

**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 21, 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.  
Ron Miskelley, Ald.  
Tim Schuenke, Administrator  
Gina C. Gresch, Clerk-Treasurer

Absent

Also Present:

Judge C. Michel Hausman  
Attorney Jim Hammes

**PRESENTATION BY JUDGE C. MICHAEL HAUSMAN, "STATE OF THE CITY".**

Judge C. Michael Hausman was present and stated he likes to give a presentation about the City's Municipal Court system every couple of years. Moving Municipal Court to the Fish Hatchery has worked very well, especially now that there is a Court Clerk. Court meets on the second Monday of the month. Municipal Court averages 2,100 cases per year. In 2006, Municipal Court collected over \$100,000 and in 2007 collected over \$125,000. Current expenses are about \$10,500 for the Court Clerk and about \$9,000 for the judge. With regards to trials, when scheduling, the officer's appearances are scheduled when they are on duty, so overtime is not incurred. On the average, there may be 25-30 trials per year. He reviewed how trials are set up for adults and juveniles. Municipal Court has terrific cooperation from the Police Department. He also stated he will be making a request for money for court software. Per the Supreme Court, Municipal Courts must keep separate records from the City and Police Department, which could be about \$1,000 for software. E. Sadowski thanked him for the good job and good report.

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 JULY 7, 2008 COMMON COUNCIL MEETING.

L. Morrison commented that she finds it disturbing to find the report on sewer and water that is in the packet to be in the paper the Saturday before the meeting. E. McAleer stated he disagrees; the community needs to see this information so that they can come to the meeting prepared. L. Morrison stated the community is getting conclusions from the paper and it looks like the Common Council is rubber stamping things. E. McAleer stated it's important for people to see what the Common Council is doing. L. Morrison stated people shouldn't see information in the paper before the Common Council members get their information. G. MacDougall stated he doesn't mind reading what they are going to talk

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about, but some articles are coming across that city officials are telling the paper what is going to happen at the meeting. E. McAleer stated the article reports what is being proposed. Also, that is why there is a citizen's comments section after that item on the agenda, for extra comments after the Common Council's discussion. G. MacDougall stated he agrees with L. Morrison; people shouldn't be drawing conclusions from the newspaper before the Common Council meets. Also, a Common Council member shouldn't read in the paper how he or she thinks before they know what they think. M. DeYoe stated it is very easy to say "no comment" if you are not comfortable talking to the press.

**G. MACDOUGALL MOTIONED TO APPROVE THE JULY 7, 2008 COMMON COUNCIL MEETING MINUTES AS PRESENTED. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED WITH ONE ABSTENTION BY R. MISKELLEY.**

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

None.

CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA.

Jim Nelson, 604 St. John's Drive stated he is here about concerns that he and his neighbors have about the proposed fishing pier. He and his neighbors have never been noticed about it and would like to be a part of the process because it will have an impact on the neighboring property owners. Installing the fishing pier could cause a problem with the traffic and parking. Church Street should only be used by the police for the boat and ambulance, which is where people are parking now. He would like to have input on the structure because it will definitely impact his property, traffic, trash collection and hours of use. E. McAleer stated it was in the budget for 2008, which was adopted in 2007. There were further comments about when the fishing pier project was put in the budget. E. Sadowski commented on the pier's placement, that the City has been working with the DNR. The pier will be closer to the middle of the bay, which the DNR has control of. He also stated the City will work with the Police Department on parking signage and keeping the traffic down. The pier will be handicapped accessible and boat docking will not be allowed. He suggested J. Nelson work with L. Morrison on signage for the area.

Cindy Ream, 700 St. John's Drive stated she has the same concerns as J. Nelson. She asked for further clarification on how the pier will be accessed by handicapped people. E. Sadowski stated the path to the pier will be gravel and that he doesn't think there is money in the budget for cementing it this year, but maybe in the future. C. Ream also stated she was surprised about this project and concerned about parking and noise. She stated she was told St. John's Bay was going to be a low impact area.

