

**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

Present

Mayor Ed McAleer  
Jeff Krickhahn, Ald.  
Beth Leonard, Ald.  
Erv Sadowski, Ald.  
Michele DeYoe, Ald.  
Gerald MacDougall, Ald.  
Lynn Morrison, Ald.  
Tim Schuenke, Administrator  
Gina C. Gresch, Clerk-Treasurer  
Jim Hammes, City Attorney  
Mike Court, City Engineer  
Tom Hafner, DPW Director

Absent

Ron Miskelley, Ald.

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 OCTOBER 6, 2008 COMMON COUNCIL MEETING.

G. MacDougall had one correction on item #7, regarding the Mr. Dallen's letter about a conflict of interest policy. He stated that during that meeting that the City does have a policy and would like the minutes to include his statement.

**G. MAC DOUGALL MOVED TO APPROVE THE OCTOBER 6, 2008 COMMON COUNCIL MEETING MINUTES WITH CORRECTION. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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

Al Wagner, 184 Bark River Court - Read a statement from the residents of the Mill Pond. He stated "We, the residents of the Mill Pond, intended to speak to the Common Council in October regarding the Mill Pond and our intentions. I am here as a representative to inform you that we must delay our official communications. We have retained experts in the field with the intention of preparing a complete briefing for your consideration. We believe that you should be able to evaluate the situation based up on facts. To create such a

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report for your consideration, we need access to the dam and the waterway. However, Mrs. Zerwekh has denied our team access to her property. While publicly Mrs. Zerwekh has implored that she is open to discussion, privately she continues to deny us and our team access to her property and the waterway. Due to lack of access, we cannot supply you with the information you need to make a recommendation on these matters. We are requesting the Common Council's and City's patience while we continue to gather meaningful data, as well as your support, in gaining access to the dam and waterways. Thank You. Mill Pond Residents”.

**CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA.**

Jim Stoffer, 637 Main Street – Spoke about the sandwich board sign ordinance on tonight's agenda. He previously made a similar speech to the Plan Commission. Having the sandwich board sign on the main road through the city is critical to those on the side streets. In order to gain visibility, he had asked the Plan Commission to place a directional sign post for all businesses not on the main drag. He stated that in the existing ordinance a correction needed to be made on Item #1. He wanted to make sure that people by Andrews Restaurant and BE Fitness maintain compliance since their building is set back from the road and they share a driveway. The wording should be changed to say that signs need to be placed on the property. In addition, it should state that they need to be 40 feet apart. He suggested if signs are not 40 feet apart, then perhaps 30 feet should be considered. He wished that this ordinance had not passed. He had a sandwich board sign for 17 years and that's why he has stayed in business this long. Without this exposure he cannot be open year round. Mayor McAleer stated the Plan Commission will be discuss his suggestion at this month's meeting. J. Stoffer wanted to make sure that he has visibility on Genesee Street.

Joe DeKlotz, 601 Genesee Street, Unit 305 – He supports the Sign Committee's recommendation and commended the Common Council to keep relationships between business owners and the City. He urged the acceptance of the recommendations in full so businesses can make plans to get their signs made for the holiday season.

Al Wagner, American Classic Business – A. Wagner was present to support the Sign Committee's recommendation. He felt that this streamlines the process.

**L. MORRISON MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:12 P.M. G. MAC DOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

***Special Order of Business: Recommendation from Plan Commission to postpone any action on Chapter 20, Floodplain Zoning Code, of the City of Delafield Municipal Code, subject to obtaining additional information.***

