

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 June 1, 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.
Tim Schuenke, Administrator
Gina C. Gresch, Clerk-Treasurer
Jim Hammes, City Attorney

SPECIAL ORDERS OF BUSINESS

- A. Notice of Informational Session - Proposed Expansion of the Lake Country Fire Department. NOTICE IS HEREBY GIVEN that the Common Council of the City of Delafield will hold an Informational Session on Monday, June 1, 2009 at 7:00 p.m. in the Delafield City Hall, 500 Genesee Street, Delafield, for the purpose of explaining a proposed agreement to expand the Lake Country Fire Department, currently comprised of the Villages of Nashotah and Chenequa, to include the City of Delafield, and to gather information, answer questions, and hear comments from the public on the proposed expansion.**

M. McAleer stated Ed Henschel, Lake Country Fire Department (LCFD) Consultant, is present and will make a presentation on the possible LCFD merger. E. Henschel stated he has been involved in these types of mergers since 1975. Municipalities are operating differently and are changing the way they do things. The goal was to maintain a high level of service while keeping costs down so the Villages of Chenequa and Nashotah along with the City of Delafield, created a Fire Department Expansion Committee to study a possible merger. After one year, the LCFD Expansion Committee has submitted a resolution recommending a merger by entering into an Intergovernmental Agreement.

E. Henschel reviewed service levels and the many benefits by merging.

- Both full time and paid on call departments will operate as a single unit, providing Fire and EMS protection.
- Each municipality continue to own its equipment that it currently owns until it is replaced by the LCFD, which then LCFD will be the owners.
- Building ownership remains with the municipality. Any changes or remodeling will be done at the cost of the municipality, not LCFD.
- Emergency Management and major disasters will be directed by one Emergency Management Director.
- Chenequa, Delafield and Nashotah will benefit from EMS and Paramedic service.
- City of Delafield costs will be neutral and have a significant "avoided costs" savings.

E. Henschel stated mergers aren't successful unless services are maintained or improved, and that costs are either maintained or reduced. The costs are distributed by operating costs on a formula based on the number of emergency calls, population and equalized value, which is calculated on a

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rolling three year basis. This is a fairly typical and good formula. It addresses work load, protection of persons and protection of property. Each municipality will support the Fire Department at its current costs. There are miniscule differences in operating costs of about \$1,000 of out of a \$1.4 Million dollar budget. Equipment replacement is in the capital budget which has a different formula. City of Delafield - 75%; Chenequa-11%; Nashotah-14%. There are significant savings and avoided costs. The first few years there will be about \$800,000 in avoided costs which comes from not having to replace two pieces of equipment as a result of merger.

E. Henschel stated the committee also created an Intergovernmental Agreement, which governs the newly created LCFD. The Intergovernmental Agreement creates a Fire Board which creates policy for the Fire Department. It is made up of two members from either municipality for a total of six members. Motions are passed by a majority vote in which requires at least one vote from each municipality. The Fire Board is also responsible for the LCFD budget and presents it to each municipality annually. The Fire Board has no taxing or borrowing authority. The Intermunicipal Agreement also creates a Fire Commission which governs the hiring and disciplinary actions. It is a statutory commission and has no other powers. It is made up of two members from either municipality for a total of six members.

E. Henschel stated if the three municipalities approve the merger, this will be a marriage with long term benefits. A divorce from this agreement is not easily achieved. There is a required five year period that the merged department must stay together. After five years, if a municipality wants to be removed, they must give a two year notice. The new LCFD will be in effect for at least seven years. This is a large financial commitment and organizational change.

L. Morrison asked if E. Henschel does any follow-up work after the merger. E. Henschel stated once the merger is complete, so is his work. He stated he does for his own curiosity keep an eye on things. He stated not all mergers are successful. 50-60% of merger studies completed actually make it to a merger. He once was involved in a Police Department consolation study involving seven municipalities; only two merged. L. Morrison asked why the capital budget set up different from the operating budget. E. Henschel stated when buying capital items, they are larger purchases and you have to buy them whether they are used or not. The larger municipality will pay more, the smaller ones will pay less. If merger is approved the City of Delafield will only pay 75% of capital costs instead of 100% if operating as a single department. E. McAleer stated the capital formula started with calculating the "avoided costs" savings and divided it equally. Richard Lartz, Village of Nashotah President stated the savings resulted from the Village of Nashotah not having to replace two pieces of equipment in a 10 year period as a result of the merger. The capital formula is in effect for 20 years. After 20 years, a different formula will be used. E. Sadowski stated the new capital formula is different from how the City currently budgets for capital equipment. He asked if the other two municipalities are ok with the new formula. E. McAleer stated if the Villages of Chenequa or Nashotah did not approve, then the LCFD Expansion Committee would meet again until an agreement was made.

