

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 March 1, 2010 Common Council meeting:

Present

Mayor Ed McAleer
J. Krickhahn, Ald.
B. Leonard, Ald.
Erv Sadowski, Ald.
M. DeYoe, Ald.
Gerald MacDougall, Ald.
Tim Aicher, Ald.
Tim Schuenke, Administrator
Gina C. Gresch, Clerk-Treasurer
Jim Hammes, City Attorney
Phil Cosson, Financial Consultant

Absent

Lynn Morrison, Ald.

SPECIAL ORDER OF BUSINESS:**A. Discussion and action on Milwaukee Street Pond Settlement Release.**

Attorney Jim Hammes stated the City has reached a settlement agreement with Purpero, one of the companies the City brought suit against in the Milwaukee Street Pond lawsuit. He stated the City and Purpero each retained an engineering firm as an expert witness, which they both agreed Purpero was not negligent but identified a few technical deficiencies. Under the terms of release, the City of Delafield is to pay Purpero \$18,500 and they will release all claims against the City of Delafield. This is a reasonable settlement. The City already has \$15,000 retained and will pay the balance.

E. SADOWSKI MOVED TO AUTHORIZE THE CITY ADMINISTRATOR EXECUTE THE MILWAUKEE STREET POND SETTLEMENT RELEASE. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

E. McAleer stated he would like to move up item #7a once the agenda items thru the Consent Agenda are completed. Common Council members agreed.

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 February 15, 2010 Common Council meeting.

B. LEONARD MOVED TO APPROVE THE FEBRUARY 15, 2010 COMMON COUNCIL MEETING MINUTES AS PRESENTED. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED WITH ONE ABSTENTION BY G. MACDOUGALL.

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

Russ Meidenbauer of the Hartland Sportsman's Club thanked the City of Delafield for working with the Sportsman's Club's hours' expansion. The Club notified everyone in the area about the change in hours and they have kept one range closed on Sundays until the sound abatement is completed.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

J. Krickhahn acknowledged Officer Bloedow for his apprehension of a child abductor. He should be recognized for that.

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

None.

M. DEYOE MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:08 P.M. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda

- a. Kettle Moraine School District request to hang banners on City of Delafield light poles.
- b. Ordinance 629, An Ordinance Updating the City of Delafield Municipal Code.

B. Leonard asked since the City of Delafield has more than one school district, would the City be favorable if they would want to put up banners also. E. McAleer stated that would be the Common Council's decision, but we would treat them the same as other districts' requests.

E. SADOWSKI MOVED TO APPROVE ITEM(S) ON THE CONSENT AGENDA. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. New Business

- a. Discussion and action on 2010 Capital Improvement Plan Financing.

Phil Cosson of Ehlers and Associates stated he has been meeting with Administrator Tim Schuenke and Accountant Marie Williams on the 2010 Capital Improvement Plan Financing. This year's CIP Financing is only about \$750,000 which is relatively small; however there are different approaches on how to finance it. One option is to use Fund Balance, pay cash for the items and reimburse the Fund Balance through future borrowing, which he does not recommend doing.

P. Cosson stated the second option is to borrow from the State Trust Fund Loan Program, which would include attaching Build America Bonds, which the Common Council discussed last year and decided against doing. He still recommends not going with this option. The third option is to do a simple General Obligation Note and negotiate it locally with Town Bank, which is a bank that has consistently bid on the City's bonds. Since the 2010 CIP is relatively small, they used this opportunity to develop a larger borrowing plan. Future borrowing was added in and built in a 10 year financing of \$800,000 per year for 10 years with interest rates between 1.25% and 3.5%. They also added usage of the Debt Service Fund to help stabilize the debt tax rate.

P. Cosson stated if the Common Council votes to move forward, he will come back next month with the final resolution and rates. He then reviewed the benefits to negotiating with local banks. Since our Aa2 rating is not required for this type of borrowing, it reduces the City's fees. He also stated he can take bids from multiple banks if the Common Council chooses. E. McAleer stated he prefers getting three bank bids. T. Schuenke stated the only item that is undecided is the Oakwood Park Project; a \$30,000 placeholder is in the CIP for this item. E. McAleer stated the Common Council made the decision last quarter to leave it in and it shouldn't be changed at the last minute. E. Sadowski concurred.