Marty Worden, 2920 Oakwood Road stated he lives across the street from Oakwood Park. He spoke at the Park and Recreation Commission's last meeting, which the committee suggested he come to Common Council about the parking lot/road issue. He understands City budgeted about \$50,000 for development of the park and that he doesn't agree how some of the money is being spent. Why does the City want to spend extra money for a parking lot when there isn't a developed park yet? The land has been agricultural for years and will have wildflowers on it next year. He questioned the wisdom of spending more money for a parking lot for no good reason. E. Sadowski stated City purchased the parkland nine years ago. The proposed temporary road went before the Public Works Committee. The Public Works Committee recommended making it a permanent road. He stated there will be surveys about what people will want to see at the park. He reiterated that the road will be a permanent

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gravel surface to let people into the park. M. Worden stated he doesn't see the need for a parking lot without having any facilities. Putting a parking lot in an empty park won't make people use it.

Jim Behrend, 757 Garrison Court spoke about the utility fund difficulties. He stated if the City is going to allow development then everything should be on utilities. He is impressed with sewer and water going to STH 83 & STH 16, however it is distressing to him that transfers were made without authorization. He did send an email to former administrator about a year ago suggesting that the City should find a way to fund this improvement for residents that don't need access to it so they are not charged, using Fund Balance. The City had to seed Del-Hart with Fund Balance money and Del-Hart has been a benefit to everyone. He agrees that property owners should not have to pay for a utility line in front of your property that they will not need. He stated he disappointed that water didn't come to downtown. If the City will have future extensions of utilities that are appropriate, the City will need a long term policy for that. Also, the City should do a study about the hookup fees.

Cate Rahmlow, 2415 Oakwood Road stated she lives adjacent to Oakwood Park on the western edge. She has gone on record supporting land being used as a park but she has concerns about it and wants them addressed. She reviewed her history with the City and Recreation projects. There were concerns brought up five years ago about the park plan that were never resolved. She asked if taxpayers willing to pay for development, maintenance and activities at a park that serves the larger region. What recreation groups, parent association or other organizations are willing to step forward to build and maintain the park? There were further comments about the proposed road/parking lot. C. Rahmlow stated DPW Director Hafner's memo states the costs could go over by \$24,000. The City should wait and bid it out next year and updated the five year old Park Plan. She made further comments about the Park and Recreation Commission doing research on what organizations will use the park and what people want to see in the park. She stated she would like to see the Park and Recreation Commission come back to Plan Commission or Common Council with answers to these questions. The Common Council shouldn't feel pressed into going over budget because Payne & Dolan is in the area doing paving.

**E. SADOWSKI MOTIONED TO CLOSE CITIZEN'S COMMENTS AT 7:38 P.M. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. CONSENT AGENDA

A. CITY OF DELAFIELD LAPTOP POLICY.

G. Gresch reviewed the policy with the Common Council. B. Leonard asked if the Attorney's change was already incorporated into the policy. G. Gresch stated yes it has.

**R. MISKELLEY MOTIONED TO APPROVE THE ITEMS ON THE CONSENT AGENDA. L. MORRISON 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. KELLY RICHARDS, WALES; MARTY'S PIZZA
  - B. JAMIE BEEN, NORTH PRAIRIE; NOODLES & COMPANY
  - C. THOMAS WILLICOMBE, HARTLAND; APPLEBEES

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G. Gresch stated all background checks came back clear.

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

B. PLAN COMMISSION

1. DOWNTOWN STREET LAYOUT PLAN PUBLIC HEARING SCHEDULED FOR WEDNESDAY, JULY 23, 2008 AT 7:00 P.M. AT CUSHING ELEMENTARY SCHOOL. PLANS ARE AVAILABLE ON THE CITY'S WEBSITE.
2. 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 17, 2008.

B. Leonard reported on the scheduled meetings. E. McAleer stated he added signage as recommended by the Sign Committee to Wednesday night's agenda. E. Sadowski encouraged anyone that has concerns about the street layout to come to the meeting so City officials can hear Citizen's input.

