

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 21, 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

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 December 7, 2009 Common Council meeting.

E. SADOWSKI MOVED TO APPROVE THE DECEMBER 7, 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.

There were no City of Delafield Citizen's Comments for items not on the agenda.

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

There were no City of Delafield Citizen's Comments for items on the agenda.

L. MORRISON MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:03 P.M. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda
 - a. Post 50th Anniversary Funds Allocation.
 - b. Rescind Ordinance 625, Ordinance Repealing And Recreating Section 1.25 of the Municipal Code of the City of Delafield Relating to the Police & Fire Commission.

E. McAleer stated Consent Agenda item B does not need to be acted on.

M. DeYoe stated the group appointed Marty Wiley as the Committee Chair. They met on December 4 and recommend the following ways to spend the remaining money. Present at the meeting was Marty Wiley, Chair, Tim Turnock, Norm Ream, Russ Meidenbauer and Marilyn Czubkowski. The Committee members gave suggestions on possible areas that could use the balance of the funds available (approximately \$5,800). Suggestions were: New Fire District, Delafield Community Fund, Library, Hawks Inn, Time Capsule, and Fireworks Funds. The following recommendations were agreed upon:

1. Fire Department – mannequin for CPR training - \$1,250.00

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2. Library - toward a "cozy tree reading structure" - \$1,250.00
3. Delafield Greater Community Fund - \$1,250.00
4. Hawks Inn Historical Society toward current fundraiser to replace the Roof - \$1,250.00
5. Time Capsule - \$300.00
6. Delafield Fireworks (July 2010) to replace funds used on Friday night during the 50th Celeb - \$500.00 (or balance of funds available)

M. DeYoe thanked committee for doing this and that they did a lot with a little bit of money.

G. MacDougall stated item B can be removed from consent agenda and it shouldn't be put back on. The ordinance removed the Fire from the Police and Fire Commission. Since the LCFR has their own Fire Commission and the City will lease the employees (later on the agenda), the City does not need to reinstate the Fire Commission.

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.

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. Karri Duerwachter, Hartland; Applebees
 - b. Kelly M. Olig, Okauchee, Applebees

G. Gresch stated all bartenders passed their background check.

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

b. Plan Commission – (Minutes of December 16, 2009)

M. DeYoe reported on matters considered and actions taken at the meeting. They had a public hearing for rezones due to Smart Growth. Many people spoke. Given the time factor and much business on this agenda, they set a special Plan Commission meeting for January 13, 2010 to discuss exclusively the zoning changes. She urged everyone to attend that meeting.

1. Recommendation from Plan Commission to approve the minor change to the sign program to allow an electronic reader board in place of the premise sign for **DELCO 0807.978.014, 3700 Hillside Drive, Delafield. Owner/Applicant: Floor 360, LLC.**

M. DeYoe stated this application is for one of the businesses in the Design Mart building. The applicant is asking for change in signage, which the Plan Commission felt was minor. TechTeriors requested to change their sign's backlight from red to blue. They also want to add an LED, non flashing, non scrolling sign with red lettering. The message will change every 30 minutes. This sign conforms to the zoning code, and it is not unlike other LED signs in the area. A representative from Badger signs was present and stated the change in signage is to help the businesses be more visible from I-94. The proposal is to move the "Design Mart" sign from the building and replace it with the LED sign, which is five square feet less than the existing sign. The LED sign will be mounted above the window line and below the roof line on the building.

M. DEYOE MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE THE MINOR CHANGE TO THE SIGN PROGRAM TO ALLOW AN ELECTRONIC READER BOARD IN PLACE OF THE PREMISE SIGN FOR

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DELIC 0807.978.014, 3700 HILLSIDE DRIVE, DELAFIELD. OWNER/APPLICANT: FLOOR 360, LLC. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. Recommendation from Plan Commission to approve the amendment to the existing multi-tenant sign program to incorporate multiple changes for **DELIC 0804.994.019, 2726-2736 Hillside Drive, Delafield.** Owner/Applicant: Hillside Terrace Shopping Center c/o Jason Israel.

M. DeYoe stated this item was not acted on at the Plan Commission because the petitioner was not present. It will be on the next Plan Commission agenda.

3. Recommendation from Plan Commission to deny the minor change to the Conditional Use to deny offsite sandwich board signs at the intersections of Cushing Park Road and Main Street, and Cushing Park Road and Enterprise Drive for **DELIC 0794.015.001, 134 Enterprise Road, Delafield.** Owner: Jack Styza. Applicant: Delafield Storage.

M. DeYoe stated the applicants own Delafield Storage and they have been asking the Plan Commission for a change to their signage. They requested a number of off-premise sandwich board signs to direct people to their facility. In an effort to work with the petitioner, the Plan Commission directed staff to work with the petitioner to create a monument sign and another downtown directional sign.

