

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 October 6, 2008 Common Council meeting:

<u>Present</u>	<u>Absent</u>
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 SEPTEMBER 15, 2008 COMMON COUNCIL MEETING.

G. MACDOUGALL MOVED TO APPROVE THE SEPTEMBER 15, 2008 COMMON COUNCIL MEETING 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.
There were no citizen's comments for items not on the agenda.

CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA.

Don Tills, 2700 Peninsula Avenue, stated he has been retired from the DNR for 28 years and serves on the Lake Welfare Committee. He is not speaking for either entity, only himself. He stated he is here because of item 7a, hunting and shooting on Nagawicka Lake. He's been around for 50 plus years and is not aware of any hunting accidents. Hunting is generally a very safe sport. The DNR has youngsters that want to be involved so they must take a hunters safety course. There is possibility of accidents. He is very supportive of hunting because of the over population of Canadian Geese in Wisconsin. The major method to controlling Canadian Geese is hunting which is also the most effective. He stated he has had more than 75 Canadian Geese on his property at one time. Hunters are doing a service by harvesting some of that surplus of geese on the lake. The DNR has an early goose season and set it up specifically to help control that population.

Mrs. Haros, The Gathering restaurant owner, stated her husband, Andy, is not here tonight, but she is here to ask the Common Council for an extension for The Gathering's Liquor License. Currently, they have two brokers and two possibilities. She stated without the Liquor License, the sale of that building as a restaurant will be very difficult.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Dan Kelley of Oconomowoc thanked the Common Council for allowing him to talk tonight. He stated his father, Tom Kelley, lives at 2218 West Shore Drive on the lake. He stated he himself has lived in Delafield for 27 years and has hunted here for 35 years. He used to cut the weeds on the lake and was on the water-ski team. He has six children, 4 of which are sons that also enjoy the hunting on the lake and have taken the hunter safety course. He stated he hopes that the Common Council will not consider closing hunting on the lake. Lac la Belle's beach has been closed because of the geese bacteria, which is an issue as well as the over population.

Dave Daubert, 3330 Bay View Court, stated he is here to support hunting on the lake. He also teaches his sons and grandsons to hunt and is the same boat as the last speaker.

Tom Kelley, 2218 West Shore Drive, stated he has been a resident since 1965. He is proud to say that he has 4 children and 11 grandchildren. He stated he can't explain how it feels as a grandfather to be able to say that each of his grandchildren has hunted with him. The joy hunting with your grandchildren brings is unbelievable. He stated long after he's gone, his grandchildren will have stories and to take that away is extremely negative; it would really be a downer for this community. It's not until you see the interaction to be one on one with a grandson for hours on end waiting for a bird to fly over your head and come into your decoys. Words cannot express it and surely hopes that the Common Council will consider not changing the current hunting rules. He stated in all of the years he has been hunting on the lake, there hasn't been one accident. There have been a couple of occasions where problems would erupt, but nothing out of the norm. Sometimes you find people that make dumb mistakes, for the most part, hunting is a very safe sport and very rewarding to the children that participate.

Charles Hall, 3019 Sylvester Drive, stated he has lived here since 1973, has been retired for 8 years, is on the lake 24/7 and enjoys it very much. He does not hunt but uses his equipment on the lake and respects the right of everyone else that uses the lake and its resources. He encouraged the Common Council to leave situation the way it is. He stated in 35 years of living on the lake, he has never seen a hunter come close to his land.

Gary Marciniak, 2927 Sylvester Drive, stated he is a long lifetime conservation patron, supports all types of hunting and would like to see hunting on the lake continue. He stated he would also like to see the Common Council do something about people feeding the geese. He has a neighbor that feeds geese year round and some nights there are 250 geese in his yard. He asked everyone to imagine what 250 geese will do to your yard and pier. He stated that he and other neighbors put up a snow fence to keep the geese out of their yards. He stated that feeding the geese takes them out of their natural migration route.

Greg Marciniak, 2927 Sylvester Drive, stated he has lived on the lake his whole life. He stated he loves to swim in the lake but because of the goose poop in the water by his property, he has to take his boat the middle of the lake to swim. This year has been the worst and it's disgusting. The geese are more of a bacteria and sanitation issue and want to see the feeding of geese to stop.

Tim Voss, 2819 Burries Road, stated he has been hunting for five years; he has taken the training course and has been safe while hunting. He stated he has been harassed by people that don't like hunting; people take pictures of him and his family while hunting and they also steal their decoys. Hunting on lake should stay the same. He stated he also has seen the mess the geese make.

