

CITY OF DELAFIELD COMMON COUNCIL MEETING MINUTES

CALL COMMON COUNCIL MEETING TO ORDER

Mayor McAleer called the meeting to order at 6:30 P.M.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL for the May 4, 2009 Common Council meeting:

Present

Absent

Mayor Ed McAleer
Jeff Krickhahn, Ald.
Beth Leonard, Ald.
Erv Sadowski, Ald.
Michele DeYoe, Ald.
Gerald MacDougall, Ald.
Lynn Morrison, Ald.
Tim Aicher, Ald. (Arrived at 6:50 p.m.)
Tim Schuenke, Administrator
Gina C. Gresch, Clerk-Treasurer

Motion to convene into closed session per §19.85(1)(g), Wis. Stats. Confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved (Federal Court lawsuit filed by former City Administrator Matt Carlson).

E. SADOWSKI MOVED TO CONVENE INTO CLOSED SESSION PER §19.85(1)(G), WIS. STATS. CONFER WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED (FEDERAL COURT LAWSUIT FILED BY FORMER CITY ADMINISTRATOR MATT CARLSON). M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED BY ROLL CALL VOTE.

ALDERPERSON JEFF KRICKHAHN:	YES
ALDERPERSON BETH LEONARD:	YES
ALDERPERSON ERV SADOWSKI:	YES
ALDERPERSON MICHELE DEYOE:	YES
ALDERPERSON GERRY MACDOUGALL:	YES
ALDERPERSON LYNN MORRISON:	YES

The Common Council convened into Closed Session at 6:32 p.m.

Motion to reconvene into Open Session.

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

The Common Council re-convened into Open Session at 7:19 p.m.

Presentation to Virginia Johnson for Volunteer Work.

E. McAleer stated he had a certificate of appreciation to present to Virginia Johnson for her time spent entering data from the last three City surveys. She had graciously offered her time and skills to the City by spending hours entering survey data results and putting it into a format easily understood by all. Her time spent helping with these tasks was very much appreciated. He also noted she was an Election Inspector for the City as well. Thank you Virginia!

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1. Approve minutes of April 20, 2009 Common Council, April 21, 2009 Organizational and April 27, 2009 Common Council meetings.

E. SADOWSKI MOVED TO APPROVE THE APRIL 20, 2009 COMMON COUNCIL MEETING MINUTES AS PRESENTED. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

E. SADOWSKI MOVED TO APPROVE THE APRIL 21, 2009 ORGANIZATIONAL MEETING MINUTES AS PRESENTED. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. B. LEONARD AND L. MORRISON ABSTAINED. MOTION CARRIED.

L. MORRISON MOVED TO APPROVE THE APRIL 27, 2009 COMMON COUNCIL MEETING MINUTES AS PRESENTED. B. LEONARD 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.

G. MACDOUGALL MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:26 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda

In response to a question from L. Morrison, Mayor McAleer clarified that the meeting referred to in Item F would be a Public Hearing for the City of Delafield.

- a. Ordinance No. 609, An Ordinance Repealing And Recreating Section 3.12(2) of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin Related to the Promotional Commission
- b. Cushing's Historical Association & Cushing Elementary School Cushing's Battery Memorial Day Service; Monday, May 25, 2009 and Tuesday, May 26, 2009 at Cushing Memorial Park
- c. St. John's Northwestern Military Academy Parade on Saturday, September 12, 2009 at 9 a.m. from Cushing Elementary to St. John's Northwestern Military Academy front gate
- d. Downtown Delafield Spring Art Walk, Friday, May 15, 2009 from 5 p.m. to 9 p.m.
- e. Midwest School of Piping and Drumming Pipe and Drum Band Parade, Wednesday, June 10, 2009, 6:30 p.m. to 7 p.m., from Genesee Street to Wells Street
- f. Lake Country Fire Department Merger Committee Public Hearing set for Monday, June 1, 2009 at 7:00 P.M. at City Hall

J. KRICKHAHN MOVED TO APPROVE THE ITEMS ON THE CONSENT AGENDA. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. Committee Reports

- a. Licenses

1. Bartender license – 2 Year Licenses to expire June 30, 2010.
 - a. Andrew Kirk, Delafield; Kurt's Steakhouse
 - b. Tracy Schroeder, Oconomowoc; Delafield Brewhaus

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- c. Amber Kowalski, Wales; Water Street Brewery

G. Gresch stated all bartenders passed their respective background checks.

L. MORRISON MOVED TO APPROVE THE TWO-YEAR BARTENDER LICENSE(S). G. MACDOUGALL 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

M. DeYoe reported on matters considered and actions taken at the meeting. Items on the agenda were routine for the Commission and also included signage.

