

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 March 2, 2009 Common Council meeting:

Present

Mayor Ed McAleer  
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  
Jim Hammes, City Attorney  
Jim Romanowski, City Engineer

Absent

Jeff Krickhahn, Ald.

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

1. Approve minutes of February 16, 2009 Common Council meeting.

**E. SADOWSKI MOVED TO APPROVE THE FEBRUARY 16, 2009 COMMON COUNCIL MEETING MINUTES AS PRESENTED. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED WITH 2 ABSTENTIONS BY G. MACDOUGALL AND R. MISKELLEY.**

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

None.

Citizen's comments for items on the agenda.

Al Zietlow, 3312 Bayview Court – Was present representing the Naga-Shores Lake Association membership as well as other neighbors in the area. His goal was to try to get the Common Council and community's mindset that Nagawicka Lake is the prime object in Delafield which makes people want to live here. It's the future of Delafield; it is the prime source of revenue for the City to operate on effectively. The properties near and on the lake make up the largest source of revenue for operation of our City. He has been told it was a 6:1 ratio. It's a good reason to preserve the lake's pristine character and improve the quality lake for all who are associated with the lake. It is not just the prime users who gain, but the whole City can benefit. He believed that if all the tax keys in the City participate in the cost of improving the lake user conditions, those not living on lake will see a bigger payback faster than those who are living on the lake. Being optimistic, the odds are very good that when the shoreline and navigation paths of the lake that are being recommended for dredging actually happens, the assessment levels of these riparian properties will rise at a faster rate than non-lake properties. Thus in the big picture, the non-lake owner will be paying a small tax because of the increased lake property assessments and will get a larger and faster payback for a small investment. He felt that the Common Council has set precedent several times over the past 18 years when it decided that improvements to existing areas and the development of new areas would directly or indirectly benefit all residents and thus all residents paid an equitable share of the cost. He gave examples of future parks,

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the restructuring of Milwaukee Street, improvements to existing parks, downtown improvements with the TIF project, weed cutting on the lake, grass cutting in the parks, and roadways. Most recently everyone paid a part of the \$650,000 to replace the dam and the building of the dock area by the dam. He felt that bottom line was that if there was no lake, there would be no assessment resource. If you can't use the lake for navigation and recreation, no resale of properties will take place on or near the lake. All Delafield residents would lose. He asked that everyone look into the future and have a positive vision of the value that this pot of gold actually is.

*Mayor McAleer asked if anyone else wanted to speak about lake issues or dredging. There were no other comments on that subject.*

Richard Schwaab, 3701 Trinity Lane - Was present to speak on the MLG proposal (Agenda Items 4b2 and 4b3). There was an extensive record in the packet with regard to the hearing that took place. He felt that it was quite clear that the vast majority of citizen comment, not only from the City but from surrounding communities, strongly opposed the density requested in that area. He had a packet of petitions; two which have been submitted within the last couple of days, one of which he had the original which he passed around. In addition there were individual packets available. He passed around the copies. There were 80 some signatures on the petitions, the majority of which are residents of District 7 of the City. The remaining are residents in the area surrounding Upper Nashotah Lake (members of the lake owner's association). There have been two very significant changes that have taken place between the time when MLG last visited the Plan Commission in June 2008 and today. One is the Smart Growth process. The other is not as clear -- much of the discussion about this proposal has been based on the premise that there was some sort of agreement between the City and the land owners promising a higher density of land. This served as a basic factual premise underlying much of the discussion. Over the course of the last 8 or 9 months a number of facts have come out. He referenced the letter from the City Attorney dated January 20, 2009 which clarified that issue about an agreement that promised a higher density. The conclusion was reached that there was not an agreement and that the City is free to treat this proposal and the questions of land use density and zoning appropriateness, etc. by the standards that are accepted today in 2009 rather than going back to 1991 when the parcel was put into the Master Land Use Plan at a higher proposed density. He thought that there this needed to be clear on the record that you are not dealing with a promise that was made to someone here that is now being fudged on or that there was some legal obligation for the City. He felt that the Plan Commission has reached some conclusions about how the ag land in the City should be treated. Now that the facts are clear that this parcel of land should be treated like all of the other agricultural land within the City of Delafield. It should not be viewed as a forgone conclusion that higher density is appropriate for this land when all indications are that no one wants it. He hoped that this point was a clarification. In response from a question from E. Sadowski, he stated that he believed that approximately 50+ people on the petition are residents of the City of Delafield.

Mary Slepekis, 1307 Mariner Drive – Commented on rezoning the MLG property. She moved to Delafield 55 years ago when it was affordable to live here. They purchased this parcel over 30 years ago and have been paying taxes on it with the hope of eventually realizing a project that would be an asset to the City of Delafield. In the 1980's when the City asked their family for sewer access across this property in order to build the apartments, they cooperated. In 1991 the City changed its Land Use Plan and designated the property as a mid-density residential; recognizing that their property was boarded by railroad tracks, an old gravel pit, and a shooting range. The parcel buffers adjoining land to the south. When they were ready pursue development of this land, they were asked by the City to delay moving ahead until the planning of the Northwest Quadrant was completed and they cooperated. When the City asked for a combined land use for their property and they joined the other parcel, they cooperated and developed a joint plan. They wanted to find a developer that had strong track record in the City of Delafield, so they selected MLG in good faith and at a considerable cost to themselves and the developer. They followed the recommendations that City Staff gave them as well as the Plan Commission. The development proposal in front of the Council tonight is 60 lots over 80 acres which is an overall density of 1.18 acres per lot. They have been in the process of moving forward on this project for four years and have invested substantial time and money. In the meantime, the economy has taken a drastic downturn. Many businesses are closing and affordable housing is needed both to

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support the local area and to add revenue to Delafield at a time when it needs it. This is an ideal site to provide both. After four years of work and more than 30 years of cooperation with the City, they are now facing the possibility of having the ground rules concerning the development of this property changed. She felt that this was extremely unfair. The majority of the opposition at the previous Plan Commission was from individuals from the surrounding communities. She did not think that the City should let individuals who do not pay taxes in Delafield dictate to Delafield what is good for Delafield, but rather should give consideration to this project on the basis of its own merit, the good faith and cooperation with the City that has gone into it, and the benefits that it will bring to Delafield. She thanked the Council for giving serious consideration to it and for choosing the right thing to do. She asked the Common Council for their cooperation by supporting this project.