T. Aicher stated the biggest benefit to the City is the level of service increases. E. McAleer stated with the merger the northwest area of the City will have better coverage and paramedics can get to residents faster now that they will be stationed in the Nashotah Fire Station. G. MacDougall stated with that, the City won't have to build another fire station on the other side of the lake. He also stated the Nashotah Fire Station's second floor will be finished so the Fire Department personnel can sleep there. L. Morrison asked if there will be paramedics stationed at the Chenequa Fire Station. E. McAleer stated not right away due to not enough people being paramedics to staff all three stations. L. Morrison asked if the merger will affect the Village of Chenequa's relationship with the Village of Hartland providing service. R. Lartz stated yes. M. DeYoe asked if another community wants to join, what happens. E. Henschel stated there is a provision for that and it will happen the same way the City is joining the Village's department. The committee is hopeful that one or more municipality will join. If that happens, the agreement has to be restructured to change the formulas. E. Sadowski asked if there is a waiting period to join the LCFD. J. Krickhahn stated no only if you want to leave, a two year notice needs to be given.

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B. Leonard asked the difference between the Fire Board and Fire Commission. E. Henschel stated the Fire Board is responsible for the budget and policy making. The Fire Chief reports to the Fire Board. The Fire Commission is a statutory commission in place for hiring and disciplinary matters. Currently, the City has a Police and Fire Commission, which will become a Police Commission, which could require an ordinance amendment.

PUBLIC COMMENTS:

There were no Public Comments.

Attorney Hammes stated he wasn't involved with discussions but he understands the agreement as E. Henschel explained. He does have some concerns related to department operations/policies and surplus funds. McAleer stated the intent of the surplus fund is to be used for capital equipment. J. Hammes stated he will adjust the language in the agreement. He stated the only verbiage that he did not see in the agreement is related to member of the City's Fire Department becoming members of the LCFD. E. Henschel stated that was not addressed in agreement but is the assumption that everyone becomes a member of the newly created department. E. Sadowski asked if council makes motion to adopt, should the motion be subject to Attorney Hammes' changes. E. McAleer stated yes. E. McAleer stated the other municipalities are voting on this within the next week. He is not trying not to fast track this, but in order for this to take effect January 1 2019, the Fire Board needs to be in place soon so that they can create a budget to bring to the municipalities by September. B. Leonard asked what the drop dead date is. E. McAleer stated July 1, 2009.

B. Leonard asked if there are any differences in the personnel's benefits. E. Henschel stated he brought that to the committee's attention but that is something the new Fire Board will address, as well as inspections, training and education programs. G. MacDougall stated the benefits are provided by the state, just like we have currently, except administered by the Fire Board. The pension will be administered by the state. Fire Chief Jack Edwards stated the benefits will be set up similar to Del-Hart. B. Leonard asked if we can assume that the other municipalities have the same philosophy about pay and benefits as the City. E. McAleer stated no since the Villages don't have full time employees so they don't pay wages the same way. He also stated that the LCFD employees won't be City employees anymore, they will be LCFD employees. The LCFD will have to have competitive wages for the full time paramedics since there are other places they can work. We may have to do what we have to do to keep quality people on board.

L. MORRISON MOVED TO CLOSE THE PUBLIC INFORMATIONAL SESSION AT 7:40 P.M. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

B. Discussion of the Proposed Expansion of the Lake Country Fire Department and Agreement.

B. Leonard asked if any of the City's Fire Department personnel attended any of the LCFD Expansion meetings. E. McAleer stated Fire Chief Jack Edwards was present and was very instrumental in getting to this point. J. Edwards stated when there is a new organization being created there is some worry and concern. He received advice from other Fire Chief about staying in the State's retirement system. He also stated that the merged department will go forward with the same amount of employees, not less. The LCFD will probably have more full time employees as it grows, but it can't grow without offering competitive wages. E. Sadowski stated he chaired the Oconomowoc Merger committee and compared to that study, this LCFD merger is a really good fit for the three communities. B. Leonard asked how water rescues will be handled. J. Edwards stated currently the City uses mutual aid or the Sheriff's Department, whereas the Village of Nashotah has their own divers, which the City will now have access to. G. MacDougall stated Chenequa and Nashotah will bring different skills that the City doesn't have.