2. Discussion and action on recommendation from Plan Commission to approve the Extraterritorial Certified Survey Map for Jack and Linda Schwerman in the Town of Delafield.

M. DEYOE MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE THE EXTRATERRITORIAL CERTIFIED SURVEY MAP FOR JACK AND LINDA SCHWERMAN IN THE TOWN OF DELAFIELD. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Discussion and action on recommendation from Plan Commission to approve the Certified Survey Map for DELC 0794.022.001, 157 Enterprise Road, Delafield. Owner/Applicant: James E Yares and John Trzesniewski.

M. DEYOE MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE THE CERTIFIED SURVEY MAP FOR DELC 0794.022.001, 157 ENTERPRISE ROAD, DELAFIELD. OWNER/APPLICANT: JAMES E YARESH AND JOHN TRZESNIEWSKI. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. Discussion and action on recommendation from Plan Commission to approve the minor change to the Conditional Use for a subdivision entrance wall for DELC 0624.001.001, Valley Road, Delafield. Owner/Applicant: Three Siblings, LLC., W240N1221 Pewaukee Road, Waukesha.

M. DEYOE MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE THE MINOR CHANGE TO THE CONDITIONAL USE FOR A SUBDIVISION ENTRANCE WALL FOR DELC 0624.001.001, VALLEY ROAD, DELAFIELD. OWNER/APPLICANT: THREE SIBLINGS, LLC., W240N1221 PEWAUKEE ROAD, WAUKESHA. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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c. Lake Welfare Committee

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

L. Morrison stated items discussed at the most recent Lake Welfare Committee meeting would be discussed later in the meeting as part of this agenda.

d. Park and Recreation Commission

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

T. Aicher stated Park and Recreation Commission meeting was rescheduled to May 5, 2009 at 7:00 P.M.

e. Public Works Committee

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

G. MacDougall stated there had not been a meeting since the most recent Common Council meeting thus, there was nothing to report.

f. Del-Hart Commission

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

M. DeYoe reported the Commission met on April 21, 2009 and discussed two appraisals for a potential purchase of seven acres of Del-Hart land. The item was tabled and as such could only be brought back with a majority vote of the Commission. M. DeYoe and B. Leonard will be a part of the Del-Hart Commission. B. Leonard will provide reports to Council beginning at the next meeting.

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

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

J. Krickhahn stated there had not been a meeting of the Library Board since last Common Council meeting, thus, there was nothing to report. The next meeting of the Library Board will be May 12, 2009 at 7:00 P.M.

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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. T. Schuenke stated a completed audit should be available within 30 days.

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

L. Morrison stated there had been a Chamber of Commerce dinner in April with a new logo and strategic plan shared at that time. The next meeting of the Promotional and Tourism Committee would be May 5, 2009. L. Morrison noted a presentation of the logo and strategic plan was to be shared with the Council at a future date.

l. City of Delafield 50th Anniversary Celebration

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

E. Sadowski stated all parties involved in the celebration planning were getting very excited for the City of Delafield 50th Anniversary Celebration event. A calendar of events would be available at the next meeting and could be found on the City's website.

Activities in July were noted as followed for the 50th Anniversary Celebration event:

July 4, 2009	Kickoff event-Parade with children's activities, inflatables, and fireworks
July 7	Hartland Sportsman's Club-trapshooting events, including "Shoot with the Mayor"
July 9	Library party, carriage rides, outdoor family movie night
July 10	Official Anniversary Date—Hawk's Inn will honor 40 year or more residents; with dignitaries invited. Delafield Brewhouse fish fry and band-Piles of Rhythm
July 11	Art festival, Lions Duck Race and dunk tank at the BBQ night with One Delafield, Country Band, Delafield Idol event
July 11-12	Men's and Women's softball tournament

Volunteers were still needed and more information could be found on the City's website as plans continued to be organized.