Brad Binkowski, 1307 Mariner Drive – His father was instrumental in starting the City of Delafield; he was one of the people who moved to incorporate the City, was an alderman for many years, and had a very strong feeling for the City. B. Binkowski's father bought this property a long time ago and over the years looked at what might be the best use of the land. It has been a long time until the development of that quadrant was appropriate. They have been working on this project for more than four years. He stated that his sister summed it up; they have cooperated with the City every step of the way. There was a series of public hearings in 2005 when the City was developing a Northwest Quadrant Plan. In 1991 the City designated this as a mid-density residential potential on its Land Use Plan. He agreed with Mr. Schwaab in that a land use plan is not a commitment, it is nothing more than an indication of what might be appropriate density. When they started to look at this project, they considered what an appropriate use of the property was. The ultimate land use plan in front of the Commissioners with 68 lots on 80 acres is far less of a density than the four unit per acre maximum that the mid-density residential presented. In 2006 after completing the Northwest Quadrant planning, the City adopted another formal position that ratified the plans and told them to move ahead with the planning for this area. Since that time, they have spent well over \$100,000 of their own money and MLG has also spent significantly more. In front of the Council is a very coherent, logical, well thought out plan that combines the two properties and creates a significant asset. All of the rules that the City asked them to follow were complied with. Tonight they are asking for approval of a development concept that they felt was very appropriate and would be a significant asset to the City. He asked the Common Council to support this.

**L. MORRISON MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:18 P.M. G. MAC DOUGALL 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. Jennifer Chartier, Hartland; Delafield Brewhaus
  - b. Jacob Perse-Anderson, Dousman; Wal-Mart
  - c. Louis Venti, Waukesha; Delafield Brewhaus
  - d. Kara Kressin, Waukesha; Delafield Brewhaus

G. Gresch stated all background checks came back clear.

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

2. Discussion and action on available Combination Class B Beer Class B Liquor License:
  - a. Twist n' Olive, 2730 Hillside Drive, Delafield, WI 53018, Owner Nicholas and Amy Williams, 911 Manchester Court, Hartland, WI 53029.
  - b. Jason Steiner, Steiner group, 6055 S. Pennsylvania Avenue, Cudahy, WI 53110.

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G. Gresch stated that one application was on file for Twist n' Olive. The other application is for Jason Steiner, Steingroup. Twist n' Olive has a reserve liquor license and they would like to get into the category of a regular Class B license – they are already in business with a license. Jason Stein is applying for a license for a business that he does not yet have.

L. Morrison asked what the difference is between a reserve and regular. G. Gresch stated that the reserve costs \$10,000 as a one time fee. There would be no benefit to Twist 'n Olive to get a regular Class B license instead of a reserve. R. Miskelley asked what a regular license would give them that they don't have now. G. Gresch stated that they would not gain anything at all, just the change of the word. G. MacDougall asked if there is limited number of Class B licenses. G. Gresch stated that there was a quota on the Class B licenses. Lately a number of businesses have been changing hands and thus licenses come back and are immediately applied for. Therefore there has not been a gap in the licenses. Now there is one unused, advertising has taken place on it, and people can apply for it. The Steingroup is the locale that was formerly Ruggeri's. Mayor McAleer asked if something could be done similar to that with the Gathering until the end of June. G. Gresch stated that the license has already been surrendered and given back to the City and is done for Ruggeri's. Now people have to apply for it. If the regular license was granted to Twist 'n Olive, the City would open up a \$10,000 license. B. Leonard stated that the City would lose \$10,000 in revenue if Twist 'n Olive was not granted a regular license. Mayor McAleer asked if this could be postponed to allow Steiner time to get a tenant before a decision was made. E. Sadowski would like to give Steiner the liquor license and the ability to market that building with it. B. Leonard stated that there are two issues: which type of license to make available to which business; and then decide. Mayor McAleer stated if a license was issued and he doesn't get a tenant, then there is a licensed building without a restaurant. E. Sadowski asked if it would be possible to restrict the license – G. Gresch stated that this license was surrendered and has come back to the City. R. Miskelley stated that everyone would like to see the old Ruggeri building open up as a restaurant, but if the City doesn't reserve the liquor license for this building, it would not open as a restaurant. M. DeYoe asked if Twist 'n Olive was granted the regular license, the reserve license would be freed up for Mr. Steiner. If Mr. Steiner is willing to go ahead and take the reserve license with the \$10,000 fee, this should be done. B. Leonard asked if the City had the right to give up \$10,000 in revenue. L. Morrison felt that it sends the wrong message. G. MacDougall had a concern about issuing a license to a person who can tie it up forever. Attorney Hammes stated that the City can put restrictions to limit it to the premises. L. Morrison stated that if Twist 'n Olive got an advantage by getting regular license, she would be in favor of giving it to them, but they don't get any advantage. For the City to want to get another \$10,000 is foolish. E. Sadowski thought that the way it was structured right now was the right thing to do – how Mr. Steiner wants it, but the City should restrict it to that building as that's made for a restaurant. B. Leonard questioned how the City could justify to taxpayers giving up \$10,000 in revenue.

**G. MAC DOUGALL MOTIONED TO ISSUE THE COMBINATION CLASS B BEER CLASS B LIQUOR LICENSE PROVIDING IT IS USED AT THE PREMISES FORMERLY KNOWN AS RUGGERI'S TO JASON STEINER. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. B. LEONARD OPPOSED. MOTION CARRIED.**

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- b. Plan Commission – (Minutes of February 25, 2009)
1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

B. Leonard stated the Plan Commission had three action items

2. Recommendation from Plan Commission to deny the Conditional Rezone request from A-1 to R-3 (Single & 2 Family Residential) for **DELIC 0742.990**, Owner: Bradley Binkowski & Mary Slepekis, 1307 Mariner Dr., Hartland, WI 53029. Applicant: MLG Development. 13400 Bishop's Lane, Ste 100, Brookfield, WI 53005.

