

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 August 18, 2008 Common Council meeting:

Present

Absent

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

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 AUGUST 4, 2008 COMMON COUNCIL MEETING.

R. MISKELLEY MOVED TO APPROVE THE AUGUST 4, 2008 COMMON COUNCIL MEETING MINUTES AS PRESENTED. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED WITH ONE ABSTENTION BY E. SADOWSKI.

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

John Durr, Kettle Ridge Condos, stated he wanted to speak about the Milwaukee Street Retention Pond. He stated he came to the Common Council meeting in September 2005 to let the Common Council know that the ponds were not working. E. McAleer stated Yaggy Colby has a contract with the City to redesign the pond and it will be rebuilt next year. J. Durr stated he has spoken to two prairie grass experts. What is left there is a good start and it doesn't need a lot of water. There was very little rain when the grass was planted which survived, however the bushes didn't. The only thing he has seen done by the Public Works is cutting the prairie grass. The best way to manage prairie grass is to burn it off. He reviewed the balance sheets from the City of Delafield's Enterprise Funds. He stated he realizes this is in litigation, but doesn't understand why it can't be cleaned up. There are dead trees and shrubs and can't see why that would interfere with the current litigation. He knows it will take some money to clean it up, but the money should be used from collections to clean that up. He stated the landscaping is terrible looking. He stated his main issue is the cleanup the landscaping to make it look decent. E. McAleer stated Mr. Durr's comments will be relayed to the Department of Public Works.

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CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA.

There were no Citizens Comments for items on the agenda.

G. MACDOUGALL MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:09 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

E. McAleer stated he would like to move to agenda item #5a because the DNR is present.

5. OLD BUSINESS

A. DISCUSSION AND ACTION OF DNR REQUEST TO SEED EXPOSED AREAS OF ROLLER MILL POND, OWNED BY THE CITY OF DELAFIELD.

Jim McNally from DNR was present and stated the DNR has been working on the Nemahbin Roller Mill for about a decade and had issues in June with the flooding. The DNR had to order the draw down because of the severe flooding. After the draw down, the DNR is restoring the exposed areas by planting aquatic plants. This establishes a stabilized area. It was discussed at the last Common Council what the appropriate vegetation should be. The DNR chose plants that will not survive in more than a foot of water. There is only one plant that will survive, which the DNR negotiate with the Mayor and DPW Director with. Winter Wheat was planted on private lands where allowed. Two citizens chose to go with wetland plant mix. Winter wheat will not survive a flood and will die next spring. If the DNR did nothing, when the cattails blossom, that entire area will be covered with cattails which will persist for a long time. The DNR had to plant during the growing season and there was a limited amount of seed quantity. The DNR replanted the private properties last Thursday on private properties. He stated the DNR tried to stabilize the area from muddy runoff water from going downstream and had to plant something that will survive in the muddy areas. DNR goal is to protect the downstream environment. R. Miskelley stated the compromise is a very good one and appreciates the DNR efforts.

E. McAleer stated he would also like to discuss agenda item #5d.

D. DISCUSSION AND ACTION TO ADOPT RESOLUTION 2008-32, RESOLUTION CONFIRMING SALE, DETERMINING RATES OF INTEREST AND OTHER DETAILS AND LEVYING TAXES IN CONNECTION WITH \$8,925,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2008, OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

Phil Cosson, Ehlers & Associates was present. He stated this is the bond issue for the Public Safety Campus. This also includes 2008 capital projects and a small refunding of a portion of the 2001 issue, specific to one project. Last month the Common Council gave authorization to proceed for \$8,925,000. He thanked City staff for getting information ready for the bid documents. Ehlers sent bids to about 100 nationwide bidders including some local bidders. The City of Delafield is a highly rated municipality in Wisconsin and was granted a second upgrade in 2007. The current rating is Aa3, which as confirmed by Moody's. He reviewed the bid document with the Common Council. Ehlers received more than 10 bids and FTN Financial Capital Markets of Memphis Tennessee is the winning bidder for 4.1550%. He also reviewed the other bidder's information. He stated the customary bidders were received. Due to the size of the bond and the City's rating, we were able to draw national interest.

