

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 November 17, 2008 Common Council meeting:

Present

Absent

Mayor Ed McAleer
Jeff Krickhahn, Ald.
Beth Leonard, Ald.
Erv Sadowski, Ald.
Michelle DeYoe, Ald.
Gerald MacDougall, Ald.
Lynn Morrison, Ald.
Ron Miskelley, Ald. – Participated via phone for the budget portion
Tim Schuenke, Administrator
Jim Hammes, City Attorney
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 November 3, 2008 Common Council meeting & November 10, 2008 Budget Public Hearing.

E. SADOWSKI MOVED TO APPROVE THE NOVEMBER 3, 2008 COMMON COUNCIL MEETING MINUTES AS PRESENTED. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

J. KRICKHAHN MOVED TO APPROVE THE NOVEMBER 10, 2008 BUDGET PUBLIC HEARING MINUTES AS PRESENTED. B. LEONARD SECONDED THE MOTION AND STATED THAT THERE WAS A SECTION IN THE MINUTES MISSING ABOUT THE NEW BUILDINGS FURNISHING SPREADSHEET. SHE ASKED THAT THE MINUTES BE POSTPONED UNTIL THE DECEMBER 1 MEETING SO THE RECORDING CAN BE CHECKED. SHE STATED SHE HAS OTHER CHANGES TO BE MADE. G. GRESCH ASKED HER TO EMAIL HER THOSE CHANGES AND SHE WILL CHECK THE RECORDING. J. KRICKHAHN WITHDREW HIS MOTION.

E. McAleer stated the Common Council has scheduled some presentations to be shown tonight and welcomed the citizens to make comments during Citizens Comments. He reminded everyone that the Special Order of Business agenda items are only on the agenda for discussion only.

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

Tom Aul, 817A Genesee Street, stated he is passing out traffic information to the Common Council that is interesting. The handout compares traffic from I-94 to Milwaukee Street on CTH C in the years 2000, 2003 and 2006. In 2006 it was 7,506 cars per day; in 2003 it was 9,900 cars per day; in 2000 it was 8,000 cars per day. The traffic has decreased on CTH C. He stated the City of Delafield is in a competitive market, we have a delightful downtown area and we want to draw people to that. He asked how we can make the downtown area a better place to come visit and shop in and to help it prosper. He stated the downtown area impacts the rest of the City. If the downtown stumbles and business close, everyone in the community suffers. He also state that Larry Kassens passed away last week; he was 72 years old.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Citizen's comments for items on the agenda.

Gerry Holton, 485 Lillian Court, passed out information on 2007 Act 57. He also stated he wants to make three points on TIFs for the Common Council to consider. He asked the Common Council to be sure to avoid circumventing direct legislation with this issue. Second he stated he passed around 2007 Act 57, passed in 2008. He stated this law changes how TID costs may be extended within a one half mile radius of the district's boundaries within the City. He asked the Common Council to have the City Attorney to review this new law. He stated his third point is that TIF #3 was abused and hopes this body will put safeguards in place to avoid future abuse. There is nothing stopping future administration or Common Councils from expanding or amending any TIF.

Darrell Pope, 1236 Mill Road, stated the residents will be hearing from Red Prairie tonight for the possibility of a City TIF for funding their project. The Common Council received information in their meeting packet on how TIFs work and other funding options. He asked the Common Council to consider the appropriateness of using a TIF for this project. He stated in general, TIFs are used to encourage development. They are used to restore area to attract future developers. It was also stated the other situation to use a TIF is when there is vacant land that will stay vacant without the correct infrastructure. The City has used both of those reasons for TIFs (Golf Road and Downtown), which both worked, but when is a TIF not appropriate? He stated many businesses come to the City, start their business and immediately start paying taxes. He gave an example of him building a new house with improvements, driveway, well and septic, etc, but would not get the "extras" unless the City can borrow him money, then using the increment to build a bigger house and get the "extras". He stated the Common Council did a very good job with wants and needs during the budget meeting last week. He asked the Common Council to keep same mindset during tonight's presentation.

Dan Wiley, 493 Lillian Court, stated everyone is going to learn a lot tonight about Red Prairie. He stated he is a board member of the Friends of Lapham Peak and is concerned how this project will affect Lapham Peak. He will be attending these meetings as a liaison to the Friends of Lapham Peak.

Jason Steiner, 601 Genesee Street, stated a TIF is not a handout or corporate welfare. It is a helping hand to begin development in an area. In this economy, the only developments of this size that work that are not started with a TIF are casinos and Wal-Marts. We are here tonight to listen and consider their proposal. He appreciated everyone's open-mindedness and that this project will be a catalyst for the downtown.