B. Leonard reported that the Plan Commission held a public hearing on January 28, 2009 with quite a bit of opposition to the development. The current Smart Growth Plan and the recommendation most likely coming forth from the Plan Commission is that they are designating this area as agricultural as its current use acknowledging it as a viable use at this time and into the near future. A letter was included in the Commissioner's packets from the Village of Oconomowoc Lake which provided several obstacles for this development of the property, particularly the northwest portion (Binkowski property). These obstacles include: no access to CTH P, incompatible uses in the area (shooting range), no supporting of blending densities, and a problem with the traffic flow.

L. Morrison stated that the City has heard from the Village of Oconomowoc Lake several times. She asked if it was the Plan Commission's opinion that the Village of Oconomowoc Lake never wants a road there or development. B. Leonard stated that at some point it would be logical to assume that area of Highway P and Highway 16 will develop and cooperation will need to take place amongst property owners, the City, and the Village to come up with a solution. Mayor McAleer stated that the Village's attorney spoke at the public hearing and was very clear. L. Morrison thought that it sounds like the Village will never will change their mind. Mayor McAleer stated that is how they feel today. R. Miskelley asked if the City has ever gone to another community to ask them not to do something. In reply, Mayor McAleer stated that it never had. B. Leonard thought that the end decision is the City's. The Village is saying they don't want access out to P and they would have to be the ones to cooperate. In addition, the Village of Oconomowoc Lake claims the land division was done illegally. She was not sure if anyone has researched that. R. Miskelley commented on rezoning from agricultural to residential – the agricultural designation is somewhat of a "parking lot" of zoning until it is decided to develop it into something else. Agricultural is just not compatible with the previous decision the City made and the decisions this Council and the Plan Commission will make in the future. He has been working with this group for two years and the project has been going on for four years. In the two years that he has been working with it he has worked with one individual in his district, he told another person in his District about it, and other than that he has had no communications from anyone in his district. When this came before the Plan Commission it was not half and half the City of Delafield, it was two-thirds or more from the people in Nashotah and Oconomowoc Lake. The people in Delafield were not opposed to this project. Right now, he felt that the City is unjustly disqualifying the Binkowskis and Knoffs from developing their property, the rightful owners, unless we can come up with a better reason other than "it doesn't feel good". He did not feel the City had a right to deny this.

Mayor McAleer did not think that you could separate them as they were tied together. The proposal for Knoff and Binkowski is to blend the densities. He ran for mayor on the platform that he did not believe that was appropriate and the Plan Commission supports that position. Language will be put into the Smart Growth Plan supporting that position. The public hearing will be held on that. He did not think you could disassociate the two. They are together and are a blended density. That's what the plan is.

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R. Miskelley stated that he respected that opinion. In this case there is an issue south and north of Nashotah Road. South of Nashotah Road MLG stated that they will keep those properties close to two acres per lot, and north of that they will have a higher density. Properties south of Nashotah Road should be a lower density to preserve property rights of the existing people that are there. Properties north of Nashotah Road is vacant territory and if you move into that territory, you are moving into a development of what you see there is what you get. You would not have any other expectations. Properties north and south of Nashotah Road must be divided and therefore a blended district between the two that would give less density south of Nashotah Road and a higher density north of Nashotah Road makes perfect sense for this particular case.

B. Leonard stated that one concern brought up by neighbors in both the City and surrounding communities is the idea that there is not infrastructure to handle this kind of development. All of this funneling onto Nashotah Road, then funneling onto Highway C, then funneling over the narrow Nashotah Bridge, and then the Highway 16 and Highway C interchange is a very poor traffic pattern. This would degrade the quality of that quadrants' traffic. If there was access to the north or northwest, it would be different. The Village raises some valid points. She could not support putting residential next to a shooting range because it is a bad situation and you can't get rid of them.

L. Morrison stated that these people own this property and have a right to develop it, but it doesn't seem like the City is cooperating or doing what it should to help them.

M. DeYoe attended the Plan Commission meeting and heard the comments from the people and the lawyer. She felt that these people were approached by the City a long time ago. Her only concern is that unless we can get the other access road, it's not going to work. The type of development that is being proposed for the property does not have the infrastructure.

R. Miskelley felt that the problem with that argument is that every time there is a development for this area, Oconomowoc Lake will say "no, because we don't want a development there" and the City won't approve it because the Oconomowoc Lake won't provide access to it. Oconomowoc Lake has leverage over the City on this one. R. Miskelley stated that the density could have been much higher north of Nashotah Road. In response to a request made by E. Sadowski as to why he was in favor of the development, R. Miskelley stated that if you divide the projects up, south of Nashotah Road has 32 acres with one house on every two acres. North of Nashotah Road you could potentially put four units per acre. If you put these two together, unblended it could be a potential of close to 384 units. Working with MLG, they agreed to put a nine acre park between the church and the development and on the other 24 acres put 16 houses on 24 acres instead of 16 houses on 32 acres. In exchange for that, it would lower the density north of Nashotah Road so that the total blended density would be approximately 184 units. The density has been drastically reduced from what could have been presented. E. Sadowski stated that the negative is the infrastructure and the road. B. Leonard did not think that the allowable density was four units per acre directly north of Nashotah Road; you did not get to that density until you got to the far northern portion of the property; the rest is low density residential. Mayor McAleer stated that the perception is that because of the medium density of the Master Plan designation, that you can say that there would be over 300 units that could be approved, but if the City is arguing that 182 won't fit on Nashotah Road, there is no possibility that 300 would fit on Nashotah Road. That perception that there could be that many is not valid. R. Miskelley understood, but stated that he meant to say it could have been proposed.

E. Sadowski asked if it was possible to approve south of Nashotah Road and north of Nashotah separately. Mayor McAleer stated that according to the ordinance, the two choices were to either sustain what the Plan Commission said or send it back to the

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Plan Commission. L. Morrison asked the attorney if there was anything that the City could do in regards to the Village of Oconomowoc Lake. The attorney replied that the City could talk to them to work something out. R. Miskelley stated that the 66 foot property that goes along Highway P North – the City needs access across that strip of property to get onto Highway P. The Village Oconomowoc Lake can't develop that property, but will deny the City access to put a road across that property. It was clarified that the Binkowski's own the land, but the land is in the Village of Oconomowoc Lake. General discussion took place as to how to get easement on this strip for access onto Highway P. The Attorney stated that he was unsure of the history of this plan.

