

CITY OF DELAFIELD COMMON COUNCIL MINUTES

CALL COMMON COUNCIL MEETING TO ORDER.

Mayor McAleer called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE.

The Pledge of Allegiance was recited.

ROLL CALL.

Present

Mayor Ed McAleer
Jeff Krickhahn, Ald.
Beth Leonard, Ald.
Erv Sadowski, Ald.
Michele DeYoe, Ald.
Lynn Morrison, Ald.
Tim Schuenke, Administrator
Mike Court, Engineer
Jim Hammes, City Attorney
Jim Romanowski, Yaggy Colby
Kent Attwell, Chairman-Lake Welfare Committee

Absent

Gerald MacDougall, Ald.
Ron Miskelley, Ald.

PUBLIC HEARING

Attorney Hammes explained that the purpose of the Public Hearing was to gather input on the proposed special assessment for the dredging and restoration of shoreline areas and channels on Nagawicka Lake so the Common Council could decide whether to adopt it and which method to use. The Engineer's Report has been available for inspection at the City Hall and on the City's website. The method of the assessments will be the subject of the Public Hearing. A letter with the actual assessment amounts based on bids received was not sent since no qualified bids were received. Attorney Hammes stated that it seemed the bidders did not want to bid unless they knew the project would proceed. Tonight, the proposed assessment is based on estimated figures.

Jim Romanowski of Yaggy Colby summarized the Engineer's Report that was on file at the City Hall and explained how the assessments were calculated. A method of assessing according to the shoreline footage of each property was used.

Kent Attwell, Chairperson of the Lake Welfare Committee, reiterated that the purpose of this portion of the meeting was to get the citizen's input. He thanked everyone for coming.

Jim Lange, 2731 Nagawicka Road – Commended members of the Lake Welfare Committee (LWC). He has lived on Zastrow Bay for 16 years and has seen the silt and muck increase over the years. This is caused by refuse throughout the lake. It is a

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lake problem. He felt this would be a good time to bid the project out as contractors were looking for work and bids should be favorable. This is a window of opportunity. The muck dredged out will go onto the future City Park and this is a good time to make use of that site. Under the DNR permit, there are two years to get the project done. He urged approval of the referendum on the ballot to let the citizen's vote.

Mayor McAleer clarified that the Public Hearing was about the assessment resolution that the Engineer outlined.

Gerry Maier, 3300 Stonebridge Isle – Felt the City should dredge, but the funding mechanism stinks. Having all of the costs on the riparian owners was not right. A lesser amount would be appropriate, but the process put forth shocked him.

Herb Rasmusen, 3098 Stonebridge Isle – Objected to the funding formula. He didn't need the dredging, but had neighbors who needed it. The flaw in formula was that everything was taken as a variable cost on the shoreline. A better method used fixed costs in regards to removing silt, use variable costs for time, labor, and use of equipment, and then spread the costs out to a lot of lake owners. The assessment for people with large linear feet would go down and those with less would go up. There is more work to be done.

Clarence C. Meyer, 2812 Nagawicka Avenue – Agreed with the comments made by Gerry Maier.

Gary Pratt, 3523 Ridge Drive – passed.

Ned or Mary Fischer, 2556 Woodland Park Drive – They have been on the lake for 41 years. The aquatic life that once was there is gone today. They live at the end of Woodland Park Drive (second house from the end) and are on the lake proper. For 41 years they have gone in and out without a problem. They do not need the dredging and object to being included. They feel that if the channel wants to dredge, let them, but they did not want to be included.

Pat Boyle, 3224 Nagawicka Avenue – Lives in the Northwest Channel – P. Boyle was against the proposed funding and the equity that was arrived at. This has been expressed to L. Morrison and K. Attwell. Dredging will benefit everyone both on and off of the lake. All should pay a fair price. The deck is stacked against them. The use of roadways was cited as an example. On the channel, dredging starts 5' from either shore. Because piers and lifts are left in year around in the Channel, extra costs would be incurred to the owners if the piers needed to be removed so the dredging could get closer to the shore. The end result is more costs. Asked if there is comparison data available on communities with lakes versus communities without a lake which showed the impact the lake had on businesses, houses, etc. Information should be made available to the public. Those on channel frontages are being asked to pay the majority of the cost. Was in favor of the dredging and would be willing to share the costs if it was fair. She expressed that she was against the current funding structure and method used.

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Jim Shanklin, 1906 West Shore Drive – He felt that they were being asked to pay \$208/foot to have the silt taken out. He also stated that West Shore Drive will opt out of this project as no one there wants it. He calculated that 166 cubic yards of silt would be taken by his property. He compared this to other properties and questioned the fairness. In regards to the channels, he did not think it would be fair for him to pay for this also. If you are talking about cubic yards for each house, he felt that his area did not need the dredging. He reiterated that West Shore Drive will opt out of the dredging project and was surprised to learn that West Shore Drive was included.