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P. Cosson stated the overall costs are less than what was planned. He reviewed the updated financing plan. Some of the issuance costs came in less and was able to downsize the issue by \$5,000. The final bond total is \$8,920,000 and overall interest is about \$275,000 less than what was projected. He stated a draft resolution was included in the packets. The bids were compiled and sent to Bond Counsel. Bond Counsel put together the final resolution for signing. E. Sadowski asked what the City thought the interest was going to be. P. Cosson stated it was estimated to be 4.35% and it came in at 4.115%. B. Leonard asked why items that aren't being financed are listed in the list. P. Cosson stated those are capital projects that are approved, they just weren't removed from the list yet.

L. MORRISON MOVED TO ADOPT RESOLUTION 2008-32, RESOLUTION CONFIRMING SALE, DETERMINING RATES OF INTEREST AND OTHER DETAILS AND LEVYING TAXES IN CONNECTION WITH \$8,920,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2008, OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED BY ROLL CALL VOTE.

J. KRICKHAHN	YES
B. LEONARD	YES
E. SADOWSKI	YES
M. DEYOE	YES
G. MACDOUGALL	YES
L. MORRISON	YES
R. MISKELLEY	YES

Clerk's Note: The Common Council went back to the regular order of business.

3. CONSENT AGENDA

- A. DELAFIELD'S CHAMBER OF COMMERCE 2008 COLONIAL ENCAMPMENT, TO BE HELD ON SATURDAY, OCTOBER 4, 2008 & SUNDAY, OCTOBER 5, 2008 FROM 10 A.M. TO 4 P.M. NAGAWAUKEE PARK.
- B. DELAFIELD'S CHAMBER OF COMMERCE HALLOWEEN IN DELAFIELD, TO BE HELD SATURDAY, OCTOBER 25, 2008, IN THE DOWNTOWN DISTRICT.
- C. AUTHORIZE CITY CLERK-TREASURER TO PURCHASE THREE ADDITIONAL LAPTOPS AND VIRUS SOFTWARE FOR DIGITAL PACKET LAPTOPS.
- D. DISCUSSION AND ACTION TO ADOPT RESOLUTION 2008-33, RESOLUTION ESTABLISHING THE LIBRARY LEVY
- E. RESOLUTION 2008-34, RESOLUTION IN SUPPORT OF PARTICIPATION IN A COUNTY-COORDINATED REQUEST FOR PROPOSALS FOR TRASH COLLECTION AND DISPOSAL AND RECYCLING COLLECTION SERVICES

G. MacDougall stated he would like to removed item #3d for discussion and approve the rest of the consent agenda items.

E. SADOWSKI MOVED TO APPROVE ITEMS A, B, C & E ON THE CONSENT AGENDA. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

G. MacDougall asked why agenda item #3d is on the agenda if the information was not ready by the time the packets are made. Gina stated agenda item #3d is the Library

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Levy which the state was to announce the levy amount on August 15. At the time the packets were made, the number was not announced yet, so it was left on in anticipation of the number being announced Monday morning, which it was not. G. MacDougall stated if agenda items are not ready by the time packets are ready he would not like those items listed on the agenda. Common Council members agreed. He stated it is hard to be prepared for a meeting when information is missing.

R. MISKELLEY MOVED TO APPROVE ITEM C 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. JESSICA SZAUKELLIS, OCONOMOWOC; PIZZA HUT

B. HOLLY MAULE, EAGLE; WALMART

G. Gresch stated all background checks came back clear.

L. MORRISON MOVED TO APPROVE THE TWO-YEAR BARTENDER LICENSE(S). E. SADOWSKI 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. CMC HOSPITALITY, INC., WELLS STREET TAVERN, 505 WELLS STREET, DELAFIELD, CHRIS LEHMKUHL, AGENT, 1962 N. PROSPECT #720, MILWAUKEE WI 53202