Jeff Voss, 2819 Burries Road, stated he has a 16 year old son who recently invested in a hunting boat and started hunting on his own after taking the hunter safety course. He

CITY OF DELAFIELD COMMON COUNCIL MINUTES

stated hunting is a very productive activity for a 16 year old to do compared to other options. He hates to see the rights that we have taken away. The sailboat gun for regattas makes more noise than a shotgun. He stated the geese are better off being hunted than being fed. The geese lose their fear of humans and it messes up their migration pattern.

Carl Czerwonka, 2942 Nagawicka Avenue, stated he has lived here 25 years and that he and his sons are sportsmen. They hunt and respect the others that hunt ducks and geese. He doesn't want to see the hunting restricted. The geese make a mess in people's yards and in the water. He feels the fewer the geese the better. He wants to keep things the same unless there is a real good reason for eliminating hunting, which he hasn't heard tonight.

Peter Kelley, Oconomowoc, stated he is the grandson of Tom Kelley, and that he has been hunting without a firearm for nine years and with one for three years. He stated it has been so much fun to hunt with his grandpa, dad and brothers. There is a lot of peace around them and hunting should be continued.

James Eaves, 3218 Nagawicka Avenue, stated he has been hunting since he was 14 years old. He stated he was water skiing two weeks ago and saw 40 geese land about 20 feet in front of the boat. The geese stay on the east shore because they know what happens on the other side of the lake. He stated there has never been a close call hunting on the lake. He also has taken many of the kids in the audience hunting and teaches them that hunting is a privilege, not a right, and to respect the lake users rights. He stated there is a big difference between geese that are being shot at and those that are being fed.

Larry Fehrm, 2805 Burries Road, stated he is also in favor of continuing hunting on the lake. He stated that he has to put items on the piers, like owls, so that the geese don't land on his pier and make a mess. He is not a hunter but supports hunter's rights. The bigger issue is that we have to stop the feeding of the geese which changes their migration pattern. He stated he is speaking as a representative of his homeowners association; which there isn't one person in that group that is in favor of eliminating hunting.

Dan Sisulak, 1704 Bark River Drive, stated he has lived here for 15 years, is not a hunter but supports hunting, and enjoys canoeing on lake. In the spring you can see the geese will have as many as 16 goslings. If hunting is restricted, the geese will become overpopulated in a very short time. Hunting does a service by cutting down on the geese population. If we restrict it, we will incur an ever bigger cost to eliminate them.

John McDonald, 2813 Ridley Road, stated he is a lifetime hunter. Hunting is an extremely safe sport which he supports. He stated the Common Council needs to do something with people feeding the geese.

Mike Karrels, 2723 Ridley Road, stated he has been a resident for 23 years he and his sons hunt. He also agrees that the City needs to create ban on feeding geese. The geese have gotten so bad they have put up string fences to keep the geese off his yard.

Lisa Voss, 2819 Burries Road, stated she has lived here for eight years and she too has taken her hunter's safety course. She stated the hunter's safety course from the City. It was a great experience and thanked the City for offering it. She stated she is for hunting on the lake and talked with the DNR and read a letter from the DNR about goose hunting. She gave numerous reasons from the DNR why feeding geese is not a good practice and why hunting geese is. She stated she will give the City a copy of what she is reading. She stated the Canadian Goose causes the greatest concern and the impacts of keeping the geese around include droppings and aggressiveness. The early goose hunting season was created to manage the Canadian Geese. The DNR has several recommendations on how to control the

CITY OF DELAFIELD COMMON COUNCIL MINUTES

geese. The first is to allow hunting where safe and practical. The other ways to handle the geese are pretty inhumane. Scare devices and repellent devices can be used; however, hunting is the best choice. E. McAleer stated the current ordinance was reworked about 10 years ago to eliminate deer hunting. He supports the ordinance the way it is.

Jim Pfiel, 3001 Sylvester drive, stated he is the reason why this topic is on the agenda. He stated there was a lot of information given tonight which is only partially correct. The DNR Warden is here tonight and can attest that there was a hunter that did shoot about 125 feet from where he was standing. He stated he doesn't feel safe because he felt he was being shot at. He stated the person that commented on water skiing was water skiing inside the buoy and shouldn't have been there. The people that came tonight are all people that hunt and want to continue their right to do so. However, he doesn't consider it safe after what happened to him after last year. The noise is the biggest issue and that he doesn't want to be woken up at 6:30 am by gunshots. He counted between 50 to 70 shots on Saturday morning. He also counted between 100 to 200 gunshots on Sunday morning. The noise is excessive. He has observed the geese and they avoid the hunting areas on the lake. He has been feeding the geese and will gladly stop feeding them. Their natural migration is disrupted by the one side of the lake. He wanted to dispel some of the things we have heard tonight. Everyone has said its safe and accidents can happen. The shooting on the lake has caused him a great deal of anguish and a loss of sleep which is not healthy for him. He stated he will stop feeding the geese if people stop shooting them. E. McAleer stated he lives about a quarter mile from Mr. Pfiel and that he only heard about a dozen gunshots last weekend.

