

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 April 20, 2009 Common Council meeting:

Present

Mayor Ed McAleer
Jeff Krickhahn, Ald.
Beth Leonard, Ald.
Erv Sadowski, Ald.
Michele DeYoe, Ald.
Gerald MacDougall, Ald.
Ron Miskelley, Ald.
Tim Schuenke, Administrator
Gina C. Gresch, Clerk-Treasurer
Roger Dupler, City Planner

Absent

Lynn Morrison, Ald.

PRESENTATIONS TO ALDERPERSON RON MISKELLEY AND CHRIST THE KING LUTHERAN CHURCH

Mayor McAleer presented Alderperson Ron Miskelley with an appreciation plaque for his service to the City of Delafield and thanked him for his time in office. Former Mayor Phil Schuman thanked Alderperson Miskelley for his time served for the City of Delafield and commented on the good things he did for the City. He wished Alderperson Miskelley the best in the future.

Mayor McAleer also presented a proclamation to Christ the King Lutheran Church as a thank you from the City for using the church hall as a polling place. G. Gresch thanked Christ the King Church and stated it is overwhelming to see City residents coming out and helping each other the way they have for Elections.

SWEARING IN OF NEWLY ELECTED OFFICIALS

Clerk Gresch swore in newly elected Alderperson Tim Aicher.

PUBLIC HEARING - COMPREHENSIVE LAND USE PLAN ~ SMART GROWTH

The City of Delafield Common Council will conduct a Public Hearing regarding Chapters 1-10 of the Comprehensive Land Use Plan for the City of Delafield. The hearing will be held in the Council Chamber, 500 Genesee Street, Delafield, WI 53018. Copies of Chapters 1-10 are available for review in the Clerk's office during normal business hours. All interested parties will be heard.

Mayor McAleer called the public hearing to order. R. Dupler stated Plan Commission has recommended adoption of the Comprehensive Land Use Plan to the Common Council. The City conducted another Open House prior to tonight's Public Hearing. There are some concerns that were brought up at the Open House that he will address tonight. He summarized the Smart Growth process and how it started as a state mandated legislation. The City of Delafield entered into agreement with Waukesha County and 27 other municipalities and Waukesha County applied for and received a \$2 Million dollar grant. The City of Delafield did receive some of those monies.

R. Dupler reviewed the Smart Growth review process with the Common Council. Smart Growth has nine required elements which are reflected in the proposed chapters. The City has until the end of 2009 to take action on the implementation items, so there is still work that needs to be done. He asked the Common Council to consider the plan as a whole document. The City will be modifying the Zoning Ordinance and Zoning Map to establish consistency between land use and zoning as it is required by legislation. As required

CITY OF DELAFIELD COMMON COUNCIL MINUTES

by law, the City's draft has been sent to the state for review, which we have received input from. The state requested more specificity on some minor items.

R. Dupler stated some residents came to the Open House. Some of the concerns brought up there were the floodplain. The City is obligated to use the current floodplain map even though the City has a LOMR application at the DNR. He will footnote and document that City is in process of appealing those maps. The Common Council is not taking any action tonight, only looking for comments. The Common Council will take action on Monday, April 27, 2009. E. McAleer stated any suggested changes will be made and will be ready for the April 27, 2009 meeting. J. Krickhahn stated the City and Yaggy Colby has been working on this for a long time and put in a lot of hard work. He stated he appreciates Planner Dupler and the Plan Commission's time they spent working on Smart Growth.

PUBLIC COMMENTS:

Marilyn Czubkowski, 1325 Nagawicka Road. She stated she is concerned about some of the areas that had their land use designation changed and asked what affect that will have on rezoning their property. She asked how the City is going to rectify the land use plan with the zoning, if the intent is to change the map. R. Dupler stated she is asking about properties that are zoned residential, yet with new floodplain maps and wetland delineations, it must be identified as Conservancy. The homes currently on those properties with residential zoning will be grandfathered for that current use. If a new building is proposed, the Building Inspector has an obligation to make sure the new building conforms to the zoning districts. M. Czubkowski commented on the CBD zoning and the properties that have requested to be in commercial zoning. The other citizens have not wanted CBD to go further east; what happens if the properties are rezoned and the people don't want it to be rezoned. R. Dupler stated the citizens have been allowed to be involved in this process. Individuals will receive notifications for public hearings and will be allowed input and the Plan Commission and Common Council will have to decide if there are valid arguments to deny a rezone.

