

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 December 7, 2009 Common Council meeting:

Present

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
Roger Dupler, Planner

Absent

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 16, 2009 Common Council meeting.

G. MACDOUGALL MOVED TO APPROVE THE NOVEMBER 16, 2009 COMMON COUNCIL MEETING MINUTES AS PRESENTED. T. AICHER 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.

Gary Meyer, 2830 Nagawicka Avenue, stated he received a ticket related to the burning ordinance and wants clarification on the rules. The Fire Chief came to his house and approved his burning. Then a neighbor called and complained, after which he received a ticket. He stated the smoke wasn't even going into any neighbor's yard. Also, there were two other fires burning and he was the only one that was complained about. He wants to know how the Common Council feels about this. E. McAleer stated burning will be an item on the next Common Council agenda. M. DeYoe stated Veolia does have a leaf drop-off area or you can call to have them picked up.

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

Robert Kuhn, 498 S. Lapham Peak Road, stated Delafield is a zoned community and there are only two criteria on how to vote on zoning. The neighboring property owners should agree or it should have overwhelming benefit to the City. The Smart Growth plan is a good plan and should be strengthened as much as it can be.

Dan Wiley, 493 Lillian Court, thanked and applauded people involved in developing Smart Growth. It will set standards for future development and preserve natural beauty. He supports Ordinance 623 and would like it adopted.

Gerry Holton, 485 Lillian Court, read a statement regarding Ordinance 623 and why it should be adopted. He reviewed dates related to the Smart Growth plan and its adoption. He reviewed Smart Growth's objectives. He asked the Common Council to stand by their vote on the Smart Growth plan as the City and the citizens will benefit greatly.

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Tim Newbert, 40 Nashotah Road, stated if adopting Ordinance 623 means curtailing blended zoning, he fully stands behind it. He moved here based on that premise that these lands were zoned a certain way and that is the road map to be followed. If we need to update this ordinance to reflect the Smart Growth plan, so be it.

Darrell Pope, 1236 Mill Road, stated when Smart Growth was voted on, it wasn't carved in stone. If 10 years from now, there is a different Common Council and Plan Commission, they can vote to change everything that we've done today. There's nothing you can do today to prevent things in the future, except express intent. Over the last two years, the Plan Commission has worked very hard to develop a Smart Growth plan. There were dozens of opportunities for people to express desire or intent for the land in Delafield during the time the City was working on developing the Smart Growth plan. The action the Common Council is going to take is to eliminate density averaging districts when any districts are agricultural. The Common Council voted on that unanimously when they adopted Smart Growth. He urged the Common Council to follow up on the Smart Growth plan to make their intent clear for the next 20 years and pass Ordinance 623 as it stands.

Scott Esser, 164 Brookside Court, stated the Smart Growth plan is an impressive document. The elimination of density blending protects the City as a whole and its neighbors. He supports the adoption of Ordinance 623 as it is.

Brad Hoffman 498 Lillian Court, expressed his support for Ordinance 623 and encouraged the Common Council to keep the Smart Growth plan smart.

Laura Schilt, 935 Barr Road, thanked the Plan Commission, Common Council, Planner Dupler and the many other people behind the scenes working diligently on the massive Smart Growth undertaking. She thanked the City for open meetings, public hearings and for having the entire plan on the City's website. She thanked the Common Council for giving citizens and property owner's ample opportunity to step forward. Ordinance 623 should be allowed to proceed so Smart Growth can be submitted to the state in a timely fashion. Smart Growth's intent was to bring consistency and to improve checks and balances of growth that is left in the City. It also protects all citizens and property owners. Changing the course right now undermines Smart Growth and opens the floodgates. She urged the Common Council to pass Ordinance 623.

G. MACDOUGALL MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:23 P.M. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda

- a. Intergovernmental Cooperation Agreement between City of Delafield and City of Waukesha for Technical Rescue Services Response and Awareness Training.
- b. Appoint 2010-2012 Election Inspectors.