Son of Mike Karrels, 2723 Ridley Road, stated he was hunting this morning on the lake and took about nine shots. He was doing yard work on Sunday morning near the west shoreline by the kettle. He stated he heard shots from the Hartland Sportsman's Club. He hears more gunshots from the club rather than from the hunters. He stated the man that spoke before was the person that took pictures of his decoys, threatened that they would be in trouble and that he was calling the cops. He also said the prior speaker also told him to come to his house and the cops will be waiting. He stated as a hunter on the lake, the hunters take care of the lake and clean it up. Hunters are the major contributors of the conservation of natural resources.

J. KRICKHAHN MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:30 P.M. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Common Council members asked if the they could discuss item #7a due to the public in attendance tonight.

L. Morrison commented that about 10 years when she moved onto the lake, the first day she lived there, she went out on the lake in her boat and saw some gorgeous geese on the lake, not noticing that she was boating in the middle of someone's hunting decoys. She stated they didn't shoot at her and the hunters were very understandable.

E. McAleer stated 10 years ago when the Common Council reviewed the ordinance, the areas where deer hunting was allowed was too crowded and too and dangerous to allow shooting. However, the Common Council has always wanted to preserve duck and geese hunting on the lake. The deer population has increased since the City eliminated deer hunting. If hunting on the lake is eliminated, the goose population will explode. The City doesn't currently have anything on the books banning feeding geese. T. Schuenke stated he was asked to research this and that Clerk Gresch received examples from other communities,

CITY OF DELAFIELD COMMON COUNCIL MINUTES

were not very good. He stated he needs to do more research and will have it ready for the next Common Council meeting.

E. Sadowski stated he is not a hunter but respects those that do. He stated he doesn't see any reason to change ordinance with regards to hunting on the lake. G. MacDougall stated the City needs to create an ordinance for feeding animals. J. Krickhahn stated he respects Mr. Pfiels concerns about hunting, but he is the only person that has these concerns. He has received numerous calls from residents, all in favor of hunting on the lake. M. DeYoe stated the hunters are very aware of the laws and the safety precautions. Those that are not hunters need to be educated better about hunting. R. Miskelley stated he has never seen a problem with the hunters and boaters and that they never bothered each other. G. Gresch stated there is DNR information on the City's website about hunting / feeding animals. Common Council members agreed that they did not want to change the ordinance with regards to hunting on the lake. J. Krickhahn thanked the residents and the DNR for coming to the meeting.

B. Leonard asked the DNR Warden if there have been any problems with hunting on the lake. E. McAleer asked how much patrolling the DNR does. The DNR Warden stated he is out two to three times per week for boating and fishing. He stated he is out one to two times a week for the early hunting season, but he also covers half of Waukesha County. He has issued citations on the lake but they were not hunting related. As for the incident Mr. Pfiel is referring to last Thanksgiving, there was a hunter by the kettle. He shot a goose and it sailed a ways so he went to retrieve it. The goose was still alive so the hunter drove the goose out into the middle of the lake to shoot it again, which is the right thing to do. M. DeYoe stated if someone is concerned about hunting/shooting, they can call the DNR's tip number or call the police. Lt. Chuck Moranchek stated he didn't have much to add. In the last year, he had four incidents. Two were by the complainant, one was two were kids shooting at geese with a paintball gun and the other was the DNR shooting.

3. CONSENT AGENDA

- A. ORDINANCE 594, AN ORDINANCE UPDATING THE CITY OF DELAFIELD MUNICIPAL CODE.