Dave Tanner, Senior Development Coordinator from MLG Development, commented on the traffic study that they submitted. He stated that the comments heard tonight in regards to Nashotah Road not being sufficiently designed to handle the traffic is exactly opposite as to what the traffic study says. They looked at the traffic that would come off of the two access points onto Nashotah Road, assuming the full build out of the project. The traffic is designed to go onto Nashotah Road and the study shows that that road can handle the traffic and the traffic can make its way onto Highway C and Highway 16 sufficiently according to the experts that prepared the traffic study. Mayor McAleer stated that he remembered that the traffic study was done in the summer and St. Joan of Arc was not considered in the calculations. D. Tanner stated that assumptions were made for St. Joan or Arc's school; actual traffic counts were not available because at the time the traffic study was completed, students were not in session, but it was factored into the study. He stated that the two lane road can handle a lot of traffic. Mayor McAleer thought that was the reason that the Plan Commission members didn't think that the traffic study was adequate. In response to a question from E. Sadowski regarding Highway P, D. Tanner stated that Waukesha County approves access, but in order to connect to Highway P you would have to build a road across land that is within the Village of Oconomowoc Lake. Therefore, the issue is not with the connection, the issue is with building the actual road across land within the boundaries of the Village to connect up to the City of Delafield. R. Miskelley asked if the Bindkowskis could put in a private road across the 66'. D. Tanner stated that it would have to be approved by the Village of Oconomowoc Lake according to their interpretation because that would be considered an improvement across land within the municipality and would require some sort of permit.

G. MacDougall thought that since this is the Village's interpretation, perhaps the City should get another interpretation. Mr. Binkowski was asked if he pays taxes on the 66 foot strip to the Village of Oconomowoc Lake. He responded that he does. B. Binkowski stated that he has letters from the City Attorney and one from the Village of Oconomowoc Lake Attorney dated September 30, 1980 and September 4, 1980. The Village of Oconomowoc Lake letter states that "the City should be aware that this property has an access through the Village of Oconomowoc Lake. This access is located in a residential zone of the Village of Oconomowoc Lake. This access would be usable only for residential purposes." Another letter from the City of Delafield Attorney stated that "the Village would be required to support residential zoning of the land to be used for access. As to the specific question, there are cases that go both ways according to the authorities cited. Of interest is the annotation of a case which holds that such lands could be used for access where it appeared that no other access was available." We can sue the Village of Oconomowoc Lake and the Village of Oconomowoc Lake will be required to grant access because they can't land lock a property.

B. Leonard referenced the Northwest Quadrant Plan and the new Smart Growth Plan, the development of this area with the proposed densities was always envisioned to have some sort of access to the west. L. Morrison asked if the Plan Commission has discussed what they would accept for the density if the access can't happen. B. Leonard

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stated that if these areas convert from agricultural, it was their recommendation that they convert to low density residential. It's clearly what we hear people in the City of Delafield prefer to have for future residential growth where it occurs in these types of areas. This would be one unit per two acres. If the surrounding residential densities are low, when future development takes place in these areas, they should also be low. The Carriage Hills density was referenced and clarified that it was one acre. R. Miskelley and L. Morrison felt that the City was being inconsistent. L. Morrison thought the people that felt the strongest about this were not citizens of the City of Delafield. B. Leonard stated the City survey that was part of the Smart Grown Plan reflected a low density preference. E. Sadowski felt that the development seems big for the road. The people in District 7 haven't said much. He asked R. Miskelley if he had any thoughts on what would be good and what the Council could do now. R. Miskelley stated it would be easy for him to say compromise and ask for further consideration. However, MLG, Binkowski, and Knoff have been working on this for four years and with him for two years. For him to say something different because it would be the politically expedient thing to do would be inconsistent with his own beliefs. He felt that the Council either had to accept it or reject it the way it is. He felt that if rejected, they would deny people the right to develop their own property as they see fit within guidelines of the City. He did not think they were asking for an extravagant amount. What was being asked for was not inconsistent with the City's growth. G. MacDougall asked if access to Highway P was created, if this discussion would be going a different way. Mayor McAleer stated that discussion would still take place on density, but it would be a doable situation. G. MacDougall thought that the Village of Oconomowoc Lake is holding us hostage. Regardless of density or how long people have been working on this, he thought that the access was the crux of the whole problem. It was his opinion that the City should look at other avenues to get road built.

In response to a question from M. DeYoe, the City Attorney did not think it would be a bad idea to talk with the Village of Oconomowoc. At some point, when development occurs, depending upon what the density is, that road is going to have to be put through. He didn't know the Village's position or the history. He would be happy to look into it, but the City still needs to resolve density issue.

