

**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 for the July 7, 2008 Common Council meeting:

Present

Mayor Ed McAleer  
Jeff Krickhahn, Ald.  
Beth Leonard, Ald.  
Erv Sadowski, Ald.  
Michele DeYoe, Ald.  
Gerald MacDougall, Ald.  
Lynn Morrison, Ald.  
Marilyn Czubkowski, Administrator  
Gina C. Gresch, Clerk/Treasurer

Absent

Ron Miskelley, Ald.

Also Present:

Mike Court, City Engineer  
Jim Romanowski, City Engineer  
Jim Hammes, City Attorney  
Phil Cosson, Ehlers & Associates

Mayor McAleer stated he appreciates all of the volunteerism. He gave a presentation and awards to the Architect and Construction Manager Committee members. He thanked them for their time in helping hire the Architect and Construction Manager for the City's building projects. He presented plaques to the following people: Kean Kemnitz, Robert Mazurek, Marilyn Czubkowski, Tom Hafner (absent), Jeff Krickhahn, Gerald Johnson and Gerry Maier. E. McAleer stated without the help of volunteers to help us, we would be paying for professional service and can't say enough how he appreciates this committee's efforts.

1. APPROVE MINUTES OF JUNE 13, 14 & 16 & 26, 2008 COMMON COUNCIL MEETINGS.

G. MacDougall stated J. Krickhahn abstained from voting on item #6 in the June 26, 2008 minutes, and asked if the minutes should show why. E. McAleer stated anyone can abstain without stating why. G. MacDougall stated he would like to know why J. Krickhahn abstained. J. Krickhahn stated because he was not present for the interviews. He stated he doesn't mind if that is put in the minutes. G. Gresch stated she would add that clarification.

**L. MORRISON MOTIONED TO APPROVE THE JUNE 13, 14 & 16 COMMON COUNCIL MINUTES AS PRINTED AND THE JUNE 26, 2008 COMMON COUNCIL MEETING MINUTES WITH CORRECTION. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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

There were no citizen's comments for items not on the agenda.

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CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA.

E. McAleer stated there will be a presentation on the agenda item for sewer and water assessments and that there will be special public comments after that presentation is made.

J. Krickhahn stated the residents on Vettleson Road spoke with him about making an appearance about the sewer and water issue on tonight's agenda. He responded to those residents that this is only on for discussion and they will hold their comments for a future meeting.

**L. MORRISON MOTIONED TO CLOSE CITIZEN'S COMMENTS AT 7:07 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. CONSENT AGENDA

A. ST. JOHN'S NORTHWESTERN MILITARY ACADEMY BANNER SIGNAGE ON ALTERNATE UTILITY POLES ON BOTH SIDES OF GENESEE STREET, FROM MID-AUGUST 2008 THROUGH DECEMBER 2009.

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

*ADVANCE TO AGENDA ITEM #7E FOR PRESENTATION BY ATTORNEY JIM HAMMES AND ENGINEER JIM ROMANOWSKI.*

- 7E. DISCUSSION OF SPECIAL ASSESSMENTS FOR WATER AND SEWER, STH 83 AND VETTLESON ROAD
1. WATER
  2. SEWER

Attorney Hammes stated memos and spreadsheets about special assessments were distributed to the Common Council via the packet. This topic has generated interest and controversy and that this issue needs to be concluded one way or another. He reviewed the history with the Common Council. June 2005 the Common Council adopted two resolutions; one related to the water main extension on STH 83 and the other for the extension of sewer. These resolutions state in summary that the Common Council has determined to levy a special assessment under police powers. There are specific properties that are identified because those properties will benefit from these improvements. He stated three years later, the plans, specifications, installation estimates and schedule of proposed assessments was prepared. Once that was prepared, it should have been filed with the Clerk, notices should have been mailed to the affected property owners and a public hearing should have been scheduled. Those tasks did not occur. The process would continue as follows: once the public hearing is held, the Common Council will take comments the make a determination to levy assessment, decided on an amount, when its due, if it is to be paid in installments and will it bear interest.

J. Hammes stated at this stage in the process, the Common Council has several alternatives, based on money expended and other issues. He and the engineers are looking for feedback from the Common Council before the report is put together. J. Hammes summarized the costs related to the water, that the City has approximately \$2,118,000 that has to be paid, either by assessments,

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hookup or user fees. He stated the radium related well work cost about \$1,000,000. If that money is deducted from construction, the City still has a little over \$1,000,000 that have to be recovered. When a special assessment is levied, the City has to have a fair basis for levying the assessment. It can be done on a front foot basis, an area basis of acres or a domestic equivalent user (DUE) which then each potential user pays the same. If DUE is used with about 252 users sharing the costs, the DUE fees is approximately \$4,500 per residential unit. The issue comes down to whether or not the engineers should come up with an assessment calculation. However, there are some alternatives that the Common Council could consider. One alternative is to waive the fee for the existing properties to try and gain the money back by sewer hookup fees. J. Hammes stated these decisions do not need to be made right now, but they have to be thought about.

