

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 July 6, 2009 Common Council meeting:

Present

Mayor Ed McAleer  
Jeff Krickhahn, Ald.  
Beth Leonard, Ald.  
Michele DeYoe, Ald.  
Lynn Morrison, Ald.  
Tim Schuenke, Administrator  
Gina C. Gresch, Clerk-Treasurer

Absent

Tim Aicher, Ald.  
Gerald MacDougall, Ald.

**SPECIAL ORDERS OF BUSINESS:**

- A. Discussion and action to adopt Resolution 2009-15, A Resolution determining to borrow \$3,660,000 and to issue General Obligation Promissory Notes, Series 2009B, of the City of Delafield, Waukesha County, Wisconsin, in such amount, providing details, prescribing the form of note, awarding the notes to the best bidder, and levying taxes**

Phil Cosson, Ehlers & Associates noted there were two resolutions distributed to Council for review regarding general obligation promissory notes with debt refinancing included, and a second resolution regarding general obligation debt financing. He explained he had conferenced via phone with City Staff and representatives from Moody's Investor's service to secure the necessary information to process the resolutions. This discussion yielded affirmation of the City's double A3 rating, noting Moody's staff was pleased with the City's positive fund balance, favorable debt profile and limited future borrowings. Bids on bonds had been received earlier in the day with favorable results. Six bids including the winning bid from a consortium group represented by the firm of Robert W. Baird of Milwaukee, Wisconsin with a rate of 4.143% had been received. Bids also were received from primarily Midwestern firms with rates ranging from 1.6% in 2012 to 4.12% in 2029. All bids would be fixed at specified bid levels.

In the matter of the general obligation promissory notes, P. Cosson explained the same consortium group from Robert W. Baird and Company had provided a winning bid with a ten-year note at 2.4963%. He also noted the other bids received and related firms and explained a bond issue size of \$4,720,000 was due to the fact that some issuance costs were reduced in the bidding and a premium bid was offered in both of these issues that enabled them to reduce the amount of the bond issue.

With regard to the note issue, approximately \$2 million were included as a result of refinancing with savings of \$19,000 in refinancing of two issues. He noted the debt would be structured related to tax rate so taxes did not spike as a result of the borrowing. Mayor McAleer thanked P. Cosson for his efforts in preparing the bond and promissory information.

J. Krickhahn questioned whether the bond information should be reviewed by the City Attorney. T. Schuenke stated the information had been reviewed by the City's Bond Counsel prior to the presentation this evening and were without issue.

**L. MORRISON MOVED TO ADOPT RESOLUTION 2009-15, A RESOLUTION DETERMINING TO BORROW \$3,660,000 AND TO ISSUE GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2009B, OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, IN SUCH AMOUNT, PROVIDING DETAILS, PRESCRIBING THE FORM OF NOTE, AWARDING THE NOTES TO THE**

CITY OF DELAFIELD COMMON COUNCIL MINUTES

**BEST BIDDER, AND LEVYING TAXES. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED BY ROLL CALL VOTE.**

**ROLL CALL VOTE:**

**J. KRICKHAHN: YES  
E. SADOWSKI: YES  
B. LEONARD: YES  
M. DEYOE: YES  
L. MORRISON: YES**

- B. Discussion and action to adopt Resolution 2009-16, A Resolution confirming sale, determining rates of interest and other details and levying taxes in connection with \$4,770,000 aggregate principal amount of General Obligation Corporate Purpose Bonds, Series 2009A, of the City of Delafield, Waukesha County, Wisconsin.**

**L. MORRISON MOVED TO ADOPT RESOLUTION 2009-16, A RESOLUTION CONFIRMING SALE, DETERMINING RATES OF INTEREST AND OTHER DETAILS AND LEVYING TAXES IN CONNECTION WITH \$4,770,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2009A, OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN. J. KRICKHAHN SECONDED THE MOTION. E. SADOWSKI CLARIFIED THAT THIS MOTION WAS NOT RELATED TO REVISED INFORMATION SENT WITHIN COUNCIL EPACKET INFORMATION. P. COSSON STATED THE ACTUAL AMOUNT IN THE MOTION SHOULD BE STATED AS \$4,720,000. L. MORRISON AMENDED THE MOTION TO INCLUDE THE CORRECTED DOLLAR AMOUNT OF \$4,720,000. J. KRICKHAHN SECONDED THE AMENDED MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED BY ROLL CALL VOTE.**

