

CITY OF DELAFIELD COMMON COUNCIL MINUTES

CALL COMMON COUNCIL MEETING TO ORDER

Mayor McAleer called the meeting to order at 6:30 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.  
Lynn Morrison, Ald.  
Ron Miskelley, Ald.  
Tim Schuenke, Administrator  
Gina C. Gresch, Clerk-Treasurer  
Mike Court, Engineer  
Jim Hammes, Attorney  
Tom Hafner, Department of Public Works Director

Absent

Gerald MacDougall, Ald.

MOTION TO CONVENE INTO CLOSED SESSION PURSUANT TO 19.85(1)(G) CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED, MORE SPECIFICALLY LITIGATION INVOLVING ENFORCEMENT OF TRILLIUM LLC DEVELOPMENT AGREEMENT AND THE MILWAUKEE STREET POND LITIGATION EARTHTECH/PUERPERO.

**E. SADOWSKI MOVED TO CONVENE INTO CLOSED SESSION PURSUANT TO 19.85(1)(G) CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED, MORE SPECIFICALLY LITIGATION INVOLVING ENFORCEMENT OF TRILLIUM LLC DEVELOPMENT AGREEMENT AND THE MILWAUKEE STREET POND LITIGATION EARTHTECH/PUERPERO. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED BY ROLL CALL VOTE.**

**ALDERPERSON KRICKHAHN: YES  
ALDERPERSON LEONARD: YES  
ALDERPERSON SADOWSKI: YES  
ALDERPERSON DEYOE: YES  
ALDERPERSON MORRISON: YES  
ALDERPERSON MISKELLEY: YES**

Common Council convened into Closed Session at 6:37 p.m.

MOTION TO RECONVENE INTO OPEN SESSION.

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**R. MISKELLEY MOVED TO RE-CONVENE INTO OPEN SESSION. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

***Special Order of Business #1: Discussion and action to hire Midwest Engineering as a consultant for the Milwaukee Street Pond litigation.***

**E. SADOWSKI MOVED TO AUTHORIZE THE CITY ADMINISTRATOR TO RETAIN MIDWEST ENGINEERING AS A CONSULTANT FOR THE MILWAUKEE STREET POND LITIGATION AT A COST NOT TO EXCEED \$10,000. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

***Special Order of Business #2: City of Delafield 50<sup>th</sup> Anniversary Badge Presentation***

Police Chief Scott Taubel and Officer Ryan Jacobs were present. Chief Taubel stated that Officer Jacobs came up with an idea for a commemorative badge and then designed it. The majority of the officers overwhelmingly agreed to pay for the badge out of their uniform allowance so that they could wear it for the year and then keep it after that. The City purchased a couple of the badges for historical purposes. Officer Jacobs also found some information from the early 1960's – a draft that the Chief at that time wrote up saying that the department was created in February of 1960 with Chief James Vanderwerker and Ed Grade was appointed as his assistant to help with the boat patrol. Along with Ed Grade there were two other officers that were appointed to help on the boat patrol, one was William King and the other, John Wyssling. At that time they were given mileage for the use of their personal car and provided a red light and siren. Chief Vanderwerker had no radio, but two years later bought three radios; one to put in the car, one at the chief's house (he worked out of his bedroom) with his wife dispatching. The radio did not work with any of the other radios in the County. Mayor McAleer presented the new badge to Officer Jacobs. Officer Jacobs stated that the officers would be wearing the silver and gold badges while the supervisors (the chief and lieutenant) would be wearing all gold badges. Additionally, he stated that they wanted to mix the old style badges with the new style of badges. The Common Council thanked Chief Taubel and Officer Jacobs.

