

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Call Common Council Meeting to Order  
Mayor McAleer called the meeting to order at 6:30 P.M.

Pledge of Allegiance  
The Pledge of Allegiance was recited.

Roll Call for the November 16, 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

Motion to convene into closed session per §19.85(1) (g), Wis. Stats. to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically the Federal Court lawsuit filed by former City Administrator Matt Carlson, the litigation involving enforcement of Trillium LLC development agreement and the Milwaukee Street Pond litigation EarthTech/Purpero. Also, pursuant to §19.85(1)(e), Wis. Stats, to confer with legal counsel for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically the possibility of new municipal parking lots.

**E. SADOWSKI MOVED TO CONVENE INTO CLOSED SESSION PER §19.85(1)(G), WIS. STATS. TO CONFER WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED, MORE SPECIFICALLY THE FEDERAL COURT LAWSUIT FILED BY FORMER CITY ADMINISTRATOR MATT CARLSON, THE LITIGATION INVOLVING ENFORCEMENT OF TRILLIUM LLC DEVELOPMENT AGREEMENT AND THE MILWAUKEE STREET POND LITIGATION EARTHTECH/PURPERO. ALSO, PURSUANT TO §19.85(1)(E), WIS. STATS, TO CONFER WITH LEGAL COUNSEL FOR DELIBERATING OR NEGOTIATING THE PURCHASING OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION, MORE SPECIFICALLY THE POSSIBILITY OF NEW MUNICIPAL PARKING LOTS. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED BY ROLL CALL VOTE.**

J. KRICKHAHN	YES
B. LEONARD	YES
E. SADOWSKI	YES
M. DEYOE	YES
G. MACDOUGALL	YES
L. MORRISON	YES
T. AICHER	YES

**Common Council convened into Closed Session at 6:33 p.m.**

Motion to reconvene into Open Session.

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**E. SADOWSKI MOVED TO CONVENE INTO OPEN SESSION. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

Common Council convened into Open Session at 7:15 p.m.

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 November 2, 2009 Common Council meeting.

**E. SADOWSKI MOVED TO APPROVE THE NOVEMBER 2, 2009 COMMON COUNCIL MEETING MINUTES AS PRESENTED. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

2. City of Delafield Citizen's Comments for items not on the agenda.

**Jim Zahorik, 1948 West Shore Drive**, commented that the Hartland Police Department uncovered a scam where people were going door to door asking for money for an inner city church. The City of Delafield does allow solicitation and suggested the City's Police Department contact Hartland about how we can stop fraudulent people from doing this in our City. He also commented on Alderperson Morrison's comments about being unhappy with the election results and that dredging should be exempt from Direct Legislation. He reviewed the history of Direct Legislation and asked the Common Council to not circumvent Direct Legislation. In regards to the proposed municipal parking lot, the business owners should be using the existing lots and let their customers park on the street in front of the business. He suggested that new developers should pay for the new parking lot where it doesn't impact the taxpayer or any other district in the City.

**Matthew Planning, 715 North Shore Drive**, stated he owns the property with the cars stored outside. He has done everything possible to comply with ordinances and wants the cars inside more than anyone else. He asked the Common Council to not change the Municipal Code to restrict the number of vehicles on private premises.

**Paul Price, 1831 Sylvester Drive**, encouraged the Common Council to add more money to the budget for weed control. He also encouraged the Common Council to create a Dredging Plan B Committee. He has spoken with many people on the lake. They agree dredging needs to happen but are concerned with the funding.

City of Delafield Citizen's Comments for items on the agenda.

**Lyn Holton, 485 Lillian Court**, read a statement regarding the failed dredging referendum. She suggested that if a Dredging Plan B Committee is created, the makeup and purpose be different. It should be a venue for the riparian's to find financing that does not affect the City's funds. It should be made up of residents from each district and follow the previous Plan B Committees' footprints. Make the committee official, swear in the members, require quorums, and televise the meetings. This new committee needs to be transparent. She asked the Common Council when does the DNR permit expire and how much more money is the City willing to spend on this?

**Jim Shanklin, 1906 West Shore Drive**, stated Alderperson Morrison stated "For Sale" signs went up after the dredging referenda failed. Those signs have been up for three years. Also, West Shore Drive property owners have been asking to be removed from the project since the beginning and knew exactly what they were voting for. There have been contradictory statements made by Lake Welfare Committee Chair Kent Attwell. He volunteered to be on a Dredging Plan B Committee.