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

Item A - L. Morrison asked why the agreement is with the City of Delafield and not the new Lake Country Fire & Rescue Department. T. Schuenke stated because the City is a legal taxing authority and that the City of Waukesha wants the municipal entities to sign off on the agreement.

L. MORRISON MOVED TO APPROVE ITEM A ON THE CONSENT AGENDA. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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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. Sherry Adams, Waukesha; Fishbones
 - b. Justin Fry, Delafield; Marty's Pizza
 - c. Anne Miller, Pewaukee; Fishbones
 - d. Adam Wrass, Waukesha; Andrew's Restaurant/Delafield Hotel

G. Gresch stated all bartenders passed their background check.

L. MORRISON MOVED TO APPROVE THE TWO-YEAR BARTENDER LICENSE(S). T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.
 - b. Plan Commission

There was nothing to report at this time. The next Plan Commission meeting will be held on December 16, 2009 at 7:00 P.M.
 - c. Lake Welfare Committee

There was nothing to report at this time. The next Lake Welfare Committee meeting will be held on December 9, 2009 at 6:00 P.M.
 - d. Park and Recreation Commission – (Minutes of November 23, 2009)

T. Aicher stated the Park & Recreation Commission has reviewed the draft Five-Year Plan and it should be ready for the Common Council to see in about a month.
 - e. Public Works Committee

There was nothing to report at this time as there was no December meeting. B. Leonard asked about the Golf Road project and how long it will be until the next meeting. G. MacDougall stated the meetings will resume after the holiday shopping season is over. E. McAleer stated the next meeting will be an open meeting with the retail store owners and operators, probably in a workshop format.
 - f. Del-Hart Commission – (Minutes of November 17, 2009)

B. Leonard stated Del-Hart continues to work on the union contract which has not been settled yet. They are ready to take bids on the Sawyer Road/Bark River project. They also discussed Del-Hart having a website on the City and Village's websites. G. MacDougall stated he spoke with the City Clerk, and the City will host the website on their server and will provide links and pages.
 - g. Police and Fire Commission

There was nothing to report at this time.
 - h. Library Board

There was nothing to report at this time. The next Library Board meeting will be held on December 8, 2009 at 7:00 P.M.
 - i. Board of Zoning

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i. Scheduled Hearing on December 10, 2009: Case 763 – Appeal of Kurt Amidzich (owner) and Tony McGuire (agent) to modify sign panel and structure of a legal non-conforming sign for Kurt's Steak and Seafood Restaurant at 22 West Main St, DELC 0794.988, relating to Section 17.73(3) and Section 17.73(4) which requires all signs to be subject to setback rules applicable to buildings. B-1 setback is 30'. The proposed sign is at the ROW.

j. Promotional and Tourism Committee – (Minutes of December 1, 2009)

L. Morrison stated they are discussing the 2010 marketing plan. The Chamber also has their last two events for the year; the tree lighting and Breakfast with the Reindeer, which both were very successful. Also, many of the stores downtown are open on Sunday, which they now have signs in their window indicating that. She visited the stores last weekend to see how business is and they all commented that Saturday's Reindeer event was great and they had good business. It is one thing to have a crowd but to have a crowd that stays and spends money in the community is another.

k. Lake Country Fire Commission

There was nothing to report at this time.

l. Lake Country Fire Board – (Minutes of November 18, 2009)

G. MacDougall stated everything was going along well until the City found out the LCFR cannot join the Wisconsin Retirement System. T. Schuenke stated the Department of Employee Trust Funds will not accept the LCFR into the State Health & Retirement System. The State uses a three-prong test to determine if an entity meets their requirements to enter the system. The LCFR Attorney Hector de la Mora feels all three are met, but the State disagrees, even though there are numerous other entities like ours that are already in the system. Also, because they State is bound by an agreement with Social Security Administration, the state feels certain that the SSA will deny this coverage also. SSA could overrule ETF in the end. Since this will not be solved by December 31, 2009, the City of Delafield Fire Department employees will remain with the City under the City's insurance and retirement plan. It seems likely that we should get the City's Congressman and Senators involved in this.

