

CITY OF DELAFIELD COMMON COUNCIL MINUTES

SPECIAL ORDER OF BUSINESS:

a. City of Delafield 50th Anniversary Celebration Certificates of Appreciation.

M. DeYoe acknowledged those who helped make the City's 50th Anniversary Celebration a success. Those thanked included Alderperson E. Sadowski, Marilyn Czubkowski, Darrell and Jenny Pope, Gina Gresch, Kean and Sue Kemnitz, Gerry and Lyn Holton, Boy Scout Troops 49 and 20, Hawks Inn, Mary Daniel, John and Rose Wyssling, Jim Babcock, Kelly Bukowsky at the Legion, Hartland Sportsman's Club, Friends of the Library, Library Staff, Lions Club, One Delafield, Department of Public Works, Marty and Dan Wiley, Police Department, Fire Department, City Staff, Bob Barry, Chamber of Commerce, Deb Smith and Scott Steinhorst. She also thanked her colleagues and the Mayor and presented certificates of appreciation to Alderperson E. Sadowski, Marilyn Czubkowski, Darrell Pope, Gina Gresch and Kean Kemnitz. She stated we all deserve a round of applause.

Alderperson E. Sadowski thanked all of the City's merchants for advertising the event with posters; he thanked them for their support visibility. He also thanked the citizens and stated over 9,500 people attended the weeklong activities.

CALL COMMON COUNCIL MEETING TO ORDER

Mayor McAleer called the meeting to order at 7:05 P.M.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL for the July 20, 2009 Common Council meeting:

Present

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

Absent

Gerald MacDougall, Ald.

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

1. Approve minutes of July 6, 2009 Common Council meeting.

E. SADOWSKI MOVED TO APPROVE THE JULY 6, 2009 COMMON COUNCIL MEETING MINUTES AS PRESENTED. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

Paul Price, 3111 Sylvester Drive, commented on the weed issues in Lake Nagawicka. He stated he spoke with the Department of Public Works and they told him this is the worst crop of weeds the lake has ever had and DPW is having a hard time keeping up with the weeds. He is very disturbed that the weeds are moving down the east shore and that he is getting weeds he has never had before. He stated he has been on many lakes and Pewaukee Lake is having their best year in a long time. Pewaukee Lake experimented with killing weeds via pellets early in the season and it worked. If the

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current weed crop keeps up the east shore will be solid weeds. He asked what the City is doing about it. He stated he only sees the weed cutter three days a week and that won't keep up. He suggested forming a committee to study using chemicals next year. Also, he was surprised that the City doesn't have weed growth records. He suggested moving buoys to deeper water to keep the boats from ripping up the weeds and the bottom of the lake. B. Leonard agrees with Mr. Price about the weeds. She is on the east shore and the weeds are bad. L. Morrison stated the Lake Awareness meeting is on July 22, 2009 at the Fish Hatchery and suggested he come to the meeting. E. Sadowski stated the City should study using chemicals.

Citizen's comments for items on the agenda.

L. MORRISON MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:10 P.M. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda

4. Committee Reports

a. Licenses

1. Bartender license – 2 Year Licenses to expire June 30, 2010.
 - a. Cameron Kazik, Waukesha; Revere's Wells Street Tavern
 - b. Nisha Kumar, Delafield; PDQ Food Store Inc.
 - c. Caroline Batura, Pewaukee; PDQ Food Store Inc.
 - d. Jason Hannon, Oconomowoc; Delafield American Legion Post 196
 - e. Jennifer A. Krueger, Oconomowoc; Delafield American Legion Post 196
 - f. Gary A. Myers, Delafield; Delafield American Legion Post 196

G. Gresch stated all bartenders passed their background check.

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

2. Discussion and action to award a Reserve Combination Class "B" Beer "Class B" Liquor License to one of the following applicants:

- a. Angel Fire Enterprises, Inc.; Lake Country Cigars, 2566 Sun Valley Drive; Delafield; Donald A. Kane, Agent.
- b. Ace Delafield Properties, Lincoln House/Ceriello's Banquets & Catering, 515 Wells Street, Delafield; Jason Steiner, Agent

J. Krickhahn asked if this is the license that costs \$10,000. G. Gresch stated yes. Donald Kane, Lake Country Cigars owner was present and stated he is trying to relocate the business two spaces down, which will add 500 square feet and offer a private lounge for members only. They are not a bar and will not be open bar hours but want to be able to serve liquor to their customers. It is for members that join to be in the lounge that can have a drink while they are there. Not Reserve liquor throughout the store. He stated many cigar shops are doing this. He stated one of his manufacturers is underwriting the remodeling and license. L. Morrison asked if their current beer license is part of the quota. G. Gresch stated no. E. Sadowski asked if this expansion will add employment to Delafield. D. Kane stated probably not. He stated his is on the next Plan Commission agenda for approval to expand and hopes to be in the new site by September 1.