**Jim Zahorik, 1948 West Shore Drive**, commented on the proposed Dredging Plan B Committee and stated the Common Council should consider a Plan C Committee for those properties that want to opt out of the project. He also commented on item #4b7, Ordinance 623 and that he and about four other

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property owners would be affected by this ordinance which discriminates against one zoning category. He opposes adoption of this ordinance and asked the Common Council to not single out five landowners that hold large tracts of land in the city.

**Pat Barwig, 1832 West Shore Drive.** She stated there is access to the lake for those without a boat; it is the new pier at St. John's Bay. Also, she commented that she paid school taxes even though her children never went to public school. She stated she would be appalled and sickened if the City used a loophole in the Direct Legislation law.

**Dave Daubert, 3330 Bay View Court,** stated there needs to be a Plan B+ Committee for property owners that want to opt out of the dredging project. Also the Village of Nashotah is not on board with this project, which is overpriced. E. McAleer stated the Common Council is not looking at policy on how to do anything, only looking at establishing a new committee.

**Mike Hausman, 3135 Sylvester Drive,** stated he supports a Dredging Plan B Committee. Similar to the building projects, dredging deserves a second chance. He would like to find common ground and hopes to be given the chance.

**Carl Dunkovich, owner of Lot 1 on Woodland Park Drive,** commented on the agenda item related to 715 North Shore Drive cars. He stated there are six cars still outside as of today. The doors give an impression of an industrial business and questioned the height of the pole barn. E. McAleer clarified that the building is a garage and is built per the code. C. Dunkovich asked if the City can limit the number of registered cars that people can have. He also commented on the in-ground pool and the improper pool fence. Also the garage doesn't match Carriage Hills, which is where he wanted to live, but not anymore.

**Lisa Dunkovich, owner of Lot 1 on Woodland Park Drive,** stated she has three children playing in her yard next to a pool with an unsafe fence; it needs to be corrected. E. McAleer stated they will ask the Building Inspector to inspect the pool's fence.

**Dennis Sobczak, 3141 Sylvester Drive,** stated he supports the formation of Dredging Plan B Committee.

**Al Zeitlow, 3312 Bay View Court,** stated if a Dredging Plan B Committee is created, they should move slowly, be transparent and be specific. If all else fails, then go to Plan C; he is not sure what that would be. Maybe those residents getting their own permit using the City's data. People that will be on this committee should open minded and non-biased. He also volunteered to be on the Dredging Plan B Committee.

**Jamie Eaves, 3218 Nagawicka Avenue,** stated the lake is divided and this issue is not going away. The Common Council has a responsibility to the lake. The channels and Bark River will eventually plug up. The City owes it to the residents that they shouldn't have to pay extra.

**G. MACDOUGALL MOVED TO CLOSE CITIZEN'S COMMENTS AT 8:18 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. Consent Agenda

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4. Committee Reports - Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

a. Licenses

1. Bartender license – 2 Year Licenses to expire June 30, 2010.
  - a. Lindsay A. Wooter, Waukesha; Noodles & Company

G. Gresch stated all bartenders passed their background check.

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

b. Plan Commission

Planner Roger Dupler was present and explained the purpose of the ordinances.

1. Discussion and action on recommendation from Plan Commission to adopt Ordinance No. 617, An Ordinance to Repeal and Recreate Sections 17.39(30)(b), 17.39(30)(c), 17.39(30)(cc) & 17.39(30)(d) - P-1 (Public & Semi-Public Use District) of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin, to Add "Crematoria" as an Allowed Conditional Use.

Planner Roger Dupler stated the crematorium that submitted a Plan Commission application in July hasn't been at the last three Plan Commission meetings. By modifying the zoning to allow crematoria in the Land Use Plan, it will accommodate this petition, but it not specifically for them. Crematoria could occur in any P1 zones. B. Leonard stated he doesn't want to change this if there isn't a demand for it.