J. KRICKHAHN 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. KURT KLOBA, NEW BERLIN; APPLEBEES
 - B. ALEX J. ULRICH, HARTLAND; QDOBA MEXICAN GRILL
 - C. ELIZABETH SCHILLING, NEW BERLIN; WATER STREET BREWERY
 - D. TINA MCCULLOUGH, WEST ALLIS; QDOBA MEXICAN GRILL

G. Gresch stated all background checks came back clear.

E. SADOWSKI MOVED TO APPROVE THE TWO-YEAR BARTENDER LICENSE(S). M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. DISCUSSION AND ACTION ON REQUEST FROM ANDY HAROS, FOR ANOTHER 90 DAY EXTENSION FOR THE GATHERING'S "CLASS B" BEER AND CLASS "B" LIQUOR LICENSE.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

G. MACDOUGALL MOVED TO APPROVE THE 90 DAY EXTENSION FOR THE GATHERING'S "CLASS B" BEER AND CLASS "B" LIQUOR LICENSE. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

B. PLAN COMMISSION – (MINUTES OF SEPTEMBER 24, 2008)

B. Leonard reported on matters considered and actions taken at the meeting. She stated the Plan Commission had considerable discussion about a development proposing doctor's office/medical clinics and apartments. She stated that the Plan Commission hopes the plans will be re-drawn because there were significant deficiencies with the project.

B. Leonard stated another item on the agenda the Plan Commission had serious concerns with is Garden Gate Nursery at Village Square. This is a proposal for a temporary outdoor garden center. The operation would have glass quanset-huts out in the parking lot over a long period of time. The Plan Commission feels this would be major change to the Conditional Use so they are going forward with a public hearing.

R. Miskelley asked what action the Plan Commission took with the signage issue. E. McAleer stated the Plan Commission approved the sandwich board portion of ordinance as recommended by the Sign Committee. R. Miskelley stated he wants the Sign Committee and the Plan Commission to meet together to review what was recommended. T. Schuenke stated he spoke with Rick Lieblang, Sign Committee Chair, asking if there would be action on the Sandwich Board Sign ordinance tonight. If it wasn't, he asked if the action could be postponed so that the Sign Committee and Plan Commission can meet one more time to talk about the Sign Ordinance as a whole. E. McAleer stated the Plan Commission recommended adoption per the Sign Committee's recommendation, so the Common Council doesn't have to extend the 90 day moratorium. R. Miskelley stated the downtown business owners think the ordinance is not being interpreted the way they wanted and wants one more meeting. E. McAleer stated the Sign Committee can come to any meeting as they are all public. There was further discussion between R. Miskelley and E. McAleer about what the passed at the Plan Commission meeting and having another meeting with the Sign Committee.

L. Morrison stated that the Sign Committee has been treated as an orphan and the Common Council never really knew what their thoughts were. R. Miskelley asked that there be no action taken on the sandwich boards until the Sign Committee can make their presentation to the Plan Commission. L. Morrison stated the Sign Committee wants to be able to present the whole ordinance and what their intent is. J. Krickhahn we owe it to the downtown merchants because the holiday season is coming and feels for them. There was further discussion about what the business owners want for signage. E. Sadowski stated he too spoke with Rick Lieblang and suggested that the Sign Committee come to the next Common Council meeting, have a discussion, then send any suggestions to the Plan Commission and have it come back to the Common Council for adoption. R. Miskelley stated no one from the Sign Committee was invited to the Plan Commission meeting to discuss the ordinance and he specifically asked for that. He stated before the Common Council passes any ordinance, the people that are affected by it should have one last say. B. Leonard stated one issue that could be a problem is backlit signs which could affect downtown businesses. R. Miskelley wants to extend the moratorium and ask the Sign Committee to come to a meeting to present their intent. He stated he is okay with Alderperson

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Sadowski's idea. E. McAleer stated in February, the Plan Commission did not pass the sign ordinance because they wanted it incorporated with Smart Growth. In August, they took that portion of sandwich board signs out and created the moratorium. In order to expedite that, the Plan Commission recommended adoption for the next Common Council meeting. G. Gresch stated it was not ready for this meeting, but will be ready for the next one. E. McAleer asked that the Sign Committee be invited to the next Common Council meeting. B. Leonard asked if the Plan Commission needs to have a public hearing for this. G. Gresch stated the Plan Commission already held the public hearing in February.

C. LAKE WELFARE COMMITTEE

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

L. Morrison stated the DNR is having a public hearing on the dredging project on Thursday, October 16, 2008 at 6PM in the St. John's Northwestern Military Academy Gym. The City Engineer and Lake Welfare Committee Chair Kent Attwell will make presentations; the DNR will be present to only listen. Postcards were sent to all citizens inviting them to the meeting and that the Lake Welfare Committee hopes they will have a good turnout. The Lake Welfare Committee hopes this meeting will help everyone understand why a referendum is needed and who will be paying for the dredging.