Jason Steiner was present and stated his business plan from the last Common Council hasn't changed. He stated the banquet/catering would open around

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September 1, whereas the restaurant around January 2010. The restaurant will be a casual Italian eatery, with indoor and outdoor seating and casual outdoor dining. There could be as many as 10 employment possibilities. He has a signed letter of intent and hopes to move forward with the business and submitted the letter of intent from client for the record.

T. Aicher stated the City is looking for the usage of full privilege for the license and that counts with whom to award it to. E. Sadowski stated the more the City can do to bring more to the downtown the better as it adds to the charm and benefits our economy to have more people working.

J. KRICKHAHN MOVED TO AWARD A RESERVE COMBINATION CLASS "B" BEER "CLASS B" LIQUOR LICENSE TO ACE DELAFIELD PROPERTIES, LINCOLN HOUSE/CERIELLO'S BANQUETS & CATERING, 515 WELLS STREET, DELAFIELD; JASON STEINER, AGENT AND TO PAY THE CITY THE \$10,000 RESERVE LICENSE FEE IN ADDITION TO ANY OTHER LICENSE FEES PER STATE STATUTES. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Mary Lynn Kane, owner of Lake Country Cigars stated they have been in business for 11 years, have been a good citizen, and have helped with many area fundraisers and events. She disagrees with the alderperson that stated the downtown area is Delafield. STH 83 area is very much a part of the community and would like them to reconsider their decision. E. McAleer stated E. Sadowski didn't mean that downtown isn't the only part, but we have to focus on that part of the City. He stated at the last Common Council meeting, the Common Council issues licenses to two businesses in the STH 83 area.

b. Plan Commission

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

There was nothing to report at this time.

c. Lake Welfare Committee – (Minutes of July 8, 2009)

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

L. Morrison stated the Lake Welfare Committee met to prepare for the Lake Awareness meeting on July 22, 2009. The dredging survey results will be presented at that meeting. Also, the Lake Welfare Committee worked on a Boathouse Application Packet.

The next Lake Welfare Committee meeting will be held on August 12, 2009 at 6:00 P.M.

d. Park and Recreation Commission

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

B. Leonard stated there is much activity going on in Oakwood Road Park. She asked about the small scale retention basin. E. McAleer stated DPW Director Tom Hafner feels that basin that will service everything until future development occurs. T. Aicher stated the park layout is a big piece of the five year park plan and they are considering budgeting for those types of issues.

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The next Park and Recreation Commission meeting will be held on July 27, 2009 at 7:00 P.M.

- e. Public Works Committee – (Minutes of July 1, 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.

- f. Del-Hart Commission
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

The next Del-Hart Commission meeting will be held on July 21, 2009 at 7:00 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 – (Minutes of July 14, 2009)
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

J. Krickhahn thanked the Friends of the Library for their hard work with the 50th Anniversary events. The Thursday Family night had 100% turnout from the Friends working the event and everyone had a good time. He also thanked them for their work on Delafield Idol. The Library Board is also checking into the best interest rate for the in-kind donation they received.

The next Library Board meeting will be held on August 11, 2009 at 7:00 P.M.

- i. Finance Advisory Board
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

There was nothing to report at this time.

- j. Board of Zoning
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

There was nothing to report at this time.

- k. Promotional and Tourism Committee – (Minutes of July 7, 2009)
 - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

L. Morrison stated the Chamber's new brochures are ready and passed them out the Common Council members. She also stated the new Chamber website also produces very good statistical reports and passed that out to the Common Council members as well. She reviewed some of the statistics. Also, the Promotional and Tourism Committee gave a donation to the City's 50th Anniversary and the Curling Club. If any other organizations are interested in receiving donations from the Chamber, they can fill

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out a form at the Chamber Office. The money has to be used to bring in people to the City by advertising costs.

I. City of Delafield 50th Anniversary Celebration

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

M. DeYoe stated this item can be taken off the agenda.

m. Lake Country Fire Commission – (Minutes of July 1, 2009)

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

The next Lake Country Fire Commission meeting will be held on July 22, 2009 at 7:00 P.M. at the Nashotah Fire Station.

n. Lake Country Fire Board – (Minutes of July 7, 2009)

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

J. Krickhahn stated the Fire Board nominated officers and that the current Fire Board Secretary does not want the job after January 1. That position is a non-voting member, is a paid position and if anyone is interested, please contact the Mayor. They met, nominated officers. The Fire Board also approved to borrow \$10,000 from the 2010 budget to get them started in 2009. They also filed for a new tax ID number. The Board is meeting July 21, 2009 to change the name from Lake Country Fire Department to Lake Country Fire and Rescue. This will come back to each municipality for approval.