C. LAKE WELFARE COMMITTEE – (MINUTES OF JULY 9, 2008)

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

L. Morrison stated the Committee met on July 9. The DNR has had the Chapter 30 Permit for 45 days and they should be making a ruling on it by September. L. Morrison reported on the Committee's election of officers. E. McAleer suggested the Lake Welfare Committee discuss future developments stormwater ponds. L. Morrison stated she had a conversation with DPW Director Hafner about that. The City has a good system and the last flooding was an unusual event. Some ponds are not ready to retain water right from the beginning of construction. The pond won't work until the grass grows and other items are completed. DPW Director Hafner is a very good resource for stormwater ponds. B. Leonard stated the only option to keep dirt from running into the lake from a field is to do buffer strips along farmer's fields so there is a barrier until some plantings grow.

2. RECOGNITION OF LAKE WELFARE COMMITTEE OFFICERS – KENT ATTWELL – CHAIR AND GAYLE GABORSKY - VICE CHAIR.

D. PARK AND RECREATION COMMISSION

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

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

E. PUBLIC WORKS COMMITTEE – (MINUTES OF JULY 2, 2008 – CORRECTED)

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

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R. Miskelley questioned what was changed in the last Public Works Committee minutes. G. Gresch stated the original minutes indicated signs were going to be added not moved, which the minutes should reflect the opposite.

The next Public Works Committee meeting will be held on August 6, 2008 at 7:00 P.M.

F. DEL-HART COMMISSION – (MINUTES OF JULY 15, 2008)

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

M. DeYoe stated the sulfide mitigation project almost done. Del-Hart has started their 2009 budget. Also it was brought to the attention the City of Delafield and Village of Hartland DPW Directors that residents are running their sump pumps lines into the sanitary sewer and that can't happen and asked the DPW Departments to help identify those residences that are doing that.

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 JULY 8, 2008)

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

J. Krickhahn stated Mary Schuman and Carol McAllister resigned from the Friends of the Library after nine years of service. He thanked them for their time they served. The Friends Group will have their annual meeting on August 12, just before the Library Board meeting. He encouraged people to attend and to become a Friend of the Library. E. Sadowski stated he signed up at the Hawks' Inn fundraiser and asked how many others signed up that night. J. Krickhahn stated there are 27 people Charlotte Hall will be contacting about from that night's signup. Also the Library Board has started a wish list for fundraising for the new library. When the Friends are active, their fundraising efforts will have some direction. The Library Board also asked Bray Architects to come to next Library Board meeting

The next Library Board meeting will be held on August 12, 2008 at 6:00 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. 2009 BUDGET TIMELINE.

G. MacDougall stated the City has started the 2009 budget process. October 6 is the "Show and Tell" meeting. He encouraged the public to attend the public meeting where the capital improvement projects are being discussed (Public

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Works Committee & Plan Commission). This is where the public's input is needed.

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.

K. PROMOTIONAL AND TOURISM COMMITTEE

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

The next Promotional and Tourism Committee meeting will be at the Fish Hatchery at 7:00 A.M. on August 5, 2008.

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

There was nothing to report at this time.

L. 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. CITY OF DELAFIELD 50<sup>TH</sup> BIRTHDAY CELEBRATION – (NOTES OF JULY 8, 2008)

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

E. Sadowski reviewed the calendar of events and reported the group is working on a historical book with Rose Wyssling, Lake Country Publications and the Hartland Sportsman Club. The book should be available for a pre-order during the holidays. Hard cover books will be donated to the Library and soft cover books will be sold.

The next meeting of the City of Delafield 50<sup>th</sup> Birthday Celebration Committee will be on August 26, 2008 at 3:30 P.M.

N. LAKE COUNTRY FIRE DEPARTMENT EXPANSION COMMITTEE MEETING – (MINUTES OF JULY 10, 2008)

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

G. MacDougall stated the committee is moving along well and to keep discussion going, the committee agreed to conceptually approve the funding formula. The formula divides the cost of the operating costs based on the 2007 budget. The funding formula minimizes the changes in each municipality's budget. The funding formula isn't set in stone and it could change more. He also reviewed the community expectations.

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The next Lake Country Fire Department Expansion Committee meeting will be at Nashotah Village Hall at 7:00 P.M. on August 7, 2008.