B. Leonard stated she feels so strongly that those affected by the dredging need a mailing showing the costs they will incur and prism map sent to them. This information should go out in advance of the hearing. L. Morrison stated that information can't be determined until the Lake Welfare Committee receives the Chapter 30 Permit. E. McAleer stated the permit addresses the scope of the project. Then the scope of the project will address the cost. L. Morrison stated this meeting it not to discuss how much the project will cost, but why the project needs to be done. The DNR doesn't care how much it costs, only why the City wants to do this. After this hearing, if the DNR gives the permit, they will immediately talk in terms of the referendum. The costs and maps will be send to those that will be directly affected. B. Leonard stated she feels that the information about this project has not been very accessible to those that are affected. There was discussion about how and when the cost information becomes available and when it should be released.

B. Leonard asked why the City sent a postcard to everyone in the City when it doesn't affect everyone. L. Morrison stated a referendum needs to be passed by everyone, therefore everyone needs to know the facts. Even though the project will be special assessed, everyone needs to approve it. There was further discussion about costs information and why it hasn't been shared. L. Morrison stated because the scope of the Chapter 30 Permit could change the preliminary costs they came up with the more areas of proposed dredging areas are denied by the DNR. B. Leonard stated she wants an honest answer related to costs and doesn't feel there will be any changes to the Chapter 30 Permit and by the time we get the information it will be too late. There was discussion about the timing of new information and which election the referendum will be at. B. Leonard stated she wants to do the referendum in April. G. MacDougall stated the City is in control of the process once we find out what DNR wants from the City. B. Leonard doesn't feel that the Common Council has had control of this process at all. R. Miskelley stated he agrees we need to get out information, but the Lake Welfare Committee has done an admirable job of

CITY OF DELAFIELD COMMON COUNCIL MINUTES

keeping the Common Council involved by giving a report at each Common Council meeting. B. Leonard stated the Common Council hasn't received a spreadsheet or maps and that we should have demanded more information on this. L. Morrison stated she will bring these comments to the Common Council. B. Leonard stated the Common Council can't schedule a referendum date until they have more information. L. Morrison stated the people will know how much it will cost them before they vote. B. Leonard requested that the Administrator forward the Common Council the spreadsheet and prism maps. L. Morrison stated that information has numbers based on guesses from when this started two years ago. L. Morrison stated the DNR has cut the number of dredging areas down, they changed the plan for the spoils and added filtering to the process. She stated it's extremely frustrating for those that have been working on this for so long. The costs did not come out because the project is changing by the DNR. The Lake Welfare Committee doesn't want to go to referendum without hard numbers. T. Schuenke stated if a document is presented at a meeting, it's a public document. He stated he will be asking Lake Welfare Committee Chair Kent Attwell for whatever documents are distributed at that meeting for the City's records. E. McAleer stated if we distribute any costs information, there needs to be a disclaimer on the sheet that this number could change.

D. PARK AND RECREATION COMMISSION – (MINUTES OF SEPTEMBER 22, 2008)

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

E. Sadowski stated the new Aztec Climber has been installed in the park.

E. PUBLIC WORKS COMMITTEE

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

R. Miskelley stated the Public Works Committee did not meet because there was nothing to talk about.

F. DEL-HART COMMISSION – (MINUTES OF SEPTEMBER 16, 2008)

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

M. DeYoe stated the commission unanimously approved current Del-Hart lead man as the new manager.

G. POLICE AND FIRE COMMISSION – (MINUTES OF SEPTEMBER 25, 2008)

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

M. DeYoe stated the main issue on the agenda was to nominate and elect new officers. John Wyssling was reelected as Chairman, Jan Gerstner was elected as Vice Chair and Cate Rahmlow was elected as Secretary. There was a report from the Police Department about the National Night Out. That event is a nice way for the community to meet the Police and Fire Department staff. Also, the Police Department received a \$15,000 Speedway Grant that will pay for overtime and equipment to enforce traffic laws. In addition, the Police Department has new software for forms and records to streamline traffic incident reports and citation issuing process.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

H. LIBRARY BOARD

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 book sale at the Annex is Saturday, October 18, 2008 during the moving wall presentation.

The next Library Board meeting will be held on October 14, 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.

G. MacDougall stated the 2009 Budget Show and Tell meeting is Monday, October 13, 2008 and the 2009 Budget Public Hearing is Monday, November 3. He stated the budget is available on the City's website.

J. BOARD OF ZONING

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

2. OCTOBER 9, 2008 HEARINGS SCHEDULED:

- A. DELC 0787.125; APPEAL FOR PROPOSED GARAGE ADDITION AT 828 HAWKS HOLLOW, PERTAINING TO SECTION 17.39(15)(A)(E) REGARDING MINIMUM FRONT STREET SETBACK REQUIREMENTS.
- B. DELC 0786.083; APPEAL FOR PROPOSED NEW HOME ON LOT 29, NAGAWICKA LAKE HEIGHTS ADDITION ON WEST SHORE DR, PERTAINING TO SECTION 17.39(9)(N) REGARDING MINIMUM OPEN SPACE REQUIREMENTS AND SECTION 17.39(9)(M) REGARDING MAXIMUM FLOOR AREA RATIO REQUIREMENTS.