G. Gresch also reported the celebration event T-shirts were for sale in the City Hall offices for \$10 each. If residents had preordered shirts, City Staff would be contacting them shortly regarding pick-up availability. The City of Delafield 50th Anniversary

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Celebration planning committee will be on Mondays, at 3:00 P.M. in the upstairs conference room at City Hall.

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

G. MacDougall stated the involved departments were in final phases of the expansion process. He noted there would be a public hearing on June 1, 2009 at the Common Council meeting as final efforts were being undertaken in the expansion process with approvals needed by all municipal Councils. A copy of the agreement would be available for public review at the public hearings.

The next Lake Country Fire Department Expansion Committee meeting will be on May 21, 2009 at 7:00 P.M. at the Nashotah Village Hall.

5. Old Business

a. LOMR Update

T. Hafner explained information was still needed from FEMA regarding modeling of the LOMR. Once approved, mapping could proceed. Little impact was anticipated for current residents residing in the floodplain areas.

b. Dredging Funding Report from Lake Welfare Committee.

K. Attwell, Lake Welfare Committee (LWC) Chairperson, and Jim Romanowski were present to provide a dredging funding report. He noted two months ago the Common Council had charged the LWC with determining new funding formulas for the proposed dredging project on Lake Nagawicka. To that end, Bill Dunlop, of Foth, was present to provide information about updated cost estimates, the DNR permit, and measurements for the project. Jim Romanowski, Yaggy Colby & Assoc. was present to review cost formulas and assist in discussion on this topic. K. Attwell then reviewed the timeline for the project, noting the LWC hoped to have a recommendation from Council on this topic as there could be a need for a special referendum in late summer as contractors would not bid on the project until financial support had been received from the City for the project.

K. Attwell then explained there were five changes to the base cost calculations based on LWC recommendation and citizen input during the public hearing. These five changes included:

- 1) Removal of the entrance channels from the Northwest (NW) channels area and placement into the sediment trap volume to be paid by all residents.
- 2) Removal of multiple private inlets of the West channels overall volume and categorize them as optional extra costs to those individuals who abut them, thereby significantly reducing the average cost per linear foot in that area.
- 3) Reduction of linear per foot cost for the homes directly on the Bark River. This reduction for these Bark River homes would reduce the property owners' costs but would increase costs to those homes in the Bark River area not directly on the water. In this way the overall average linear front foot average cost would increase and would be more in line with other areas.

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- 4) The property owners residing on the southernmost 'kidney shaped' inlet of the NW channels would only pay for sediment removed from their inlet and would not be grouped in with the rest of the NW channels per linear foot portion of the cost formula.
- 5) Properties determined in the project as being in error due to having a sand or stone frontage in the area of the dredged prism associated with that area would be removed from the project altogether.

In response to questions from the Council, K. Attwell explained when frontage was removed for certain properties, fixed costs would increase as a result. L. Morrison noted the purpose was to try to gather a "big picture" at this time, provide funding options and gather input and direction from the Council. Mayor McAleer stated there should be another public hearing on this matter in the future with the options presented.

Bill Dunlop, of Foth, explained the reasons for increases in construction costs, sensitivity of estimates, and what activities would occur in the next year with the project. With regard to the construction costs, he noted the project had become more intricate as it would span longer than one year's construction period. Also increases in overhead and mobilization costs were noted. Sediments tested required a lined watering pad for the geo-tubes for the project as well as identifying the type and amount of polymer to meet standards for discharge. Fuels costs had risen and decreased; however costs were still impacted as a result. The major cost increases were due to pumping sediment to the de-watering area. Many of the increases in estimates were due to economic factors and demonstrated sensitivity of the estimates as a result. The biggest risk to the project was related to the amount of detail required from the DNR permit for the dredging. Requirements included a closer control of the cutter head that was not normally required, thereby making it hard to determine a premium. In addition, a survey of the surface of groundwater was required every seven days. He also explained the dredging industry has increased demand thereby increasing the market costs. Environmental remediation was expensive in the project and the potential existed to encounter underwater obstacles as the project evolved.

