

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

Mayor Phil Schuman
J. Krickhahn, Ald.
B. Leonard, Ald.
Erv Sadowski, Ald.
Michele De Yoe, Ald.
Gerald Mac Dougall, Ald.
Lynn Morrison, Ald.
Marilyn Czubkowski, Administrator
Gina C. Gresch, Clerk/Treasurer

Absent

Ron Miskelley, Ald.

Also Present:

Philip Cosson, CIPFA, Ehlers & Associates
Attorney Mark Sewell

P. Cosson stated last year the City of Delafield was rated A1 which is a very good rating. He also stated the bond rating went to Aa3, which there are very few of those ratings in the state. P. Schuman accepted the Moody's Rating Upgrade. Philip L. Cosson CIPFA, Ehlers & Associates, Inc presented the City of Delafield with a Moody's Rating Upgrade to "Aa3". P. Schuman stated we are very proud of this and helps the City borrow money when they need it at a very low rate.

1. APPROVE MINUTES OF JANUARY 21, 2008 COMMON COUNCIL MEETING.

E. SADOWSKI MOTIONED TO APPROVE THE JANUARY 21, 2008 COMMON COUNCIL MEETING MINUTES AS PRESENTED. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

Gerry MacDougall, 300 Fieldstone Road, stated he is here as a private citizen and a Plan B Committee member. He commented on the article in the Waukesha Freeman about the Committee Chairman looking to profit from the City's space needs. G. MacDougall read a statement clarifying how the Plan B Committee members were chosen, his role on the Plan B Committee and what prompted the August 30, 2007 meeting with Kean Kemnitz. He further discussed what the Plan B Committee recommended to the Common Council in September 2007, which the Common Council approved. G. MacDougall stated whisper campaigns have been started against him, Kean Kemnitz and other Plan B Committee members. He stated he has been told that there are plans to remove certain alderpeople from office because of the referendum, and that there is a recall petition against him also.

Hans Huber, 1510 2nd Street, stated he received a reply from Administrator Czubkowski about Fishbone's parking situation. He then reviewed his response letter to Administrator Czubkowski about the City's Code Section 17.52 Parking Requirements. The letter he read summarized how Fishbone's parking is very inadequate.

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CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA.

Tim Aicher, 211 E Laurel Circle, stated his ongoing support for both of the referendum questions and reminded voters that you have to turn the ballot over to answer the second referendum question. He thanked the Common Council members for allowing questions from the citizens and posting all of the referendum information on the website. He stated he supports the dissolution of the TID District. He stated the water referendum was voted down in 2000 or 2001. He stated the intended purpose of the TID was to encourage economic development. He stated without City water, the downtown has developed nicely over the past ten years. He further stated suing the citizens is not a proper way to further your development. He encouraged the Council members to close the TID District.

Jenny Pope, 1236 Mill Road, stated she is a member of One Delafield. She read a statement about the TID District and that she was surprised that the TID District has remained open well past its usefulness. She asked the Council members to restore faith and to close the TID.

Larry Gardner 66 Oakwood Drive, commended the Mayor and Council for putting Plan B in place and thanked the Plan B Committee on their work. He asked the City to provide a crucial piece of information that he hasn't been able to find. He asked what will it cost the City if both of the referendum questions fail? What will it cost to bring the City Hall building up to code? The City needs to present this to the citizens so they can make the best decision possible.

Administrator Czubkowski stated she received an email from a resident in support of the referendum.

Cate Rahmlow 2415 Oakwood Road, stated she is a member of Plan B Committee. She stated she is very proud of the work that they did and the question that repeatedly comes up is how can \$12 Million be enough money? She stated using an existing facility helps keep the cost down. She stated the committee received information from a builder's publication *RS Means Guide*. She stated the estimates are neither for something over the top, nor something mediocre. She reviewed with the Common Council what the average building costs are. She encouraged people to check into the *RS Means Guide*. She stated the Median cost for a municipal building is \$165/square foot. The Plan B Committee's recommendation costs \$186/square foot. She stated we will receive good buildings that will last a long time.