**PUBLIC HEARING FOR THE PROPOSED VACATION OF A PORTION OF GENESEE STREET.** PLEASE TAKE NOTICE THAT THE COMMON COUNCIL OF THE CITY OF DELAFIELD WILL CONDUCT A PUBLIC HEARING BEGINNING AT 7:00 O'CLOCK P.M. ON THE 2<sup>ND</sup> DAY OF FEBRUARY, 2009, FOR THE PURPOSE OF INVITING PUBLIC COMMENT REGARDING THE PROPOSED VACATION OF A PORTION OF THE PUBLIC RIGHT OF WAY KNOWN AS GENESEE STREET. THE AREA OF GENESEE STREET PROPOSED TO BE VACATED IS DEPICTED MORE PARTICULARLY ON THE DRAWING PUBLISHED WITH THIS NOTICE. A LEGAL DESCRIPTION OF THE PROPERTY CAN BE EXAMINED AT THE OFFICE OF THE CITY CLERK. THE PROPOSED AREA OF THE RIGHT OF WAY TO BE VACATED WILL BE ATTACHED TO THE PROPERTY OWNED BY THE CITY, AND ON WHICH THE NEW MUNICIPAL FACILITY FOR THE CITY OF DELAFIELD IS TO BE CONSTRUCTED. ALL PERSONS INTERESTED MAY APPEAR AND PROVIDE VERBAL OR PUBLIC COMMENT REGARDING THE PROPOSED VACATING OF A PORTION OF THE GENESEE STREET PUBLIC RIGHT OF WAY.

Mayor McAleer called the public hearing to order. G. Gresch read the published notice.

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**PUBLIC COMMENTS**

There were no public comments.

**R. MISKELLEY MOVED TO CLOSE THE PUBLIC HEARING FOR THE PROPOSED VACATION OF A PORTION OF GENESEE STREET AT 7:00 P.M. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

Items listed under the Consent Agenda are considered in one motion unless a Common Council Member requests that an item be removed from the Consent Agenda.

1. APPROVE MINUTES OF JANUARY 19, 2009 COMMON COUNCIL MEETING.

**R. MISKELLEY MOVED TO APPROVE THE JANUARY 19, 2009 COMMON COUNCIL MEETING MINUTES AS PRESENTED. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. E. SADOWSKI ABSTAINED. MOTION CARRIED.**

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

No citizens wished to speak.

CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA.

No citizens wished to speak.

**M. DE YOE MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:08 P.M. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. CONSENT AGENDA

(No items were on the Consent Agenda.)

4. COMMITTEE REPORTS

- a. LICENSES

1. BARTENDER LICENSE – 2 YEAR LICENSES TO EXPIRE JUNE 30, 2010.

There were no bartender licenses to approve.

- b. PLAN COMMISSION – (MINUTES OF JANUARY 28, 2009)

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

B. Leonard reported on matters considered and actions taken at the meeting. There were five public hearings, one of which is on tonight's agenda, specifically Ordinance 603.

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Extensive discussion took place on the Colonies Development. The Plan Commission voted to deny the rezoning. Mayor McAleer stated that he asked the City Administrator to check on the process; the Ordinance says that the City has 45 days to get written notice from the Plan Commission to the Common Council; they are interpreting this to be the Plan Commission minutes in approved form. Because of the length of the Plan Commission meeting, he felt that this would not happen until the last Plan Commission meeting in February. He expected that this would be on the March 2nd Common Council meeting agenda.

B. Leonard stated the Plan Commission also discussed Delafield Lakes. This is a development just east of the Town Bank on Genesee Street involving a multifamily complex involving two buildings in addition to an office outpatient clinic that would be located in a section of one of the buildings. This was reviewed at length and the Plan Commission voted to recommend approval with many conditions that still need to be met.

A presentation from Angela Curtes, Mid Kettle Moraine Partners Group took place. The Plan Commission received a brochure and a slideshow took place. There is item on this agenda later tonight. A list of the group's goals and their efforts to protect Mid Kettle Moraine area, which runs through a large section of Waukesha and a portion of Washington County was provided.

Because of the length of the meeting, they did not talk in great length about Smart Growth survey results which were received at the Plan Commission meeting but were not looked at in detail. Portions of the Housing and Land Use chapters were briefly discussed.

