

CITY OF DELAFIELD COMMON COUNCIL MINUTES

CALL COMMON COUNCIL MEETING TO ORDER

Council President Erv Sadowski called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL for the August 3, 2009 Common Council meeting:

Present

Jeff Krickhahn, Ald.  
Beth Leonard, Ald.  
Erv Sadowski, Ald.  
Michele DeYoe, Ald.  
Gerald MacDougall, Ald.  
Lynn Morrison, Ald.  
Tim Aicher, Ald.  
Gina C. Gresch, Clerk-Treasurer

Absent

Mayor Ed McAleer  
Tim Schuenke, Administrator

E. Sadowski stated in the Mayor's absence, he chairs the Common Council meeting as the Council President and still retains right to vote.

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 20, 2009 Common Council meeting.

L. Morrison stated in the first part of the minutes, there was recognition of those that worked on the 50<sup>th</sup> Anniversary Celebration and Alderperson DeYoe was the only person that was not recognized. She stated Alderperson DeYoe should be recognized and appreciates everything she did for the celebration.

**L. MORRISON MOVED TO APPROVE THE JULY 20, 2009 COMMON COUNCIL MEETING MINUTES AS PRESENTED. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED WITH ONE ABSTENTION BY G. MACDOUGALL.**

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

None.

Citizen's comments for items on the agenda.

**Paul Price, 3111 Sylvester Drive**, stated he was at the last Common Council meeting discussing weed control. He also spoke with the Pewaukee Sanitary District about weed control and they indicated this is the best year they've had in years. He passed out a summary of his discussion with Pewaukee and read it into the record. He further discussed how other municipalities remove the weeds from the lake.

E. Sadowski stated the Common Council and Department of Public Works Director Hafner will be discussing this later on the agenda and asked the Common Council to hold their discussion until then.

**Charles Hall, 3019 Sylvester Drive**, stated he seconds everything Mr. Price said. This is the first year that he can't keep up with the weeds. The objective of the weed cutter is to get as much of the weeds out of the lake as possible. In the 1980's Zastrow Bay's weeds were out of control. The Lake Welfare Committee at that time made efforts to resolve the weed problem which has paid off today. The weeds

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

have to be removed before they go to seed. The weed growth is the best argument to try and get the dredging passed.

**L. MORRISON MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:18 P.M. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. Consent Agenda

- a. Amend Lake Country Fire Department Intermunicipal Agreement to change the department name to Lake Country Fire & Rescue.
- b. Resolution No. 2009-17, A Resolution Establishing a Process for Allocation and Awarding Available Regular & Reserve Combination "Class B Beer Class B Liquor" License(s).
- c. Set 2009 Trick or Treat Date – Saturday, October 31, 2009 from 6PM to 8PM.

**G. MACDOUGALL MOVED TO REMOVE ITEM #3B FROM THE CONSENT AGENDA FOR FURTHER DISCUSSION AND APPROVE ITEMS #3A & #3C. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

G. MacDougall stated he understands the purpose of updating the resolution and suggested that the City issue temporary bartenders licenses. G. Gresch stated the resolution has to do with liquor licenses, not bartenders; they are two very different issues.

**G. MACDOUGALL MOVED TO APPROVE ITEM #3B ON THE CONSENT AGENDA. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. Committee Reports

a. Licenses

1. Bartender license – 2 Year Licenses to expire June 30, 2010.
  - a. Neal Sherman, Johnson Creek, Target
  - b. Rebecca Ohzourk, Pewaukee, Applebees
  - c. Erin Sobczak, Pewaukee, Seven Seas
  - d. Jessica Brinkman, Watertown, Target
  - e. Paul Dundee, Janesville, Target
  - f. Nathan Robertstad, Eagle, Target
  - g. Megan Posekany, Hartland; Delafield Brewhaus
  - h. Lynn Wadzinski, Johnson Creek; Target

G. Gresch stated all bartenders passed their background check.

**L. MORRISON MOVED TO APPROVE THE TWO-YEAR BARTENDER LICENSE(S). G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

b. Plan Commission – (Minutes of July 29, 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. Lake Country Cremation Services requested to operate a human and pet cremation facility. They presented smoke and odor free process. This request requires a rezoning and Conditional Use public hearing. The existing facility will be converted into a crematorium. The Lang Hotel presented an expansion with up to 45 rooms and a conference center. There are many questions that need to be answered and a public hearing will be required. Also, the Plan Commission discussed various zoning districts

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

and categories. The August 26, 2009 Plan Commission meeting will have four public hearings on the agenda.