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- C. Discussion and possible action on Resolution 2009-11, A Resolution to Approve an Intermunicipal Agreement Regarding the Lake Country Fire Department.**

M. DEYOE MOVED TO ADOPT RESOLUTION 2009-11, A RESOLUTION TO APPROVE AN INTERMUNICIPAL AGREEMENT REGARDING THE LAKE COUNTRY FIRE DEPARTMENT, SUBJECT TO ATTORNEY HAMMES REVIEW AND APPROVAL. E SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

The Common Council thanked everyone for their hard work.

- D. Discussion and possible action to appoint Cate Rahmlow and Kean Kemnitz to the Lake Country Fire Department Fire Commission.**

B. LEONARD MOVED TO APPOINT CATE RAHMLOW AND KEAN KEMNITZ TO THE LAKE COUNTRY FIRE DEPARTMENT FIRE COMMISSION. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- E. Discussion and possible action to appoint Alderpeople Gerry MacDougall and Jeff Krickhahn to the Lake Country Fire Department Fire Board.**

B. LEONARD MOVED TO APPOINT ALDERPEOPLE GERRY MACDOUGALL AND JEFF KRICKHAHN TO THE LAKE COUNTRY FIRE DEPARTMENT FIRE BOARD. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- F. Discussion and action to adopt Resolution 2009-12 Directing the Advertisement and Sale of General Obligation Corporate Purpose Bonds, Series 2009-A, of the City Of Delafield, Waukesha County, Wisconsin in an Aggregate Principal Amount not to Exceed \$4,770,000.**

Phil Cosson, Ehlers & Associates stated the Common Council needs to decide tonight what which type of financing the City should use for the upcoming capital borrowing. He reviewed his memo for the General Obligation Note and Bond. The GO Note finances the 2009 capital projects and refinances the two existing notes for a \$50,000 savings in three years, after costs. The GO Bond is for the second phase of the building project. There are two financing options; tax exempt and the Build America Bond (BAB). The City usually borrows using tax exempt financing with yields lower interest rates. The BAB is a taxable bond at a higher rate, with an annual 35% IRS rebate. However there are some risks with using BAB, but the savings could be great too; about \$53,000 in three years. Also, the borrowing will impact the tax rate about three cents in 2009 and 2010, and will decrease after that.

P. Cosson stated the City could save about \$384,000 in a 20 year period by using the BAB. This is a brand new program however there have been millions of BABs issued across the country in the past few months. There are risks like relying on the IRS to make the rebate payment, as well as it being timely. The Common Council discussed further the cons of having to rely on the IRS for revenue. The other risk is post bond issue compliance. They are not sure of what reporting compliance the IRS will require, which could require additional accounting costs. He is also unsure of what regulations the IRS will place on the BAB. There are cost savings but the Common Council will have to weigh that against the risks.

E. Sadowski asked what the difference in interest rates are between the tax exempt and the BAB. P. Cosson stated the tax exempt bonds would be around 4% and the BAB would be around 5.5%. The 35% IRS rebate offsets the interest costs which drive down the net interest factor to a lower interest rate than the tax exempt bond rate. L. Morrison asked what the IRS's motivation to issue this type of bond is. P. Cosson stated the net savings to the municipality. The Common Council discussed further the pros and cons to the BAB. E. McAleer stated he doesn't want to tie a Common Council's hands 15 years from now with the BAB bonds. T. Schuenke stated he agrees with the Mayor. There are no

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regulations yet is troubled that we don't know what strings will be attached to the BAB. M. DeYoe asked what the sewer and water fund's contribution will be. P. Cosson stated the sewer and water fund having nothing to do with this issue. The money is for the Downtown Civic Center building.

E. SADOWSKI MOVED TO ADOPT RESOLUTION 2009-12 DIRECTING THE ADVERTISEMENT AND SALE OF GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2009-A, OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,770,000, AS A TAX EXEMPT BOND. G. MACDOUGAL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

G. Discussion and action to adopt Resolution 2009-13 Authorizing the Issuance of General Obligation Promissory Notes of the City of Delafield, Waukesha County, Wisconsin in an Aggregate Principal Amount not to Exceed \$3,660,000, and Directing the Advertisement and Sale of Such General Obligation Promissory Notes of the City of Delafield, Waukesha County, Wisconsin.

P. Cosson stated this issue is for capital equipment refinancing existing debt. This is not extending the debt period, only refinancing the rate; about 2% for the first three maturities. B. Leonard asked if the City is still going ahead with Cushing Park Trail and Golf Road Feasibility Study. T. Aicher stated yes for the Cushing Park Trail. E. McAleer stated the Golf Road Study is not ready yet, but it needs to be done.

