. DeYoe addressed the September 24, 2004 Village Square Settlement Agreement Development, Section 17, page 8 which read: "If any property

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owner in the adjacent area connects to the Developer's waste water collection system, the city, or a designated third-party, shall construct said sewer extension and levy a special assessment therefore against the property which requested said extension." She stated that the operative word was that it was the developer's wastewater collection system and any property owner that requested the extension. She was not hearing that people requested it. M. Carlson stated that the first sentence in the paragraph referenced the "internal sanitary sewer system". This meant that those sewers were internal to their project, it an adjacent property owner tapped into that internal system – it's not talking about the public sewer system. M. DeYoe asked why this was not included in their packet for this evening.

M. Court discussed the alternative sewer pipe routes.

J. Krickhahn stated that the people were promised that they would not have to pay for this. B. Leonard stated that all of the discussions that she was involved in had to do with the hook-up requirements, never special assessments.

M. Court continued on with the review of the Oakwood Church Sanitary Sewer Extension Project history.

G. Mac Dougall stated that the subject was if a previous Common Council made a promise to the people of Delafield, it is this Council's promise to keep. If this can be established, the Common Council needs to keep the promise.

M. DeYoe stated that the October 16, 2006 meeting was omitted from the presentation and from the materials provided in their packets. This was for the change order for \$16,000 for the KMEC sanitary sewer extension, the question was asked at that time if the money was coming out of Del-Hart. The answer was "no, it would be funded out of City sewer fund in a three-way partnership between the City, the church, and the Sideman development property. It was not related to general tax payer dollars." There was no mention at that meeting of special assessments. E. Sadowski stated that he had never heard the words "special assessments". M. Carlson stated that general tax payer dollars means that the City would levy it as a general property tax. The city sewer fund and the budget includes the reference to the special assessments. To him, the crux of the issue is how the words "the City" are defined. When you say City in a development agreement with Oakwood Church, how do you define "City"? Do you mean the Sewer Fund? Is it only the Sewer Fund? Is it a split between the Sewer Fund and residents? That is what you need to struggle with.

B. Leonard asked if the Common Council supports doing a major project like this without any public input. L. Morrison stated this is why a

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public policy would be developed. Any decisions made on these must not determine a precedent.

J. KRICKHAHN TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE HIRSCHMAN LANE SEWER PROJECT TO EXEMPT THE EXISTING PROPERTIES AS OUTLINED IN THE AUGUST 10, 2007 LETTER FROM J. ROMANOWSKI, THAT THE AMOUNT IS PAID FROM THE SEWER FUND THROUGH SPECIAL ASSESSMENT THROUGH THE FUTURE DEVELOPMENTS OF THAT PROPERTY. B. LEONARD SECONDED THE MOTION. M. Carlson stated that a review of the development agreement with Oakwood Church and Jim Sideman and there is a reference to dividing the cost based on linear footage. The three steps for a special assessment must be taken. R. Miskelley strongly disagreed with this and he opposed it. This is placing an unfair assessment on all of the people in the sewer fund. G. Mac Dougall thought that this would fulfill a promise; it would make a wrong a right. E. Sadowski stated that this would be honoring the word that was given to the people. Mayor Schuman called the motion. He then un-called the motion. L. Morrison stated that the motion was a combination of step one and two. She reviewed the three steps. The first step would be to adopt the preliminary resolution and the second step would be not to assess the Hirschman lane residents. J. Krickhahn stated that his motion was to exempt them from paying for the pipe in front of their home. **SIX WERE IN FAVOR OF THE MOTION. R. MISKELLEY OPPOSED. MOTION CARRIED.**

- b. PRELIMINARY RESOLUTION ESTABLISHING A SPECIAL ASSESSMENT DISTRICT FOR VETTELSON ROAD SEWER PROJECT.