B. Dunlop then explained the current DNR permit had been negotiated and discussed several times in attempt to provide concessions to the project. The DNR had determined that the lake continued to be a valuable resource and it should be protected under their jurisdiction. The sediment trap should last approximately 8-15 years. Changes to that trap would decrease functionality and would require maintenance earlier than anticipated. The maintenance issues associated with the sediment would make it prohibitive to shorten the life span of the sediment trap. B. Leonard questioned the dewatering of sediment and its potential for phasing of the project. B. Dunlop explained controls were placed on discharge water. T. Hafner explained that originally the project costs supported passive dewatering. With the finding of the arsenic in the water, active dewatering was required, thus increasing the cost by approximately \$750,000. If a permit change was desired to allow passive and active dewatering, the costs could be slightly lowered for the dewatering, but other related costs would increase. With regard to phasing of the project, costs would increase by \$100,000 to return to the DNR and would also create other problems that would incur additional costs. B. Leonard questioned the change in the dewatering process as it related to phasing of the project. B. Dunlop stated there were many risks to the project as a result of finding the arsenic and the risks made it a case of diminishing returns to continue with the phasing of the project.

T. Aicher questioned whether there were any other DNR dredging projects similar to this one in the state. T. Hafner explained different regions of the DNR scrutinize projects differently. This region has very heavy scrutiny by the DNR and that effect made it hard to provide estimates. B. Dunlop also explained efforts were made to provide the most accurate measurements possible

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and the measurements provided had been found to be fairly accurate in this project. He noted the measurement locations on a map.

J. Romanowski reviewed costs associated with the project. He reviewed factors associated with cost allocations, including the five changes noted earlier in the meeting. One of the factors utilized in the original cost estimates for the project included the community's recommendation that the assessed properties use front footage only, and that resulted in a potential assessment with the widest range possible from \$1,500 to \$79,000. Tom Hafner reviewed the impacts to the overall cost of the project, citing increases in costs due to changes in shoreline dredging, the Bark River sediment trap, and engineering. These changes yielded a cost estimate that was now \$1.3 million dollars more than the original cost of \$4 million dollars. E. Sadowski questioned why the engineering costs had increased by approximately \$225,000. T. Hafner explained the original estimate had included construction in one season. That had changed, and did not include survey and lake quality monitoring efforts. Original cost estimates were low and contingency fees were not included. Clarifications were provided on the presented estimate ranges.

Discussion ensued regarding the historical support of the Village of Nashotah and potential participation in the dredging project.

Mayor McAleer stated it was important to hear the presentation and recommendation from the LWC and consultants at this time.

J. Romanowski went on to explain the various options for the dredging project. Each option also included a low end and high end to give a range of costs for any one option presented. Option one, called Alternate 1A, included allocation of the entire project cost to all properties in the City. Alternate 1B included allocation of the sediment trap and common area costs to all properties in the City. The next alternate, Alternate 2A, included total project cost divided by the number of lakefront properties which yielded a cost per property amount. Alternate 3A included the total project costs allocated by property type, such as single-owner, shared owner, condominium, and non-dredged property owners. Alternate 3B differentiated dredging benefits for each property owner and yielded different amounts than in 3A. This option was an attempt to recognize benefit to property owners for the dredging. Alternate 10 allocated project costs to be comprised of 50% flat fee costs and 50% linear front footage costs. Half of the dredging costs were assigned to all lake properties in the 50% flat fees and 50% were assigned to linear front footage costs. Typical properties were shared and amounts noted in those cases. Alternate 10 was the recommended funding alternative of the Lake Welfare Committee in this matter.

B. Leonard stated she had many issues of concern with the options presented including the arbitrariness of cost allocations, complicated funding formulas, and uncertain benefit to property owners. E. Sadowski stated he was opposed to all funding options presented, and he thought the City should allow individual property owners to dredge as it seemed the lakefront property owners were being burdened with the costs of this project. K. Attwell explained the DNR permit was for a large scale project and people could not afford to complete this project on their own.

Mayor McAleer stated this situation was similar to the City's sewer hookup issues found in 1980. That issue was settled by use – if property owners received a sewer then a fee was paid. He thought all should pay exactly the same amount at that time and in this case, this same philosophy would apply. If a property owner was dredged, then the dredging costs should be allocated to them as a property owner in equal amounts.

Discussion ensued regarding the possibility of dividing all dredged property owners costs of the project with each property owner paying the same amount. Additional discussion ensued regarding payment and benefit for Nagawicka property owners.

