

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

CALL COMMON COUNCIL MEETING TO ORDER

Mayor McAleer called the meeting to order at 6:30 P.M.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL for the September 2, 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

Motion to convene into Closed Session per §19.85(1)(e) deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session (Police and Public Works Union Contracts).

**L. MORRISON MOVED TO CONVENE INTO CLOSED SESSION PER §19.85(1)(E) DELIBERATING OR NEGOTIATING THE PURCHASE OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION (POLICE AND PUBLIC WORKS UNION CONTRACTS). M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED BY ROLL CALL VOTE.**

**ROLL CALL VOTE:**

<b>ALD. JEFF KRICKHAHN</b>	<b>YES</b>
<b>ALD. BETH LEONARD</b>	<b>YES</b>
<b>ALD. ERV SADOWSKI</b>	<b>YES</b>
<b>ALD. MICHELE DEYOE</b>	<b>YES</b>
<b>ALD. GERALD MACDOUGALL</b>	<b>YES</b>
<b>ALD. LYNN MORRISON</b>	<b>YES</b>
<b>ALD. RON MISKELLEY</b>	<b>YES</b>

Common Council convened into Closed Session at 6:35 PM

Motion to reconvene into Open Session.

**E. SADOWSKI MOVED TO RE-CONVENE INTO OPEN SESSION. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

Common Council reconvened into Open Session at 6:58 PM.

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***Presentation by the City of Delafield American Legion about the Vietnam Veterans Moving Wall.***

A representative from the City of Delafield American Legion was present and gave a presentation about the Vietnam Veterans Moving Wall activities. She distributed information to the Common Council members which outline each day's activities. This information is on file at the Clerk's Office. Volunteers can logon to the Legion's website to see what they can volunteer for. [www.delafieldlegion.com](http://www.delafieldlegion.com). E. Sadowski confirmed that people will be at the wall 24 hours a day. She stated the volunteer shifts are in three hour increments but can volunteer for more. Grief counselors will also be on site.

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 18, 2008 Common Council meeting.

**B. LEONARD MOVED TO APPROVE THE AUGUST 18, 2008 COMMON COUNCIL MEETING MINUTES AS PRESENTED. L. MORRISON 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.

Jim Zahorik, 1948 West Shore Drive, stated he is here tonight about Section 12.05 of the Municipal Code regarding Peddlers, Solicitors and Transient Merchants. In the past five weeks, the police have been to his home two times because solicitors are coming to his house after dark asking for money. The first time was at 9:30 pm at his back door; the second time it was after dark at his front door. He stated his wife was terrified both times. He stated the second time the solicitor came back, he saw a number of checks and cash on the peddler's clipboard and the person would not leave because he needed \$20 to meet his quota. The City of Delafield Municipal Code refers to religious or charitable solicitors in section 5, however there is an exemption, that if the proceeds are devoted solely to the purpose of the organization, they do not need a peddler's permit. He stated he is concerned about the hour of the religious solicitation and the absence of license. He stated we should know who is entering our community. He suggested the City Attorney read the ordinance and compare it to other communities. He stated he doesn't want his wife or anyone else's spouse to be approached at night. E. McAleer stated he will refer this to the City Attorney.

Citizen's comments for items on the agenda.

There were no Citizen's comments for items on the agenda.

**L. MORRISON MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:20 P.M. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. Consent Agenda
  - a. Delafield Area Chamber of Commerce: Downtown Business Committee: Fall Art Walk, September 19, 2008 from 5:00 pm to 9:00 pm held in the City of Delafield, Downtown District
  - b. Delafield Area Chamber of Commerce Car Show, Sunday, September 7, 2008 from 11:00 am to 3:00 pm in the City of Delafield, Downtown District.
  - c. Auction Items for all Departments.

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- d. Request from University Lake School to hold Homecoming Parade through Delafield on Friday, September 19, 2008 at 2:00 pm.
- e. Request from Wells Street Tavern to close Wells Street from midnight Friday, September 19, 2008 to midnight Saturday, September 20, 2008, to host the second annual Halfway to St. Patty's day music festival.
- f. Request from Delafield American Legion for Department of Public Works assistance for Vietnam Moving Wall activities.

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

4. Committee Reports

a. Licenses

- 1. Bartender license – 2 Year Licenses to expire June 30, 2010.
  - a. None.
- 2. Class A Beer Class A Liquor – 1 Year License to expire June 30, 2009.
  - a. ISB Acquisition, LLC (subsidiary of ISB Community Bank), Gagliano's, 637 Genesee Street, Delafield; Jeffery P. Knudtson, Agent.