M. DeYoe stated other items on the Plan Commission discussed and took action on were a new Rocky Mountain Chocolate Factory which will be in the former Jamie Wilke building. Also, the Wal-Mart expansion was approved. She also reminded everyone that the Plan Commission will have a special meeting on Wednesday, January 13, 2010 to discuss the proposed rezone changes. The meeting will be at the new Public Safety building and it will be televised.

- c. Lake Welfare Committee – (Minutes of December 9, 2009)

L. Morrison stated the Lake Welfare Committee met on December 9 and discussed the Dredging Plan B Committee and how it should develop. They also discussed the new DNR pier regulations and that information will be in the next Communicator, as well as something on the City's website.

- d. Park and Recreation Commission

There was nothing to report at this time.

- e. Public Works Committee

There was nothing to report at this time. The next Public Works Committee meeting will be held on January 6, 2010 at 6:30 P.M.

- f. Del-Hart Commission – (Minutes of December 15, 2009)

B. Leonard stated Del-Hart accepted the final offer for a two year union contract. They also voted to change the filtering system for lab water and reviewed purchasing an extra mixer. The County's Sawyer Road project bid was received and will start soon. Also, Del-Hart will receive a refund from the DNR for the Chapter 30 permit. Del-Hart will also look at changing the way DUEs are defined. This change won't affect residential customers, only commercial and/or industrial customers.

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g. Police and Fire Commission

There was nothing to report at this time.

h. Library Board

J. Krickhahn stated the Library Board did not meet due to the snowstorm. He is not sure where the meetings will be held until the new City Hall / Library is built. The Friends of the Library held their Pizza with Santa event and thanked them for their work; it was a fantastic event. They had 83 people on Saturday and 75 people on Sunday.

i. Board of Zoning – (Minutes of December 10, 2009)

G. MacDougall stated the variance was granted for Kurt's Steakhouse new sign.

j. Promotional and Tourism Committee

There was nothing to report at this time.

k. Lake Country Fire Commission

There was nothing to report at this time.

l. Lake Country Fire Board – (Minutes of December 3 and 17, 2009)

G. MacDougall stated the Fire Board met on December 17 and they signed a three year agreement with Oconomowoc Memorial Hospital for hospital transfers. The Fire Chief also appointed a Chaplain.

a. Discussion and action of Lake Country Fire and Rescue Employee Lease Agreement.

T. Schuenke reviewed the situation created by the denial from Wisconsin Department of Employee Trust Funds. To remedy the situation for now, a one year employee lease agreement was developed and approved at last week's Fire Board meeting. This agreement will lease the current City of Delafield Fire Department employees to the LCFR Department so that they can remain in the City's health/retirement program. The LCFR will reimburse the City of Delafield for those expenses. The agreement is written in such a way that from liability is neutral to the City of Delafield and was reviewed by the Fire Board's attorney. It is unlikely that the state will resolve this situation by January 1; this agreement is a temporary solution while we work with the Department of Employee Trust funds.

G. MACDOUGALL MOVED TO APPROVE THE LAKE COUNTRY FIRE AND RESCUE EMPLOYEE LEASE AGREEMENT. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. Unfinished Business

a. LOMR Update.

There was nothing to report at this time.

b. Discussion and action to appoint Dredging Plan B Committee members.

M. DeYoe's nominee is Mark Millot.

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M. DEYOE MOVED TO APPOINT MARK MILLOT TO THE DREDGING PLAN B COMMITTEE. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

T. Aicher's nominee is Don Blonstrom.

T. AICHER MOVED TO APPOINT DON BLONSTROM TO THE DREDGING PLAN B COMMITTEE. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

M. DeYoe now that we have a full committee, the two alder people should get together to set an organizational meeting after the first of the year. Mike Hausman, 3135 Sylvester Drive thanked the Common Council for recognizing the importance of this committee, which they will do everything they can to move the efforts forward.

6. Mayor's Report

E. McAleer stated this is the last meeting at this City Hall. He was sworn into office five months after it opened in 1986. He stated he feels as though he has completed a cycle and looks forward to having the new City Hall / Library being built.

7. New Business

a. Discussion of parked cars on grassy and non-driveway areas in residential zoned areas.

