

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 January 5, 2009 Common Council meeting:

Present

Absent

- Mayor Ed McAleer
- Jeff Krickhahn, Ald.
- Beth Leonard, Ald.
- Erv Sadowski, Ald.
- Michele DeYoe, Ald.
- Gerald MacDougall, Ald.
- Lynn Morrison, Ald.
- Ron Miskelley, Ald.
- Tim Schuenke, Administrator
- Gina C. Gresch, Clerk-Treasurer
- Mike Court, City Engineer
- Jim Romanowski, City Engineer

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 December 15, 2008 Common Council meeting.

E. SADOWSKI MOVED TO APPROVE THE DECEMBER 15, 2008 COMMON COUNCIL MEETING MINUTES AS PRESENTED. 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.

Laura Schult, 935 Bahr Road, stated the Mayor and Alderperson Michele DeYoe attended a meeting at the DOT regarding Indian Spring Road. She and the neighbors would like to know what happened at that meeting and asked how they can find out either by email, website or paper. M. DeYoe stated the developer needs to finish the traffic study and everything else hinges on that. There isn't anything definite. Information from future meetings will be disseminated on the website. E. McAleer stated he will give a report at a Common Council as soon as they have information.

Citizen's comments for items on the agenda.

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

L. MORRISON MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:03 P.M. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- 3. Consent Agenda

- 4. Committee Reports

a. Licenses

- 1. Bartender license – 2 Year Licenses to expire June 30, 2010.

- a. Matthew Messer, Milwaukee; PDQ

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G. Gresch stated the background check came back clear.

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

- b. Plan Commission – (Minutes of December 17, 2008)
1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

B. Leonard stated she was not in attendance due to illness but will summarize what happened from the minutes.

- a. Discussion and action on recommendation from Plan Commission to approve the Final Certified Survey Map for the Public Safety Campus, **Tax Key 0793.998 & Part 0793.987.001, 111 Main Street, Delafield.** Owner/Applicant: City of Delafield.

B. Leonard stated this is for the Certified Survey Map for the Public Safety Campus.

J. KRICKHAHN MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE THE FINAL CERTIFIED SURVEY MAP FOR THE PUBLIC SAFETY CAMPUS, TAX KEY 0793.998 & PART 0793.987.001, 111 MAIN STREET, DELAFIELD. OWNER/APPLICANT: CITY OF DELAFIELD. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. Discussion and action on recommendation from Plan Commission to approve the Final Certified Survey Map for the Downtown Civic Center, **Tax Key 0798107, 500 Genesee Street, Delafield.** Owner/Applicant: City of Delafield.

B. Leonard stated this is for the Certified Survey Map for the Downtown Civic Center.

J. KRICKHAHN MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE THE FINAL CERTIFIED SURVEY MAP FOR THE DOWNTOWN CIVIC CENTER, TAX KEY 0798107, 500 GENESEE STREET, DELAFIELD. OWNER/APPLICANT: CITY OF DELAFIELD. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. Discussion and action on recommendation from Plan Commission to approve the Conditional Use for a home business and architectural modifications for a building addition that will encroach in the side yard setback, **Tax Key 0798.055, 737 Main Street, Delafield.** Owner/Applicant: Red Top Capital, LLC. Tom Rolfs

B. Leonard stated this is for renovations to a home for a home business. There will be architectural modifications and a slight encroachment to the side yard setback. E. McAleer stated there was one comment on this proposal at the Plan Commission meeting and it was in favor of the project. L. Morrison asked for clarification as to why this came to the Common Council instead of the Board of Zoning Appeals. T. Schuenke stated this application is for a home based business which requires a Conditional Use, which is acted on by the Plan Commission and Common Council. The side yard encroachment issue is dealt with thru the Conditional Use.

L. MORRISON MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE THE CONDITIONAL USE FOR A HOME BUSINESS AND ARCHITECTURAL MODIFICATIONS FOR A BUILDING ADDITION THAT

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WILL ENCROACH IN THE SIDE YARD SETBACK, TAX KEY 0798.055, 737 MAIN STREET, DELAFIELD. OWNER/APPLICANT: RED TOP CAPITAL, LLC. TOM ROLFS. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. Discussion and action on recommendation from Plan Commission to adopt Ordinance No. 601, An Ordinance Repealing and Recreating Chapter 23 of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin, Relating to Construction Site Erosion Control and Stormwater Management.

