

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 NOVEMBER 19, 2007 COMMON COUNCIL MEETING

L. MORRISON MOTIONED TO APPROVE THE MINUTES FROM THE NOVEMBER 19, 2007 MEETING. M. DE YOE SECONDED THE MOTION. DISCUSSION TOOK PLACE REGARDING THE MOTION TO ADJOURN INTO CLOSED SESSION. NO CHANGES WERE MADE TO THE MINUTES. MOTION CARRIED.

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

There were no citizens who wished to speak.

CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA

John Durr, Kettle Ridge Condos – Spoke regarding the budget. He specifically discussed the General Obligation Debt Service (page 15) and inquired whether the increases were due to the expanded water system. Mayor Schuman stated that this also was due to the repair of the dam. M. Carlson will research this and get back to Mr. Durr. It was explained that the debt service is usually a debt paid for by general taxes. Pages 13 and 14 showed the total breakout of 2008 payments. J. Durr questioned the Police Clerk's salary. It was clarified that this was for 2.5 positions. On page 31, under Water District, he asked if

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the 17% increase of the total revenue was due to the assessment and fire protection charge. In the Five Year Capital Improvement Budget, the NE regional stormwater plans, (page 210), he stated that he hoped that the ponds by his home would be corrected and working properly before more ponds are created in the City. The pond near his home is a complete disaster. This upsets him greatly as funds from the stormwater district are still being collected. In regards to capital expenditure in 2008 for \$315,000 in the water district – he asked why this was not amortized over time (page 211). M. Carlson stated that the project listed above this is for the Department of Public Works (DPW) building addition and renovation, the expenses were detailed at the bottom of page 210 and top of 211 that outline the percentage of costs allocated to the water fund, sewer utility, and stormwater utility as well as the general fund. It is a breakout of expenses for the Public Works expansion. This is the subject of the February referendum. If the referendum is not approved, that expense would not be incurred in 2008 unless another referendum is adopted. J. Durr addressed the open positions in the City – he thought that the City was too small for the large staff that it has and suggested combining positions. He hoped that the City would consider restructuring. Consideration of the high cost of healthcare and pensions was discussed. Mayor Schuman responded that this has been addressed. Mayor Schuman stated that one of the things in the budget was to look at the water rates for the condos which were set by the Public Service Commission. The budget includes a reduction in the water rates would be applied for in regards to the Condo Association.

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

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

Without objection, Item 7c was discussed next and the agenda continued to Item 3.

3. CONSENT AGENDA

E. Sadowski asked to remove Item b.

J. KRICKHAHN MOTIONED TO APPROVE ITEMS A, C, AND D. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- a. RESOLUTION 2007-31 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELAFIELD TO MAINTAIN SEPARATE RETURNS FOR THE FEBRUARY 19, 2008 SPRING PRIMARY ELECTION.

Approved. See above.

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b. RECOMMENDATION FOR 2008 PAY PLAN RANGE ADJUSTMENT

M. Carlson discussed pay ranges and pay raises as outlined in his memo dated November 19, 2007. Four adjustments to the ranges have taken place since 2003. He discussed employee reviews and raise determinations. The recommended adjustment for the minimum/maximum is 10% for 2008. This modified the pay ranges in the system. Discussion took place on the way employees earn pay raises and the 5% difference between each pay plan. R. Miskelley explained that the range changes. However, most employees are approximately at the minimum and slightly below the mid-point in the range. This gives them an opportunity for an increase in their pay. In regards to the insurance increase, M. Carlson stated that employees will pay 9% as of January 1, 2008. This is being proposed because the City is falling behind in comparison to union contracts and takes into account the increased employee's cost towards health insurance. Mayor Schuman recommended that this be approved. E. Sadowski asked if comparables could be done and see what other cities are paying their people. Mayor Schuman stated that that would be a different subject matter.

R. MISKELLEY MOTIONED TO APPROVE. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. E. SADOWSKI AND B. LEONARD OPPOSED. MOTION CARRIED.

c. APPROVAL OF LIST OF CITY OF DELAFIELD ELECTION INSPECTORS/SPECIAL REGISTRATION DEPUTIES

Approved. See above.

d. APPROVAL OF ACCOUNT RECEIVABLE INTEREST WRITE-OFFS AS OF DECEMBER 2007.

Approved. See above.