G. MACDOUGALL MOVED TO PROCEED WITH THE 2010 CAPITAL IMPROVEMENT PLAN FINANCING AND TO SOLICIT THREE BANK BIDS. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

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. Alexander J. Higgs, 2309 N. Lake Drive, Oconomowoc; Applebees
 - b. Megan R. Novara, 147 E Main Street, Apt 2, Sullivan; Twist 'n Olive

G. Gresch stated all bartenders passed their background check.

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

2. Class "A" Beer "Class A" Liquor license to expire June 30, 2010:

- a. Walgreen Co., 300 Wilmot Road MS #3301, Deerfield IL 60015; Walgreens #05281, 2901 Golf Road, Delafield WI; Kimberly Peterke, 1541 Dover Drive, Waukesha, WI, Agent. Plan Commission approved Business Plan of Operation Amendment on February 24, 2010.

G. Gresch stated this Class A license has nothing to do with the Class B license quotas. She stated Class A licenses the alcohol has to be taken "away" from the premise. Class B can be consumed on premise like a "bar." There was discussion about other Walgreens and in other states if they allow the sale of alcohol.

E. SADOWSKI MOVED TO APPROVE THE CLASS "A" BEER "CLASS A" LIQUOR LICENSE TO EXPIRE JUNE 30, 2010 FOR WALGREEN CO., 300 WILMOT ROAD MS #3301, DEERFIELD IL 60015; WALGREENS #05281, 2901 GOLF ROAD, DELAFIELD WI; KIMBERLY PETERKE, 1541 DOVER DRIVE, WAUKESHA, WI, AGENT. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

b. Plan Commission – (Minutes of February 24, 2010)

M. DeYoe reported on matters considered and actions taken at the meeting. The Plan Commission held two public hearings, one for boathouse geometric requirements and another to extend cell tower height. Neither hearing had any public comments. They also approved the Business Plan of Operation Amendment for Walgreens; a Business Plan of Operation for a general contractor consultancy business; a Business Plan of Operation for a kitchen and bath remodeling business. There are three public hearings scheduled for March 31, 2010 and the deadline is March 3, 2010. Those public hearings include the Nashotah House Seminary addition, Delafield Woods and McDonalds.

- i. Discussion and action on recommendation from Plan Commission to adopt Ordinance 630, A Ordinance Repealing and Recreating Section 17.22(7) of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin Related to Boathouse Location.

G. MACDOUGALL MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO ADOPT ORDINANCE 630, AN ORDINANCE REPEALING AND RECREATING SECTION 17.22(7) OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN RELATED TO BOATHOUSE LOCATION. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

- ii. Discussion and action on recommendation from Plan Commission to the Conditional Use to extend an existing cell tower from 120' in height to 140' in height, and related ground mounted appliances for **DELC 0794.017.004, 258 Enterprise Road, Delafield**. Owner: SBA Towers, Inc. and Cushing Park Business Center, LLC. Applicant: Open Range Communications, Inc. and SBA Towers, Inc.

M. DeYoe stated this is an existing tower which is proposed to be extended to 140' which is in compliance with the zoning code. Per Planner Dupler, if the tower fell, it's far enough off to the side of the property to not damage anything in the fall zone. M. DeYoe stated one letter submitted but no comments in person.

M. DEYOE MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE THE MINOR CHANGE TO THE CONDITIONAL USE TO EXTEND AN EXISTING CELL TOWER FROM 120' IN HEIGHT TO 140' IN HEIGHT, AND RELATED GROUND MOUNTED APPLIANCES AND TO MATCH THE EXISTING SCREENING FOR DELC 0794.017.004, 258 ENTERPRISE ROAD, DELAFIELD. OWNER: SBA TOWERS, INC. AND CUSHING PARK BUSINESS CENTER, LLC. APPLICANT: OPEN RANGE COMMUNICATIONS, INC. AND SBA TOWERS, INC. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. Lake Welfare Committee - There was nothing to report at this time.

- d. Park and Recreation Commission

- i. Discussion of Park & Recreation Commission 5-Year Plan.

