

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 September 15, 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
- Jim Hammes, Attorney
- Jim Romanowski, Engineer
- Mike Court, Engineer

PUBLIC HEARING

G. Gresch read the full public hearing notice.

Attorney Jim Hammes stated the City Engineers will explain the methodology but he will discuss the special assessment procedure. It is common to do this type of special assessment for public improvements. There is a packet available for handout tonight which has Frequently Asked Questions for everyone to review. He stated Resolution 2005-05 was adopted in 2005, which was the first step in the special assessment proceedings. It is the intent to levy the special assessments for a public improvement. Then a report is drafted which lists the properties that might be subject to an assessment and that will benefit from the improvement. The report was drafted to define the method on how to allocate the costs among property owners. Engineer Court will review the report, and then the Common Council will take public comments. Once the public hearing is closed, the Common Council can adopt a special assessment resolution. He clarified that the resolution does not have to be adopted tonight. Once the resolution is adopted, the assessments go into effect. The draft resolution was included in the engineer's report.

Engineer Mike Court stated the Engineers Report has three parts: the final plans and specs, estimate of the entire costs, and the testing/permitting/professional fees. The total cost for the water line project is \$4.12 Million. The City has developer's agreements that have been executed that account for \$2 Million. 23% of the costs have been allocated to the existing water utility users, 22% of the costs will come from undeveloped land, and about 6% of the costs will come from developed lands that are either existing single family, commercial or institutional properties. He stated \$966,000 came from the existing water utility. The costs allocated for the blending to address radium issues for well #1 would have ranged from \$1.5 to \$1.8 Million. E. McAleer asked about the required DNR reservoir and if it was required by the DNR for fire protection needs. DPW Director Tom Hafner stated yes, it is required for fire protection. Well #2 pumps into Well #1 and that is where the blending occurs. L. Morrison asked if only the blending occurred, what would have been the costs. M. Court stated about \$1.5 to \$1.8 Million. He then reviewed the assessment and cost per equipment per single family user. He stated that each home is one equivalent user and that undeveloped lands are the number of units per undeveloped parcel included institutional, based on acreage. There are other methods but this is the most equitable for the assessment. M.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Court stated there are 38 existing single family units, 202 undeveloped potential lots, and additional 16 commercial and institutional lots. J. Hammes stated \$4,120,000 of the \$2 Million is to be paid by developers; the \$966,000 balance is subject to assessment to these specific properties at a cost of about \$4,500 per residential or equivalent unit.

M. Court stated the report addresses how these funds are to be recovered. He stated the residential user's recommendation is to have an optional hookup and optional assessment. If you don't hookup, you don't pay; when you hookup, you pay. He stated the Common Council members wanted a 50% discount if the \$4,500 is paid by the end of 2008, which would be \$2,250. J. Hammes stated the property owner can pay 50% now, but hookup whenever they want. M. Court stated the non-residential properties recommendation is to pay the \$4,500 per equivalent unit at with the 50% discount if paid by the end of 2008. If that option is not chosen, there are options for future payments. The property owner can pay the assessment over a 10 year period or when the 10 years is up. M. Court stated if the land owners make the decision now to not develop their land, then they can petition the Common Council to adopt a change to the Master Land Use Plan to Ag Exclusive; then there would not be any special assessment levied against that property. If it ever came back to be developed, then the assessment with interest would be due upon that change back to developable property.

E. McAleer stated if anyone wants to speak under public comments, please fill out a card and bring it to the front.

Kevin Welch, 1018 Parkview Street, stated when the project started years ago, the mayor at that time assured him in no way shape or form, he or anyone else along that water line, would ever be assessed or required to hookup. It was all paid for, taken care of and no one would ever be charged or forced to hookup. He fits into the area of not having the assessment / hookup if he chooses not to. He stated he wants to clarify that he doesn't have to hook up or be assessed, or will have to pay 5% until he hooks up. E. McAleer stated no, if you don't hookup, you don't have to pay. You only pay when you want to hookup, with interest. K. Welch asked what his benefit is besides the fire hydrant. E. McAleer stated this is a public hearing, not a question and answer session. K. Welch stated the City could have put a well in a different area for less money than what the finished well projected ended at. He stated he doesn't benefit from the well; he has his own water/sewer. He stated the properties that benefit from this are the properties the water line currently services. He stated it was a water quality problem and the fix should have been funded like any other fix to a problem. Because the line arbitrarily runs behind his house, he is being charged and that is wrong.

Ralph Gerber, 3707 Campbell Trace, stated he came to the Common Council meeting in June 2005 and spoke at that meeting. He stated that same night, the Common Council acted to pass the intent to assess resolution. That confused him because at the same time, the Mayor at that time, the Administrator and Common Council members assured him that taxpayers wouldn't have to pay for the water line; it would be paid for by future development and users, which was contradictory. He stated he has three points he would like to address: 1 - What is the purpose of the water line. To blend the wells to solve the radium problem and provide water for Village Square. Village Square and the existing water utility paid about \$750,000 instead of the \$1.5 to \$1.8 Million. 2 - By charging these assessments, especially against vacant lands, that is encouraging development. 3 - There is another possible solution, to borrow against the future surplus if need be. He quoted the 1991 Master Plan, "New development will pay for the full cost of municipal services so existing taxpayers are not burdened with extra costs."

Andy Zietlow, 4411 Vettelson Road, stated he has been before the Common Council in the past and has spoke from logical to critical standpoints. He has brought forth problems with arguments and found little success and is going about this a different way. He stated this is the third time he has been at a meeting to comment on the special assessment along the STH 83 Corridor. In the past, the Common Council decided what to do about this both times before and that, collectively,

CITY OF DELAFIELD COMMON COUNCIL MINUTES

the Common Council agreed that homeowners along this line would not be responsible for payment and it was put to a vote. The Common Council has spent thousands of dollars for a study on how the homeowners can pay for this. It was again voted on by the Common Council, 6 to 1 to not bring this issue up again. He asked at what point will he be able to believe what the Common Council members say?. He asked the Mayor and Common Council members what is the most important aspect of effective leadership? He stated as agreed by most well respective leaders, it is trust. He stated he has come before the Common Council imploring critical thought and have found little success. He stated the Common Council gave their word to the citizens that this issue would not be revisited and here we are again. A few months ago the citizens voted for honesty and change and for officials that value trust. The voters have the power, not the individuals on the Common Council. That is the beauty of the democratic system. He stated in 20 years from now, all you will have is your word, not the position or the power; it is time for character check. Are you going stand behind your promises and your word or will the Common Council take two steps back with the trust in local government? Character counts and matters. He stated he hopes that when the Common Council discusses this issue, they will think about the impact of this issue. Also, trust takes years to build and it can be gone in seconds. He asked the Common Council to do the right thing and put this issue to rest. He stated there is far more riding on this issue than money. This will make the path of trust between the people and government.