**J. KRICKHAHN MOVED TO TABLE THE RECOMMENDATION FROM PLAN COMMISSION TO ADOPT ORDINANCE NO. 617, AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 17.39(30)(B), 17.39(30)(C), 17.39(30)(CC) & 17.39(30)(D) - P-1 (PUBLIC & SEMI-PUBLIC USE DISTRICT) OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, TO ADD "CREMATORIA" AS AN ALLOWED CONDITIONAL USE. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

R. Dupler stated these ordinances are the results of recommendations from Plan Commission per state statutes to have post Smart Growth Ordinance compliance done by December 31, 2009. Some items need action by the end of the year, other need further analysis. Those items that are on the agenda, the Plan Commission determined they need to be acted on to be complaint with Smart Growth.

2. Discussion and action on recommendation from Plan Commission to adopt Ordinance No. 618, An Ordinance Repeal and Recreate Sections 17.39(15)(a), 17.39(15)(b), 17.39(15)(c), 17.39(15)(d) - R-5 Planned Residential Development District – Conditional Uses, of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin.

R. Dupler this section is adding Permitted Uses and Geometric Standards. Currently, the State Statutes require a Conditional Use to accommodate some permitted use. The City has to modify their code to accommodate those uses that we will permit, but to include a Planned Unit Development as a part of the project.

**J. KRICKHAHN MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO ADOPT ORDINANCE NO. 618, AN ORDINANCE REPEAL AND RECREATE SECTIONS 17.39(15)(A), 17.39(15)(B), 17.39(15)(C), 17.39(15)(D) - R-5**

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**PLANNED RESIDENTIAL DEVELOPMENT DISTRICT – CONDITIONAL USES, OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN. M. DEYOE 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 No. 619, An Ordinance to Create Sections 17.35(7) – Environmental Corridor Boundary and 17.35(8) – Wetland Setback, of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin.

R. Dupler stated this creates an eight foot horizontal setback from wetlands.

**L. MORRISON MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO ADOPT ORDINANCE NO. 619, AN ORDINANCE TO CREATE SECTIONS 17.35(7) – ENVIRONMENTAL CORRIDOR BOUNDARY AND 17.35(8) – WETLAND SETBACK, OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. Discussion and action on recommendation from Plan Commission to adopt Ordinance No. 620, An Ordinance to Repeal and Recreate All Sections of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin, In All Instances Where the Verbiage “Master Plan” and/or “Master Land Use Plan” Occurs to Change the Text to “Comprehensive Plan”.

**B. LEONARD MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO ADOPT ORDINANCE NO. 620, AN ORDINANCE TO REPEAL AND RECREATE ALL SECTIONS OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, IN ALL INSTANCES WHERE THE VERBIAGE “MASTER PLAN” AND/OR “MASTER LAND USE PLAN” OCCURS TO CHANGE THE TEXT TO “COMPREHENSIVE PLAN”. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

5. Discussion and action on recommendation from Plan Commission to adopt Ordinance No. 621, An Ordinance to Repeal and Recreate Section 17.39(27) - B-6 Commercial Holding Zone, of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin.

R. Dupler stated this is the same as the Ordinance for R5 Permitted Uses, but for the B6 District.

**B. LEONARD MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO ADOPT ORDINANCE NO. 621, AN ORDINANCE TO REPEAL AND RECREATE SECTION 17.39(27) - B-6 COMMERCIAL HOLDING ZONE, OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

6. Discussion and action on recommendation from Plan Commission to adopt Ordinance No. 622, An Ordinance to Repeal and Recreate Section 17.39(20) – CBD-3 Special Campus District of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin.

R. Dupler stated this pertains to single vs. multiple ownerships.

**B. LEONARD MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO ADOPT ORDINANCE NO. 622, AN ORDINANCE TO REPEAL AND RECREATE SECTION 17.39(20) – CBD-3 SPECIAL CAMPUS DISTRICT OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.**

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**M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

7. Discussion and action on recommendation from Plan Commission to adopt Ordinance No. 623, An Ordinance to Repeal and Recreate Section 17.75 – Planned Development for a Conditional Use, of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin.

L. Morrison and J. Krickhahn stated they don't like this ordinance. L. Morrison stated she feels this is sticking it to those property owners. There was discussion about the reduction of lot size by 70% and blending densities. J. Krickhahn began to make a motion to deny the ordinance but withdrew his motion. The Common Council agreed that this item could be postponed to the next Common Council meeting. M. DeYoe stated the November Plan Commission meeting is cancelled due to lack of quorum.

- c. Lake Welfare Committee – (Minutes of November 11, 2009)

L. Morrison stated

- i. Discussion and action on recommendation from the Lake Welfare Committee to appoint a "Plan B" type committee to create an alternative referendum plan.