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T. Schuenke stated after last week's Plan Commission meeting, M. Court contacted the DNR in an effort to obtain answers regarding questions that were raised. A response was received late this afternoon which was distributed it to the Council members. M. Court was present to answer any questions. He reviewed the questions and responses (as posted on the City's website). T. Schuenke stated that if the City does not adopt this by November 19, the program would no longer be available to residents; policies would no longer be in effect as of midnight that night. Further, the City could opt back in at any future time if it chose to do so. M. Court stated it is easier to opt back into the program during the 12 month window. If 12 months are exceeded, the City would start over as a community that has never been in the program before. He stated there are accuracy issues with the FEMA map. T. Hafner received a phone call from a property owner that was mapped in and should not have been. This will be addressed through the LOMR letter. J. Hammes stated if the map is adopted, it is with the understanding that the map is accurate; however, it can be changed later. He stated with regards to assessment, as a general rule, he lowers the assessments of any properties within floodplain 10%. The assessor takes the floodplain into consideration. L. Morrison stated people need to understand that this is a serious problem for the city. E. Sadowski asked if the City is in the appeal process. T. Hafner stated the appeal process is over. The City asked the DNR to reduce the floodplain back to what is was and only received one-half of a concession. The DNR does not accept that the dam is operable. The City needs to provide them with a letter proving the dam is operable and the City would get the full concession. E. Sadowski stated we could be in the same boat as Lake Delton if we are not in the NFIP. T. Hafner stated the City is working on the LOMR. The letter would be based on two things, the dam being operational and real life data during the flooding that clearly shows that the modeling the DNR did was not calibrated well to real life. E. Sadowski stated that this needs to be back on the agenda before the cutoff date. E. McAleer stated that the Plan Commission was reluctant to make a decision without these questions answered. M. Court stated that the DNR and FEMA want to see the adopted ordinance 30 days prior to the deadline for review. The City would be okay if this goes back to the Plan Commission for recommendation back to the Common Council at the November 3 meeting. M. DeYoe stated she feels like the City is backed into a corner. However, G. MacDougall thought that the City should pass the ordinance tonight. E. Sadowski stated this has to do with the safety of Delafield and should be passed as quickly as possible. B. Leonard stated there are many people that are shocked that this affects their home. The Plan Commission didn't want to act because of the amount of input they received and also because people wanted to know the answers. About 500 letters went out to property owners and quite a few of those affected property only. A 10% assessment cut doesn't come close to what the property owners are losing terms of value on their property. B. Leonard was very concerned that these answers get out to people before the City adopts this. It was her opinion that the City should not be in a rush to adopt this. G. MacDougall asked how getting this information out will change what has to be done. B. Leonard stated that she was not sure, but she thought that it would be nice to get this out to the affected people. There was discussion about if waiting until November 3 would hurt anyone. By adopting this, the City was agreeing with FEMA that their maps are right. G. MacDougall asked if we wait to adopt it if we can make the changes that need to be made to make it accurate. He stated this is

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buying us time until we can get it straightened out. B. Leonard stated she wants to hear again from those that are directly affected by this. The Common Council asked what their options were. B. Leonard stated that this could be adopted at the November Common Council meeting. E. Sadowski did not think that the City should push this off; it will make more people worried. B. Leonard asked if getting them a letter that the dam is operable is enough. M. Court responded that the burden is on the City of Delafield to do the LOMR which causes mapping and modeling to be redone. The City has to show that the dam is operable and what the impact of being operable is. L. Morrison stated FEMA hired a contractor to remap, the DNR. It was stated that if there is a flood where one person can't get relief, the City would be in serious trouble. We need to adopt this and work with staff to get the LOMR done. B. Leonard asked who is on the line for losing value. Attorney Hammes stated Lake Delton is being sued for not adopting this ordinance. Making a decision like this makes the City immune from liability. What it comes down to is that the City needs to adopt a compliance ordinance and map on or before November 19 whether the City disagrees with it or not. If it is not adopted, then the 15 people or anyone else will not be able to buy flood insurance's through NFIP. Mayor McAleer stated Waukesha County has already adopted a plan. B. Leonard asked what the City would be responsible for. Attorney Hammes replied that it would take away the ability to obtain flood insurance. You can buy insurance from any agent, but FEMA is issuing the policy. The City would be taking away that ability. B. Leonard felt the value of the property is a bigger financial hit. She would like to give people two more weeks to understand this. G. MacDougall stated there was a public hearing and the Council's job was to make a decision. It would be nice if we had time to go back, but we don't. E. Sadowski felt that this should be posted on the web and to vote on it tonight to protect the City. Without the ability to obtain flood insurance, how could anyone build or sell anything? He felt that the City was not responsible for property values. B. Leonard inquired about the provision regarding documenting values of properties and asked if the City was going to actually do this after the ordinance was passed or if it would wait on the map amendment. Attorney Hammes stated that requirement applied to any zoning ordinance and the City already has to do that. It was unknown if the City has a list of nonconforming uses; however the City would want to be able to identify nonconforming uses to identify the 50% rule when rebuilding. J. Krickhahn asked if a lobbyist were hired, if the City would have a better chance of getting the map modified. M. Court stated that the LOMR is based on the dam submittal, not on whether the City adopts the maps. J. Krickhahn stated the City is being wronged and should not take it lying down. Someone at FEMA needs to know we are mad. L. Morrison felt that the citizens needed to be protected. T. Schuenke stated that he has been in communities where they got their map changed. You provide the mathematical data to the engineers and they can make the map changes if you have good hard data. B. Leonard suggested that the information that Yaggy Colby and Tom plan to do to accomplish this change be put on the website. It needs to be known that this isn't the end. M. Court stated there will be submittal data, letter of review, and then their review. They are working with four different municipalities, namely Hartland, Delafield, the Nehmabin Lake District, and Waukesha County to do a regional LOMR on this area. With approval, they will do the modeling work and get it done by the end of the year so the DNR and FEMA can review next year. Monthly

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updates will be posted on the website. Mayor McAleer stated even though he would like to take it back to the Plan Commission, action needs to be taken tonight. Discussion took place between Attorney Hammes and B. Leonard regarding home values. T. Hafner stated that the Yaggy Colby scope is very clear and concise. Only the mapping needs to be done. M. Court stated that the LOMR will be the same for the Bark River. T. Hafner stated there is a drastic difference between what the DNR's flows were for the Bark River and what the City has found. M. Court is looking to repeal and create Chapter 20. E. Sadowski stated we cannot become a Lake Delton and we have to do this tonight.