Bill Boyle, 13224 Nagawicka Avenue – He stated that he is Pat Boyle's brother and was acting as his agent. He referenced Stat 66.0703 and stated that there was an uncommon advantage to the property owner. In his opinion, he felt that litigation would occur. He suggested that this project is "shovel ready" and would be a good candidate for the Stimulus Program. Funding should be applied for. Someone should look at the Stimulus Plan to see if funding could be received for this project.

Jeff Koser, 3403 Lake Drive – His initial reaction is in favor of the dredging. He has been on lesser lakes. This lake is pristine and he would like to see it preserved.

George Bogdanovich, 2010 Price Road – In favor.

Rich Lartz, Nashotah – He thanked Mayor McAleer and the Common Council for the Public Hearing and the LWC for all of the hours they have put into this project. Dredging is needed in the lake for many people. There are 18 owners in Nashotah, some need dredging desperately and others don't. This is a Delafield permit, a Delafield request for bids, and this puts the Village of Nashotah in awkward position. He asked that when firm numbers are in, that the City of Delafield will work closely with the Village of Nashotah to get legal issues resolved and to get their residents dredged. He asked that the referendum be rejected because there is not a fair and equitable funding formula in place.

Todd Dannenfeler, 2534 Woodland Park Drive – He has the highest assessment of any property owner in this plan (\$79,000). He felt that significant facts were left out. He emailed the City two pdf documents outlining serious concerns he had of the allocation methodology. Their property has water on three sides. He seems to be only property on lake with water on three sides that is being dredged on three sides. He used Zastow Bay 6 as an example and stated that there is a property there that is not even being assessed. Several properties like this were included in his email document that he compared his property to. He did not have any adjustments made to his property as in some of the channels. When discussing the formulas, none of the special exceptions were discussed. If special exceptions were made, then all properties should be looked at by the City. Other lots similar to his only have one side being dredged or no dredging taking place at all. He asked who made the dredging decisions in regards to what shoreline qualified and which ones did not. Is there an appropriate analysis? He gave an example of a property on Lakeview Court where dredging is only taking place on one side. He asked why his point, a mirror of the others, had to pay for dredging on all sides. Was there a fair and equitable allocation? Is there an appropriate allocation, an indirect benefit for all lake owners? He felt that all would

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benefit from the dredging. For non-dredged lake owners there should be a cost. This would spread the cost among more people. He did not understand the decision making process that this project went through. J. Romanowski explained how the lines for the dredging took place and how identification of the areas came into being. T. Dannenfesler asked for specific examples. K. Attwell stated that the LWC was under the basic premise to dredge as many areas in the lake that they could that they felt could be dredged. The DNR stated that they could only dredge those areas with less than 3' of water – the DNR determined the areas. The City's website has detailed drawings, polling, and cross-sections showing the amount of water and amount of sediment to be removed. The DNR and the Engineer set the lines. T. Dennenfesler addressed the Northeast Channel with long finger lots; the property owners own them are only being allocated 60 feet or so while in comparison the whole channel is their property. They didn't get an allocation and he got a full allocation. J. Romanowski stated that Northeast Channels were proportional to volume and costs were split among the property owners. T. Dennenfesler did not think it was right that a LWC member had a property in that area and was receiving a special allocation. He addressed Zastrow Bay 3 – dredging was happening in the narrow bay and there was a property in that bay without an assessment when dredging was taking place directly in front of that property. J. Romanowski stated that the property not being assessed would not get dredged because they already have 3' of water. T. Dannenfesler stated that those property owners would benefit by the dredging in front of their homes. He understood why people want dredging, but stated that all of the owners in the channel behind him were already paying for the dredging. He asked if it was fair for one property owner to pay a full load when he can cite other instances where other owners were not getting that kind of allocation. He thought that a maximum cost made sense. He would appreciate it if the committee would the study documents that he provided in his email.

Ron Beckman, 3617 Nagawicka Shores Drive – passed.

James Seifert, 1708 Bark River Drive – He lives in the Bark River inlet area. He wanted to know how the dredged and not dredged areas were allocated. More people were needed to pay in order to spread the costs out. Since bids have not been received, he has read that the costs of the project would be \$5.5 million. Until the numbers were right, he was not in favor of the project. There should not be a referendum until the numbers are ready. He has lived here since 1972, over 36 years, and in all of these years he has spent about 10 years of his younger life raking out the weeds, shoveling along the shore by hand, and using the outboard motor to push silt out of the way. The River's answer to this was having the silt go back to where it wanted to be. In one season, his work could be undone. He does not own the river. What has happened to the lake and river is natural progression. The 36+ years that he has lived here is nothing compared to the time the lake taken to arrive at this stage. He should not have to shoulder the cost of doing this and then have the lake fill back in. A silt trap at mouth of the river will go nowhere and he was not in favor of it. Weed growth would be a problem when clearing the muck. With no weed cutting in that area, this dredging project would fail. He would refuse to pay for the dredging when the conditions would come back in one to two seasons. He has 2.5' of depth in front of his property now. After a previous dredging project, he did not see an