5. Unfinished Business

a. 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.

B. Leonard stated she helped work on Smart Growth while she was on the Plan Commission. The Planner submitted a very good concise memo that lays out the logic of why this was done in the Smart Grown plan. This is a very important element of the plan and basic values of document. There were some very good points made during public comments and the Planner's memo states the argument for adoption. J. Krickhahn stated he was not prepared to discuss this at the last meeting and after discussing this further with the Planner, he misunderstood some of things. The thanked the Plan Commission for their hard work and stated he is in favor Ordinance 623.

E. SADOWSKI MOVED TO APPROVE THE 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. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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- b. LOMR Update.

There was nothing to report at this time.

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

T. Schuenke stated it is not ready yet. He recommends discussing it at the first meeting in January. G. MacDougall asked if everyone could get a hard copy to review. T. Schuenke stated yes that can be done.

- d. Discussion and action to appoint Dredging Plan B Committee members.

E. McAleer stated he received emails about why Alderpeople will be on this committee. He stated they are on there to serve as liaisons to the Common Council. G. MacDougall stated they are non-voting members. E. McAleer stated it worked last time with the Building Plan B Committee. E. McAleer recommended appointing Alderpersons Beth Leonard and Tim Aicher.

E. SADOWSKI MOVED TO APPOINT ALDERPERSONS BETH LEONARD AND TIM AICHER TO THE DREDGING PLAN B COMMITTEE. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

J. Krickhahn's nominee is Mike Hausman on Sylvester Drive.

J. KRICKHAHN MOVED TO APPOINT MIKE HAUSMAN TO THE DREDGING PLAN B COMMITTEE. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

B. Leonard's nominee is Caroline O'Brien.

B. LEONARD MOVED TO APPOINT CAROLINE O'BRIEN TO THE DREDGING PLAN B COMMITTEE. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

E. Sadowski's nominee is Bob Aulik.

E. SADOWSKI MOVED TO APPOINT BOB AULIK TO THE DREDGING PLAN B COMMITTEE. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

M. DeYoe stated she doesn't have a nominee and asked for two more weeks to find someone. The Common Council agreed to give two more weeks to find a nominee.

G. MacDougall's nominee is Raffi Shirikian.

G. MACDOUGALL MOVED TO APPOINT RAFFI SHIRIKIAN TO THE DREDGING PLAN B COMMITTEE. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY E. SADOWSKI.

L. Morrison's nominee is Al Zietlow.

L. MORRISON MOVED TO APPOINT AL ZIETLOW TO THE DREDGING PLAN B COMMITTEE. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

T. Aicher stated he also needs two more weeks to find a nominee.

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6. Mayor's Report
 - a. Election Inspector Appreciation Day Proclamation.

G. MACDOUGALL MOVED TO ADOPT THE ELECTION INSPECTOR APPRECIATION DAY PROCLAMATION. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. New Business
 - a. Discussion of Wisconsin Office of Energy Independence 25x25 Energy Plan.

T. Schuenke stated Alderperson Leonard asked to look into this. A number of communities have done this, however, there is much more to this and we do not have people capable doing this data collection or any money budgeted. If the City is committing to do this, the City has to comply with four things and resources will have to be freed up. B. Leonard stated she, L. Morrison and M. DeYoe attended a seminar at the City of Waukesha about this. Instead of taking it off the agenda, she would like contact those communities to see what tasks were involved. Her impression is that no one hires a consultant or spends funds to do this. A resolution is passed and grants are given to accomplish those goals. She would like to invite another community to a Common Council meeting early next year to have them educate the council on how they did their plan. The Common Council agreed to hold off on this until next February.