J. KRICKHAHN MOTIONED TO CLOSE CITIZENS' COMMENTS AT 7:30 PM. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CONSENT AGENDA

- A. RESOLUTION 2008-06 – RESOLUTION VERIFYING INSURED PROPERTY UNDER THE LOCAL GOVERNMENT PROPERTY INSURANCE FUND.
- B. RESOLUTION 2008-08 - RESOLUTION TO CHANGE THE FOLLOWING STREET NAME FOR PORTION OF FIELDSTONE ROAD.

**E. SADOWSKI MOTIONED TO APPROVE THE ITEMS ON THE CONSENT AGENDA.
G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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4. COMMITTEE REPORTS

A. LICENSES

1. BARTENDER LICENSE – 2 YEAR LICENSES TO EXPIRE JUNE 30, 2008.
 - A. NONE.

B. PLAN COMMISSION – (MINUTES OF JANUARY 30, 2008)

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

M. Czubkowski stated we were to have a presentation on Smart Growth, but our presenter is ill tonight.

2. PRESENTATION AND DISCUSSION OF SMART GROWTH.
3. DISCUSSION AND ACTION ON THE EXTRATERRITORIAL CSM FOR WESTRIDGE BUILDERS.

L. MORRISON MOTIONED TO APPROVE THE EXTRATERRITORIAL CSM FOR WESTRIDGE BUILDERS. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. DISCUSSION AND ACTION ON THE EXTRATERRITORIAL CSM FOR CHARLES AND ERNESTINA COUSLAND.

L. MORRISON MOTIONED TO APPROVE THE EXTRATERRITORIAL CSM FOR CHARLES AND ERNESTINA COUSLAND. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. DISCUSSION AND ACTION ON THE PRELIMINARY PLAT FOR FOXWOOD CROSSING.

M. Czubkowski stated the subdivision's LLC name will be changing. B. Leonard stated she would like to wait to approve this since the Council didn't get to see the plat before the meeting and because the Council is waiting on the three legal documents. M. Czubkowski stated the plat, conditions and legal documents have already come to the Council. The developer's documents have not been executed yet because the subdivision's LLC name will change.

M. Sewell stated the development documents have been in final form for a long time. T. Graf from Acuity Development was present and stated the name that is changing is the name of the company that holds the property. He stated another developer uses Fox Wood Crossing, LLC. The name of the subdivision will not change. T. Graf stated the Developer's Agreement states the sewer will go through the City of Delafield. He stated the DPW Director recommended the lift station be put in the subdivision in an area to gravity feed into the Village of Hartland if an agreement is ever reached with the Village. M. Sewell asked if the outstanding issues have been resolved. M. Czubkowski stated these issues have all been resolved through the DPW and DOT. T. Graf stated the DOT does not want a light at this intersection. E. Sadowski clarified that water and sewer are coming from the City of Delafield. T. Graf confirmed that. M. Sewell reviewed the past discussions with the Village of Hartland about the gravity

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feed. He stated if we need to, we can revisit this issue with the Village of Hartland when we need to, but we don't want to delay this development.

J. KRICKHAHN MOTIONED TO APPROVE THE PRELIMINARY PLAT FOR FOXWOOD CROSSING, SUBJECT TO THE DEVELOPER'S DOCUMENTS BEING EXECUTED ONCE THE LLC NAME IS CHANGED. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. DISCUSSION AND ACTION OF DOWNTOWN PLAN AS APPROVED BY PLAN COMMISSION.

M. Czubkowski stated the Plan Commission would like to work the Downtown Plan at the same time as Smart Growth. The Plan Commission recommends that the Common Council allow funds be allocated for the Downtown Plan. L. Morrison asked that we wait to take action on this until it is later on the agenda. G. MacDougall asked what a Downtown Plan is. M. Czubkowski stated the Downtown Plan has been around since 1993. The City wants to study the historical downtown district. P. Schuman stated we will discuss the downtown boundaries along with this.