L. Morrison stated she hopes that the Common Council will establish another group to take another look at the project. E. McAleer stated the Dredging Plan B Committee would consist of one person from each district which was appointed by their alderperson and two alderpeople. The Committee will elect their own chair, meet in an open environment, be televised, and meet quorum requirements. There was discussion about why a Dredging Plan B Committee should be set up and that they should look for alternative funding sources, think outside the box and report back to Common Council. E. McAleer stated the Lake Welfare Committee members can attend the new committee's meeting if they choose, however the new committee needs to be divorced from Lake Welfare Committee.

**M. DEYOE MOVED TO APPROVE THE RECOMMENDATION FROM THE LAKE WELFARE COMMITTEE TO APPOINT A DREDGING PLAN B COMMITTEE, WITH 2 ALDERPEOPLE, ONE PERSON FROM EACH DISTRICT APPOINTED BY THEIR ALDERPERSON, THE MEETINGS BE TELEVISED, HAVE AGENDAS AND MINUTES. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

L. Morrison stated Lake Welfare Committee noticed that there was talk about pier regulations about two years ago, which the DNR backed off setting up firm rules and regulations. Someone recently checked the DNR's website and there are pier regulations on their website. She asked which bill in the legislature did this pass in.

- d. Park and Recreation Commission

T. Aicher stated the Park and Recreation Commission is finalizing the Five-Year Plan and will present it to the Common Council soon. The next Park and Recreation Commission meeting will be held on Monday, November 23, 2009 at 7:00 P.M.

- e. Public Works Committee – (Minutes of November 4, 2009)

G. MacDougall stated the Golf Road Reconstruction Project meeting is Tuesday, November 17, 2009 and everyone should have received a postcard about it. The City is asking for citizen input. There will be a second meeting in late January and recommendation to the Common

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Council after that meeting. There are three meetings scheduled with the other affected commercial property owners. He asked the Clerk to upload the project timeline to the website. Department of Public Works Director Tom Hafner stated there will be handouts from the DOT available at the meeting also. G. MacDougall also reported that Cushing Road Bike Path completion has been delayed. T. Hafner stated he is optimistic that it will be paved this year.

- i. Discussion and action on recommendation from Public Works Committee to adopt Ordinance 626, An Ordinance Creating Section 7.04(3)(a)43 of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin Related to Parking on Wells Street.

G. MacDougall stated this is just like the ordinance that was adopted at the last Common Council meeting to restrict parking on Main Street.

**L. MORRISON MOVED TO APPROVE THE RECOMMENDATION FROM PUBLIC WORKS COMMITTEE TO ADOPT ORDINANCE 626, AN ORDINANCE CREATING SECTION 7.04(3)(A)43 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN RELATED TO PARKING ON WELLS STREET. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- f. Del-Hart Commission

There was nothing to report at this time. The next Del-Hart Commission meeting will be held on November 17, 2009 at 7:00 P.M.

- g. Police and Fire Commission

There was nothing to report at this time.

- h. Library Board – (Minutes of November 3, 2009)

J. Krickhahn stated the Library's circulation is up again and has never seen a month where it went down. Also congratulations to the Friends of the Library. The Art Auction and Wine Tasting made \$7,400, up from last year's \$6,200. Pizza with Santa tickets go on sale November 23, lines are anticipated. J. Krickhahn stated the temporary library space actually came out about 900 square feet more than we anticipated which would have cost the City about \$10,000 more. Jason Steiner has donated the extra space to the City. Common Council members thanked Jason Steiner. G. MacDougall stated he would like to see that in the next Communicator. J. Krickhahn also reported that an anonymous donor is seeing to it that the library floor is painted and thanked them. The next Library Board meeting will be held on December 8, 2009 at 7:00 P.M.

- i. Board of Zoning – (Minutes of November 12, 2009)

G. MacDougall stated the Michels' boathouse appeal was approved. The detached garage on Bark River Drive was postponed to the next meeting so the petitioner can obtain additional information for the Board of Zoning members.

- j. Promotional and Tourism Committee – (Minutes of November 3, 2009 and November 10, 2009)

L. Morrison stated the Christmas Tree lighting is Friday, November 20, 2009 at 5PM in the area across from Mazatlan, by the clock. Saturday, December 5 is Breakfast with the Reindeer. They are also reviewing next year's marketing plans and will be selecting one soon.