4. COMMITTEE REPORTS

a. LICENSES - APPROVAL OF THE FOLLOWING LICENSES

Two-year Bartender

Craig Staples, Kenosha; Applebees
Geneva L. Johnson, Delafield; Applebees
Rebecca L. Wolfgram, Wales; Applebees
Tony T. Gruenwald, Delafield; Daybreak

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

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b. PLAN COMMISSION (MINUTES OF NOVEMBER 28, 2007 MEETING)

1. RECOMMENDATION TO APPROVE AN ADDITIONAL UTILITY BUILDING FOR CRICKET WIRELESS, TAX KEY 794.017.004, 258 ENTERPRISE ROAD, DELAFIELD, AS A MINOR CHANGE TO THE CONDITIONAL USE PERMIT.

It was explained that this would be the addition of another building for the addition of other satellite. They plan on building a new building with a fence made of matching brick to give the architectural impression of one building. J. Lyons has architectural control over this. This is recommended as a minor change.

R. MISKELLEY MOTIONED TO APPROVE AS MINOR CHANGE.

G. MAC DOUGALL SECONDED THE MOTION. B. Leonard inquired if the items in the staff report recommending that the proposed shed be combined with existing and that staff perform an analysis of structure had been dealt with. R. Dupler, City Planner was present and addressed the Council. The Petitioner was aware that a structural analysis needed to be submitted and this has been completed but not reviewed at this time. **ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.**

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

The Dunn Bros. business plan of operation with a drive-thru was approved if the menu was changed so that sandwiches and soups were not included or served. This would make the menu that same as that which Starbucks had. Although no action was taken at the Plan Commission meeting J. Krickhahn addressed the discussion regarding the option to just serve beverages at the drive-thru: he disagreed with this as it would still make it a "restaurant".

c. LAKE WELFARE COMMITTEE

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

A meeting with the DNR took place. K. Attwell, L. Morrision, and various city staff members attended. The meeting went well and was encouraging. The purpose was to show where the City and DNR are in the process. The meeting had a better tone.

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The next Lake Welfare Committee meeting will be held on December 12, 2007. The application will be reviewed at this meeting and will be submitted to the DNR after Christmas.

d. PARK AND RECREATION COMMISSION (MINUTES OF NOVEMBER 26, 2007 MEETING)

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

The last meeting was held on November 26, 2007. New two-sided park signs were proposed and will be discussed during the Capital Budget section of this Common Council meeting. M. Carlson stated that the signs would need Plan Commission approval.

e. PUBLIC WORKS COMMITTEE

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

The Public Works Committee will meet Wednesday, December 5, 2007 at 6:30 p.m.

f. DEL-HART COMMISSION

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

The H2S mitigation project is on schedule. A closed session took place to discuss employee compensation. The next meeting will be held December 18, 2007.

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.

Pizza with Santa is set. A full report will be given at the next Common Council meeting. The next Library Board meeting will be held on December 11, 2007.

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

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 Christmas kick-off was successful. The next meeting will be held in January.

l. PLAN B COMMITTEE

1. RESOLUTION 2007 - 32 - A RESOLUTION TO DISSOLVE THE PLAN B COMMITTEE.

Mayor Schuman stated that the Plan B Committee did an excellent job.

G. MAC DOUGALL MOTIONED TO APPROVE THE RESOLUTION AS PRESENTED. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

m. SIGN REVIEW COMMITTEE

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The next meeting will take place on December 6, 2007.

5. OLD BUSINESS

- a. APPROVAL OF FEE OF \$2,750.00 PAYABLE TO EHLERS & ASSOCIATES, INC., TO UPDATE THE BOND ISSUE SIZINGS, AMORTIZATION SCHEDULES AND REVISE THE PAYMENT CALCULATOR FOR REFERENDUM OPTIONS.

It was reported that 493 hits were received. Mayor Schuman recommended approval.

R. MISKELLEY MOTIONED TO APPROVE. G. MAC DOUGALL SECONDED THE MOTION. E. SADOWSKI STATED THAT THIS WOULD NOT BE PUT UP UNTIL AFTER BUDGET TONIGHT. MAYOR SCHUMAN STATED THAT ONCE THE FINALIZED TAX LEVY IS DETERMINED, IT CAN PROCEED. ALL WERE IN FAVOR. MOTION CARRIED.