3. OCTOBER 23, 2008 HEARINGS SCHEDULED:

- a. DELC 0788.997; APPEAL OF ANDREW & BARBARA JOHNSON (OWNERS) FOR PROPOSED REBUILDING OF SHED AT 1133 MILWAUKEE ST, PERTAINING TO SECTION 17.39(11)(H) REGARDING MINIMUM INTERIOR SIDE YARD REQUIREMENTS.
- b. DELC 0752.022; APPEAL OF MICHAEL SCHUETTE (OWNER) AND JODY RYG (AGENT) FOR PROPOSED ENCLOSING OF 2ND FLOOR DECK AREA INTO MASTER BEDROOM AT 2710 BURRIES RD. PERTAINING TO SECTION 17.39(9)(G) REGARDING SHORELINE SETBACK REQUIREMENTS, SECTION 17.39(9)(I) REGARDING INTERIOR SIDE YARD REQUIREMENTS AND SECTION 17.39(9)(M) REGARDING FLOOR AREA RATIO ALLOWED.

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 October 7, 2008.

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

CITY OF DELAFIELD COMMON COUNCIL MINUTES

L. Morrison stated the St. John's Subcommittee meeting next on October 16, 2008 at Noon.

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. Czubkowski stated the activities for the 50th Anniversary were in the newsletter and it was very well summarized. The group has had several meeting and everyone involved is very excited about it. She stated she is applying for grant money, which looks favorable. She stated she also saw pas Clerk Lois Jensen today and she is also very excited about the event. The Hawks Inn is stepping up to the plate by planning many items that week as well as helping write the history of the City, which Rose Wyssling will be working on. Also, the Hartland Sportsman's Club is getting other people involved to plan activities for the young people that week. They are also looking at having a walk rally throughout the businesses. She stated letters should be going out shortly asking people for their support. Also, invitations will be send to people to remind them to save the date for the celebration. The group is working hard and seeing a lot of support. E. Sadowski stated the year end wrap up meeting will be in November.

N. LAKE COUNTRY FIRE DEPARTMENT EXPANSION COMMITTEE MEETING

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

G. MacDougall stated the committee meets next on October 16, 2008 at 7pm Nashotah Village Hall. There will be a presentation by a financial advisor on the merger. They will also continue reviewing the merger agreement and combined operating budget. Deliberations are going smooth. E. McAleer stated we can expect a proposal during the 1st quarter of next year.

5. OLD BUSINESS

6. MAYOR'S REPORT

a. APPOINTMENT OF THE FOLLOWING PEOPLE TO THE CITY OF DELAFIELD COMMUNITY DEVELOPMENT AUTHORITY FOR A ONE YEAR TERM TO EXPIRE OCTOBER 6, 2009:

- i. ALDERPERSON LYNN MORRISON
- ii. ALDERPERSON GERRY MACDOUGALL
- iii. JIM BEHREND
- iv. DARRELL POPE
- v. JOHN WYSSLING
- vi. GERRY HOLTON
- vii. CLERK-TREASURER GINA GRESCH

T. Schuenke stated the Common Council appointed a Community Development Authority (CDA) for the St. John's Northwestern Military Academy borrowing in 1994. He stated in order to approve issuance of bonds, the City needs an active CDA. Once people are appointed, the CDA will set a public hearing date for the matter, hold the public hearing and make a recommendation to the Common Council for action. State law requires the CDA to do those steps. G. MacDougall asked for clarification that there is no liability to the City of Delafield for issuing these bonds. E. McAleer stated the borrowing does come

CITY OF DELAFIELD COMMON COUNCIL MINUTES

under the City's cap. T. Schuenke stated St. John's Northwestern Military Academy is checking with bond counsel and will have an answer on that by the time the CDA has a public hearing. T. Schuenke stated the St. John's Northwestern Military Academy Attorney told him that if the issuance does affect the borrowing rate or cap, they will enter into an agreement to compensate community for the difference. G. MacDougall asked who is responsible if there is a default on the payment. T. Schuenke stated St. John's Northwestern Military Academy will be. G. MacDougall asked if the Finance Advisory Board should be involved. T. Schuenke stated no and that bond counsel is reviewing this so it had no impact on the tax payers.