J. KRICKHAHN MOVED TO ADOPT RESOLUTION 2009-13 AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PROMISSORY NOTES OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,660,000, AND DIRECTING THE ADVERTISEMENT AND SALE OF SUCH GENERAL OBLIGATION PROMISSORY NOTES OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

1. Approve minutes of May 18, 2009 Common Council meeting.

J. KRICKHAHN MOVED TO APPROVE THE MAY 18, 2009 COMMON COUNCIL MEETING MINUTES AS PRESENTED. L. MORRISON 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.

L. MORRISON MOVED TO CLOSE CITIZEN'S COMMENTS AT 8:14 P.M. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda
a. 2009 Chamber of Commerce Block Party, June 19 & 20, 2009 Downtown Delafield.

L. MORRISON MOVED TO APPROVE THE ITEMS ON THE CONSENT AGENDA. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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4. Committee Reports

a. Licenses

1. Bartender license – 2 Year Licenses to expire June 30, 2010.
 - a. Amanda Engen, Dousman; Delafield Brewhaus
 - b. Rebecca Windhorst, Waukesha; Twist 'n Olive
 - c. Kurt Sendner, Ixonia; Daybreak Mobil

G. Gresch stated all bartenders passed their background check.

M. DEYOE 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.

2. CLASS "B" BEER "CLASS B" LIQUOR

G. Gresch stated all of the establishments passed their Fire Department, Building Inspection and Waukesha County Health Department inspections. She asked that the Common Council make one motion for each set of licenses instead of individual motions for each restaurant.

- a. 1704 Partners, Inc., Fishbone's Cajun & Creole Restaurant, 1704 Milwaukee Street, Delafield; Jesse Souza, Agent
- b. 629 Partners, Inc., Zin-Uncommon California Italian Restaurant, 629 Main Street, Delafield, Pam Kerstein, Agent
- c. GAMA Enterprises, LLC, Mazatlan Restaurante, 601 Milwaukee Street, Tom Aul, 815 Genesee Street, Delafield, Agent
- d. KAJR, LLC, Kurt's Steakhouse, 22 Main Street, Delafield; Kurt Amidzich, Jr., 224 Main Street, Delafield, Agent
- e. WHG Real Estate North LLC, Applebee's Neighborhood Grill & Bar, 3100 Golf Road, Delafield, Kipp Van Dorf, Agent
- f. Emperor's Kitchen, 3149 Golf Road, Delafield, Peggy Yee, 4560 Imperial Drive, Brookfield, Agent
- g. Delafield American Legion Post 196, 333 Lapham Peak Road, Delafield; Scott T. Krueger, Agent
- h. CMC Hospitality Inc, Revere's Wells Street Tavern, 505 Wells Street, Delafield; Chris Lehmkuhl, 1962 N. Prospect #720, Milwaukee, Agent
- i. Delafield Hospitality LLC, The Delafield Hotel/Andrew's, 415 Genesee Street, Delafield; Robert Lang, Agent
- j. Melissa Anderson, 513 Brandy Brook Road, Wales; Anderson's Pub & Grill, 621 Milwaukee Street, Melissa Anderson, Agent
- k. Ackasone Virasith, 2008 Tall Grass Circle, Waukesha; Pacific Bistro LLC, 3215 Hillside Drive, Delafield

E. SADOWSKI MOVED TO APPROVE THE CLASS "B" BEER "CLASS B" LIQUOR LICENSES AS LISTED ON THE AGENDA. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CLASS "B" BEER "CLASS B" LIQUOR – EXEMPTIONS (300 SEAT RESTAURANTS)

- a. Weissgerber's Seven Seas, Inc., Weissgerber's Seven Seas, 1807 Nagawicka Road, Jacob Weissgerber, 1819 Nagawicka Rd., Hartland, Agent.
- b. WSB-Lake Country, Inc., Water Street Brewery Lake Country, 3191 Golf Road, Delafield; Robert C. Schmidt, Jr., 2690 N. Lake Drive, Milwaukee, Agent
- c. Delafield Brewhaus LLC, Delafield Brewhaus, 3832 Hillside Drive, Delafield; Eric Knutson, S30 W37062 School Section Lake Road, Dousman, Agent

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E. SADOWSKI MOVED TO APPROVE THE CLASS “B” BEER “CLASS B” LIQUOR – EXEMPTIONS (300 SEAT RESTAURANTS) LICENSES AS LISTED ON THE AGENDA. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. RESERVE CLASS “B” BEER “CLASS B” LIQUOR
- a. Twist ‘n Olive LLC, Twist ‘n Olive, 2730 Hillside Drive, Delafield; Nicholas Williams, 911 Manchester Ct., Hartland, Agent

