

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 April 5, 2010 Common Council meeting:

Present

Absent

Mayor Ed McAleer
J. Krickhahn, Ald.
B. Leonard, Ald.
Erv Sadowski, Ald.
M. DeYoe, Ald.
G. MacDougall, Ald.
L. Morrison, Ald.
Tim Aicher, Ald.
Tim Schuenke, Administrator

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 March 15, 2010 Common Council meeting.

M. DEYOE MOVED TO APPROVE THE MARCH 15, 2010 COMMON COUNCIL MEETING MINUTES AS PRESENTED. L. MORRISON 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.

Without objection, Comments for items on the agenda were taken first.

L. MORRISON MOTIONED TO CLOSE CITIZEN'S COMMENTS AT 7:15 P.M. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

Mayor McAleer explained that comments heard were for the City of Delafield residents.

Dirilee Curtis Costa, 1808 Bark River Dr., Spoke regarding proposed text amendment 632 - geometric standards. She felt that the amendment was not the intent of the Plan Commission and was not in favor of the 70% reduction being just the lot width and lot area as it should include setbacks. Concern was expressed that in some cases zero setbacks could occur as a result of the wording change. She was not in favor of the amendment.

Additionally, in Ordinance 631, the specifications were public use and non-profit. In her opinion, some of the uses on the list were for-profit, that mainly being hospitals.

Tracy Dallen, 3434 Broken Bow Trail, Spoke regarding the changes at the Hartland Sportsman's Club. She has lived here for six years and has noticed a significant increase in gun fire this spring, now firing until 9 p.m. She puts her children to bed to the sound of gun fire every night. Although they knew there was a gun club when they purchased their home, they would not be raising their family in this location if they had known firing hours would be increased to 80 hours. No notification was received from the Club regarding the increase in hours.

Richard Dallen, 3434 Broken Bow Trail, He has a lot of background with the gun club due to unsafe conditions. He clarified that the gun club has corrected the unsafe conditions. He was taken aback by the hours being significantly increased. No notification was received from the Club regarding the increase in hours.

Wayne Dehn, 3479 Broken Bow Trail, Has kept a file on the gun club over the past 13 years and showed a spreadsheet comparing this club to others. Felt that the increase to 80 hours from 34 hours was too much. None of his neighbors were notified by the gun club of the change. He requested that this go back to the Plan Commission.

Russ Mittenbauer, President, Hartland Sportsman Club, Now that the dialogue is open, he hoped that something positive came of it. He spoke to Rick Simmons who organized the petition and felt it was a productive conversation. The gun club hopes to increase its revenue. Although they could use sound abatement, they didn't know how they would get there with the current limitations.

Laura Schult, 935 Bahr Road, Spoke on the gun club. Has lived in Delafield for over 34 years and her husband has been a member of the gun club for over 30 years. She has knowledge of all of the battles that have been going on. The club needs to be able to create revenue to pay bills. The members have been helping keep it afloat. She requested everyone try to be understanding and come to a middle ground.

Lori Dehn, 3479 Broken Bow Trail, – Spoke in regards to the gun club. The neighbors are not uncooperative. There are 21 homes in the neighborhood. Considering the taxes they pay, they want to be able to enjoy their properties. A letter should have been sent. The gun club has not been a part of the City as long as the residents have, as the club was part of the Town. She asked the alderpersons how they would feel listening to the gun club. She expressed that that they have been willing to work with the club, but they have done a lot of waiting. It was her hope that the City would back them up.

L. MORRISON MOTIONED TO CLOSE CITIZENS COMMENTS ON THE AGENDA AT 7:14 P.M. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda
- a. Allow Police Department and Lake Country Fire & Rescue to dispose of obsolete equipment on Craig's List.