C. LAKE WELFARE COMMITTEE

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

L. Morrison stated the Committee has not met since their last meeting. She stated the DPW Director has received the Chapter 30 Permit and he is reviewing it. Also, the Plan Commission set a date for the Boat House Ordinance public hearing, Wednesday, February 27, 2008.

D. PARK AND RECREATION COMMISSION – (MINUTES OF JANUARY 28, 2008)

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

E. Sadowski stated the Committee met last Monday and discussed Geason/Oakwood Park, getting roads and parking in there and getting some use out of it. Communities in the area have trails and the Committee will try to map trails out and try to connect them. The next meeting of the Park and Recreation Committee will be held on Monday, February 25, 2008 at 7:00 P.M.

E. PUBLIC WORKS COMMITTEE

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

G. MacDougall stated the Committee's next agenda is posted on the City's website. The next meeting of the Public Works Committee will be held on Wednesday, February 6, 2008 at 7:00 P.M.

F. DEL-HART COMMISSION

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

There was nothing to report on at this time.

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G. POLICE AND FIRE COMMISSION

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

There was nothing to report on at this time.

H. LIBRARY BOARD

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

J. Krickhahn stated the next meeting of the Library Board will be held on Tuesday, February 12, 2008 at 7:00 P.M.

I. FINANCE ADVISORY BOARD – (MINUTES OF JANUARY 31, 2008)

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

G. MacDougall stated the Finance Advisory Board met on January 31, 2008 and reviewed the 2008 Referendum Financing options with Philip Cosson of Ehlers & Associates. Philip Cosson was present and reviewed the 2008 Referendum financing options with the Common Council. He stated the borrowed monies for the referendum does not include any operational costs. He stated if both referendum questions are passed, the City would be borrowing \$12.4 Million at 4.5%, which is very conservative and gives the City some cushion, since the borrowing wouldn't take place until the second half of 2008, if the referendum is passed. E. Sadowski asked if these numbers were run before the bond rating was upgraded. P. Cosson stated yes, the bond rating increase would change the interest rate. He reviewed the three financing options with the Common Council.

If Option 1-DPW, Police & Fire Building is passed, that would cost \$7,256,000. Over a 20 year period, the total estimated taxes on a \$300,000 home would cost \$1,517 over 20 years or \$76 per year for debt service only.

If Option 2 – Library and City Hall is passed, that would cost \$5.2 million. Over a 20 year period, the total estimated taxes on a \$300,000 home would cost \$1,281 over 20 years or \$64 per year.

If Option 3 – Both Buildings are passed, that would cost \$12,465,000. Over a 20 year period, the total estimated taxes on a \$300,000 home would cost \$2,782 over 20 years or \$139 per year. He stated these are the key assumptions on the referendum financing options. This was presented to the Finance Advisory Board and a few questions came up, borrow all at once, or split it up, appreciation of property valuation enough of an assumption for the slowing economy, which was factored in.

G. MacDougall stated the Finance Advisory Board is comfortable with the financing options. P. Cosson stated there would not be an interest payment in 2008 if financed after July 2008. M. Czubkowski stated this information will be posted on the City's website.

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J. BOARD OF ZONING

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

There was nothing to report on at this time.

K. PROMOTIONAL AND TOURISM COMMITTEE

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

L. Morrison stated the next meeting of the Promotional and Tourism Committee would be at the Fish Hatchery, on Wednesday, February 5, 2008 at 7:00 A.M

2. UPDATE FROM SUBCOMMITTEE FOR ST. JOHN'S NORTHWESTERN MILITARY ACADEMY 125TH ANNIVERSARY

L. Morrison stated St. John's is currently working on an auction and will not start working on the anniversary until March.

L. SIGN REVIEW COMMITTEE.

M. Czubkowski stated the updated Sign Ordinance was reviewed by the Plan Commission at their last meeting. A portion of the ordinance will be moving forward to a public hearing on Wednesday, February 27, 2008.

5. OLD BUSINESS

A. DISCUSSION AND ACTION REGARDING FEBRUARY 19TH REFERENDUM

1. 2008 REFERENDUM FINANCING OPTIONS.