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J. Krickhahn questioned whether the referendum question would be unfair as the majority of voters would be voting on something that did not affect them. Discussion ensued regarding the possibility of creating an exemption to the referendum ordinance as it related only to this project. Further discussion ensued regarding an "opt out" option for the project.

Mayor McAleer questioned the level of support by the Council for Alternate 10 as recommended by the LWC.

B. Leonard stated she remained concerned as it seemed policy decisions were being made as a result of this project that had never been fully discussed by the Council.

T. Aicher stated it seemed important to consider that the support for the project has to come from the lake property owners and be done through "grass roots" actions.

G. MacDougall stated there were too many unresolved issues. He thought more guidance should have given by the LWC in talking to the residents involved. As a result, he was not in support of the project.

M. DeYoe stated she did not hear any overwhelming support from the Common Council.

In response to a question from J. Krickhahn, K. Attwell stated this project could not move forward without a referendum. J. Krickhahn noted years had been spent on this project and a great deal of time and money put into it thus far. Alternate 10 seemed the fairest presented and he questioned how to move forward.

B. Leonard stated she did not like Alternate 10 as it seemed arbitrary in the fixed flat fee portion of the formula. Also, economically it would be horrible to impose burdensome costs on people at this time. She suggested the funding options included a gradation of amounts to be paid with the majority of the project paid by lake residents and explained thoroughly and easily to all.

E. Sadowski stated he thought Alternate 10 was a flawed formula and he would challenge it moving forward if approved.

M. DeYoe stated none of the formulas seemed to solve the problem; however she did not have a better solution. G. MacDougall agreed.

T. Aicher stated he thought the lake residents should be promoting the project and in order to pass the referendum the whole city should be involved. He thought some process should be in place to allow for appeals as well.

- c. Discussion and action to amend Capital Improvement Plan (CIP) Budget to increase Lake Dredging allocation by \$4,000

J. Romanowski explained that if another special assessment process was needed, additional monies were needed. L. Morrison explained the \$4,000 was needed for engineering costs and mailings. K. Attwell stated the special assessment would be based on Alternate 10. T. Hafner explained statutorily an engineer was needed to prepare assessments, and approximately \$350,000 of tax dollars had been spent on the project thus far. Staff would provide an updated amount and report at the next meeting of the Council. B. Leonard stated she did not understand how Alternate 10 could be supported in this manner without consensus from the Council. She thought an alternate plan should be approved before allocating additional monies for the project.

E. SADOWSKI MOVED TO DENY AN AMENDMENT THE CAPITAL IMPROVEMENT PLAN (CIP) BUDGET TO INCREASE LAKE DREDGING ALLOCATION BY \$4,000. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. L. MORRISON VOTED NAY. MOTION CARRIED.

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B. Leonard stated the dredging needed to be accomplished but with an equitable formula for expense. She thought this formula should be applied to impacted property owners. E. Sadowski suggested working with Waukesha County Staff to charge a fee for use of the boat launch. L. Morrison noted this would require additional expense to have a Staff person provide collection services and had been previously discussed years ago without support.

6. Mayor's Report

- a. Discussion and action to accept resignation of Paul Craig from the Del-Hart Commission

M. DEYOE MOVED TO ACCEPT THE RESIGNATION OF PAUL CRAIG FROM THE DEL-HART COMMISSION. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. Discussion and action to appoint Alderperson Beth Leonard to the Del-Hart Commission until 2010 to finish the term

M. DEYOE MOVED TO APPOINT ALDERPERSON BETH LEONARD TO THE DEL-HART COMMISSION UNTIL 2010 TO FINISH THE TERM OF PAUL CRAIG. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. Discussion and action to appoint Jack Weissgerber to the Promotional & Tourism Council as an Alternate, for a 1 year term to expire April 2010

J. KRICKHAHN MOVED TO APPOINT JACK WEISSGERBER TO THE PROMOTIONAL & TOURISM COUNCIL AS AN ALTERNATE, FOR A 1 YEAR TERM TO EXPIRE APRIL 2010. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. E. SADOWSKI VOTED NAY. MOTION CARRIED.