If possible, between now and the end of March, if any alderperson has the ability to have a district meeting to discuss Smart Growth, the Plan Commission welcomes those meetings and would be willing to come to those and speak. B. Leonard asked that this come up as future agenda item to further discuss when and if these meetings can be scheduled.

2. RECOMMENDATION FROM PLAN COMMISSION TO ADOPT ORDINANCE 603 AN ORDINANCE REPEALING AND RECREATING SECTIONS 17.14, 17.30, 17.65, 17.66, 17.67, 17.68, 17.69 17.73 AND 17.88 CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

This is a recommendation from the Plan Commission which involves three sections of the zoning code; one is the section on retaining walls, the second is on the Notice Requirements for Public Hearings involving the distance of 300 feet, and the third is minor language revisions in the Sign Code. A vote was then taken on Ordinance 603.

**B. LEONARD MOVED TO ADOPT ORDINANCE 603 AN ORDINANCE REPEALING AND RECREATING SECTIONS 17.14, 17.30, 17.65, 17.66, 17.67, 17.68, 17.69 17.73 AND 17.88 CHAPTER 17 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA**

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**COUNTY, WISCONSIN. J. KRICKHAHN 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 that the next meeting would be one week from Wednesday (February 11, 2009) at 6 P.M.

d. PARK AND RECREATION COMMISSION – (MINUTES OF JANUARY 26, 2009)

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

E. Sadowski stated that there was a meeting on January 26 where discussion took place on park signage and the Park & Recreation Five Year Plan. He stated that he has obtained information that the Park & Recreation Commission can do surveys for the Five Year Plan for the parks outside of the polling place. This will yield more results than using the City newsletter.

The next Park and Recreation Commission meeting will be held on March 23, 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.

R. Miskelley stated there was no report. The next Public Works Committee meeting will be held February 4, 2009 at 6:30 P.M.

f. DEL-HART COMMISSION – (MINUTES OF JANUARY 20, 2009)

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

M. DeYoe stated that discussion took place on the Nicholson appraisal on property that the City is hoping to acquire. The decision was made to get a second appraisal. T. Schuenke is in the process of finding this second appraiser.

The next Del-Hart Commission meeting will be held on March 17, 2009 at 7:00 P.M.

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- g. POLICE AND FIRE COMMISSION
  - 1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

There was no report at this time.

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

J. Krickhahn stated that no Library Board meeting had taken place. The Friends of the Library have been busy. On January 22 the Friends had a gathering at the Fish Hatchery. Bray Architects had a presentation on the library showing interior designs, colors, carpet, light fixtures, etc. New members signed up for Friends. The Friends of the Library are also holding a monthly gift basket raffle. An example of a basket raffle is a Goff's Auto Body detail package. He asked that anyone who has an idea and would like to donate anything for a gift basket should stop by and see Terry to sign up. The book sale is February 14 with future book sales being held the second Saturday of each month. The next Library Board meeting will be held on February 10, 2009 at 7:00 p.m.

In response to a question from B. Leonard regarding leads on space, J. Krickhahn stated that they looked at five possible spaces two weeks ago. The Police Department has offered their new facility if necessary, but he was not sure of the cost factors involved. The Library needs to start moving in October and needs a location for a one year period of time. He reported that one of the spaces that were looked at was big enough to use for storage in addition to City Administration. T. Schuenke is meeting with them tomorrow.

- i. FINANCE ADVISORY BOARD – (MINUTES OF JANUARY 22, 2009)
  - 1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

T. Schuenke stated the FAB assigned various departments to a FAB member. Each FAB member was allocated the responsibility for looking at their assigned department's budget, and getting a handle on what is in the budgets by meeting with the department head. This is in response to the directive given by the City Council this past fall.

- 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.

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- k. PROMOTIONAL AND TOURISM COMMITTEE
  - 1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

The next Promotional and Tourism Committee meeting will be held on February 3, 2009 at 7:00 A.M. at the Fish Hatchery.