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- k. Lake Country Fire Commission

There was nothing to report at this time.

- l. Lake Country Fire Board – (Minutes of November 5, 2009)

G. MacDougall stated the billing contract is under negotiation. The Fire Board discussed the transfer agreement with Oconomowoc Memorial Hospital; there has been no response yet. They also signed the MABAS agreement. This is a regional mutual aid agreement with other fire departments for large emergency events. Also, there are some 2010 expenses that the Fire Board needs an advance on their budget to cover; a check will be needed tomorrow. That is later on the agenda. So far the consolidation efforts are working well and it will be seamless. The next Fire Board meeting will be held on Wednesday, November 18 at 6 PM at the Nashotah Fire Department. J. Krickhahn stated the Fire Board is also running into roadblock with licensing.

- 5. Unfinished Business

- a. LOMR Update.

There was nothing to report at this time.

- b. Update on 715 North Shore Drive parked cars.

E. McAleer read the Police Department memo that was in the Common Council packet into the record. He stated as of this evening, there is one car outside and grass has been cut. M. DeYoe asked that the swimming pool fence be inspected by the Building Inspector. There was discussion about where in the City that this type of building could be built and how it is allowed in the building code, and that maybe the City's building code related to garages needs to be updated. It was suggested that the Plan Commission review the zoning code related to garages, and what is allowed to be stored outside.

- c. Discussion and action on City Special Assessment Policy.

T. Schuenke stated after trying to incorporate Ald. Leonard's comments on the Special Assessment Policy and trying to add a section on process as requested by Ald. MacDougall, he came to the conclusion that the best approach to this was to rewrite the policy in its entirety. He has begun to do that and do not yet have it in a form with which he is comfortable. He asked that the Common Council keep it on the agenda and deal with it in December or January. L. Morrison asked if the Common Council can receive the changes earlier than when they get the packet. T. Schuenke stated yes he can do that and that it should stay on the agenda until this is resolved.

- d. Discussion and action to award Assessor RFP.

T. Schuenke stated recently, per the direction of the Common Council, we accepted four proposals on assessor services. Before discussing the proposals, the City should consider its current status. Our current assessor is Accurate Appraisal of Menasha, WI. They have been our assessor since 2003. The City had Accurate do a full physical reassessment in 2004 and a market value reassessment in 2007. A full physical reassessment involves an inspection of every property, both interior and exterior. A market value reevaluation does not involve a physical inspection of the properties but does involve a thorough review of the market and then bringing all properties' assessments up to market value. A full physical inspection should be done about every 10-15 years and a market reevaluation about every 3-5 years. The timing of either will depend upon market conditions and the amount of building activity in the community. The timing also depends upon our compliance with state law which stipulates we must maintain our property values within 10% of the State's equalized value of each major class of property

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within the community. (The primary major classes for our purposes are residential and commercial). Our commercial class is currently assessed at about 81% of market value. Our residential class is assessed at 99.5% of market value. Our total of all classes is 94%. Thus, our commercial class would be considered out of compliance.

T. Schuenke stated the values in 2007 after the market value reevaluation were 93% for commercial and 100% for residential. The simple fact of the matter is the commercial market has maintained its value and grown some since 2007 while the residential market has lost some of its value. Given this current status, it is recommended we do a market value reevaluation in 2010. Such a reevaluation would not be expected to change the value of residential property much, but it will result in greater assessed value being assigned to commercial property. The result of that will be more of the property tax levy will be paid by commercial property and less by residential. So with that as the background, and given that it is recommended we do a market value reevaluation in 2010, we should evaluate the assessor proposals with this in mind. In the evaluation of the proposals, I am proposing a four year agreement with a market value reevaluation in 2010. The other three years would be maintenance years, unless of course we slip out of compliance. He expects the City would consider a market reevaluation again in 2014. With this as the proposed plan for going forward, he met with the three firms who submitted the lowest proposals (Accurate, Grotta, and Tyler). In his interview he asked each of them if they would be willing to spread the cost of the market value appraisal over the next four years, thus making it easier to budget for the reevaluation. They all agreed to do that. The lowest proposal for the four years is from Grotta Appraisals of Menomonee Falls and we recommend it be accepted. Their fee for 2010 would be \$31,225. We currently have \$48,000 budgeted, so if this proposal is accepted, we can reduce our assessor budget by \$16,775. We have done reference checks on Grotta Appraisals and all references come back positive. Among others, we have talked to the Town of Lisbon, Town of Merton, City of Oconomowoc, Town of Summit, and the Village of Merton.