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improvement to his area. He asked why he should pay if the depth would be the same as it already is. He counted along his shore of the Bark River and the neighbors on the opposite shore; there would be seven people paying to dredge out that portion of the Bark River and yet there are 16 homes up the river that won't be dredged that use it to come and go to access Lake Nagawicka. He did not feel that this was fair. He questioned why the seven should pay when 16 others who use the area did not have to. One other concern was that the LWC is freely talking about the need to re-dredge the silt trap in 10-20 years. He questioned the timeframe to do this all over again. Is it possible if a retention pond was made up the river specifically to catch silt before contaminating the lake and Bark River which would be periodically be pumped out, that all of this would not have to be done again? This should be looked at. He felt that the Bark River inlet area is doomed to failure and is going no where.

Hayes Hatfield, 2374 Lakeview Court – Was generally in favor of the dredging but not the way the cost is being allocated. More will benefit from the dredging than just the lake owners who are being dredged.

Ralph Heinzl, 2378 Lakeview Court – Has been here 37 years and never had a problem with his boat. He didn't see anything wrong with just leaving it the way it is. His shoreline on the lakeside is not equal to that on the inlet. The lake is public property; his property ends at the high water line. He reminded the Common Council that the City works for him. He was not ready to pay for this unless the whole City chipped in.

David Daubert, 3330 Bayview Court – Was against the project because the allocation is not fair. The citizens of Delafield who do not live on the lake have a privilege to get a permit, launch their boat, park it, and spend the day on the lake. Additionally, he felt that Nashotah residents should be equal to Delafield.

Jeff Borkowski, 2930 Nagawicka Avenue – He has paid for dredging once already. Pictures were presented showing discharge from a culvert after rains and of a retention pond at Lake County Estates. These pictures will be part of this record and are attached to these minutes. He has 55 feet of frontage and has paid for the dredging once, but it didn't do any good. This sediment comes right back in. There is documentation on the depth after the dredge and documentation on the sedimentation that comes in. The DNR approved the retention pond, yet when it rains, the pictures show what comes through. The subdivisions built around the lake cause erosion that enters the lake. This is an area-wide problem and should be paid for by everyone, not just a few.

Lori Gunderson, 2426 Woodland Park Drive – Asked who owns Nagawicka Lake. B. Leonard stated the state owned the lake. L. Gunderson asked why the citizens of Delafield should pay for water that they don't own. No one has ever answered this question for her. Why should they pay for this when it isn't their water? They pay taxes for public services, why should they pay for the State of Wisconsin water? She stated that she represents the Woodland Park Drive area and that they are opting out of the dredging. They never asked for it and they don't know why this has been brought up. It doesn't make sense why they should have to pay for this. Additionally,

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she felt that the majority of the people for this project will opt out. She is familiar with federal courts and federal judges and knows how this works. She clarified that she is the spokesperson for the approximately 30 people on Woodland Park Drive.

Paul Price, 3111 Sylvester Drive – Lives on the northeast end of the lake. He is very much in favor of the dredging project and would like to see it passed as is. However, his assessment was \$4,500 and thought a more equitable way of assessing should be done. The system of opting out does not make sense. The way it is assessed is a direct benefit to his lot, but the whole lake needs to be involved, if not the whole city.

Sally Ungur, 2848 Nagawicka Avenue – Was in favor, but passed on speaking.

Dean Wintersberger, 2370 Woodland Park Drive – Addressed the silt trap coming out of the Bark River and didn't think this would do any good. In springtime the heavy melt occurs and creates runoff. The Bark River silt never makes it to the west side of the lake. Unless the bogs are shored up, their silt will continue to fall in the lake. In regards to West Shore opting out, he stated that this is a problem because the only way to make the project affordable is to spread the costs out. He asked why the entire City of Delafield is able to vote on what is coming out of his wallet. Everyone can use the lake; this shouldn't be stuck on a few people. The bids are needed before approval takes place. In response to his questions regarding the televising of this meeting, it was stated that the meeting was being taped and would be aired later.

Hans Mueller, 2135 West Shore Drive – He is in an association and his cost is relatively small. He thought that everyone who uses the lake should share in the cost.