**L. MORRISON MOVED TO REPEAL AND RECREATE CHAPTER 20. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. B. LEONARD AND J. KRICKHAHN OPPOSED. MOTION CARRIED.**

3. CONSENT AGENDA

- a. SELECTION OF ALEXANDER BILLING AND CONSULTING TO DO THE CITY OF DELAFIELD'S AMBULANCE BILLING.
- b. 2008 WAUKESHA COUNTY TAX COLLECTION AGREEMENT.

**J. KRICKHAHN MOTIONED TO APPROVE THE ITEMS ON THE CONSENT AGENDA. M. DE YOE 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. JONATHAN ZUEHLKE, NEW BERLIN; SEVEN SEAS

It was clarified that the background check came back clear.

**J. KRICKHAHN MOVED TO APPROVE THE TWO-YEAR BARTENDER LICENSE. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

b. PLAN COMMISSION – (MINUTES OF OCTOBER 15, 2008)

- 1. SMART GROWTH UPDATE: CHAPTER 8 AND RESIDENTS SURVEY.

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B. Leonard reported on matters considered and actions taken at the meeting. Chapter 8 and the resident survey were reviewed. Postcards informing residents that they will be receiving their survey were sent out.

2. RECOMMENDATION FROM PLAN COMMISSION TO APPROVE THE MAJOR CHANGE TO THE CONDITIONAL USE FOR **TAX KEY 0733.998.008**, VILLAGE SQUARE DRIVE, HARTLAND. OWNER: DELAFIELD INVESTMENTS, LLC. APPLICANT: GARDEN GATE NURSERY.

B. Leonard stated that this is a Quonset hut structure that will start now until January as a satellite site for Garden Gate Nursery. The half walls to the domes are attached and may stay in place, but the other part of the structure will be removed in January. When operations start again in April the other parts will be put back together and will be then again be removed in July. The Conditional Use Permit will terminate in July and will come back to the Plan Commission. This had a public hearing where there were no comments, but may want to consider notification of the area was not the same it typically has been. J. Krickhahn stated it was agreed to include 500' for any notification which Mayor McAleer, T. Schuenke, and G. Gresch were not aware of the extra fee. Mayor McAleer stated he was the driving force to get the major change because it is B-6 Zoning. If Nagawaukee Shoppes came in, he would have asked for the same thing. He was surprised that no one was at the public hearing. J. Krickhahn stated they didn't know about it and did not expect it to be at a different Plan Commission meeting. He received three emails from residents who could not attend the meeting. Three of the four were not in favor of this proposal. They have some concerns regarding Village Square and have not heard or seen any movement towards the resolution of those problems. T. Schuenke stated he met with Drew Johnson and there have been frequent emails between them. He needs to conduct more research on past letters and correspondence and will have something for the next meeting. Resolutions are in the works. If this is adopted as a major change, J. Krickhahn stated that they are granted to come in. Mayor McAleer stated that this would be for one year. B. Leonard stated that this would be located directly east of the hair place in the parking lot by itself. She and other commissioners had concerns that this is not tied to any anchor store in the shopping center and doesn't meet architectural standards for the development. Mayor McAleer stated that this was why it would be reviewed yearly. Before J. Krickhahn makes a decision, he wanted to know if it was going to be on blacktop or grass. He stated this has come quickly after the request to fix the outstanding issues.

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E. Sadowski asked if there is a sense of urgency. Mayor McAleer replied affirmatively. J. Krickhahn asked if we can say no to anyone else that wants this. Mayor McAleer stated yes. J. Krickhahn asked why adjacent property owners were not notified. G. Gresch stated how the 300' list was generated. J. Krickhahn thanked her for the clarification, and based on that, the public hearing was tainted. Mayor McAleer stated if this was not passed tonight the business would be out for the season. He reiterated that this would come in yearly for approval. J. Krickhahn wanted to hold off and see what Village Square comes up with T. Schuenke. He would like to see some positive movement forward. The Plan Commission voted 3-2.