5. OLD BUSINESS

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

Attorney Jim Hammes stated on the agenda is the adoption of a resolution to rescind an earlier resolution regarding the sewer assessments. The intent is to clean up this issue. If the Common Council approves the interfund transfer tonight, there will be sufficient cash flow to amortize that debt. He asked how the assessment will be paid back. He suggested the Common Council direct the engineers to prepare the report. The report be completed and filed with the Clerk. A public hearing could be set for August 18 and a notice should be sent to the property owners.

There was discussion among the Attorney, Engineers and Common Council members about who does and does not have to pay the DUE, who does have to pay the DUE and how and when they should pay the DUE. Attorney Hammes suggested establishing an DUE assessment of \$4,500. There was further discussion about which properties would accrue interest and the 10 year payment scheduled. The 32 residential properties do not have to pay the DUE if they do want or need to hookup to the water utility. If and when they do, they will pay the hookup fee only. The commercial, vacant land and institution users have the option to pay the \$4,500 per DUE over 10 year period plus interest, or not pay anything but accumulate interest over 10 years, however the DUEs will be paid at the time of development of 10 years, which ever comes first.

E. McAleer stated as a part of the proposal, could the City give a break if property owners pay early. J. Hammes stated that is up to the Common Council to make that decision. He stated if there are any other thoughts about this, now is the time to talk about it, before the report is completed. There was further discussion about the commercial, institutional and vacant land owners and how the City can justify charging for this for 10 years from now of the land is still vacant. J. Hammes stated the Common Council can extend the payment period beyond the 10 years of the land is still vacant. There as further discussion about vacant land owners having to pay beyond the 10 years of the land is not developed. E. McAleer stated he wants to see what the 50% discount program would cost. B. Leonard stated she wants to hear from these property owners on what they think they will do with their property. G. MacDougall stated he wants to see more financing options for this. There was discussion about the property owners that own multiple parcels and how much money they would owe. B. Leonard stated one owner is looking at over half million dollars for all of their parcels. There was discussion about how water is calculated, which is on linear footage.

J. Hammes asked if report can be finalized by next Common Council meeting. Engineer Jim Romanowski stated yes it can. Then at the next Common Council meeting a public hearing date can be set. L. Morrison asked that if the report is lengthy, the Common Council members receive it earlier before including it in the packet.

M. Czubkowski commented on the interfund borrowing resolution on the agenda. She did a cash flow analysis with the auditor. If the transfer is approved, the water fund will have a positive cash flow in 2008. If it is not approved, the water fund will not

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have a positive balance until 2013. She also reviewed repayment schedule. Also, after the interfund transfer, there will be a little more than \$2 Million in the Sewer Fund. E. Sadowski asked if this will affect our bond rating. M. Czubkowski stated it will not.

1. *SPECIAL CITIZEN'S COMMENTS PERTAINING TO AGENDA ITEM #5A.*

John Durr, Kettle Ridge Condos, stated he has been in water district for nine years. He stated he thinks the water district should have \$4 Million in bonds, in which Village Square and the church should support. He stated this debt should be paid now, not later. He reviewed his spreadsheet he created showing the water usage in the district. He requested again that this district be assessed as a residential, not commercial and reviewed how much he pays versus residential customers for fire protection. J. Durr stated the City should petition the PSC to have this water district be charged as a residential. E. McAleer stated the City has certain steps to follow before petitioning the PSC. E. Sadowski stated the Common Council is not forgetting about that 1% of residences in the water system. E. McAleer stated the City will do everything it can to get a residential fire protection rate. J. Durr also questioned the process for the City being reimbursed for bulk water. DPW Director Tom Hafner stated he and Mr. Durr have talked about this several times. Bulk water users are required to have a permit, which they pay either a fixed or volume fee, depending if they know their trucks capacity. If they do not, the City gives them a water meter to measure the gallons used.

B. DISCUSSION AND ACTION TO ADOPT RESOLUTION 2008-28, A RESOLUTION RESCINDING PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE POWER PURSUANT TO §66.0703, STATS. STH "83", CAMPBELL TRACE, AND VETTLESON ROAD SANITARY SEWER EXTENSION.