2. Discussion and action on recommendation from Plan Commission to approve the Extraterritorial Final Plat for Paradise Valley, Kent and Lewaune Hanson, Town of Delafield.

**M. DEYOE MOVED TO APPROVE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE THE EXTRATERRITORIAL FINAL PLAT FOR PARADISE VALLEY, KENT AND LEWAUNE HANSON, TOWN OF DELAFIELD. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. Discussion and action on recommendation from Plan Commission to approve the minor change to the Conditional Use, Site Plan and Business Plan of Operation for a cigar bar, Lake Country Cigars, to move locations within the same building and add a patio. Hours of operation are Monday through Thursday 9:00 a.m. to 8:00 p.m., Friday 9:00 a.m. to 9:00 p.m., Saturday 9:00 a.m. to 5:00 p.m., Sunday 11:00 a.m. to 4:00 p.m., with 3 part-time and 3 full-time employees for Don Kane, Lake Country Cigars, DELC 0803.988.004, 2566 Sun Valley Drive, Delafield.

M. DeYoe stated Lake Country Cigars came to the Plan Commission for approval to move their existing business to a larger facility in the same area. They want to add an outdoor patio and renovate the interior space. Since it's a move from one location to other, it was recommended from the Plan Commission to Common Council as a minor change.

**M. DEYOE MOVED TO APPROVE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE THE MINOR CHANGE TO THE CONDITIONAL USE, SITE PLAN AND BUSINESS PLAN OF OPERATION FOR A CIGAR BAR, LAKE COUNTRY CIGARS, TO MOVE LOCATIONS WITHIN THE SAME BUILDING AND ADD A PATIO. HOURS OF OPERATION ARE MONDAY THROUGH THURSDAY 9:00 A.M. TO 8:00 P.M., FRIDAY 9:00 A.M. TO 9:00 P.M., SATURDAY 9:00 A.M. TO 5:00 P.M., SUNDAY 11:00 A.M. TO 4:00 P.M., WITH 3 PART-TIME AND 3 FULL-TIME EMPLOYEES FOR DON KANE, LAKE COUNTRY CIGARS, DELC 0803.988.004, 2566 SUN VALLEY DRIVE, DELAFIELD. 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.

L. Morrison stated the Lake Awareness meeting was last week which had 45 attendees. B. Leonard stated she and Mayor McAleer attended. L. Morrison stated the Lake Welfare Committee received much more additional input from the lake residents. The Lake Welfare Committee requests to be on the next Common Council agenda to give their report on surveys and input.

d. Park and Recreation Commission – (Minutes of July 27, 2009)

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

T. Aicher stated the Park & Recreation Commission met last week and acted on a policy against moving picnic tables from the parks for residents' personal needs. This practice is discontinued and tables will not be moved. They are also monitoring the Cushing Park Bike Trail progress underneath the bridge. They are making progress on the Five

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

Year Park Plan. G. MacDougall asked about the fishing pier and why it's fenced off. Department of Public Works Director Tom Hafner was present and stated the grass growth is spotty the City needs to decide if they want to accept the growth. Once we accept the growth, it will be up to the City to be sure the rest of the grass grows in, not the DNR. E. Sadowski asked if someone from the Commission can come with him to inspect the grass. T. Aicher stated he will do the inspection with the DPW Director and will report on it at the next meeting. B. Leonard asked about the Oakwood Park parking lot. T. Hafner stated the road is graded and the southwest pond has been installed. The road gravel still needs to be delivered and he expects that to be done by the end of August.