Sherry Myers, 4447 Vettelson Road, stated she can't say it any better than Mr. Zietlow. She stated the Common Council promised twice before that there would be no assessments for this project. Whatever is decided, she hopes this will be done, finished and never to be heard of again. She stated he is tired of coming to Common Council meetings. She asked why parts of I-94 & STH 83 were never assessed. Most times the special assessments are charged prior to the work being done, however it was done after the fact, which a mistake was made by a City employee. The residents shouldn't have to pay for an employee's mistake. She asked if some of the overrun costs are because of the huge pump house that is an empty two story building. The original decision was the property owners would never have to pay if whether or not they hooked up.

Kevin Fitzgerald, 3000 Nagawicka Road, stated he provided an outline of his comments to the Common Council. He has two points to address: the amount and timing of the assessment. He asked if it was fair to shift the fees for undeveloped land to the water fund. There was a 58% overage that should have been passed on to the water utility district instead of the 38 residential units. He stated the Common Council should give serious thought to what the fair share costs should be and then allocate the remainder to the land owners. The timing of this is critical. The majority of the property owners being charged have undeveloped land. The Plan Commission is currently working on Smart Growth which encourages agricultural lands. By charging the agricultural land owners, this negates the Smart Growth plan. The proposed solution is to charge a special hookup fee for if and when the hookup occurs. This should not induce or accelerate development, per the draft Smart Growth plan. If some of the land is developed at a lower density, then the fee should be lowered. When the land is developed, there will be additional costs as a part of the developer's agreement. He stated that a number of promises were made pertaining to existing homeowners not being required to pay. The proposed resolution should be changed to reflect this.

Randall Artrip, 3911 Campbell Trace, stated from the beginning the residents of Campbell Trace and Vettleson Road were adamant that Village Square and the water line should not be built and that they signed a petition against it. The contentions against these projects are back. Why should we have to pay for redundancy and unnecessary charges? It seems like the City did not charge enough for Village Square and that development there is not happening as fast as the Common Council wanted it. Now the City wants to charge people who never wanted this at the first place to make up the different. He stated he does not shop at Village Square and or drink the City's water. He stated the residents were promised that future development would pay for sewer and water along Village Square. He stated he has no intentions of using the City's utilities. He stated Mayor Craig went door to door promising that people would never have to pay for this. In 2007, Mayor

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Craig reminded Mayor Schuman about the promises that he made. Mayor Schuman acknowledged the zero costs promise and a motion was passed, 6 to 1 to put this issue to rest. He stated it is ridiculous to make Dave Morris, the hardest working man in Delafield, to pay \$500,000 for this service. When Dave Morris decides to retire and sell, the new developer should have to pay the line costs. He asked the Common Council to hold true to their promise and hold the developers responsible for their construction, staying consistent with previous decision. The new mayor and Common Council members need to keep promises and must own responsibly of poor decisions and not pass them on to future Common Councils. He demanded the public officials hold true to the word and are the people's representatives.

Al Zietlow, 3312 Bayview, stated he co-owns property in the City and has lived here for 44 years. He thanked the Common Council for the opportunity to be heard. When the Common Council makes their decision, they will be setting the tone of what is to come with truth and trust in government. This current body has circumvented a decision made by an earlier Common Council, which was not good, nor did it do much for trust of the people. The citizens were told developers will pay for this project. The real reason was because the City of Delafield was under the gun from the DNR to correct the radium problem with the existing well. A new well in another location could have been drilled and would have cost less. He stated the numbers he is hearing tonight do not add up. He stated he feels the residents were the scapegoat. Village Square was proposed and needed water, but were the taxpayers asked to approve this, no. He asked what happened to the longtime standing agreement with the Village of Hartland to obtain water. He asked where else, but in our City could an administration get by with that kind overrun. Many of us were told at an informational meeting called by Mayor Craig, the Common Council and Plan Commission members at Lake Country School that the installation of the water/sewer lines to Village Square would not cost these property owners anything. The citizens believed that and that was trust. Last year the Common Council corrected the sewer issue, which citizens thought also included the water issue. He asked if this is coming up because there is new leadership. If property owner's private water supply went bad, they could hookup. These people were led to believe it would not cost them anything, if they could prove that the new well caused the old well to go bad. He stated he is hearing two different things and it not sure what to believe. He asked if property owners can pay the \$2,250 now and hookup whenever they wanted. E. McAleer stated that is what the resolution states. A. Zietlow stated he hasn't heard anyone asked what the cost of the water will be once he uses it. He has spoken with condo owners and they say the price they have to pay is relatively high, which also depends on how your property is zoned. Since he has dual zoning on his property, he wants to know what he will pay. Truth and trust in government is what is going to keep people living here. He hopes the Common Council doesn't make a major mistake. Residents are already upset about the high assessment, the tax rate and number of staff members and developments. Development has not reduced tax rate and in turn requires more services. He is here to fight for fairness for senior citizens and hardworking little guys trying to stay alive. He asked the Common Council to put this issue to rest, build trust in government, keep your word, do it right the first time and listen to constituents.