E. McAleer stated the City has done this in the past for University Lake School in 2000. The CDA ordinance is on the books, but the Common Council needs to reappoint members to the committee. J. Krickhahn asked if the City's name is on the bond, does it affect our cap. E. McAleer stated there is no bond issuance, they are only using the City's borrowing authority. E. Sadowski asked if this affects the City's bank qualified standing. T. Schuenke stated no, it is a neutral transaction. E. Sadowski stated he is concerned about St. John's Northwestern Military Academy affecting the City's bank qualified borrowing status. T. Schuenke stated if that happens, St. John's Northwestern Military Academy will pay the City back the difference.

J. Krickhahn MOVED TO APPROVE THE APPOINTMENT OF ALDERPERSON LYNN MORRISON, ALDERPERSON GERRY MACDOUGALL, JIM BEHREND, DARRELL POPE, JOHN WYSSLING, GERRY HOLTON, AND CLERK-TREASURER GINA GRESCH TO THE CITY OF DELAFIELD COMMUNITY DEVELOPMENT AUTHORITY FOR A ONE YEAR TERM TO EXPIRE OCTOBER 6, 2009. B. Leonard SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. DISCUSSION AND ACTION TO ADOPT A PROCLAMATION DECLARING OCTOBER 16 – 20 DELAFIELD VETERANS WEEK.

E. McAleer read the proclamation in the record. After reading, she stated there are a few corrections that need to be made.

E. SADOWSKI MOVED TO ADOPT A PROCLAMATION DECLARING OCTOBER 16 – 20 DELAFIELD VETERANS WEEK. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. NEW BUSINESS

- A. DISCUSSION AND POSSIBLE ACTION REGARDING SHOOTING/HUNTING ON LAKE NAGAWICKA.

See above discussion earlier in the meeting.

- B. DISCUSSION AND ACTION TO APPROVE AN APPRAISAL COST OF 6.2 ACRES FOR THE CITY OF DELAFIELD DEL-HART LAND ACQUISITION.

M. Czubkowski stated she attended the Del-Hart meeting on behalf of the City. She reviewed the prior purchase vs. lease discussions. Del-Hart proposed land off of Cushing Park Road, a heavily wooded property with a low terrain. She stated she was concerned that this land was in environmental corridor and after further research, the

CITY OF DELAFIELD COMMON COUNCIL MINUTES

land is totally in the environmental corridor. She stated Del-Hart found another piece of property on the southwest corner of their property. It is west of the drying beds and is a beautiful piece of land. She went back to Del-Hart and asked them to consider selling that piece to the City. She stated the DNR wants a value for the property. She asked the Common Council to approve the third appraiser that was hired to determine the accuracy of the last two appraisals that were done, to do this appraisal. She stated she will take the Common Council's decision back to Del-Hart and ask them if this is agreement to them also. She stated the proposed property is 6.2 acres and is south of the same road as the brush drop off.

E. SADOWSKI MOVED TO APPROVE AN APPRAISAL OF 6.2 ACRES FOR THE CITY OF DELAFIELD DEL-HART LAND ACQUISITION, TO BE DONE BY THE 3RD APPRAISER, NICHOLAS, SUBJECT TO THE APPROVAL OF DEL-HART. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- C. DISCUSSION AND ACTION TO ADOPT ORDINANCE NO. 596, AN ORDINANCE CHANGING ZONING CLASSIFICATIONS OF PROPERTY IN THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

M. Czubkowski stated this ordinance is for the rezone of the public safety campus. She strongly asked the Common Council to support the rezone. G. MacDougall stated he agrees with it. E. McAleer stated the Plan Commission recommended the zoning change be adopted.

G. MACDOUGALL MOVED TO ADOPT ORDINANCE NO. 596, AN ORDINANCE CHANGING ZONING CLASSIFICATIONS OF PROPERTY IN THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- D. DISCUSSION OF LETTER FROM RICHARD DALLEN REGARDING POSSIBLE CONFLICTS OF INTEREST.

E. McAleer stated the City of Delafield does not have a written policy on conflicts of interest. He asked the Common Council if they want to adopt one. J. Krickhahn stated the City follows the County Code of Ethics and State Statutes. G. MacDougall stated the City does have a conflict of interest policy. B. Leonard asked staff to draft a response to Mr. Dallen. R. Miskelley asked if the City attorney has reviewed this and would be more comfortable if he did. E. McAleer stated he will have the City attorney review this request.

- E. DISCUSSION OF MODIFYING THE CITY OF DELAFIELD PLAN COMMISSION MEMBER MAKEUP, TO PERMANENTLY ADD THE LAKE WELFARE COMMITTEE AND PARK & REC COMMITTEE CHAIRPERSONS AS MEMBERS.