5. Old Business

- a. LOMR Update.

T. Schuenke stated there is no update.

- b. Update on Neighborhood Electric Vehicle (NEV) Ordinance.

T. Schuenke stated the Common Council received a memo from Chief Taubel. We will need the City Attorney to prepare an ordinance and submit it to the state and ask them to approve it. Once approved, the City will approach Waukesha County. He asked the Mayor to contact the County Board Chairman asking for permission to allow NEVs on CTH C. J. Krickhahn stated he would like to pursue this and take it to the next level. There was discussion about usage on CTH C in Nashotah. T. Schuenke stated if the Village of Nashotah wants to adopt this also, we will give them our ordinance if and when it is adopted.

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

T. Schuenke stated Department of Public Works Director Tom Hafner stated he has spoken to the horse farm and they agree with the proposal. Department of Public Works Director Tom Hafner has not been able to contact the Curling Club, but will contact them this week. It should be on the next agenda, no rush on it, but will do this week.

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

T. Schuenke stated he spoke with the auditor last week and again today about this. The auditor thinks the PSC will require a complete study and a full cost service analysis, which hasn't been

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done since 1994. The PSC has the final decision on this, but we need to find out if they will do the study without making a decision, and to allow the City time to analyze the fiscal impact of any changes. There was discussion about doing a study which would cost \$4,000 to \$5,000, which could be budgeted for in 2010 and could come out of the water fund. E. McAleer stated it's probably a good time to do another study. L. Morrison stated she thought the documents the Administrator wrote were very clear and concise; very well explained. E. Sadowski agreed and asked if the City can send this information to the Kettle Ridge Condo President. T. Schuenke stated yes.

6. Mayor's Report

- a. As has been publicized, Lang Holdings has filed for Chapter 11 Bankruptcy. They called the Mayor to clarify that they planned to continue operations under restructuring, with no reduction in workforce.

7. New Business

8. Administrator's Report

- a. Report of City Officials
i. Administrator
a. Building Project Update

T. Schuenke stated there is really nothing new or significant to report relative to the budget. The footings and walls for the DPW are complete and the masonry has started. Underground plumbing is complete and the methane extraction system is being installed. For the Public Safety building the footing and wall placement is ongoing and should be done soon. Underground plumbing is to start soon with methane extraction to follow. There has only been one change order was approved since the last report and that was for a utility sink in the Police Department. The cost is \$1,652. The change order log is in the packet. He updated the Common Council on the dewatering issue, the DNR meeting has not happened yet as a result of the sediment being released by accident. The road was also temporarily paved to patch it. Have construction meetings on the Tuesday after the 2nd Common Council meeting of the month.

- b. 2008 Audit and 2009 Mid-Year Budget Report.

T. Schuenke stated he likes to do a six month budget report and update everyone on the audit. The audit is not yet final which should be ready for the next Common Council meeting. 2008 just about broken even, but there are items that are misleading when looking at how we needed up at the end of the year. Some of those items are the transferred money from the TIF fund to the General Fund and the write offs of uncollected ambulance bills dating back to 2003. The Water Fund did better than we expected with a balance of \$61,000. The Debt Service Fund also has a surplus which he plans to use to decrease the Debt Service Tax Levy, which is the only thing it can be used for. He plans to do this for the next five or six years. There was discussion about the uncollectible ambulance bills. The portion that Medicare doesn't pay has to be written off. T. Schuenke stated he has spoken with Fire Chief Jack Edwards about creating a policy that every so many years the bills should be treated as uncollectible. T. Schuenke reported on other budget items like decrease interest income revenue and that the 2nd quarter Room Tax hasn't been received yet. The expenses should come out even. The City budgeted \$50,000 for rent and moving expenses that will not be used since we are taking that money from the budget project funds. The City saved money on raises due to union contracts. Planning/Engineering costs are down because there are fewer Plan Commission requests. He asked the Department Heads to hold back on their expenses and

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they came up with about \$110,000 and each should be congratulated for looking for every penny. The City will be ok at the end of the year without having to do furloughs or layoffs. He stated in 2010 the City will lose about \$20,000 in State Shared Revenue. The Common Council thanked him for the great report; it was easy to understand.

- c. Discussion and action on Lease Agreement for temporary relocation of City Hall and Library.

T. Schuenke stated there are two properties that will work for the Library and City Hall. The Library will be moving to 440 Wells Street, lower level. City Hall will be moving to 524 Milwaukee Street, 2nd Floor. The Library space will need some work; painting and partitioning is needed. Leasing costs are \$92,500 for 12 months which is about \$12.92 per square foot. The City budgeted about \$180,000 for rent and moving, which is expected to cost \$70,000 to \$80,000. J. Krickhahn asked if there are any locations that City Hall and the Library could be together. T. Schuenke stated the problem with that is there aren't any offices in the Wells Street location so we would spend more money creating office spaces. T. Schuenke stated the goal was to stay downtown. Also, not many places were willing to do only a one year lease. We were fortunate to find the spaces we did.