**M. DEYOE MOVED TO UPHOLD PLAN COMMISSION DECISION ON ITEMS 4B2 AND 4B3 TO DENY THE CONDITIONAL REZONE REQUEST FROM A-1 TO R-3 (SINGLE & 2 FAMILY RESIDENTIAL) FOR DELC 0742.990, OWNER: BRADLEY BINKOWSKI & MARY SLEPEKIS, 1307 MARINER DR., HARTLAND, WI 53029. APPLICANT: MLG DEVELOPMENT. 13400 BISHOP'S LANE, STE 100, BROOKFIELD, WI 53005, AND THE CONDITIONAL REZONE REQUEST FROM A-1 TO RE-2 (2 ACRE RURAL ESTATE) FOR DELC 0743.999.003, OWNER: WILLIAM & BARBARA KNOFF, 345 NASHOTAH RD., NASHOTAH, WI 53058. APPLICANT: MLG DEVELOPMENT. 13400 BISHOP'S LANE, STE 100, BROOKFIELD, WI 53005. TO THIS SEND BACK TO THE PLAN COMMISSION WITH THE ASSISTANCE OF THE CITY ATTORNEY TO EXAMINE THE VILLAGE OF OCONOMOWOC LAKE ROAD ACCESS. B. LEONARD SECONDED THE MOTION. R. MISKELLEY HOPED THE COUNCIL VOTED THIS MOTION DOWN. HE FELT THAT THE VILLAGE OF OCONOMOWOC LAKE HAD MADE IT CLEAR THAT AS LONG AS THEY HAVE ANYTHING TO SAY ABOUT IT, THEY WILL DENY THE CITY THE RIGHT TO PUT THE ROAD THROUGH. HE FELT THAT MR. BINKOWSKI HAS A COMPELLING LEGAL ARGUMENT FROM THE LETTER DATED 1980. AS LONG AS THE CITY SAYS NO, THE VILLAGE OF OCONOMOWOC LAKE WILL NEVER SAY YES. HE STRONGLY RECOMMENDED THAT THE COUNCIL TURNS THIS MOTION DOWN. M. DE YOE HOPED THAT THE LETTER WOULD GIVE OUR ATTORNEY LEVERAGE. B. LEONARD STATED THAT THE IDEA OF INTERGOVERNMENTAL COOPERATION NEEDS TO BE EXPLORED. G. MAC DOUGALL STATED THAT THE PLAN COMMISSION SERVES FUNCTION TO STUDY ISSUES. THE ROAD**

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**ISSUE SHOULD BE EXPLORED MORE BEFORE A DECISION IS MADE. IF A WAY CAN BE FOUND TO GET THE ROAD THROUGH, HE FELT THAT WOULD SOLVE MOST OF THE OBJECTIONS. MAYOR MC ALEER COMMENTED THAT BLENDING WOULD SET PRECEDENT AND OTHER AGRICULTURAL LANDS IN THE FUTURE WOULD WANT THAT SAME CONSIDERATION. FOUR WERE IN FAVOR. R. MISKELLEY AND L. MORRISON OPPOSED. MOTION CARRIED.**

3. Recommendation from Plan Commission to deny the Conditional Rezone request from A-1 to RE-2 (2 Acre Rural Estate) for **DELIC 0743.999.003**, Owner: William & Barbara Knoff, 345 Nashotah Rd., Nashotah, WI 53058. Applicant: MLG Development. 13400 Bishop's Lane, Ste 100, Brookfield, WI 53005.

See motion above.

4. Recommendation from Plan Commission to approve the Conditional Use for a mixed use office and multi-family complex for **DELIC 0798.965.003**, **Genesee Street, Delafield.** Owner/Applicant: Delafield Lakes; Agent: Joe McCormick, subject to Planner and Plan Commission conditions set forth.

B. Leonard stated that the Petitioner emailed a request for a 30 day extension to meet the conditions set forth by the Planner and Plan Commission. G. Gresch stated that it should be ready by next meeting.

5. Discussion and action on Extraterritorial Certified Survey Map for John D. Nadelhoffer and Kathy A. King in the Town of Summit.

This is the creation of a parcel on the west shore of Lower Nemahbin Lake. The Plan Commission recommended approval.

**E. SADOWSKI MOVED APPROVE THE EXTRATERRITORIAL CERTIFIED SURVEY MAP FOR JOHN D. NADELHOFFER AND KATHY A. KING IN THE TOWN OF SUMMIT. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. Lake Welfare Committee – (Minutes of February 23, 2009)
  1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

L. Morrison stated this would be reported on under Old Business on the agenda.

- d. Park and Recreation Commission – (Minutes of February 23, 2009)
  1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

E. Sadowski reported that they are updating the Five Year Plan. A survey will be included in the Communicator. They are trying to find out what the people want and don't want in all of the parks. On Election Day, they will have a table at the polling place with more surveys in an effort to get as much input from the public as they can.

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

No report.

- f. Del-Hart Commission – (Minutes of February 17, 2009)

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

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

M. DeYoe reported that there was a meeting on February 17, 2009. Two items discussed were a computer use policy for Del-Hart and the purchase of the Del-Hart property by the City of Delafield. No action was taken on the purchase of the property because the City has been unable to locate an appraiser.

g. Police and Fire Commission

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

No report.

h. Library Board

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

No report.

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 meeting Thursday March 5, 2009 at 8 a.m. in the Police Department Conference Room.

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.

The next Promotional and Tourism Council meeting will be held on Tuesday, March 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 there is a lot happening. He thanked Darrell Pope for his help getting this on track. Everything is going well. G. Gresch has a calendar of events. This will be a great celebration. The website will be getting bigger and better each day. M. DeYoe stated that shirts and pins have been picked out. They are working with local newspapers for advertising and for the historical book. The Lake Country Reporter is the primary sponsor.

n. Lake Country Fire Department Expansion Committee Meeting – (Minutes of February 26, 2009)

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

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Mayor McAleer stated there was a meeting last Thursday. They have drafted the agreement and financial formula. Ed Henschel, a consultant, talked to them and offered his services. He was the consultant who worked on the North Shore Fire Department merger; this is his expertise. The Committee passed a motion to hire him to verify the work that Committee has done, not to exceed \$2,000. This \$2,000 will be split evenly between the three communities. The next meeting will be held on March 26, 2009 at 7 p.m. at the Village of Nashotah Village Hall. He encouraged everyone to come and hear the report on what they have done and the opinion of E. Henschel. T. Schuenke stated that he has known E. Henschel for 26 years and felt that he would do a good job. Mayor McAleer stated that when this comes to a vote, it would be up to the Councils of the City of Delafield, Nashotah and Chenequa. There will be a public hearing. He would like this to be a joint public hearing with the three municipalities sitting up at the table taking comments. However, Chenequa wants to have separate hearings. The vote would be separate within each community. Mayor McAleer suggested that perhaps a joint public hearing could be held at the Delafield Hotel to take comments. He would like the consultant there to answer questions, but no action to be taken.