e. Public Works Committee

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

The next Public Works Committee meeting will be held on August 5, 2009 at 6:30 P.M.

f. Del-Hart Commission – (Minutes of July 21, 2009)

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

B. Leonard stated Del-Hart met on July 21 and discussed the Sawyer Road / Bark River Construction Project. Del-Hart must apply for a Chapter 30 Permit, which Yaggy Colby is helping with. Personnel matters were discussed as well as going paperless. They will also review the investment policy at the next meeting.

g. Police and Fire Commission

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

There was nothing to report at this time.

h. Library Board

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

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.

T. Aicher stated since he has been appointed to the committee, there have been two resignations and no meetings. He stated the Common Council needs to get a better definition of what the Committee's role is.

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.

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

The next Promotional and Tourism Committee meeting will be held on August 4, 2009 at 7:00 A.M. at the Fish Hatchery.

- I. Lake Country Fire Commission – (Minutes of July 22, 2009)
  - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

G. MacDougall stated the next meeting will be held on Wednesday, August 5, at 6:00 P.M. at the Nashotah Fire Station.

- m. Lake Country Fire Board – (Minutes of July 21, 2009)
  - 1. Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

J. Krickhahn stated that the Fire Board is meeting on Thursday, August 6, at the Nashotah Fire Station. They have changed the name and are having a special meeting on the 12<sup>th</sup> to discuss attorneys.

- 5. Old Business
  - a. LOMR Update

Department of Public Works Director Tom Hafner stated the City needs to submit more information, which can be gathered in two to three weeks. Once it is resubmitted the City goes back to the top of the list to be reviewed.

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

B. Leonard stated DPW Director Hafner did a thorough job contacting those residents and the Curling Club and getting responses.

**B. LEONARD MOVED TO ADOPT ORDINANCE 612, ORDINANCE NO PARKING ON HORSESHOE BEND. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- 6. Mayor's Report
  - a. Discussion and action to accept resignation of Sarah Nienow from the Finance Advisory Board.

**E. SADOWSKI MOVED TO ACCEPT RESIGNATION OF SARAH NIENOW FROM THE FINANCE ADVISORY BOARD. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- 7. New Business
  - a. Discussion of Lake Nagawicka weed harvesting.

Department of Public Works Director Tom Hafner stated he was asked to attend to answer questions about the City's weed harvesting operations. In 2003-2004, this was a controversial subject in which the harvester was running back and forth for whoever was complaining the loudest. The City put together a systematic approach on how to handle the weeds which was reviewed by the Lake Welfare Committee and approved by the Common Council. In 2005-2008 the complaints were very minimal so he wasn't involved in the weed harvesting operations during those years. In 2009, things have changed. The complaints being received are concentrated from a small number of people, whereas in 2003-2004, the complaints were widespread. He stated the DPW Department can do whatever the Common Council wants, but it comes down resources which cost money. Currently, weed harvesting costs \$45,000 to \$50,000 per year. There have been discussions about hiring part-time people to harvest the

## CITY OF DELAFIELD COMMON COUNCIL MINUTES

shorelines manually. Also, the Administrator requested all departments to reduce this year's budget by 1-2% and asked how we do that without decreasing services.

T. Hafner further discussed harvesting around piers and read a section from the SEWRPC manual regarding riparian responsibility. He stated this year's harvesting is taking a full eight hour day, three to four loads per day, which is quadruple what we used to get. He is hearing from his crew that they have heard that a service business is going around to the lakes residences for manual weed harvesting, which then increases the number of pier pickups. He indicated that chemical controls are a part of the City's plan. There are property owners that do that that on their own, which required a permit from the DNR.

L. Morrison asked T. Hafner to explain how two lakes so close to each other can be so different. T. Hafner stated he has not reviewed their operations but the biggest difference is that our lake has a river that flows in and out, and Pewaukee's only flows out. The river flowing in creates the biggest and thickest patch of weeds. Over 50% of the weed harvesting resources is spent on the northeast corner of the lake. He is well aware that it is a problematic area and is a high priority, but the City can't spend all of its resources in one area. M. DeYoe asked about riparian responsibility; where does that end and the City's responsibility start? T. Hafner stated the area is from the beginning of the pier to end of pier. The City sweeps in and out between piers as to not disturb the bottom.