- 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 back on schedule. The celebration will be held July 4 – 11. Interviews have taken place with all of the major participants. Everything is moving forward. There should be something on cable channel and website shortly. If anyone is interested in participating or sponsoring the event, they are always welcome. There will be Midnight Thursdays and the Library will be calling it “Delafield’s Birthday Party”. There will be a drive-in movie, birthday cake, etc.

L. Morrison stated she has been in contact with St. John’s Northwestern Military Academy in regards to putting their schedule on the website. They felt that this was a very generous offer and when the schedule is firm, they will take the City up on this offer. E. Sadowski stated that St. John’s Northwestern Military Academy will participate in the 50<sup>th</sup> Celebration.

- n. LAKE COUNTRY FIRE DEPARTMENT EXPANSION COMMITTEE MEETING – (MINUTES OF JANUARY 29, 2009)
  - 1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

Mayor McAleer stated that they went through the recommendations that J. Macy provided on the agreement. Before a redraft of the recommendations takes place, they will hire a consultant to get a better definition on the funding formulas.

- 5. OLD BUSINESS
  - a. DISCUSSION AND ACTION TO ADOPT RESOLUTION NO. 2009-01, RESOLUTION DECLARING INTENT TO VACATE A PORTION OF GENESEE STREET, IN THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

**E. SADOWSKI MOVED TO ADOPT RESOLUTION NO. 2009-01, RESOLUTION DECLARING INTENT TO VACATE A PORTION OF GENESEE STREET, IN THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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b. DISCUSSION OF APRIL 2009 DREDGING REFERENDUM.

L. Morrison stated that there was a meeting this morning with Yaggy Colby. She received the letter that was sent out, as did B. Leonard. Residents who would have dredging take place in front of their property would receive their letters shortly; the letters were mailed today. The letters include a map, an estimated value of the dredging and what it will cost. The bids will come in on February 10. The residents will then receive another letter with an updated amount. They are hopeful that because there is a great deal of interest in this project, it will give a good competitive bidding scenario. There already was one large NW Quadrant neighborhood meeting held. In addition, there are neighborhood meetings being held tonight and during the evenings this Tuesday, Thursday, and next Tuesday (February 10). The focus of these meetings will be on the people whose property would be dredged. This will produce more intelligent questions at the public hearing taking place at the next meeting. Once they are past the public hearing, they will start having more meetings to broaden the scope. The people who are receiving the letters will have ample opportunity between now and the public hearing to attend a neighborhood meeting. In response to a question from R. Miskelley as to whether there is final approved referendum language, L. Morrison stated there was not, but it would be presented at the next meeting and approved with the right dollar amount in the language. The Clerk is working on the language and it will be ready for the next Common Council meeting. E. Sadowski commented that they are doing the right thing and have worked hard for four to six years on this. He stated that when referendums were passed for the two buildings, there was a yes-yes campaign; he suggested forming an action group for proponents of the dredging. Although the Lake Welfare Committee could not do this, there may be active homeowners who could put this in place. L. Morrison stated Kelly Smith of the Lake Country Report wrote about this subject in the newspaper. However, it is not something for K. Attwell and her to start that. This needs to come from the property owners. Information could be provided to anyone who would like to head a group up. For the next two weeks, they are focusing on the people who are directly affected. M. DeYoe asked about her district, those are not on the lake, and did not think anyone in her district would come to a town hall meeting. L. Morrison agreed, but also thought that it was important that the people in M. DeYoe's District understand that people that don't live on the lake will still be affected by the Bark River sediment trap. After the public hearing takes place, the remaining six weeks will include getting the word out and educating everyone. Mayor McAleer stated that after the public hearing on the special assessment resolution and after the notice is read, an executive summary was needed. He asked L. Morrison, K. Attwell, and T. Schuenke to define exactly what the City is doing as far as assessments and referendum questions, and to separate them so that people know that they are different issues. He felt that this was more complicated than anything the City has ever done. Distributing a written executive summary would be advantageous. L. Morrison stated that they are trying to get a step-by-step plan. B. Leonard would like to know the schedule of the neighborhood meetings because she did not receive a notice. L. Morrison stated that tonight there is a meeting about Zastrow Bay, meetings on Tuesday and Thursday nights at G. Pratt's home, and a meeting next week Tuesday (February 10) at Christ the King Church at 7 P.M. K. Attwell put flyers in paper boxes and L. Morrison will distribute more. It was suggested to put these on the cable channel and the