J. Krickhahn stated the Common Council already voted in the past to exempt those current property owners. M. Czubkowski stated those motions were only pertaining to sewer, not to water. He stated she and staff have been searching and trying to figure this out. She stated this issue started out to correct a radium problem and this has grown into something bigger. She stated no one has to connect into the water system, but if they do apply, the City needs to tell them how much it's going to cost, which we do not know at this time. She also stated in 2007, the water fund borrowed \$750,000 from the sewer fund to offset expenses that were not covered, which was all spent. As a result, the City had a negative fund balance in the water utility at the end of 2007. The City needs to resolve this and give staff and the next administrator direction on how the City wants to resolve these issues. E. Sadowski asked how the \$750,000 was borrowed; by Common Council approval or by just moving it to the other fund. M. Czubkowski stated she did not find any Common Council approval, only a memo to the Administrator. It was also mentioned in the audit report that there was an inter-fund borrowing. E. Sadowski asked who has the authority to borrow money to another fund without Common Council approval or the Mayor's knowledge. J. Hammes stated that type of transfer should be approved by the Common Council

B. Leonard stated she thinks the City should keep in mind that when this project was proposed, it was declared as a project that would not be paid for by the property owners until those properties were subdivided and developed. This was promised to those people. She stated she objected to this line being put in in the first place. Paying for the line when you hook up to it makes more sense than paying for it now; that's how this was sold to the residents and the City needs to come up with another solution. L. Morrison stated the only other option is to assess everyone in the City.

J. Hammes stated he reviewed the minutes and resolution, which aren't consistent with what was promised to the residents. There has to be some finality with this and reviewed the City's options. The cost of this work can be paid by either through special assessments, user fees, or hookup fees, which have not been increased for years. This shouldn't be paid for with general operating revenues. The last option is through developer's agreements. City Engineer Mike Court stated Yaggy Colby looked at the vacant lands and created a yield plan to come up with an estimate of units. He also suggested a deferred assessment to recover the costs. B. Leonard stated what the City promised wouldn't happen, seems to be happening. She stated there are about 122 units that one property would have to pay for; she asked how they will pay for that.

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Mike Court stated this is where deferred assessments come into play. E. Sadowski stated he hopes we are not going to charge commercial rates to residential units, which is already happening elsewhere in the City. M. Czubkowski stated these are connection fees, not usage fees. E. Sadowski stated he misunderstood.

J. Krickhahn asked how difficult it would be to come up with neighboring community's hookup fees for sewer and water. M. Czubkowski stated another firm provides those to us, but they would be 2007. J. Krickhahn stated he wants that discussed further. He stated it's not fair to the other taxpayers if they are not benefiting from this. He stated people were promised that tax dollars would not be used to fund this. G. MacDougall stated the promises that were made have to be kept. He stated the prior administrator told the Common Council three different answers over multiple meetings how this would be paid for, and the answers weren't consistent. B. Leonard stated the meeting will have to be listened to on the tape to see what was said. M. Czubkowski stated the City has been working on this for six months and if the hookup fees are increased, residents could have an assessment of more than \$4,500. The Common Council needs to decide when the fee is triggered.

E. McAleer stated he would like to see numbers run on what a person would pay if they want to pay right now and if they pay right now, they could receive a 50% reduction. He asked if that would work and asked that it be analyzed. E. Sadowski stated \$750,000 was moved from one fund without Common Council approval; was this a criminal act and who did it? M. Czubkowski stated it was borrowed from sewer fund to the water fund and the memo was issued by Accountant Marie Williams to then-Administrator Matt Carlson and copied to DPW Director Tom Hafner. She then read the memo into the record. It was recommended by the auditors that this transfer be done. M. Czubkowski stated she is concerned that we will be in this cash flow problem each year if we don't address it.

J. Hammes addressed the sewer issue. The City's investment in sewer was \$653,000 which the City needs to collect \$353,000 through user fees or assessments. If there were an assessment to recover that amount, if done on DUE, a unit cost of \$16,809.52 per DUE. He stated part of that property on one side of Vettleson can't be developed, which counts for 37% of frontage which the City would pay for. \$10,477.38 is the new amount that would be charged after the City pays for undeveloped land. There is more flexibility for sewer because we can establish hookup fees. He recognizes a common statement made by property owners, "I don't need sewer / water" I have septic or private well. That could be true, but utilities could not be extended if it weren't for undeveloped properties. At one time or another septic could fail, which then you would need sewer. E. McAleer stated the sewer hookup fees haven't been increased for quite a while; currently at \$1,375. If increased using the construction index, the City could use some of that to offset some of the assessment. J. Hammes stated yes, that could be done. J. Krickhahn stated the Common Council did discuss backing out the cost of the asphalt because Vettleson Road was only a year and a half old when it was dug up. There was discussion about how Hirschman Lane was handled, which was a different situation.

E. McAleer suggested increasing the hookup fees, then rerunning the numbers to see if the increases will take care of the cash flow issue. M. DeYoe stated the

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fees haven't been raised since 1990, which is way too long. Del-Hart ran into the same problem with their fees. M. Court stated it's worth the discussion to see if the development or redevelopment will capture funds. J. Hammes stated if the Common Council feels the sewer report was already done, they can look at hookup fees to recoup the loss. L. Morrison stated she's lived here for 10 years, and she looked specifically for properties with sewer which is a huge benefit, even if you already have septic. She stated her quarterly bill has stayed the same for 10 years; it has to be increased along with the hookup fee. B. Leonard stated we have to look at the equity of why we are putting sewer lines in. This will be discussed during Smart Growth.