Dave Morris, 4023 Campbell Trace, stated the bigger issue is the overrun costs of the project. Originally the prior City Administrator said the costs would be about \$2.2 Million, and it ended up being double that. That probably is a City error made by a City employee and should be solved by the City, not by the people. A portion of the resolution was directed at his farmland. He stated he could get the Master Plan changed to A1-E which would exempt his property from this assessment of \$450,000, but then who would make up that difference? Also, once his property is A1-E, it could not be changed back. That could alter his operation and future operations as he has one week to plan for something like this. There should be more consideration and discussion of this issue. He stated he never received a copy of the draft resolution. E. McAleer stated the resolution was directed at all agricultural lands, not just Mr. Morris'.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Steve Selke, 1215 STH 83, asked how many more meetings the Common Council will have to resolve this. We expect our elected officials to handle things in a trustworthy way and here we are again over something they were promised they would not have to pay for. Earlier someone stated that trust is everything. He sees such a divide here between administration and citizens. He stated we need to get back to building trust and keeping promises. Also, someone has to be accountable for errors. He also asked if the new buildings the people voted for will have a cost overrun. He stated maybe we have the engineer or planner if the numbers don't come out right. The Common Council needs to honor their word rebuild the trust that has been lacking.

Marty Worden, 2920 Oakwood Road, stated thanks for letting everyone to speak, however these meeting formats are stacked against the citizens. He like others had the past mayor in his driveway because he volunteered to assure citizens that they would never pay for the water line. He thought that that was the end of this, now here it is again and he's not sure why. He stated it doesn't matter that there is a different mayor, there is a reason for that and it had to do with trust. There should be a message here somewhere. People don't make a big fuss about things because we trust those that are in government to do the right thing. He hopes that those representing us will do the right thing when it comes to keeping their promises. He stated could avoid the special assessment by moving, but then the assessment would come due via a title search, making this a false promise that people not have to pay for this. You will pay later with interest if you ever sell your house. He stated he didn't even know water main was coming past his house. The water main in front of his house doesn't connect Wells 1 to 2 so it's a dead-end line so why is it there? A previous mayor told him there was Fire Station planned for those lands by Oakwood Park. He stated he suggested to a previous mayor that there is a Fire Station in Nashotah and that the City should have an agreement with them to use their station. He asked how that line plays into the well blending issue. He didn't want the water main and never plans on hooking up to it. Others have made points relevant to the timing and mismanagement of the project, and original estimates ended up double than planned, yet the water utility assessment remained the same. How are those that benefit not accountable to pay for the costs? Those that spoke summarized it well about trust. The Common Council are all intelligent people and the citizens trust them to make good decisions for them.

Richard Morris, 9280 Townline Road, Oconomowoc, stated he is the trustee for the Morris Trust land on Campbell Trace. He asked why run a water line up the city limits when paying customers are only on one side of the line? In the original promise from the City, prior Administrator and Mayor, this wasn't going to cost these properties anything. This is a City problem/mistake. Maybe the City can have their insurance company look at the error with errors/omissions. He asked about question #7 on the FAQ sheet, what happens if the Common Council doesn't pass the resolution? Will this be paid for by the users of system as suggested earlier or will the additional costs be recovered through development agreements when needed.

Jeff MacDonald, 2831 STH 83, stated he will reiterate what was already said. He stated he is against this special assessment and was led to believe the residents wouldn't have to pay anything. He stated he didn't pay much attention to this issue because of what was promised. He has no intention of ever hooking up. The cost overruns are also a big issue and asked why the City is short on money. He used the example of cost overruns when building a house and that he doesn't ask his neighbors to help pay for the extra costs. Only solution is for the City keep their word and to make the existing users pay.

Dick D'Agustina, 3727 Campbell Trace, stated he has two sons and has the privilege of explaining how the residents were promised one thing and how that went back and forth. He asked how this can happen. He stated he doesn't have a good answer for his sons and that is embarrassing. He stated he is really quite disappointed about this. His property is setback considerably and it would cost him \$15,000 to run the water main to his property. That is no practical and would never use the water system. The concept of to pay half now is like asking people if they want to be hit with a brick or a 2 x 4. The question is who should pay for this; not the people that live along the road,

CITY OF DELAFIELD COMMON COUNCIL MINUTES

but the future and current users should pay for this. He stated the he citizens elected the Common Council members. If they make good decisions, people benefit. If the Common Council members make bad decisions, prices have to be paid. These property owners should not have to pay the price.

E. McAleer asked for any more public comments. He stated there were no further public comments.

L. MORRISON MOVED TO CLOSE THE PUBLIC HEARING at 8:16 PM. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

SPECIAL ORDER OF BUSINESS:

Resolution No. 2008-35, Final Resolution Authorizing Public Improvement And Levying Special Assessments Under Municipal Police Power Pursuant To §66.0703, Stats. Water System Improvements on STH 83, Oakwood Road, Campbell Trace, Vettelson Road and in the Existing City Water System.

E. McAleer stated that the Common Council inherited the resolution from 2005 and is trying to deal with it. If the Common Council doesn't pass the resolution and in the future one or a few of the homeowners need to hook up, he is not sure what costs the property owner would incur at that time. Instead of being spread out over many, the cost would be higher for the few. The potential for an unintended consequence is huge for not doing this.

J. Krickhahn stated he doesn't understand that comment. E. McAleer stated he is talking about future Common Councils and the consequence they could have if we don't pass the resolution. J. Krickhahn stated the resolution can be worded as such that it was promised those property owners would not have to. There was further discussion about payment by property owners versus the existing users. G. MacDougall asked about the deferred assessment coming due via a title search. Attorney Jim Hammes stated a title company might say it's a deferred assessment but will want it paid to clear the title. There is no way that you can avoid that kind of consequence. If the title company wants it paid, they want it paid; there is nothing the resolution can do about that. He stated he has seen that happen, but could be an underwriting requirement of the title company.

G. MacDougall asked if we can separate the hookup fee from the assessment. J. Hammes stated the hookup fee is different from the assessment. G. MacDougall asked if we can word this differently. There was discussion about having a hookup charge versus a special assessment and how the Public Service Commission might need to get involved. E. McAleer stated there is a way to solve this; to not adopt the assessment resolution and petition the PSC to try and get a higher hookup charge. L. Morrison stated that would remove the assessment from a title search. She stated she too is in business and understands the comments about trust. If you can't deliver at a certain price, you have to eat the extra costs. She stated that the Common Council members are elected to represent the city. If there is an overrun, someone has to pay. It is their responsibility to have that payment made. The Common Council is not trying to stick it someone. It is their job to make it as fair and equitable to the citizens in general, which is who they represent. It is frustrating to hear, "just eat the costs."