M. Czubkowski stated we discussed this earlier.

2. UPDATE OF TWO MAILINGS.

M. Czubkowski stated the first mailing was sent out last week and was received by the residents Friday and Saturday of last week. She stated the next mailing will be going out the week before the referendum.

3. REFERENDUM QUESTION & ANSWER PAGE ON CITY'S WEBSITE.

M. Czubkowski stated she has finished reviewing the first round of questions and answers with M. Sewell. The questions and answers will be posted on the City's website and cable TV. If anyone has any questions they would like posted, please email M. Czubkowski or Mayor Schuman. She will review the questions and post the question and answer on the City's website. She also stated we are preparing for second mailing, which will be a postcard. She stated her greatest concern is that the referendum questions are on both sides of the ballot. Poll workers will remind voters that there are two sides of the ballot. Also, if voters don't vote on every issues, the election machines spit the ballot out with a message indicate that you under-voted.

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4. UPCOMING INFORMATIONAL MEETINGS:

I. THURSDAY, FEBRUARY 7, 2008 @ 7:00 P.M. AT LAKE COUNTRY SCHOOL LIBRARY.

M. Czubkowski reminded everyone about both upcoming informational meetings on the referendum.

II. MONDAY, FEBRUARY 11, 2008 @ 6:30 P.M. AT OAKWOOD CHURCH.

P. Schuman stated he feels there is a need to incorporate the yearly property tax increase on the postcard. E. Sadowski also reminded everyone about the February 7 and February 11 informational meetings.

M. Czubkowski complimented the City Hall Staff for their hard work last week. She stated last week, the first referendum mailing went out, three sets of committee packets were created and distributed, absentee ballots also went out. She stated the staff works very hard and publicly thanked them.

b. RESOLUTION 2008-07 - RESOLUTION NO. 2008-07, TERMINATING TID DISTRICT NO. 3 AND AUTHORIZING CITY TREASURER TO DISTRIBUTE EXCESS INCREMENT TO OVERLYING TAXING DISTRICTS.

M. Sewell stated the Council is anxious to close the district. Some issues came up related to this issue and that he feels they need to be discussed in Closed Session at the next Common Council meeting. The Common Council will then vote on it in open session. P. Schuman agreed with M. Sewell. E Sadowski asked the Clerk to change the adoption date on the resolution to February 18 and requested that Closed Session be at the beginning of the meeting.

E. SADOWSKI MOTIONED TO POSTPONE THE ADOPTION OF RESOLUTION 2008-07 TO THE FEBRUARY 18, 2008 COMMON COUNCIL MEETING. SECONDED BY M. DEYOE. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

E. Sadowski confirmed with the public that nothing in the resolution will change except the adoption date. He stated the Common Council just needs to confer with the City Attorney.

6. MAYOR'S REPORT

A. MEETING WITH JASON STEINER, PRESIDENT, STEINER GROUP.

P. Schuman stated he met with Jason Steiner of the Steiner Group, M. Czubkowski and R. Dupler last week. Mr. Steiner also came to the Plan Commission meeting to listen to discussion about the Downtown Plan since he owns property in the City.

B. APPOINTMENT MICHAEL LAMONT TO THE PUBLIC WORKS COMMITTEE.

E. SADOWSKI MOTIONED TO APPOINT MICHAEL LAMONT TO THE PUBLIC WORKS COMMITTEE. SECONDED BY M. DEYOE. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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C. APPOINTMENT OF DARRELL POPE TO THE FINANCE ADVISORY BOARD.

P. Schuman stated he is glad to see people using the volunteer application. He stated it tells the Common Council a lot about people and their background. He stated Mr. Pope has a Masters in math and that will come in handy on the Finance Advisory Board.

M. DEYOE MOTIONED TO APPOINT DARRELL POPE TO THE FINANCE ADVISORY BOARD. SECONDED BY G. MACDOUGALL. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

D. DISCUSSION AND POSSIBLE ACTION TO ESTABLISH THE CITY OF DELAFIELD 50TH ANNIVERSARY COMMITTEE (JULY 2009).

P. Schuman stated the City of Delafield will be celebrating its 50th anniversary in July 2009. He would like the Common Council to create a committee to plan the celebration. He asked for a Council member to be on the committee and asked citizens to volunteer to be on the committee. E. Sadowski stated he would love to volunteer for this.