L. MORRISON MOVED TO APPROVE THE RESERVE CLASS “B” BEER “CLASS B” LIQUOR LICENSES AS LISTED ON THE AGENDA. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. CLASS “B” BEER “CLASS C” WINE
- a. Marty's Delafield, Inc., Marty's Pizza, 2580 Sun Valley Drive, Richard Flath, 36393 Serenity Lane, Oconomowoc, Agent.
 - b. Raul Perez, S37 W22211 Crestview Drive, Waukesha; El Corita, Inc; Lumber Inn, 617 Wells Street, Delafield WI, Raul Perez, Agent
 - c. The Noodle Shop Co.-Colorado, Inc., 520 Zang Street, Broomfield, Co., Noodles & Company, 3260 Golf Road, Suite 200, Delafield; Joseph Bath, Agent
 - d. Loaf and Jugs of America LLC, Loaf and Jug Restaurant, 603 Genesee Street, Gordon H. Sloan, 14825 Woodland Pl., Brookfield, Agent
 - e. MST Acquisition, Inc.; dba Milwaukee Street Traders, 523 Milwaukee Street, Michele Mireau, W347 N5133 Road Q, Okauchee, Agent
 - f. Apron Annie’s Enterprises, LLC, W357 S8965 Godfrey Lane, Eagle; Back Street Café, 2566 Sun Valley Drive, Delafield; Joseph Laatsch, S80 W35825 Oak Ridge Drive, Eagle, Agent

L. MORRISON MOVED TO APPROVE THE CLASS “B” BEER “CLASS C” WINE LICENSES AS LISTED ON THE AGENDA. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. CLASS “A” BEER “CLASS A” LIQUOR
- a. Albrecht Foods, Inc., Sentry Foods, 3255 Golf Road, Delafield, Tom Backhaus, 702 York Imperial Drive, Oconomowoc, Agent
 - b. JOHO, Inc, Daybreak Mobil, 622 Genesee Street, Delafield; Jamie Lynn O’Marrah, 423 Parkview Dr., Johnson Creek, Agent
 - c. Delafield Fine Foods, LLC, 6055 S. Pennsylvania Avenue, Cudahy, Ceriellos Fine Foods, 601 Genesee Street, Delafield; Jason Steiner, Agent
 - d. PDQ Food Stores, Inc., P.O. Box 620997, Middleton, WI, PDQ Store #330, 2694 Sun Valley Drive, Delafield; Patricia St. Amand, 1145 Oriole Dr., Oconomowoc, Agent
 - e. Ultra Mart Foods, LLC, PO Box 473, MS2650, Milwaukee WI, Pick’n Save #6398, 3161 Village Square Drive, Hartland; Christopher Wulff, 754 North Sandy Lane, Elkhorn, Agent
 - f. Wal-Mart Stores East, LP, 701 SW 8th St, Bentonville, AR, Wal-Mart 1678, 2863 Heritage Drive, Joyce Greiber, Agent
 - g. Target Corporation, Target Store T-0864, 2553 Sun Valley Drive, Delafield; Corrine Lee Kindred, 1812 Summit Avenue, Waukesha, Agent

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G. MACDOUGALL MOVED TO APPROVE THE CLASS "A" BEER "CLASS A" LIQUOR LICENSES AS LISTED ON THE AGENDA. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. "CLASS A" LIQUOR
- a. Sandy Bottom Nature Center, LLC, 4607 Vettelson Road, Hartland; Herbert E. Rasmussen, 3098 Stonebridge Isle, Delafield WI, Agent

M. DEYOE MOVED TO APPROVE THE "CLASS A" LIQUOR LICENSE AS LISTED ON THE AGENDA. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

8. CLASS "A" BEER
- a. Open Pantry Food Marts of WI, Inc., 10505 Corporate Drive Suite #101, Pleasant Prairie; Open Pantry Food Mart #611, 2675 Sun Valley Drive, Delafield, James L. Schutz, Agent

B. LEONARD MOVED TO APPROVE THE CLASS "A" BEER LICENSE AS LISTED ON THE AGENDA. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

9. CLASS "B" BEER
- a. T.H.E. Restaurants, Inc., Rocky Rococo Pizza & Pasta, 2798 Heritage Drive, Delafield WI, Eric Hejdak, W4340 Bluff Road, East Troy, Agent.
 - b. Angel Fire Enterprises, Inc., dba Lake Country Cigars, 2566 Sun Valley Drive, Delafield; Donald A. Kane, W398 N6067 Autumn Woods Dr., Oconomowoc, Agent
 - c. PH Delafield, LLC, 10930 West Potter Road, Wauwatosa; Pizza Hut, 2736 Hillside Drive, Delafield; Matt Ewoldt, N18 W30018 Crooked Creek Road, Pewaukee, Agent
 - d. Nagawicka Lake Yacht Club, Nagawicka Lake Yacht Club, 1131 Mariner Drive, Hartland; Thomas W. Hoffmann, 2306 Lakewood Court, Hartland, Agent.
 - e. Roaring Fork! LLC, 3103 North Oakland Avenue, Milwaukee; Qdoba Mexican Grill, 3200 Golf Road, Suite 100, Delafield; Ron Stokes, 13300 W. Dakota Street, New Berlin, Agent