Laura Schult 935 Barr Road, stated she is dismayed that we are talking about a TIF with no completed studies and that the Common Council is not even sure how much money is needed. She feels it is inappropriate to be talking about a TIF at this stage of the game. E. McAleer stated if someone brings a proposal to the City, it is the Common Council's job to listen and evaluate. It is not the Common Council's job to tell someone that they can't ask for something. L. Schult stated she wants to know how much of her tax dollars will be spent on this project. E. McAleer stated this is on the agenda for discussion; no action will be taken tonight. The City is not even hiring a consultant. He asked everyone to listen to the presentation, think about it, watch the meeting reruns, think more about it and come back to the next Common Council meeting to give your input. L. Schult asked that the negative points about TIFs also be presentation.

Scott Esser, 1646 Brookside Court, stated he lives in an area that Del-Hart doesn't want to put sewer in because of expenses and logistics. He stated he doesn't believe that sewer should be included in this proposed TIF district.

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

CITY OF DELAFIELD COMMON COUNCIL MINUTES

- a. Chamber of Commerce Event – “6th Annual Breakfast with the Reindeer” on Saturday, December 6, 2008, from 9 AM to Noon in Downtown Delafield.
- b. Proposed revised schedule for Brush Drop-Off site.
- c. Denial of Juanita Newman claim for damages to residence resulting from water intrusion in early June 2008.

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

B. Leonard thanked DPW Director Tom Hafner for the revised brush drop off schedule. E. McAleer stated the Common Council will be reversing the order of the Special Order of Business items.

Special Order of Business:

- a. ***Presentation by Mill Pond residents regarding the Mill Pond Dam (Discussion only).***

Al Wagner, 184 Bark River Court thanked the Common Council for their time. He introduced Robert Montgomery. R. Montgomery stated he is a Water Resource Engineer in Cottage Grove. He and the adjacent property owners are looking at restoring the Roller Mill Dam and gave a presentation to the Common Council. ***Clerk's Note: The PowerPoint presentation is on file in the Clerk's Office and attached to the minutes.***

L. Morrison stated the Common Council has spent great deal of time on Milwaukee Street Pond. The Roller Mill Pond was a natural storm water retention area. She stated it doesn't make sense to build a new pond when we already had one. G. MacDougall stated the DNR moved pretty quickly to remove the stop logs; what is going to stop the DNR from going in and doing more damage. R. Montgomery stated the environmental control details have not been determined yet, and that is one of the main issues and will be a point of contention at the scheduled public hearing. E. McAleer stated the City can send a letter to the DNR requesting them to postpone this hearing, but how much further this involves the City when it is a situation between the DNR and a private property owner. Tonight's presentation tonight shows a lot of City participation in this effort. The resident's attorney, Paul Kent stated the public hearing will determine if the Roller Mill Dam should be abandoned, and if so, under what conditions. If it does require abandonment, the state statute requires 120 days for someone to acquire the dam before it's abandoned. The statute gives the people that want to retain the dam an opportunity to take it over. They are asking the City to give the residents enough time to present to the DNR their plan to take over the dam, and to give the residents time to work with the City to find ways to facilitate solutions. There is a public and private interest in this pond. The Mill Pond owners are looking to contribute financially, but needs the City's help if it's going to be accomplished in the time frame we have.

G. MacDougall asked if the dam were to be rebuilt, does the DNR require public or private ownership. P. Kent stated the owner of the dam has to ensure financial responsibility and that the dam will not create a problem. If a municipality owns the dam, financial responsibility does not need to be shown. Having the municipality involved creates a lower cost for the rest involved. The remaining costs are shared in a possible lake district or special assessment. City Attorney Jim Hammes asked what the probability of this hearing being adjourned if the City sends a letter to that affect. P. Kent stated at letter to the DNR from the City will tell the DNR that there is an ongoing discussion with the residents and that the City is involved in the LOMR study that has a direct bearing on this. If this issue goes to a hearing, he would like to keep the public hearing record open to add this information. He stated this letter to the DNR doesn't commit the City to do anything on their part. P. Kent stated he filed a motion to postpone the hearing and is waiting for a ruling.

E. Sadowski stated the next Common Council meeting is December 1 and hopes that the motion will be decided on by then. The Common Council can't take any action tonight as it is on the agenda for discussion only. E. McAleer asked the Common Council if they want the City Attorney

CITY OF DELAFIELD COMMON COUNCIL MINUTES

to draft a letter to the DNR and to determine the City's involvement. J. Hammes stated this letter will say the City is not committed to fixing this, but is open to looking at the issues. B. Leonard asked if there are other stake holders downstream, have they weighed in on this. R. Montgomery stated he has contacted SEWRPC and there are some conversations about them participating. E. McAleer asked the City Attorney to draft a letter for the next Common Council meeting.

b. Discussion of exploring financing options for Red Prairie development (Discussion only).