Tim Aicher and Chris Smith gave a presentation on the Draft Park & Recreation Commission 5-Year Plan. ***Clerk's Note: This document is also on the City's website under "What's New" and in the ePacket.***

Chris Smith stated this plan has not gone to the Plan Commission yet. They also drafted this document themselves and did not hire anyone to help with this task. He also thanked Accountant Marie Williams for breaking down the document by section on the City's website so people can pull up the section they want to view. C. Smith reviewed the five stages of the plan. The document is organized into existing parks, new/open areas, downtown, and lakes and rivers. They received 290 surveys which is about 10% of the households, which is statistically significant. The number one request was to have more senior activities, adult activities and school age winter activities. People also want to see bicycle lanes on existing roads. A water park and/or pool were also requested. The Committee has been discussing a possible splash pad.

There was discussion about the survey being or not being statistically significant and the agreement between the City of Delafield and the Village of Hartland's Recreation Department. C. Smith also reviewed the possibilities for Oakwood Park; walking paths, nature areas, picnic areas, organized sports; baseball and soccer fields and tennis courts were requested. E. Sadowski congratulated the Park and Rec Commission the ice skating rink and suggested a sign be installed next winter. C. Smith continued to review the sections of the document. He also demonstrated a grid which shows what is available at each park, which is much more in depth than what was used before.

M. DeYoe stated she is very impressed and blown away by the level of detail provided in the plan. E. Sadowski concurred. He also suggested the Commission consider allowing naming rights for Oakwood Park. B. Leonard suggested they check with the DNR that their content is ready for submittal. She also asked if it's possible to have more of an

CITY OF DELAFIELD COMMON COUNCIL MINUTES

implementation plan that fits with the City's Capital Improvement Plan. There was further discussion on the submitted surveys being statistically significant or not.

G. MacDougall stated the plan looks great. C. Smith asked the Common Council members that if they have District meetings that they are invited to go over this proposed plan, they would be happy to do that. C. Smith stated he would like to have the Plan Commission and Common Council adopt the 5-Year Plan within the next month but will wait if everyone needs more time.

- e. Public Works Committee
 - i. Golf Road Update.

G. MacDougall stated the next meeting is March 3, 2010, during which they will discuss the Golf Road Feasibility Study, City Street Improvement Plan and Delafield Woods. DPW Director Tom Hafner stated the Common Council budgeted \$75,000 to do a feasibility study. The study found the pavement is deteriorating among other road issues, site distance and safety. They are looking at options to improve the area and they have hired a consultant. There have been meetings with the public and property owners. The consultants developed alternatives and the Committee gave their feedback on. The consultants have come back with more options, some on the low, middle and high end. The Public Works Committee will make a final recommendation which will be discussed at a final round of public meetings which will be in late March. Some of the feedback included vision and speeds. Sentry is very concerned about the loss of business during construction. Also, some of the business owners feel that the City's statement about cost sharing is not fair

- f. Del-Hart Commission – (Minutes of February 16, 2010)

B. Leonard stated the Commission ratified and executed the new union contract for two years with 3% raises. They also discussed their new website via a link on the City's website. Also, they will be discussing the current DUE formula and possibly changing it. A report on that matter will be provided after the audit is completed.

- g. Police Commission - There was nothing to report at this time.

- h. Library Board – (Minutes of February 16, 2010)

J. Krickhahn stated the January circulation dropped again to 2.4%, but February increased by 10%. The Board feels that is a result of people starting to find the library. This Sunday from 3-5 p.m. at the Fish Hatchery is Irish music with Ian Gould.

- i. Board of Zoning - There was nothing to report at this time.

- 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 - There was nothing to report at this time.

- m. Dredging Plan B Committee – (Minutes of February 17, 2010)

T. Aicher stated the Committee has been meeting more frequently, about every two weeks. They are reviewing their assignments and gathering the most information they can. They will be drafting a recommendation in the next few meetings for the Common Council to consider. Also, the committee still needs a representative from District 7. B. Leonard stated the committee also

CITY OF DELAFIELD COMMON COUNCIL MINUTES

reviewed a very good report from Mr. Millot on pollution sources. Lake Welfare Committee Kent Attwell also reported on grant opportunities. The waterway grant packet is ready to submit.