E. SADOWSKI MOVED TO APPROVE THE LEASE AGREEMENT FOR TEMPORARY RELOCATION OF CITY HALL AND LIBRARY WITH ACE DELAFIELD PROPERTIES FOR ONE YEAR AT \$7,708.33 PER MONTH OR \$92,500 FOR THE FULL 12 MONTHS. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. Discussion and action on purchase of a telephone system for City facilities.

T. Schuenke stated an employee committee was created and an RFP was sent out and the City's current provider came in the lowest. The additional costs are for routers and switchers due to the project changing to fit out needs. He asked the Common Council to approve Cremer Technologies Communications proposal dated May 26, 2009 (\$41,975) and as supplemented by their proposal of July 14, 2009 (\$16,016). L. Morrison stated the biggest challenge will be the temporary location and outfitting those spaces with phones. T. Schuenke stated the City still has to decide on installing fiber optic cable between the two buildings. J. Krickhahn asked if this will have everyone on the same phone system. T. Schuenke stated yes.

E. SADOWSKI MOVED TO APPROVE THE PURCHASE OF A TELEPHONE SYSTEM FOR CITY FACILITIES, CREMER TECHNOLOGIES COMMUNICATIONS. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- ii. Clerk-Treasurer
 - a. Memo regarding special election dates and deadlines.

G. Gresch stated per Mayor McAleer's request, she reviewed the table of Special Election dates and deadlines for certifying an election to the County Clerk: E. McAleer thought heard positive results from the dredging survey. If we had a referendum in the fall of 2009, the construction won't happen until 2011 anyway, so it wouldn't hurt to wait to have the referendum in 2010.

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POSSIBLE ELECTION DATE

Tuesday, September 15, 2009
Tuesday, September 29, 2009
Tuesday, October 20, 2009
Tuesday, November 3, 2009

RESOLUTION TO COUNTY CLERK BY

Tuesday, August 4, 2009
Tuesday, August 18, 2009
Wednesday, September 9, 2009
Tuesday, September 22, 2009

ADOPT RESOLUTION @ C.C. MTG

Monday, August 3, 2009
Monday, August 17, 2009
Tuesday, September 8, 2009
Monday, September 21, 2009

G. Gresch reviewed the costs for a Special Election with an estimated 80% turnout. Due to the high turnout and recording votes by ward, we will need to use two voting machines, which increase the costs for programming the memory devices and ballot printing by ward.

TOTAL COSTS - \$7,600

- Election Inspectors (includes taxes) - \$3,500
- Legal Notices - \$800
- Poll Books and Voter Number Pads - \$225
- Absentee Ballot labels, envelopes and postage - \$650
- Deputy Clerk Overtime (includes wages, taxes, benefits) - \$400
- Mileage to and from Waukesha County - \$25
- Waukesha County Clerk's Office programming machines, creating/printing/shipping regular, sample and test ballots - \$2,000

G. Gresch stated due to the costs and time constraints, she recommends waiting for the April Election. This would give the Clerk's Office time to prepare for an election. In addition, the City Hall offices will be in the process of packing and moving during this time, which would cause a strain on the office to have an election at the same time as moving the offices. B. Leonard asked if this would extend the DNR Chapter 30 Permit. E. McAleer stated he would hope so.

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

J. Krickhahn requested that the Common Council discuss weed harvesting and possibly including it the 2010 budget.

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.

b. Approve June Treasurer's Report.

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

10. Correspondence

11. Motion to convene into Closed Session pursuant to Wisconsin State Statute 19.85(1)(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 PURSUANT TO WISCONSIN STATE STATUTE 19.85(1)(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
B. LEONARD: YES
E. SADOWSKI: YES
M. DEYOE: YES
L. MORRISON: YES
T. AICHER YES**

CLOSED SESSION AT 8:33 P.M.

12. Motion to re-convene into Open Session.

M. DEYOE MOVED TO RECONVENE INTO OPEN SESSION AT 8:54P.M. E. SADOWSKI 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.

M. DEYOE MOVED TO INCREASE THE ADMINISTRATOR'S COMPENSATION BY 3.5% AND GIVE ONE ADDITIONAL WEEK OF VACATION, FOR A TOTAL OF FIVE (5) WEEKS. E. SADOWSKI SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

14. Adjournment.

E. SADOWSKI MOVED TO ADJOURN THE JULY 20, 2009, COMMON COUNCIL MEETING AT 8:55 P.M. M. DEYOE 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