B. Leonard asked if it would be advisable to reevaluate one class of property. E. McAleer stated no, it should be the whole City. T. Aicher asked if changing assessors have an impact on the physical assessment done in 2004. T. Schuenke stated no but he did ask that question too.

**E. SADOWSKI MOVED TO AWARD THE ASSESSOR CONTRACT TO GROTA APPRAISALS, FOR A FOUR YEAR CONTRACT AT \$31,225 PER YEAR AND CONDUCT A MARKET REEVALUATION IN 2010. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

e. Discussion and action to adopt 2010 Budget.

T. Schuenke stated since the Common Council last met there are four additional changes all of which will result in a reduction in the proposed property tax levy. The first change has to do with action taken at the last Council meeting to increase various fees. Those changes will result in an increase in revenue of \$13,845. Those increases have been incorporated into the budget and the property tax levy has been reduced accordingly. Second, the State of Wisconsin local Government Property Insurance Fund, which we participate in, has declared a dividend which will show up as a credit in 2010. Our credit will be about \$5,000. The line item and the levy have been reduced by this amount. Third, assuming the City Council agrees with his recommendation on assessor services, we can reduce that item by \$16,775. That will also reduce the levy by that amount. The fourth change has to do with our assessed value. We received revised figures from the State and our assessed value increased a small amount. Our assessed value is now \$1,321,700,078 as opposed to the previously reported \$1,315,456,278. This is a small change, but it will reduce the mill rate slightly. These changes are in addition to the changes made on the 2nd at the Public Hearing. Those changes included the following and have been previously explained and discussed (those in ( ) indicate a decrease in the property tax levy):

- Additional use of Debt Service fund balance (\$100,000)
- Premium Deposit to Debt Service (\$ 22,270)

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- Refunded TIF Principal (\$310,000)
- Reduction in DNR Lake Patrol Grant \$ 12,000
- Adjustment to Human Resources \$ 3,919
- Additional Fire funding \$ 4,763
- Add back Police Department Computers \$ 20,000

T. Schuenke stated he has also had several elected officials request that we add back in the Police Department Boat Safety Course, which has been done. There is no additional cost for this program as our personnel do it and they are already included in the budget. The net result of all of these changes is a proposed property tax levy of \$5,393,370. That compares with the 2009 levy of \$5,362,017, or an increase of \$31,353 (0.58%). The mill rate is now \$4.0806 as compared to \$4.0519, or an increase of \$0.0287 (0.71%). A home valued at \$400,000 would see an increase in their property taxes in the amount of \$11.48 if this budget passes. He recommends this budget be adopted.

**M. DEYOE MOVED TO ADOPT THE 2010 BUDGET. E. SADOWSKI SECONDED THE MOTION. AMENDMENTS ARE AS FOLLOWS:**

G. MacDougall stated Oakwood Park Development has a budget request of \$120,000 in the CIP. He asked why the Common Council has not seen a plan of how they plan to spend the money. E. McAleer stated it's only a placeholder in the CIP. T. Schuenke stated these numbers don't affect the Mill Rate until the money is borrowed. E. Sadowski asked what the Park and Recreation Commission have planned for the \$120,000. T. Aicher stated it is to be spent on plans on how to develop the park. There was a Park and Rec Coordinator to assist in moving projects forward in the Operating Budget but it was removed at a prior meeting. The money is for contracted services to organize the efforts to develop a comprehensive park development plan.

**T. AICHER MOVED TO AMEND THE CAPITAL IMPROVEMENT PROJECTS BUDGET TO REDUCE THE OAKWOOD PARK DEVELOPMENT FROM \$120,000 TO \$30,000. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

**E. SADOWSKI MOVED TO AMEND THE CAPITAL IMPROVEMENT PROJECTS BUDGET TO MOVE THE \$40,000 BOSTROM PARK GAZEBO FROM 2010 INTO 2011, AND THAT ALL FUNDING BE FROM DONATIONS. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

E. Sadowski questioned the Fish Hatchery breezeway and awnings and is there an alternative. T. Aicher stated no. G. MacDougall asked if the Park and Recreation Commission could develop a master plan for everything they want to do. T. Aicher stated a detailed plan has been drafted and will be acted on at the next Park and Recreation Committee meeting. T. Schuenke stated we can leave this item as is. By the time the City borrows money again, we can have a figure firmed up. That is true for any capital items; firm up costs before money is borrowed.