5. Unfinished Business
 - a. LOMR Update.

Department of Public Works Director Tom Hafner stated since the last update, he has heard from the DNR. They looked at the updated model and they thought the City was too conservative with the values and want us to change them back. The City could end up being back at the original levels or below

6. Mayor's Report

7. New Business
 - a. Discussion and action on 2010 Capital Improvement Plan Financing.

Clerk's Note: Please see discussion and action on page 2.

8. Administrator's Report
 - a. Report of City Officials
 - i. Administrator
 - a. Discussion of Fire Protection Residential Water Rate Study.

T. Schuenke stated the 2010 Budget includes \$5,000 in it for a water rate study. Such a study would be done by our auditors. The purpose of this study is to determine whether or not it is feasible and permissible to change the way we charge for Public Fire Protection (PFP). Any such rate change would need to be approved by the Wisconsin Public Service Commission. The genesis for this proposed rate study were complaints from the Kettle Ridge Condo Association which believes it is being unfairly assessed for PFP. As a refresher, he attached a memorandum he prepared last summer on this issue. In that memo he recommend against creating a different rate structure as he believes it will result in higher costs for residential customers, which he has not changed his view on this. The reason this is on the agenda is because John Durr, representing Kettle Ridge Condos, has asked to be able to provide some additional input on this matter. He has not yet ordered the study to be done, but do intend to do so, unless the City Council determines otherwise.

E. Sadowski stated he spoke with Mr. Durr and he knows about the revaluation and the commercial values are low. He suggested until the new assessments come out, that could be why he's waiting to come to a meeting.

- ii. Clerk-Treasurer
 - a. Important Election Dates to Remember; Advertised Available Class B Liquor License; Citizen Message Center Update

G. Gresch reviewed the Spring Election dates to remember.

- Tuesday, March 16, 2010 – Absentee Voting Begins
- Thursday, April 1, 2010 – Last day at 5:00 pm for electors (except Military and indefinitely confined) to request absentee ballots by mail.
- Friday, April 2, 2010 – Last day at 5:00 pm for indefinitely confined electors and military electors who are NOT on active duty away from their voting residence to request absentee ballot by mail.
- Monday, April 5, 2010 – Last day at 5:00 pm for electors to register to vote and vote absentee in the Clerk's Office.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

- This does not apply to hospitalized electors, sequestered jurors and military electors who are on active duty away from their voting residence.
- Tuesday, April 6, 2010 – ELECTION DAY!
- Tuesday, April 6, 2010 – Deadline at 5:00 pm for sequestered jurors and military electors who are on active duty away from their voting residence to apply for an absentee ballot and for hospitalized electors to make application by agent for absentee ballot.

G. Gresch stated on February 23, 2010 the following was published advertising the available Combination Class “B” Beer “Class B” Liquor license: “Please take notice that the City of Delafield presently has a Class “B” Beer “Class B” Liquor License available. All interested parties may apply for a license within 15 days of publication of this notice. The deadline to apply is 4:30 p.m., Wednesday, March 10, 2010. A copy of Resolution 2009□17 and Appendix A (Guidelines) may be obtained from the Administration Office at City Hall during regular office hours of 8:00 a.m. to 4:30 p.m. or by calling 262-646-6220.” This item will be on the March 15, 2010 Common Council agenda.

She also reminded residents that they can sign up for the Citizen Message Center so people can receive emails about meeting agendas, public hearing notices, dog license updates and so much more! To sign up go to www.cityofdelafield.com, scroll down in the “What’s New” section and click “Citizen Message Center”. Enter your email address and check the boxes of the items you wish to receive emails about, then click save.

E. McAleer asked if a disclaimer about email address being public records could be added to the emails that are sent. G. Gresch stated yes, that can be done.

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

J. Krickhahn asked that the Common Council wait on the Low Speed Vehicle Ordinance until it is passed by the Senate.

9. Financial Report
a. Approve voucher list

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

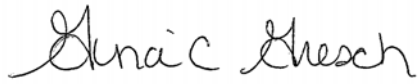
10. Correspondence
a. Focus Newsletter

11. Adjournment

M. DEYOE MOVED TO ADJOURN THE MARCH 1, 2010 COMMON COUNCIL MEETING AT 8:14 P.M. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Minutes Prepared By:

A handwritten signature in black ink that reads "Gina C. Gresch". The signature is written in a cursive style with a large initial 'G'.

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