**ROLL CALL VOTE:**

**J. KRICKHAHN: YES  
E. SADOWSKI: YES  
B. LEONARD: YES  
M. DEYOE: YES  
L. MORRISON: YES**

1. Approve minutes of June 15, 2009 Common Council meeting.

**E. SADOWSKI MOVED TO APPROVE THE JUNE 15, 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

**Jane Lurvey, 921 Oak Street** was concerned about the Oak Street access. She referenced a court action that stipulated the access was owned by the City for the purpose of lake access for non-riparian owners. Currently, there are two issues with the access. Due to the plantings along the shoreline, no access would be allowed for swimming or boating. This spring a permanent fence was placed on site with a gate to allow access. She was concerned that an emergency vehicle would not be able to access the area due to the fencing. She requested the fence be removed and no parking signage posted. In addition, she requested consideration be given to rearranging some of the plantings so that access to the lakeshore could be regained.

**Robert Murtz, 1007 Oak Street,** stated he had lived there since 1990. His children used the access and he echoed the sentiments of J. Lurvey regarding having the fencing removed and making certain

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

emergency vehicle access was maintained in this area. Mayor McAleer stated this item would be placed on a future Park and Recreation Committee meeting agenda and suggested that concerned residents attend that meeting to provide input. L. Morrison explained the plantings on the Oak Street access were part of a past action with the City and the Department of Natural Resources (DNR) project and were approximately 14 months old at this time. E. Sadowski stated he had received an email from the Park and Recreation Chair Chris Smith requesting information on the rationale for the placement of the fence. J. Lurvey stated the City's website was not providing email to all alderpersons and should be examined for repair.

**Mark Millott, 1001 Lake Drive**, was present as an adjacent land owner to the Oak Street access parcel. He suggested the City's legal counsel could provide additional information on previously stated inaccuracies regarding issues presented in this matter. He noted the access was carry on only with signage in place and he thought the Oak Street parcel was beautiful as it was. Regarding the fence, he thanked the Public Works Department Staff for its efforts in placing the fence to prevent people driving down to the lake. R. Murtz thought since the City Attorney had represented the adjacent property owner in this matter, it might be prudent to seek additional counsel.

**Marilyn Czubkowski, 1325 Nagawicka**, thanked the Council, City Staff, the Delafield American Legion Post, Kelly Bukowski, and all volunteers from Veolia for efforts undertaken in the Fourth of July celebration for the City as it was a great success.

**John Durr, Hill Ridge Circle Condominiums**, provided background related to the 15 mph speed limit sign on the entrance road and the nearby signage. He requested signage be removed near the speed limit sign as the view of the speed limit sign was blocked while motorists were driving into the complex. Mayor McAleer requested this matter be placed on the Department of Public Works Committee agenda for recommendation.

Citizen's comments for items on the agenda

**John Durr, Hill Ridge Circle Condominiums**, stated the condominium association was paying a water rate based on commercial assessment amounts. He reviewed the financial service records from 2005 regarding the investments of the water district. He requested consideration be given to setting a residential rate for water rates for residents of Hill Ridge Circle. He suggested that the fire protection rate be reduced to the condominium association as a result of his findings. A comparison of nearby municipalities' residential water rates took place. He also noted comparisons in the tax equivalent rate for the City and other communities and suggested the City establish a residential water rate for the condominium property owners.

**Debbie Thomsek, Attorney for Wal-Mart**, stated she was present to speak to issues related to Item 4b4 and the implications of the potential rezoning. Approval of this item would include some potential process issues for her client and she wanted to be certain implications were understood prior to moving forward. B. Leonard stated additional information was being considered for the B-6 zoning. Mayor McAleer stated it was important to consider all implications in this matter related to the rezoning and that was the purpose for deferral of this item.