G. Gresch stated Wells Street Tavern's owners and agent changed, therefore, required a new liquor license.

B. LEONARD MOVED TO APPROVE THE "CLASS B" BEER AND CLASS "B" LIQUOR, A ONE YEAR LICENSE TO EXPIRE JUNE 30, 2009 FOR CMC HOSPITALITY, INC., WELLS STREET TAVERN, 505 WELLS STREET, DELAFIELD, CHRIS LEHMKUHL, AGENT, 1962 N. PROSPECT #720, MILWAUKEE WI 53202. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

B. PLAN COMMISSION – (MINUTES OF AUGUST 13, 2008)

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

B. Leonard stated the Plan Commission met last Wednesday to discuss Smart Growth. She clarified that there are different versions of Smart Growth due to the changes that are being made. To make sure you have current version, check the City's website. The Plan Commission discussed city water and that the Smart Growth plan should address the City's Utility Policy. The Plan Commission would like a draft policy in the Smart Growth document. R. Miskelley stated the Public Works Committee has recommendations to the Smart Growth plan also. B. Leonard stated other committees will have input on Smart Growth too.

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C. LAKE WELFARE COMMITTEE – (MINUTES OF AUGUST 13, 2008 – NO MEETING DUE TO LACK OF QUORUM)

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

L. Morrison stated there is nothing to report at this time because there wasn't a quorum. The next Lake Welfare Committee meeting will be held on September 10, 2008 at 6:00 pm. She also stated the Lake Welfare Committee should have heard back from DNR on dredging permit by their next meeting.

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 the Park and Rec Committee will be working on the capital budget.

2. DISCUSSION AND ACTION ON VIETNAM WAR SIGNAGE FOR THE VETERANS MEMORIAL RIVERWALK AT A COST NOT TO EXCEED \$6,000 TO BE TAKEN FROM THE PARK AND REC COMMISSION OPERATING EXPENSES AND CAPITAL IMPROVEMENT PROGRAM, IF NEEDED.

E. Sadowski stated the Park & Rec Committee asked him to make a motion to complete the signage for the Vietnam Memorial Riverwalk. He stated the monies should come out of Park and Rec Operating, which has just over \$9,000 left. He stated the signs have already been ordered and that it is important to have the signage up before the moving wall arrives. B. Leonard asked if there is left over Park and Rec Capital and Expenses. E. Sadowski stated there is money left over in the Capital and Operating Expenses, but the smartest way is to take it from the Operating Expenses. He stated Park and Rec Operating Expenses have only spent 54.5% as of the end of July.

E. SADOWSKI MOVED TO APPROVE THE VIETNAM WAR SIGNAGE FOR THE VETERANS MEMORIAL RIVERWALK AT A COST NOT TO EXCEED \$6,000 TO BE TAKEN FROM THE PARK AND REC COMMISSION OPERATING EXPENSES. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

E. PUBLIC WORKS COMMITTEE – (MINUTES OF AUGUST 6, 2008)

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

R. Miskelley stated the Public Works Committee discussed the Janecko residence on Burries Road and the stormwater runoff issue from the new construction. The Public Works Committee will meet at 6PM at the Janecko residence the night of the next Public Works Committee meeting to make a recommendation. Public Works Committee also was asked to weigh in on Smart Growth. The Public Works Committee came up with very specific recommendations to the Plan Commission and he reviewed those with the Common Council.

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F. DEL-HART COMMISSION

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

The next Del-Hart Commission meeting will be held on August 19, 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 AUGUST 12, 2008)

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

J. Krickhahn stated the Friends of the Library met on August 12, 2008. The Friends held an election of officers and committee chairs were also appointed. He stated he is impressed with the fundraising efforts the Friends of the Library has started. Also, the Library's circulation increased 23% in July 2008, compared to July 2007. The next Library Board meeting will be held on September 9, 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.

J. BOARD OF ZONING

1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.
2. AUGUST 14, 2008 HEARING DETERMINATIONS:
 - A. DELC 0788.024 - APPEAL FOR PROPOSED REBUILDING OF DETACHED GARAGE ON SAME BUILDING PAD AS EXISTING GARAGE AT 1445 MILWAUKEE STREET – APPROVED

K. PROMOTIONAL AND TOURISM COMMITTEE – (MINUTES OF AUGUST 5, 2008)

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

L. Morrison stated the Promotional and Tourism Committee is in the final stages of strategic planning. She stated she hopes to have that information for the next Common Council to share with them.