B. Leonard questioned the dredging money in the budget and what will happen to it. E. McAleer stated a committee has been established so we should leave it in as a placeholder. E. Sadowski stated it should be moved to 2011's budget because the voters voted it down for 2010. B. Leonard asked if based on Direct Legislation, it can be left into the budget. T. Schuenke stated this has no impact on the budget it is only a placeholder. There was further discussion about leaving the dredging monies in the 2010 budget. E. Sadowski stated leaving the money in the 2010 budget would be no different than taking it out and coming back with a budget amendment.

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

**E. SADOWSKI MOVED TO AMEND THE CAPITAL IMPROVEMENT PROJECTS BUDGET TO MOVE THE \$4.9 MILLION DOLLARS FOR DREDGING TO THE 2011 BUDGET. E. MCALEER STATED IT SHOULD BE LEFT IN, IT'S ONLY A PLACEHOLDER. E. SADOWSKI WITHDREW HIS MOTION.**

**E. SADOWSKI MOVED TO AMEND THE CAPITAL IMPROVEMENT PROJECTS BUDGET TO REMOVE THE \$4.9 MILLION DOLLARS. B. LEONARD SECONDED THE MOTION. J. KRICKHAHN ASKED IF REMOVING THE FUNDS NEGATE THE CHANGES OF OBTAINING GRANTS. G. MACDOUGALL ASKED IF THIS IS REMOVED, CAN THE COUNCIL AMEND THE BUDGET IT NEXT YEAR TO PUT IT BACK IN IF NECESSARY. E. MCALEER STATED YES. B. LEONARD STATED WITH NO DREDGING PLANS THE MONEY DOESN'T NEED TO BE IN THE BUDGET. THERE WAS NO FURTHER DISCUSSION. MOTION FAILED WITH TWO AYES BY B. LEONARD AND E. SADOWSKI, AND NAYS BY ALDERPERSONS KRICKHAHN, DEYOE, MACDOUGALL, MORRISON AND AICHER. FUNDS STAY IN THE BUDGET.**

J. Krickhahn asked about the American Legion's Operating Expenses which include the ball park, replace backstop, benches and children's play area and what is usable right now. T. Aicher stated the play area was a donation and it needs to be maintained. The backstop is more for looks and it can be pushed out one more year. The player's bench is on the list for replacement based on feedback from leagues.

**J. KRICKHAHN MOVED TO AMEND THE 2010 BUDGET'S OPERATING EXPENSES AND TO REMOVE \$3,650 (BACKSTOP AND BENCHES). B. LEONARD SECONDED THE MOTION. MOTION FAILED WITH TWO AYES BY J. KRICKHAHN AND B. LEONARD, AND NAYS BY E. SADOWSKI, M. DEYOE, G. MACDOUGALL, L. MORRISON AND T. AICHER. MOTION FAILED. FUNDS STAY IN THE BUDGET.**

G. MacDougall stated the placeholders are getting bigger and some projects may have to go to referendum if their costs are over \$1 Million dollars. T. Aicher the \$850,000 for park development is not a way around Direct Legislation; it's just a placeholder where the amounts could in the end be different.

**E. SADOWSKI MOVED TO AMEND THE 2010 BUDGET'S OPERATING EXPENSES TO CUT THE WEED CUTTING BUDGET FROM \$5,000 TO \$3,000. G. MACDOUGALL SECONDED THE MOTION. L. MORRISON STATED IT IS NOT NECESSARY TO SAY IT WILL COST ONLY \$5,000 TO EXTEND THE SEASON. THAT AMOUNT SHOULD BE AT THE DISCRETION OF THE DPW DIRECTOR TO DECIDE HOW TO DEAL WITH WEED PROBLEM. THE \$5,000 SHOULD BE LEFT IN THE BUDGET. G. MACDOUGALL STATED HE AGREED. E. SADOWSKI WITHDREW THE MOTION.**

T. Aicher questioned why \$20,000 for Police Department computers were in, then removed and back in again. Chief Taubel stated they are computers for the squads and we are limping along with what we have. They are four years old and we originally attained them thru a grant from Waukesha County. J. Krickhahn asked about Lois Jensen Park trail maintenance. T. Aicher stated the path is there through a cooperative effort from many volunteers. J. Krickhahn asked what the \$1,000 pays for. T. Aicher stated it is for materials and equipment. J. Krickhahn asked if the plan for Bostrom Park is to have a concrete pad and kid's tables. T. Aicher stated yes, it was planned for 2009 but was never completed. This has been done in other parks also.