E. Sadowski asked if some properties would be dual zoned. R. Dupler stated those properties that are zoned CBD-1 are allowed to be both residential and commercial. The zoning is not changing, it's the land use to allow for to those to change that don't conform to the plan.

Vicki LaBlac, N27 W30818 Golf Hills Drive. She is trying to develop a plan for a bigger CBRF (Community Based Residential Facility) for 12 to 20 beds. The facility would need sewer, water and the proper zoning. CBRF is a home for the frail and elderly. When she sees a property that she thinks would work for her CBRF, it is usually in a residential area the neighbors don't want it. When she sees a commercial property, it's usually on a main road and would prefer to be in a private wooded area. She asked the Common Council to keep the Kettle Court property a multi-use zoning for the City's seniors. R. Dupler stated currently the limit is eight beds and Ms. LaBlac needs an area that allows at least 12 beds. This type of development could occur through a PUD and would be in compliance and compatible with the neighbors. It could be operated as a Conditional Use for a medical operation, which is not really what the facility is. V. LaBlac stated she doesn't want to leave the Delafield area if she doesn't have to.

There were no further public comments.

R. MISKELLEY MOVED TO CLOSE PUBLIC COMMENTS AT 7:27 P.M. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

SPECIAL ORDER OF BUSINESS:**A. Discussion of Smart Growth Public Hearing Public Comments. Final action to adopt Smart Growth will be taken on Monday, April 27, 2009.**

R. Miskelley asked if a destroyed building in that area can be rebuilt. R. Dupler stated it can rebuilt but isn't sure if it can be built beyond what was originally there; that is a question for the Building Inspector. G. MacDougall asked if the property in the wetland area can build. R. Dupler stated if the property owner wants to build they will have to prove that it the property isn't in a wetland area. There was

CITY OF DELAFIELD COMMON COUNCIL MINUTES

another property that was mapped as conservancy and the owners wanted to expand their house. The Building Inspector was alerted and the property owners hired a soil scientist to identify the real bounds of the wetland area. They were able to prove that their property was not in a wetland and the map was changed.

J. Krickhahn asked what the difference is between "Highway Business" and "Local Business". R. Dupler stated they are the same in the Master Land Use Plan; the difference occurs in the zoning and the allowable use within those districts. He stated he doesn't think the zoning districts are that specific to identify Highway Business (i.e. fast food).

B. Leonard stated she didn't see anything about buffer zones to mitigate runoff. R. Dupler stated that is in Appendix G.

B. Presentation by City Planner Roger Dupler on "Green Tier"

Planner Dupler stated Yaggy Colby is enrolled in Green Tier with the DNR. Green Tier is a Program DNR established for industrial uses that regularly deal with DNR compliance. The DNR is trying to establish a program for going beyond compliance, to be considered to be Green Tier. It gives a single point of contact at the DNR and an expedited review. Yaggy Colby is first and only consultant to be allowed to join Green Tier with the DNR. Doing this affords greater opportunities for their clientele, both public and private. The DNR suggested that Yaggy Colby apply the Green Tier to all municipal work. Yaggy Colby will encourage this by going beyond minimal compliance whenever possible. Also Yaggy Colby has the chance to influence policy to maybe hold new applications to a higher standard. B. Leonard asked for an example of something the City has done where we could have used Green Tier. R. Dupler stated with regards to the new Public Safety Campus, it usually takes about five month for a DNR Chapter 30 Permit. With Green Tier it's reduced to 30 days. The City also has always exceeded requirements for stormwater control.

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 April 6, 2009 Common Council meeting.

R. MISKELLEY MOVED TO APPROVE THE APRIL 6, 2009 COMMON COUNCIL MEETING MINUTES AS PRESENTED. M. DEYOE 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 Citizen's comments for items not on the agenda.