E. SADOWSKI MOTIONED TO CREATE THE CITY OF DELAFIELD 50TH ANNIVERSARY COMMITTEE. SECONDED BY M. DEYOE. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

M. DEYOE MOTIONED TO APPOINT E. SADOWSKI AS THE CHAIR OF THE CITY OF DELAFIELD 50TH ANNIVERSARY COMMITTEE. SECONDED BY B. LEONARD. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

L. Morrison suggested that the 50th Anniversary Committee coordinate their event(s) with the St. John's Military Academy anniversary also. S. Sadowski asked if there could be one more Council member on the committee. P. Schuman stated the committee will have to work on that. L. Morrison also suggested that the Committee work with the Chamber of Commerce.

E. ARTICLE ABOUT THE CITY OF DELAFIELD AND MAYOR SCHUMAN'S PICTURE IN MILWAUKEE BUSINESS JOURNAL.

P. Schuman stated the Milwaukee Business Journal wrote a nice article about the City of Delafield and Jason Steiner.

F. ATTENDING WAUKESHA COUNTY CORPORATION COUNSEL.

P. Schuman stated SEWRPC has is doing water study for southeast Wisconsin, which should be done by summer, evaluating who could receive drinking water from Lake Michigan. Also discussed at that meeting was the possibility of Waukesha County Fire Chiefs getting together for help to other communities that need paramedics.

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7. NEW BUSINESS

A. REQUEST OF ALDERPERSON B. LEONARD TO DISCUSS DEVELOPMENT STANDARDS AND BUILDING CONTROLS FOR LAKE PROPERTIES.

B. Leonard stated she would like to see this put into the Smart Growth planning. She stated there should be certain development review when building on single family lake lots. She stated she would like items like storm water runoff, landscaping and different development review issues should maybe be applied to lake properties. P. Schuman stated we can bring this to the Plan Commission. She stated more impervious surface being built close to the lake. L. Morrison stated because this letter has been disseminated to the Council members, this specific development referenced in the letter, improves that property and is in compliance with all codes. She stated neighbors do have to work together and this property owner was completely within his rights.

B. DISCUSSION OF MEMO DATED DECEMBER 18, 2007 AND LETTER DATED JANUARY 29, 2008 FROM JAMES W. HAMMES REPRESENTING KEAN KEMNITZ AND PROFESSIONAL CONSULTANTS, INC.

M. Sewell stated everyone is aware that recently some internal memos surfaced, one from Police Chief Taubel and former Administrator Carlson. In response to those surfacing, a letter from Attorney Hammes representing Kean Kemnitz was received, stating Kean Kemnitz has been damaged. In regards to complaints against members of the Police and Fire Department, the Police and Fire Commission has a responsibility to investigate complaints against these departments. Complaint needs to be made to the Commission by a Commission member or an aggrieved person. As part of the complaint, he asked what statutes, ordinance or code was allegedly violated. In this instance, Attorney Hammes stated there is possible defamation to Mr. Kemnitz. He stated in his opinion, the Police and Fire Commission would not be able to find that this is defamatory. Because of Mr. Kemnitz served on the Plan B Committee, he is considered a public figure. Further discussion from M. Sewell took place regarding a Supreme Court case regarding Public Officials and defamation suits. M. Sewell stated volunteering for public positions, those volunteers are more susceptible to those kinds of statements than people who do not volunteer for public service.