- b. Discussion and action on We Energies Easement for the Civic Center.

T. Schuenke stated the City needs to provide We Energies with an easement for the installation of the temporary and permanent power for the new civic center. It is for a small area on the northwest corner of the City Hall property.

E. SADOWSKI MOVED TO APPROVE THE WE ENERGIES EASEMENT FOR THE CIVIC CENTER. G. MACDOUGALL 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. Discussion and action on annual adjustment to non-union pay ranges.

T. Schuenke stated pursuant to the City's pay policy, we are to annually review the pay ranges established for non-union salaries. The original ranges were established in 2003 when the City adopted the PAR study and recommendations. Those ranges are annually adjusted so as to make sure we remain competitive and to maintain parity with our labor unions. Any adjustments to the ranges do not result in any pay increase for non-union employees. Rather, the ranges only stipulate what an employee can be paid for a particular job classification. A non-union employee's salary is based upon merit. It is his recommendation the ranges be increased by 3.4%. This is the amount our union salaries are increasing, so we should do this to maintain parity with the unions.

E. SADOWSKI MOVED TO APPROVE THE ANNUAL ADJUSTMENT TO NON-UNION PAY RANGES BY 3.4%, PER THE ADMINISTRATOR'S RECOMMENDATION. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- ii. Clerk-Treasurer
 - b. October Special Election Costs; 2010 Election Schedule; Dog Licenses, Property Taxes, 4th Quarter Communicator.

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G. Gresch stated the total cost for the October Special Election is \$2,360. The City saved money in programming and poll worker costs by not being able to report the votes by ward (due to a time issue). Had the City reported the votes by ward, the costs would have been closer to \$7,000. Also, the County Clerk did not charge the City for programming the machine, which should have cost about \$1,000. She also reviewed the 2010 Election Schedule. Tuesday, February 16, 2010 Primary (if needed); Tuesday, April 6, 2010 Spring Election; Tuesday, September 14, 2010 (if needed); Tuesday, November 2, 2010 (Gubernatorial).

The following offices are up for election in April 2010: Mayor – Ed McAleer (Inc.); Alderperson District 2 – B. Leonard Ann Leonard (Inc.); Alderperson District 4 – Michele F. DeYoe (Inc.) and Alderperson District 6 – Lynn Morrison (Inc.).

Anyone interested in running for local office can pickup candidates packets anytime in the City or County Clerk's Office or download them from the City or Governmental Accountability Board's website. Nomination papers may be circulated at this time and are due by Tuesday, January 5, 2010 by 5:00 P.M. in the City Clerk's Office. Candidates not seeking reelection must file their Notification of Noncandidacy form (EB-163) with the Clerk by Monday, December 28, 2009.

G. Gresch also reminded everyone to submit their dog license application and paperwork for the 2010 licensing year. The application can be found on the website, in the newsletter or in the Administration Office. Also, as of Friday, December 4, 2009, the property taxes were being calculated. The bills should be mailed out during the week of December 7. Also, the 4th Quarter Communicator will be mailed on December 18.

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

E. Sadowski requested discussion of parking on grassy areas and on non-driveway areas in residential zoned areas. M. DeYoe requested the post-50th Anniversary fund allocation be on the consent agenda. L. Morrison requested the burning ordinance issue that was discussed early and that the Fire Chief attends the meeting for that discussion.

- 9. Financial Report
 - a. Approve voucher list

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

- 10. Correspondence
 - a. Focus Newsletter
 - b. Proposal from WI DOR regarding County Wide Assessing Services.
 - c. October Building Update.
 - d. Email from resident regarding proposed Ordinance 623.

- 11. Adjournment

T. AICHER MOVED TO ADJOURN THE DECEMBER 7, 2009, COMMON COUNCIL MEETING AT 8:13 P.M. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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Minutes Prepared By:

Gina C. Gresch, MMC/WCPC
City of Delafield Clerk-Treasurer
Waukesha County

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