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

R. MISKELLEY MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:40 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda
 - a. Resolution No. 2009-07, A Resolution Opposing Proposed Changes to Prevailing Wage Law.
 - b. Resolution 2009-08 A Resolution Affirming Support and Partnership with the 2010 Census.
 - c. Rescind Resolution 2004-25, Determination of Necessity and Relocation Order for Mill Road, Nemahbin Roller Mill Dam Appurtenances Electric Generation Facilities and Surrounding Property.
 - d. Ordinance No. 604, Ordinance Creating Section 3.15 of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin, Relating To Employee Benefits for Private Businesses.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

- e. Ordinance No. 607, Ordinance Creating Section 1.30 of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin, Relating To a Library Board.
- f. Ordinance No. 608, An Ordinance Repealing and Recreating Section 7.01(3)(A)40 of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin Related to Parking on Wells Street.

R. MISKELLEY MOVED TO APPROVE THE ITEMS ON THE CONSENT AGENDA EXCEPT ITEM 3C. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. Rescind Resolution 2004-25, Determination of Necessity and Relocation Order for Mill Road, Nemahbin Roller Mill Dam Appurtenances Electric Generation Facilities and Surrounding Property.

R. Miskelley stated the Common Council made a motion to condemn property by eminent domain in 2004 and it is on the agenda to reverse that. He asked the Common Council to reconsider to help the seven property owners around the Mill Pond. E. Sadowski stated there were only three people here today that were involved with the 2004 decision. At that time the City was going to use eminent domain and that resolution was the first step in the process; the second step was never taken. The Common Council directed the prior Administrator to negotiate with the property owner and never went any further. R. Miskelley stated the Common Council does not need to take this action tonight. E. McAleer agreed, but it is just a housekeeping issue. G. MacDougall agrees that the City should work with the residents on this issue and that the City should or would ever use this resolution to take that land. The City needs to work with the people on the pond. If rescinding the resolution will help the residents, then he is in favor of that. There was further discussion about why the Common Council should wait to rescind the resolution and sending sediment downstream. J. Krickhahn asked if this would have any bearing on any funding to restore the river. E. Sadowski stated it's not the City's dam and that he is uncomfortable with getting involved with this. He is comfortable with rescinding this resolution. He wants to look to the future on this and do what we can as a City. R. Miskelley stated it was wrong what the Common Council did at the last meeting and allowing sediment to go downstream.

E. SADOWSKI MOVED TO APPROVE CONSENT AGENDA ITEM #3C. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH TWO NAYS BY G. MACDOUGALL AND R. MISKELLEY.

4. Committee Reports

- a. Licenses
 - 1. Bartender license – 2 Year Licenses to expire June 30, 2010.
 - a. Trisha Savignac, Hartland; Delafield Brewhaus
 - b. Megan Handziak, Hartland; Open Pantry

G. Gresch stated all bartenders passed their background check.

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

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

There was nothing to report at this time.

- c. Lake Welfare Committee – (Minutes of April 6, 2009)

CITY OF DELAFIELD COMMON COUNCIL MINUTES

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.

d. Park and Recreation Commission

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

The next Park and Recreation Commission meeting will be held on Monday, April 27, 2009 at 7:00 P.M. in the Fire Department Training Room.

e. Public Works Committee

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

There was nothing to report at this time.

The next Public Works Committee meeting will be held on Wednesday, May 6, 2009 at 6:30 P.M. Alderperson Gerry MacDougall is the new Alderperson on that committee.

f. Del-Hart Commission

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

There was nothing to report at this time.

The next Del-Hart Commission meeting will be held on Tuesday, April 21, 2009 at 7:30 P.M. E. McAleer stated the City received another appraisal and is considerably less than the first one.

g. Police and Fire Commission

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

There was nothing to report at this time.

h. Library Board – (Minutes of April 14, 2009)

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

J. Krickhahn stated Noodles is having a Library Fundraiser on June 16. He thanked Andrew's Bar and Restaurant and the 18 people that chose to donate to the Delafield Library as recipients of that fundraiser.

The next Library Board meeting will be held on May 12, 2009 at 7:00 P.M.

i. Finance Advisory Board

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

There was nothing to report at this time.

j. Board of Zoning

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

CITY OF DELAFIELD COMMON COUNCIL MINUTES

There was nothing to report at this time.