B. Leonard stated there were changes in DNR regulations that prompted the rewriting of this chapter. Engineer Mike Court rewrote Chapter 23. The Plan Commission and Public Works Committee reviewed it and gave their recommendations. L. Morrison asked why the City has to rewrite Chapter 23. M. Court stated the City has to follow the new DNR permit requirements. It was a good update and the City had outdated infiltration requirements that needed to be done. L. Morrison stated it is for the most part similar to what is on the books, but needed minor changes. M. Court stated that is correct. There were a lot of technical revisions and housekeeping changes to reflect the professional staff that is involved in the permitting process. He stated the Public Works Committee and DNR reviewed the proposed ordinance; the Plan Commission held the public hearing and reviewed it. The Plan Commission's questions were answered at last meeting.

L. MORRISON MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO ADOPT ORDINANCE NO. 601, AN ORDINANCE REPEALING AND RECREATING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, RELATING TO CONSTRUCTION SITE EROSION CONTROL AND STORMWATER MANAGEMENT. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. Lake Welfare Committee
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

L. Morrison stated she has an update on the dredging but that will be addressed later on the agenda.

The next Lake Welfare Committee meeting will be held on January 14, 2009 at 6:00 P.M. in the Fire Department Training Room.

- d. Park and Recreation Commission – (Minutes of December 22, 2008)
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

E. Sadowski stated he was not at the last meeting, but read in the minutes that the Park & Rec Commission will be reviewing the Strategic 5 Year Plan.

The next Park and Recreation Commission meeting will be held on January 26, 2009 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.

There was nothing to report at this time.

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The next Public Works Committee meeting will be held on January 7, 2009 at 6:30 P.M.

- f. Del-Hart Commission – (Minutes of December 16, 2008)
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

M. DeYoe stated she and Mayor McAleer took the offer to purchase public property to Del-Hart. It was well received and a final decision has not been made yet. Members wanted copy of appraisal and it was mailed to them before the holidays. Hopefully there will be a review at next meeting.

- g. Police and Fire Commission – (Minutes of December 18, 2008)
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

M. DeYoe stated the Police & Fire Commission approved the hiring of a paramedic which was approved in the 2009 budget.

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

The Friends of the Library's next book sale is Saturday, January 10, 2009 at the Annex.

The next Library Board meeting will be held on January 13, 2009 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.

The next Finance Advisory Board meeting will be held on January 22, 2009 at 8:00 A.M.

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

There was nothing to report at this time.

The next Promotional and Tourism Committee meeting will be held on January 6, 2009 at 7:00 A.M. at the Fish Hatchery.

- 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

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

E. Sadowski stated the City is on track to have the best 50th birthday party. M. DeYoe stated she sent out commitment letters and have received a few letters back.

- 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 most of articles are completed. Next it will be sent to consultants to review the articles and funding formula. E. McAleer stated it will be sent to consultants that know about this type of merger. G. MacDougall stated once that is completed it will be presented to the municipalities and a public hearing scheduled.

The next Lake Country Fire Department Expansion Committee meeting will be on January 29, 2009 at 7:00 P.M. at the Nashotah Village Hall.

5. Old Business

6. Mayor's Report

E. McAleer stated he sat in on the interviews for the new County Board Supervisor. Alderperson Beth Leonard and citizen Kean Kemnitz applied and both interviewed very well. Both are very qualified, however, Paul Becker, Hartland Plan Commission member was chosen for confirmation.

7. New Business

- a. Discussion and action to schedule the Nagawicka Lake Dredging Special Assessment Public Hearing for Monday, February 2, 2009, direct the City Engineer to prepare the Engineers Report and place on file in the Clerk's office.

L. Morrison stated Kent Attwell, Lake Welfare Committee Chair was present along with City Engineer Jim Romanowski to discuss this. There is a working timeline that needs to be reviewed. The Common Council's job tonight is to prepare for a public hearing and direct the Engineer to prepare the appropriate reports. J. Romanowski stated Yaggy Colby is assisting the Lake Welfare Committee with the lake dredging special assessment process. He reviewed the timeline backwards with the Common Council.

- April 7 is the Spring Election, which the referendum will be on that ballot.
- February 16 is the last day for the Common Council to adopt resolution setting the referendum questions.
- February 10 bids will be opened.
- February 2 is the tentative date for holding the special assessment public hearing, approve the Engineer's report and adopt a final resolution for special assessments. The resolution adoption can be postponed until after the referendum if the Common Council chooses.