**M. DEYOE MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:43 P.M. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. Consent Agenda
4. Committee Reports
  - a. Licenses
    1. Bartender license – 2 Year Licenses to expire June 30, 2010.

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

- a. Samuel R. Konkel, Waukesha; Delafield Brewhaus
- b. Maria Reuter, Pewaukee; Delafield Brewhaus
- c. Alois Brezgel, Pewaukee; Delafield Pick 'n Save
- d. Kayla Steinhauer, Pewaukee; Loaf & Jug
- e. Victoria Radichel, Milwaukee; Loaf & Jug

G. Gresch stated all of the bartenders have passed their background checks.

**E. SADOWSKI MOVED TO APPROVE THE TWO-YEAR BARTENDER LICENSE(S).  
M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION.  
ALL WERE IN FAVOR. MOTION CARRIED.**

2. Combination Class "B" Beer "Class B" Liquor License.

- a. Twist 'n Olive, LLC, Twist 'n Olive, 2730 Hillside Drive, Delafield; Nicholas Williams, 911 Manchester Court, Hartland WI, Agent
- b. Apron Annie's Enterprises, LLC, BackStreet Café, 2566 Sun Valley Drive, Delafield; Joseph Laatsch, Agent
- c. Ace Delafield Properties, Lincoln House/Ceriello's Banquets & Catering. 515 Wells Street, Delafield; Jason Steiner, Agent

Jason Steiner, Steiner Real Estate Group, stated he was present representing Item 4a2c. He explained the purpose of his request was to establish a restaurant and banquet facility at 515 Wells Street. People missed the casual Italian restaurant in the previous Ruggieri's space and he had worked with other investors to provide financial backing to introduce a new restaurant concept to the site with banquet and catering on site with home-style Italian food with family and kid appeal. He shared a letter of intent and a timeline for the business. E. Sadowski questioned the business plan. J. Steiner stated it was difficult to gauge the potential interest and business success, but he was hopeful the restaurant could open early in 2010.

Joseph Laatsch, agent for Item 4a2b, was present to request consideration be given to allow the business to expand into an adjacent space in the Williamstown Center and to have a full bar on the expanded site. He stated they would not expand into the new space without a full liquor license for the potential space. Mayor McAleer, in response to a question regarding parking, stated this item would need to be placed on a future Plan Commission agenda for an amended business plan of operation.

Nick Williams, agent and owner of Twist 'n Olive, sent a letter to the Council requesting a Class B liquor license via email. G. Gresch stated there were two available licenses and noted the possibilities of reserve licenses and the process and fees utilized in consideration of all licensing. Discussion ensued regarding the possibilities of reserve liquor licensing. B. Leonard stated she thought a license should go to Twist 'N Olive in this matter as it was already in existence. M. DeYoe agreed, noting they were currently in operation successfully. L. Morrison stated an opportunity existed to have three businesses viable. J. Krickhahn stated he understood the request of Twist 'N Olive in this case.

E. Sadowski questioned how this motion would make three businesses viable. B. Leonard stated there would be one additional combination license and there would be one reserve license that was supported by G. Gresch's recommendation. G. Gresch stated she was concerned about awarding the license to the Steiner Group as a business because it would be "tied up" and

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

would not be in use yet. L. Morrison stated she thought the two regular licenses should be awarded to other applicants and allow Twist 'N Olive to remain in its current licensure. J. Krickhahn stated he thought the city had a history in promoting new businesses. B. Leonard stated she thought it prudent not to forfeit revenue and did not see how this would preclude from the City from having all three businesses and it would allow twist and olive to lose out on business. G. Gresch stated precedence had been established to grant licensure to an original license owner much the same way as was being requested in this item.

**B. LEONARD MOVED TO AWARD A COMBINATION CLASS "B" BEER "CLASS B" LIQUOR LICENSE TO TWIST 'N OLIVE, LLC, TWIST 'N OLIVE, 2730 HILLSIDE DRIVE, DELAFIELD; NICHOLAS WILLIAMS, 911 MANCHESTER COURT, HARTLAND WI, AGENT. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH TWO NAYS BY L. MORRISON AND J. KRICKHAHN.**

G. Gresch noted the other regular license was still available and the reserve license would be available for future consideration on another Council meeting agenda. B. Leonard stated the rationale for this motion was that the business was currently in operation with a current business plan of operation at this time. Discussion ensued regarding which application was submitted first. G. Gresch stated the remaining applications were submitted within a day of each other.