B. Leonard stated everyone has been told the City has to do this because the water funds need the money. The cash flow analysis has errors in it and wants to see a revised cash flow analysis. How can we make a decision unless we have good numbers? If the numbers are accurate, the City could have \$136,000 in the water fund by 2011. It was recommended by the auditor to have a cushion in the water fund. The Common Council is now talking about charging people with undeveloped land or force them to promise that they won't develop it. Why are we doing this if we don't have a cash flow issue? She stated she doesn't want to vote on this tonight.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Gerry MacDougall asked how someone can have only a week to make a decision about their property. E. McAleer stated if adopted, property owners have until December 31 to pay the assessment. E. McAleer stated he would like to pursue the PSC approval of a larger hookup fee. J. Hammes stated there could be another way but he would have to research this. M. DeYoe stated she has heard tonight from many people that say they will never hookup. Is there anyone that actually wants to hook up? J. Krickhahn stated two people have told him that they would make the choice to pay the \$2,250, but having to come up with that much money in a few months is not fair. Also, no one has stated that they want/need to hookup right now. B. Leonard stated there was very large turnout at the informational meeting, about 80% or more of the property owners attended.

E. McAleer stated he assumed it would be impossible to petition the PSC, but it's worth a try to look at it. E. Sadowski stated he is one of the Common Council members that gave his word that people would not be assessed for this, his word is still good and he will not vote for this. He stated we need an accurate cash flow analysis and come back with a better plan. R. Miskelley stated he likes the idea of changing the fee from an assessment to a hookup fee and hopes that will take care of some of the "what ifs".

E. MOVED TO TABLE RESOLUTION NO. 2008-35, FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENT AND LEVYING SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE POWER PURSUANT TO §66.0703, STATS. WATER SYSTEM IMPROVEMENTS ON STH 83, OAKWOOD ROAD, CAMPBELL TRACE, VETTELSON ROAD AND IN THE EXISTING CITY WATER SYSTEM. SECONDED BY G. MACDOUGALL. THERE WAS DISCUSSION ABOUT TABLING VERSUS POSTPONING. THERE WAS NO FURTHER DISCUSSION. MOTION FAILED DUE TO LACK OF VOICE VOTE.

E. SADOWSKI MOVED TO RESCIND THE MOTION TO TABLE RESOLUTION NO. 2008-35, FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENT AND LEVYING SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE POWER PURSUANT TO §66.0703, STATS. WATER SYSTEM IMPROVEMENTS ON STH 83, OAKWOOD ROAD, CAMPBELL TRACE, VETTELSON ROAD AND IN THE EXISTING CITY WATER SYSTEM. SECONDED BY G. MACDOUGALL. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

There was further discussion about the reservoir at Well #2 being used for new service area, and what is that area exactly. DPW Director Tom Hafner stated the DNR does review all water system improvements. State code mandates they enforce for design standards. The City had an engineering company do a feasibility study. Between reservoirs at Well #1 and the booster station, the City sought storage to supply new and existing water service areas. When the DNR reviewed it, they wanted the new system to have its own storage capacity. The service area is everyone on east side of the lake from Nagawicka Park to Vettelson Road. J. Krickhahn asked if Village Square could have existed without that reservoir. T. Hafner stated yes, they could have built their own private infrastructure, sized it for the STH 83 corridor but then it would not have had the flexibility for future service. T. Hafner stated Public Works Committee comments on what properties should have to connect and they defined a separate sub area of the service area.

J. Krickhahn stated he also received emails about how hooking up to the water system would cost more than to replace a private well. He stated if there is an emergency in the water fund, it can borrow from the general fund if needed, which future developers would pay back. G. MacDougall stated during the public hearing he heard a comment about asking Nashotah to use their fire department. Currently the City of Delafield is in negotiations with the Lake Country Fire Department to do just that and the talks are going well. R. Miskelley stated he is always asked the same questions, "When you are on the Common Council, are you representing the city as a whole or only your district?" He stated if the city has to pay for all of the costs, the property owners that have nothing to do with the water line and have no benefit from it have to pay for it. That is his tax dollars too going towards something he will never benefit from and he's not going down that road.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

There was further discussion about tabling vs. postponing the resolution.

E. SADOWSKI MOVED TO TABLE RESOLUTION NO. 2008-35, FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENT AND LEVYING SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE POWER PURSUANT TO §66.0703, STATS. WATER SYSTEM IMPROVEMENTS ON STH 83, OAKWOOD ROAD, CAMPBELL TRACE, VETTELSON ROAD AND IN THE EXISTING CITY WATER SYSTEM. J. KRICKHAHN SECONDED THE MOTION. MOTION FAILED WITH FOUR NAYS BY M. DEYOE, G. MACDOUGALL, L. MORRISON, AND R. MISKELLEY.

L. MORRISON MOVED TO POSTPONE RESOLUTION NO. 2008-35, FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENT AND LEVYING SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE POWER PURSUANT TO §66.0703, STATS. WATER SYSTEM IMPROVEMENTS ON STH 83, OAKWOOD ROAD, CAMPBELL TRACE, VETTELSON ROAD AND IN THE EXISTING CITY WATER SYSTEM, UNTIL SUCH TIME THAT THE COMMON COUNCIL HAS AN UPDATED ACCURATE CASH FLOW ANALYSIS, THAT THE ATTORNEY REVIEWS INCREASING THE HOOKUP FEE WITH PUBLIC SERVICE COMMISSION AND THAT THE WATER LINE COST OVERRUNS ARE INVESTIGATES AND DETERMINED HOW TO REALLOCATE THOSE CHARGES. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

E. McAleer stated it is the Common Council's job to govern and to be vigilant.

1. Approve minutes of September 2, 2008 Common Council meeting and September 10, 2008 Closed Session Common Council meeting.