### 5. Old Business

#### a. LOMR Update.

T. Hafner, Department of Public Works Director, stated he met with the engineers working on the submittal. By the end of this week they will have the reports submitted to the DNR and FEMA. They have looked at the details of the model and found errors in the DNR model with storage issues. These have been added to the model and have been successful in reducing the flows of the Bark River by approximately 60% of what the DNR originally modeled. It was anticipated that the floodplain elevation will be submitted at 891.1 versus the 892.5 on the FEMA record. Once the report goes to FEMA and the DNR, it was anticipated that it would take 30 to 90 days for the review of modeling. Once the modeling has been okayed, they will do the mapping. Yaggy Colby anticipates turning the mapping around in less than a week. Once the mapping is submitted to FEMA, another 30 to 90 days is anticipated. The worst case scenario to finalize, was thought to be six months from now with a best case scenario of two to three months.

B. Leonard asked if owners in the floodplain wanted to come before the Board of Review, how it would be dealt with. G. Gresch stated this should be done at open book first and if they do not get resolution, to go to the Board of Review. The timeline was reviewed. Mayor McAleer stated that if they were in the erroneous floodplain as of January 1, 2009, they should come to open book. The Attorney stated that the assessors have a formula for those in the floodplain. T. Hafner asked if the City would work with the assessor to make him aware of the erroneous floodplain. These people would be in the floodplain just for a year and he would have to reconsider it again the next year. The Attorney stated if someone came in and made an objection now as of 1-1-09 the condition is what it was. If some of the properties come out of the floodplain, the City should notify the assessor and an adjustment could be made back. L. Morrison thought that a lot of people think that if they are erroneous in the floodplain, they are looking for some satisfaction of the fees for flood insurance even if it is just for one year.

#### b. Discussion of Lake Nagawicka Dredging Project and financing for the same.

L. Morrison stated that since the last Council meeting the neighborhood groups met, Naga-Shotah Shores met, and a public hearing was held two weeks ago. The Lake Welfare Committee (LWC) along with the focus groups started out the neighborhood meetings to target the group that would be most affected by the dredging. Letters were sent out with costs to the properties that would be dredged. The costs used were those suggested by the focus group. They were by linear front foot (LFF) and the price per LFF in the five different groups varied according to the amount of silt to be removed or the dredged volume in each of the five different areas. This was the method that was recommended by the focus group. Seventy-five percent

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of the cost would have been borne by those being dredged. This methodology made a very broad spectrum from the low to the high. At public hearing there were 48 people that signed up to speak. Many brought up legitimate ideas. A special LWC meeting was held last week and a sub-group met with Jim Romanowski. They reviewed the 48 comments and asked themselves how these suggestions could be addressed in different ways and shift the costs to better meet the suggestions that the people had at the public hearing.

Jim Romanowski, Engineer, and LWC Chair Kent Attwell gave a presentation. K. Attwell stated the LWC feels this project is needed and are confident that this community will come together and find a way to distribute these costs in a fair and equitable manner for residents on and off the lake. A brief history of the costing model and where it came from took place. The Staff personally called contractors the day after the bid openings on February 10, 2009 to determine the reasons qualified bids were not received on this project. Approximately 20 bid packets were paid for by contractors and several companies attended the pre-bid meeting held in the Council Chamber on January 20 in person (some from out of state). Contractors were not willing to tie up bonding and resource capabilities for a project they could win but not actually start to construct on until 120 days later and that was dependant on a city wide referendum. They felt the risk was too high. Other concerns were expressed, but were not as universal and included the timing of project (would prefer longer time to prepare bid documents (6 months), the 40 parts per million requirement by the DNR for return water, potential delays due to nearly 300 homeowners along the shoreline, and confusion by a couple of contractors that the project was allowed to take up to two years to complete.

A review of the history of the dredging project took place.

- 2003 LWC conducts survey via Communicator and annual meeting to determine areas where citizens feel they need dredging.
- 2004 SEWRPC recommends that cost formula be devised similar to Little Muskego cost model. Properties be dredge pay based on their benefit and other city residents were asked to pay somewhere between 10 and 30%.
- 2005 LWC lead by Phil Schuman really got this project moving forward with a \$250,000 grant from the DNR. \$35,000 was for sediment testing in the lake and the balance was used to hire consultants to design and document plans to control run off from the 83/94 corridor and undeveloped lands in the City of Delafield. (Dix Pond and Hays retention pond plan designed to be used with future developers)
- 2005 Letters from Kohl, Feingold and Sensenbrenner sent to Army Corp of Engineers requesting project to be done. Army Corp reject do to lake of funds.
- 2006 Corp rejects 2<sup>nd</sup> request from City of Delafield, Committee and Staff investigate other funding options such as DNR, County and other groups. None of these options provide likely grant money except for restoration portion of project.
- Nov 2006 LWC sponsors and invites residents who life off the lake, on the lake not to be dredged, on the lake to be dredged and village of Nashotah village board members. Focus group meeting held at City hall. We exceed room capacity. Participants form a consensus that common areas should be paid by all city household and lake properties to be dredged pay 100% of their costs based on linear front footage.
- June 2007 LWC presents cost model outline at Annual meeting

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- Aug 2007 LWC delivers specific cost share recommendations to City Council with opt out language that agrees with focus group recommendations
- Sept 2007 Special Assessment resolution passed by City Council
- June 2008 LWC presents cost model, shares estimated numbers and suggestion of two part question comes from audience.
- Jan/Feb 2009 LWC holds 8 meetings in private homes, churches and Schools for residents who have received an assessment, to explain project and review cost data. Also visits Village of Nashotah Board with same info.
- Feb 2009 Contractors and Foth recommend engineering estimates be used for referendum language moving forward and re-bid project after successful passage.

K. Attwell thanked everyone for coming to the public hearing. They want to accommodate the ideas that they got from the public hearing to try to make the project better. Seventy-five percent of the costs are asked to be paid for by those on the lake, with the remaining being paid for by the rest.