William Pipp, 2416 Woodland Park Drive – He was unsure of the legal counsel was provided to the LWC. Through the legal research he has done, he felt the City would run into problems. He questioned if this was a general benefit or a local benefit. Special assessments are used for sewers or sidewalks. The Courts will ask this question. The LWC cited general benefits, i.e. public safety, restoring aquatic environment, and widespread navigation. On the project report, they make an analogy for a need to fix roads; a type of general benefit or general tax levy. The general consensus shows a concern about the welfare of the lake, but the apportionment of costs is questionable. He attended the meetings for West Shore Drive at the church and also the Nashotah meeting at the Village Hall. There is a widespread feeling of unfairness in regards to the apportionment. In regards to the law, the Courts look at actual apportionment – the people have a problem with this. This does not fit with the Court's equal uniformity to benefits. Although K. Attwell stated that frontage equals value, W. Pipp did not agree. He cited a recent Court decision in regards to an expedient situation, but it is not fair and this is what is being heard from the people tonight. He cited two examples of DNR questions to the LWC in regards to discussion of the impact with riparian owners in regards to having them remove their piers for this project. The response was that the far majority of the piers are the seasonal, temporary type. W. Pipp questioned this since most of the properties for this project are in channels with permanent piers. The answer provided to the DNR may cause a problem. Another DNR question was if the riparian owners had been advised of the restoration of plantings; the report stated that all areas were replanting took place,

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harvesting of aquatic plants could not take place. The DNR asked if this had been communicated to the owners; W. Pipp did not think so. The process for getting the permit contained some questions. He felt that the most were opposed to the apportionment of the costs. Mayor McAleer stated that the Public Hearing was about the assessments, not the referendum. W. Pipp stated the way the referendum was worded is that they are saying that the small prevention project that will occur at Bark River inlet will be put to general voters whereas the dredging will be left on the property owners. It is very unclear what kind of benefit all will receive if prevention does not go through. This is a big risk on the lake owners. The structure is unfair. A smarter way would be to create a lake district. This is what other lakes have done and it has resulted in the benefit of spreading the costs. It creates a larger pool of people paying for the projects. He felt that this plan seemed ill fated. He would like to take time and do it right and have a more widespread pool to finance it.

Sue & Dave Rolison, 1826 West Shore Drive – He was in support of the comments made by Jim Shanklin. They have lived at their home for three years and share the love for the lake. Although they didn't think they had a silt problem, they recognized that others did. They would support this if it was assessed in a fair and equitable manner.

Tom Madden, 1936 West Shore Drive – not present.

Jeff Anderson, 2126 West Shore Drive – Has lived on the lake for 27 years and is an active lake user. His family is involved in sailing, waterskiing, and other activities on the lake. In his opinion, the lake is very healthy. The problems they are experiencing with silt would still happen even if people weren't here – it is natural. There are several properties on lake that have trouble accessing the lake because of silt. He understood need for dredging, but there are areas included that do not need to be. Money is being spent in areas where dredging is not needed. Costs are being brought in that are unnecessary and the way it is being paid for is not fair. Community based points were addressed. All of these advantages were public. He personally was not getting the benefit as well as others. The way it is set up to pay for is wrong. He addressed the dirt coming into the lake from the Carriage Hills Subdivision. The City is not doing a good job of enforcing run-off issues. The City is asking the victims to pay for the wrong. He would like to see dredging occur but not unless the funding methods are cleaned up. The whole City, as well as others, receives the benefit, however costs need to be spread out. The City talks about the lake being a benefit to all and he questioned why the whole community is not paying for this project. J. Anderson stated that the proposal appeared to be ram-rodged.

Pam Butz, 3352 Nagawicka Avenue – She was in favor of the dredging project but did not approve of the funding proposal. Everyone who uses the lake, as well as the developments, contribute to the silt. Everyone should pay for it and everyone has a responsibility to restore the lake.

Bonnie Fieber, 1814 West Shore Drive – She is a former member of the LWC and was opposed to the funding focus group. She did feel that this was a fair and equitable method for paying for the project and this was being stated by the residents tonight.

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This has been a complicated process. She thanked the LWC for their efforts and, overall, they have done a wonderful job. The Army Corp of Engineers has been granted money in the Stimulus Package and she asked that they be contacted for support of this project. She stated that she pays taxes for roads and parks whether or not she uses them. Sixty-seventy percent of the City's property taxes are paid for by lake property owners. The Common Council must protect the tax base of the community. All of the residents should share in lake preservation. She questioned why the West Shore Drive area was put in the project. She lives in this area and has ideal aquatic vegetation. It was requested that the referendum questions be reworked. All residents should help fund this effort. People should get out and talk about why they should pay for this. She strongly believed that the head of the DNR should be contacted to ask for a two year extension due to the hard economic times. In addition, she thought that the park development could be put on hold for the same reason. There are areas south of the West Shore Drive area that need dredging. She did not want to confuse the West Shore Drive area with the whole western shore.

Gary Marcimiak, 2927 Sylvester Drive – Some of what he wanted to say had previously been said by G. Maier and T. Dannenfelser. He was for the dredging if it was fair and equitable. Two summers ago when the Waterleaf Subdivision was going in, his son and his son's friends canoed up in that area but were unable to proceed because of the silt. Soil erosion control should have been in place by the developer, but it wasn't there. The lake needs help, but only if it is fair and equitable.