- b. DISCUSSION AND ACTION REGARDING HIRING OUTSIDE HELP TO EDUCATE VOTERS REGARDING FEBRUARY REFERENDUM

A memo from M. Carlson dated November 29, 2007 was received regarding the project expenses for the referendum informational campaign. Mayor Schuman displayed some of the literature that is in inventory but stated that some changes would need to be made. Costs would be determined by what the Common Council wants to send out. Mayor Schuman could bring a PR proposal to the next meeting, but it was stated that there is not a lot of time. Various options were discussed on how to manage this project. In an effort to help defray costs on this issue, E. Sadowski volunteered to donate the time of his graphic artists for any set-up, the printing company to perform the mail campaign (stuffing, mailing, etc), and set-up fees for flyers, placements, etc. He felt that this needed to be done low-budget, low-cost. R. Miskelley stated that Patty Lenius (a PR consultant), or someone with this type of experience, would be able to creativity get the message out there. Patty Lenius has worked with the City on this project previously. B. Leonard would like to see a proposal before a selection is made of a firm or person. K. Kemnitz felt that this should be information driven. He stated that the City should use the assets to get the information into the hands of as many people as possible. The use of volunteers to assist with a mailing is a possibility and would reduce costs. B. Leonard thought it would be a good idea to mail the Plan B report to all residents. L. Morrison was concerned about the City's shortage of staff at this point of time; someone needs to be in charge of the project and to drive it home. Mayor Schuman will get a proposal from P. Lenius.

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B. LEONARD MOTIONED TO APPROVE THE MAILING OF THE PLAN B REPORT TO DELAFIELD RESIDENTS. Discussion took place on the cost of duplication. K. Kemnitz stated that he would like to meet with the now former members of the Plan B Committee, the Library, and Friends of Delafield, to discuss volunteers. **B. LEONARD AMENDED HER MOTION TO AUTHORIZE THE MAILING OF THE PLAN B COMMITTEE REPORT TO CITY RESIDENTS USING BULK MAIL AT A COST NOT TO EXCEED \$4,000 AND THAT SHE WILL WORK WITH K. KEMNITZ ON VOLUNTEERING TO GET THE MAILING OUT. E. SADOWSKI SECONDED THE MOTION.** L. Morrison asked if B. Leonard would be in charge of overseeing the project. She confirmed that she would be in charge of the project. R. Miskelley stated that he has learned from his experience in sales and marketing that when more than two pages are sent out, no one reads them. He would vote against this. **FIVE WERE IN FAVOR OF THE MOTION. L. MORRISON AND R. MISKELLEY OPPOSED. MOTION CARRIED.**

Without objection item 6 was taken next.

c. **FINAL APPROVAL OF 2008 BUDGET AND ESTABLISHING TAX LEVY**

This item was taken after Item 10.

R. MISKELLEY MOTIONED TO APPROVE THE 2008 BUDGET. E. SADOWSKI SECONDED THE MOTION.

It was the consensus of the Common Council to take the Capital Budget first.

#410-70-57333 – Municipal Parking Lot – Rain Garden – Maintenance - R. Miskelley motioned to move this from the capital budget to the operating budget. G. Mac Dougall seconded the motion. M. Carlson stated that this was a close-out of a previous project. T. Hafner stated that this was part of a previous contract. Since this is the last year of the project, R. Miskelley withdrew his motion and G. Mac Dougall withdrew his second.

#410-70-57312 - DAMS, PIERS, BRIDGES, AND WATERWAYS – ST. JOHN'S PARK FISHING PIER. J. KRICKHAHN MOTIONED TO CHANGE THE AMOUNT TO \$12,500. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

410-70-57100.100 - Safety Campus – Police & Fire Building & DPW - J. Krickhahn motioned to change this to \$7,265,000 and to merge it with the DPW addition as one line item (#410-70-57100.100). B. Leonard seconded the motion. After discussion, J. Krickhahn and B. Leonard withdrew their motion and second.

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#410-70-57100.100 - SAFETY CAMPUS - POLICE & FIRE BUILDING - J. KRICKHAHN MOTIONED TO CHANGE THIS ITEM TO \$5,615,000. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

#410-70-57620 - ANNUAL TREE REPLACEMENT - R. MISKELLEY MOTIONED TO MOVE THIS ITEM TO THE OPERATING BUDGET. B. LEONARD SECONDED THE MOTION. DISCUSSION TOOK PLACE. ALL WERE IN FAVOR. MOTION CARRIED.

