

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 June 7, 2010 Common Council meeting:

- |                                 |               |
|---------------------------------|---------------|
| <u>Present</u>                  | <u>Absent</u> |
| 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 |               |
| Tom Hafner, DPW Director        |               |

**SPECIAL ORDER OF BUSINESS:**

**a. Presentation of Proclamation to Eagle Scout Karl Marek.**

E. McAleer read the proclamation into the record and presented Karl Marek with the Proclamation of Appreciation.

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 May 17, 2010 and May 24, 2010 Common Council meetings.

**E. SADOWSKI MOVED TO APPROVE THE MAY 17, 2010 AND MAY 24, 2010 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.  
City of Delafield Citizen's Comments for items on the agenda.

**E. SADOWSKI MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:04 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- 3. Consent Agenda  
a. Sell obsolete Audio Visual equipment on Craig's List.

**E. SADOWSKI MOVED TO APPROVE ITEM(S) ON THE CONSENT AGENDA. J. KRICKHAHN 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, 2012.
  - a. Johnathon M. Klink; PDQ
  - b. Debra N. Acker; NYLC
  - c. James C. Aldinger; Revere's Wells St. Tavern

G. Gresch stated all bartenders passed their background check.

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

2. Class "B" Beer "Class B" Liquor Licenses to expire June 30, 2011

G. Gresch stated all of the establishments passed their Fire Department, Building Inspection and Waukesha County Health Department inspections. She asked that the Common Council make one motion for each set of licenses instead of individual motions for each restaurant.

- a. 1704 Partners, Inc., Fishbone's Cajun & Creole Restaurant, 1704 Milwaukee Street, Delafield; Jesse Souza, Agent
- b. 629 Partners, Inc., Zin-Uncommon California Italian Restaurant, 629 Main Street, Delafield, Pam Kerstein, Agent
- c. CMJS Enterprise, Mazatlan Restaurante, 601 Milwaukee Street, Delafield; Manuel Soto, Agent
- d. Amadzich, Kurt Boris, Jr., Kurt's Steak House Inc., 22 Main Street, Delafield, Kurt Amidzich, Jr., Agent
- e. WHG Real Estate North LLC, Applebee's Neighborhood Grill & Bar, 3100 Golf Road, Delafield, Kipp Van Dorf, Agent
- f. Emperor's Kitchen Inc., Emperor's Kitchen, 3149 Golf Road, Delafield, Charles Q. Yee, Agent
- g. CMC Hospitality Inc, Revere's Wells Street Tavern, 505 Wells Street, Delafield; Michael Szohr, Agent
- h. Delafield Hospitality LLC, The Delafield Hotel/Andrew's, 415 Genesee Street, Delafield; Kim Fintel, Agent
- i. Pacific Bistro, LLC, Pacific Bistro, 3215 Hillside Drive, Delafield; Sou Virasith, Agent
- j. Twist 'n Olive LLC, Twist 'n Olive, 2730 Hillside Drive, Delafield; Scott Westley Viet, Agent
- k. Apron Annie's Enterprises, LLC, Back Street Café, 2566 Sun Valley Drive, Delafield; Joseph Laatsch, Agent
- l. Delafield American Legion Post 196, 333 Lapham Peak Road, Delafield; Scott T. Krueger, Agent

J. Krickhahn asked if everyone's bills are paid. G. Gresch stated yes, and if they weren't, the license won't be issued.

**E. SADOWSKI MOVED TO APPROVE THE CLASS "B" BEER "CLASS B" LIQUOR LICENSES AS LISTED ON THE AGENDA. G. MACDOUGALL**

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

3. Class "B" Beer "Class B" Liquor Licenses to expire June 30, 2011 – Exemptions (300 Seat Restaurants)
  - a. Weissgerber's Seven Seas, Inc., Weissgerber's Seven Seas, 1807 Nagawicka Road, Hartland; Jacob Weissgerber, Agent.
  - b. WSB-Lake Country, Inc., Water Street Brewery Lake Country, 3191 Golf Road, Delafield; Robert C. Schmidt, Jr., Agent
  - c. Delafield Brewhaus LLC, Delafield Brewhaus, 3832 Hillside Drive, Delafield; Eric Dean Knutson, Agent

**J. KRICKHAHN MOVED TO APPROVE THE CLASS "B" BEER "CLASS B" LIQUOR – EXEMPTIONS (300 SEAT RESTAURANTS) LICENSES AS LISTED ON THE AGENDA. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