J. KRICKHAHN MOTIONED TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE CAMPBELL TRACE AND VETTELSON ROAD SEWER PROJECT TO EXEMPT THE EXISTING PROPERTIES AS OUTLINED IN THE AUGUST 10, 2007 LETTER FROM J. ROMANOWSKI, THAT THE AMOUNT IS PAID FROM THE SEWER FUND THROUGH SPECIAL ASSESSMENT THROUGH THE FUTURE DEVELOPMENTS OF THAT PROPERTY. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SIX WERE IN FAVOR OF THE MOTION. R. MISKELLEY OPPOSED. MOTION CARRIED.

- c. FEMA FLOODPLAIN APPEAL RESPONSE.

M. Court has reviewed FEMA's response and distributed his letter dated September 17, 2007 to M. Carlson. FEMA officially denied the City's appeal of the proposed flood plain for the Bark River and Nagawicka Lake. The main reason was the operability of the dam. He recommended that they meet with WDNR to work out all technical review items and immediately submit the Letter of Map Revision (LOMR) to

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FEMA to being the process. The attached flow chart showing steps to be taken or have been taken was reviewed. T. Hafner stated that the dam is approximately three weeks from substantial completion. The Common Council was in consensus to keep proceeding.

6. MAYOR'S REPORT

Attended a play at State Park

E. Sadowski requested that the next agenda include the elimination of the position of Administrative Services Director/Assistant City Administrator. In addition, he requested another item be put on the agenda: to change ordinance 331, section two, the Clerk/Treasurer position which prohibits the clerk from being the treasurer.

7. NEW BUSINESS

a. SEPARATION OF CLERK, TREASURER & CITY ADMINISTRATIVE FUNCTIONS

M. DE YOE MOTIONED TO SEPARATE THE CLERK, TREASURER AND CITY ADMINISTRATIVE FUNCTIONS IMMEDIATELY. Mayor Schuman stated that the City needs to have a Clerk and a Treasurer. **B. LEONARD SECONDED THE MOTION.** Mayor Schuman stated that the ordinance stated that the City Clerk cannot be the Treasurer. R. Miskelley stated that this should be deferred until the next meeting. E. Sadowski felt that that the Clerk/Treasurer position would be good for 6,900 people. There would be more checks and balances. There should be a Clerk/Treasurer as the city needs checks and balances. **M. DE YOE WITHDREW HER MOTION. B. LEONARD WITHDREW HER SECOND.** Attorney Sewell has been consulted. This will be on the next agenda.

b. DISCUSS & ACT ON INTERIM CITY CLERK/TREASURER

No discussion took place.

c. DISCUSSION CLERK/TREASURER JOB DESCRIPTION

No discussion took place.

d. ADMINISTRATIVE SERVICES DIRECTOR EVALUATION OF JOB DESCRIPTION

No discussion took place.

8. ADMINISTRATOR'S REPORT

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The search for the Administrative Services Director will be suspended. He will notify the candidates that the search is on hold.

9. CLERK'S REPORT

No report.

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 – AUGUST 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

- a. Letter from Kean Kemnitz dated August 31, 2007 regarding Plan B Committee/Building Expenses. (Type the letter into the body here!!!!)
- b. Letter from Delafield-Hartland Water Pollution Control Commission dated August 22, 2007 regarding Del-Hart's 2008 Final Budget Report.

12. ADJOURN INTO CLOSED SESSION PER §19.85(1)(C) CONSIDERING EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY (ADMINISTRATIVE SERVICES DIRECTOR /ASSISTANT CITY ADMINISTRATOR COMPENSATION) AND PER §19.85(1)(E) DELIBERATING OR NEGOTIATING THE PURCHASE OF PUBLIC PROPERTIES, OR CONDUCTING OTHER BUSINESS WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION (ST. JOHN'S NORTHWESTERN MILITARY ACADEMY LEASE DIRECTION)

No action was taken.

13. RECONVENE INTO OPEN SESSION

No action was taken.

14. ACTION OF ITEMS DISCUSSED IN CLOSED SESSION

No action was taken.

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15. ADJOURNMENT

E. SADOWSKI 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 11:07 P.M.

Minutes Prepared By:

Accurate Business Communications, Inc.