R. MISKELLEY MOVED TO APPROVE THE SEPTEMBER 2, 2008 COMMON COUNCIL MINUTES AND THE SEPTEMBER 10, 2008 COMMON COUNCIL CLOSED SESSION MEETING MINUTES AS PRESENTED. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

B. LEONARD MOVED TO APPROVE THE SEPTEMBER 10, 2008 CLOSED SESSION COMMON COUNCIL MINUTES AS PRESENTED. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

Jim Pfeil, 3001 Sylvester Drive, stated he is here to bring up an important subject which affects us all. His situation is greatly affecting his health, well being and safety. He lives in the middle of an area where hunting is happening. The sounds of guns are affecting his heart rate and his safety. Last year there was an incident that this in motion. There was a hunter that snuck his boat into his neighbor's shoreline and two men fired their guns about 125 feet from him. He asked the Common Council to place an immediate hunting restriction on the lake until they review his situation. He would like to see lake go quiet because hunting has gotten out of control. Many hunters hunt within a close proximity to his house. He is concerned for himself and others; someone could get hurt. He stated he feels that having hunting on the lake is not appropriate anymore. He stated he has a map of the area indicating where he has heard gunshots coming from in relation to his house. He submitted his map to the Clerk. G. Gresch stated she would email it to the Common Council members. E. McAleer stated this issue will be on the next Common Council agenda for discussion. He also asked Mr. Pfeil if he ever reported the shooting to the police. J. Pfeil stated yes, only if he was complaining about the noise. E. McAleer stated if someone is shooting a gun less than 300 feet from a property, that is in violation of state law. J. Pfeil stated that happened

CITY OF DELAFIELD COMMON COUNCIL MINUTES

last year which he reported the boat and vehicle number to DNR. The warden did follow up but did not issue citation. He can see the people shooting at his house and is concerned that someone could put a slug in the barrel and someone could get killed or hurt. He feels that quieting the lake would be a slight inconvenience to the 30 to 50 people that come out and hunt on the lake. He stated he has much more to share and invited those that are interested to talk to him. L. Morrison stated she too has heard gunshots in other areas.

Dan Kapustin, 326 Riverview Drive, passed out a statement and read it to the Common Council. *Clerk's Note: This statement is on file in the Clerk's Office.* D. Kapustin stated agenda item 8ai involves the removal of himself from the Finance Advisory Board. He stated we are running out of time because the November election is approaching. He stated if he needs to, he will further his interviews with Charlie Sykes and Mark Belling. He stated he will make sure there is not church activity at the next election. He needs to hear something quickly if there will be church activity or not, or he will file the motion. Attorney Hammes stated he will comment on this matter when we get to it on the agenda. E. McAleer stated this matter is on the agenda tonight and it can be considered later in the meeting.

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 9:14 P.M. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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.

3. Consent Agenda

- a. Resolution 2008-33, Resolution Establishing the Library Levy.
- b. Ordinance No. 592, An Ordinance Repealing and Recreating Section 2.16(1) of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin, relating to Publication and Effect of Ordinances.
- c. Ordinance No. 593, An Ordinance Repealing and Recreating Section 9.01 of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin, relating to Offenses Against State Laws Subject to Forfeiture.
- d. Ordinance No. 594, An Ordinance Repealing and Recreating Section 1.40 of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin, relating to the Polling Place.
- e. Denial of Todd Sadowski Claim for damages to residence resulting from water intrusion on June 7-8, 2008.

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

E. Sadowski stated item #3e, Denial of Todd Sadowski claim, that it was the recommendation of the insurance company to deny the claim. Also, he stated he is not a relative of Todd Sadowski.

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

CITY OF DELAFIELD COMMON COUNCIL MINUTES

4. Committee Reports

a. Licenses

1. Bartender license – 2 Year Licenses to expire June 30, 2010.
 - a. Susan Richter, Oconomowoc; Delafield American Legion
 - b. David Snake, Mukwonago, Open Pantry

G. Gresch stated all background checks came back clear.

R. MISKELLEY MOVED TO APPROVE THE TWO-YEAR BARTENDER LICENSE(S). J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

b. Plan Commission

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

B. Leonard stated there has not been a meeting since the last Common Council meeting. The Plan Commission meets September 17, 2008 at 7:00 PM to discuss Smart Growth. The Plan Commission will be discussing the use of focus groups to get public involvement. She read a list of City related groups that the Plan Commission would like their input from.

c. Lake Welfare Committee – (Minutes of September 10, 2008)

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

L. Morrison stated the Lake Welfare Committee met last week and reviewed the Boathouse code. This has been modified by the Lake Welfare Committee and will be discussed at the September 24, 2008 Plan Commission meeting. The DNR asked for more time to approve dredging permit to mid October and is working on environmental assessment, which could be considered semi positive.

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 September 22, 2008 at 7:00 P.M.

2. Discussion and action on recommendation from Park & Rec Commission to approve the \$5,000 donation to Waukesha County Parks and Land Use for a dog exercise area in Nashotah Park, in 2009.

E. Sadowski stated Waukesha County would like to make an exercise area for dogs in Nashotah Park. The donation will be a part of the Park & Rec Commission's 2009 budget. This would allow different communities in the area to use the 11.2 acre area. This would save the City money in the long run and it's a good idea. The exercise area will be fenced in and an off leash. J. Krickhahn asked if you would still have to pay to use it. E. Sadowski stated he is not sure. G. MacDougall stated if you don't have a Waukesha County Parks pass, you can pay each time to access the park. E. Sadowski stated if you have a Waukesha County Parks sticker, you won't be charged again to use it.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

- e. Public Works Committee – (Minutes of September 3, 2008)
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

R. Miskelley stated at Public Works Committee meeting, the members met at the Janecko residence on Burries Road. The Public Works Committee felt very strongly that the problem is related to the development. Water is contained by the residents that live there. He stated with Common Council permission, he would like to spend up to \$1,000 to review different ways that these affected property owners could get rid of that water themselves. M. Court will draw up plans and present them to the affect property owners so they can make a decision. G. MacDougall stated the City doesn't normally get involved with these issues. R. Miskelley stated this City is doing this because it's the right thing to do even though we don't have a responsibility to take the water out. L. Morrison stated before the City turns over the plans, there should be a sign off from the affected property owners indicating the City is held harmless. E. McAleer stated he was called over after heavy rains and asked that this be put on Public Works Committee agenda. This is an effort to help a situation, but the homeowner will be responsible for the resolution to fix this.