4. Class "B" Beer "Class C" Wine Licenses to expire June 30, 2011
  - a. Marty's Delafield, Inc., Marty's Pizza, 2580 Sun Valley Drive, Delafield; Richard Flath, Agent.
  - b. Raul Perez, S37 W22211 Crestview Drive, Waukesha; El Corita, Inc; Lumber Inn, 617 Wells Street, Delafield WI, Raul Perez, Agent
  - c. The Noodle Shop Co.-Colorado, Inc., 520 Zang Street, Broomfield, Co., Noodles & Company, 3260 Golf Road, Suite 200, Delafield; Joseph Bath, Agent
  - d. MST Acquisition, Inc.; d/b/a Milwaukee Street Traders, 523 Milwaukee Street, Delafield; M. DeYoe Mireau, Agent

**G. MACDOUGALL MOVED TO APPROVE THE CLASS "B" BEER "CLASS C" WINE LICENSES AS LISTED ON THE AGENDA. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

5. Class "A" Beer "Class A" Liquor Licenses to expire June 30, 2011
  - a. Albrecht Foods, Inc., Sentry Foods, 3255 Golf Road, Delafield, Tom Backhaus, Agent
  - b. JOHO, Inc, Daybreak Mobil, 622 Genesee Street, Delafield; Jamie Lynn O'Marrah, Agent
  - c. Delafield Fine Foods, LLC, 6055 S. Pennsylvania Avenue, Cudahy, Ceriallos Fine Foods, 601 Genesee Street, Delafield; Jason Steiner, Agent
  - d. PDQ Food Stores, Inc., P.O. Box 620997, Middleton, WI, PDQ Store #330, 2694 Sun Valley Drive, Delafield; Patricia St. Amand, Agent
  - e. Ultra Mart Foods, LLC, PO Box 473, MS2650, Milwaukee WI, Pick'n Save #6398, 3161 Village Square Drive, Hartland; Ed Wozniak, Agent
  - f. Wal-Mart Stores East, LP, 702 SW 8th St, Bentonville, AR, Wal-Mart Supercenter #1678, 2863 Heritage Drive, Delafield; James Hansen, Agent
  - g. Target Corporation, Target Store T-0864, 2553 Sun Valley Drive, Delafield; Corrine Lee Kindred, Agent
  - h. Walgreen Co., Walgreen's #05281, 2901 Golf Road, Delafield; Kimberly Peterke, Agent

**M. DEYOE MOVED TO APPROVE THE CLASS "A" BEER "CLASS A" LIQUOR LICENSES AS LISTED ON THE AGENDA. L. MORRISON**

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

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6. "Class A" Liquor Licenses to expire June 30, 2011  
a. Sandy Bottom Nature Center, LLC, Sandy Bottom Nursery, 4607 Vettelson Road, Hartland; Herbert E. Rasmussen, Agent

**G. MACDOUGALL MOVED TO APPROVE THE "CLASS A" LIQUOR LICENSE AS LISTED ON THE AGENDA. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

7. Class "A" Beer Licenses to expire June 30, 2011  
a. Open Pantry Food Marts of WI, Inc., 10505 Corporate Drive Suite #101, Pleasant Prairie; Open Pantry Food Mart #611, 2675 Sun Valley Drive, Delafield, James L. Schutz, Agent

**G. MACDOUGALL MOVED TO APPROVE THE CLASS "A" BEER LICENSE AS LISTED ON THE AGENDA. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

8. Class "B" Beer Licenses to expire June 30, 2011  
a. T.H.E. Restaurants, Inc., Rocky Rococo, 2798 Heritage Drive, Delafield WI, Eric Hejdak, Agent.  
b. Angel Fire Enterprises, Inc., Lake Country Cigars, 2566 Sun Valley Drive, Delafield; Donald A. Kane, Agent  
c. PH Delafield, LLC, n/k/a/ PH Hospitality Group LLC, 10930 West Potter Road, Wauwatosa; Pizza Hut, 2736 Hillside Drive, Delafield; Tim Larsen, Agent  
d. Nagawicka Lake Yacht Club, 1131 Mariner Drive, Hartland; Thomas W. Hoffmann, Agent  
e. Roaring Fork! LLC, 3103 North Oakland Avenue, Milwaukee; Qdoba Mexican Grill, 3200 Golf Road, Suite 100, Delafield; Ron Stokes, Agent

**M. DEYOE MOVED TO APPROVE THE CLASS "B" BEER LICENSE AS LISTED ON THE AGENDA. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. Plan Commission – (Minutes of May 26, 2010)  
1. Discussion and action on recommendation from Plan Commission to adopt the 5-Year Park & Recreation Plan.

