

CITY OF DELAFIELD COMMON COUNCIL MINUTES

CALL COMMON COUNCIL MEETING TO ORDER

Mayor McAleer called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Mayor Ed McAleer

Jeff Krickhahn, Ald.

Beth Leonard, Ald.

Erv Sadowski, Ald.

Michele DeYoe, Ald.

Gerald MacDougall, Ald.

Marilyn Czubkowski, Administrator

Gina C. Gresch, Clerk/Treasurer

Absent

Lynn Morrison, Ald.

Ron Miskelley, Ald.

Items listed under the Consent Agenda are considered in one motion unless a Common Council Member requests that an item be removed from the Consent Agenda.

1. Approve minutes of May 5, 2008 Common Council meeting.
 - a. Amending reported location of Conditional Use for Wally Neumann.

G. MacDougall stated there are two errors on page 9 of 12. The minutes state a Construction Manager was used with the pond development, when in fact, it was a General Contractor. Also, the motion on that page is missing E. Sadowski's nay vote.

G. MACDOUGALL MOTIONED TO APPROVE THE MAY 5, 2008 COMMON COUNCIL MEETING MINUTES, WITH CORRECTIONS. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. Citizen's comments for items not on the agenda.

B. Leonard stated last Wednesday at 9 p.m. she was pulled over for speeding by Village Square. She stated she was not paying attention to her speed and that she is very sorry she violated traffic laws, set a poor example for others and her family. She stated she has a 16 year old son and is teaching him to drive. She stated the officer was very professional and courteous and she was given a verbal warning. She stated she did not identify herself as an alderperson, but officer did recognize the address and stated that she delivers packets to B. Leonard's her house. B. Leonard apologized for not obeying the speed limit law and is willing to pay the fine.

Citizen's comments for items on the agenda.

Joe DeKlotz, 601 Genesee Street, Delafield, stated he was confused and disappointed as he listened to the discussion at the last Common Council meeting about the Construction Manager and General Contractor. He reviewed the minutes of the Common Council meeting and the last Architect and Construction Manager Committee meeting. Delafield has always used a General Contractor for projects. Having three General Contractors on a project caused a significant burden to the City staff. Having a

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Construction Manager also has advantages. One main advantage is that the City could realize a cost savings because many people share the work. The General Contractor advantage is a time savings. There is one point of control and one person making decisions. Given the workload of the Common Council, Staff, Accounts Payable, etc, he stated he thinks the decision is quite clear that the City should use a General Contractor. The majority of the Architect and Construction Manager Committee members favor the General Contractor. The Common Council should follow the Committee's advice.

E. Sadowski stated if the City uses a Construction Manager, it will be a lot more work, but it helps the City come under budget. He stated the Common Council will take on the extra workload if they have to. G. MacDougall stated at least three of the committee members favored Construction Manager versus General Contractor.

E. SADOWSKI MOTIONED TO CLOSE CITIZEN'S COMMENTS AT 7:10 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda

- a. Christ the King Lutheran Church - City of Delafield Polling Place Agreement
- b. Resolution #2008-17, Resolution to Change City of Delafield Polling Place.
- c. Resolution #2008-18, Resolution to Release Restrictions for Robert Raymond, Town of Delafield.
- d. 105th Harley Davidson Anniversary Bike Parade, Saturday, August 30, 2008.

E. McAleer stated he would like to remove Item D from the Consent agenda so that the Promotional and Tourism Committee and coordinate this.

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

J. Krickhahn asked if Harley Davidson is looking for permission for the route. He suggested that we at least let Harley Davidson know that they can plan the route, but they should work with the Promotional and Tourism Committee on the details. .

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

4. Committee Reports

- a. Licenses
 1. Bartender license – 2 Year Licenses to expire June 30, 2010.
 - a. Mary Brandenburg, Oconomowoc; Delafield Brewhaus
 - b. Pamela Bergum, Hartland; NLYC
 - c. Diane Bouzide, Ashippun, Milwaukee Street Traders
 - d. Alexandra Murray, Oconomowoc, Milwaukee Street Traders

E. SADOWSKI MOTIONED TO APPROVE THE TWO-YEAR BARTENDER LICENSE(S). B. LEONARD SECONDED THE MOTION.

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**THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR.
MOTION CARRIED.**

- b. Plan Commission
 - 1. Smart Growth Update – No report.