#410-70-57620 OAKWOOD ROAD/GEASON LAND PARK DEVELOPMENT - E. Sadowski distributed page 211A and proposed an amount of \$522,500 for the Phased Construction. Discussion took place. R. MISKELLEY MOTIONED TO CHANGE THE AMOUNT TO \$50,000. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

#410-70-57620 - OPEN SPACE CONSERVANCY PROGRAM - B. LEONARD MOTIONED TO RENAME THIS ITEM TO "SMART GROWTH SUSTAINABILITY PLANNING" AND TO CHANGE THE AMOUNT TO \$25,000 IN 2008 AND DELETE THE OUT-YEARS. M. DE YOE SECONDED THE MOTION. E. SADOWSKI THOUGHT IT WOULD TAKE ONE-HALF OF A YEAR TO COME UP WITH IDEAS AS TO WHAT TO DO AND SUGGESTED THAT IT SHOULD STAY IN 2009. DISCUSSION TOOK PLACE. MAYOR SCHUMAN CALLED THE QUESTION. SIX WERE IN FAVOR. J. KRICKHAHN OPPOSED. MOTION CARRIED.

#410-70-57620 - LOIS JENSEN NATURE PRESERVE IMPROVEMENTS - E. SADOWSKI MOTIONED TO PUT \$1,500 IN THE BUDGET TO INCLUDE TWO GRAVEL PARKING SPOTS FOR CARS, WOOD CHIPS FOR PATH, AND SIGNAGE. R. MISKELLEY SECONDED THE MOTION. SIX WERE IN FAVOR. L. MORRISON OPPOSED. MOTION CARRIED.

#410-70-57620 - FISH HATCHERY INTERIOR LIGHTING UPGRADE - R. MISKELLEY MOTIONED TO HAVE THE AMOUNT BE \$5,000.00. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

#410-70-57620 - BOSTRUM SHELTER - E. SADOWSKI MOTIONED TO MOVE THIS TO 2009 FOR \$30,000 AND THAT FUNDING BE FROM THE GENERAL FUND/DONATION/FUND RAISING/GRANTS. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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#410-70-57620 - E. SADOWSKI MOTIONED TO ADD BIKE TRAIL ENGINEERING ALONG CUSHING PARK ROAD FOR \$10,000. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SIX WERE IN FAVOR. J. KRICKHAHN OPPOSED. MOTION CARRIED.

#410-70-57620 - St. John's Park – 2 Picnic Tables and Fire Ring for \$1400. R. Miskelley motioned to move this to the operating budget. E. Sadowski seconded the motion. J. Krickhahn stated that technically this was not in the budget and should be added when it comes up in the next section. R. Miskelley withdrew his motion. E. Sadowski withdrew his second.

#410-70-57310 – MASTER PLAN/FEASIBILITY STUDY – LONG TERM ROAD LAYOUT AT THE SOUTHEAST QUADRANT OF I94 & STH 83, \$50,000 – M. DE YOE MOTIONED TO REMOVE THIS ITEM. E. SADOWSKI SECONDED THE MOTION. NO FURTHER DISCUSSION TOOK PLACE. ALL WERE IN FAVOR. MOTION CARRIED.

#410-70-57310 - MULTI-MODAL MASTER PLAN – R. MISKELLEY MOTIONED APPROVE. G. MAC DOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

#410-70-57311 – REPLACE JOHN DEERE 5400 TRACTOR W/ROAD SIDE MOWERS. R. MISKELLEY MOTIONED TO CHANGE TO THIS TO \$55,000. J. KRICKHAHN SECONDED THE MOTION. AFTER DISCUSSION, R. MISKELLEY AMENDED HIS MOTION TO REFLECT AN AMOUNT OF \$60,000. J. KRICKHAHN AGREED. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

#410-70-57311 – REPLACE VERMEER CHIPPER – R. MISKELLEY MOTIONED TO CHANGE THE AMOUNT TO \$31,000. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

#410-70-57220 – SUPPORT VEHICLE – SUBURBAN TO REPLACE 4286 – E. SADOWSKI MOTIONED TO PUT THIS ITEM INTO THE OPERATING BUDGET WITH AN AMOUNT OF \$9,800 BASED ON 5 YEAR FINANCING. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED.

Operating Budget

M. Carlson discussed the handouts distributed entitled City of Delafield 2007 Tax Levy for 2008 Budget *Starting Point*. These sheets showed the four pieces that make up the total levy.