**THE MOTION TO APPROVE THE 2010 BUDGET WITH AMENDMENT PASSES UNANIMOUSLY.**

CITY OF DELAFIELD COMMON COUNCIL MINUTES

7. New Business

- a. Discussion and action on request from Lake Country Fire and Rescue Department for an advance on the 2010 Budget Monies.

**G. MACDOUGALL MOVED TO APPROVE THE REQUEST FROM LAKE COUNTRY FIRE AND RESCUE DEPARTMENT FOR AN ADVANCE ON THE 2010 BUDGET MONIES, NOT TO EXCEED \$20,953.40. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

8. Administrator's Report

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

T. Schuenke stated the work on the Public Safety Campus continues without any delays. Public Works will move into their new space in the next 10 days to two weeks. Once moved, work will begin on remodeling their old space. Work has started on the temporary space for the City Hall and Library. It should be ready in about three to four weeks. It is important to note here that when we laid out the Library space in the temporary site, it came out to 5,900 sq ft. The City is only renting 5,000 sq ft. and advised the Steiner Group the City could not afford to spend more for rent, so we looked at a redesign which would have made the space difficult to use. After discussions with the Steiner Group, they agreed to let the Library use the additional space at no additional charge. That is a savings of about \$9000 - \$10,000. They should be recognized for helping make this project a success and for being good corporate citizens and the City thanks them for their help. Much of our effort is now focused on moving. Moving day is scheduled for 12-21-09. As soon as we move, work will begin in this building for asbestos abatement and then demolition will begin. It is possible demolition will start before the end of the year. A list of the change orders approved since the last meeting is attached. None exceed \$25,000 so no City Council action is necessary. The total amount of these changes is \$6,160. A budget summary dated 11-12-09 is attached. You will note the projected contingency is \$342,361. This projection includes all change orders to date, the telephone system, the audio visual work, the furnishings, and the remodeling necessary to occupy the temporary space. It also includes expenses for costs we have not yet finally determined, but for which we have estimates.

- ii. Clerk-Treasurer

- a. Memo regarding Parliamentary Procedure training session and 2014 IIMC Conference.

G. Gresch stated at the last Common Council meeting, she reported on a Parliamentary Procedures class she attended. The Common Council asked that a session be set up for the City and surrounding municipalities. She is in contact with the Wisconsin Association of Parliamentarians President and they are working on setting up a Saturday morning session in February. We are not sure of the costs yet, but she asked him to keep it in the \$10 to \$15 range. He agreed that is a reasonable price and will call me next month to set up the session. So far about four other municipalities in the area are interested. G. Gresch also stated she is very excited to announce that the International Institute of Municipal Clerks (IIMC) has chosen Milwaukee as their 2014 Conference City. Clerks throughout the state will work for the next five years to fundraise for education sessions, speakers and events to put on a conference for about 1,000 Clerks and Deputy Clerks from around the world. I am proud to say that I was a part of the group that helped promote Wisconsin to bring this event here.

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

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

B. Leonard requested the 25x25 Energy Saving Ordinance be on the next agenda. G. MacDougall requested the City's Special Assessment Policy stay on the agenda until it is finished. L. Morrison requested the formation of a Dredging Plan B Committee be on the next agenda.

9. Financial Report

a. Approve voucher list

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

b. October Treasurer's Report

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

10. Correspondence

- a. Focus Newsletter
- b. Letters and Emails from residents regarding the failed dredging referenda.
- c. Waukesha County Corporation Council Minutes - OAR Program.
- d. Response from WI DOT regarding CTH C Roundabouts.
- e. Letter from residents urging a Dredging Plan B Committee be established.

E. McAleer reviewed the correspondence with the Common Council members.

11. Adjournment

**E. SADOWSKI MOVED TO ADJOURN THE NOVEMBER 16, 2009, COMMON COUNCIL MEETING AT 10:31 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