M. DeYoe reported on matters considered and actions taken at the meeting. The last Plan Commission meeting was the Hartland Sportman's Club Public Hearing. There was some regular business attended to; an item on the Consent Agenda, a new nail salon on Milwaukee Street.

**M. DEYOE MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO ADOPT THE 5-YEAR PARK & RECREATION PLAN. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

M. DeYoe stated the Plan Commission and Common Council will be holding a joint meeting on Thursday, June 10, 2010 to act on the Hartland Sportman's Club.

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c. Lake Welfare Committee

1. Discussion and possible action on a lake level change request to the DNR.

L. Morrison stated in 1990, lake residents requested that the DNR allowed the lake level be lowered to absorb extra water during heavy rains. The DNR granted it with the condition that it must be lowered during the first two weeks of October and raised the first two weeks of March because of the amphibians and reptiles in the lake during the winter. This action hasn't met the original expectation as we have seen with spring rains over the years coming after March. Since we haven't been able to dredge, it's a double whammy in October; the boats are left high and dry. The Lake Welfare Committee wants to work with DNR on this, discuss it at the Annual Lake Awareness meeting and get Common Council approval. T. Hafner stated he agrees with the request.

**L. MORRISON MOVED TO STATE THAT THE COMMON COUNCIL AGREES WITH THE CONCEPT OF NOT LOWERING THE LAKE LEVEL AND TO SEND A REQUEST TO THE DNR OF THE SAME. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

L. Morrison stated the Annual Lake Awareness meeting is Wednesday, June 9, 2010 at Christ the King Lutheran Church from 6:30 to 9:30 pm. Topics include: Dredging Plan B Committee, dredging, lake levels, state of the lake and new pier regulations. Anyone who has an interest in the lake should make it to the meeting.

2. Discussion and possible action to ask the DNR for extension of the Chapter 30 permit.

L. Morrison stated the DNR Chapter 30 permit expires December 31, 2010 and suggested the Common Council request a two year extension from the DNR.

**L. MORRISON MOVED TO APPROVE THE REQUEST TO THE DNR FOR A TWO YEAR EXTENSION TO THE CHAPTER 30 PERMIT. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

d. Park and Recreation Commission – (Minutes of May 26, 2010)

T. Aicher stated based on the Common Council's recommendations, the Commission is working with a UW Madison Intern for landscaping and park architecture for Oakwood Park. They will be using a student who needs outreach work to finish their Masters Degree. The cost is minimal, way below the \$30,000 in the budget. Commission member David Brabson is also doing great work with the Lois Jensen trail and that parking is on the trail's punch list of items to address. L. Morrison suggested adding the Watershed Signs to the Intern project.

e. Public Works Committee – (Minutes of June 2, 2010)

G. MacDougall stated the Committee discussed the Golf Road feasibility study findings. The Common Council will see a presentation on the two recommendations at the next meeting. Also, the Cushing Park Road / Main Street business park signage was postponed for the engineer to do some research. The next Public Works Committee meeting is July 7, 2010 at 6:30 P.M. at the Fish Hatchery.

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- f. Del-Hart Commission – (Minutes of May 18, 2010)

There was nothing to report at this time.

- g. Police 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 is June 8, 2010 at 7:00 P.M.

- i. Board of Zoning – (Minutes of May 27, 2010)

G. MacDougall stated the two variances on the agenda were both granted. The next Board of Zoning meeting is Thursday, June 24, 2010 at 7:30 P.M.

- j. Promotional and Tourism Committee – (Minutes of June 1, 2010)

L. Morrison stated donations were granted to pay for City banners and advertising for the Block Party, Hawks Inn roof fundraiser and for the Art Walk. The Art Walk was quite successful. Upcoming events include the 5K Run/Walk on Saturday, June 19. The Block Party is Friday, July 9 and Saturday, July 10.

- k. Lake Country Fire Commission

There was nothing to report at this time.