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LEADERSHIP TRAINING – PAGE 46 – E. SADOWSKI MOTIONED TO CHANGE THE AMOUNT TO \$15,000. B. LEONARD SECONDED THE MOTION. GENERAL DISCUSSION TOOK PLACE. IT WAS CLARIFIED THAT THIS COULD BE USED FOR STAFF OR COUNCIL. MAYOR SCHUMAN CALLED THE QUESTION. A ROLL CALL VOTE TOOK PLACE: J. KRICKHAHN, AYE; B. LEONARD, AYE; E. SADOWSKI, AYE; M. DE YOE, AYE; G. MAC DOUGALL, NAY; L. MORRISON, NAY; R. MISKELLEY, NAY. MOTION CARRIED 4-3.

#51400.110.000 General Admin. Salary – R. Miskelley motioned to change the amount to \$216,016 to take care of the severance package and benefits for M. Carlson. E. Sadowski stated that funds from 2007 budget for Administrative Services Director of approximately \$80,000 would roll over into 2008. R. Miskelley withdrew his motion.

#55204.390.000 - ST. JOHN'S PARK PICNIC TABLES & FIRE RING – E. SADOWSKI MOTIONED TO ADD \$1,400. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED.

#55200-390.000 - PARK & REC EXPENSE – J. KRICKHAHN MOTIONED TO ADD \$7,600 FOR TREE REPLACEMENT. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

#55350.390.000 - CABLE TV EXPENSE – E. SADOWSKI MOTIONED TO ADD \$4,500 FOR VIDEO EQUIPMENT AND SUPPLIES FOR A TOTAL \$6,100 FOR A TOTAL LINE ITEM OF \$14,500. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. J. KRICKHAHN AND B. LEONARD OPPOSED. MOTION CARRIED.

#53300.375.000 - St. Trees and Brush - R. Miskelley motioned to add \$7,500 for the annual brush pick-up. He then withdrew his motion. T. Hafner stated that there will be two brush pick-ups per year. This will not include bagged leaves.

LIBRARY LEVY – J. KRICKHAHN MOTIONED TO ADD \$29,396. M. DE YOE SECONDED THE MOTION. IT WAS EXPLAINED THAT THIS WAS DUE TO AN OVERSIGHT DUE TO THE CHANGEOVER OF LIBRARY DIRECTORS. MAYOR SCHUMAN CALLED THE QUESTION. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

J. KRICKHAHN MOTIONED TO ADD \$23,246 TO THE STATE TRANSPORTATION AIDS IN THE GENERAL FUND REVENUE LINE ITEM. G. MAC DOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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The total levy was \$4,975,104 with an estimated tax rate per \$1,000 assessed value of \$4.0167670.

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

6. MAYOR'S REPORT

- a. APPOINTMENT OF MARILYN CZUBKOWSKI AS INTERIM ADMINISTRATOR (DEPUTY CLERK TREASURER COMPLETES CLERK AND TREASURER DUTIES IN THE ABSENCE OF THOSE POSITIONS)

A draft of the employment agreement between the City of Delafield and Marilyn Czubkowski was included in the Council members' packets.

E. SADOWSKI MOTIONED TO APPROVE. G. MAC DOUGALL SECONDED THE MOTION. M. CZUBKOWSKI WOULD START WORK ON DECEMBER 19, 2007. FIVE WERE IN FAVOR. L. MORRISON AND R. MISKELLEY ABSTAINED. MOTION CARRIED.

The deputy Clerk/Treasurer is E. O'Brien. She will serve as the Clerk & Treasurer in M. Carlson's absence.

- b. STATUS OF CLERK TREASURER APPOINTMENT

Approximately 12 applications have been received. L. Morrison, Mayor Schuman, and various staff are involved in the interview process. B. Leonard volunteered to be involved in the process. Copies of information will be provided. A meeting is scheduled at 2:30 p.m. on December 6, 2007 to review the applications.

7. NEW BUSINESS

- a. DISCUSSION REGARDING ADMINISTRATION DEPARTMENT AND THE PROCESS OF MOVING FORWARD

This was postponed until the next meeting.

- b. DISCUSSION AND DIRECTION REGARDING ACCEPTING PROPOSALS FROM EXECUTIVE SEARCH FIRMS.

This was postponed until the next meeting.

- c. DISCUSSION AND POSSIBLE ACTION ON REQUEST FOR PAYMENT OF CITY ADMINISTRATOR ATTORNEY FEES.

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M. Carlson referenced page 3 of 5 of the Employment Agreement – Matthew D. Carlson, Section 7 C, the second and third sentences which read: “The City shall defend the City Administrator and litigate, or compromise and settle, any claim or suit and pay the amount of any settlement or judgment arising out of the City Administrator’s employment by the city. The provisions of this section shall apply during the City Administrator’s employment by the City, and upon the City Administrator’s separation from the City’s employ for whatever reason, without time limitation.” Taking this into consideration, M. Carlson felt that the City should reimburse the fees that he incurred in the amount of approximately \$4,000.