E. SADOWSKI MOTIONED TO APPROVE THE ITEM ON THE CONSENT AGENDA. M. DEYOE 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, 2012.
 - a. Kelly M. Deshotels, New Berlin; Open Pantry
 - b. Dylan T. Eggers, Pewaukee; Milwaukee Street Traders
 - c. Christine Ann Manske, Hartland; Milwaukee Street Traders
 - d. Andrew M. Pocararo, Hartland; Open Pantry

E. SADOWSKI MOTIONED TO APPROVE THE TWO-YEAR BARTENDER LICENSES CONTINGENT UPON BACKGROUND CHECKS. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

b. Plan Commission – (Minutes of March 31, 2010)

M. DeYoe reported on matters considered and actions taken at the meeting. The Plan Commission held four public hearings: 1) consideration of a major change to a conditional use for a building addition and associated site plan modifications (Nashotah House); 2) consideration of a major change to a conditional use to tear down the existing building and rebuild on the same property (McDonalds); 3) consideration of an ordinance amending section 17.75(8)(D) of the municipal code of the City of Delafield relating the intent of “geometric standards” as they pertain to planned development lots; 4) consideration to repeal and recreate section 17.39(30)(B), 17.39(30)(C), 17.39(30)(CC) & 17.39(30)(D) – P-1 (public and semi-public use district) of the City of Delafield municipal code to create permitted uses and eliminate mandated conditional uses. No citizens commented on any of the public hearings.

Business plans of operations were approved for Jelli’s Market (a produce stand by Marty’s Pizza), Bittersweet (a new business at 609 Milwaukee Street), Concept Machine Tool Wisconsin (outdoor customer appreciation party on May 12 & 13, 2010 from 8 am – 8 pm at 407 Austin Circle), Data Processing Sciences Corp. (data entry office at 3960 Hillside Drive), Wal-Mart (seasonal lawn and garden) and 5 Alarm Fire (outdoor firefighter vehicle extrication course on May 1 & 2, 2010 from 8 am – 3 pm).

1. Discussion and action on recommendation from Plan Commission to adopt Ordinance No. 631 An Ordinance to Repeal and Recreate Sections 17.39(30)(b), 17.39(30)(c), 7.39(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 create permitted uses, and eliminate mandated Conditional Uses.

M. DeYoe explained that all the uses in P-1 were not permitted, but were subject to approval. According to the staff report, the ordinance addressed the need to provide for permitted uses in the P-1 district and to eliminate the declaration that all uses were to be conditional use. State Statutes had changed and the proposed changes would provide compliance with those Statutes. An analysis of the changes was presented to the Council. The mandatory change in the ordinance is needed to comply with State Stats. P-1 was not the only district in which changes needed to be enacted based on the State mandate, but any of the districts with uses as conditional use only (B-6, R-5, P-1). As a mandatory change they introduced permitted uses which were the same uses identified as in previous ordinance. R. Dupler presented an analysis potential of changes. Since there is concern for the potential for revenue generating businesses such as hospitals, nursing homes, etc., to be in P-1, the original list was revised to the *Permitted Uses* (below). This new listing of *Permitted Uses* introduced language for nursing homes, funeral parlors, sanitariums, hospitals, etc. to conditional uses. This can be done legally if they can be defined as mandatory conditional uses within that P-1 district. Conditional uses could not blankly be applied to all uses as in the past. The language was taken out of the Code.

Discussion took place on 17.39(30)(b) *Permitted Uses*. The permitted uses would include:

1. Cemeteries
2. Churches and seminaries
3. Libraries and museums
4. Public administrative office and public service buildings, including fire and police stations, community centers, public emergency facilities
5. Public and private schools, colleges and universities
6. Public utility offices and facilities
7. Youth development organizations, such as YMCA, YWCA, Junior Achievement, Boys Clubs of America, Boy Scouts or Girls Scouts.

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R. Dupler stated that another public hearing would not be necessary. Discussion took place regarding permitted uses. The City presently has examples of all of the use examples with the exception of the boys/girls club. Mayor McAleer felt this would give the City the control it needs and while still meeting the State Stats. The placement of revenue producing entities in the P-1 district versus a business district was discussed. The zoning plan was displayed in order to show the different districts and where they were located. R. Dupler stated that if, for instance, a hospital were added to the business district as an allowable use, he would recommend it be done by requiring them as a conditional use. This language could be added to the business districts through text amendments. The language was unique in that by requiring them as conditional uses, the Plan Commission would look at a petition and evaluate it based on its impact on the neighboring properties.