The next Promotional and Tourism Committee meeting will be at the Fish Hatchery at 7:00 A.M. on September 9, 2008.

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

L. Morrison stated the next meeting is within the first half of September.

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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.

There was nothing to report at this time. E. McAleer stated there is no one on from the Council on the Sign Review Committee to report back to the Common Council at meetings. He stated he wants a Common Council member to volunteer for this position. G. MacDougall stated the Sign Review Committee made recommendations and nothing has been done yet. B. Leonard stated the business owners signed petition and submitted it to the Plan Commission that they want the Sign Committee's recommendations to be adopted. G. MacDougall stated the Plan Commission set a 90 day period for sandwich board signs to be allowed without approval. E. McAleer stated the August agenda is a heavy one, but the sandwich board signs will be discussed in September. G. MacDougall asked if the Plan Commission can't come to a resolution in 90 days, can we extend the time. E. McAleer stated yes, for a short period of time. L. Morrison suggested making a report at the next meeting. E. McAleer stated he asked a Sign Committee member to give a report at the next Plan Commission meeting. G. MacDougall stated he is amazed that when the sandwich board signs are down, the business owners notice a drop in sales.

M. CITY OF DELAFIELD 50TH BIRTHDAY CELEBRATION

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

E. Sadowski stated the group meets next on Tuesday, August 26. There is a movie and karaoke night set and fireworks bid soliciting begins at the end of the month.

N. LAKE COUNTRY FIRE DEPARTMENT EXPANSION COMMITTEE MEETING – (MINUTES OF AUGUST 7, 2008)

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

G. MacDougall stated next meeting Thursday, August 21, 2008 at Nashotah Village Hall. The Committee is discussing funding scenarios and budgets along with reviewing the LCFD Merger Agreement. The Committee is also looking at how they would handle it if another community wanted to join. They are making progress and will probably ask a financial advisor to review the financing scenarios. E. Sadowski asked if the merger will be announced at Thursday's meeting. E. McAleer stated no. The communities are committed to make sure that this is done right and that the agreement is fair to all three communities. This could be ready by mid 2009. G. MacDougall stated the deal has to be fair because we don't want anyone to back out of the deal.

5. OLD BUSINESS

- A. DISCUSSION AND ACTION OF DNR REQUEST TO SEED EXPOSED AREAS OF ROLLER MILL POND, OWNED BY THE CITY OF DELAFIELD.

See above discussion.

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- B. DISCUSSION AND ACTION TO ADOPT RESOLUTION 2008-30, AUTHORIZING A FEE INCREASE IN THE SEWER CONNECTION CHARGES BY THE CITY OF DELAFIELD.

E. McAleer stated the numbers are based on the Construction Cost Index. He stated the City hasn't increased their fees since 1990.

R. MISKELLEY MOVED TO ADOPT RESOLUTION 2008-30, AUTHORIZING A FEE INCREASE IN THE SEWER CONNECTION CHARGES BY THE CITY OF DELAFIELD. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

B. Leonard asked why the City is raising the fees. L. Morrison stated because the fees haven't been raised since 1990. E. McAleer stated the charges haven't been raised and people are paying the same now as older developments did at \$1,375; new developments not paying their fair share. The fees are being increasing to \$2,378. T. Schuenke stated the City's fees should be regularly reviewed.

- C. DISCUSSION AND ACTION TO ADOPT RESOLUTION 2008-31, RESOLUTION CREATING A PURCHASING POLICY FOR THE CITY OF DELAFIELD.

G. MacDougall asked for clarification on the budget amendment process, if the request for more money comes to the Common Council. T. Schuenke stated yes it does. If an item is not budgeted, a department head has the authority under this policy to spend up to \$20,000, but has to come back to Common Council to amend the budget. T. Schuenke asked if he could explain the new policy further. T. Schuenke stated he was asked to put together a purchasing policy. He and the Clerk contacted a number of municipalities and received about a dozen replies and used the best of the sample policies that was received. He stated he was trying to balance between having controls, which the City already has, and having the Common Council have the authority to make changes to the budget, which the Common Council already does.