T. Schuenke stated he found a section in the Municipal Code under "Setbacks", that they shall not be used for storage of materials, products or vehicles. He will talk to the property owners that are parking cars in the setback and ask them to move the vehicles. If they do not move, they will be issued a citation. M. DeYoe asked about parking cars in these areas during the summer for parties and picnics. E. Sadowski stated from his point of view, there are some residents in his district parking cars in the setback to annoy their neighbors. T. Schuenke stated the Municipal Code clearly states the items are in the setback for storage only.

b. Discussion of current City of Delafield Burning Code

Fire Chief Jack Edwards stated past practice is if the Fire Department receives a complaint, the Fire Department inspects the fire and speaks with the person burning. If the Fire Department deems the fire a nuisance, they ask the person to put the fire out, which generally isn't a problem and is not a re-occurring issue. If it does re-occur, it is due to a neighbor dispute. The City has some areas with neighbor disputes and they complain no matter what. The ordinance states no open burning permitted when smoke creates a nuisance for adjacent property owners. E. McAleer stated if smoke from the fire is not blowing into the complaining neighbor's yard, the fire shouldn't have to be put out. Maybe the ordinance needs to be changed to make it clearer. J. Edwards suggested adding verbiage that a nuisance be deemed by the Police and/or Fire Department. J. Krickhahn stated he doesn't believe there was a violation that was brought up at the last Common Council meeting. G. MacDougall asked why the others in the neighborhood were burning weren't ticketed. J. Edwards stated the property owner got a ticket because he didn't put out fire when requested by the Fire Department. B. Leonard stated the Police Department has very inconsistent enforcement. It shouldn't matter where the fire is located if you can smell smoke in someone's house. L. Morrison stated the fire could be multiple houses away. There are many places in the City where you don't have any room to burn at all and that she is totally opposed to tightening up this ordinance. Until we find a place to put leaves or get them picked up we shouldn't do anything about this. G. MacDougall stated he objects to neighbors using the City ordinances to annoy other neighbors. T. Aicher stated the Fire Chief's suggestion is sound and that we should enable the Police and Fire Departments to use discretion on this. When it's this obvious of a neighbor dispute, they can make the call. M. DeYoe stated in the enforcement seems there should be a graduated scale

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from warning to ticket. T. Schuenke stated the word nuisance is not well defined in the ordinance. If someone is genuinely causing a nuisance you want to be able to issue a ticket. The ticketed person can still go to court and explain the situation to the judge and the judge will use the legal definition of nuisance to decide if they should be fined or not. He stated he agrees with Chief Edwards's additional verbiage.

Gary Meyer, 2830 Nagawicka Avenue was at the prior Common Council meeting and is the person that requested this be on the agenda. He stated the Fire Chief came to his property and approved his burning and said to him to make sure the smoke doesn't go into neighbor's house. He said if the smoke was going into someone's house he wouldn't have burned. He did receive the ticket for not putting out the fire, which he felt he didn't need to put out because he already received permission to have. The smoke from his fire was going across the river. There were also three other property owners burning and they didn't receive tickets. Another neighbor left his fire burning and he had to put it out. He asked how he can receive a ticket and no one else does. There was further discussion about the Police and Fire Departments having to work together to assess burning situations.

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

T. Schuenke stated the Police and Fire Departments moved today. City Hall and Library are in their temporary locations, they moved last week. The moves went very, very smooth especially with having so many vendors involved. There were many things that had to happen, like new phones, network changes, furniture, movers, etc. City Staff is very organized and pulled off a move with minimal disruption. He is pleased and so should the Common Council. City Hall and Library are getting used to their temporary spaces and they are looking forward to moving back into new building. Asbestos abatement starts tomorrow. January 4-8 WE Energies will terminate services and interior demolition will start on January 11. We are not sure when exterior demolition will start. E. McAleer stated he would like to have a wrecking ball ceremony. T. Schuenke stated all Common Council, Plan Commission and Committee meetings will be in the Public Safety Building Training Room, on the first floor, at 115 Main Street. L. Morrison stated the Lake Welfare Committee also meets on January 13 along with Plan Commission. Where can the LWC meet? T. Schuenke stated they can use a conference room in the new building. He also stated a summary of the change orders is attached. There are 13 and none are greater than \$25,000. In the packet is the current project budget summary. The current remaining contingency is estimated at \$308,220.

- ii. Clerk-Treasurer
 - a. Holiday Office Hours, Election Reminders, Property Taxes

G. Gresch stated the City Hall Administration Office is closed December 24, 25, 31 and January 1 for the Christmas and New Year's holidays. 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. Property Taxes were mailed on December 14. They are also online at the Waukesha County website. Also, the move to the temporary City Hall went very, very well.

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

E. Sadowski requested the burning code's additional verbiage be on the next Common Council agenda.

9. Financial Report

a. Approve voucher list

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

b. November Treasurer's Report

E. SADOWSKI MOVED TO APPROVE THE NOVEMBER TREASURER'S REPORT AS PRESENTED. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

10. Correspondence

a. Focus Newsletter

11. Adjournment

E. SADOWSKI MOVED TO ADJOURN THE DECEMBER 21, 2009, COMMON COUNCIL MEETING AT 8:00 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