T. Schuenke gave a presentation to explain how TIF's work and why they are necessary. He hopes this helps the Common Council and community understand what is being asked for so the Common Council and make an informed vote. ***Clerk's Note: The presentation is on file in the Clerk's Office and is attached to the minutes.***

B. Leonard asked why Red Prairie couldn't do a conduit bonding like SJNMA. Phil Cosson, Ehlers & Associates, City Financial Advisor, stated they can't do it because they are not a non-profit organization. There was discussion about the City funded TIF vs. Developer funded TIF. T. Schuenke stated it is less risk for the City to do a developer funded TIF. In a City funded TIF, the City takes are more of the risk. J. Hammes stated the school districts don't lose out on their share of the taxes; they are reimbursed from the state. T. Schuenke stated he met the superintendent of the Kettle Moraine School District and that they are very much in favor of this project. The TIF affects the school state aid in a positive way. B. Leonard stated when she was a planner in Oak Creek in 1981; the school district was opposed to a TIF. P. Cosson stated nothing has changed, but there was an education process that had to take place when TIFs first came out.

E. McAleer asked if amending TIFs goes through the same process as starting a TIF. P. Cosson stated yes, amendments still have to go through the Joint Review Board, as they do in the original process. E. Sadowski asked the City Attorney to review Act 57, which was submitted during Citizen's Comments. J. Hammes stated that has to do with project costs within a half-mile area of the TIF and that he will research it further. There was discussion about infrastructure and public improvements. T. Schuenke stated the City does not know the specifics of these two tasks. There was further discussion about direct legislation. J. Hammes stated if it is a City funded TIF, there is no question that the borrowing would require a referendum. If the TIF is developer funded, under his preliminary analysis, a referendum is not required. It is preliminary because he has not seen an official proposal. Once he knows what is exactly being proposed, he can give an official opinion.

E. Sadowski asked if there is a combination of a City and Developer funded TIF. J. Hammes and T. Schuenke stated yes. E. McAleer stated TIF #2 was a combination of TIF and Special Assessment money. That TIF accomplished less than the special assessment. B. Leonard stated we have some improvements that could be done under TIF. How is this different than how we handle property owners for special assessments, like dredging? How do we justify treating residents different than a developer? T. Schuenke stated that is the "But For" question. Do you or do you not want this development? He suspects what we will hear is, without it this development, Red Prairie won't come to Delafield. There are other municipalities that are competing with Delafield and they will welcome them.

George Erwin, head of the Red Prairie development team, stated they are very anxious to bring this development to Delafield. There are two major issues that need to be addressed; length of TIF and who takes the risk. Red Prairie is proposing a City funded TIF, which creates a shorter TIF life and a faster return of the increment to the tax roll. He proposed the developer pay for the public improvements. After completed and to the satisfaction of the City, the City will be asked to secure bonds to pay the developer back, only after the developer performs additional tasks, build the building. This project will be more than \$20 Million in new tax revenue to the City. He stated he has done this same type of TIF in the City of Muskego. E. McAleer stated more than \$1 Million has to be borrowed; it has to go to referendum. George Erwin stated if the Common Council is willing to do that and has to go to referendum, it can be done in a reasonably timely manner. Red Prairie wants to have this project completed by October 2010. He stated he and his team will spend time

CITY OF DELAFIELD COMMON COUNCIL MINUTES

on a project plan for a February referendum. E. McAleer asked for an April referendum because the deadlines for February referendum might be too tight. G. Gresch stated the Common Council would have to adopt a resolution on January 5, 2009 for a February referendum. E. McAleer asked that the developers have all of their information ready for a TIF public hearing in January 2009. G. Erwin stated Red Prairie wants to have the Common Council indicate if they would support a developer funded TIF or a City funded TIF with a referendum so they can spend the money to make this happen. Bob Goehner of Briohn Building Corporation gave the same presentation of the Red Prairie Technology Park as he did at the September Plan Commission meeting. There was further discussion from G. Erwin about Red Prairie, why coming to Delafield makes economic sense, that they are a worldwide company, they grow 20% each year and that they will enter a 15 year minimum lease for these new buildings, which will be their national headquarters. He stated the "but for" test for this project won't work due to the infrastructure, which is why a TIF if necessary.

E. McAleer asked what the first step is in this process. P. Cosson stated preliminary cash flows can be reviewed and he will provide a recommendation on Developer vs. City funded TIF and a feasibility study. He stated the first real step is the Plan Commission calling for a TIF public hearing. The Plan Commission holds a public hearing and approves project plan, recommends to Common Council to set up a joint review board. E. McAleer stated the TIF public hearing is a separate public hearing from the PUD, but it can be on the same night. B. Leonard asked who requested the financial advisor prepare a report for the Common Council packet. T. Schuenke stated he asked for it but Red Prairie is paying for it.

There was discussion about a traffic study and when the Common Council will discuss the Developer funded vs. City funded TIF. E. McAleer stated the Common Council has to discuss this at the next Common Council meeting after they hear citizen's comments. G. Erwin stated whatever information the Common Council needs to make a decision, he can provide tonight. He also required a TIF public hearing in December. E. McAleer stated he feels the TIF public hearing should be in January after the holidays. There was discussion about what type of information needs to be presented at the TIF public hearing. J. Krickhahn asked that the Ehlers report can be posted to the City's website. G. Erwin stated his preference is a City funded TIF. J. Hammes suggested a hybrid of the two types of TIFs. G. Erwin stated a hybrid can be done is he is willing to discuss it. L. Morrison stated both the second and third options require a referendum. E. McAleer stated the Common Council will take a break to determine public hearing dates and deadline. J. Krickhahn asked how a City funded TIF would affect the City's borrowing capability if the City borrows for the SJNMA CDA project and the City buildings. P. Cosson stated it will affect their ability to borrow as "bank qualified".