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City's website. L. Morrison stated the public hearing would be continuing, as people would be able to speak even after the public hearing. B. Leonard suggested that the next mailing should include a blow-up of the person's area, mentioning on how it will be paid, a Question & Answer document, and information regarding opting out. Additionally she requested a phone call to each alderperson informing them when the meetings would be held in their district. G. Gresch asked M. Court about specific maps. He stated that including a blow up of the lake dredging for each property and matching it with each specific letter was possible but would be very labor intensive. L. Morrison stated that there are large detailed maps available at the meetings where everyone can look at their own property. These maps will also be on display at the public hearing. M. Court stated that some of the information, i.e. financing, needs to be decided on by the Common Council. Mayor McAleer stated that financing and opt-out has not yet been debated and must happen after the public hearing. Therefore it can't be put in the letter. He stated that a policy did not have to be established until after the referendum; they only needed to have the public hearing. B. Leonard stated that people would want to know what the policy is before the referendum. Mayor McAleer thought this would be known prior to April, but not before the public hearing. L. Morrison will state at the neighborhood meetings that they would not have to pay this all at once.

### c. LOMR UPDATE

A letter from M. Court to T. Hafner was included in the Common Council member's packets regarding the LOMR update. They are making progress and a meeting is set up with the DNR individuals tomorrow to review the method of how to adjust the modeling. They felt that the modeling didn't account for storage in the area by the start of the watershed area as much as it should have. This would help the City justify the flows seen in the June rains. They are digging deeper than what was first anticipated. This is good so they can justify and match up drainage areas to actual flows or the flows that were seen. M. Michelson, an expert from Yaggy Colby, would be in attendance at tomorrow's meeting to meet with the DNR and would make sure that the City and DNR are on the same page; modeling would then be completed. After that meeting, they will establish elevations and give the initial submittal to DNR and FEMA by end of the month. L. Morrison asked if after FEMA received the information if they had a timeframe in which to respond. M. Court was not sure, but stated that it usually takes a long time. He will look into this. It was his hope that once they are shown the issues, they would accelerate the approval process. FEMA will be looking for the DNR to sign off on this as well. Other communities have taken between six to twelve months. He has received quite a few calls from property owners on the lake who are refinancing or selling and are now having issues with how the floodplain affects them. L. Morrison stated that according to the DNR, Stonebridge Isle is completely in the flood plain, which (in actuality) is completely out of the flood plain. It was completely their mistake. The people on Stonebridge Isle are being required to purchase flood insurance when they don't need it. M. Court stated that the unfortunate part is that they were mapped with the original DNR maps, but for whatever reason, after the appeal maps, they made some adjustments where the flood plain was lower but somehow the properties were included in the floodplain. L. Morrison stated that it was completely the DNR's error. M. Court confirmed that the City of Delafield, Village

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Hartland, Waukesha County, and the Upper Nehmabin Lake District are all participating in a joint effort on this. The appeal is for all. It was his hope that within this month they will do the modeling, understand what the elevation is, with the initial submittal they will then let residents know what it is now, but that they submitted another number that should be sufficient for the bank to fulfill requirements so that the residents do not need to purchase flood plain insurance.

### 6. MAYOR'S REPORT

There was no report.

### 7. NEW BUSINESS

- a. DISCUSSION AND ACTION TO ADOPT ORDINANCE NO. 604, AN ORDINANCE REPEALING SECTION 2.12, AND CREATING SECTION 3.15 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN RELATING TO CHARGE BACK OF ENGINEERING, LEGAL AND OTHER FEES TO PROPERTY OWNERS.