There was discussion about why this resolution should be rescinded. E. McAleer stated rescind this resolution formalizes Alderperson Krickhahn's motion from 2007 to remove the 32 residential properties from paying for the sewer line. There was further discussion if this was done for Hirschman Lane. M. Czubkowski stated the resolution adopted in 2005 did not include Hirschman Lane and that Alderperson Krickhahn's motion was the correct motion at that time.

**J. KRICKHAHN MOTIONED TO ADOPT RESOLUTION 2008-28, A RESOLUTION RESCINDING PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE POWER PURSUANT TO §66.0703, STATS. STH "83", CAMPBELL TRACE, AND VETTLESON ROAD SANITARY SEWER EXTENSION. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

C. DISCUSSION AND ACTION ON RESOLUTION 2008-26, A RESOLUTION PROPOSING REPAYMENT OF INTERFUND ADVANCE – TRANSFER OF UTILITY FUNDS.

**L. MORRISON MOTIONED TO ADOPT RESOLUTION 2008-26, A RESOLUTION PROPOSING REPAYMENT OF INTERFUND ADVANCE – TRANSFER OF UTILITY FUNDS. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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- D. DISCUSSION AND ACTION TO ADOPT RESOLUTION 2008-27, 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, CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

There was discussion about verbiage in the resolution regarding removing or replacing the culvert, bridge structure and sidewalks. E. Sadowski stated this is a wish list for the County to review. G. MacDougall stated he would like the items the City wants the County to do to be more specific. There was discussion about how this transfer would affect the floodplain. T. Hafner stated he tried to outline the outcomes without limiting the design possibilities. He recommends the resolution be vague but identify the outcomes the City wants. If the Common Council wants to be specific to a limited design to bridge span, he can do that. E. McAleer asked if Waukesha County brings a proposal to the City, can the Common Council approve it or can they just do what they want. T. Hafner stated this is the City's only leverage. There was more discussion about the floodplain maps. T. Hafner stated the floodplain maps were adopted before the June flood event. The City took survey data and we now have flow data from the Bark River. There was further discussion about the DNR and acknowledging which maps are correct. T. Hafner stated during the June flood event, the DNR wanted the City to release more water sooner and faster than what we did. He is working with the DNR on what we should do next time if a flood event happens again. E. McAleer stated we need the hydraulic capacity if we ever need it. T. Hafner stated if an agreement is reached, the City sends the agreement to Waukesha County for them to include in their Capital Improvement Program and formal jurisdictional agreement will be done. One typographical error was caught, Oakwood Road should be Oakwood Drive.

**R. MISKELLEY MOTIONED TO ADOPT RESOLUTION 2008-27, 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, CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, WITH THE ADDITIONAL CHANGES AS DISCUSSED. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- E. DISCUSSION AND ACTION OF CAPITAL EQUIPMENT PURCHASE - ROADSIDE MOWER AND TRACTOR.

T. Hafner stated he received three quotes and the lowest quote did not meet the specifications required. He recommended the City purchase the equipment from Proven Power for \$70,800.24. The original budget was \$60,000. Since the budget was adopted, there have been three price increases by manufacturer due to steel and fuel increases. He stated there is room in the budget for this because the City chose not to pursue two projects that would create flexibility for this amount.

**L. MORRISON MOTIONED TO APPROVE THE CAPITAL EQUIPMENT PURCHASE - ROADSIDE MOWER AND TRACTOR FROM PROVEN POWER, AT A COST NOT TO EXCEED \$70,800.24. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- F. DISCUSSION AND ACTION OF ST. JOHN'S BAY FISHING PIER.