E. McAleer asked how the City can hold a public hearing without have actual costs. J. Romanowski stated the City can get very close to the actual number with the estimates they currently have. If the estimated cost is reasonably close to the actual costs after bid are opened, the City will not have to re-open the public hearing. The Administrator, Mayor and J. Romanowski are meeting with the City Attorney to review this on Thursday. He stated he recommends that the City schedule the public hearing for February 2, 2009 to allow time to prepare reports, publish the notice and send notices to property owners. R. Miskelley asked when the Common Council will have the final referendum verbiage. K. Attwell stated it is ready

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to be approved by Common Council and it can be put on the agenda at any time. J. Romanowski stated last opportunity to adopt referendum language is February 16. G. MacDougall stated he agrees with the Mayor about having a hearing on estimated numbers. He asked what happens if the actual numbers are different from the estimates? J. Romanowski stated if the actual costs come in more than the estimates, then the public hearing will be re-opened, but he has to verify that with the City Attorney.

There was further discussion about the bids coming in higher or lower than the estimates and what the next step would be for each scenario. There was discussion about holding the public hearing AFTER the bids are opened and adopting the special assessment resolution the same night. J. Romanowski stated the reason he recommended the earlier date is if there are any questions that can't be answered on February 2, he will have time to research the answer and be prepared for the Common Council meeting on February 16. There was further discussion about the estimated numbers, that they have been the same numbers since June, and that they should have been shared with the public earlier in this process. There was further discussion about the pros and cons of having the public hearing on February 2 versus February 16 or having a special meeting. G. Gresch stated last day to adopt the referendum question resolution is February 16.

J. Romanowski reminded the Common Council that notices will be sent to the all of the affected property owners and that the notices need to be sent a minimum of 10 days prior to the hearing. That notice would contain the estimated costs for each property owner. B. Leonard stated she hopes that the property owners have meaningful information in time for the public hearing so they can make an informed decision. There was further discussion about which day to hold the public hearing on, when notices have to be sent, which costs to put in the mailing, estimates or actual and how to get that information out in a timely manner: TV, website, or a mailing. Common Council members decided to do a mailing because not everyone has cable or Internet to access Channel 25 or the City's website.

Common Council members decided the best way to disseminate the information is with a mailing showing the estimated costs, announcing the public hearing date and stating that the actual costs will be in on February 10. Once the actual costs are calculated, another mailing will be send with the actual costs. This mailing will be sent the day after the bids open and so people receive it before the public hearing date.

R. MISKELLEY MOVED TO SCHEDULE THE NAGAWICKA LAKE DREDGING SPECIAL ASSESSMENT PUBLIC HEARING FOR SATURDAY, FEBRUARY 14, 2009, DIRECT THE CITY ENGINEER TO PREPARE THE ENGINEER'S REPORT AND PLACE ON FILE IN THE CLERK'S OFFICE. AFTER FURTHER DISCUSSION, R. MISKELLEY WITHDREW HIS MOTION.

L. Morrison stated the Lake Welfare Committee members know that there needs to be a lot of meetings held between February and April to get the right information out there and to get this referendum passed. J. Krickhahn clarified the efforts are not to get a referendum passed but to be sure everyone is educated enough to vote. B. Leonard stated it is very important that we can answer questions on how to opt out at the public hearing. L. Morrison stated the public hearing is not the forum to opt out. E. McAleer stated the public hearing is only for the public to ask their questions and to get them on record. It is not the place or time to answer those questions. L. Morrison stated the DNR Hearing held at St. John's had about 80 or 90 people in attendance and there was a lot of positive input. B. Leonard stated she was at that meeting and heard many comments on how effective the dredging will be and will it be a long term solution. Also, the costs were not shared with any of the residents at that hearing. E. Sadowski asked where the hearing will be held. It was suggested to look at Lake Country School and Cushing School. E. McAleer stated the staff will find a place to hold the hearing.

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R. MISKELLEY MOVED TO SCHEDULE THE NAGAWICKA LAKE DREDGING SPECIAL ASSESSMENT PUBLIC HEARING FOR MONDAY, FEBRUARY 16, 2009, AT 6:00 P.M., MEETING PLACE TO BE DETERMINED, DIRECT THE CITY ENGINEER TO PREPARE THE ENGINEERS REPORT AND PLACE ON FILE IN THE CLERK'S OFFICE, MAIL NOTICES TO PROPERTY OWNERS NO LATER THAN FEBRUARY 6, 2009 WITH ESTIMATED COSTS, MAIL ANOTHER NOTICE TO PROPERTY OWNERS WITH ACTUAL COSTS SO THAT MAILING IS RECEIVED BY FEBRUARY 16, 2009 AND POST COSTS ON THE CITY'S WEBSITE. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. Discussion and action to ratify the Police Department Collective Bargaining Agreement.