M. Sewell stated the other side of this is conflict of interest. He doesn't think any local or state ethics code has been violated by the Plan B Committee or anyone that wants to be included in the project at a later date. He stated people in the construction business will be interested in being involved in the process. He stated at no point has anyone suggested serving on a committee will invalidate your ability to work on a project. B. Leonard stated is that troubling that our law enforcement personnel don't know this. M. Sewell stated these are not criminal statutes so they wouldn't be aware of the municipal code of ethics. L. Morrison stated this should have been put to bed a while ago. She stated it has been understood that all contractors would need to bid publically. Common Council members agreed. M. DeYoe stated she has received phone calls about the Police Chief getting involved in this. She asked if the Council can ask the Police Chief questions about this. M. Sewell stated the Police and Fire Commission would have to hear this.

P. Schuman asked if these memos are private. M. Sewell stated he didn't see anything protective about the memos and they are open records. P. Schuman asked what the process is to have these made public. M. Sewell stated individuals can make either an oral or written request for records. He suggested they be written so we know exactly

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what people are looking for. If the request is sufficiently vague, state law allows denying request and asking to be more specific. P. Schuman stated Chief Taubel did not release the memos. And that the memos did not come from current city employees.

M. DeYoe asked if Police Chief can refuse to make these memos public. M. Sewell stated the Clerk is the custodian of the records and can release records. M. Sewell stated the oral request that was originally made for these records was unclear and suggested it be asked to make the request in writing. There was no follow through on the request; therefore, no one from city released records.

J. Krickhahn stated as the liaison to the Police and Fire Commission, he has concerns. If something thinks they are aggrieved and comes to him to have a meeting, what is the proper protocol? M. Sewell stated the complaint should be in writing and then follow the process in the state statutes. He stated he would like to talk to the labor attorney about these issues. E. Sadowski stated referendum is the most important and we need to pass the referendum. P. Schuman he has been dealing with these referendum issues for about six months. P. Schuman stated people have the right to their own opinions and would like people to voice them opinions so they can be dealt with. He stated he is glad this is happening now and not the night before the referendum. He wants to have an open government, open discussion and answer any questions that people have. He stated we need these buildings so we can provide services to the community. He stated the bidding is a separate issue and will be scrutinized, possibly by a Bid Committee. He gave other suggestions about the bidding process and this will be discussed after the referendum. J. Krickhahn asked M. Sewell if would be unethical for any of the former Plan B Committee members to submit a proposal. M. Sewell stated no. The Plan B Committee was dissolved and any former members can submit a bid.

8. ADMINISTRATOR'S REPORT

A. DISCUSSION AND ACTION OF ADMINISTRATOR JOB DESCRIPTION.

M. Czubkowski stated she and M. Sewell altered the job description to reflect the City's Code. The changes are noted in red. She stated she would like some discussion about the City Administrator is being the Zoning Administrator. M. Sewell stated quite often the Zoning Administrator is also the Building Inspector. That person will need a very intimate knowledge of the statutes, zoning code, setbacks and how those things all work. He stated generally his experience is that the Zoning Administrator is someone different than the Administrator. If the positions are split, you would probably have to pay someone, maybe at Yaggy Colby to do this. He would not like to see the Administrator to be the Zoning Administrator.

B. Leonard stated she thought we changed educational requirements. M. Czubkowski stated she will make that change. L. Morrison stated she feels the Building Inspector should also be the Zoning Administrator and doesn't feel there would be an extra cost, unlike having Yaggy Colby do it. B. Leonard stated in other communities, zoning and planning goes together. P. Schuman stated the Administrator can delegate to the Zoning Administrator or to someone else, like the Building Inspector and he likes having that flexibility. E. Sadowski suggested asking the Building Inspector how he feels about being the Zoning Administrator and getting someone in the interim that knows Delafield. M. Sewell stated if changes to split, the code of ordinances will have to be changed.