There was nothing to report at this time.

- c. Lake Welfare Committee – (Minutes of May 14, 2008)
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

There was nothing to report at this time.

- d. Park and Recreation Commission
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

E. Sadowski stated there was nothing to report at this time. The next meeting of the Park and Recreation Committee will be held on May 27, 2008 at 7:00 P.M.

- e. Public Works Committee – (Minutes of May 7, 2008)
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

There was nothing to report at this time.

 - 2. Recommendation from Public Works Committee to Common Council that sewer, water, and dredging for private frontage is assessed under a special assessment policy, with consideration and concurrence of this recommendation being given by council prior to establishing the remainder of the policy details associated with these specific items.

E. McAleer stated the Public Works Committee is looking for the Common Council's concurrence that these charges are appropriate to be special assessed for. B. Leonard stated she would like to read the policy to see if they made any changes to it. M. Czubkowski stated before any changes are made, the Committee wants to make sure that the Common Council wants to special assess for these projects. If the Common Council doesn't want to special assess, the Common Council should tell the committee so they don't make changes to the policy. If changes are to be made, a draft will come back to the Common Council for their approval. There was discussion about what items will be special assessed and how it will be charged for. Mike Court, Engineer stated the Public Works Committee wants the Common Council to tell them if they want the Public Works Committee to move forward with the assessment policies. There was discussion if the dredging formula should be removed from this until the DNR makes a determination on the Chapter 30 Permit. E. McAleer stated he is comfortable with the Committee figuring out a formula for dredging because it will have to be done if the permit is approved.

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J. KRICKHAHN MOTIONED TO CONCUR WITH THE PUBLIC WORKS COMMITTEE THAT SEWER, WATER, AND DREDGING FOR PRIVATE FRONTAGE BE ASSESSED UNDER A SPECIAL ASSESSMENT POLICY, WITH CONSIDERATION AND CONCURRENCE OF THIS RECOMMENDATION BEING GIVEN BY COUNCIL PRIOR TO ESTABLISHING THE REMAINDER OF THE POLICY DETAILS ASSOCIATED WITH THESE SPECIFIC ITEMS. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ONE ABSTENTION BY E. SADOWSKI. MOTION CARRIED.

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 at this time. The next meeting of the Del-Hart Commission will be held on May 20, 2008 at 7:00 P.M.

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 at this time.

h. Library Board – (Minutes of May 13, 2008)

1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

J. Krickhahn stated the Library Board discussed different fundraising possibilities to fund a 10,000 square foot library. The Library Board will draft a list of items they would like to see in the new Library. He also reminded everyone about the Spring Fling Art Auction/Wine Cheese Tasting. It is Saturday, May 31, 2008, from 7 p.m. to 9 p.m. at Hawks Inn. Admission is \$25. The next meeting of the Library Board will be held on June 10, 2008 at 7:00 P.M.

i. Finance Advisory Board

1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

There was nothing to report at this time.

2. Meeting scheduled for Tuesday, May 20, 2008 at 8:00 a.m. at City Hall in the Fire Department Training Room.

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 at this time.

2. Hearing scheduled for May 22, 2008, at 7:30 p.m. Case 746 – Appeal of Mr. & Mrs. James Zahorik (owners) for proposed additions at 1942 West Shore Dr.

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DELC 0786.032, pertaining to minimum interior side yard requirements. Section 17.57 states that any expansion of a non-conforming structure requires a variance.

- k. Promotional and Tourism Committee – (Minutes of May 6, 2008)
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

M. Czubkowski stated the minutes of the last meeting are in the Common Council packet. She stated the Committee is proceeding with strategic planning status.

- 2. Update from subcommittee for St. John's Northwestern Military Academy 125th Anniversary

There was nothing to report at this time.

- 1. Sign Review Committee
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

There was nothing to report at this time.