J. Romanowski presented other models. There are many ways to allocate costs including: consideration of five subareas by front foot of shoreline length, by dredged volume, 50-50 split on the Bark River, a 50% reduction for facing properties on shared narrow channels, allocation of the West Channels to adjoining properties, use of a minimum or maximum length or cost per benefit, treating the northwest entrance channels differently. Below are the calculations from the Lake Welfare Committee and Engineer Romanowski:

**Lake properties grouped by Assessor's shoreline length**

Cost by Assessor's front foot ranged from \$1,566 to \$79,231

from 0 to 49 feet =	57
equal to 50' length =	64
from 51 to 99 =	85
from 100 to 200 =	43
from 210 to 417 =	7
condos and NE channels =	41
total =	297

<b>Note: No. of Lake properties =</b>	441
Proposed dredged (Delafield incl. Condos) =	264
Total property owners incl. common ownership =	297
Non-dredged properties =	177
Vill. Nashotah dredged properties =	20

**Project Costs:**

Shoreline dredging =	\$2,560,000
Bark River sediment trap =	\$884,000
Engr., permitting, legal, admin. costs =	\$523,000
Total estimated project costs =	\$3,967,000

Total dredged volume (CY) =	109,000	100.00%
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Shoreline volume (CY) =	81,000	74.31%
Bark R. Sediment Trap volume (CY) =	28,000	25.69%

Total Dredged Shoreline length per Assessor's records 16,430

**Distribution of all City properties per Assessor's records**

Property class	No. or Properties	Value	% of Total Value
Residential	2500	\$984,792,108	75.80%
Commercial	235	\$311,899,800	24.01%
Agriculture	26	\$259,000	0.02%
Undeveloped	5	\$1,300	0.00%
Productive Forest	1	\$46,100	0.00%
Others, Ag homes & bldgs.	8	\$1,726,200	0.13%
Forest Cropland	1	\$463,000	0.04%
Tax-exempt	10	\$0	0.00%
Total parcels =	2786	\$1,299,187,508	100.00%

**Alternate 1 - Allocate cost to all properties in City**

Total Project Cost =	\$3,968,000
Total No. of properties =	2,786
Ave. Cost per property =	\$1,424

Total tax base value = \$1,299,187,508

Property class	Value	% of total	Cost allocation
Residential	\$984,792,108	75.80%	\$3,007,768
Commercial	\$311,899,800	24.01%	\$952,610
Agriculture	\$259,000	0.02%	\$791
Undeveloped	\$1,300	0.00%	\$4
Productive Forest	\$46,100	0.00%	\$141
Others, Ag homes & bldgs.	\$1,726,200	0.13%	\$5,272
Forest Cropland	\$463,000	0.04%	\$1,414
Tax-exempt	\$0	0.00%	\$0
Total parcels =	\$1,299,187,508	100.00%	\$3,968,000

**Alternate 2 - Divide total project cost by no. of Lake Properties**

Total Project Cost =	\$3,968,000
No. of Lake properties =	441
Cost per property =	\$8,998

**Alternate 3 - Allocation by property class**

Total Project Cost = \$3,968,000

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Property type	No. or properties	Cost Share(%)	Cost portion	\$ per property
Dredged Lake properties =	264	70%	\$2,777,600	\$10,521
Non-dredged Lake properties =	177	20%	\$793,600	\$4,484
Non-Lake properties =	2326	10%	\$396,800	\$171

**Alternate 4 - Apply Total Project Costs**

Total Project Cost =	\$3,968,000
including:	
Bark River Sediment Trap =	\$1,018,000
Shoreline Dredging =	\$2,950,000

Property type	No. or properties	Cost Share(%)	Cost portion	\$ per property
All City Properties =	2767	sed trap	\$1,018,000	\$368
Dredged Lake properties =	264	90%	\$2,655,000	\$10,057
Non-dredged Lake properties =	177	10%	\$295,000	\$1,667

**Alternate 5 - Apply Construction costs only, delete Engr, Admin., Legal, Permitting costs**

Dredging Costs only =	\$3,443,000
including:	
Bark River Sediment Trap =	\$884,000
Shoreline Dredging =	\$2,559,000

Property type	No. or properties	Cost Share(%)	Cost portion	\$ per property
All City Properties =	2767	sed trap	\$884,000	\$319
Dredged Lake properties =	264	90%	\$2,303,100	\$8,724
Non-dredged Lake properties =	177	10%	\$255,900	\$1,446

**Alternate 6 - Provide credit for long lengths**

Note: The City Assessor does apply different assessment rates for different areas of shoreline around the Lake and does assess the first 100 feet of primary shoreline at a primary rate, and additional shoreline length and channel length at a reduced rate.

J. Romanowski explained the Alternate options as outlined above.

The Council discussed various ways as to how to move forward on this project. The DNR permit requires forward movement. Mayor McAleer would like the LWC to review this and come back with a recommendation. B. Leonard inquired about the viability of a lake district; Attorney Hammes felt that it was not feasible and would only be create another taxing entity.

Contributing factors that create the need for dredging and whether the City could harvest aquatic plans if dredging took place need to be addressed. B. Leonard asked if a two year extension of the DNR Permit was possible and if federal money was available for the project. T. Schuenke stated that he has attended meetings on the subject of the Economic Stimulus Plan

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and he now checks a State website daily to see if funds are available. He and T. Hafner have each submitted the dredging project on this website to determine if funding is available. After attending a City Managers meeting where many spoke on the stimulus bill, he was not encouraged about getting stimulus money for the dredging project. The dredging project is not one of the projects that are clearly mentioned in the bill. He has not been able to find a dredging project on a recreational lake as being an economic stimulus that could be applied for. He will, however, keep looking. The DNR seems to be on the environmental side of things and is not interested in (funding) a dredging project. The Army Corp of Engineers is a possibility and he will focus on this entity to see if funds are available. He did not think that stimulus money would be made available for the dredging project.

In regards to possibly getting an extension on the DNR permit, it was stated in the opinion of the LWC and the consultant that as long as the City is showing due diligence and is making progress, the City will not be penalized. T. Schuenke didn't think the DNR would be unreasonable in extending the permit if they see progress.

E. Sadowski thought the LWC worked very hard and has done a great job but perhaps it would be good to take a step back because of the recession. Many people have lost their jobs and this is basically a tax increase. The state of the economy makes it a difficult time for this project. He suggested the LWC narrow the alternatives down to two or three and then return to the Council. It was his opinion that because of the economy the project should be slowed down.