Jim Dunn, 3613 Ridge Drive – Felt that there may be an error in the calculations regarding his property. He was assessed \$17,400 and his channel is not being dredged. He would like to work with the City to find out why he is being assessed and why he was being charged. The Engineer's Report was referenced which showed him as being included. He believed it was unfair and wanted to work to get this cleared up. He felt strongly that it was unfair, and like others, wanted to work with the Common Council. People need to get out of their area with their boats, but the solution needed to be more of a win-win situation. He hoped that he would be able to consider the referendum another time. This could be a benefit for the lake, but it is creating a lot of dissention.

Tom Kelley, 2218 West Shore Drive – A document was distributed to the Common Council. T. Kelley thought that many good things had been said this evening. The County should be responsible for this, not the people on the lake. He personally dredged in 2001 and 1979. The problem is that dredging will not heal the lake. When he dredged in 2001 the cost was \$7,000 and covered a football field with the silt being 12' high. Those individuals who need dredging should call a contractor (he used Wolf Construction). To now be assessed a much higher amount was ridiculous. Fishing is very good by his property. This should not just be the lake people. There are many positive things that happen when dredging takes place. The channels were manmade and should be man-maintained. He recommended that if there is a referendum, the people off of the lake would think that the people on the lake want to have it done, but the people don't want to have it done because the expense is ridiculous. He would opt out. He asked that the Common Council let people living off the lake know that the people on the lake don't think this is fair. There are a lot of people on the lake who are

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on limited incomes and whose pocketbook will be affected. The referendum should be rephrased.

Rick Kluth, 3248 Bayview Court – He has lived here since 1985 and has always paid taxes. He disagreed with the way costs are being distributed. Since 1985 he has had a boat and it has less than 100 hours on it. He agreed that the City needs to be fair. All the communities should be involved in the clean up of the lake.

Jamie Eaves, 3218 Nagawicka Avenue – In his opinion, the mechanical aspect of the layout is perfect if it goes through. His parents paid for dredging and sewer in the past. This lake is the cleanest he has ever since it. The Common Council is not reacting to the dredging and the proposal but is looking to something for the next 50 years. When the decision is made as to who pays for this, it will be used as an example to areas all over Wisconsin. This must be fair. He supports the dredging – there are people who have never been dredged that need it. However, it must be fair for everyone. K. Attwell has done a terrific job. It is now up to the Common Council to make it work.

Tom O'Malley, 3232 Nagawicka Avenue – Would like to see the lake dredged even though he has good navigation now. Everyone that doesn't have access should have the project done. If the Channel is not dredged shore to shore, it will all fall back in. In regards to the contractors who are asking that the price of the project go up – he felt that the contractors were concerned that they would be blamed for not doing a good job. This project should be assessed to all residents of the City of Delafield. The Lake and Delafield are thought of together. The lake belongs to everyone – this is why boat launches are required. The costs should be spread over all of the people.

Al Zietlow, 3312 Bayview Court – Spoke tonight as the President of Naga-Shotah Shores Association. The dredging needs to be done. Some of the properties don't need the dredging. The Association feels that the lake is the prime factor of the City of Delafield. If the water in the lake is not usable, there is a problem. There is an inequity in the distribution of costs. The lake is what makes Delafield. The biggest percentage of tax revenue comes from lake properties and if property values on the lake go down, it would also affect the property values of those living off of the lake. There needs to be an equity factor. Concern was expressed about the common areas. The Bark River delta is not usable and is full of weeds. However, the proposal contains three channels on the west side that will be dredged. If these areas are not kept up and maintained, there will be problems, but they are not considered common areas. He has lived in the City for 45 years and has dredged two times. When they dredged shore to shore it worked very well. The second time he dredged, the dredging was limited. They wanted to see the dredging take place, but equity was needed. As an Association, they did not want a referendum that was a blank check or had a "not to exceed". He was concerned about what needed to be tweaked in the bid specs. As an Association, he encouraged the City to think about equal costs. He felt that this was a stacked deck since there were more people living off of the lake who would be able to vote than were on the lake. It was his hope that the Common Council would come up with something to vote on that was "apples to apples". Everyone should vote

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on the same thing. The City can do a good sales job to make it understood that the lake is pristine, is a valuable commodity, and is the future to the City.

Vicki Hazel, 3243 Sylvester Drive – She thanked the LWC. It was her opinion that the project would not get any cheaper and if it wasn't perfect but could be done now, it should be done. If it can be made fair and still be done quickly, that would be optimum. If alternate funding can be obtained, that would be better. This needs to be done. There will be more silt and everything gets more expensive every year.

Rick Hannon, 1740 West Shore Drive – not present.

Patricia Barwig, 1832 West Shore Drive – She asked to make one question two questions. She agreed with dredging, but it should be limited to those needing it. A better idea would be better silt control. There is a lot of run-off coming from Carriage Hills. Replanting the lake and equity in payment is a good idea. Every owner should be assessed. Every citizen in Delafield should help. She was in favor of dredging the Channel and would like to see everyone pay for it. She agreed that lake owners should pay more, but equity is needed.