G. MACDOUGALL MOVED TO APPROVE M. COURT DRAWING PLANS TO HELP RESOLVE THE WATER ISSUE ON BURRIES ROAD, AT A COST NOT TO EXCEED \$1,000. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- f. Del-Hart Commission
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

There was nothing to report at this time. The next Del-Hart Commission meeting will be held on September 16, 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 September 9, 2008)
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

J. Krickhahn stated the Library Board met on September 9 and had a very good discussion. The Library Board reviewed the budget and will present a budget that is reasonable and about 4% higher than last year. The Friends of the Library were also present and Mr. McGill presented great fundraising ideas and he looks forward to working with him. The Friends of the Library were busy at the Annex getting ready for the next book sale on October 18, 2008.

The next Library Board meeting will be held on October 14, 2008 at 7:00 P.M.

- i. Finance Advisory Board

CITY OF DELAFIELD COMMON COUNCIL MINUTES

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. September 11, 2008 Hearing Determinations
 - a. DELC 0802.009; Proposed second story on home and rebuilding of detached garage at 2004 Milwaukee Street – APPROVED.

The next Board of Zoning meeting will be on October 9, 2008 at 7:00 P.M. at City Hall.

k. Promotional and Tourism Committee – (Minutes of September 9, 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 met last week. They discussed the Vietnam Veterans Memorial Moving Wall. They expect more than 25,000 in four days. It will be open 24 hours per day and needs to be venerated. The thought process is that veterans will be there during the night at the wall because some of them have trouble relating to the loss are more likely to come at night, therefore veterans will be there to help counsel those that need it. Citizens will be amazed at the amount of traffic coming through the City for this. There is a committee to organize volunteers. There isn't a perfect way to getting signed up yet, but she will keep everyone informed. She also stated the Strategic Planning Committee reported the committee's summary of findings to the Chamber of Commerce. That will be presented to the Promotional and Tourism Committee next month.

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

L. Morrison stated the subcommittee met on August 16 and finalized plans for next year's block party. The main celebration will be September 12, 2009 with parades. They also discussed the banners along STH 83 and that they were tacky looking. The banners downtown looked very nice and now the STH 83 banners will match. These banners will be up through December 2009. The next meeting is in three weeks.

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 50th Birthday Celebration

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

M. DeYoe stated there hasn't been a meeting since they last met. There is a link on the City's website which is links to organizations that will sponsor the

CITY OF DELAFIELD COMMON COUNCIL MINUTES

event. There might be more information up by the end of the week. E. Sadowski stated he is bidding out fireworks now and looking into fundraising.

- n. Lake Country Fire Department Expansion Committee Meeting – (Minutes of September 11, 2008 – not available)
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

G. MacDougall stated the committee met on September 11, 2008. They continue to discuss the articles of incorporation and the budget. The effort is progressing well. E. McAleer agreed.

The next Lake Country Fire Department Expansion Committee meeting will be at Nashotah Village Hall at 7:00 P.M. on October 16, 2008.

5. Old Business

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

T. Schuenke stated he emailed the Common Council members asking what they think the status of Village Square is. He stated Drew Johnson is present and would like to speak. D. Johnson asked if the Common Council members read the agreement settlement. He stated the business owners are concerned for future businesses if they will be allowed to be open and if they will be judged by how the Common Council and Plan Commission perceives if the settlement agreement is being followed. He stated he feels Village Square is in compliance with the settlement agreement.

E. McAleer stated he doesn't have complete list of deficiencies. He stated the lighting shades have never been implemented. The lighting was reduced, but it wasn't dealt with the way the settlement agreement stated it should be. J. Krickhahn stated the lighting is the number one issue since the current lighting throws out 360 degrees of light. He stated he understood all of the fixtures would be replaced, not just the first five in the entrance. He believes changing the shading would fix the lighting issue. He also stated he received emails from residents about truck noise on Vettelson Road and Village Square needs to find a way to police that. The truck noise is happening at 5 AM, 11 PM and at other times. It is disruptive and dangerous pulling out onto Vettelson Road. He also commented on the snow removal, which contact with the property manager has been made and he is working on it. However, the snow removal issue can be set aside until winter comes. J. Krickhahn stated trees are also an issue, that some of the trees are half dead. However, some of the trees were replaced. He stated it was promised in the developer's agreement that the Village Square roadway would not be used for cut through traffic, which is happening.

D. Johnson stated instead of coming under the bridge, people are using Village Square to get through to Vettelson which is becoming a hazard. J. Krickhahn stated he thought there were going to be speed bumps and asked why they aren't there. J. Krickhahn also commented that Pick 'n Save is grilling outside without approval, when others in downtown have to have permission by the Plan Commission. E. McAleer stated that issues are on the September 24, 2008 Plan Commission meeting agenda.

B. Leonard stated there is not accurate answer for item number 2 in the settlement agreement. She stated there are extra costs for reviewing and enforcing and the developer should pay those fees. J. Krickhahn also commented on the geese in the stormwater pond. D. Johnson stated if the grass isn't mowed the geese might go

CITY OF DELAFIELD COMMON COUNCIL MINUTES

away. E. McAleer stated he wants to be able to tell the Plan Commission that the Common Council has addressed all of the outstanding issues so that the Plan Commission doesn't have any reason to deny Business Plans of Operation.

E. McAleer stated we need to investigate the costs of lighting shades. M. Court, City Engineer, stated it will cost more in labor to install the shade, than the shade itself. The current shade is not solid and reviewed different types of shades.

E. McAleer stated any other comments concerning the settlement agreement will be worked out with the Administrator. There was further discussion about outstanding issues and what can be done about them, specifically regarding the lighting. D. Johnson stated he wants to work through the issues. He stated if he puts money towards the lights, he is compromising and hopes that those that objected initially will support the project if the issues are addressed. E. McAleer stated he supports Village Square and ran on a platform to hold developers to their agreements. He suggested that Mr. Johnson work with Engineer Mike Court to address these issues. E. McAleer and J. Krickhahn stated they both want to see the development succeed. D. Johnson stated he wants to hear from the Common Council and Planner Dupler about the lighting. He wants to feel like he is working towards community support. G. MacDougall asked the Administrator to give Mr. Johnson a punch list of outstanding items. E. McAleer stated that can be done. E. Sadowski stated he also supports Village Square and that the outstanding issues seem like something that can be worked out. J. Krickhahn stated last November he remembers Planner Dupler was under the impression that more lighting would be changed. E. Sadowski stated if the punch list is completed, the Common Council can make a motion to put this to rest. L. Morrison stated the Common Council has to make sure the list is reasonable. D. Johnson stated he will wait to hear from staff.