Common Council took a 5 minute break to determine public hearing dates and deadlines. The Common Council came back from break with the following public hearing schedule:

The Plan Commission must first call for a public hearing at the December 17, 2008 Plan Commission meeting. That public hearing date will be set for January 14, 2009.

4. Committee Reports

a. Licenses

1. Bartender license – 2 Year Licenses to expire June 30, 2010.
 - a. Ashley Flower, Oconomowoc; Marty's Pizza
 - b. Cory R. Gall, Hartland; Applebee's

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.

G. Gresch stated all operators' background checks came back clear.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

2. Class B Beer Class B Liquor to expire June 30, 2009:
 - a. Pacific Bistro, LLC, 3215 Hillside Drive, Delafield; Ackasone (Lam) Virasith, 2008 Tall Grass Cr. Waukesha, WI, Agent

E. SADOWSKI MOVED TO APPROVE THE T CLASS B BEER CLASS B LIQUOR TO EXPIRE JUNE 30, 2009, FOR PACIFIC BISTRO, LLC, 3215 HILLSIDE DRIVE, DELAFIELD; ACKASONE (LAM) VIRASITH, 2008 TALL GRASS CR. WAUKESHA, WI, AGENT. 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.
 2. Discussion and action on recommendation from Plan Commission to approve the minor change to the Conditional Use and site plan amendment to place a generator and appropriate screening for **DEL C 0794.952**, 322 W. Enterprise Road, Delafield. Owner: WE Energies. Applicant: Verizon Wireless c/o Velocitel, Inc.

B. Leonard stated she voted against this item because the same utility installed a generator at the Nagawicka Road location and did not screen it. She asked that this be postponed to the next Common Council agenda.
 3. Discussion and action on recommendation from Plan Commission to approve minor change to the Conditional Use to allow for a campus wide directional sign program and to waive the 3 signage requirements for this district for **DEL C 0793.001.001** through **0793.001.006**, 415 Genesee Street, Delafield. Owner: Delafield Commerce Center Condominium Association. Applicant: Kris Timmer.

E. SADOWSKI MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE MINOR CHANGE TO THE CONDITIONAL USE TO ALLOW FOR A CAMPUS WIDE DIRECTIONAL SIGN PROGRAM AND TO WAIVE THE 3 SIGNAGE REQUIREMENTS FOR THIS DISTRICT FOR DEL C 0793.001.001 THROUGH 0793.001.006, 415 GENESEE STREET, DELAFIELD. OWNER: DELAFIELD COMMERCE CENTER CONDOMINIUM ASSOCIATION. APPLICANT: KRIS TIMMER. SUBJECT TO THE PLANNER'S RECOMMENDATION. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. Lake Welfare Committee – (Minutes of November 12, 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 expected to have the Boathouse code for approval tonight, but there was a small verbiage change and it was sent back to the Plan Commission. The Lake Welfare Committee also hopes to have the final dredging permit in next three to four weeks. They also hope to have the dredging referendum on the April ballot.
- d. Park and Recreation Commission
 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

E. Sadowski stated the Park and Rec Commission met tonight to appoint Chris Smith, Park and Rec Commission Chair to the Plan Commission, in time for the Plan Commission's next meeting on Wednesday.

- e. Public Works Committee – (Minutes of November 5, 2008)
 - 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.

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

The next Del-Hart Commission meeting will be held on Tuesday, November 18, 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 November 11, 2008)
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

J. Krickhahn stated the Pizza with Santa tickets went on sale this week. The event is Friday, December 12, 2008 from 6:00 pm to 8:00 pm and is \$10 per ticket. Tickets can be purchased at the Library. There is room for 50 participants. The Library board is starting a committee to find a place to temporarily move the Library. The temporary space has to be 3,000 to 5,000 square feet, handicapped accessible and two bath rooms, also handicapped accessible. He stated if anyone knows of a space opening up, please call the Library. Also, there is a Pizza with Santa volunteer signup sheet in the Library.

The next Library Board meeting will be held on December 9, 2008 at 7:00 P.M.

- i. Finance Advisory Board
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

There was nothing to report at this time.

- j. Board of Zoning
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

There was nothing to report at this time.

- k. Promotional and Tourism Committee – (Minutes of November 4, 2008)
 - 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 December 2, 2008.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

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

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.

E. Sadowski stated the group will meet next in December.

- 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.

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

5. Old Business

- a. Discussion and action to adopt Ordinance No. 600, An Ordinance Creating Section 10.02(11) of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin, prohibiting the feeding of wildlife.

J. KRICKHAHN MOVED TO ADOPT ORDINANCE NO. 600, AN ORDINANCE CREATING SECTION 10.02(11) OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, PROHIBITING THE FEEDING OF WILDLIFE. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. Mayor's Report

7. New Business

- a. Discussion and action to approve Final Budget and Tax Levy.