Al Tinnes, N38W32639 Edgewood Court – He appreciated all of the work that was done and agreed that some work needs to be done on the lake. He was not in favor of the way the expenses were distributed. There is a lot of momentum going. He thought that a two year extension from the DNR should be requested. A better job could be done. He was in agreement that the County could shoulder some of the burden. The deck was stacked against the lake owners. He also agreed with the question regarding the legality of the special assessment method. He asked about the opting out requirement in regard to needing four owners to opt out. Thought this could be based on frontage length instead of needing four owners as this would be fairer for people with a larger assessments and frontage. The Committee was asked to table this for now, take time, and keep working on it.

Michael Curley, 2132 West Shore Drive – Not present.

Mike Beyer, 2936 Nagawicka Avenue – Lives in the Northwest Channel and would like to see the lake dredged. He thanked everyone for all of the hard work done. There is a huge failure in the equity area and he didn't understand why some sediment is at one price and other sediment at another price. Silt was silt. If dredging took place in the channels, why is he being assessed for all of the way across the channel if there was someone on the other side? This is a question in all of the channels – they should only have to pay for half of the distance into the channel. As far as referendum – there is no way the City is ready for it at this time. This lake is the jewel to the City. He thought that everyone owns a part of the jewel is responsible. The City should slow down and make it fair.

Carolyn O'Brien, 2307 Nagawicka Road – Didn't think the property owners should bear the whole burden of the costs. They have a problem with the cornfield off of Highway 83. She spearheaded the dredging project back in 1983.

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Todd Dannenfels, 2534 Woodland Park Drive – The opt out option was problematic – if there is opt-out, the sediment would go to other areas. The practical reality of opting out would hurt the dredging concept. He understood the ram-rod concern, as he himself had to do a lot of hurrying while trying to prepare the presentation. The reason that many felt that this was being ram-rodged was that there was a lot of information that was held for quite some time and not disclosed to the public. The City needs to be transparent. He thought that the Common Council needed to ask questions as to whether there was information that was not disclosed so that in the future it would be transparent. Mayor McAleer stated that he wants to be sure that whatever is put out to the public is accurate. He felt that by not getting any bids, it says a lot. T. Dannenfels stated that the question becomes that there was a long time when cost estimates were not disclosed. If the data was available much earlier, ideas could have been incorporated much earlier.

James Seifert, 1708 Bark River Drive – It seems like it is possible that the kind of bidding did not come in because of the overall complexity of this project.

George Bogdanovich, 2010 Price Road – He felt stuck in the middle with what the DNR has done to the City on this project. The permit has been obtained. When he moved in he had 4' of water and now has 3". He asked that the City help those people out who really need it. He appreciated the service that the City does but it needs to keep thinking about this.

Mike Beyer, 2936 Nagawicka Avenue – The City needs to take care of the run-off problem; this is more important than dredging. He lives in the Northwest Channel and moved in the same time Lake Country Estates came in. Much sediment comes from the west side of Highway C. This is the main problem in their area. The dredging that had been done in this area would have lasted longer if there wasn't this run-off problem. The islands in the channels need to be reinforced to keep the sediment from coming in. This needs to be part of the restoration plan. Some of the sediment could be put back on the bogs.

There were no more comments.

E. SADOWSKI MOTIONED TO CLOSE THE PUBLIC HEARING AT 8:32 P.M. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Mayor McAleer called for a brief recess at 8:33 p.m.

The meeting reconvened at 8:38 p.m.

SPECIAL ORDER OF BUSINESS:

1. DISCUSSION AND ACTION ON RECOMMENDATION FROM FOTH TO REJECT THE BID RECEIVED FOR THE NAGAWICKA LAKE CHANNEL DREDGING PROJECT AND RETURN THE BID BOND TO THE CONTRACTOR.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

E. SADOWSKI MOTIONED TO APPROVE THE RECOMMENDATION FROM FOTH TO REJECT THE BID RECEIVED FOR THE NAGAWICKA LAKE CHANNEL DREDGING PROJECT AND RETURN THE BID BOND TO THE CONTRACTOR. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. DISCUSSION AND ACTION TO ADOPT RESOLUTION 2009-02, A RESOLUTION DIRECTING PUBLICATION OF REFERENDUM QUESTION AUTHORIZING PUBLIC WORKS PROJECTS FOR THE PUBLIC PURPOSE OF DREDGING PORTIONS OF LAKE NAGAWICKA AND THE BARK RIVER, AND TO RESTORE THE LAKE BOTTOM WITH NATIVE AQUATIC PLANTS, AND DIRECT CITY CLERK TO CERTIFY RESOLUTION WITH WAUKESHA COUNTY CLERK FOR INCLUSION ON THE APRIL 7, 2009 BALLOT.

E. SADOWSKI MOTIONED TO TABLE SPECIAL ORDER OF BUSINESS #2, DISCUSSION AND ACTION TO ADOPT RESOLUTION 2009-02. M. DE YOE SECONDED THE MOTION. A ROLL CALL WAS TAKEN: J. KRICKHAHN, NAY, B. LEONARD, AYE; E. SADOWSKI, AYE; M. DE YOE, AYE, L. MORRISON, NAY. MOTION CARRIED 3-2.