T. Schuenke stated currently what happens in all communities, if a Department Head has to buy something that the department needs, causing the line item to go over budget, he or she wants to make sure they have the ability to do so, knowing they will have to come back to the Common Council for approval. G. MacDougall stated that happened this winter with the salt. The City needed more, went over budget and it was reported that more was purchased. E. Sadowski asked for example, what is there is only one supplier for that item that needs to be purchased. T. Schuenke stated there are provisions in the policy to allow for sole source suppliers. He suggested that staff can check with another municipality to see if they were charged for the same item.

B. Leonard asked about professional services, how does the City go about getting prices for additional work. T. Schuenke stated item 7 refers to a State Statute that relates to this. The City has the right to enter into service contracts with professional service firms and those contracts can be extended from year to year. The way contracts are written they are extended unless notice is given. B. Leonard stated it would it be wise to have a policy that says the City should send RFP's every two years or at a prescribed frequency. She is concerned that the Common Council will never have input on the professional staff if contracts are automatically renewed. T. Schuenke stated the Common Council needs to make a policy decision on that. He also recommends against a fixed RFP schedule because RFPs are a lot of work. The Common Council has ability to check on prices whenever they want.

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T. Schuenke gave an example of an RFP for an attorney. The contract could be for three years, but the contract states the contract continues on an annual basis unless notice is given. There was further discussion about how often the City should see what else is out there and for which services. E. McAleer stated the Planner, Engineer and Attorney are Mayoral appointments. There was further discussion about qualifications that it is the administrator's job to make sure we are being charged appropriately and that the work is getting done. There was further discussion about the Mayoral appointment being the Mayor's prerogative; however the professional staff's performance is the Common Council's prerogative. B. Leonard asked to have that in writing. E. McAleer stated the Charter Ordinance already states that. He stated if the Common Council doesn't want to confirm the Mayoral appointment, they don't have to. T. Schuenke stated this was not meant to cover mayoral appointments, maintenance agreements, computers, phones, equipment, professional services that we hire for a specific project. B. Leonard stated she would like to have more input on items that aren't in the budget that monies are being spent on. She stated those items should be for emergencies only. T. Schuenke stated watching the budget is his responsibility and department heads told him that they always bring large non budgeted items to the Common Council for approval.

J. KRICKHAHN MOVED TO ADOPT RESOLUTION 2008-31, RESOLUTION CREATING A PURCHASING POLICY FOR THE CITY OF DELAFIELD. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED WITH ONE NAY BY B. LEONARD.

- D. DISCUSSION AND ACTION TO ADOPT RESOLUTION 2008-32, RESOLUTION CONFIRMING SALE, DETERMINING RATES OF INTEREST AND OTHER DETAILS AND LEVYING TAXES IN CONNECTION WITH \$8,925,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2008, OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

See above discussion and action.

- E. DISCUSSION AND ACTION ON REVISED DISTRIBUTION OF TAX INCREMENT DISTRICT #3 PROCEEDS.

G. Gresch stated these are preliminary numbers from the Auditor that can be released back to the taxing entities. Once the final audit for the DOR is completed in September, we can release the remaining monies. G. MacDougall asked if their could be shortfall after the audit. G. Gresch stated now. G. MacDougall asked why the City needs to do this now? G. Gresch stated the schools need the money.

E. SADOWSKI MOVED MAKE PRELIMINARY DISTRIBUTIONS TO THE TAXING JURISDICTIONS BASED ON THE AMOUNTS IN ACCOUNTANT WILLIAMS' MEMO, AND MAKE FINAL DISTRIBUTIONS OF ANY REMAINING BALANCE AFTER THE TIF HAS FORMALLY CLOSED OUT (SCHEDULED FOR SEPTEMBER 30, 2008). B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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F. REVIEW AND DISCUSSION OF FLOODPLAIN ZONING ORDINANCE.