E. SADOWSKI MOVED TO APPROVE FINAL BUDGET AND TAX LEVY AS PROPOSED, G. MACDOUGALL SECONDED THE MOTION. THERE WAS FURTHER DISCUSSION. ACCOUNTANT MARIE WILLIAMS REVIEWED THE CHANGES THAT WERE MADE DURING THE BUDGET PUBLIC HEARING MEETING:

- **NE REGIONAL STORMWATER POND - REMOVED**
- **CUSHING PARK BRIDGE COVER – REMOVED AND FUNDING SOURCE CHANGED FROM PUBLIC TO PRIVATE**
- **CAPITAL EQUIPMENT FOR SAFETY CAMPUS REDUCED TO \$325,000; DPW REDUCED TO \$78,300**
- **OAKWOOD ROAD PARK - REMOVED**
- **OAKWOOD ROAD PARK ACCESS PARKING LOT - REDUCED TO \$19,000**
- **PARK ENTRANCE SIGNAGE - REMOVED**
- **BOSTROM PARK IMPROVEMENTS GAZEBO – REMOVED AND FUNDING SOURCE CHANGED FROM PUBLIC TO PRIVATE.**
- **2ND TENNIS COURT - REMOVED**
- **BOSTROM PARK ENGINEERING - REMOVED**
- **2009 AMBO - REMOVED**

B. Leonard questioned why the funding for the Bark River stream flow gauge is not in the budget. T. Hafner stated that expense was moved to the Public Works Operating

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Budget. The City's share is about \$6,000 and it will be discussed when the operating budget is discussed. J. Krickhahn stated the new buildings capital equipment list of \$403,000 has not been trimmed down enough and requested a wants and needs list for new buildings. He stated he understands about purchasing a new phone system but he is not comfortable with some of the furnishings requests. B. Leonard stated she sees items that are duplicated between the Police and Fire offices. J. Krickhahn stated he has not reviewed the list to remove specifics, but do we really need lobby furniture right away? B. Leonard stated if the Common Council approves this list, she is worried that when it goes out for bid that the Common Council has not had any input of those items are really needed. She stated she would be more comfortable if there was a process in place for the Common Council to have input on these items before they are bid out. E. McAleer asked that she put that in a motion.

B. LEONARD MOVED TO APPROVE THE SPREADSHEET AS MODIFIED, \$325,000 FOR THE PUBLIC SAFETY BUILDING; \$78,300 FOR THE DPW EXPANSION WITH A CONDITION THAT STAFF COME BACK TO THE COMMON COUNCIL PRIOR TO BIDDING THE FURNITURE WITH A PROCEDURAL PLAN FOR THE COMMON COUNCIL TO REVIEW THE ITEMS TO BE BID OUT, TO REVIEW THE TRUE NEED AND LEVEL OF FUNDING, WHICH CAN BE CONTROLLED BY COMMON COUNCIL AS A WHOLE OR SUBMITTED IN THE MOST MANAGEABLE WAY TO HAVE INPUT BEFORE BIDS GO OUT, SECONDED BY J. KRICKHAHN. THERE WAS FURTHER DISCUSSION ABOUT SETTING A THRESHOLD FOR SMALLER ITEMS SO THAT THE COUNCIL IS NOT APPROVING \$500 ITEMS, THAT THE PROPOSED PROCEDURAL PLAN IS MICROMANAGING THE STAFF AND THE PROCESS AND THAT ADDING MORE MONEY TO CAPITAL IS CREATING A LEVEL OF DISTRUST. G. MACDOUGALL ASKED B. LEONARD IF SHE WANTS TO GIVE AN OPINION ON EACH ITEM THAT NEEDS TO BE PURCHASED. B. LEONARD STATED SHE WANTS TO SEE HOW THE ITEMS ARE PUT OUT FOR BID TO SEE IF THE CITY CAN ACQUIRE THE ITEMS AT A CHEAPER COST. J. KRICKHAHN STATED HE WANTS TO SEE IF EACH ITEM ON THE LIST IS A NEED AND NOT A WANT. B. LEONARD RESCINDED HER MOTION.

B. LEONARD MOVED TO APPROVE THE CAPITAL EQUIPMENT LIST FOR THE PUBLIC SAFETY BUILDING FOR \$325,000 AND THE DPW EXPANSION FOR \$78,300 WITH THE CONDITION THAT THE STAFF RETURN TO THE COMMON COUNCIL WITH A PROCUREMENT PLAN, SECONDED BY E. SADOWSKI. J. KRICKHAHN ASKED WHAT THE COMMON COUNCIL'S PROTECTION IS. R. MISKELLEY STATED NO ONE ON THE COUNCIL KNOWS ABOUT BUILDING BUILDINGS AND BIDDING EQUIPMENT AND THAT REJECTING IDEAS FROM EXPERTS AND TAKING THE CHEAPEST OPTION IS NOT THE RIGHT THING TO DO. MOTION FAILED WITH AYES BY B. LEONARD AND J. KRICKHAHN, AND NAYS BY E. SADOWSKI, M. DEYOE, G. MACDOUGALL, L. MORRISON AND R. MISKELLEY.