**J. KRICKHAHN MOVED TO DENY THE RECOMMENDATION UNTIL FURTHER CONVERSATIONS TAKE PLACE WITH VILLAGE SQUARE REGARDING CONCERNS BROUGHT UP AT THE LAST COMMON COUNCIL MEETING. B. LEONARD SECONDED THE MOTION.** G. MAC DOUGALL STATED THAT T. SCHUENKE IS WORKING ON SOLUTION WHICH IS SEPARATE. HE ASKED IF IT WAS RIGHT TO HOLD THIS BUSINESS HOSTAGE. J. KRICKHAHN STATED THAT THIS WOULD BE MAKING A MAJOR CHANGE TO SOMETHING THAT HASN'T BEEN IRONED OUT. MAYOR MC ALEER STATED THAT IT IS CONSIDERED A MAJOR CHANGE BECAUSE IT B6, THE HIGHEST END OF ZONING. B. LEONARD STATED THAT THIS IS A PLASTIC STRUCTURE AROUND A FOUR-SIDED BRICK STRUCTURE. G. MAC DOUGALL STATED THAT VILLAGE SQUARE KEEPS GETTING BEAT UP. IT WAS J. KRICKHAHN'S OPINION THAT VILLAGE SQUARE HASN'T BEEN DEVELOPED THE WAY THEY THOUGHT IT WAS TO BE. THEY NEED TO PULL THE REINS BACK AND CORRECT THOSE THINGS THAT ARE WRONG. G. MAC DOUGALL ASKED IF ALL OF THE ISSUES WERE SETTLED, IF J. KRICKHAHN WOULD VOTE FOR THIS. J. KRICKHAHN REPLIED THAT PERHAPS, BASED UPON SATISFACTION OF ADJACENT PROPERTY OWNERS. PRESENTLY, THE ADJACENT PROPERTY OWNERS ARE NOT SATISFIED. B. LEONARD STATED THAT THERE ARE NO OTHER COMMERCIAL DEVELOPMENTS WITH A TEMPORARY STRUCTURE THAT ARE NOT TIED TO AN EXISTING STORE ON THE LOCATION. L. MORRISON STATED THAT THE ISSUE IS NOT T. SCHUENKE WORKING WITH D. JOHNSON, IT IS THE STRUCTURE. B. LEONARD FELT THAT IT WAS THE PROPOSAL. MAYOR MC ALEER STATED THAT THERE WERE NO PUBLIC COMMENTS. J. KRICKHAHN STATED IF THOSE WHO DIDN'T WANT IT WERE ABLE TO SPEAK, THE DECISION COULD HAVE BEEN DIFFERENT. G. MAC DOUGALL ASKED IF THOSE EIGHT PEOPLE DICTATE WHAT GOES ON AT VILLAGE SQUARE OR IF

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THE CITY DID. B. LEONARD STATED THERE IS AN AGREEMENT FOR NO BIG BOX RETAIL, AND THIS PROPOSAL IS ASSOCIATED WITH BIG BOX. MAYOR MC ALEER STATED THAT IS WHY IT BECAME A MAJOR CHANGE. J. KRICKHAHN STATED THAT THE PLAN COMMISSION SHOULD TALK ABOUT IT AGAIN AND IT SHOULD BE BROUGHT TO THE NOVEMBER 3 COMMON COUNCIL MEETING. HE NEEDS TO KNOW HOW D. JOHNSON FELT ABOUT THE OTHER ISSUES BEFORE THE CITY MOVES AHEAD. MAYOR MC ALEER SHARED WHEN HE WAS MAYOR BEFORE, SENTRY WAS LOOKING FOR SOMETHING SIMILAR TO THIS. THEY WERE TOLD BY THE CITY THAT THEY COULD PUT SHELVING IN FRONT OF THE STORE FOR FLOWERS, BUT DID NOT ALLOW THIS TYPE OF ACCESSORY USE. HE ASKED IF THE CITY WANTED TO ALLOW THIS TYPE OF ACCESSORY USE. B. LEONARD STATED THAT BECAUSE THE BUSINESS HAS ANOTHER LOCATION, IT WAS NOT ACCESSORY IT IS STAND ALONE. L. MORRISON FELT THAT CONFUSION HAS RESULTED BECAUSE THERE WERE MULTIPLE REASONS TO DENY, BUT A MIXED MESSAGE WAS GIVEN IN THAT IF HE FIXES THE CONCERNS, THE CITY WILL APPROVE IT. B. LEONARD FELT THAT THE COUNCIL WOULD NOT BE DISCUSSING THIS ITEM FOR THIS LENGTH OF TIME IF HEARING NOTICES WERE SENT. E. SADOWSKI FELT THAT THEY SHOULD BE ALLOWED TO MAKE A BUCK AND TO REVIEW IT IN ONE YEAR AS IT WAS NOT RIGHT TO HOLD SOMETHING OVER SOMEONE ELSE'S HEAD. M. DE YOE FELT THAT SINCE 50% WEREN'T NOTIFIED, THEY HAVE TO BE GIVEN THE OPPORTUNITY. G. MAC DOUGALL STATED THAT PLAN COMMISSION RECOMMENDED APPROVAL. THE BIG OBJECTION WAS THAT FOUR PEOPLE WERE NOT NOTIFIED. IT WAS ASKED IF THIS COULD BE SENT IT BACK TO PLAN COMMISSION.