J. Hammes stated when doing special assessments, the Common Council needs to adopt a resolution then have public hearing. He stated the public hearing was not held. The City needs to follow the procedures to have a public hearing, direction the engineers to prepare the assessment report and continue on with the process. There was discussion on how to replenish the water fund, but not with special assessments. B. Leonard asked if the City can renegotiate current the development agreements. J. Hammes stated no, but new ones can be negotiated. B. Leonard asked if the radium issue taken care of. M. Czubkowski yes, but the City is required to put the radium notice sticker on the sewer bills for one year. M. Court asked for more direction on existing homes along 83 compared to vacant land; would the City we defer for existing properties or do we have special considerations. E. McAleer stated he would like to see it deferred, pay interest only or give a 50% reduction if the fee is paid right away, but he would like to see the numbers first. G. MacDougall stated we should let the property owner choose how and when they want to pay. E. Sadowski stated he would like to see the City offer a deal to those property owners, especially if the City can collect some money sooner than later. B. Leonard stated about a dozen properties backyard abuts 83, why would they have to pay too. M. Court stated those properties have access to the main also. J. Hammes stated the alternative is running the main around the property which costs more. Instead a lateral would be laid, which costs less than a main in front of the house.

*SPECIAL CITIZEN'S COMMENTS PERTAINING TO AGENDA ITEM #7E.*

John Durr, 2237-E Circle Ridge Drive, stated he is one of the 1% of residents that are in the water district and that he has been after the City to establish a residential water rate for fire protection fees. He stated he has been following the statements the City has presented the PSC each year indicating the rate of return on the investment is very favorable, more than 10%. These residents in the 1% pay the same as the commercial building. Based on his figures the rate can be reduced by half. He reviewed the costs of the radium project. He asked if the \$750,000 transfer from sewer fund to the water fund was used for capital or operating expenses. M. Czubkowski stated it was used for operating but thinks some of it was used to pay debt service. She stated she tried to call the auditor but wasn't able to reach him about this. He stated the water fund should reimburse the sewer fund if it was operating. J. Durr stated he spoke with the PSC and the City has to make the first move to reduce the rate. M. Czubkowski stated the City has not applied to the PSC yet, because the City has to resolve this issue yet. The Common Council thanked him for his comments.

Steve Selke, 1215 Hwy 83, stated he was upset when he saw the article in the paper on the waterline. When a promise is made, it should be kept, and that

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these property owners wouldn't have to ever pay for this. He stated there were 1,100 signatures on a petition, but the City used Police Powers to overturn that. The waterline was put into resolve the radium issue and for Village Square to have water access. He stated his well is fine and seems like a slap in the face to take back the promise. He stated the citizens didn't trust City government so they voted down the downtown water issue. He stated by bringing this up again, it forces distrust among the people and City government. He asked the Common Council again to keep their promise. E. Sadowski stated he will keep his word. S. Selke thanked Alderpeople Sadowski, Leonard and Krickhahn

The Common Council then went back to the regular order of business.

4. COMMITTEE REPORTS

A. LICENSES

1. BARTENDER LICENSE – 2 YEAR LICENSES TO EXPIRE JUNE 30, 2010.
  - A. TRAVIS GILBERG, SUSSEX; THE DELAFIELD HOTEL
  - B. SEAN HAMP, WAUKESHA; MARTY'S PIZZA
  - C. STEPHANIE ADAMSKI, HARTLAND; MARTY'S PIZZA
  - D. MEGAN LACH, DELAFIELD; TWIST 'N OLIVE

**J. KRICKHAHN MOTIONED TO APPROVE THE TWO-YEAR BARTENDER LICENSE(S). M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

2. "CLASS B BEER" CLASS "B" LIQUOR – 1 YEAR LICENSE TO EXPIRE JUNE 30, 2009.

- A. THE GATHERING ON HILLSIDE INC., THE GATHERING ON HILLSIDE, 3215 HILLSIDE DRIVE, ANDY HAROS, N17 W30711 WOODLAND HILL DRIVE, DELAFIELD WI, SUBJECT TO PAYING DELINQUENT LIQUOR RELATED INVOICES AND PUBLICATION FEE.

E. Sadowski stated the Common Council extended Tom Aul's license by six months and should also give Andy Haros to December 31, 2008. There was discussion about how long to grant the extension to allow time to find a buyer, because the restaurant has already been closed for six months. L. Morrison stated with Tom Aul's extension, it wasn't at a time when the license needed to be renewed, so this is a little different. E. Sadowski stated he has received phone calls that The Gathering was issuing gift certificates up to the day they closed. J. Krickhahn stated he is in favor of a one year extension. M. Czubkowski stated the license can be granted for one year, but the Common Council can bring it back in October to decide if they want to extend it longer or to start the revocation procedures. She stated revocation procedures are for non-use within a 90 day period.

**B. LEONARD MOTIONED TO APPROVE THE "CLASS B BEER" CLASS "B" LIQUOR – 1 YEAR LICENSE TO EXPIRE JUNE 30, 2009, WITH AN REVIEW BY THE COMMON COUNCIL IN 90 DAYS, FOR THE GATHERING ON HILLSIDE INC., THE GATHERING ON HILLSIDE, 3215 HILLSIDE DRIVE, ANDY HAROS, N17 W30711 WOODLAND HILL DRIVE, DELAFIELD WI, SUBJECT TO PAYING DELINQUENT LIQUOR RELATED INVOICES, PUBLICATION FEE AND IF THERE ISN'T A NEW LICENSE APPLIED FOR IN 90 DAYS, THE CITY WILL**

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**BEGIN REVOCATION PROCEDURES. SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

B. PLAN COMMISSION – (MINUTES OF JUNE 25, 2008)

1. SMART GROWTH UPDATE – CHAPTER 4, COMMUNITY FACILITIES & UTILITIES AND CHAPTER 8 – TRANSPORTATION FACILITIES ELEMENT.

M. Czubkowski stated the Plan Commission discussed Chapters 4 and 8. The Plan Commission had a very good discussion about utilities and the need to get them on a map. She announced the Plan Commission will have a public hearing on July 23 on the Downtown Plan. If time allows after the hearing, the Plan Commission will discuss Smart Growth. B. Leonard stated the Plan Commission has scheduled extra Plan Commission meetings to discuss Smart Growth because it is too hard for the Plan Commission to discuss it after getting through the rest of the agenda, late at night. She stated the Plan Commission will also discuss during Smart Growth the long range sewer policies. E. McAleer stated the sewer service plan needs to be redefined and will be discussed at Plan Commission.