J. KRICKHAHN MOVED TO ALLOCATE \$250,000 TOTAL FOR THE CAPITAL EQUIPMENT LIST FOR THE PUBLIC SAFETY BUILDING AND DPW EXPANSION. B. LEONARD SECONDED THE MOTION. MOTION FAILED WITH AYES BY B. LEONARD, J. KRICKHAHN AND R. MISKELLEY; NAYS BY E. SADOWSKI, M. DEYOE, G. MACDOUGALL AND L. MORRISON.

B. Leonard stated she is not sure why people are willing to add extra money to the building budget. E. Sadowski stated the phone and alarm systems are definitely needed and most of the other items are needed too. The budget has already been cut twice and we have the money, it needs to be approved.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

G. MACDOUGALL MOVED TO APPROVE THE ENTIRE CAPITAL IMPROVEMENT PLAN (CIP) AS SUGGESTED WITH THE CHANGES MADE AT LAST WEEK'S BUDGET MEETING, INCLUDING THE NEW BUILDING FURNISHINGS FOR POLICE AND FIRE \$453,000 AND DPW EXPANSION \$86,200. L. MORRISON SECONDED THE MOTION. THERE WAS FURTHER DISCUSSION ON THE MOTION. T. SCHUENKE STATED IT IS NOT HIS INTENT TO SPEND THIS MONEY WITHOUT THE COMMON COUNCIL'S INPUT. ADOPTING THIS IS ESTABLISHING A PLACEHOLDER. IF THE BUILDING COMES IN AS LESS, WE CAN MOVE THESE EXPENDITURES OVER. THE CITY RECEIVES THREE QUOTES ON ALMOST EVERYTHING WE PURCHASE; WE WILL DO THE SAME FOR THE FURNISHINGS. THERE WAS FURTHER DISCUSSION ABOUT HOW ITEMS WILL BE PURCHASED AFTER THE BUILDING IS BUILT. DO THOSE ITEMS NEED TO BE PURCHASED SPECIALLY OR CAN THEY BE A PART OF THE BUDGET. HE STATED WE ALL NEED TO UNDERSTAND THE RULES. HE ALSO STATED THAT MARILYN CZUBKOWSKI CAME TO THE LAST COMMON COUNCIL MEETING AND SAID THAT IF AN ITEM DOES NOT HAVE A 20 YEAR LIFE, IT SHOULD NOT BE PURCHASED WITH 20 YEAR BORROWED MONEY. MORTENSON CAME UP WITH THIS LIST AND IT HAS BEEN CHANGED SEVERAL TIMES AND THAT NOTHING ON THE LIST IS MEANT TO LAST 20 YEARS. L. MORRISON STATED THIS DISCUSSION IS COMING OFF THAT THE COMMON COUNCIL DOESN'T TRUST THE STAFF. WE HAVE EXCELLENT STAFF AND WE SHOULD GIVE THEM THE OPPORTUNITY TO DO THE RIGHT THING. MOTION CARRIED WITH AYES BY M. DEYOE, AND G. MACDOUGALL, L. MORRISON, R. MISKELLEY AND E. SADOWSKI. NAYS BY B. LEONARD AND J. KRICKHAHN.

T. Schuenke stated there is \$657,000 in the Debt Service Fund. \$500,000 came from the Storm Water Fund reimbursing the Debt Service Fund in 2006. \$657,000 could be used for capital improvements or it could be used to pay down the debt. The City would not use this money for operations. He suggested the City use all but \$75,000 to pay for capital items. E. McAleer stated the City could split the money between 2009 and 2010; \$250,000 each year to pay for capital expenses on each building. R. Miskelley stated if that done, the City is giving up its right to review possible future building overages. He stated the City needs to let the people know what the City is spending their money on. E. Sadowski stated about \$150,000 is interest. R. Miskelley suggested the City use \$150,000 for capital expenses. E. McAleer stated any money we use from this will offset the amount of money that needs to be borrowed for. E. Sadowski stated there is additional money in General Fund. T. Schuenke stated he recommends not taking action on this tonight, because it is not relevant to the budget. When the City gets closer to borrowing money again, the Common Council will discuss this further.