G. Gresch stated a new corporation was formed therefore a new license needs to be approved.

**E. SADOWSKI MOVED TO APPROVE THE CLASS A BEER CLASS A LIQUOR, 1 YEAR LICENSE TO EXPIRE JUNE 30, 2009 FOR ISB ACQUISITION, LLC (SUBSIDIARY OF ISB COMMUNITY BANK), GAGLIANO'S, 637 GENESEE STREET, DELAFIELD; JEFFERY P. KNUDTSON, AGENT. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

b. Plan Commission – (Minutes of August 27, 2008)

- 1. Smart Growth Update – Chapter 5 Housing.

Planner Roger Dupler was present and stated this version of Chapter 5 was issued by Waukesha County, which was distributed in plenty of time so that the Plan Commission can discuss it at the September 17, 2008 Special Plan Commission meeting. He specifically pointed out the section on affordable housing; it will be tailored to the City's economy.

- 2. Discussion and action on recommendation from Plan Commission to approve a Master Plan Overlay for road design within the area affected by the development moratorium, and to terminate the moratorium.

R. Dupler stated this plan will be an overlay to the Comprehensive Master Plan and developers will have to abide by this. There have been efforts made to avoid cross linkage and the proposed traffic pattern is the best solution to gain access from Genesee Street to these areas of potential development. There was discussion of the existing and future right-of-ways and land dedications. E. Sadowski stated he is concerned about the roads not being wide enough. He also stated he is concerned about adjacent property owners and the existing easements. J. Krickhahn asked Planner Dupler to explain the loop road. R. Dupler stated the road has to turn to make a 90 degree intersection. On the west side of the loop road, there is an extra wide right-of-way on Wells Street

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and the utility corridor can be crossed; that intersection can be a full square intersection.

There was discussion about individual right-of-ways for individual streets. G. MacDougall asked if this would eliminate some of the existing traffic issues. R. Dupler stated yes. B. Leonard asked about street configurations going west. R. Dupler stated the analysis for the developed area north of Delafield Commons shows it would be possible to get to Division Street from Genesee Street. This access will not act a cut through, but for emergency access. As for the area directly north of Delafield Commons, there is not a necessity for an east / west connection.

E. Sadowski stated the City's Zoning Code states that all new subdivisions are required to have sidewalks. He is opposed to the nonspecifics of the road, what the plan could do the American Legion property and the other undeveloped properties. Without knowing about easements, it could adversely affect either one of them. E. McAleer stated this is not eminent domain for development and the City has never done that. This plan gives the property owner the control of what is done with the property. E. Sadowski stated he agrees with that, but wish it was more specific about using more land and that he is in favor of ending the moratorium. E. Sadowski stated he is trying to protect the Legion and any future developer. L. Morrison stated this is a general plan; it doesn't mean it is cast in stone. We need the developer to say "I can make this work without running a road to Genesee Street". R. Miskelley stated the biggest concern is another entrance/exit to Genesee Street and that issue has been addressed.

**R. MISKELLEY MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE A MASTER PLAN OVERLAY FOR ROAD DESIGN WITHIN THE AREA AFFECTED BY THE DEVELOPMENT MORATORIUM, AND TO TERMINATE THE MORATORIUM. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED WITH ONE NAY BY E. SADOWSKI.**

3. Discussion and action on recommendation from Plan Commission to approve the minor change to the St. John's Northwestern Military Academy Conditional Use. **Tax Key 0792.065.001, 1101 Genesee Street, Delafield.** Owner/Applicant: St. John's Northwestern Military Academy requests an additional well house.

R. Dupler stated with the recent changes and approved St. John's Northwestern Military Academy Master Plan, they were expecting to put in a new well and make a new well housed in a structure that would act as an existing building. The DNR has told St. John's Northwestern Military Academy that the well house has to be a separate structure. He stated the proposed building doesn't conform to the City's standards, therefore Plan Commission is recommending a minor change to the Conditional Use. L. Morrison clarified that St. John's Northwestern Military Academy only wanted to expand the existing building; since they can't, they have to build.

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**E. SADOWSKI MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE THE MINOR CHANGE TO THE ST. JOHN'S NORTHWESTERN MILITARY ACADEMY CONDITIONAL USE. TAX KEY 0792.065.001, 1101 GENESEE STREET, DELAFIELD, FOR AN ADDITIONAL WELL HOUSE. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

c. Lake Welfare Committee

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

L. Morrison there is nothing to report on the Chapter 30 permit yet, however the DNR has ordered the environmental impact study which is a good sign.