- m. Architect and Construction Manager Committee – (Minutes of May 9, 2008)
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

J. Krickhahn stated the Architect and Construction Manager Committee have met twice since the last Common Council meeting and that Alderperson Ron Miskelley resigned from the Committee. He stated the Committee came to an agreement to go forward with the Construction Manager. RFP's for a Construction Manager have been out since last Friday. He stated he appreciates Joe DeKlotz's comments. One Delafield did promise that a Construction Manager would be used. The pros and cons of the Construction Manager and General Contractor are on the One Delafield website. The Construction Manager could take more time, but there will be substantial savings going this way. He stated there is a lot of behind the scenes activity going on too. The RFP process is done, site survey work was started, field surveys are completed, Digger's Hotline has been called, the title policies were ordered and the soil borings are completed. It was discovered that the City Hall site has petroleum in the ground, from a buried fuel tank. The Committee is looking into what they have to do about that. Also, the DPW site used to be a landfill and the Committee is waiting for word on that also. B. Leonard asked about the May 9 Committee minutes. She stated Ron Miskelley resigned at the beginning of the meeting, yet it isn't mentioned until page 4. She asked if that mattered. The next meeting of the Architect and Construction Manager Committee will be at City Hall at 7:00 A.M. on May 29, 2008.

- 2. Resignation of Alderperson Ron Miskelley from the Architect and Construction Manager Committee.

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- n. City of Delafield 50th Birthday Celebration – (Meeting held May 13, 2008)
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

E. Sadowski stated the Committee created an Executive Board, which includes himself, Michele DeYoe, Marilyn Czubkowski and Joe DeKlotz. The people involved came up with tremendous ideas like having a movie night, an antique auto show, fireworks and more during the 8 day festival. He stated there are lots of volunteers and we have 13 months to plan the celebration. The next meeting of the City of Delafield 50th Birthday Celebration Committee will be at City Hall at 3:00 p.m. on May 20, 2008.

- o. Lake Country Fire Department Expansion Committee Meeting – (Minutes of May 13, 2008)
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

G. MacDougall stated the representation from the City of Delafield consists of himself, Cate Rahmlow and Mayor McAleer. The meeting was attended by the City of Delafield, Village of Nashotah, Chenequa and Hartland. He stated the Committee discussed the merger process and financing. The Committee will have to come up with a formula. E. McAleer stated the Committee has three goals; 1 - make sure the safety factor for everyone is good if not better; 2 - paramedics will be part of the program; 3 - All firefighters will continue to be employed. C. Rahmlow gave credit to the former City Administrator and Oconomowoc's Administrator for their findings listed in the prior Committee's final report, which she and Alderperson Gerry MacDougall reviewed. E. McAleer stated it was a good meeting. The next meeting of the Lake Country Fire Department Expansion Committee will be at the Nashotah Village Hall at 7 P.M. on June 24, 2008. E. McAleer stated the Nashotah Village Hall is a central location.

- 5. Old Business
 - a. Discussion and action of contract from Yaggy Colby for Milwaukee Street Pond liner.

Mike Court from Yaggy Colby was present and stated the services quote is done in three parts; 1 – soils; 2 - design/bidding; 3 - construction. E. McAleer stated this looks like it will help the City understand why the pond failed. E. Sadowski asked if these finding can be forwarded to the City's attorney. M. Court stated yes and Yaggy Colby could be used as a technical witness in court.

E. SADOWSKI MOTIONED TO APPROVE THE CONTRACT FROM YAGGY COLBY FOR MILWAUKEE STREET POND LINER, IN AN AMOUNT NOT TO EXCEED \$69,600. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- o. Discussion and action of reinstating the Recycling Committee.

E. McAleer asked that this be put on the next Common Council agenda since Don Rambat is not here tonight.

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- c. Ordinance No. 587, An Ordinance Amending the Zoning Code (Chapter 17) of the City of Delafield, Waukesha County, Wisconsin.

M. Czubkowski stated Plan Commission and Common Council saw these text amendments several months ago, this is just the housekeeping.

E. SADOWSKI MOTIONED TO ADOPT ORDINANCE NO. 587, AN ORDINANCE AMENDING THE ZONING CODE (CHAPTER 17) OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. Ordinance No. 588, An Ordinance Amending Chapter 18 of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin.