**G. MAC DOUGALL MOTIONED TO RETURN THIS TO PLAN COMMISSION AND TO SEND NOTICES TO THOSE PEOPLE.**

**A ROLL CALL VOTE TOOK PLACE ON J. KRICKHAHN'S MOTION TO DENY THE RECOMMENDATION UNTIL FURTHER CONVERSATIONS TAKE PLACE WITH VILLAGE SQUARE REGARDING CONCERNS BROUGHT UP AT THE LAST COMMON COUNCIL MEETING: J KRICKHAHN, AYE; B. LEONARD, AYE; E. SADOWSKI, NAY; M. DE YOE, AYE; G. MAC DOUGALL, NAY; L. MORRISON, NAY; MAYER MC ALEER, AYE. MOTION CARRIED TO DENY.**

**E. SADOWSKI MOVED TO DIRECT THIS BACK TO PLAN COMMISSION AND NOTIFY THE ADJACENT NEIGHBORS WITHIN 500' OF ALL VILLAGE SQUARE TAX KEYS WITH A**

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**LETTER TO BE SENT OUT AND TO PUT THIS ON THE NEXT PLAN COMMISSION AGENDA. B. LEONARD SECONDED THE MOTION. T. SCHUENKE STATED THAT THIS MAY NEED TO GO BACK THROUGH THE PUBLIC HEARING PROCESS. DISCUSSION TOOK PLACE REGARDING HOLDING ANOTHER PUBLIC HEARING. T. SUGGESTED SENDING THIS BACK TO THE PLAN COMMISSION FOR PUBLIC HEARING AT THE APPROPRIATE TIME AND DATE WITHIN THE EXTENDED NOTIFICATION AREA. E. SADOWSKI WITHDREW HIS MOTION DUE TO LACK OF TIME FOR PUBLIC HEARING.**

- c. LAKE WELFARE COMMITTEE – (MINUTES OF OCTOBER 8, 2008)
1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.  
  
L. Morrison reviewed and stated that there were three applications for boathouses; two of the three came and met the criteria.  
  
Plans were made for the DNR public hearing.  
  
The next Lake Welfare Committee meeting will be held on November 12, 2008 at 7:00 P.M.
  2. OCTOBER 16, 2008 DNR CHAPTER 30 PERMIT PUBLIC HEARING.  
  
L. Morrison stated the hearing lasted 2.5 hours with lots of good questions, information, and input generated. The meeting was recorded by the DNR.
- d. PARK AND RECREATION COMMISSION
1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.  
  
E. Sadowski reported the next meeting would be held October 27, 2008 at 7:00 P.M.
- e. PUBLIC WORKS COMMITTEE
1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

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There was no report at this time.

f. DEL-HART COMMISSION

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

M. DeYoe reported that the next Del-Hart Commission meeting will be held on October 21, 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 OCTOBER 14, 2008)

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

J. Krickhahn reported that the Library Board met last week to discuss the budget after the Show and Tell. They had been directed and will come back with a budget plan reflecting a 4% increase reflecting PAR raises. September's circulation increased 22.5%. Pizza with Santa will be held on December 12 at the Fish Hatchery – information can be found on the website. Book Sale figures are not yet in.

The next Library Board meeting will be held on November 11, 2008 at 7:00 P.M.

i. FINANCE ADVISORY BOARD – (MINUTES OF OCTOBER 13, 2008)

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

G. MacDougall reported that the Budget Show and Tell was held on October 13.

The next Finance Advisory Board meeting will be held on October 28, 2008, at 8:00 A.M.

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- j. BOARD OF ZONING – (MINUTES OF OCTOBER 9, 2008)
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  
  
APPROVED.
    - 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  
  
APPROVED.
  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 2<sup>nd</sup> 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 – (MINUTES OF OCTOBER 7, 2008)
1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.  
  
L. Morrison reported. The Committee met a couple of weeks ago.

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The next Promotional and Tourism Committee meeting will be at the Fish Hatchery at 7:00 A.M. on October 21, 2008.