- l. Lake Country Fire Board – (Minutes of May 19, 2010)

G. MacDougall stated things coming together very well since the Lake Country Fire & Rescue Department was accepted into WRS. The Fire Board terminated the employee lease agreement with the City of Delafield and accepted the transfer of fire equipment from the prior Lake Country Fire Department. The next Lake Country Fire Board meeting is June 16, 2010 at 7:00 P.M. at the Fire Station #2.

- m. Dredging Plan B Committee – (Minutes of May 19, 2010)

B. Leonard stated the Committee discussed several issues in detail, one of them being a possible lake management district. They also voted on a statement which said the committee is not recommending a lake management district unless all other recommendations are not agreed to by the Common Council. T. Aicher stated a lake management district would be the City's last resort. There was further discussion about a lake management district and that it would take taxing authority away from the Common Council. T. Aicher stated there is a process to creating a lake management district and anyone at anytime could start that process without the Dredging Plan B Committee's input.

B. Leonard stated they also received budget information. In 2009, the City spent \$57,000 on operating costs for the lake. That does not include debt service or capital expenditures. She stated they also discussed a possible stormwater utility as another funding source. The concept is that every property in watershed contributes to runoff into the lake. This would accurately determine how much runoff they have by measuring impervious surface, then assessing a

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charge. This is very preliminary. Committee Chair Al Zietlow will be giving a brief presentation at the Lake Awareness meeting.

5. Unfinished Business

a. LOMR Update – *May 27, 2010 letter from FEMA*

DPW Director T. Hafner stated the City received a response from FEMA, which acknowledges the flows in the original model were double what they should have been and can go back to the way they were. B. Leonard asked if this is close the original levels. T. Hafner stated yes, and the levels could be a couple of tenths better. T. Hafner stated this issue will be completed this year.

b. Discussion and action to adopt Ordinance No. 639, An Ordinance To Create Section 7.12 of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin Related to Low Speed Vehicles.

J. Krickhahn stated he has been following this through the legislature and it has been modified five times. The law is no longer designed for Neighborhood Electric Vehicles. It is now for Low Speed Vehicles that use propane powers and different fuels. His only concern is that the ordinance was written for speeds up to 25 mph, even though the law states it must be able to hold a speed of 35 mph.

**J. KRICKHAHN MOVED TO ADOPT ORDINANCE NO. 639, AN ORDINANCE TO CREATE SECTION 7.12 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN RELATED TO LOW SPEED VEHICLES. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

6. Mayor's Report

7. New Business

a. Discussion and action on Resolution 2010-12, A Resolution for Compliance Maintenance Annual Report for Sewer System.

E. McAleer stated this is also done at Del-Hart. He asked if we do this at the same time every year. T. Hafner stated yes, it's always done at the first meeting in June.

**M. DEYOE MOVED TO ADOPT RESOLUTION 2010-12, A RESOLUTION FOR COMPLIANCE MAINTENANCE ANNUAL REPORT FOR SEWER SYSTEM. E. SADOWSKI 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

T. Schuenke stated given the shortness of this meeting, he requests that the Common Council discuss and take action on only having one Common Council meeting per month in the summer. This was done at his previous municipality and it worked very well. If there was an item that needed immediate action, a special meeting was scheduled.

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- ii. Clerk-Treasurer
  - a. Ordinance & Resolution Update
    - G. Gresch also gave a Liquor License update. She stated as of July 1, 2010 the City will have one Regular and one Reserve Combination Class B Beer/Liquor license available.

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b. Re-Designing City Website Update

G. Gresch stated the redesign of the City's website is coming along nicely. We are still on target for a July 1 release date.

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

9. Financial Report

a. Approve voucher list

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

10. Correspondence

- a. Focus Newsletter
- b. Letter from Veolia regarding the Hartland dump.
- c. Letter from Kettle Moraine School District regarding the current officers.
- d. Letter from Joyce and Peter McArdle regarding Seven Seas Liquor License Renewal
- e. Monthly Building Project Report – April.
- f. Letter from Veolia regarding July 4 Refuse and Recycling pickup.
- g. Letter and Application to Waukesha County Community Development for the 2011 CDBG Grant.

11. Adjournment

**E. SADOWSKI MOVED TO ADJOURN THE JUNE 7, 2010 COMMON COUNCIL MEETING AT 7:41 P.M. M. DEYOE 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