3. DISCUSSION AND ACTION TO ADOPT RESOLUTION 2009-05, A RESOLUTION DIRECTING PUBLICATION OF REFERENDUM QUESTION AUTHORIZING PUBLIC WORKS PROJECTS FOR THE PUBLIC PURPOSE OF CONSTRUCTING A SEDIMENT TRAP AT THE MOUTH OF THE BARK RIVER, AND DIRECT CITY CLERK TO CERTIFY RESOLUTION WITH WAUKESHA COUNTY CLERK FOR INCLUSION ON THE APRIL 7, 2009 BALLOT.

E. SADOWSKI MOTIONED TO TABLE SPECIAL ORDER OF BUSINESS #3, DISCUSSION AND ACTION TO ADOPT RESOLUTION 2009-05. M. DE YOE SECONDED THE MOTION. A ROLL CALL WAS TAKEN: J. KRICKHAHN, NAY, B. LEONARD, AYE; E. SADOWSKI, AYE; M. DE YOE, AYE, L. MORRISON, NAY. MOTION CARRIED 3-2.

1. APPROVE MINUTES OF FEBRUARY 2, 2009 COMMON COUNCIL MEETING.

M. DE YOE MOTIONED TO APPROVE THE MINUTES OF THE FEBRUARY 2, 2009 COMMON COUNCIL MEETING AS PRESENTED. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

There were no citizens who wished to speak on items not on the agenda.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA.

Al Zietlow, 3312 Bayview Court – Discussed various options for funding the dredging. He that there was a dilemma and requested that the Council look outside the box at unique ways to do this. One suggestion he had was the formation of a lake tax district. Another suggestion was that City Staff to go the appropriate people in Madison to see if there was anything in the Stimulus Package to help with this project. Mayor McAleer stated that T. Schuenke and he would be going to a seminar on this topic next week. A. Zietlow's main concern was to keep the Nashotah contingency part of this package. If it was not handled carefully, Nashotah was in a perfect position to completely opt out. He did not want this to happen. Additionally, there are variations of a TIF-like district that could be used where the lake association becomes like a developer; this should be given thought. The two tier plan is not well accepted and it needs to be equitable. In order to get the residents to take ownership, the Common Council needs to work with them and be transparent. A major error was made when there were three different sets of numbers out there.

There were no other citizens who wished to speak.

L. MORRISON MOTIONED TO CLOSE CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CONSENT AGENDA

There were no items on the Consent Agenda.

4. COMMITTEE REPORTS

a. LICENSES

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

- a. Kenneth Anderson, Wales, Anderson's Pub & Grill
- b. Cain Anderson, Wales, Anderson's Pub & Grill
- c. Kyle Anderson, Wales, Anderson's Pub & Grill
- d. Melissa L. Anderson, Wales, Anderson's Pub & Grill
- e. Tanya M. Anderson, Milwaukee, Anderson's Pub and Grill
- f. Matthew Chirillo, Wales, Wells Street Tavern

L. MORRISON MOTIONED TO APPROVE THE BARTENDER LICENSES – 2 YEAR LICENSES TO EXPIRE JUNE 30, 2010. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

2. CLASS B BEER CLASS B LIQUOR LICENSES.

L. Morrison asked for clarification on Twist'n Olive. Because of the absence of the City Clerk, this discussion would be held at the next meeting.

L. MORRISON MOTIONED TO REMOVE ITEM 2A AND APPROVE ITEMS 2B AND 2C. J. KRICKHAHN SECONDED THE MOTION. E. SADOWSKI ASKED IF THE BACKGROUND CHECKS WERE CONDUCTED. IT WAS CLARIFIED THAT BACKGROUND CHECKS WERE CONDUCTED BEFORE BEING PLACED ON THE AGENDA. DISCUSSION TOOK PLACE ON THE HOLDER OF THE LICENSE IN ITEM 2C. NO FURTHER DISCUSSION TOOK PLACE. ALL WERE IN FAVOR. MOTION CARRIED.

a. CITY OF DELAFIELD LIQUOR LICENSES UPDATE.