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

L. Morrison stated that they continue to meet and plan for the anniversary.

m. CITY OF DELAFIELD 50<sup>TH</sup> BIRTHDAY CELEBRATION

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

E. Sadowski stated that they are trying to put a November meeting together to kick off 2009.

n. LAKE COUNTRY FIRE DEPARTMENT EXPANSION COMMITTEE MEETING – (MINUTES OF OCTOBER 16, 2008)

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

G. Mac Dougall reported that they interviewed a financial advisor to see if they would want to oversee consolidation and formulas to make sure they haven't missed anything. This firm is used to working with communities on these types of mergers.

The next Lake Country Fire Department Expansion Committee meeting will be at 7:00 P.M. on November 25, 2008.

5. OLD BUSINESS

a. ORDINANCE NO. 597, AN ORDINANCE AMENDING THE ZONING CODE (CHAPTER 17), OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, RELATING TO SANDWICH BOARD SIGNS.

Mayor McAleer reported that at the last Plan Commission meeting this item did not come up on the agenda until 11 p.m.

Rick Lieblang, Sign Committee Chairperson, and Sarah Binkowski, Planner, were present. R. Lieblang thanked the Common Council for having them. Eight months ago they made a recommendation after the committee met for almost a year. Three members of the Sign Committee are no longer within the City. He stated it can be hard to open a

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business in the City of Delafield. When he tries to rent property, people say it takes 60-90 days to get through the process. The sandwich board sign ordinance was very important. Some of the businesses took a tremendous hit when the sandwich boards were not allowed. A corporate store on Highway 83 said if they could not have their sandwich board sign, they would leave Delafield. Mayor McAleer asked R. Lieblang to comment on J. Stoffer's comments. R. Lieblang stated the Chamber put up directional signage on each corner of Main and Milwaukee Streets, but there were too many businesses to put on the signs – 18 to 20 slots were available on the sign, but 60 were needed. The sign was put up but had many flyers stapled to it. He understands J. Stoffer's complaint, but people pay more to be on Genesee Street. Mayor McAleer stated that the Planner is putting a sign program together. S. Binkowski stated they have a concept using the light posts with a limited number of signs with catch-all verbiage. It is one solution to be reviewed at Plan Commission this month. E. Sadowski asked R. Lieblang if, as the sandwich board ordinance stand, if he felt that the downtown business people would accept it. R. Lieblang felt that they would -- 90% of those he spoke to were in favor. The directional signage and remaining sign codes are on the October 29 Plan Commission agenda. S. Binkowski made the changes for staff to review signs, and the enhanced enforcement section. The Sign Committee added definitions to clarify the code for aesthetic requirements in districts that have not been acted on. However, the Plan Commission didn't want to act on those and only procedural changes were made. R. Lieblang is asking for aesthetic changes to be made to code.

**E. SADOWSKI MOVED TO ADOPT ORDINANCE NO. 597, AN ORDINANCE AMENDING THE ZONING CODE (CHAPTER 17), OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, RELATING TO SANDWICH BOARD SIGNS. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

L. Morrison discussed long term options and posed the question of if the sign codes made the process more streamlined by having Staff approve signage, would Staff be able to do this with business plans of operations since many of them are so simple. R. Lieblang stated in his view, if you are not doing anything out of the ordinary and if the sign meets the code, it should be able to be reviewed by staff. Mayor McAleer requested that this be placed on the Plan Commission agenda. E. Sadowski asked if signage could come back to the November 3 Common Council meeting to help with holiday signage. T. Schuenke stated that he would be in favor of anything that streamlines the process and cuts red tape as long as the rules are known, the decision could be made administratively.

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- b. DISCUSSION OF SIGN COMMITTEE RECOMMENDATIONS.

This will discussed at Plan Commission meeting.

6. MAYOR'S REPORT

- a. Acceptance of Laurie O'Loughlin's resignation from the Finance Advisory Board.

**J. KRICKHAHN MOVED TO ACCEPT LAURIE O'LOUGHLIN'S RESIGNATION FROM THE FINANCE ADVISORY BOARD. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. APPOINTMENT OF SARAH NIENOW TO THE FINANCE ADVISORY BOARD AS A REGULAR MEMBER.

**E. SADOWSKI MOVED TO APPOINT SARAH NIENOW TO THE FINANCE ADVISORY BOARD AS A REGULAR MEMBER. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

Jeff commented that he had called regarding S. Nienow regarding the opening on the Finance Advisory Board and she was very excited. She has a background in the banking industry. He felt that there is a need to bring young people into process.

- c. APPOINTMENT OF JIM BEHREND TO THE FINANCE ADVISORY BOARD AS A REGULAR MEMBER.