J. KRICKHAHN MOVED TO APPROVE THE CLASS "B" BEER LICENSE AS LISTED ON THE AGENDA. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

L. Morrison asked for an update on the available licenses. G. Gresch stated as of July 1, 2009 the City will have two open Combination Class B Class B Liquor licenses. Those will be issued on a first come, first serve basis if the applicant has their application in by the statutory requirement, has an approved Business Plan of Operation, and passed their Fire Department, Waukesha County and Building Inspections. If a Reserve License holder applies and receives a regular license, then the City will have an available Reserve License which the City can charge \$10,000 for. L. Morrison asked if the open licenses can be saved for a business coming into the City. G. Gresch stated, you can't save a license.

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b. Plan Commission – (Minutes of May 27, 2009)

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. The Plan Commission approved new businesses, K Nails, Bartelt Remodeling and Architectural Xpressions. Plan Commission also approved outdoor dining with a Mariachi Trio for Mazatlan on Friday or Saturday night. The Mariachi Trio will consist of three guitars with no amplification. The Plan Commission also discussed and approved the Lake Country Slalom Ski Club, subject to the City Attorney's review of the club's insurance. They will be skiing for the three hours post sunrise and three hours pre sunset at a speed no faster than 35 mph. The club will set up small buoys than boat can drive over. If there are any problems, the City will call the club and they will remove them and install as necessary. If there are any complaints or interference with recreational activities it will come back to Plan Commission. L. Morrison stated this group of skiers is currently on the lake every day anyway. If someone is anchored in the area they ski in first, the skiers will not ask someone else to move. E. Sadowski asked why the Park and Recreation Commission voted against it. T. Aicher stated they were concerned about the conflict of reserving a part of the lake for a small group, when many other use it. L. Morrison stated the City isn't reserving the lake. If it turns into a problem, the City calls them and they will stop.

M. DeYoe stated the Plan Commission also discussed incorporating language for the Primary Environmental Corridor in the Zoning Code, which is a result of Smart Growth. There are two public hearings set for June 24. One is to correct the Zoning Map and cleaning up legal descriptions; both a result of Smart Growth. G. Gresch stated all three public hearings will have 300' notifications sent.

2. Discussion and action on recommendation from Plan Commission to approve the minor change to the Conditional Use to allow outdoor grilling for DELC 0793.014.008, 637 Genesee Street, Delafield. Owner: Ace Delafield Properties, LLC. Applicant: Ceriello Fine Foods. Hours of Operation are Weekdays 11:00 a.m. to 6:00 p.m., Saturday 11:00 a.m. to 6:00 p.m. and Sunday 10:00 a.m. to 5:00 p.m.

M. DeYoe stated Ceriello Foods requested to grill outside which is a minor change to the Conditional Use. The Plan Commission recommended approval of the minor change to the Conditional Use to the Common Council with conditions. She stated she inspected the property and the smoke from the grill will not bother the condo residents on the north side of the building.

M. DEYOE MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE THE MINOR CHANGE TO THE CONDITIONAL USE TO ALLOW OUTDOOR GRILLING FOR DELC 0793.014.008, 637 GENESEE STREET, DELAFIELD. OWNER: ACE DELAFIELD PROPERTIES, LLC. APPLICANT: CERIELLO FINE FOODS. HOURS OF OPERATION ARE WEEKDAYS 11:00 A.M. TO 6:00 P.M., SATURDAY 11:00 A.M. TO 6:00 P.M. AND SUNDAY 10:00 A.M. TO 5:00 P.M., SUBJECT TO THE PLAN COMMISSION'S CONDITIONS. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

c. Lake Welfare Committee

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

There was nothing to report at this time.

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- d. Park and Recreation Commission – (Minutes of May 26, 2009)
1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

T. Aicher reported on matters considered and actions taken at the meeting. The Park and Recreation Commission moved money in their budget around to avoid having to ask for additional funds. The Cushing Road Bike Trail was improperly issued a permit by the DOT to allow access under the bridge. There is a meeting scheduled with the DOT and the Department of Public Works Director after the next Park and Recreation Commission meeting to discuss a final resolution for access under bridge.
 2. Discussion and action on request from Park & Recreation Commission to increase the CIP Budget for the Lois Jensen Preserve Parking Area by \$2,500.