The next Lake Welfare Committee meeting will be held on September 10, 2008 at 7:00 P.M.

d. Park and Recreation Commission – (Minutes of August 25, 2008)

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

E. Sadowski stated the Park & Rec Commission met and made one recommendation to Public Works Committee regarding the Oak Street access to Lake Nagawicka. There are some residents concerned with what is being done with the land, so the Commission compromised by putting in a park bench, but will revisit the park bench next spring/summer. He also stated there will be signs installed indicating that dogs are not allowed in park areas. Also, there will be signs that kayak and canoe launching is not allowed. M. DeYoe stated she received a phone call that the weeds were very high by the Oak Street Park. She stated she spoke with Alderperson Morrison and DPW Paul Zellner; the weeds will be trimmed down. Also, there are stumps that have to be removed.

G. Gresch stated the next item on agenda was to be for the \$5,000 donation for the dog exercise area in Nashotah Park. It will be on the next agenda.

B. Leonard asked if the City ever sees the Oak Street access being disposed of and sold back if we have Bleeker Street access. E. Sadowski stated it will be discussed as a part of the five year park plan. He stated we can never have enough land to enjoy the City's greatest asset, the lake

e. Public Works Committee

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

The next Public Works Committee meeting will be held on Wednesday, September 3, 2008 at 7:00 P.M. at the Janecko residence.

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- f. Del-Hart Commission – (Minutes of August 19, 2008)
1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

M. DeYoe stated the Commission met last week and minutes are in the packet. She stated the main item on their agenda is finding a different Del-Hart parcel for potential purchase by the City of Delafield. There is potential in the parcel located off Cushing Park Road on northwest corner of the Del-Hart property. It could be accessed by the dirt road and access to electricity and sewer. It is between 7 to 8 acres and is heavily wooded. She stated the Commission is not sure if it will be suitable for DPW needs but it will be considered. B. Leonard stated the City is looking for volunteers for the Saturday Brush Drop-off. If you are interested, please contact Paul Zellner at the Public Works Department.

- 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 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.

G. MacDougall stated the August 14 variance was approved and the next meeting is September 11 for rebuilding a detached garage at 2004 Milwaukee Street.

- 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 September 9, 2008. The general meeting will be from 7AM to 8AM, with a presentation of the strategic planning committee to follow.

2. Update from subcommittee for St. John's Northwestern Military Academy 125<sup>th</sup> Anniversary

There was nothing to report at this time.

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

There was nothing to report at this time.

- m. City of Delafield 50<sup>th</sup> Birthday Celebration (Notes of August 26, 2008)
  1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

M. DeYoe stated the group met last week. She stated it was a very good meeting and the focus was filling in the blanks for the week. The week's activities will be centered on the historical aspects. Rose Wyssling from Hawks Inn was present at the meeting and is very interested in putting on an all day program. Hawks Inn is very interested in being involved in the activities. There is also talk about a Walk Rally. The next meeting date has not been set yet.

- n. Lake Country Fire Department Expansion Committee Meeting – (Minutes of August 21, 2008)
  1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

G. MacDougall stated the Committee is considering bringing in an outside financial expert to view the proposed funding formula.

The next Lake Country Fire Department Expansion Committee meeting will be at Nashotah Village Hall at 7:00 P.M. on September 11, 2008.

5. Old Business

6. Mayor's Report

E. McAleer stated he did a radio interview for the UWM Lake Effect Radio show. It will air on Tuesday, September 9 at 10 am on 89.7 FM.

7. New Business

- a. Discussion and action of City of Delafield Wildlife Management, including but not limited to: deer, geese, turkeys and coyotes.

E. McAleer stated there have been requests from Council Members about how to handle different types of wildlife within in the City. He put this on the agenda to identify the problem areas and come up with solutions. There was discussion that this should be a part of the Smart Growth plan. M. DeYoe stated the DNR's goal was to have five deer per square mile. Over the years that was increased to 20, but now we have 40 deer per square mile; eight times what the DNR would like it to be. She has received complaints of coyotes coming up right to people's homes. The City needs to look at all nuisance animals.

J. Krickhahn stated he feels the increase in the amount of retention ponds adds to the increasing number of geese. He stated he counted 124 geese at the Village Square retaining pond. Other constituents have a valid concern about geese. He counted 58 geese on one pier and saw the geese's fecal matter floating past piers. He asked who is responsible for this and is there anything the City can do about this. M. DeYoe stated coyotes have been an issue for the last couple of years. Farmers have asked her there

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is an ordinance about shooting coyotes. She stated Elm Grove has an ordinance for wild animals. She stated some communities use sharp shooters to remove the deer. She also stated with regards to waterfowl, these animals carry the parasite for swimmers itch, which many lakes have this problem. If people feed the wildlife, they become tame. We have to prohibit feeding of certain wild animals. E. McAleer before this is a part of Smart Growth, the City has to take care of this at the Common Council level. There was discussion of shooting within city limits and trapping. Common Council members asked that information be put on the City's website about how to handle pest animals. G. Gresch asked the Common Council if they want a request sent out to the Clerks' Network for sample ordinances. E. Sadowski asked if we can coordinate this effort with surrounding communities.