G. Gresch stated that Section 2.12 "Copies of Proceedings" has been deleted since the City now sends the minutes out via email and makes them available on the web. In response to a question as to what is changing, she stated that City didn't have any teeth if an entity is not paying their bills and the charges could be put on the property tax bill or sent to collections with a result of a possible 35% of the fees being lost. With this change, if not paid, the charges can be put on the tax bill and the City will also have a actual statement (as shown on the back of the ordinance) which states that the entity understands that they will be billed an hourly rate and if the bill is not paid, it will be put on the tax bill. This will explain what the bill's charges are for. Chargebacks are based on the Plan Commission agenda; things that are reviewed by the Plan Commission, sign permit applications get reviewed, any time something specific is requested for their property – like a user fee for what you have to do on your property so not everyone in the City has to pay for what you want to do. Mayor McAleer gave an example of staff meetings where preliminary proposals were discussed. Additionally G. Gresch stated that this would also include Business Plan of Operation reviews, and anything on the Plan Commission that needed prior review. B. Leonard suggested listing a schedule of fees as the method proposed seemed to be very open to interpretation. Mayor McAleer also thought that there should be a schedule of fees – G. Gresch stated that there was a schedule with an hourly rate. She gave an example of a property owner who wanted to put up a retaining wall where the engineer and planner went out to the property and spent time on it; that property owner then receive an invoice for the time. Mayor McAleer stated that if you have outside staff that has to spend billable hours, it should be listed. Discussion took place as to who should be reimbursed for review work. L. Morrison stated that this should be for outside professional staff. Mayor McAleer was in agreement. G. Gresch thought it was written to cover things that may come up, i.e. an involved open records request that includes extensive research and copying. If the individual who requested the information did not pay, the City could put it on the tax bill for a property owner. This would enable the City not to absorb costs for individual property owners when they are benefiting from it. Mayor McAleer requested further work be done on this to

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clarify that charges would be incurred from outside staff persons (planner, City Attorney), but if it was someone on City staff it would need to be clearly defined. E. Sadowski requested that changes be marked in the next document. He agreed that this is needed, but it needs to be clarified. B. Leonard thought that it needed to be clear about what the charges are from. E. Sadowski suggested the words "additional charges" be included in the verbiage. T. Schuenke stated that this was brought it up because of this discussion. What was being done was too arbitrary; some got billed, some didn't; there was no written policy. They will work on something that meets everyone's approval so that there is something on the books that can be relied on.

It was clarified that appeals will come to the Council for a hearing. G. Gresch explained that an appeal can be made of the Council for a decision. E. Sadowski stated the City Administrator and City Clerk have the background on what the appeal will be. He asked if the Council wanted the appeals or if a value should be assigned and then have the Clerk and Administrator handle it. R. Miskelley agreed as it could potentially get political. Mayor McAleer also felt that it should be handled administratively; however, if someone was unsatisfied with the Administrator's or Clerk's judgment, they could ask their alderman to put it on the agenda. T. Schuenke stated that it is presently written that way: "Any written objection shall be submitted to the City Administrator who shall attempt to resolve the objection with individual and/or property owner. If the objection cannot be resolved within a reasonable period of time, the City Administrator shall notify the City Council and the hearing shall be scheduled." Mayor McAleer stated that it should be up to an alderman to bring it to the Council's attention. L. Morrison received a call from a constituent who felt that the service he got from the City should have been something he got because he was a taxpayer. This is another reason it is important to be clear so individuals understand what they are getting billed for. T. Schuenke stated that you need to be consistent as to who pays for what and to make the list arbitrary between developers and homeowners. There is a need for the City to be reimbursed for costs to prevent a loss of revenue. G. Gresch stated that all fees were being reviewed.