No action taken. Item removed.
- 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, June 3, 2009 at 6:30 P.M.
- f. Del-Hart Commission – (Minutes of May 19, 2009)
1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

B. Leonard stated Del-Hart dealt with three major issues at the last meeting. The Sawyer Road Bridge will be replaced by Waukesha County. This is going to require Del-Hart sewer pipe be relocated, which Yaggy Colby was retained to locate the pipe. They also approved the use of the Commission's property for the Car show on June 11-13. They also voted to open two new money market accounts with an interest rate of 2.5%.
- 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.

There was nothing to report at this time.

The next Library Board meeting will be held on June 9, 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. The Finance Advisory Board is trying to schedule another meeting. E. McAleer asked that a meeting be scheduled ASAP to elect a Chair. G. MacDougall stated they are trying to schedule a meeting for July 30.

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2. 2010 Budget Calendar

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.

There was nothing to report at this time.

The next Promotional and Tourism Committee meeting will be held on June 2, 2009 at 7:00 A.M. at the Fish Hatchery.

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 the group is working on licensing bartenders and securing advertising. The group will be at the Block Party to see how that event is set up. Fireworks are scheduled for July 4; Movie Night on July 9; Opening Ceremony and Piles of Rhythm on July 10, Art Festival, Duck Race, Delafield Idol, BBQ and the Geoff Landon Band on July 11. M. DeYoe stated invitations were mailed to the long term residents and for the Opening Ceremony. She asked people to RSVP. E. Sadowski urged people to volunteer and donate to the celebration.

The next meeting of the City of Delafield 50th Anniversary Celebration will be on Mondays at 3:30 P.M. in the upstairs conference room at City Hall.

m. Lake Country Fire Department Expansion Committee Meeting – (Minutes of May 21, 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.

5. Old Business

a. LOMR Update.

T. Schuenke stated FEMA would be reviewing the submittal and giving Bob Watson a call later this week, as it is a concurrent review with WDNR. Yaggy Colby will follow up again next Monday. The LOMR was submitted to FEMA on March 9, 2009. Yaggy Colby followed up with FEMA in early April and received their official Case Number (09-05-2850R), recognizing the submittal. FEMA is doing the review concurrently with the WDNR. Yaggy Colby will continue to follow up with FEMA to provide you with updates prior to Council meetings.

b. Discussion and action to adopt Resolution No. 2009-11, A Resolution Authorizing, Creating And Establishing The Roller Mill Lake District.

E. McAleer stated this item has been postponed. G. MacDougall stated he will notify the Mayor when he wishes to bring this item back to the Common Council.

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6. Mayor's Report

- a. Discussion and action to accept resignation of Matt Ottusch from the Finance Advisory Board.

E. McAleer thanked Matt Ottusch for his work and stated he did a good job.

L. MORRISON MOVED TO ACCEPT THE RESIGNATION OF MATT OTTUSCH FROM THE FINANCE ADVISORY BOARD. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. Discussion and action to reappoint Marty Webb to the Library Board for a three year term to expire July 2012.

E. Sadowski stated Marty Webb does a great job on the Library Board.

J. KRICKHAHN MOVED TO REAPPOINT MARTY WEBB TO THE LIBRARY BOARD FOR A THREE YEAR TERM TO EXPIRE JULY 2012. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. New Business

- a. Discussion and possible action on burning within the City.

E. McAleer stated he received an email from a concerned resident about burning. This topic comes up every few years. He is concerned about burning downtown because of the urbanized and dense area. The Common Council may have to think about tighter rules for the downtown area. The Common Council discussed options such as limiting the size of the property (i.e. no burning on less than 3 acres). G. MacDougall stated you only get complaints when the wind is blowing in the wrong direction. People should use their discretion when burning. L. Morrison stated the burning concerns are not just isolated to downtown; it happens on lake properties were you aren't even 50 feet from another building. If you don't burn, then you have to have a place to take leave, which the City doesn't offer. B. Leonard stated people can compost or the City could offer community composting.

Fire Chief Jack Edwards stated it's a hot topic everywhere. The City of Brookfield had a burning referendum to allow burning and it passed 51 to 49%. The City has always allowed burning but there are now more restrictions than there used to be. If you are burdened by your neighbor's burning, call the Fire Department. The Fire Department will come out and if it truly is a burden, the Fire Department will ask the property owner to put out the fire. He is not sure if there is a happy medium to this issue. If the City bans burning, there might be more complains about not being able to burn. There was further discussion about allowing burning versus the City offering a collection/dump site. G. MacDougall asked Chief Edwards to write an article for the Communicator with the burning rules.