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T. Hafner stated there is a typo in the memo. The approved budget is \$12,500, not \$12,000. He stated he requested Summerset Marine to provide options to reduce the proposed cost and requested cost information for eliminating the proposed railing along the 44 foot long section of the pier from land out to the T-section and for replacing the proposed Trex decking with treated lumber. At the time of this memo this information had not yet been received. Eliminating the railing along the 44 foot long section of pier would make this section less functional for fishing and less handicap friendly. Eliminating the Trex lumber would increase the future maintenance costs associated with the pier Trex lumber has also become a standard with recent City installations including the boardwalk sections of the Wisconsin Veterans Memorial Riverwalk and the piers at the Bleeker Street Boat Launch. He asked the Common Council if they want him to pursue getting prices before we proceed. L. Morrison asked if the City should send the data to the DNR then get the permit, or vice versa. T. Hafner stated the pier was designed so the permit process is forward and minimal. The 6 foot T is a key dimension for a quick and easy DNR permitting process. There was discussion about how much was originally budgeted for this item. There was further discussion about handicapped parking and signage. B. Leonard asked why the City did not receive more than one quote. T. Hafner stated the work was less than \$25,000, which is the threshold for public bidding. Also this is a time sensitive issue. Larry Chapman, owner of Summerset Marine, is a resident, a Plan Commission member and lives on the lake. He is confident he will do a good job. B. Leonard what is our policy on getting bids. T. Hafner stated the City does not have a procurement policy. There was further discussion about the pier being ADA accessible. J. Krickhahn we should try and find another bid to match what we have in the budget.

**E. SADOWSKI MOTIONED TO APPROVE SUMMERSSET MARINE TO PROVIDE AND INSTALL THE FISHING PIER, AT A COST NOT TO EXCEED \$19,500, CONTINGENT UPON NEGOTIATING THE FINAL CONTRACT DETAILS, THE POLICE DEPARTMENT REVIEW THE PARKING SITUATION, PARKING SIGNS INSTALLED TO ALLEVIATE NEIGHBORS CONCERNS, ALL CONTINGENT UPON RECEIVING THE DNR PERMIT. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED WITH ONE NAY BY J. KRICKHAHN.**

6. MAYOR'S REPORT

Nothing to report.

7. NEW BUSINESS

A. DISCUSSION AND ACTION OF THE DNR NATIONAL FLOOD INSURANCE PROGRAM AND FLOODPLAIN ORDINANCE.

M. Czubkowski stated this item was on the last Common Council agenda under correspondence. Per the DNR, a public hearing must be held and the ordinance adopted by November 19. Attorney Hammes confirmed this is a Yaggy Colby issue and it does not require a budget approval, as it will cost between \$3,000 and \$5,000 to do this timely. Before the ordinance is passed, it has to go to the DNR even if we use their exact model. He would like the first draft done before end of August. T. Hafner stated that adopting maps is a small process to this ordinance. The City will adopt the DNR's ordinance with what the City feels are incorrect maps. After adoption, the City can make an amendment to that ordinance with the revised maps. M. Czubkowski,

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we will have a wrong ordinance for 30 to 60 days, but the City will stay in the flood insurance program. T. Hafner stated he will ask Yaggy Colby to review the current ordinance to DNR's and summarize the differences. M. Czubkowski stated this does require a public hearing, but is not sure if it is a Plan Commission or Common Council public hearing. G. MacDougall asked if the Common Council members can get the changes before the packet goes out so they have time to review. T. Hafner stated he can get the web link to the Common Council tomorrow. He will send both ordinances to Common Council members and he and Yaggy Colby will summarize the differences. Common Council members indicated they would rather go with the summary.

**M. DEYOE MOTIONED TO AUTHORIZE STAFF TO WORK WITH YAGGY COLBY TO DRAFT THE FLOODPLAIN ORDINANCE, AT A COST NOT TO EXCEED \$5,000 AND SEND IT TO THE DNR BY THE DEADLINE AS STATED IN THE LETTER. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

B. DISCUSSION AND ACTION ON CRICKET COMMUNICATIONS LAND LEASE AGREEMENT.

M. Czubkowski stated Cricket Communications will be installing a second floor on the T-Mobile building. This has already been approved by the Plan Commission, however the land lease needs to be approved by Common Council. The proposed lease has been reviewed by the City Attorney and the two changes by Cricket were agreed upon. The rental fee Cricket will pay the City is \$21,000 per year, which the City then pays the property owner 50% of that.