- b. DISCUSSION AND ACTION TO ADOPT RESOLUTION NO. 2009-03, RESOLUTION AUTHORIZING THE SUBMITTAL OF A STATE GRANT APPLICATION BY THE CITY OF DELAFIELD DIRECTOR OF PUBLIC WORKS TOM HAFNER AND THE SUBSEQUENT APPROPRIATION OF FUNDS FOR A BROWNFIELD GREEN SPACE AND PUBLIC FACILITIES GRANT, IN THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

Yaggy Colby found a grant through the State that the City can use for clean-up work behind the City Hall.

**E. SADOWSKI MOVED TO ADOPT RESOLUTION NO. 2009-03, RESOLUTION AUTHORIZING THE SUBMITTAL OF A STATE GRANT APPLICATION BY THE CITY OF DELAFIELD DIRECTOR OF PUBLIC WORKS TOM HAFNER AND THE SUBSEQUENT APPROPRIATION OF FUNDS FOR A BROWNFIELD GREEN SPACE AND PUBLIC FACILITIES GRANT, IN THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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- c. DISCUSSION AND ACTION TO ADOPT RESOLUTION NO. 2009-04, A RESOLUTION ADOPTING MID KETTLE PARTNERS GROUP STATEMENT OF DESIRED FUTURE CONDITIONS.

**E. SADOWSKI MOVED TO ADOPT RESOLUTION NO. 2009-04, A RESOLUTION ADOPTING MID KETTLE PARTNERS GROUP STATEMENT OF DESIRED FUTURE CONDITIONS. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

E. Sadowski requested that the Park & Recreation Commission be copied on this. Mayor McAleer stated that there was a DVD available. Anyone on the Park & Recreation Commission who is interested in viewing the DVD should contact G. Gresch.

8. ADMINISTRATOR'S REPORT

- a. REPORT OF CITY OFFICIALS

- i. ADMINISTRATOR

The City received the deer removal permit from DNR within the promised one to ten days. The City is now scouting sites to determine where to do this. It is hoped that within the next two weeks to one month this process will begin. The DNR has determined the number of deer per acre at various locations. The City is limited to remove 16 deer, however 20 tags were received.

L. Morrison stated during the last two weekends she has seen a huge coyote come across the lake. She was very surprised they are so bold.

The plans for the building project are 99.9% complete. The City is waiting for one additional piece of information from the DNR relative to wetlands at Department of Public Works site. It was expected this afternoon. Later this week Mortenson will put the bid packages together and the project should be out on the street for bidding within the next ten days to two weeks with about three weeks given for bidding. By the end of March or sooner the City will have bids on the project. E. Stated that the Village of Pewaukee finished their library; it was guess-ti-mated at over \$3 million and came in about \$400,000 under. T. Schuenke stated that there was another project that was budgeted at \$6 million that came in at \$5million.

- ii. CLERK-TREASURER

G. Gresch stated the next Common Council meeting will be held on February 16 and will start at 6 P.M. with the lake dredging special assessment public hearing. The meeting will be held at the Delafield Hotel in the ballroom. It will be taped and replayed.

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

- b. COUNCIL REQUESTS OF FUTURE AGENDA ITEMS - NO DISCUSSION OF REQUESTED ITEMS.

B. Leonard requested that district meetings for Smart Growth be discussed in addition to any future scheduled dredging meetings.

9. FINANCIAL REPORT

- a. APPROVE VOUCHER LIST

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

- b. DECEMBER TREASURER'S REPORT

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

10. CORRESPONDENCE

- a. Letter from Attorney Hammes regarding attendance at Common Council meeting via telephone.
- b. Focus Newsletter
- c. DNR Permit to Remove Deer Causing a Nuisance.

Mayor McAleer reviewed the correspondence with the Common Council members.

11. ADJOURNMENT

**E. SADOWSKI MOVED TO ADJOURN THE FEBRUARY 2, 2009, COMMON COUNCIL MEETING AT 8:11 P.M. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes prepared by:

Accurate Business Communications, Inc.