8. Administrator's Report

- a. Report of City Officials

- i. Administrator

- a. Discussion and possible action on letter from Officer of the Commissioner of Railroads – Petition of the WI DOT for the alteration of 18 public crossings of the Soo Line Railroad Co. tracks in the Village of Pewaukee, City of Pewaukee, Town of Delafield, Village of Hartland, City of Delafield, Village of Oconomowoc Lake and the City of Oconomowoc.

T. Schuenke stated last week the City received a letter regarding the DOT altering the tracks between Pewaukee and Watertown to allow for High Speed Rail between Milwaukee and Madison. The City has 15 days to make comments

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to the DOT. There were questions about which side of the road the tracks will be on, gates and bells. T. Schuenke stated he doesn't have the answers to that yet.

ii. Clerk-Treasurer

a. International Institute of Municipal Clerks Conference

G. Gresch stated she and Deputy Clerk Ellen O'Brien attended the 63rd International Institute of Municipal Clerks (IIMC) Conference in Chicago the week of May 18th. It was the first time that both of us attended this conference. The IIMC Conference has the highest level of education that a Clerk can receive and we both feel that it was the best conference that we have ever attended. The classes and instructors were outstanding and so was the networking they both did. Our general session speakers were very inspiring and motivational. They had the privilege of listening to Astronaut Jim Lovell, Monster.com founder Jeffrey Taylor and Award Winning Author Laurence Gonzales.

Jim Lovell spoke on how to turn failures into successes. Jeffrey Taylor spoke about thinking big and thinking ahead. Laurence Gonzales spoke about surviving intelligent mistakes. There were also incredible concurrent sessions ranging from Team Building, Transparency in Government, Communication across Generations, Records, Leadership, Meeting Effectiveness, e-Government, Citizen Participation and so much more. There were 900 clerks from all over the world at the IIMC Conference and the networking was endless. She and Ellen attended eight sessions each and came back with many new ideas along with many new contacts and resources. She thanked the City for giving them the opportunity to attend this amazing conference. They can't wait for next year!

G. Gresch stated as a result of one of the classes, the Transparency in City Government class discussed the need to take our customer service to a new level to serve those that can't make it into City Hall, and for those that want to receive electronic notices. With that in mind, the City of Delafield is now on Facebook with herself and Officer Bob Hagen as the administrators. They are the only people that can post updates and send messages. We are using it for the building projects, PD events, agendas, notices, etc. This page can grow into whatever we want to use it for. Those that want to become a "Fan" of the City of Delafield can do so. When we want to send an update to the fans, they receive an email and the notice comes to them, instead of them having to remember to go to the website. Also, I wanted to take that a step further for those that aren't on Facebook, to have a utility where they can sign up for agendas, newsletters, public hearing notices with one click and entering their email address. I found a vendor at the conference, GovQA from Illinois. For \$1,100 for the first year, we will have the capability to send any kind of email campaign we would like. It is web based software that maintains the emails for us, sends the emails and generates reports. The software does much more than this, but we are only starting with this module.

b. Downtown Directional Signs

The Downtown Directional Signs applications were due today at 2PM. The businesses that received a sign are Revere's Wells Street Tavern, Wholly Cow, Rickety Robin Antiques, Hidden Staircase, Touch of Whimsy and Main Street Soap Shop. Thank you Jim Stoffer for helping the City get this going again.

c. Viewing League of WI Municipalities DVD earned City \$1,285.

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Thank you to the Elected Officials, Department Heads and Staff that viewed the LWM Public Officials Liability DVD. That earned the City \$1,285.

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

E. Sadowski requested the Common Council discuss and action on establishing a commercial water rate and reducing fire protection charge.

9. Financial Report

a. Approve voucher list

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

c. April Treasurer's Report

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

10. Correspondence

a. Government Accountability Board Report: Poll Shows Wisconsin Voters More Satisfied Than Neighboring States.

b. Focus Newsletter.

c. Letter from Mrs. Hopkins regarding installation of permanent park bench on Hillside Drive.

E. McAleer reviewed the correspondence with the Common Council members. He also stated he appreciates everyone support on the LCFD merger.

11. Adjournment

B. Leonard thanked E. McAleer for getting the park bench on Hillside Drive installed.

E. SADOWSKI MOVED TO ADJOURN THE JUNE 1, 2009, COMMON COUNCIL MEETING AT 9:00 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