**B. LEONARD MOVED TO AWARD THE COMBINATION LICENSE TO APRON ANNIE'S ENTERPRISES, LLC, BACKSTREET CAFÉ, 2566 SUN VALLEY DRIVE, DELAFIELD; JOSEPH LAATSCH, AGENT. M. DEYOE 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 related to Delafield Lakes, proposed ordinance changes, the Southshore Condominium Development, Nickel Landfill activity, and proposed language for the City zoning code regarding the Primary Environmental Corridor.

2. Discussion and action on recommendation from Plan Commission to approve the minor change to the Conditional Use to allow land bank parking and monument sign location for DELC 0798.965.003, Genesee Street, Delafield, Delafield Lakes; Agent: Joe McCormick.

M. DeYoe briefly explained the issues regarding land bank parking and monument signage for Delafield Lakes with contingencies noted and received at this time. She further noted this would constitute a minor change and there were no negative comments received by the Plan Commission during its deliberations on this matter.

**L. MORRISON MOVED TO APPROVE THE MINOR CHANGE FOR THE LAND BANK PARKING AND MONUMENT SIGN FOR DELAFIELD LAKES. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. Discussion and action on recommendation from Plan Commission to adopt Ordinance 614, An Ordinance to Repeal and Recreate a Portion of Ordinance 293 of the Municipal Code and to Amend the Boundary of the, B-6 Commercial Holding Zone as Shown on

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

the Zoning District Map, City of Delafield, Wisconsin (Nagawaukee Shopping Center and The Shoppes At Nagawaukee), recommendation to the Common Council of the same

M. DeYoe reported this action would correct a legal description that was incorrectly listed on a previous action. Mayor McAleer concurred that this is a "housekeeping matter." B. Leonard stated she thought any action taken regarding this matter would be premature as the B-6 Zoning was unconstitutional and should be corrected after the B-6 Zoning descriptions were "cleaned up." Mayor McAleer noted this only changed the legal description. J. Krickhahn stated this action would allow Nagawaukee center to be treated as a whole unit and when such time came as was needed to change all the B-6 Zoning the center could be treated as one unit.

**J. KRICKHAHN MOVED TO ADOPT ORDINANCE 614, AN ORDINANCE TO REPEAL AND RECREATE A PORTION OF ORDINANCE 293 OF THE MUNICIPAL CODE AND TO AMEND THE BOUNDARY OF THE, B-6 COMMERCIAL HOLDING ZONE AS SHOWN ON THE ZONING DISTRICT MAP, CITY OF DELAFIELD, WISCONSIN (NAGAWAUKEE SHOPPING CENTER AND THE SHOPPES AT NAGAWAUKEE), RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. B. LEONARD OPPOSED. MOTION CARRIED.**

4. Discussion and action on recommendation from Plan Commission to adopt Ordinance 615, An Ordinance to Rezone a Portion of the Leuzinger/Marcus Planned Development to B-6 Commercial Holding Zone as Shown on the Zoning District Map, City of Delafield, Wisconsin (Walmart Center and Neighboring Parcels), and recommendation to the Common Council of the same

M. DeYoe stated this item had been postponed to a future meeting of the Plan Commission. In addition, the item regarding the Southshore Condominium development had been postponed to allow the applicant time to examine title issues. Discussion also took place on the Nickel Trust Landfill with B-3 zoning and issues were being resolved at this time with formal action by the Commission taking place at a later date. Proposed language regarding the City's primary environmental corridor had been postponed until a later date as well.

- c. Lake Welfare Committee – (Minutes of June 10, 2009)
  1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

L. Morrison stated surveys regarding lake dredging continued to be returned. More information would be available at the Annual Lake Awareness Meeting to be held on July 22, 2009 at the Fish Hatchery at 6:30 p.m.