- b. Discussion and possible action of Village Square Settlement Agreement Outstanding Issues.

E. McAleer stated J. Krickhahn asked that the Village Square dead trees and landscaping be placed on the agenda. He stated he made the agenda item more vague after what he has been hearing at the Plan Commission meetings about things not being done right at Village Square. He stated he wants to get it out on the table if there are deficiencies of the developer's performance. The Common Council needs to identify and verify deficiencies and take action to get them fixed. J. Krickhahn stated many of the dead trees have been taken care of. There are about 12 that are not totally dead, but the dead ones have been replaced. T. Schuenke stated he spoke with Drew Johnson today about this issue and asked that this be postponed so he has time to work with Mr. Johnson. E. McAleer asked the Common Council members to bring any Village Square items to the Administrator's attention so he can work on it. E. Sadowski reminded everyone that the Common Council had to take away the responsibility from the Plan Commission because of a judge's order, the settlement agreement. Unfortunately, the Plan Commission now has to implement the order that they were not involved in, but it should stay at the Common Council level.

8. Administrator's Report

- a. Report of City Officials

- i. Administrator

- a. Building Project Update.

T. Schuenke stated the focus right now is on the Public Safety campus. Last week the group made significant progress and is much closer to being on budget. He stated he asked the architect to come back to the group this Thursday with a new site layout. The wetland issue has been address and we should be able to start drawing and creating specifications. Once that is locked in, we will repeat the process with Public Works building and the Downtown Campus projects. He stated we have made very good progress in the last couple of weeks and will know more this week.

- ii. Clerk-Treasurer

G. Gresch stated she and Marilyn Czubkowski met with Randy Kordus from the US Post Office about possibly changing the City name in mailing address to read "Delafield" but use the existing Zip Codes. She stated an official letter needs to be sent to the USPS to start the process. She stated she will be working on the letter and will put it on the next agenda under Correspondence.

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G. Gresch stated she and Deputy Clerk Ellen O'Brien attended the yearly Clerk's Conference and came back with updated Election, Human Resource and Parliamentary Procedure information. She stated one of the changes she will be making to the minutes is the word "motioned" to "moved", which is the proper way to write motions. Also, items to be postponed should have a motion made to postpone.

G. Gresch also gave Election Day reminders: Thursday, Friday and Monday the Clerk's Office is open to 5PM for Voter Registration and Absentee Voting. Thursday is the last day at 5PM that Absentee Ballots can be mailed. She reminded everyone that the polling place has moved to Christ the King Lutheran Church at 1600 N. Genesee Street. Polls are open from 7AM to 8PM.

J. Krickhahn asked if the water assessment public hearing has been scheduled. G. Gresch stated yes, the September 15, 2008 Public Hearing for the waster special assessment has been scheduled and notices were sent out last week. J. Krickhahn stated he and Alderperson Leonard would like to have a meeting with the affected property owners at Oakwood Church on Monday, September 8, 2008 at 6:30 p.m. He stated if a person can't make it to the public hearing or the information meeting at the church to email either Alderperson so your concerns are heard.

iii. Council requests of future agenda items – NO DISCUSSION OF REQUESTED ITEMS.

E. McAleer stated there is an article in the Municipality magazine that states the Mayor does not have the legal authority to not allow an agenda item that a council member requests.

L. Morrison stated she would like to add to the agenda for discussion only the current business culture in the City of Delafield.

9. Financial Report

a. Approve voucher list

G. Gresch stated an additional voucher list was created today for additional bills.

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

10. Correspondence

a. Letter from State of WI Division of Hearings and Appeals regarding the application by Margaret Zerwekh to abandon and remove the Nemahbin Roller Mill Dam and; An order for drawdown of the impoundment located on the Bark River in the City of Delafield.

b. Letter from Time Warner Cable regarding Time Warner Cable's efforts to educate the public on the upcoming digital transition.

c. Letter from Yaggy Colby to WI DOT regarding the intersection of STH 83 and Nagawicka Road.

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

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11. Adjournment

R. Miskelley stated that today is Marilyn Czubkowski's last day with the City of Delafield. He thanked her for the outstanding work she's done through this transition. Common Council members agreed and thanked her. B. Leonard also thanked Clerk Gresch for her time spent getting the laptops together and training everyone on them. Common Council members stated they like the laptops.

**L. MORRISON MOVED TO ADJOURN THE SEPTEMBER 2, 2008, COMMON COUNCIL MEETING AT 8:20 P.M. E. SADOWSKI 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