E. SADOWSKI MOVED TO APPROVE THE OPERATING BUDGET WITH THE CHANGES MADE AT LAST WEEKS BUDGET MEETING. M. DEYOE SECONDED THE MOTION. THERE WAS FURTHER DISCUSSION. ACCOUNTANT MARIE WILLIAMS REVIEWED THE CHANGES THAT WERE MADE DURING THE BUDGET PUBLIC HEARING MEETING:

- **INCREASE COMMITTEE'S SALARY FROM \$30 TO \$40 PER MEETING AND RELATED FICA.**
- **INCREASE LIBRARY LEVY BY \$15,000**

T. Schuenke discussed the hiring of Fire Department personnel; hiring one person on January 1, July 1 and October 1, depending on revenues and the amount of Pewaukee intercepts. After hearing last week's discussion, the Common Council recommended hiring one person on January 1, and a second person on July 1 only if the revenues and call volume at that time support it. The hiring of the second person on July 1 would be brought back to Common Council for further review. E. McAleer

CITY OF DELAFIELD COMMON COUNCIL MINUTES

stated he supports this proposal. J. Krickhahn stated Pewaukee passed hiring five firefighters for next year, which reinforces his position, to hire one only person right away and bring it back to the Common Council to prove a second person is proven they are needed. E. Sadowski stated he agrees with this. There was further discussion about including the second person in the budget now and hiring if needed, or leaving it out and amending the budget if that person is needed. There was discussion about the Lake Country Fire Department merger and that a merger is looking good. If there is a merger, the City will need input from the other communities. R. Miskelley stated this additional staff is an investment in our community and future and both hires should be included in the budget. If we can make a profit we should do it. G. MacDougall agreed. B. Leonard stated she still isn't sure that this additional staff will produce revenue. We have to look at all costs including ambulances and depreciation. G. MacDougall stated the new staff and paramedic intercepts will create a positive cash flow. If the consolidation happens, we won't have to worry about this. G. MacDougall stated the City should hire one person January 1 and that the Common Council will get their say before a second person is hired in July.

J. KRICKHAHN MOVED TO ADD ONE FIRE DEPARTMENT POSITION IN THE 2009 BUDGET, TO START JANUARY 1, TO REVIEW THE HIRING OF A SECOND PERSON IN JULY 2009 AND AMEND THE BUDGET IF IT DEEMS NECESSARY. B. LEONARD SECONDED THE MOTION. THERE WAS FURTHER DISCUSSION. R. MISKELLEY STATED IT WILL BE HARDER TO AMEND BUDGET IN THE MIDDLE OF THE YEAR; WE SHOULD APPROVE THIS NOW. E. SADOWSKI ASKED IF ADDING THESE POSITIONS WILL HELP, HURT OR NOT AFFECT THE POSSIBLE MERGER. E. MCALEER STATED IT WILL HAVE NO AFFECT ON THE MERGER. MOTION FAILED WITH AYES BY B. LEONARD AND J. KRICKHAHN; NAYS BY E. SADOWSKI, M. DEYOE, G. MACDOUGALL, L. MORRISON AND R. MISKELLEY.

E. SADOWSKI MOVED TO ADD TWO FIRE DEPARTMENT POSITIONS IN THE 2009 BUDGET, TO START JANUARY 1, AND TO REVIEW THE HIRING OF A SECOND PERSON IN JULY 2009 AND HIRE IF DEEMS NECESSARY. R. MISKELLEY SECONDED THE MOTION. MOTION CARRIED WITH AYES BY E. SADOWSKI, M. DEYOE, G. MACDOUGALL, L. MORRISON AND R. MISKELLEY; NAYS BY B. LEONARD AND J. KRICKHAHN.

B. Leonard asked about the tuition reimbursement budget and how that number is determined. T. Schuenke stated there are five non-union and three union employees that are interested in the tuition reimbursement program. He stated it increased because four Fire Department staff asked to participate in 2009. There is one police department employee also in the program. B. Leonard asked if job descriptions or job postings can be modified to avoid future tuition costs. T. Schuenke stated the City does try to hire people that already have degrees. R. Miskelley stated the City uses this to hire a higher caliber person that wants to better themselves. L. Morrison stated the classes they are taking are specific to the degree oriented for their job.

B. Leonard asked about the Bark River stream flow gauge. T. Hafner stated it costs about \$6,600 to \$6,800 per year. The original intention was to use it for three years, and twice, the City has approved one year extensions. He asked the Common Council is it worth spending \$7,000 per year and where is the cutoff point? L. Morrison stated the City has had the flow gauge for a while and that we really put the data to use during the flooding, so why are we saying we don't need it anymore? She stated the flow gauge will provide great evidence for LOMR. R. Miskelley agrees it should be back in the operating expenses.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

E. SADOWSKI MOVED TO ADOPT THE 2009 OPERATING BUDGET AS AMENDED, INCLUDING ADDING \$6,800 FOR THE BARK RIVER STREAM FLOW GAUGE. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY J. KRICKHAHN.

B. Leonard asked if there is a budget book in the Library and how does the changes that are made tonight get incorporated into that book. M. Williams stated there is another column in the budget spreadsheet that shows the adopted numbers.

TOTAL LEVY: \$5,362,017, which is a 7.78% increase over 2008, for a difference of \$386,913. The 2009 tax rate is \$4.0519, which is a .0351 per thousand increase. E. Sadowski stated the increase is related to the referendum borrowing. He also stated without the Debt Service, only \$73,000 was added to the budget. The impact to the citizens is three and one-half cents per thousand. R. Miskelley stated he feels this is a good budget and that everyone did a good job.