Mike Court, City Engineer was present and stated Common Council authorized Yaggy Colby to review the DNR model ordinance that the DNR wants adopted. He reviewed the list of ordinance items that need to be included, that he and DPW Director Hafner drafted came up with. He stated he hopes to get an authorization to move forward to tailor the ordinance to the City's needs then submit the ordinance to the DNR. He stated the City needs to adopt the ordinance by October 19, 2008. E. McAleer stated he wants to see a redlined ordinance. M. Court stated he can have that within a month.

There was discussion about some of the minor changes to the ordinance, the homes within the floodplain and the flood insurance program. There was further discussion about how much work has to be done to the model ordinance to make it fit the City's needs. M. Court reviewed those items with the Common Council. M. Court stated he would like to review the process with DPW Director Tom Hafner in-between council meetings, and then present that to the Common Council for approval. B. Leonard asked if the Plan Commission will see this before it is sent to the DNR. G. Gresch stated this will have a public hearing because going to Common Council. M. Court stated he will check to see if this needs to come before the Common Council. B. Leonard stated she feels a through presentation needs to be done.

G. DISCUSSION AND DIRECTION REGARDING PROCESS FOR SUBMITTING LETTER OF MAP REVISION TO FEMA FOR A REDUCED FLOODPLAIN ELEVATION.

M. Court stated the first appeal was denied by the DNR and that we are in the process of a map revision. He reviewed the changes to the map that will be presented to the DNR and the options the Common Council has for updating said map. There was discussion about how to calculate the appropriate floodplain. E. Sadowski asked what is the cost to proceed to this next step. M. Court stated total costs for our portion to the DNR should be under \$1,000. Total costs could be up to \$30,000 to do the regional update. Common Council members directed M. Court to go proceed with option one as stated in the memo.

6. MAYOR'S REPORT

No report.

7. NEW BUSINESS

A. DISCUSSION AND ACTION OF REQUEST FROM WAUKESHA COUNTY PARKS AND LAND USE REGARDING FINANCIAL SUPPORT FOR THE DOG EXERCISE AREA AT NASHOTAH PARK.

E. McAleer stated he recommends this item be on the next Park & Rec Commission agenda. This would be a 2009 budget item. J. Krickhahn stated he is concerned about the City paying money for residents that will still have to pay extra to use the park.

8. ADMINISTRATOR'S REPORT

A. REPORT OF CITY OFFICIALS

I. ADMINISTRATOR

A. UPDATE ON BUILDING PROGRAM.

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T. Schuenke stated on Thursday August 14, 2008, the City met again with the Architects and Construction Manager regarding the building project. In his opinion we are making some good progress. At the current time, we estimate we are over budget on the public safety campus, but considerations are being made relative to alternate materials, square footage requirements, and value engineering. Based on some of the changes recommended today, we would expect the estimates to come in closer to budget next time. I am not surprised we are over budget at this time, nor am I worried at this time about not being able to bring this in on budget. This is a process and it takes time and creativity. The next couple of iterations should refine this to the point where we will know much more closely how we stand compared to the budget. Our issue on the Public Safety site with wetlands does not seem to be a significant problem. WDNR is working with us to eliminate the small wetland area in front of the building. As a result the Architects were able to design around the other wetlands and we do not expect any delays from this. Finally, our schedule remains intact and we are still planning to go to bid on the public safety campus by February 2009.

G. MacDougall asked about altering materials to meet prices, if that meant the City was cheapening the materials to be used. T. Schuenke stated no. He and the Mayor are meeting with chair of Plan B Committee to talk about how they came up with these prices. The size of the building is relatively the same size as what Plan B came up with. Also, there are questions of pricing, if prices went up since Plan B met to come up with the numbers they did. Also, the Plan B Committee didn't take into consideration the storage of mechanicals. He stated we will go through many iterations of this until we get to the point where we feel comfortable. E. McAleer stated the Plan Commission will weigh in on this and will approve the building materials. T. Schuenke stated it's clear to everyone that staying within budget and on time is the most important.