2. DISCUSSION AND ACTION ON THE EXTRATERRITORIAL CERTIFIED SURVEY MAP FOR MICHAEL SOUTHARD, MAPLE AVENUE, TOWN OF DELAFIELD.

**B. LEONARD MOTIONED TO APPROVE EXTRATERRITORIAL CERTIFIED SURVEY MAP FOR MICHAEL SOUTHARD, MAPLE AVENUE, TOWN OF DELAFIELD, SUBJECT TO CITY ENGINEER APPROVAL. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. DOWNTOWN PLAN PUBLIC HEARING SCHEDULED FOR WEDNESDAY, JULY 23, 2008 AT 7:00 P.M. AT CUSHING ELEMENTARY SCHOOL.
4. PLAN COMMISSION SCHEDULED EXTRA MEETINGS TO DISCUSS SMART GROWTH: JULY 23, 2008 AFTER PUBLIC HEARING IF TIME PERMITS, WEDNESDAY, AUGUST 13, 2008 AND WEDNESDAY, SEPTEMBER 10, 2008.

C. LAKE WELFARE COMMITTEE

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

The next Lake Welfare Committee meeting will be held on July 9, 2008 at 7:00 P.M.

D. PARK AND RECREATION COMMISSION – (MINUTES OF JUNE 23, 2008)

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

E. Sadowski stated he was absent for the last meeting. L. Morrison asked why the nature preserves looks like the foliage is killed off. M. Czubkowski stated she will find out. B. Leonard mentioned the use of nature preserve and allowing dogs; she is concerned that it will be Dog Park with no fencing. M. Czubkowski dogs have to be on a leash. E. Sadowski stated the City has grants from the DNR for that, but there are rules to follow.

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The next Park and Recreation Committee meeting will be held on July 28, 2008 at 7:00 P.M.

2. RECOGNITION OF PARK AND RECREATION COMMISSION OFFICERS - CHRIS SMITH – CHAIR; JULIE KITA - VICE CHAIR; DAVID BRABSON - SECRETARY.

E. Sadowski stated the new officers were elected and all remain the same.

3. RECOMMENDATION FROM PARK & RECREATION COMMISSION TO ACCEPT TREE DONATION FROM LANG AND APPROVE STAFF'S FINAL LOCATION AND SPECIES OF THE SAME.

M. Czubkowski stated tree planting recommendation was accepted by the Park and Recreation Commission.

E. PUBLIC WORKS COMMITTEE

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

City Engineer Mike Court presented the speed study results for Nagawicka and Vettleson. The speed study shows no warrant for reduction in speed, but it showed the speed could be increased. The Public Works Committee is recommending maintaining the current speed limits. The speed study was conducted silently with a hose, and also with the speed trailer. M. Czubkowski stated there is no recommendation to Common Council because there is no change in the speed limits. She also stated the amount of speeders is very insignificant. M. Court stated the City has four weeks worth of traffic counts. The Police Department put out the speed trailer which causes speeds to reduce because when you are speeding past the trailer, your speed flashes at you. That trailer was out for about one week. He stated his hope is when Nagawicka Road is repaved, the reduction of the lane width by pavement markings reduces speed. He stated Yaggy Colby is doing that for their own study. J. Krickhahn asked for a copy of the report. M. Czubkowski stated staff will email the summary page to the Council member. M. Court stated it was recommended by the Public Works Committee to add one sign on eastbound Vettleson Road and move the other speed limit sign closer to the municipal boundary. The Public Works Committee felt there is enough signage. M. Court also reported the Public Works Committee is reviewing the assessment policy and is moving forward. They formed a sub-committee of three people and want to include the new Administrator for his experience with this. G. Gresch stated the Public Works Committee also wants to go paperless.

F. DEL-HART COMMISSION – (MINUTES OF JUNE 17, 2008)

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

Gerry MacDougall stated Alderperson DeYoe was elected Chairperson of the Del-Hart Commission. The sulfide mitigation project has been completed. The final invoice less 10% was paid. The rest will be paid when the project is completed. Also, Del-Hart received a 4.0 rating on the annual report, which DPW Director Hafner mentioned at the last meeting.

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The next Del-Hart Commission meeting will be held on July 15, 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

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

The next Library Board meeting will be held on Tuesday, July 8, 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. G. MacDougall stated the next meeting has not been set up yet.