- k. Promotional and Tourism Committee – (Minutes of April 7, 2009)
 - 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.

- m. City of Delafield 50th Anniversary Celebration
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

M. DeYoe stated the group hopes to have their next meeting on Monday, April 27, 2009. E. Sadowski stated everything is in the works. B. Leonard stated she attended a meeting for STH 83/I-94 businesses and the Walk Rally was mentioned. E. Sadowski stated Russ from the Hartland Sportsman's Club is doing a great job organizing that function.

- n. Lake Country Fire Department Expansion Committee Meeting
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

E. McAleer stated the Committee is in the final process of getting ready to present to the public at a public hearing. Alderperson Krickhahn attended the last meeting and encouraged the rest of the Common Council members to attend, as well as the public. At this time, the Committee is not sure if it will be a joint or separate public hearing.

The next Lake Country Fire Department Expansion Committee meeting will be on Thursday, April 30, 2009 at 7:00 P.M. at the Nashotah Village Hall.

- 5. Old Business
 - a. LOMR Update.

There was nothing to report at this time.

- 6. Mayor's Report
 - a. Municipal Clerks Week Proclamation

E. McAleer read the Municipal Clerks Week Proclamation into the record and proclaimed May 3 to May 9 as Municipal Clerks' Week. E. Sadowski also announced that Clerk Gresch will also be the Wisconsin Municipal Clerk's Association President in August.

- 7. New Business
 - a. Discussion of garden plots in Oakwood Park.

E. McAleer stated Alderperson Morrison asked for this to be on the agenda, and suggested it be held off until the next meeting when she will be present. E. Sadowski asked Alderperson Aicher to put this item on the next Park & Rec Commission agenda.

- 8. Administrator's Report
 - a. Report of City Officials
 - i. Administrator

- a. Public Safety Building / DPW Expansion / City Hall & Library Groundbreaking Ceremony on Monday, April 27, 2009 @ 10 a.m.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Administrator Schuenke stated the City is having a groundbreaking ceremony on Monday, April 27, 2009, rain, snow or shine. The City will have a smaller ceremony for the City Hall-Library with the school children.

- ii. Clerk-Treasurer
 - a. Paperless Packets Savings Update.

G. Gresch stated it has been eight months since the City went paperless for the Common Council and Plan Commission packets. As of today, the City has saved \$1,468.10 by going paperless and has \$1,841.41 more to save to meet the payback period in 2.2 years as originally projected. We are right on track for the payback period and could be ahead of schedule, depending on the size of the packets and if we have any extra meetings. M. DeYoe stated she really likes this procedure and that she doesn't have to store everything for the City at home, it's on her laptop now. J. Krickhahn stated tonight's packet was 444 pages and we would have used almost a whole ream of paper for each Common Council members.

- b. Liquor License procedures

G. Gresch clarified with the Common Council the memo from the City Attorney and herself. She stated she has spoken with Bill Isler and he understands the liquor license procedures and knows he cannot have a license issued until he has an approved business, agent, and required inspections.

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

9. Financial Report

- a. Approve voucher list

R. MISKELLEY MOVED TO APPROVE THE VOUCHER LIST AS PRESENTED. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. March Treasurer's Report

R. MISKELLEY MOVED TO APPROVE THE MARCH TREASURER'S REPORT AS PRESENTED. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

10. Correspondence

- a. Focus Newsletter
 - b. Waukesha County Recycling Dividend
 - c. Letter from Time Warner Cable regarding free HBO and Cinemax preview, June 12-15, 2009.
 - d. Notice from Administrative Law Judge Jeffrey D. Boldt regarding expiration of 120 statutory waiting period and notice of closing of the hearing period.
 - e. E. McAleer reviewed the correspondence with the Common Council members.

11. Adjournment

R. MISKELLEY MOVED TO ADJOURN THE APRIL 20, 2009, COMMON COUNCIL MEETING AT 8:07 P.M. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Minutes Prepared By:

Gina C. Gresch, MMC/WCPC
City of Delafield Clerk-Treasurer
Waukesha County