T. Schuenke stated at the last meeting we ratified the Public Works Union Agreement. The City has reached agreement with the Police labor union on a new four year collective bargaining agreement which is almost identical. The terms are favorable and he recommends ratification. The union has ratified the agreement. The terms and changes to the agreement are as follows. Wages: 2009 3.0% increase; 2010 3.4% increase; 2011 3.0% increase; 2012 3.4% increase. Health Insurance: 2009 10% employee contribution; 2010 11% employee contribution; 2011 11% employee contribution; 2012 12% employee contribution. The Grievance Procedure was modified to eliminate the 4th step which required that a grievance not settled in the prior 3 steps be presented to the City Council for disposition prior to taking to arbitration. Hours of Work and Overtime has a revised work schedule from a 6-3, 6-3, and 6-2 to a 4-2 schedule with the work day changing from 8.25 hours to 8.5 hours. Funeral Leave: Added step relationships as part of immediate family. Also added one day of funeral leave for death of grandparent. Uniform/Clothing Allowance: Increased by \$25 in 2009 and \$25 in 2011. No changes to Vacation, Holidays and Sick Time. Field Training Officer Compensation shall include ½ hour of overtime for all days when acting as an FTO. The economics of this package result in an approximate 3% annual increase in the employee's wages. This is so as the larger wage increases in the 2nd and 4th year of the agreement are offset by an increase in the amount of money the employees will contribute toward their health insurance. Police officers contribute 9% at the current time. This increases to 10% in 2009, 11% in 2011 and 12% in 2012. If health insurance rates increase by an average of 7% per year the net result of this agreement would be an increase of 3% per year in the employee's wages. If health insurance costs increase by more than 7% per year, then the wage increase would average out to less than 3%. The agreement also changes the work schedule from a 6-3 (6 days on and 3 off), 6-3, 6-2 schedule to a 4-2 schedule. Most communities now use a 4-2 schedule as they find morale and sick leave usage to be better as a result. Chief Taubel is satisfied the schedule will work here and he recommends adopting it. With the 4-2 schedule, the officers will work about 12 hours less per year, but as we pay by the hour, it will have minimal affect on salaries. Other communities have done this and have found that employee morale is better and that the amount of sick leave taken has decreased. The agreement is to try the 4-2 schedule on an experimental basis in 2009 and 2010. It is at the City's option whether to extend it or not to the final two years of the agreement.

This agreement is a good one and he asked that the City Council ratify it. R. Miskelley asked if we have proper staffing for a new schedule. T. Schuenke stated no extra officers proposed. M. DeYoe stated Lt. Kehl was present at the Police & Fire Commission and the officers are very much looking forward to this and that employee morale is higher in those communities that do it. Common Council members congratulated Administrator Schuenke on his work on this contract; it's a great contract. J. Krickhahn commented there is a typo in the union contract numbering. E. McAleer stated this is the best contract negotiating he's seen from an Administrator.

E. SADOWSKI MOVED TO RATIFY THE POLICE DEPARTMENT COLLECTIVE BARGAINING AGREEMENT, SUBJECT TO THE CHANGE STATED BY J. KRICKHAHN. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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8. Administrator's Report
 - a. Report of City Officials
 - i. Administrator
 - ii. Clerk-Treasurer
 - iii. Council requests of future agenda items - NO DISCUSSION OF REQUESTED ITEMS.
 - L. Morrison requested that the Promotional & Tourism Committee contract with the Chamber of Commerce be on the next Common Council agenda.
 - B. Leonard requested that correspondence about grant programs be include in the correspondence.
 - L. Morrison requested that the dredging referendum language be on the next Common Council agenda.
9. Financial Report
 - a. Approve voucher list

R. MISKELLEY MOVED TO APPROVE THE VOUCHER LIST AS PRESENTED. B. LEONARD 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

E. SADOWSKI MOVED TO ADJOURN THE JANUARY 5, 2009, COMMON COUNCIL MEETING AT 8:01 P.M. B. LEONARD 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