J. BOARD OF ZONING – (MINUTES OF JUNE 26, 2008)

1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.
2. JUNE 26, 2008 HEARING DETERMINATIONS:
  - A. DELC 0794.983 - APPEAL FOR PROPOSED DETACHED GARAGE AT 211 S CUSHING PARK ROAD – APPROVED
  - B. DELC 0797.954 - APPEAL FOR PROPOSED REBUILDING OF UTILITY GARAGE AT 203 WOODS DRIVE – APPROVED

G. MacDougall stated the next meeting will be July 24, 2008 if it is needed.

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 Committee met July 1, 2008 and discussed further strategic planning, which is moving along well. The Chamber sent out surveys and the amount of people that responded is dismal. The Block Party was very big success. Also the Harley Davidson parade that comes through Delafield should be approved by the Common Council and the Police Department should be aware of this. G. Gresch stated the Common Council approved this last month and the Police Department is aware of the Harley Ride.

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

L. Morrison stated representatives from St. Johns spent time at the Block Party. The subcommittee had long discussion about what St. Johns' involvement should be in the next Block Party and the City's 50<sup>th</sup> Anniversary party. The subcommittee is looking for St. John's to tell them how involved they want to be. The next subcommittee meeting is Tuesday, August 5, 2008.

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L. SIGN REVIEW COMMITTEE

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

M. Czubkowski thanked downtown businesses for being cooperative in removing their signs and commended for following the rules.

M. CITY OF DELAFIELD 50<sup>TH</sup> BIRTHDAY CELEBRATION

1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.
2. NEXT MEETING SCHEDULED FOR TUESDAY, JULY 8, 2008 AT 3:30 P.M. AT AMERICAN LEGION.

N. LAKE COUNTRY FIRE DEPARTMENT EXPANSION COMMITTEE MEETING – (MINUTES OF JUNE 24, 2008)

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

G. MacDougall stated the Committee is still working on numbers for financial formula. The meetings are now limited to two hours. The Committee will review the findings, expectations, budget, equipment replacement and existing merger agreement at the next meeting.

2. NEXT MEETING SCHEDULED FOR THURSDAY, JULY 10, 2008 AT 7:00 P.M. AT NASHOTAH VILLAGE HALL.

5. OLD BUSINESS

- A. DISCUSSION AND ACTION TO ADOPT RESOLUTION 2008-26, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELAFIELD REQUESTING WAUKESHA COUNTY TO CONSIDER MAKING INFRASTRUCTURE IMPROVEMENTS TO CTH “C” IN EXCHANGE FOR THE CITY ACCEPTING A JURISDICTIONAL TRANSFER FOLLOWING SAID IMPROVEMENTS

M. Czubkowski stated this resolution is for the Genesee Street Bridge. G. MacDougall asked about the limited flow that goes through the culverts and putting a span in. He stated item #3 in the resolution doesn't say the City is requesting that. L. Morrison asked that this item be postponed to the next Common Council meeting so DPW Director Hafner and Alderperson Miskelley can be present. E. Sadowski asked if the City Attorney reviewed the resolution yet. M. Czubkowski stated, not yet, as the attorney was out of town.

- B. DISCUSSION OF CAPITAL ITEM FINANCING.

M. Czubkowski stated she asked Accountant Marie Williams to provide the Common Council with a list of what capital items the City is borrowing for through the upcoming borrowing that has a life of 20 years or more. She also stated some of the items that are to be approved do not have 20 year life, but need to be budgeted for, which she feels the General Fund will be able to fund.

- C. RESCIND RESOLUTION 2004-25 (NEMAHBIN ROLLER MILL DAM)

G. MacDougall stated he has received calls about this and would like this postponed to the August 4, 2008 Common Council meeting.

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6. MAYOR'S REPORT

No report.

7. NEW BUSINESS

A. DISCUSSION AND ACTION TO ADOPT RESOLUTION NO. 2008-22, INITIAL RESOLUTION AUTHORIZING NOT EXCEEDING \$675,000 BONDS OF THE CITY OF DELAFIELD.

Phil Cosson with Ehlers and Associates was present and reviewed the 2008 Financing Options for Municipal Facilities with the Common Council. He reviewed the City's existing debt and what items could and should be refinanced. He also reviewed the allocation of the 2001 issue and that the City is refinancing for the park acquisition because of affordability, which will avoid spikes in the Debt Service tax rate. He then reviewed the financing plans, the City's current debt service and what Debt Service would look like if there is no additional debt. He also reviewed financing as non-bank qualified and bank qualified. Bank qualified is a better financing option which the Finance Advisory Board and staff recommended. P. Cosson reviewed the financing plans with the Common Council and how borrowing affects the tax rate. Being bank qualified and breaking up the issues keeps the tax more stable than doing one bond issue for everything. He stated we have four separate resolutions that show exactly what we are borrowing for. There was discussion out reissuing the park bond and that the City is paying the same amount of principal, just over a long period of time, with potentially a higher interest rate. M. Czubkowski stated this is a very conservative approach.

B. Leonard asked what the water revenue projection is assuming. P. Cosson stated its projected to gain about \$25,000 per year. If the water utility cannot make that payment, the levy would pick up that share of it, but there would be a "due to" the General Fund from the water utility. He stated he is not sure if the water fund can make the payment after what he heard earlier tonight. He also reviewed the 25 year bond buyer index. Rates are not at the 35 year low, but the current rates are not far from that. He stated the resolutions give Ehlers authorization to prepare the sale documents; which the sale will occur on August 18, 2008. At that meeting, he will present final rates, the bidders and the winning bid. G. MacDougall asked if Ehlers fee will be paid for by the interest earned. P. Cosson stated that is correct.