This item will be reported on at the next Common Council meeting (see above motion).

b. KMAND, INC., ANDERSON'S PUB & GRILL, 621 MILWAUKEE STREET, DELAFIELD, WI; MELISSA L. ANDERSON, 513 BRANDY BROOK ROAD, WALES, WI, AGENT

Approved (see above motion).

c. GAMA ENTERPRISES, LLC, MAZATLAN, 601 MILWAUKEE STREET, DELAFIELD WI; THOMAS E. AUL, 817A GENESEE STREET, DELAFIELD WI, AGENT

Approved (see above motion).

b. PLAN COMMISSION – (MINUTES OF JANUARY 28, 2009 & FEBRUARY 11, 2009)

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

B. Leonard reported that much discussion took place in regards to Smart Growth but would defer this report until the next Common Council meeting.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

c. LAKE WELFARE COMMITTEE – (MINUTES OF FEBRUARY 11, 2009)

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

L. Morrison reported that one of the biggest items being discussed is the dam and the Mill Pond. Representatives from this area regularly attend the LWC meetings and make presentations in regards to how they want the City to step up and help them. She will give a more detailed report at the next Common Council meeting. Mayor McAleer asked that the Mill Pond Group come before the Common Council, however, M. DeYoe suggested they wait until their alderperson comes back. L. Morrison will relay this to the Mill Pond representatives. T. Schuenke commented that the people from the Roller Mill Dam have been working with the City Attorney and him. There are questions that the City is trying to answer for them and within the next week or two they may be ready to come before the Common Council. Mayor McAleer stated that the Common Council should hear this directly and that the LWC should not be the go-between.

d. PARK AND RECREATION COMMISSION

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

No report.

e. PUBLIC WORKS COMMITTEE – (MINUTES OF FEBRUARY 4, 2009)

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

Minutes were included in the Commissioner's packets.

f. DEL-HART COMMISSION

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

The next meeting will be held Tuesday, February 17, 2009 at 7 p.m.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

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

No meeting.

- h. LIBRARY BOARD – (MINUTES OF FEBRUARY 10, 2009)
 - 1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

The next meeting would be held on March 10, 2009 at 7 p.m.

- i. FINANCE ADVISORY BOARD
 - 1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

No report.

- j. BOARD OF ZONING
 - 1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

No report.

- k. PROMOTIONAL AND TOURISM COMMITTEE – (MINUTES OF FEBRUARY 3, 2009)
 - 1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

A meeting took place and they are now in the process of getting a hosting site for the Promotion and Chamber’s website.

- 1. CITY OF DELAFIELD 50TH BIRTHDAY CELEBRATION
 - 1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

The website is up. Darrel Pope and M. DeYoe were commended for their efforts for putting this back on track. A meeting between M. DeYoe, D. Pope, and Clerk Gresch took place and small details were worked on.

m. LAKE COUNTRY FIRE DEPARTMENT EXPANSION COMMITTEE MEETING

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

No report.

5. OLD BUSINESS

a. LOMR UPDATE

M. Court distributed an email from Mark Michelson, Yaggy Colby, which provided an update from the DNR meeting. The approach was reviewed and he felt it was a good meeting. M. Michelson is proceeding with the rest of the modeling and it will be submitted in phases with the DNR and FEMA reports being submitted at the same time. Additional research is being done to verify that that this was the 100 year event. Further research of actual drainage areas and storage of these areas to calculate flows to compare with what actually happened is taking place. They are trying to calibrate it to last year's actual event. The DNR is asking that the flows be submitted first. L. Morrison stated that this is a slow process. Any questions from residents can be directed to M. Court.

6. MAYOR'S REPORT

Mayor McAleer encouraged all of the Council members to read the letters from the Second Grade teachers in regard to the library.

7. NEW BUSINESS

None.

8. ADMINISTRATOR'S REPORT

a. REPORT OF CITY OFFICIALS

i. ADMINISTRATOR

a. LETTER TO THE EDITOR IN THE LAKE COUNTRY REPORTER REGARDING AMBULANCE BILLING.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

T. Schuenke referenced the clarification to the letter from Bob Transom regarding ambulance charges. The fee for the ambulance was \$525, plus \$10 for mileage. The Fire Chief talked to B. Transom about this. The City was concerned that the people of Delafield may not call the ambulance if they think they are being billed \$2,500. It was clarified that they will only be billed \$525 plus mileage.

ii. CLERK-TREASURER

No report.

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

B. Leonard requested a report on the renewable energy meeting hosted by City of Waukesha's Mayor be placed on the agenda.

J. Krickhahn requested lake dredging issues be listed on the agenda in order to take them off of table for discussion. He also requested that Stimulus package information be available for this project, that cutting in areas after dredging be researched, and that research take place on a two year extension from the DNR.

E. Sadowski requested that discussion take place on the establishment of a lake district and to look at Little Muskego Lake as a possible model.

9. FINANCIAL REPORT

a. APPROVE VOUCHER LIST

E. SADOWSKI MOTIONED TO APPROVE THE VOUCHER LIST. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

10. CORRESPONDENCE

- a. Memo from Police Chief Scott Taubel regarding a Speed Grant.
- b. Letter from Dale Arenz, Town of Delafield resident regarding MLG proposal.
- c. Focus Newsletter.
- d. Letter from Time Warner Cable regarding Enhanced Billing Statements.
- e. Letters from Cushing Elementary School 2nd Grade Classes regarding new Library.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

11. ADJOURNMENT

E. SADOWSKI MOTIONED TO ADJOURN FROM THE MEETING. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 9:03 P.M.

Minutes prepared by:

Accurate Business Communications, Inc.