- d. Park and Recreation 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 Park and Recreation Commission meeting will be held on Monday, July 27, 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.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

There was nothing to report at this time.

f. Del-Hart Commission

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

Without objection from the Council, Mayor McAleer moved to Item 4g at this time.

B. Leonard reported discussions were held on the Sawyer Road/Bark River/Waukesha County construction as well as approval of the CMAR (Compliance Maintenance Annual Report) report. An election of officers took place; M. DeYoe will serve as chairperson for the Commission.

The next meeting of the Del-Hart Commission will be held on July 21, 2009 at 7 p.m.

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 were many activities associated with the 50<sup>th</sup> Anniversary Celebration. He invited all residents to attend the many scheduled events. The next Library Board meeting will be held on July 14, 2009 at 7:00 p.m. Without objection from the Council, Mayor McAleer moved to Item 4f.

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

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 was nothing to report as the next meeting of the Promotional and Tourism Committee would be held on July 7, 2009 at 7:00 a.m.

l. City of Delafield 50<sup>th</sup> Anniversary Celebration

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

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

M. DeYoe reported festivities for the Celebration would begin this week. She noted a wide variety of celebratory activities that all residents were invited to attend. T-shirts, pins, and commemorative books for the event were still available.

- 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

Mayor McAleer noted the minutes included in the epacket were the last set of minutes from this Committee.

DRAFT

CITY OF DELAFIELD COMMON COUNCIL MINUTES

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

J. Krickhahn stated the first meeting of the Lake Country Fire Commission meeting would be held in the next week.

- 5. Old Business
  - a. LOMR Update

Mark Michelson, Yaggy Colby, stated a consultant for the Federal Emergency Management Agency (FEMA) had coordinated a review and would provide a report to City Staff later in the week. The report would be distributed to Council when available.

- b. Discussion and action on recommendation from Public Works Committee to adopt Ordinance 612, Ordinance No Parking on Horseshoe Bend

B. Leonard stated City Staff was to contact the Curling Club and the Stables in the Horseshoe Bend area. No information had been received at this time. Mayor McAleer stated this item would be place on a future agenda.

- 6. Mayor's Report

- 7. New Business

- a. Discussion and possible action on the City of Delafield Commercial Water Rate and Fire Protection Rate

T. Schuenke explained he had conducted research on this matter, noting a rate study had been accomplished in 2008 and resulted in confusion. The water fund had two revenue sources. The first came from fire protection fees and water meter service fees. The Public Service Commission allows two sources of revenue for the City. Of the revenue sources, 66% of fees came from fire protection fees and thus, to change the fee would have a great impact. To change one of the revenue sources would result in raising the other one. The City can only do that through efforts with the Public Service Commission who require that balance is maintained between the two revenue sources. This is important to consider because if the commercial water rate fee was lowered than the fire protection rate would be raised to balance the sources, and the converse would be true as well. The City based its fire protection fee on the assessed valuation of property, thus, the commercial properties within the City were paying the bulk of the fees as they should. To reduce this fee, the formula would be changed, and the Public Service Commission explained the residential water rate would pay more not less as a result of having to balance the revenue streams. Because it was based on assessed valuation, the formula distribution was being spread out over many properties.

In response to comments heard earlier, T. Schuenke stated language was clouding the issue. There was no "residential rate for fire protection" and to his knowledge there was no such thing. The Public Service Commission could be approached to create such a rate; however, there were no other municipalities with such a rate in the entire state, and a compelling argument to do so would be required. He anticipated the Public Service Commission would not favor having a rate that would be problematic for some residents and not others. T. Schuenke explained other communities, such as Hartland, based their fees on the size of the water meter that a property utilizes. The City could petition to change to that rate structure if desired, but he did not know if it would be prudent to request that change at this time. The basic concept prevailed

CITY OF DELAFIELD COMMON COUNCIL MINUTES

that the water revenue sources had to remain balanced so that the water fund held adequate money for use.