E. Sadowski asked about reissuance for the parks. He stated the park will be paid off in 2011 and then the City owns the park. He is asked why we would refinance the park to pay it over 10 more years instead of four, at a possible interest rate. E. McAleer stated it is being done like to avoid spikes in the tax rate. J. Krickhahn stated if we didn't do this, the tax rate would be up more than \$1.21. B. Leonard stated she views it as a piece of real estate which appreciates. E. Sadowski stated he sees that in four year the City will own it and will not pass on debt to future taxpayers.

B. Leonard asked about the financing for 2008 and 2009 with relation to the buildings. If the City is having work done for both properties, how will the City pay for the Downtown campus when we didn't borrow the money for it yet? E. McAleer stated the City will not be billed for the downtown campus work until next 2009.

**L. MORRISON MOTIONED TO ADOPT RESOLUTION NO. 2008-22, INITIAL RESOLUTION AUTHORIZING NOT EXCEEDING \$675,000 BONDS OF THE CITY OF DELAFIELD, FOR THE PUBLIC PURPOSE OF LAYING OUT, OPENING AND**

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**WIDENING STREETS AND PROVIDING STREET IMPROVEMENTS. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED BY ROLL CALL VOTE.**

**ALDERPERSON JEFF KRICKHAHN: YES  
ALDERPERSON BETH LEONARD: YES  
ALDERPERSON ERV SADOWSKI: YES  
ALDERPERSON MICHELE DEYOE: YES  
ALDERPERSON GERRY MACDOUGALL: YES  
ALDERPERSON LYNN MORRISON: YES**

- B. DISCUSSION AND ACTION TO ADOPT RESOLUTION NO. 2008-23, INITIAL RESOLUTION AUTHORIZING NOT EXCEEDING \$135,000 BONDS OF THE CITY OF DELAFIELD.

**M. DEYOE MOTIONED TO ADOPT RESOLUTION NO. 2008-23, INITIAL RESOLUTION AUTHORIZING NOT EXCEEDING \$135,000 BONDS OF THE CITY OF DELAFIELD, FOR THE PUBLIC PURPOSE OF PROVIDING PARKS AND PARK IMPROVEMENTS. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED BY ROLL CALL VOTE.**

**ALDERPERSON JEFF KRICKHAHN: YES  
ALDERPERSON BETH LEONARD: YES  
ALDERPERSON ERV SADOWSKI: YES  
ALDERPERSON MICHELE DEYOE: YES  
ALDERPERSON GERRY MACDOUGALL: YES  
ALDERPERSON LYNN MORRISON: YES**

- C. DISCUSSION AND ACTION TO ADOPT RESOLUTION NO. 2008-24, INITIAL RESOLUTION AUTHORIZING NOT EXCEEDING \$860,000 BONDS OF THE CITY OF DELAFIELD.

**L. MORRISON MOTIONED TO ADOPT RESOLUTION NO. 2008-24, INITIAL RESOLUTION AUTHORIZING NOT EXCEEDING \$860,000 BONDS OF THE CITY OF DELAFIELD, FOR REFINANCING THE PARK ACQUISITION. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED BY ROLL CALL VOTE.**

**ALDERPERSON JEFF KRICKHAHN: YES  
ALDERPERSON BETH LEONARD: YES  
ALDERPERSON ERV SADOWSKI: NO  
ALDERPERSON MICHELE DEYOE: YES  
ALDERPERSON GERRY MACDOUGALL: YES  
ALDERPERSON LYNN MORRISON: YES**

- D. DISCUSSION AND ACTION TO ADOPT RESOLUTION NO. 2008-25, RESOLUTION DIRECTING THE ADVERTISEMENT AND SALE OF GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2008, OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,925,000.

L. Morrison asked if the amounts in the resolutions all balance. P. Cosson stated yes they do.

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**E. SADOWSKI MOTIONED TO ADOPT RESOLUTION NO. 2008-25, RESOLUTION DIRECTING THE ADVERTISEMENT AND SALE OF GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2008, OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,925,000. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED BY ROLL CALL VOTE.**

<b>ALDERPERSON JEFF KRICKHAHN:</b>	<b>YES</b>
<b>ALDERPERSON BETH LEONARD:</b>	<b>YES</b>
<b>ALDERPERSON ERV SADOWSKI:</b>	<b>YES</b>
<b>ALDERPERSON MICHELE DEYOE:</b>	<b>YES</b>
<b>ALDERPERSON GERRY MACDOUGALL:</b>	<b>YES</b>
<b>ALDERPERSON LYNN MORRISON:</b>	<b>YES</b>

1. 2008-2009 PROPOSED FINANCING PLAN

Please see above discussion on pages 11 through 12.

E. DISCUSSION OF SPECIAL ASSESSMENTS FOR WATER AND SEWER, STH 83 AND VETTLESON ROAD

1. WATER
2. SEWER

Please see discussion on pages 2 through 6.

F. DISCUSSION AND ACTION TO ADOPT ORDINANCE NO. 590, AN ORDINANCE REPEALING AND RECREATING SECTION 5.07(5) OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD RELATING TO EMERGENCY AMBULANCE SERVICE.

Fire Chief Jack Edwards was present and stated the City reviews the ordinance fees every couple of years. He compared fees and level of service. Almost all departments that he surveyed are in process of reviewing their own fees. If Ordinance 590 is adopted, the City of Delafield will be a little higher than other departments in the area, but those departments will be raising their rates also. M. Czubkowski stated we should do this now and is good to review fees on annual basis. J. Edwards stated the City last raised ambulance fees in 2006. L. Morrison asked about collections and if we are we making headway. J. Edwards stated the department is now doing itemized billing and collections are showing improvement; he will keep an eye on this. He stated the only payment we accept a lesser amount is Medicare and we have to accept the rate that they give.