B. UPDATED ON SANCTUARY/TRILLIUM PROJECT.

T. Schuenke stated on Tuesday of this week, he and Attorney Hammes met with the developer and his attorney regarding the Sanctuary project. Among other things, we discussed a list of items the City Engineer feels must be done at this time. That list was included in the packets. You will note the developer was given until September 15 to do the work and he agreed to do it. Further, the sidewalk work is to begin on August 22. I agreed to walk the site with the developer once the work is completed. Finally, we discussed a number of smaller issues which we also hope to resolve in the next few weeks. Currently, the developer is under a stop order, but if he gets these items done, the City will lift it. If he doesn't, the City will pull the Letter of Credit and do the work ourselves with the developer's money. E. Sadowski asked that this be on the September 15 Common Council meeting and that it be watched closely.

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- II. CLERK-TREASURER
a. SEPTEMBER ELECTION REMINDERS.

G. Gresch stated the paperless packet laptops arrived and two Common Council members are using them tonight. She stated there was a training session that went very well. Alderpersons Krickhahn, MacDougall and Mayor McAleer stated they were at the training and they felt that the Common Council could do more with the laptops. That it would be easier to have access to their City email and the internet not go through their home computer. J. Krickhahn stated he can use the computer for his committee work also.

G. Gresch stated Absentee Voting began on Monday, August 11, 2008. Thursday, September 4, 2008 is the last day at 5:00 pm for electors (except Military and indefinitely confined) to request absentee ballots by mail. Friday, September 5, 2008 is the last day at 5:00 pm for indefinitely confined electors and military electors who are NOT on active duty away from their voting residence to request absentee ballot by mail. Monday, September 8, 2008 is the last day at 5:00 pm for electors to register to vote and vote absentee in the Clerk's Office. This does not apply to hospitalized electors, sequestered jurors and military electors who are on active duty away from their voting residence. Tuesday, September 9, 2008 is Election Day. The polling place has moved from the DPW Building on Main Street to Christ the King Lutheran Church, 1600 N. Genesee Street. Polls open at 7AM and close at 8PM. Tuesday, September 9, 2008 is the deadline at 5:00 pm for sequestered jurors and military electors who are on active duty away from their voting residence to apply for an absentee ballot and for hospitalized electors to make application by agent for absentee ballot.

- III. COUNCIL REQUESTS OF FUTURE AGENDA ITEMS – NO DISCUSSION OF REQUESTED ITEMS.

E. Sadowski asked that the Trillium and Milwaukee Street Pond litigation updated be on the 2nd Common Council meeting agenda. He also asked that the DPW look into landscaping of the pond.

J. Krickhahn stated he has received complaints about the dead trees at Village Square and asked that the Village Square agreement be looked into.

J. Krickhahn also asked that we look into a goose ordinance.

9. FINANCIAL REPORT
A. APPROVE VOUCHER LIST

B. Leonard questioned the invoice for cemetery lawn mowing and Fire Department tuition reimbursement. G. Gresch stated the lawn mowing is for one month of cemetery mowing and the Fire Department Tuition is for full time classes.

L. MORRISON MOVED TO APPROVE THE VOUCHER LIST AS PRESENTED. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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B. APPROVE JULY TREASURER'S REPORT

L. MORRISON MOVED TO APPROVE THE JULY 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. PRESS RELEASE FROM DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION AND THE DEPARTMENT OF NATURAL RESOURCES ANNOUNCE THE PRESENCE OF THE EMERALD ASH BORER.
- C. EMAIL FROM DNR REGARDING SEEDING THE NEMAHBIN ROLLER MIN DAM IMPOUNDMENT.
- D. FOCUS NEWSLETTERS.
- E. LETTER FROM WISCONSIN DEPARTMENT OF ADMINISTRATION REGARDING THE PRELIMINARY ESTIMATE OF POPULATION AS OF JANUARY 1, 2008.
- F. JULY 28, 2008 WAUKESHA COUNTY COOPERATION COUNCIL MINUTES.

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

11. ADJOURNMENT

E. SADOWSKI MOVED TO ADJOURN THE AUGUST 18, 2008, COMMON COUNCIL MEETING AT 9:30 P.M. M. DEYOE 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