- b. Discussion and action to adopt Resolution No. 2008-40, Resolution Designating Spot Blight of Project Site Located at St. Johns Northwestern Military Academy, 1101 North Genesee Street.

L. Morrison reviewed the resolution and the action from the CDA with the Common Council.

L. MORRISON MOVED TO ADOPT RESOLUTION NO. 2008-40, RESOLUTION DESIGNATING SPOT BLIGHT OF PROJECT SITE LOCATED AT ST. JOHNS NORTHWESTERN MILITARY ACADEMY, 1101 NORTH GENESEE STREET. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED BY ROLL CALL VOTE.

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

- c. Discussion and action of current public hearing notification requirements.

J. Krickhahn asked for this item to be on the agenda. He stated he would like to see different public hearing notification areas for residential and nonresidential uses. B. Leonard asked the Clerk to send an email to the Clerk's network. J. Krickhahn stated he agrees with the requirements for residential public hearings, but wants to change the notification area for nonresidential public hearings. G. Gresch stated she will send a survey to the Clerk's network.

8. Report of City Officials

a. Administrator

- i. Village Square – Update rescheduled for December 1, 2008.

T. Schuenke stated he has had meetings with the Village Square developer and they are making progress. He will have an update at the December 1 Common Council meeting. E. Sadowski gave kudos to the Administrator for his work on the Sanctuary. He noticed that grass is growing and there are trees planted.

- ii. Update on various items.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

These updates were given during the budget adoption.

- b. Clerk-Treasurer
 - i. November Election Wrap Up & Looking Ahead to 2009 Elections

J. Krickhahn complimented the Clerk on how well the election process was. G. Gresch stated the November 4, 2008 Presidential Election went VERY well. We registered 481 people on Election Day; had a total of 5,759 registered voters; processed 1,506 absentee ballots in 11 hours; had 4,259 total voters for a 74% voter turnout. There are many people to thank for their hard work and cooperation during this busy election season. First and foremost, thank you to Christ the King Lutheran Church for opening their doors to the City of Delafield voters. The church staff and volunteers went above and beyond to make sure that everything ran smooth, from helping set up to showing voters which line to stand in. Also thank you to the youth groups for baking the complimentary goodies. They were enjoyed by all. Thank you to the poll workers that came in during office hours to assist the Clerk's Office with voter registration and absentee voting. Thank you to all of the poll workers for putting in a 15 hour day. Due to your dedication, commitment and hard work, Wisconsin lived-up to its long-held tradition of conducting an open, fair, and transparent election. Thank you to the DPW Department for setting up and taking down the polling place and signage. Thank you to the Police Department for the morning rush traffic control and for bringing the absentee ballots to the polling place. Thank you to the Fire Department for their less than 3 minute response to the church when the fire alarm went off, which the Fire Department determined it was a false alarm. Everyone at the polls was impressed to see how fast the Fire Department showed up. She also thanked her staff for their hard work and patience with the election and the time it took away from completing their regular duties.

Looking ahead to 2009 Election, there could be a Primary on Tuesday, February 17, 2009 Primary. The Spring Election is Tuesday, April 7, 2009. The following offices are up for election in 2009:

- State Superintendent of Public Instruction
- Justice of the Supreme Court
- Court of Appeals Judge
- District I
- District III
- Circuit Court Judge
- Alderperson District 1 – J. Krickhahn (inc.)
- Alderperson District 3 – E. Sadowski (inc.)
- Alderperson District 5 – G. MacDougall (inc.)
- Alderperson District 7 – R. Miskelley (inc.)

Anyone interested in running for local office can pickup candidates packets anytime in the City or County Clerk's Office or download them from the City or Governmental Accountability Board's website. You may begin circulating nomination papers Monday, December 1, 2008. Nomination papers are due by Tuesday, January 6, 2009 by 5:00 P.M. in the City Clerk's Office. Candidates not seeking reelection must file their Notification of Noncandidacy form (EB-163) with the Clerk by December 26, 2008.

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

B. Leonard and J. Krickhahn complimented the Clerk on the Presidential Election. E. Sadowski also complimented the Administrator and the Clerk on their first time through the City's budget. He stated the process was easier this year. E. McAleer stated he likes that the public hearing and adoption were held separately .

CITY OF DELAFIELD COMMON COUNCIL MINUTES

9. Financial Report

- a. Approve voucher list

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

- b. October Treasurer's Report

E. SADOWSKI MOVED TO APPROVE THE OCTOBER TREASURER'S REPORT AS PRESENTED. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

10. Correspondence

- a. Email from resident regarding Milwaukee Developers.
b. Letter from DNR regarding Floodplain Zoning Ordinance Approval.
c. Focus Newsletter

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

11. Adjournment

E. SADOWSKI MOVED TO ADJOURN THE NOVEMBER 17, 2008, COMMON COUNCIL MEETING AT 11:10 P.M. M. DEYOE. SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:

Gina C. Gresch, MMC/WCMC/WCPC
City Clerk/Treasurer