**R. MISKELLEY MOTIONED TO APPROVE THE CRICKET COMMUNICATIONS LAND LEASE AGREEMENT. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

C. DISCUSSION AND ACTION ON 2008 GENERAL FUND VEHICLE FINANCING.

M. Czubkowski stated Accountant Marie Williams came up with three options for the Common Council to choose from. OPTION 1: Amend the 2008 budget to include the full purchase amount of the vehicles. (The entire amount would be expensed in 2008.) Our general fund balance would then be reduced by \$75,200. This would keep each department's budget from being over budget. We then recommend budgeting 20% of future estimated equipment replacement expenditures starting with the 2009 budget. OPTION 2: State Trust Fund loans. The current rate for loans up to five years in term is 3.25%. By doing this, we may be incurring interest costs that exceed our investment revenue. (We currently earn 2.27% in the Local Government Investment Pool.) OPTION 3: Bank loans. The current rate for equipment financing at Town Bank is 5.50%. However, the bank would place a lien on these vehicles until the loan is paid.

Common Council members agreed Option 1 is the best choice. M. Czubkowski stated the budget amendment will be on the next Common Council Consent agenda.

**L. MORRISON MOTIONED TO APPROVE THE 2008 GENERAL FUND VEHICLE FINANCING, OPTION 1: AMEND THE 2008 BUDGET TO INCLUDE THE FULL PURCHASE AMOUNT OF THE VEHICLES. THE ENTIRE AMOUNT WOULD BE EXPENSED IN 2008. GENERAL FUND BALANCE BE REDUCED BY \$75,200. ALSO, BUDGET 20% OF FUTURE ESTIMATED EQUIPMENT REPLACEMENT**

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**EXPENDITURES STARTING WITH THE 2009 BUDGET. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- D. DISCUSSION AND ACTION OF OAKWOOD ROAD/GEASON PARK ROAD EXTENSION AND PARKING LOT.

E. Sadowski stated last year, the Park and Recreation Commission wanted to start making use of the Geason/Oakwood park property. To allow for that, the Common Council budgeted \$50,000 and did not identify what improvements would be paid for from that amount. Park and Recreation Commission decided they would like to get a portion of the park planted with prairie and wildflowers and get access into park. T. Hafner stated the prairie planting left about \$35,000 for road. The Park & Rec Commission had Yaggy Colby do a basic design and realized that to do the road, there needs to be a substantial amount of grading to build road base. This would cost over \$50,000 in construction for road and parking lot. Add in engineering and permitting for a total of \$61,370. This is proposed to be done as a change order to existing contract with Payne & Dolan. He asked the Common Council if it is important to move forward Payne & Dolan, is the cost is reasonable. If there is no urgency, the City can bid it out next year and incorporate it into road program. R. Miskelley stated he would like to delay this project. E. Sadowski stated he received phone calls from people saying there is no need to rush this. E. Sadowski stated this is only setting the road placement. This has nothing to do with what the park will be used for. He said there are plans out there, but no money for them. He agrees this should be bid out, but we don't need a plan yet, only access. R. Miskelley stated the Park and Recreation Commission should come back to the Common Council with a plan.

- E. DISCUSSION AND ACTION TO ADOPT ORDINANCE NO. 591, AN ORDINANCE REPEALING AND RECREATING CHAPTER 12 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD RELATING TO LICENSES & PERMITS AND UPDATED OPERATOR (BARTENDER) LICENSE APPLICATION.

G. Gresch stated there were many grammatical and consistency changes that were made to each section. Also, the main changes were to the Operator License and Solicitor License Application process. The code is being changed to reflect the background check procedure the Police Department is conducting.

**J. KRICKHAHN MOTIONED TO ADOPT ORDINANCE NO. 591, AN ORDINANCE REPEALING AND RECREATING CHAPTER 12 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD RELATING TO LICENSES & PERMITS AND UPDATED OPERATOR (BARTENDER) LICENSE APPLICATION. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

8. ADMINISTRATOR'S REPORT

- A. REPORT OF CITY OFFICIALS

- I. ADMINISTRATOR

- A. SEWER AND WATER CONNECTION FEES MEMO.

M. Czubkowski stated Common Council asked for comparative fees from last meeting. Utility Clerk Susan Johnson wrote a memo showing the comparison of fees. She stated the City should do a thorough comparison of connection fees before an ordinance is drafted. E.

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Sadowski asked why Hartland and Delafield's fees don't match Del-Hart's. E. McAleer stated the municipality's infrastructure isn't the same as Del-Hart's. M. Czubkowski stated Hartland also increases their fees by 5% each year. E. McAleer stated the City should have an escalator each year. M. Czubkowski stated she will have a recommendation by the next Common Council meeting.