**E. SADOWSKI MOTIONED TO ADOPT ORDINANCE NO. 590, AN ORDINANCE REPEALING AND RECREATING SECTION 5.07(5) OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD RELATING TO EMERGENCY AMBULANCE SERVICE. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

G. ACCEPTING CREDIT CARD PAYMENTS WITH OFFICIAL PAYMENTS SERVICE.

G. Gresch updated the Common Council on the credit cards. She stated we received an email from Official Payments about using the credit card swiper. Our options are as follows: Option 1 – We can use the swiper, but we cannot accept VISA. All users

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will be charged a flat rate of 2.75%. Option 2 – We can accept VISA, but then we can't use the swiper. But then, the users will be charged different fees, based on ranges of fees. For example: Parking, Warrants and Ordinance Violations will have a flat fee of \$5 for payments up to \$300. Then, if the payment is higher than \$300 but less than \$600, they will be charged an additional \$5, and so on. Also, for City Hall fees if we accept VISA, we could take credit cards for Fish Hatchery reservations, which would cost the user \$6.95 for payments up to \$500. People normally pay for their reservation first, then their security deposit a few days before they use the building. That would cost the user \$13.90 in fees if they used VISA, rather than 2.75% if they used another card. Another example is wood chips. The user would pay \$3.00 using VISA instead of \$1.10 using another card. Utility Payments would cost the user \$6.95 if they used VISA instead of \$2.47. G. Gresch stated she and her staff recommend using the swiper if the departments want it, not accepting VISA and charging 2.75%.

B. Leonard stated these charges punish the user. G. Gresch stated this is a user fee and people are asking that we take credit card payments. There was discussion among the Common Council members about what people would use their credit card for to pay for City fees. E. Sadowski stated by doing this, the City is allowing more people to pay the way they want to, which is a convenience for them, which most people don't mind paying for.

**E. SADOWSKI MOTIONED TO ACCEPT CREDIT CARD PAYMENTS OPTION 1 – 2.75% FLAT FEE FOR ALL CHARGES AND TO NOT ACCEPT VISA, DUE TO VISA'S CONDITIONS, ALLOW THE POLICE DEPARTMENT TO PURCHASE THE CREDIT CARD SWIPER, SUBJECT TO CITY ATTORNEY REVIEW OF CONTRACT. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

H. DISCUSSION AND ACTION ON THE YAGGY COLBY PROPOSAL FOR ENVIRONMENTAL ENGINEERING SERVICES – CITY HALL CAMPUS.

City Engineer Jim Romanowski stated he has reported to the DNR the soils and now the City has to conduct an environmental investigation for the petroleum spill behind City Hall on Division Street and Oneida Street. This investigation could result in cleanup action depends on where the contamination is. H also stated PECFA fund is being slowly eliminated but some of these costs, up to \$10,000, may be covered by the PECFA fund. M. Czubkowski stated the City acquired that property in the late 1990's and at that time, completed a Phase One study. It was recommended to do a Phase Two study, which was not done at that time. This is the Phase Two study.

**J. KRICKHAHN MOTIONED TO APPROVE THE YAGGY COLBY PROPOSAL FOR ENVIRONMENTAL ENGINEERING SERVICES – CITY HALL CAMPUS, NOT TO EXCEED \$28,280, AND THAT THESE FEES DO NOT BE TAKEN FROM THE REFERENDUM MONEY. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

8. REPORT OF CITY OFFICIALS

A. ADMINISTRATOR

I. EMERGENCY PREPAREDNESS

M. Czubkowski stated we had our first experience in emergency management with the flooding last month. She complimented Fire Chief Edwards and DPW Director Hafner for how they handled that situation. She stated our staff is

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being trained in Emergency Management and that it is important that the Common Council members get additional training.

Fire Chief Jack Edwards stated emergency preparedness revolves around the Incident Command Center and that NIMS has the ability to handle small incidents which the City uses on daily basis. It has the ability to expand as it needs to, as the incidents get larger. He stated certain City officials are required to have NIMS training, but he recommends that all Common Council members have the minimal training, which can be done online. The training can be done online or at the Fire Station together. After training is completed, he would like to do a tabletop exercise to run through a major incident that we would all be involved with. The flooding was significant and it showed how emergency management works. M. Czubkowski stated the training is very interactive and it quite interesting and ends with a test. She stated Tom Hafner would like to do a tabletop with an oil spill. J. Edwards stated we do have many major roadways and railroad that many things go through there that we would never want to tip over. B. Leonard asked how long they take. J. Edwards stated about two hours. M. DeYoe stated she would like this training so they know what the role of the Common Council member is. She also asked for a timeframe to complete this. J Edwards stated he doesn't have a specific timeframe, but will give about a month's notice before he holds the tabletop exercise. He recommends the Common Council members complete the introductory levels 700 and 800.

- II. DISCUSSION AND ACTION TO AUTHORIZE YAGGY COLBY TO PROVIDE DOCUMENTATION TO THE DNR FOR THE CONVERSIONS FOR THE STEWARDSHIP AND LAWCON GRANTS, IN AN AMOUNT NOT TO EXCEED \$3,000.

M. Czubkowski stated she doesn't need action on this and reported that she authorized Yaggy Colby to provide the City with this information. She stated the costs are not to exceed \$3,000. The DNR came to the office last week and asked that the City finish the Lawcon Grant. She stated she provided four legal descriptions to the DNR and that she has to notify the DNR by memo or letter that the portion of Cushing Park for a library will no longer be used for that purpose.