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G. MacDougall stated he is concerned about the Administrator approving agendas and that the Council doesn't have any control about what is on the agenda. M. Sewell stated the current City Code is ambiguous and the agendas are put together by the Mayor, Administrator and Clerk. Because the Mayor is the presiding officer, the Mayor directs with assistance. G. MacDougall stated he would like to see this changed. M. Sewell stated you will want to review how things are stated in Chapter 1 of the Code and reviewed how another City client does this. P. Schuman stated the alderpeople have usually gotten their items on the agenda without a problem. E. Sadowski stated he is not comfortable giving the Administrator the power to set the agenda. Council members agreed. B. Leonard stated if we change the Code, we could reference the Code in the job description. Council members stated they would like the job description to state the administrator "reviews" the agenda. There was discussion about having two alderpeople requesting to have an item place on the agenda. L. Morrison stated she is concerned about a walking quorum taking place to get items on the agenda. M. Sewell stated maybe consider putting this on a future agenda to discuss this section by section. E. Sadowski asked to put this on the next agenda. B. Leonard stated the job description is different from the Code with regards to attending meetings. P. Schuman stated the Council and Plan Commission are the most important for the Administrator to be at. G. MacDougall asked who the Administrator reports to. M. Sewell stated the Administrator reports to the Mayor. G. MacDougall stated he is looking for accountability. B. Leonard asked about the education requirements. M. Czubkowski stated she will get the additions in that were made at the last meeting; add in City Planning or closely related field.

L. MORRISON MOVED TO ACCEPT THE CHANGES TO THE ADMINISTRATOR JOB DESCRIPTION WITH THE FOLLOWING CHANGES: CHANGE VERBIAGE FROM "APPROVE AGENDA" TO "REVIEW AGENDA", ADD VERBIAGE "CITY PLANNING" TO THE EDUCATIONAL REQUIREMENTS AND TO ACCEPT ALL OTHER CHANGES AS RECOMMENDED BY THE ADMINISTRATOR. SECONDED BY B. LEONARD. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

B. UPDATE OF EXECUTIVE SEARCH SERVICES RFP.

M. Czubkowski stated the RFPs for the Executive Search Firm were mailed last week. They are due Tuesday, February 12 at Noon. 11 RFPs were sent out. She asked the Council if they were going to have the Mayor or someone sit on a committee to review the RFPs as they come in. E. Sadowski stated people are up for re-election and asked if we want people up for reelection on the committee. M. Czubkowski stated this is only to review the search firm RFPs.

C. DISCUSSION AND ACTION ON CURRENT/ONGOING CITY ENGINEERING PROJECTS.

M. Czubkowski stated the list before the Council is the cost estimates for 2008 engineering fees. She stated some of the projects are over or under budget and some will become special assessments at a later date. She stated Smart Growth will cost about \$45,000 over a two year period. Cushing Park Road Path Design also is a two year project and is grant eligible. M. Czubkowski stated now we will know how to budget for items. P. Schuman stated after reviewing projects, he wanted the Council to know what all the projects are and how much they cost so we know where we are. Council members discussed certain projects. In particular, the Cushing Park Road Design, Smart Growth and the Nagawicka Road Path. B. Leonard stated she would like to see a detailed scope of work for the projects. M. Czubkowski stated a detailed

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list is in the packet. L. Morrison stated when she read the Plan Commission minutes, nine elements were stated, but only eight were listed; none of them listed the Downtown Plan. M. Czubkowski stated if the City updates the Downtown Plan, it would be included with Smart Growth and they would reference each other. B. Leonard stated she is concerned that the City did not receive request for qualifications on some of these bigger projects. She also asked if the Waukesha County grant would pay for a portion of the smart growth. L. Morrison stated we should talk about the Downtown Plan at the next meeting with Planner Dupler is here. B. Leonard also concerned with items that they have not approved money for. P. Schuman stated this list gives us internal controls to give us cost estimates. B. Leonard stated she wants to pull the Nagawicka Road Path, Smart Growth and the Downtown Plan from the approved list. There was discussion regarding picking a plan and moving forward with the Nagawicka Road Path.

M. DEYOE MOTIONED TO APPROVE THE 2008 CURRENT/ONGOING CITY ENGINEERING PROJECTS, EXCEPT FOR SMART GROWTH, THE DOWNTOWN PLAN AND THE NAGAWICKA ROAD DESIGN. SECONDED BY B. LEONARD. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

9. CLERK'S REPORT

A. PLAN COMMISSION PROCESS AND WORK BEING DONE IN CLERK'S OFFICE.

G. Gresch reviewed her memo about not relying so much on the planner and having the PC work being done in the Clerk's Office.