T. Schuenke explained there were many misconceptions about the water fund having a great deal of money as assumed by residents. The auditor's report was anticipated to yield revenue of approximately \$50,000 for the year. Mayor McAleer requested a cost estimate be provided from the Auditor to determine if such a potential water rate structure would be feasible and rational at this time. He requested this item be placed on a future Council agenda for additional consideration and discussion. In response to a question, T. Schuenke explained that the Public Service Commission categorized condominiums as being commercial. E. Sadowski thought a potential new water rate structure should be considered to plan for the future. He stated it was important to find out what a water study would cost. J. Krickhahn stated it was important to note that the water rates in Hartland were most likely related to having the entire City on municipal water.

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

T. Schuenke stated the Trillium Development Corporation had filed suit against the City, in addition to a suit against the City from Gayle Gaborsky and Raffi Sharikian for damages as a result of the Roller Mill Dam issue. Both suits had been submitted to the City's insurance carriers and efforts would continue to work toward resolution.

Regarding the construction of the Public Safety Campus, sedimentation from the dewatering process was inadvertently released into the wetlands and the Bark River and the project was closed until a method for dewatering could be devised without any release of sediment. The DNR was notified and an enforcement hearing and citation would be enforced by that agency. Work would continue to move forward on the building but not on the sewer until the issue was resolved.

- ii. Clerk-Treasurer
        - a. Discussion and action to have Common Council approve the Communicator before going to print

G. Gresch explained that a resident had questioned whether a factual review of newsletter articles took place prior to being printed for distribution. The process followed was noted and G. Gresch expressed concern for maintaining the timeline for printing and distribution. M. DeYoe suggested a byline or author be noted for each article to allow questions to be appropriately directed.

- iii. Council requests of future agenda items

Requests for future agenda items related to water rate structure study and use of Highway C for electric vehicles was heard from the Council.

- 9. Financial Report
  - a. Approve voucher list

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

CITY OF DELAFIELD COMMON COUNCIL MINUTES

10. Correspondence
  - a. Focus Newsletter
  - b. Letter from the Office of the Commissioner of Railroads Final Decision on the DOT petition for railroad track alterations for high speed rail
  - c. Alderperson Sadowski's resignation as the 50<sup>th</sup> Anniversary Committee Chair
  - d. Letter from Margaret Zerwekh regarding the 2010 U.S. Cushing Association Reunion
  - e. E-mail from Plan Commission Member Kevin Fitzgerald regarding agenda item #4b3, Adoption of Ordinance 615
  - f. Thank you e-mail from St. John's Northwestern Military Academy
  - g. Letter from Nagawicka Shores Condominium Association regarding Dredging
  - h. Letter from Delafield Chamber of Commerce regarding Block Party Volunteers

11. Motion to convene into Closed Session Closed pursuant to Wisconsin State Statute 19.85(1)(c) (c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically review the City Administrator's performance

**E. SADOWSKI MOVED TO CONVENE INTO CLOSED SESSION CLOSED PURSUANT TO WISCONSIN STATE STATUTE 19.85(1)(C) (C) TO CONSIDER EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY, MORE SPECIFICALLY REVIEW THE CITY ADMINISTRATOR'S PERFORMANCE. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED BY ROLL CALL VOTE.**

**ROLL CALL VOTE:**

**J. KRICKHAHN: YES  
E. SADOWSKI: YES  
B. LEONARD: YES  
M. DEYOE: YES  
L. MORRISON: YES**

12. Motion to re-convene into Open Session

**E. SADOWSKI MOVED TO RECONVENE INTO OPEN SESSION AT 8:42 P.M. NOTING ITEM 13 WOULD BE PLACED ON A FUTURE AGENDA WHEN ALL COUNCIL MEMBERS WOULD BE PRESENT. M. DEYOE SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

13. Discussion and possible action on items discussed in Closed Session, more specifically the City's Administrator's compensation

This will be placed on a future agenda.

14. Adjournment

**E. SADOWSKI MOVED TO ADJOURN THE JULY 6, 2009, COMMON COUNCIL MEETING AT 8:43 P.M. L. MORRISON SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

Minutes Prepared By:

Accurate Business Communications, Inc.