- III. WELL #2 WELLHEAD PROTECTION PLAN UPDATE.

M. Czubkowski stated the DNR gave us a timeline and a date for completion the Well #2 Wellhead Protection Plan. The City negotiated with EarthTech to do the work and that they submitted the documentation to the DNR in a timely manner.

- III. PUBLIC SAFETY CAMPUS AND DOWNTOWN CAMPUS BUILDING PROGRESS REPORT.

B. Leonard stated the New Building Oversight group met with Bray, Mortenson and staff during a kick-off meeting. During the meeting, discussions took place about the complete overview of project and timeline, possibly bidding in February 2009 and finishing the Public Safety Campus in November 2009. The group met again on July 2, 2008 and reviewed schematic design and document schedules. They also discussed the approval process and possible joint Plan Commission and Common Council meetings to move the process along. The

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group agreed that Plan Commission will look at exterior of project rather than the floor plans, which will be done at staff level with department heads. Bray and Mortenson both intend to stay on budget. Also discussed were facility tours on July 9 for the Police and Fire Departments. July 17, 2008 is the next meeting and will have regular bi-weekly meetings. She also stated that one of the biggest issues is that the police will have to stay where they are at until they have a building to go to because they are the most difficult department to relocate due to their equipment and technology. She stated the group is looking into potentially moving some of the Fire Department equipment into the DPW garage so that the teardown of City Hall can happen sooner. Also, City Hall and the Library will have to lease space. J. Krickhahn stated the Library Board is appointing a committee to look at that very issue, at their meeting tomorrow night. She stated there was much discussion of the Fire Department relocation and the room that is needed for their equipment. E. McAleer stated he is taking a tour of the Nashotah Firehouse on July 9 to see if we can share space. B. Leonard stated Bray is using the Plan B drawings as the starting point and meeting with department heads for their layout needs. G. MacDougall stated he is concerned about changing the size and layout, because that is where things can go over budget. E. McAleer stated Bray knows the square footage is locked in so that won't be an issue. B. Leonard stated Bray and Mortenson are also looking at building shapes and sizes, single story vs. two stories. M. Czubkowski stated it is great to see the departments this enthusiastic about the project.

IV. DISCUSSION ON INCREASING CITY CONNECTION FEES.

M. Czubkowski stated City's current sewer connection fee of \$1,375 per DUE has not been updated since 1990. The estimated calculated costs per DUE at this time are \$4,243 When the Construction Cost Index for May 2008 is applied to the current sewer connection fee (as of January 1990), the adjusted cost is \$2,529. In comparison Del-Hart charges remained constant at \$1,200 until August 29, 2000 when they increased to \$1,700. They increased to \$3,657 in 2006, to \$3,796 in 2007, and to \$3,914 in 2008. She stated she would rather see the connection fees increase than user fees. E. McAleer stated Del-Hart as worked hard to keep their fees on an even basis. M. Czubkowski stated she will come back with comments about the sewer connection fees to the next meeting. She stated the current ordinance will have to be amended to allow this increase. She asked the Common Council if they wanted to do this at the next Common Council meeting or wait until after the discussion about special assessments. Common Council agreed to discuss the amended ordinance at the next Common Council meeting.

V. RECEIVED CORRESPONDENCE FROM WPPA FOR DPW AND PD CONTRACT NEGOTIATIONS

M. Czubkowski stated the City has received correspondence from WPPA for the DPW and Police Department union contract negotiations.

VI. AUTHORIZE CITY ADMINISTRATOR TO NEGOTIATE WITH DEL-HART FOR LONG TERM LEASE

M. Czubkowski stated that there could still be some interest from Del-Hart in a lease instead of a purchase. She asked the Common Council if they would like her to negotiate with Del-Hart if they want to reconsider. Common Council

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members agreed so that the Administrator doesn't have to come back to Common Council if and when that time comes.

B. CLERK-TREASURER

G. Gresch stated Kontney Services has received five of the eight laptops. The other three are on backorder due to a battery issue. She also stated she would like to set up a training session for the laptops and City email, possibly for a Thursday.

C. COUNCIL REQUESTS OF FUTURE AGENDA ITEMS.

E. Sadowski requested the \$750,000 inter-fund borrowing be on the next agenda and that the City attorney review this transfer for its legality.

9. FINANCIAL REPORT

A. APPROVE VOUCHER LIST.

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

10. CORRESPONDENCE

- A. LETTER FROM DNR REGARDING THE NATIONAL FLOOD INSURANCE PROGRAM.
- B. JUNE FOCUS NEWSLETTERS
- C. LETTER FROM TIME WARNER CABLE REGARDING TIME WARNER CABLE'S COMMON STOCK.
- D. LETTER FROM WAUKESHA COUNTY EMERGENCY MANAGEMENT REGARDING PAYMENT TO CITY OF DELAFIELD FOR FEMA SNOW EMERGENCY.

E. McAleer reviewed the correspondence with the Common Council members. L. Morrison asked about the FEMA assistance letter. M. Czubkowski stated the City received money for the snow emergency. L. Morrison asked that the letter from the DNR regarding the National Flood Insurance Program be on the next Common Council agenda for discussion.

11. ADJOURNMENT

**E. SADOWSKI MOTIONED TO ADJOURN THE JULY 7, 2008, COMMON COUNCIL MEETING AT 10:07 P.M. B. LEONARD 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