E. SADOWSKI MOTIONED TO ADOPT ORDINANCE NO. 588, AN ORDINANCE AMENDING CHAPTER 18 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. Mayor's Report

Spring Fling May 31, at Hawks Inn. Knows a lot of people, guys in particular, not just art, there are items for men at the auction. E. Sadowski stated you can also taste and buy wine. M. Czubkowski stated they do have a permit to sell wine.

7. New Business

- a. Discussion and action on the Residential Water and Fire Protection fees.

E. Sadowski stated the City is working towards establishing a residential water rate and possibly dropping or eliminating the Fire Protection fees. This is not Common Council action, has to go before Public Service Commission. The City has some legalities that have to be put in place. M. Czubkowski stated this is part of the budget process and that \$5,000 was authorized for her to work with auditor. She stated the audit needs to be completed and then the City will look at preliminary resolutions for the construction of the well at Village Square. Then we need to bring new City Attorney up to speed on this. She stated the Common Council is planning to work on this in June, with hopes of petitioning the Public Service Commission in the 3rd quarter this year. She stated the Public Service Commission tells the City what the Fire Protection fees will be.

- b. Discussion of fishing pier status at St. John's Park.

E. McAleer stated L. Morrison requested this be on the agenda. E. Sadowski asked since she is absent tonight, he asked that this be moved to the next agenda.

- c. Discussion and action on a Downtown building moratorium.

E. McAleer stated he would like to work on the Downtown plan while the City is working on Smart Growth. He stated this plan would be for the 30 vacant acres adjacent to City Hall. He stated there is more than one way of passing a Moratorium.

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It can be done by Resolution or Ordinance, which by Ordinance takes longer. If we simplify the needs down to road connections, we know the boundaries, the resolution will be a simple way to go for four months while the City works on the Downtown Plan parallel to Smart Growth.

Planner Roger Dupler was present. He stated staff prepared a resolution per the Mayor's request. R. Dupler reviewed the area with the Common Council adjacent to the Downtown area. He stated Mr. Lang has come to the Plan Commission last month for a Preliminary Certified Survey Map, which could trigger future development. He stated the City wants to take this time to get ahead to resolve street and pedestrian issues. R. Dupler clarified this only affects permanent development. E. Sadowski asked if people can apply to the Plan Commission, it just can't be approved until the moratorium is lifted. R. Dupler stated that is correct. He stated four months is not a reasonable amount of time for just Downtown. He suggested only working this piece of property to fix the issues immediately. R. Dupler stated there are many dead-end road stubs connecting to this property. It will have an impact on the perception of the neighborhood how the roads are drawn. E. McAleer stated if the City does this, it will be discussed at the May and June Plan Commission meeting, with a Public Hearing at the July meeting. E. Sadowski stated this is his district, so he is concerned. He stated there could be district and informational meetings. E. McAleer stated we haven't received final approval by the City Attorney yet. M. Czubkowski stated the discussion about the roads shouldn't be only about East and West roads, but the City should add North and South roads to form a grid. Grids are formed for services such as EMS and Plowing. E. Sadowski asked if map R. Dupler referenced could be put on the website and the resolution postponed to the next meeting.

E. McAleer asked the Common Council what they thought about resolution vs. ordinance. Common Council members concurred that the City could do this moratorium by resolution. B. Leonard asked if we could do a direct first class mailing to these property owners. There was discussion about how to get the word out to those directly affecting those property owners. M. Czubkowski stated we should publicize this in many different ways. This will be a four month process and through public hearings, everyone will be notified.

- d. Resolution 2008-19, A Resolution Establishing a Moratorium on Development in a Downtown Delafield Planning Area South and East of Division Street in the City of Delafield, Waukesha County, Wisconsin.

No action taken, postponed to June Common Council meeting.

8. Report of City Officials

a. Administrator

- i. Letter from Attorney Hammes regarding Public Works Bids.

M. Czubkowski stated this was requested at the Architect and Construction Manager Committee meeting.

- ii. Monthly Engineering Report for Public Safety Building, DPW Building Expansion, City Hall and Library Building.