E. McAleer stated he would like the Plan Commission to have permanent representation from the Lake Welfare Committee and Park & Rec Commission. He stated these are two strong committee that play a large part in the City's planning. He stated he would like to do away with the rotation, because by the time someone becomes familiar with the Zoning Code, Master Plan, procedures and projects, it is time for them to be replaced. G. MacDougall asked how often those committee chairs rotate on their committee. E. McAleer stated that is up to the committee. There was discussion that there could be a problem with the alderperson becoming the

CITY OF DELAFIELD COMMON COUNCIL MINUTES

committee chairman, then having two alderperson's on the Plan Commission. E. Sadowski suggested that the City attorney could write the ordinance so that it is worded as such that if the committee chair is an alderperson, the vice chair would be on the Plan Commission. L. Morrison stated the Lake Welfare Committee is already set up to not allow the alderperson be the chairman. E. Sadowski asked that this be sent to the City attorney to write the proposed ordinance.

8. ADMINISTRATOR'S REPORT

A. REPORT OF CITY OFFICIALS

I. ADMINISTRATOR

A. SANCTUARY SUBDIVISION UPDATE

T. Schuenke stated since he last reported on this the sidewalk has been installed and work has begun on the erosion control and landscaping. You will note, there are gaps in the sidewalk so as to allow for construction access when the final lift of asphalt is added (scheduled for next spring). Further, there is some sidewalk and curb and gutter that needs to be replaced as it was damaged or installed improperly. We hope to do this yet this fall. Landscaping and erosion control work has begun this week. We have given the developer until October 18th to complete that work. Depending upon whether or not sufficient progress is made, we may invoke the developer's Letter of Credit in order to get the work done. At this point the developer says he will get it done by the 18th. We shall see. Some grading and site work has been done. Will check the progress at that time, if not completed properly, at that time we will seek to pull their letter of credit to get the work done ourselves. There have been back and forth discussions about sidewalks and curb gutter; we say they damaged it, the developer states we damaged it. Some will have to be replaced it wasn't installed properly. If this continues, the City will invoke the letter of credit. We intend to keep after them, but progress has been made, but wants to see more progress. E. Sadowski stated we have a Common Council meeting on October 21; we could get this on as an action item. T. Schuenke stated he will include that in his Administrator's report at the next meeting.

T. Schuenke stated he is still gather information about the STH 83 water assessments and will probably bring this issue back at the second Common Council meeting in October or the first meeting in. He will make sure the residents are notified once we determined when we plan to take this matter up again. G. MacDougall commented on getting an accurate cash flow analysis. T. Schuenke stated he, DPW Director Tom Hafner and Engineer Mike Court are developing a report on how the costs doubled and is still waiting for that. E. Sadowski asked that this not be on the first meeting in November, since that is the budget public hearing meeting.

II. CLERK-TREASURER

a. ELECTION REMINDERS

G. Gresch stated absentee voting for the November Presidential Election started today. The Clerk's Office has set aside extra hours for eligible voters to register to vote and vote absentee. Please check the website and Channel 25 for those dates and times. We encourage residents to take advantage of the extra hours so that we can avoid long lines on Election

CITY OF DELAFIELD COMMON COUNCIL MINUTES

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.

b. 3RD QUARTER COMMUNICATOR

G. Gresch stated the 3rd Quarter Communicator was mailed last week. Residents should have received it. If you didn't you can download it from the website or pick one up at City Hall. If you didn't get it, please call the Clerk's office to be put on the mailing list. L. Morrison asked if copies of the newsletter were delivered to the Nashotah Village Hall. G. Gresch stated no, she was not aware they wanted copies. She stated she will drop them off tomorrow. L. Morrison asked Clerk Gresch to drop off six copies.

c. ELECTION DAY GREETERS

G. Gresch stated the greeters that will be working at the November 4 Election, will be sworn in as Temporary Poll workers and working for the City that day.

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

B. Leonard asked that orientation for committee members, especially the Plan Commission, be discussed at the next meeting. R. Miskelley asked if the City can hold a public hearing on creating an ordinance for not feeding nuisance animals. T. Schuenke stated he is working on creating an ordinance.

9. FINANCIAL REPORT

A. APPROVE VOUCHER LIST

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

10. CORRESPONDENCE

A. FOCUS NEWSLETTER

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

11. ADJOURNMENT

R. MISKELLEY MOVED TO ADJOURN THE OCTOBER 6, 2008, COMMON COUNCIL MEETING AT 9:08 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