**B. NEW BUILDING PROGRESS UPDATE.**

B. Leonard stated the Building Oversight group met on July 17 and spent most of time discussing the Public Safety Campus. There are issues with the wetlands and wooded areas. Also, the buildings were designed as a two story building with the Police Department on most of the first floor and the Fire Department on the second floor. All apparatus will also be on the first floor. Meetings were held with the Department Heads after the Oversight group met. The City's new Administrator, Tim Schuenke, was also at the meetings.

New Administrator, Tim Schuenke, stated it is good to be here and he spent last week getting acquainted with everything. He met with all Department Heads and had several meetings open to all employees for a meet and greet. He also spent considerable time with Marilyn Czubkowski getting caught up on current issues. He stated it's his fifth day and he's starting to comprehend what is being talked about. With regards to the building projects, it is an interactive process and will take some time. A couple of the departments weren't universally happy with the design and the Architects and departments understand each other. Also, he asked the Common Council to meet with him in a month where there are 5 Mondays so they can schedule a workshop where issues can be discussed in a relaxed setting, so he and the Common Council can understand what they expect from him and vice versa. He wants back and forth interaction, but not at a Common Council meeting.

**II. CLERK-TREASURER**

**a. PAPERLESS PACKET LAPTOP UPDATE.**

G. Gresch stated the laptops should be arriving by the end of the month. She stated she would like to set up a training session for Common Council and Plan Commission members on August 14.

**III. COUNCIL REQUESTS OF FUTURE AGENDA ITEMS.**

B. Leonard requested the Common Council talk about procurement procedures. G. Gresch stated she will send the clerks list an email requesting what other municipalities have in place.

J. Krickhahn stated he has concerns about the algae and slime post the flooding. He has concerns about runoff from upstream, fertilizer in water, weeds, and how prepared are the City is to continue weed cutting. L. Morrison stated she has been on many lakes sailing and Nagawicka is in better shape than many others. E. Sadowski asked that Kent Attwell be invited to the next meeting.

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J. Krickhahn asked who monitors lighting and who do complaints about lighting to go. M. Czubkowski stated that is a zoning issue and complaints should be forwarded to the City Administrator. Yaggy Colby will be called to take a light reading.

L. Morrison stated tonight is a good example of how citizen's comments can get out of control and that the Common Council members are not supposed to respond. The Common Council needs to review the current policy on Citizen's Comments. The Common Council either needs to follow the current policy or change it to reflect what we currently do at the meetings. E. McAleer stated he thought public comments went very well. R. Miskelley stated he agrees with L. Morrison. He doesn't think we should get rid of policy, just modify it if we need to.

9. FINANCIAL REPORT

A. APPROVE VOUCHER LIST

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

B. JUNE TREASURER'S REPORT

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

10. CORRESPONDENCE

- A. FIRST LIGHT ST. JOHN'S NORTHWESTERN MILITARY ACADEMY NEWSLETTER.
- B. ARTICLE FROM LEAGUE OF WI MUNICIPALITIES - DIGITAL TELEVISION: HOW TO PREPARE YOUR COMMUNITY
- C. FOCUS NEWSLETTER
- D. LETTER FROM REINHART ATTORNEYS AT LAW REGARDING FOXWOOD ESTATES ADDITION #1 AND THE LAKE COUNTRY CORRIDOR COMPACT.
- E. LETTER FROM TIME WARNER CABLE REGARDING CHANNEL 1101, SHALOM TV ON DEMAND.

E. McAleer reviewed the correspondence with the Common Council members. B. Leonard commented on the letter regarding proposed development on STH 83 and Oakwood Road and the Lake Country Corridor Compact and asked what process to react to this is. M. Czubkowski the same procedure will be followed like last time; it will be on the next Common Council agenda to take action. That action will go to Plan Commission, then back to Common Council.

11. ADJOURNMENT

**E. SADOWSKI MOTIONED TO ADJOURN THE JULY 21, 2008, COMMON COUNCIL MEETING AT 10:02 P.M. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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