J. KRICKHAHN MOTIONED TO APPROVE 17.39(30) BASED ON R. DUPLER'S HANDOUT OUTLINING THE PERMITTED USES (SEE ITEMS 1-7 ABOVE) AND STATING (D) CONDITIONAL USES AS:

1. **SEE §§ 17.40 – 17.48.**
2. **CONDITIONAL USES MUST BE PUBLICLY ORIENTED, RELIGIOUS, UTILITY, INSTITUTIONAL, HOSPITALS, SANITARIA, NURSING HOME, FUNERAL PARLOR, CREMATORIA, COLUMBARIUM, OR OTHER GOVERNMENTAL USES, WHICH DO NOT CONFLICT WITH NEIGHBORING USES AND ARE FOUND TO BE NECESSARY IN LIGHT OF ALTERNATIVE LOCATIONS AVAILABLE FOR SUCH USE.**
3. **ANY USE OTHER THAN THOSE IDENTIFIED IN PAR. (B) ABOVE [SEE PERMITTED USES ABOVE] OR DETERMINED TO BE A PERMITTED USE IN ACCORDANCE WITH PAR. (B) [SEE PERMITTED USES ABOVE] SHALL BE A CONDITIONAL USE SUBJECT TO 17.40.**

L. MORRISON SECONDED THE MOTION. T. Aicher discussed item #7 under *Permitted Uses* and felt this was open to interpretation. R. Dupler clarified that the language provides the Plan Commission to make the determination. Discussion took place. **T. AICHER MOVED TO AMEND THE MOTION BY STRIKING THE WORDS "YOUTH DEVELOPMENT ORGANIZATIONS SUCH AS" IN #7 PERMITTED USES.**
G. MACDOUGALL SECONDED MOTION FOR THE AMENDMENT. In response to a question posed by E. Sadowski about just having "youth development organizations", T. Aicher stated that he felt that by eliminating the words as he proposed, it would give the City more control. General discussion ensued. T. Schuenke commented that there was a typo in the ordinance provided in the packet; 17.39(c) Permitted Uses should be 17.39(b). **FOUR WERE IN FAVOR OF THE AMENDMENT; THREE OPPOSED. THE MOTION FOR THE AMENDMENT CARRIED. ALL WERE IN FAVOR OF THE MOTION AS AMENDED. MOTION CARRIED.**

2. Discussion and action on recommendation from Plan Commission to adopt Ordinance No. 632, An Ordinance to Repeal and Recreate Section 17.75(8)(d) of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin, as it Relates to Area and Lot Width for Planned Developments as a Conditional Use.

This was approved at Plan Commission. There was a concern about setbacks. The minutes from the Place Commission reflected details discussed at that meeting. R. Dupler discussed setbacks and stated that each of the districts has its own setback which defines the character of the neighborhood. He discussed how this came about within the conversations with Smart Growth. If someone is allowed to create a PUD based on the preservation of a natural feature, lot clustering is allowed and lots would be downsized. The Plan Commission wanted to ensure that a mechanism was in place to keep the lots from getting too small; thus the 70% reduction came about. The ordinance was written in such a way that it would not allow more than a 30% reduction to the

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geometric standards. The geometric standards envisioned at that time were the lot size and width. With the recent petition that came to the City, a reduction beyond that standard was requested. This generated discussion at the Plan Commission level of what "geometric standard" meant. One of the goals of the Smart Growth Plan was to encourage higher density residential development in the city center, although the city center is not actually identified. A map was distributed suggesting where the city center boundaries could be. Mayor McAleer stated that it would not be denser than what is already allowed by the zoning code, but was encouraging development to take place at a density the zoning code would allow.

R. Dupler explained that the Council could change the code (as presented tonight) to exclude several zoning districts that would essentially comprise the city center or to send this back to the Plan Commission to define the boundary of the city core. Discussion took place on the boundary as shown and concern was expressed that neighboring districts needed to be considered when creating the boundary. B. Leonard suggested creating a residential zoning district for the downtown area that would allow for both minimal setbacks and a row house development. She felt that making a blanket change to the ordinance was too broad as the geographic center of city should be limited to a smaller area, or that a separate district for that area should be created. Mayor McAleer clarified that it was still part of the conditional use process and would still go through the Plan Commission, public hearing, and Council in order to get the setback.