- b. Discussion and action to recommend to the Plan Commission to review the draft ordinance to be submitted to DNR to be included in the National Flood Insurance Program, and to set public hearing date for the same.

B. Leonard stated she was at a meeting with area planners and asked them what they are doing to address this. She stated they too are using the DNR model.

E. SADOWSKI MOVED TO APPROVE THE TO RECOMMEND TO THE PLAN COMMISSION TO REVIEW THE DRAFT ORDINANCE TO BE SUBMITTED TO DNR TO BE INCLUDED IN THE NATIONAL FLOOD INSURANCE PROGRAM, AND TO SET PUBLIC HEARING DATE FOR THE SAME. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. Mayor's Report

E. McAleer stated Marilyn Czubkowski retired for the second time and asked him not to do any fanfare. He stated he still needs to thank her for helping out the City during a time of transition, so the City purchased a small gift certificate for Ben Franklin so Marilyn can shop for quilting materials. A thank you card was passed around and it will be mailed to her. He stated Marilyn promised she would come back if we need her. She is still on the building committee and on 50th anniversary committee.

E. McAleer also thanked Christ the King Lutheran Church for opening their doors to the voters, for serving coffee and cookies, setting up the room and helping with traffic control in and outside. He also thanked Marcus Movie Theaters for their crowd control ropes and the

CITY OF DELAFIELD COMMON COUNCIL MINUTES

DPW Department for their continued setup and take down help. He also thanked the election workers for working long days so voters have their say in the most efficient way.

7. New Business

a. Discussion of the current City of Delafield business culture.

L. Morrison stated she has an office in the historic area of the City of Delafield. She stated this is a tough time for businesses and that many of the buildings downtown are empty right now. Some business has changed hands, some are struggling and others are closing. She stated we have to help our business owners to be successful. She hopes the Common Council and Plan Commission have a welcoming attitude to our community. The City should be part of the solution, not the problem. R. Miskelley asked if we welcome new business or are we pushing them to look elsewhere. G. MacDougall commented on the Plan Commission discussing the Chinese restaurant at Village Square. The Plan Commission wouldn't let the take out restaurant stay open to 11 pm to let them clean up. B. Leonard stated part of that issues what that the tenant and property manager did not communicate well about the restaurant's needs. G. MacDougall stated he later heard the Plan Commission can't talk about Village Square's business's hours of operation without violating the settlement agreement. J. Hammes stated he drafted an ordinance to allow the Plan Commission review hours operation. B. Leonard stated the hours of operation are very important in a neighborhood center like Village Square.

L. Morrison stated she is downtown everyday and many people don't know about the empty buildings downtown. She doesn't want the City's attitude towards new businesses to contrast what is actually happening. E. Sadowski stated this Friday, there is an artwalk downtown starting at 5:00 PM. Saturday night Wells Street Tavern has "Halfway to St. Patty's Day." Dan Kapustin stated he has information related to the Business Plan of Operation discussion and asked that he be heard. E. McAleer stated Mr. Kapustin can speak under citizens' comments at the next meeting.

8. Report of City Officials

a. Administrator

i. St. John's Northwestern Military Academy, Inc. Community Development Authority Tax Exempt Redevelopment Revenue Bonds.

T. Schuenke stated St. John's Northwestern Military Academy has requested the City consider approval of Tax Exempt Redevelopment Revenue Bonds for various improvements on their campus. The bonds are authorized by State Statute and need to be approved by our Community Development Authority (CDA) and the City Council. These bonds are not obligations of the City nor do they affect our borrowing cap. St. John's estimates the amount of these bonds to be between \$5,000,000 and \$10,000,000. In order to do this several things must occur. 1. The City must appoint members to its CDA. We have a CDA, but no one is currently appointed to it. 2. The CDA and the City must consider a Preliminary Blight Resolution. 3. Public hearings are held by the CDA on the resolutions. 4. The CDA and City would consider final resolutions. A timetable outlining the above is being prepared by St. John's and we will forward it to you as soon as we receive it. The appointments to the CDA would likely occur at one of the October Common Council meetings.

ii. Budget Workshop on Thursday, October 16, 2008 at 6 PM.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

T. Schuenke stated he would like to suggest a change in the budget process. The Common Council currently has its first look at the night of the public hearing. The Common Council stated that is a show and tell meeting. T. Schuenke stated he suggests having a budget workshop for the Common Council, Department Heads and the Finance Advisory Board on Thursday, October 16, 2008 at 6PM, with a Finance Advisory Board meeting on another date to make a recommendation. E. McAleer and G. MacDougall stated they cannot make October 16 due to the Lake Country Fire Department Expansion meeting. T. Schuenke stated we had a hard time picking dates, but he will look again. G. Gresch stated we wanted to change the process and the timing of when the Common Council sees the budget. We would like the Common Council to make their recommendations before the budget notice is in the paper, so the budget is as final as it can be. The bulk of the decisions should be made before the public hearing. T. Schuenke stated he agrees; we want the Common Council to have a more interactive role.

- iii. Memo from Fire Chief Edwards regarding Paramedic Intercepts to Pewaukee.