Dan Vliet, the City’s Labor and Employment Attorney, was present. He felt that the intent of the provision was to provide indemnification in the event that M. Carlson would be named as a defendant in a lawsuit where some of his actions, perhaps, as City Administrator, where he is named, perhaps along with the City as a defendant in a lawsuit. If that occurred, the City agrees to indemnify him for any legal fees and costs that would be involved with that. He did not feel that this was intended to reimburse M. Carlson for personal legal fees that he has incurred in a dispute with the City. R. Miskelley stated that during closed session during the debates regarding the City Administrator’s employment status, the general premise was made that M. Carlson should get an attorney to negotiate a settlement. R. Miskelley felt that since the City directed M. Carlson to do this, the City was obligated to pay those legal fees. He did not feel that this would set a precedent. M. De Yoe did not recall authorizing anything of the sort. R. Miskelley stated that the Common Council told M. Carlson to get an attorney. E. Sadowski did not think that the City should pay this. L. Morrison stated that the Common Council told M. Carlson to get his own attorney to negotiate his settlement. R. Miskelley stated that just before the closed session adjourned, they suggested/advised M. Carlson to get himself an attorney to negotiate a settlement. B. Leonard stated that the key was Section 7C and what the intent was. G. Mac Dougall stated that Section 7C did not cover this situation. L. Morrison stated that it was said and whether this Section 7C is intended to or not, it could be interpreted as it. B. Leonard stated that an individual Common Council member may have made the statement, but not the Council as a whole. There is no record of this conversation in the closed session since it was a closed session. R. Miskelley felt that this would be unethical to deny the legal fees. J. Krickhahn stated that if this was authorized, any time a suggestion is made for someone to get an attorney it would be the city’s responsibility. It was stated that this was different because M. Carlson is an employee of the City. Attorney Vliet stated that the severance calculations are still being worked out and he suggested deferring this agenda item until that is complete. If postponed, it would allow the whole package to be looked at. Attorney Vliet did not feel this would set a precedent since this

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language was not in any other contract with the City. E. Sadowski did not feel that the taxpayers should pay this.

E. SADOWSKI MOTIONED TO NOT PAY THE BILL. B. LEONARD SECONDED THE MOTION. L. Morrison stated that there was a lot of taxpayer money that will be spent that not all agree with. She did not want it to sound as if the City were getting ripped off for \$4,000 when in fact it is a much larger sum of money that this would entail long term. R. Miskelley stated that this is minor considering the \$60,000 that will be added into the budget to take care of the final settlement for M. Carlson. M. De Yoe stated that there was a difference; the \$60,000 is based on his contract, the \$3,700 is not. R. Miskelley disagreed. G. Mac Dougall stated that he recalled something being said during the closed session regarding M. Carlson talking to an attorney to negotiate a settlement. This was not his contract, but this was verbal instructions. There was no vote and there is no written documentation. He agreed that it was not part of the contract, but it was stated. B. Leonard did not think that it meant that the City would pay for it. B. Leonard called the question. **A ROLL CALL VOTE WAS TAKEN: J. KRICKHAHN, AYE; B. LEONARD, AYE; E. SADOWSKI, AYE; M. DE YOE, AYE; G. MAC DOUGALL, NAY; L. MORRISON, NAY; R. MISKELLEY, NAY. MOTION CARRIED 4-3.**

At this point, the agenda returned to Item 3.

8. ADMINISTRATOR'S REPORT

There is a staff change in the administration – J. Borchardt will be the administrative assistant to the Police Chief.

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.

11. CORRESPONDENCE

- a. Letter from Mayor Schuman dated November 28, 2007 regarding Matthew Carlson's termination of employment with the City of Delafield.
- b. Letter from Dorothy L. Peterson dated November 19, 2007 regarding a full time City Administrator.

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- c. Resignation email from Dan Key, Public Works Committee member, dated Nov. 20, 2007.
- d. Resignation email from Steve O'Brien, Finance Advisory Board member, dated Nov. 20, 2007
- e. Letter from SEWPC dated November 19, 2007 regarding their 2006 Annual Report (full report at City Hall)

13. 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 11:30 P.M.

Minutes prepared by:

Accurate Business Communications, Inc.

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