**E. SADOWSKI MOVED TO APPOINT JIM BEHREND TO THE FINANCE ADVISORY BOARD AS A REGULAR MEMBER. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

7. NEW BUSINESS

- a. DISCUSSION AND ACTION TO ADOPT RESOLUTION 2008-38, RESOLUTION PRELIMINARILY DETERMINING PROJECT SITE TO BE BLIGHTED AND DECLARING INTENT REGARDING THE ISSUANCE OF REVENUE BONDS BY THE COMMUNITY DEVELOPMENT AUTHORITY TO FINANCE ST. JOHN'S NORTHWESTERN MILITARY ACADEMY, INC. PROJECT.

Chairperson L. Morrison reported that they met tonight at 6 p.m. There are different steps to do this. St. John's Northwestern Military Academy

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has done at least one-half to two-thirds of the work they intend to do. Their board said when they get through this, they will entertain the option to get bonds to pay themselves back for the work they had done. The next step will be to determine what the best vehicle is to get these bonds. They will be using community development conduit bonds; the City will get the bonds through its ability to bond. The advantage is that the bonds will be exempt from Federal and State tax. They are not saying they will for sure do this. The next step is to agree that what they are doing comes under a blighted classification. Blighted areas can be areas that are unsafe. Good examples of this are uneven sidewalks and not having natural plants. Our step is to adopt the preliminary statement which states that we (the City) understands that what they are doing is improving a blighted area. This doesn't mean we are issuing bonds, it's only a step. T. Schuenke stated that it is very, very clear that we have no obligation to the taxpayers or City in anyway to pay bonds off or back. This is the obligation of St. John's Northwestern Military Academy and the City is only used as a conduit as allowed by state law. Mayor McAleer stated that the CDA really had many questions and there is a lot of material on the record. It was a very good synopsis. E. Sadowski asked if the City has any idea of how much to borrow. L. Morrison reported that it would be between \$6 to \$10M but that it could come back at a different amount. \$10M is the cap, but it could be less. L. Morrison stated that this resolution only determines that the area is blighted.

**L. MORRISON MOVED TO ADOPT RESOLUTION 2008-38, RESOLUTION PRELIMINARILY DETERMINING PROJECT SITE TO BE BLIGHTED AND DECLARING INTENT REGARDING THE ISSUANCE OF REVENUE BONDS BY THE COMMUNITY DEVELOPMENT AUTHORITY TO FINANCE ST. JOHN'S NORTHWESTERN MILITARY ACADEMY, INC. PROJECT. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. A ROLL CALL VOTE TOOK PLACE: JEFF KRICKHAHN, AYE; BETH LEONARD, AYE; ERV SADOWSKI, AYE; MICHELE DE YOE, AYE; GERALD MAC DOUGALL, AYE; LYNN MORRISON, AYE. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. DISCUSSION AND ACTION TO APPROVE YAGGY COLBY CONTRACT TO DO HYDRAULIC MODELING AND MAPPING REQUIRED TO SUBMIT A LETTER OF MAP REVISION PERTAINING TO THE FLOODPLAIN.

Mayor McAleer asked to hear more on how the other entities would not hold up the City. M. Court stated that the first step is that everyone needs to agree. In concept they agreed, and now contracts are needed. This will take two to three weeks. The Village of Hartland has committed. Discussion is taking place at the Town of Summit and Upper Nehmabin Lake District. The Town stated that it is a Lake District

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expense that will be paid through the Lake District, but would be worked through the Town. It was noted that Waukesha County also needs to approve. Out of a total cost \$40,000, the City of Delafield's share would be \$10,000. B. Leonard asked if the City could get a deadline or update in case someone holds it up, that the City could move on. M. Court stated that if there were any problems, it would come back to the second November meeting as an update. Because of the change in flow, the DNR and FEMA will want an analysis of the whole Bark River System. It makes sense to do a regional system. He felt that it was a win-win for everyone to get this done.

**L. MORRISON MOVED TO APPROVE THE YAGGY COLBY CONTRACT TO DO HYDRAULIC MODELING AND MAPPING REQUIRED TO SUBMIT A LETTER OF MAP REVISION PERTAINING TO THE FLOODPLAIN, IN AN AMOUNT NOT TO EXCEED \$10,000. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. CITY OF DELAFIELD COMMITTEE / COMMISSION MEMBERS ORIENTATION.

B. Leonard stated she would like to see this as a budget item, as she was not sure if the City is to that point with staff yet. Training series will be available for Plan Commission - a CD Rom can be passed around. If interested, the City could possibly purchase these models through the UW Extension and are available through distance training. It was thought that it would be good for the Plan Commission and other commissions if the City offered something to citizens to keep them up-to-date with services and trends. She will share this idea with staff, and stated that it would be less than \$1,000.

B. Leonard and G. Gresch will work on this together.

8. REPORT OF CITY OFFICIALS

a. ADMINISTRATOR

- i. SPECIAL ASSESSMENTS FOR WATER, STH 83 AND VETTLESON ROAD UPDATE.