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M. Czubkowski stated Jim Romanowski from Yaggy Colby is doing excellent job in assisting the City with the project and for his attention to detail.

iii. Warranty Deeds for DPW and City Hall Buildings.

M. Czubkowski stated she authorized some minor expenses for the deeds and that she hopes the Common Council will continue to allow her to make minor expense decisions to keep the project moving. Also, the Committee worked on evaluation and interview questions for the Architect and Construction Manager. The proposals are due Friday, May 23 and the staff will work a little longer to make sure everyone gets the RFPs to review over the weekend. She stated the committee is made up of a very committed group of individuals that have a lot of expertise to bring to the table.

M. Czubkowski stated to date, the Par Group has 31 applications for the City Administrator position. The Par Group is calling candidates and verifying education. The Par Group would like to meet the week of June 1 in Closed Session for about an hour and a half. She stated she hesitates to give approval for a Common Council night if this meeting runs long. She suggested the Common Council check their calendars for a separate meeting to discuss this. She also stated Par would like the Common Council to begin interviewing candidates Friday, June 13 and Saturday, June 14. E. Sadowski suggested forming a committee to do the interviews. B. Leonard stated she doesn't want to be excluded from participating. E. McAleer stated it's critical that the whole council participate. M. Czubkowski stated Par will present a list of 10 -12 candidates, from that list the Common Council chooses who we want to interview. Common Council members concurred that they want to be involved. M. Czubkowski stated she will meet with Attorney Hammes tomorrow on how we are to handle this as a Council. E. Sadowski suggested that Department Heads should not be involved in the interviews.

b. Clerk-Treasurer

i. Report on Waukesha County Recycling Program Meeting

G. Gresch stated she and Utility Clerk Susan Johnson attended a Waukesha County Recycling Program meeting. She stated the Municipal Recycling Facility it at its maximum capacity so they are looking at expanding or building a new building. Also, the County is studying if the services should be dual or single stream. She suggested the Recycling Committee looks at the recycling needs and services, since our contract doesn't expire until 2010.

c. Council requests of future agenda items.

E. Sadowski asked that either Tom Hafner or Kent Attwell be at the next Common Council meeting to discuss the St. John's fishing pier.

J. Krickhahn asked that the Common Council discuss paperless packets and to have a report on costs to purchase laptops for the Common Council members.

J. Krickhahn asked to have the Public Works Committee discuss posting two more 25 mph speed limit signs on Vettleson Road.

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Don Rambadt, 3440 Nagawicka Road arrived and asked the Common Council to go back to the Recycling Committee discussion. He reviewed the history of the Recycling Committee. He discussed topics that he feels the Recycling Committee should talk about. Recycling leaves and brush, burning regulations and restrictions, consider multiple unit mulching facilities, handling invasive plant species, coordination of hazardous waste, battery recycling and water quality and the old landfill. E. McAleer stated he doesn't see the Recycling Committee going that far in discussing water quality and the old landfill M. Czubkowski stated the DNR is monitoring the old landfill and that we don't receive any reports from the DNR, and hasn't in 20 years.

E. SADOWSKI MOTIONED TO REINSTATE THE RECYCLING COMMITTEE. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

E. Sadowski asked for a Common Council representative on the Recycling Committee. He suggested B. Leonard. He also asked people to fill out a volunteer application if they want to be on the committee.

9. Financial Report
a. Approve voucher list

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

- b. Treasurer's Report.

B. LEONARD MOTIONED TO APPROVE THE APRIL TREASURER'S REPORT AS PRESENTED. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

10. Correspondence
a. April Focus Newsletter
b. Email from Waukesha County Parks and Land Use regarding Old Medicine Mail Back Disposal Program Launched.
c. Letter from Bernie & Diane Gruenke to Public Works Director Tom Hafner regarding Public Works Department service.

E. McAleer reviewed the correspondence with the Common Council members.

11. Adjournment

E. SADOWSKI MOTIONED TO ADJOURN THE MAY 19, 2008, COMMON COUNCIL MEETING AT 8:24 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.