T. Schuenke stated the fire department provides paramedic intercepts to our neighboring communities. These intercepts consist of one or two paramedics responding to the requesting communities from our station and assisting their ambulance crew with patient care and treatment at the paramedic level. They then transport in the requesting communities ambulance with the paramedics on board. The requesting community is then billed \$400 per paramedic intercept as only the transporting service can bill the patient. Paramedic intercepts have now been requested from the City of Pewaukee. The Pewaukee fire department has moved to the paramedic intercepts which they have not used in the past. This has created an opportunity for Delafield to expand its intercepts to the Pewaukee area. They plan on using paramedic intercepts until they can get their own paramedic program in place in three to five years. Pewaukee has approximately 5 paramedics now and they are trying to get additional paramedics on their staff. They have a call volume near 2000 for this year and the majority of their calls are daytime calls. The potential for paramedic intercept calls into Pewaukee is at least one per day. This will require us to staff one additional part time paramedic in the Delafield station during the day. This person can be used in Delafield until a Pewaukee intercept call comes in at which time they will then respond to that call. When that person is not responding to Pewaukee they will carry out station duties and functions as needed in Delafield. G. MacDougall stated this came up at the joint consolidation meeting, if this happens, will this totally be paid for by the activity that is generated or will part of the cost be paid for by the tax base. T. Schuenke stated no, all paid by the generated funds if our predictions are correct, by generating one call per day, \$400 per day, cost us \$157 per day, we will earn money. Beth asked how the \$157 is generated. T. Schuenke stated that figure came from the Fire Chief. T. Schuenke stated we don't have to buy any other equipment.

- b. Clerk-Treasurer
 - i. September Election Results

G. Gresch stated the Tuesday, September 9, 2008 Partisan Primary Election in the new polling place, Christ the King Lutheran Church, overall went very well. There were a few minor hiccups which we addressed immediately. It was a very good election to have in a new location so that we can make adjustments for the

CITY OF DELAFIELD COMMON COUNCIL MINUTES

November Presidential Election. Some adjustments that we will be making for November are room layout, additional signage and doing a mass mailing notifying everyone of the new polling place location. The day's turnout yielded 774 voters for a 15% turnout. Also, thank you to all those that Mayor McAleer thanked.

ii. November Election Reminders & Additional Voting Registration Hours.

G. Gresch stated Absentee Ballots for the November Presidential Election will be available by Monday October 6. The Clerk's Office has set aside extra hours for eligible voters to register to vote and vote absentee on the following dates and times at City Hall:

- Saturday, October 18, 2008: 10:00 a.m. to 2:00 p.m.
- Wednesday, October 22, 2008: Clerk's Office open to 6:00 p.m.
- Saturday, October 25, 2008: 10:00 a.m. to 2:00 p.m.
- Tuesday, October 28, 2008: Clerk's Office open to 6:00 p.m.
- Thursday, October 30, 2008: Clerk's Office open to 5:00 p.m.
- Friday, October 31, 2008: Clerk's Office open to 5:00 p.m.
- Monday, November 3, 2008: Clerk's Office open to 5:00 p.m.

We encourage residents to take advantage of the extra hours so that we can avoid long lines on Election Day. Also, there will be many voter groups mailing voters absentee ballot applications. If you are not sure if you are registered, please call City Hall before mailing in the application. If you want to register to vote by mail, please remember to attach a copy of your current driver's license. You can also include the absentee ballot application with your voter registration if you like.

iii. September Election Disturbance

The electors and Election Inspectors encountered a disturbance at the polling place last week. A voter came in and expressed his opinion in a loud manner to the Election Inspectors, Chief Inspector, church volunteers and myself about the polling place being located in a church and that he felt the church volunteers were "evangelizing" while giving away coffee and cookies to the voters on their way out of the polling place. After removing him from the polling room, he then continued to challenge the church volunteers about their actions and motives. I explained to the voter that the polling place is not "in" the church, it is in the Great Hall room. I also explained to him that I allowed the church volunteers to give away coffee and cookies because they were more than 100 feet from the polling room and they were not electioneering. I offered the option of absentee voting to this voter which he denied. As the voter was leaving the building, he threatened to sue me and city. After about an hour, I called the Mayor to inform him of the disturbance, which he then directed me to call the police. The police came to the polling place and took notes from those that were involved. They then went to the voter's residence and questioned him on his actions. A warning was issued and he was told that if he did it again a disorderly conduct citation will be issued. G. Gresch stated she had already checked with the Government Accountability Board about having the polling place on church property, which they stated no objection to. She stated she doesn't mind that this person had an opinion, it was the manner in which he objected to the polling place and the many people he voiced his objection to.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

E. McAleer stated the Clerk had the right to call the police. Attorney J. Hammes stated there is no reason that the City can't have the polling place on church property. He stated the Clerk in charge of running the elections and is in charge of running the polling place.

- iv. Discussion and action to remove Dan Kapustin from the Finance Advisory Board.

E. McAleer stated he called Mr. Kapustin and asked him for his resignation. He stated he doesn't want anyone on a City committee that causes disruptions at the polling place. E. Sadowski stated it is the Mayor's prerogative to appoint or remove people to and from committees. R. Miskelley agreed.

E. SADOWSKI MOVED TO REMOVE DAN KAPUSTIN FROM THE FINANCE ADVISORY BOARD. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- v. 3rd Quarter Communicator.

G. Gresch stated the 3rd Quarter Communicator will be mailed on September 26, 2008 and she is in the process of finalizing it with the printer this week.

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

L. Morrison requested to add hunting on the lake to the next Common Council agenda. J. Krickhahn requested that the Administrator email the Common Council members for their outstanding Village Square issues and that he make a punch list from tonight's minutes for the Village Square property owner, Drew Johnson.

9. Financial Report

- a. Approve voucher list

R. MISKELLEY MOVED TO APPROVE THE VOUCHER LIST AS PRESENTED. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. August Treasurer's Report

L. MORRISON MOVED TO APPROVE THE AUGUST TREASURER'S REPORT. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

10. Correspondence

- a. Letter from Attorney Hammes regarding open records requests fees.
- b. Letter from Time Warner Cable regarding Big Ten Network.
- c. Ehlers Advisor Newsletter.
- d. Focus Newsletter.
- e. Letter from Waukesha County Public Works regarding CTH C Proposed Transfer.
- f. Email from Gary Bova regarding September 15, 2008 Special Assessment Public Hearing.
- g. Letter to United State Post Office requesting route and delivery study.
- h. Letter from resident requesting benches on Hillside Drive between Hillside Senior Apartments and the Marcus Movie Theater.
- i. Letter from John and Connie Topping regarding the water special assessments.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

- j. Letter from Diversified Ambulance Billing regarding termination of services effective January 1, 2009.

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

11. Adjournment

E. SADOWSKI MOVED TO ADJOURN THE SEPTEMBER 15, 2008, COMMON COUNCIL MEETING AT 10:30 P.M. G. MACDOUGALL 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