G. MacDougall stated the City is trying to get as much out of our budget as we can. Until this year, the City couldn't provide a city-wide brush pickup because of the budget. He would like to talk about where the money is going to come from to add more weed harvesting days. M. DeYoe this would have to be included in the 2010 budget. M. DeYoe suggested that maybe the riparian owners don't know what that document says and that they can apply for a permit so they know how to take action against the growing weed problem. T. Hafner stated we are currently harvesting four days a week, 10 hours a day, when the City's plan recommends only harvesting 25-35 hours a week. L. Morrison stated if the lake is the jewel of our City and we need to maintain it, we should treat the weed cutter like plowing. It should be sent out when it is needed and find the money to do that. There was further discussion about purchasing another weed harvester, extending weed harvesting by two to three weeks, hiring part time people or using volunteers to run the weed harvester. L. Morrison asked if another weed harvester would need to be purchased to more than 40 hours. T. Hafner stated the City current relies on college students to run the weed harvester and once they go back, he has to use full time-employees. Using volunteers would cost more money to train them when the full time person could be out on the lake.

E. Sadowski asked the Common Council members to brainstorm for the next meeting. B. Leonard asked what the systematic approach is. T. Hafner stated it is a document he uses for weed harvesting. B. Leonard requested that the Common Council receive that document. T. Hafner stated he will do that. J. Krickhahn stated the Common Council needs to do their homework for next year. This is the worst it's ever been and we need to treat this situation like a heavy snowfall. Using chemicals or pellets as a part of the riparian responsibility is not going to solve the problem; it needs to go further past the buoys. He asked what it would take to put together an analysis to see what it would take to clear the lake up and let the riparian's take care of the area in between the piers. There was further discussion of increasing the weed harvesting efforts this year and how the weeds are getting worse in areas like Zastrow Bay. E. Sadowski stated this will be on the next agenda for action.

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

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

G. Gresch stated she and Deputy Clerk O'Brien attended the Government Accountability Board's Early Voting Listening Session in West Allis and had a class on Early Voting at the UWGB Master Academy. Early Voting is being discussed around the state to see if it is an option to replace in person absentee voting. At this time, the majority of Clerks that we have spoken with are NOT in favor of Early Voting due to the costs and the larger strain it would put on the Clerk's Office and Municipality. If Delafield were to conduct Early Voting, the City would have to staff a polling place with five poll workers, 13 hours a day for three weeks, which could cost as much as \$50,000 in a year election year and about \$25,000 in a two election year. There are many questions with this proposal. Where are we going to find more poll workers, how are we going to fund this, what are the security measures for the machine with counted ballots, deceased people voting, etc. The GAB proposed another option to modify the current Absentee Voting process which many Clerks agreed with. Proposed changes to this would be to eliminate the application form, keep the certificate envelope and change the deadline for in person voting to the Thursday or Friday before the election, instead of the day before. If these changes were made, this would relieve the strain the last Presidential Election's absentee ballots put on our offices. There were notes taken at the West Allis listening session, which can be emailed to the council if they would like to see them.

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

E. Sadowski reviewed the requests for the next Common Council agenda. Those requests include weed harvesting, Lake Welfare Committee Lake Awareness Meeting and Survey and the purpose of the Finance Advisory Board.

9. Financial Report  
a. Approve voucher list

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

10. Correspondence  
a. Focus Newsletter  
b. Memo to Common Council Members and Administrator and Letter from Fire Chief Jack Edwards to Bulldog Towing regarding a towing bill.  
c. 2008 Audit Report.

11. Adjournment

**E. SADOWSKI MOVED TO ADJOURN THE AUGUST 3, 2009, COMMON COUNCIL MEETING AT 8:05 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