E. SADOWSKI MOTIONED TO SEND THIS ITEM BACK TO THE PLAN COMMISSION FOR DEFINITION OF THE CITY CENTER AND ITS BOUNDARIES. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

M. DeYoe encouraged council members to submit their recommendations for discussion at the Plan Commission level.

3. Discussion and action on recommendation from Plan Commission to approve the minor change to the Conditional Use for a protective canopy for boat storage and display for **DELC 0742.984 & 0742.994, W73 E. Wisconsin Avenue, Nashotah**. Owner: Larry Chapman, Summerset Marine. Applicant: Paul Schultz, 133A E. Wisconsin Avenue, Oconomowoc.

This was a minor change with the petitioner asking for the installation of permanent canopy to protect items stored outside; no lighting was proposed.

M. DEYOE MOTIONED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE THE MINOR CHANGE TO THE CONDITIONAL USE FOR A PROTECTIVE CANOPY FOR BOAT STORAGE AND DISPLAY FOR DELC 0742.984 & 0742.994, W73 E. WISCONSIN AVENUE, NASHOTAH, OWNER: LARRY CHAPMAN, SUMMERSET MARINE. APPLICANT: PAUL SCHULTZ, 133A E. WISCONSIN AVENUE, OCONOMOWOC. E. SADOWSKI SECONDED THE MOTION. E. SADOWSKI STATED THAT ALTHOUGH THERE WAS A RESIDENTIAL AREA BEHIND THIS AREA, THERE WAS NO LIGHTING INVOLVED. ALL WERE IN FAVOR. MOTION CARRIED.

- c. Lake Welfare Committee – There was nothing to report at this time.
- d. Park and Recreation Commission – (Minutes of March 22, 2010)

T. Aicher reported that wildflower plantings would go in at Oakwood (Geason) Park. Signage will be installed for hikers. The Public Works Department will make trails as soon as they start cutting grass. The land used for farming has been re-rented and corn will be planted. C. Smith presented the Park & Recreation Five Year Plan to the Plan Commission. A public hearing will be scheduled soon. The next meeting will be held on April 26, 2010.

- e. Public Works Committee

The April meeting was canceled. The next meeting will be held on May 5, 2010. People are needed to man the brush drop off area on May 1, July 17, August 1, September 4, September 18, and October 9. Interested individuals should call the Public Works Department to sign up.

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

Discussion took place on the Sawyer Road/Bark River project, financials were reviewed, the audit went very well due to the hard work of the Del-Hart Finance Director, Rose Frick, and expenses and disbursements were approved. Domestic user equivalents will be reviewed in the future.

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

- h. Library Board - There was no meeting. The next meeting will be held on Tuesday, April 13, 2010.

- i. Board of Zoning - There was no meeting. The next meeting will be held this Thursday, April 8, 2010.

- j. Promotional and Tourism Committee

The next meeting will be held on Tuesday, April 6, 2010 at 7 a.m. L. Morrison displayed a promotional article about the City of Delafield that was published in the Business Section of Sunday's paper.

- k. Lake Country Fire Commission – There was nothing to report at this time.

- l. Lake Country Fire Board – (Minutes of March 10, 2010)

The next meeting will take place on April 15, 2010 at 6 p.m. at the Nashotah Fire House. They need to reapply for the Wisconsin Retirement Fund. G. MacDougall responded to a question from T. Aicher and stated that additional paramedics were needed in order to secure the Aurora contract due. By hiring two part-time paramedics, no benefits will be provided. Another ambulance is scheduled for next year in order to expand to BLS (basic life support) transport.

- m. Dredging Plan B Committee – (Minutes of March 24, 2010)

B. Leonard discussed the group projects/assignments that were reported on at the Dredging Plan B Committee meeting. This included: 1) Development of a long range plan of restoration and maintenance for Nagawicka Lake, 2) Should the City as part of the Smart Growth Plan consider designation/purchase of a site to store dredging spoil for present-future lake maintenance projects, 3) What is the rationale for dredging the basin at the mouth of the Bark River and long term value, 4) Where are the specific areas in the lake that will require plant restoration; what regulations would be in effect, 5) Review and discuss proposed grant

application to the Waterways Commission to fund our project after meeting with City Administrator. In addition, A. Zietlow reported on his meeting with the DNR officials on March 9, 2010; there does not seem to be any issues in regard to a one year extension on the permit. E. Sadowski requested information on any costs involved in the extension. New assignments include the development of a "Factoid Chart" that would summarize all data reviewed by the committee in simple bullet points, supported by the details of the committee's research in written format. The next meeting of the Plan B Dredging Committee will be held on April 21, 2010. It was suggested that A. Zietlow update the Common Council on the DNR meeting at a future Council meeting. Mayor McAleer suggested presenting a comprehensive report at the Annual Lake Meeting in June.