T. Schuenke stated this memorandum addresses various issues raised at the September 15, 2008 City Council meeting and Public Hearing on the Highway 83 Water Project and Special Assessments. Attached to his report were documents to help answer questions raised and in support of the recommendation he is making. Those documents are a memorandum from Public Works Director Tom Hafner regarding project costs, a Cash Flow

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Analysis of the Water Fund from Auditor Kevin Krysinski, and a letter from Attorney James Hammes regarding cost recovery alternatives. The memo is in the e-packets online. Attorney Hammes recommended that the City establish a policy of recovering its costs through future development agreements based upon the same formula used for the Geason Nagawicka View Dairy Farms project, in the amount of approximately \$6,800. If this is done, the City will generate sufficient dollars to offset its costs and any carrying costs associated with it. Additionally, the City should rescind the current special assessment resolution and simply forgo the special assessments on the 38 homes also served by the water main. Given that the City does not know when the undeveloped property will develop, the obvious question is whether the City can afford to do this or not. If each of the 38 homes are assessed at \$4,500, it amounts to \$175,500. In the long term scheme of things it is not a significant amount, particularly if it is paid to the City over a ten year period as the assessment calls for. Secondly, as Attorney Hammes pointed out, the potential is there to develop 202 additional lots. If this is done under the same terms as the Geason development, that would generate \$1,382,892. This amount would more than cover the City's costs. Third, while the water fund is not expected to be financially healthy again until 2010, the City does expect it to maintain a positive cash balance until then. Certainly, that cash balance will be small, but we should be able to make it. After all, the City is already almost through with 2008. The recommendation is to rescind the special assessment resolution and to adopt a resolution creating a policy requiring any new development to contribute toward the extending of water service to serve the property. It was recommended that the City Council do both of these things, namely the recommendation to rescind 2005 resolution authorizing special assessments and further to have the Common Council include a part of the new resolution that further development in the area require an agreement similar to that the City has with Geason. B. Leonard would like a compromise so that the property owners know what to expect.

**G. MAC DOUGALL MOTIONED TO HAVE THE CITY ATTORNEY DRAFT THE RESOLUTION CONSISTENT WITH WHAT HE REPORTED. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

T. Schuenke reported that M. Court and he met with the Sanctuary Development Group. They are making progress and it was a good meeting. They developed a list of issues which they asked them to accomplish and they are. The project will not be

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fully complete until next year. He was not recommending invoking the letter of credit, but to continue to work with them.

b. CLERK-TREASURER

i. ELECTION REMINDERS

G. Gresch stated the Clerk's Office set aside extra hours for eligible voters to register to vote and vote absentee on the following dates and times at City Hall:

- 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.

G. Gresch stated she and Deputy Clerk O'Brien were at City Hall this past Saturday from 10 am to 2 pm. They had 27 absentee voters and four new registrations. Many people thanked them for opening up with the extra hours for those that can't make regular office hours. She encourages residents to take advantage of the extra hours so that long lines can be avoided on Election Day. Also, there will be many voter groups mailing voters absentee ballot applications. If you are not sure if you are registered, she asked that you please call City Hall before mailing in the application, however, the deadline for mailing your voter registration application has passed. To register to vote, you must register at City Hall or at the polls on Election Day. G. Gresch stated the office is finding that many people that requested an Absentee Ballot are not being patient enough for the mail to deliver the ballot and are requesting a second ballot be issued to them. She asked people to wait a few days before asking for a second ballot. Most times, it is delivered within the next day or so.

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

The following items were requested to be put on a future agenda:

- Staff approval of Business Plans of Operations.
- Making Park & Rec and Lake Welfare Committee permanent members of the Plan Commission.

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9. FINANCIAL REPORT

a. APPROVE VOUCHER LIST

**L. MORRISON MOVED TO APPROVE THE VOUCHER LIST AS PRESENTED. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

b. SEPTEMBER TREASURER'S REPORT

**L. MORRISON MOVED TO APPROVE THE SEPTEMBER TREASURER'S REPORT AS PRESENTED. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

10. CORRESPONDENCE

- a. Letter from Daniel Costigan to Common Council and Lake Welfare Committee members regarding lake dredging.
- b. Lake dredging numbers from Lake Welfare Committee as requested by Alderperson Beth Leonard.
- c. Letter from Department of Administration regarding 2008 final population estimate.
- d. Letter from FEMA regarding the November 19, 2008 deadline to adopt and have the Dept. of Homeland Security's FEMA's National Flood Insurance Program regulations.

Mayor McAleer reviewed the correspondence with the Common Council members.

11. ADJOURNMENT

**M. DE YOE MOVED TO ADJOURN THE OCTOBER 20, 2008, COMMON COUNCIL MEETING AT 9:15 P.M. L. MORRISON 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