Mayor McAleer thought if a special election was held sometime during the year, that it could be used as a target date for the LWC to work toward.

B. Leonard felt that the number one issue was the huge cost of the project, more than anyone anticipated. If this kind of money is going to be spent, it should be done in conjunction with an aggressive program to control runoff into the lake. She questioned the methodology proposed for the technological process of the dredging. K. Attwell felt that this is the absolute best deal that the City will ever get with the DNR.

G. MacDougall discussed the one unqualified bid that was received and asked why the City could expect a better response next time. K. Attwell stated that Staff and the consultant surveyed those that took out bids to find out why they chose not to submit bids. The number one reason was the contractors were not willing to tie up their bonding and resource capabilities for a project that may not actually be done for 120 days and then wait for referendum to be passed. There were no issues with the plans or specs. There were other reasons specific to some contractors, but mainly the project bids were not submitted because the project was not approved by the City. In the future, K. Attwell stated that estimates would have to be used for the referendum, although this was not the LWC's preference. It was clarified that the cost estimates were based on the project being done at one time.

In response to a question from E. Sadowski, K. Attwell stated that the LWC wanted to increase the cost estimate of \$3.968M by 25% for the referendum in order to play it safe and hope that it would come in lower. The passing of the referendum did not require the Common Council to move forward with the project, it would just authorize the City Council. Without the passage of the referendum, the City Council cannot authorize the borrowing of the money. K. Attwell stated that the LWC wanted to put forth anything that the community feels is fair and can reasonably pass the referendum.

Attorney Hammes stated that many comments were made in regards to the Nashotah properties and asked if those properties were included in the costs. J. Romanowski stated that they have not separated out the costs that could potentially be allocated to the Shores. There are 20 properties and they are presently included in the costs. Attorney Hammes stated that the City's costs will be changed based on how much funding comes from Nashotah. K. Attwell stated that they are asking for non-lake people to pay 24% towards the project. No one thought

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that non-lake property owners would be willing to pay more than that amount and perhaps 24% would be difficult to gain favor for.

B. Leonard felt that a communication campaign needed to take place regarding what brought this about and where the silt came from. This silt is generated by properties beyond our lake and the City needs to clearly document what has happened and problem areas need to be identified. She felt that it was not a cost effective project if something was not done in conjunction to avoid more silt buildup. K. Attwell stated that it would be difficult to have another sediment trap and there was a strong chance that the DNR would not allow it. There is no other place within the jurisdiction of the City of Delafield that a sediment trap could be other than the Mill Pond.

The LWC will work on this more and will also need to work on how to sell the project to the owners with a different cost. Mayor McAleer stated that this scenario was similar to the sewer project in that there were people with large frontages on the roads versus little frontages and people with large homes and many bathrooms versus those that did not. At that time, the City of Delafield determined that they needed to charge everyone the same; everyone that had access to sewer got charged the same hook-up fee and the same user fee. He felt that the dredging project is similar. General discussion took place regarding charging those who did not live on the lake. This is why there are referendums. E. Sadowski suggested that the LWC come up with reasons as to why this is good for the community (by specific neighborhood areas) and then determine the costs.

Mayor McAleer thanked K. Attwell and J. Romanowski for their work.

K. Attwell stated that the LWC needs input from those on the lake that are proposed to be restored to figure out a cost model that will work for those individuals.

6. Mayor's Report

- a. Discussion and action to accept resignation of Jan Gerstner from the Police & Fire Commission.

**L. MORRISON MOVED TO ACCEPT THE RESIGNATION OF JAN GERSTNER FROM THE POLICE & FIRE COMMISSION. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. Discussion and action to appoint Ray Putchinski to the Police & Fire Commission.

**R. MISKELLEY MOVED TO APPOINT RAY PUTCHINSKI TO THE POLICE & FIRE COMMISSION. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. E. SADOWSKI OPPOSED. MOTION CARRIED.**

7. New Business

- a. Discussion of Draft Wind Generator Ordinance.

This item will be referred to the Plan Commission and DPW.

- b. Discussion of draft Sexual Predator Ordinance.

This was put on the agenda at the request of E. Sadowski. After talking to T. Schuenke and after reading the attorney's memo, it doesn't look like much can be done. Attorney Hammes stated that restrictions could be made limiting the amount of feet from a school or park, but you could not zone out those type of residents. This should be done at a state level. J. Krickhahn contacted E. Sadowski and asked if a link on the City's website to the Waukesha County website on where the sexual predators are.

- c. Report on Renewable Energy meeting hosted by City of Waukesha Mayor.

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B. Leonard, L. Morrison, and M. DeYoe attended a meeting on February 6, 2009 in the City of Waukesha hosted by the Waukesha mayor. A two page report was distributed to the Alderpersons summarizing what they heard at that meeting. B. Leonard commented on the "25x25 Plan". One program the State has adopted is the Energy Independent Communities Program which is a program where ten communities apply for grants. The grant award amounts range from \$13,500 to \$60,000. The City of Oconomowoc is one of the ten energy independent communities that received a grant. One thing a community can do is to pass a resolution stating that the City supports the concept/goal of the 25x25. Information was given to the City Clerk to be emailed to the Common Council members. L. Morrison stated that many of the ideas can be used in the new buildings. B. Leonard thought there were many good operating strategies.

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.

R. Miskelley requested that the City Attorney go to the Village of Oconomowoc Lake. He would like this to take place and have an answer presented at the Plan Commission meeting on March 25 so it can be presented at the April Common Council meeting.

L. Morrison requested that LOMR be kept on the agenda until it is resolved.

9. Financial Report
  - a. Approve voucher list

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

10. Correspondence
  - a. Focus Newsletter.
  - b. Chapman & Cutler Newsletter.
  - c. Email from DNR regarding 2008 Boat Patrol Audit results.
  - d. Legislative Bulletin – Governor's Proposed State Budget.
  - e. Letter from Village of Oconomowoc Lake regarding Binkowski Rezoning.

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

11. Adjournment

**L. MORRISON MOVED TO ADJOURN THE MARCH 2, 2009 COMMON COUNCIL MEETING AT 9:31 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