B. PAPERLESS COMMON COUNCIL & PLAN COMMISSION PACKETS FOR DEPARTMENT HEADS AND CONTRACTED PERSONNEL.

G. Gresch reviewed the process for going paperless with the Common Council and Plan Commission packets for Department Heads and Contracted Personnel. She stated she would like to begin with these people and then branch it out to the Common Council and Plan Commission after the April Election.

C. CREATION OF FTP SITE TO UPLOAD AND DOWNLOAD PAPERLESS PACKETS FOR DEPARTMENT HEADS AND CONTRACTED PERSONNEL.

G. Gresch stated she spoke with Chris Knowlton of 3rd Coast Multimedia and he has three options for the Common Council to think about. She stated the first option is to set up a page on the City's website that looks like the Agendas and Minutes page, labeled "Packets". This would be a one-time fee of \$15. M. Williams would then upload the packet just like the agendas and minutes. Then anyone can access the packet, just like they would by coming to the Library or City Hall. The second option would be to add a password protection onto the page, which would cost \$50. She stated the third option would be to set up an online FTP directory, which would cost about \$200. She stated she and M. Czubkowski discussed having a presentation of what it takes to make a paperless packet and to show the Common Council what it actually looks like. M. DeYoe asked how confidential paperwork would be handled. G. Gresch stated confidential paperwork would still be copied and distributed on paper. She asked the Common Council to think about who and how they want access to the packets and that she would bring this back to the next Common Council meeting. E. Sadowski suggested that we see the presentation at the March meeting. G. Gresch stated that would not be a problem.

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D. FEBRUARY 27, 2008 PLAN COMMISSION PUBLIC HEARINGS.

G. Gresch stated there are three public hearings scheduled for the February 27, 2008 Plan Commission meeting.

10. FINANCIAL REPORT

A. APPROVE VOUCHER LIST.

E. SADOWSKI MOTIONED TO APPROVE THE VOUCHER LIST AS PRESENTED. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

11. CORRESPONDENCE

A. LETTER FROM UNITED PROPERTIES REGARDING THE CLOSING OF THE VILLAGE SQUARE TEMPORARY PARK AND RIDE.

B. LETTER FROM ST. JOHN'S NORTHWESTERN MILITARY ACADEMY REGARDING *THE EXCALIBUR 2008* FUNDRAISING EVENT.

C. LETTER FROM DOROTHY & HARRY PETERSON REGARDING ADDRESS NUMBER SIGNS.

D. LETTER FROM JUDITH HATCH REGARDING THE CLOSING OF THE GATHERING RESTAURANT ON HILLSIDE DRIVE.

E. LETTER FROM YENOR CUSTOM PAINTING REGARDING THE INTERIOR REFINISHING OF CHENTIS KRUEGER SENIOR COMMUNITY CENTER.

F. LETTER FROM MATT CARLSON.

G. LETTER FROM KEAN KEMNITZ, PROFESSIONAL CONSULTANTS, INC.

H. LETTER FROM AUL REAL ESTATE INVESTMENT COMPANY, LLC. REGARDING TID #3.

J. Krickhahn wants to come back to Correspondence Item F. He stated the Common Council needs to decide if Mr. Carlson was acting on City's behalf. P. Schuman stated we can discuss this since it is on the agenda and the Attorney is here. M. Sewell stated this is not a notice of claim and no legal action has commenced. He stated to ask Mr. Carlson if he was acting on his official capacity is premature, the time is not right to deal with it. G. MacDougall stated the only date that matters is the date he dropped off the letter, which he is not an employee the day he submitted it. P. Schuman stated it is premature to act on this that is why it's in correspondence.

12. ADJOURNMENT

E. SADOWSKI MOTIONED TO ADJOURN THE FEBRUARY 4, 2008, COMMON COUNCIL MEETING AT 9:45 P.M. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:

Gina C. Gresch, MMC/WCMC
City Clerk/Treasurer