5. Unfinished Business

a. LOMR Update.

L. Morrison discussed Wal-Mart and stated that they passed a milestone in that the DNR approved the floodplain testing area. There are three more steps to complete. They need to run the water flow meter so the numbers can be used in a test plan to show that the high level will never be achieved.

6. Mayor's Report

a. Discussion and action to accept resignation of Caroline O'Brien from the Dredging Plan B Committee.

L. MORRISON MOTIONED TO ACCEPT THE RESIGNATION OF CAROLINE O'BRIEN FROM THE DREDGING PLAN B COMMITTEE. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

b. Letters to Senator Feingold and Congressman Obey regarding Cushing's Medal of Honor.

Mayor McAleer received a call from Senator Feingold's office saying they would do everything they could to get Cushing's Medal of Honor to Delafield, however it hasn't actually been awarded yet; it is a formality. Mayor McAleer would like the medal in the new City Hall.

7. New Business

a. Discussion and action to adopt Resolution 2010-01 Awarding the Sale of \$750,000 in General Obligation Notes.

T. Schuenke stated that bids from three different banks were taken on the notes with the low bidder being Town Bank at 3.03% fixed interest rate. The total cost of the issue over the life of the issue is slightly below that which the financial adviser quoted. He recommended proceeding with Town Bank for \$750,000 in a 10 year general obligation promissory notes.

E. SADOWSKI MOTIONED TO APPROVE. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

b. Discussion and action on Snipe Signage.

Snipe signage was defined as advertising signs appearing illegally in right-of-ways. The Public Works Department has been instructed to remove snipe signage. T. Hafner will call the number on the signs to advise them that the signs are illegal and fines will be given if the practice is continued; the City will be more aggressive in enforcement. If someone sees a snipe sign, please call the Public Works Department or City Hall.

8. Administrator's Report
 - a. Report of City Officials
 - i. Administrator
 - a. Discussion and possible action on the Hartland Sportsman's Club Conditional Use.

B. LEONARD MOTIONED TO REFER THIS BACK TO THE PLAN COMMISSION FOR A PUBLIC HEARING. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.
 - b. Discussion and action on new roof for City Hall Remodel.

T. Schuenke recommended that a new roof be put on the City Hall. A memo was included in the packet outlining the life expectancies and reasons why this was being considered. The cost would be \$31,625; Mortenson Construction found that this to be reasonable and acceptable and recommended that this be done. The contingency would be reduced to \$158,000 on this project if this was done. He felt that the project would still come in under budget if the new roof approved. He recommended approval of the new roof.

E. SADOWSKI MOTIONED TO APPROVE A NEW ROOF FOR THE CITY HALL REMODEL. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.
 - ii. Clerk-Treasurer

Elections will take place on April 6, 2010 at Christ the King Lutheran Church.
 - iii. Council requests of future agenda items - NO DISCUSSION OF REQUESTED ITEMS.

Liquor licenses having a business plan (when ready)
Telephone books (when ready)
Tree preservation (when ready)
9. Financial Report
 - a. Approve voucher list

E. SADOWSKI MOTIONED TO APPROVE THE VOUCHER LIST. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.
10. Correspondence
 - a. Focus Newsletter
 - b. Saturday, May 1, 2010 Public Safety Campus Open House
 - c. Letter from DPW Director Hafner to Waukesha County regarding CTH C Reconstruction
 - d. Monthly Building Report from Mortenson
 - e. Notice from Waukesha County Emergency Assistance Program regarding Residential Flood Damage Assistance.
 - f. Letter from resident regarding Hartland Sportsman's Club.

11. Adjournment

E. SADOWSKI MOTIONED TO ADJOURN FROM THE MEETING. B. LEONARD SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:38 P.M.

Minutes prepared by:

Accurate Business Communications, Inc.