- d. Discussion and action to appoint Ray Putchinski to the Police and Fire Commission for a 5 year term to expire 2014

M. DEYOE MOVED TO APPOINT RAY PUTCHINSKI TO THE POLICE AND FIRE COMMISSION FOR A 5 YEAR TERM TO EXPIRE 2014. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. New Business

- a. Discussion and action on sample Neighborhood Electric Vehicle Ordinance

J. Krickhahn explained electric vehicles would be utilized on City streets in the future. Currently this type of vehicle was not allowed on City streets as it was not a Department of Transportation licensed vehicle. Typically, this vehicle was not utilized at speeds higher than 35 mph and was not able to go long distances. He stated it was important to be proactive and suggested the City review the ordinance found in Oconomowoc for a Neighborhood Electric Vehicle.

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8. Administrator's Report

a. Report of City Officials

i. Administrator

a. Deer Culling

T. Schuenke stated the City's permit to cull deer expired on March 31, 2009. The permit allowed for removal of 16 deer, and the final total removed was 10. Total cost of the program was noted as \$3800. The City had budgeted \$5000 and hoped to continue with the program next year. J. Krickhahn stated he was pleased with the results. M. DeYoe stated this process of removal had lasted one month and once the neighbors were notified, they were excited for it. T. Schuenke stated the meat was donated to food pantries.

b. Buildings Project Change Orders.

T. Schuenke explained that with construction of the new buildings underway it was important to consider how to deal with change orders as they occurred in every construction project. The City had budgeted 5% of the project budget for contingencies which was in line with the recommendation from the Construction Manager's recommendations. This would equate to an amount of \$300,000 to \$450,000 of changes to be expected for the projects. Changes could occur due to unknown issues, errors in planning, material shortages or unavailability, new information, or other reasons. The key to being able to effectively deal with change orders was to be able to respond to them in a timely manner so that lack of decision would not stall or shut down the project. To prevent that, it was important to have a system in place that was responsive while at the same time prudent and transparent. To that end, Staff had advised contractors all change orders must be first submitted to the architects, then to the construction manager, and then to the City. Contractors had also been advised that all change orders can only be approved by the Mayor or the Administrator. Further, he recommended any change order estimate in excess of \$25,000, must be authorized by the City Council. Finally, Staff would report, on a monthly basis, all approved change orders to the City Council. He noted Staff was exploring various options that would allow elected officials to be able to track project expenses; however, the current voucher reporting system being utilized would not allow such segregation, so other efforts were underway at this time. More information on this system would be available at a later date.

Mayor McAleer noted occasionally change orders would deduct expenses rather than add to the project cost. E. Sadowski stated he thought amounts over \$25,000 should be brought to Common Council for approval. Mayor McAleer stated if it changed the style or look of the project, he thought the Plan Commission or Common Council should examine the proposed change. B. Leonard expressed concern as she thought a written explanation of how and why change orders would be approved would be helpful as she had been in previous situations where all change orders were approved by the Council. She had also worked in situations where the expenses associated with changes orders was small and over time had begun to add up to a substantial sum. Mayor McAleer suggested allowing T. Schuenke to proceed with the monthly report of sharing a budget report and change order report monthly on the project. Review of the reporting process could take place at a later date and changes to the reporting process made at that time.

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- ii. Clerk-Treasurer

No report.

- iii. Council requests of future agenda items

Requests included a presentation to the Common Council from the Promotional & Tourism Committee on the new Chamber Logo and Strategic Plan as well as discussion and update on the Mill Pond, a review of temporary signage infractions, and also a discussion on receipt of the Council packet on Wednesdays rather than Fridays.

9. Financial Report

- a. Approve voucher list

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

10. Correspondence

Mayor McAleer reviewed the following correspondence with the Common Council members:

- a. Focus Newsletter
- b. Letter from State of WI Division of Hearings and Appeals - Finding of Fact, Conclusions of Law, Orders and Permit – An Order for Drawdown of the Impoundment Located on the Bark River in the City of Delafield, Waukesha County, Wisconsin
- c. Letter from Waukesha County Health Department regarding Swine Flu Task Force
- d. Letter from Dorothy Parker

11. Adjournment

E. SADOWSKI MOVED TO ADJOURN THE MAY 4, 2009, COMMON COUNCIL MEETING AT 9:50 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/WCPC
City of Delafield Clerk-Treasurer
Waukesha County