

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 September 7, 2010 Common Council meeting:

Present

Mayor Ed McAleer  
 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, Public Works Director  
 Kathy Gutenkunst, City Attorney

Absent

Jeff Krickhahn, Ald.

1. Approve minutes of August 16, 2010 Common Council meeting.

**E. SADOWSKI MOVED TO APPROVE THE AUGUST 16, 2010 COMMON COUNCIL MEETING MINUTES AS PRESENTED. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

B. Leonard asked if the minutes will be motions only from now on. E. McAleer stated no, we will go back to the summary minutes per Administrator Schuenke's email today.

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

**Joe DeKlotz, 601 Genesee Street #310, Delafield,** stated next week is the Primary Election. He asked everyone to research the candidates and vote. E. McAleer asked him to stop because the Common Council did not allow the other candidates to make a presentation.

**Dr. David Schlaack, 1119 Crossroads Court, Delafield,** stated he is still pursuing the Common Council to allow all property owners and tax payers in Waukesha County to be able to obtain a Bleeker Street permit.

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

**Barb Pindowski, W358 N4949 Harbor Court, Oconomowoc, and Andrea Rangruett, 1304 E. Devonshire Road, Delafield.** A. Rangruett stated she is speaking against the Consent Agenda item regarding the address change. The addresses have been this way for years, and she doesn't see why they have to be changed. The neighbors should have to display their address with a bigger sign.

**L. MORRISON MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:10 P.M. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. Consent Agenda

- a. Lake Country Fire & Rescue Department address change request for E. Devonshire Road.

E. McAleer stated based on the public comment, he suggested this be removed from the Consent Agenda and discussed.

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

E. Sadowski stated he referred this issue to City Hall and it was referred to the Police and Fire Departments. He feels it is easier to change only one of the addresses. He was told by Chief Edwards that four calls have come in for that area and it is hard to find the appropriate address and house. E. McAleer stated Chief Edwards should talk to the homeowner about putting up a better address sign. Other Common Council members concurred that it would be better to only have to change one address.

**E. SADOWSKI MOVED TO REFER THE PROPOSED ADDRESS CHANGE BACK TO THE LAKE COUNTRY FIRE & RESCUE CHIEF TO COME UP WITH A BETTER SOLUTION, BETTER ADDRESS SIGNAGE AND MAKE A RECOMMENDATION BACK TO THE COMMON COUNCIL FOR THE NEXT MEETING. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

E. McAleer asked the Common Council if they would not mind discussing #7a New Business – Discussion of Street Vacation policy because the City Attorney is here. Common Council members did not object.

7. New Business

a. Discussion of Street Vacation policy.

T. Schuenke stated recently, we have had several requests to vacate City street rights-of-way. Generally these streets, while platted, have never been built and the vacations are proposed as a means to facilitate development of certain properties. Two that have recently been proposed are for St. John's and another for Jim Behrend. Inasmuch as this is something we do not do very often, it is worthwhile having a discussion regarding the process and the policy issues concerning vacating a street right-of-way. Some of the policy questions include: How to determine whether a right-of-way is no longer necessary or in the best interest of the City to maintain; should compensation be a consideration; and, if so, what form will that compensation take (it could be money, or some in kind contribution such as dedication of additional right-of-way, etc.).

Attorney Gutenkunst stated right-of-way vacation requests are usually brought to the Common Council by petition. The petitioner needs to submit the petition, the legal description and it must be published as a Class 3 notice and a public hearing must be held. If there are any objections, a 2/3 vote is required. If there are no objections, then it's a simple majority vote. With a right-of-way vacation where it is not clear who dedicated the land to begin with, there is usually a significant benefit to the adjacent property owner since they receive 50% of the vacated right-of-way, but that also depends on the proposal. She suggests a policy be drafted where a title search is required. The title company researches how the land was dedicated and who should receive the land back. This report would be returned to the City before the public hearing. Vacating right-of-way can add some valuable property to a development. Does the City want to charge a fee in exchange for the vacation? Putting a procedure in place is great, but the Common Council will still have to deal with the requests differently, based on the circumstances.

E. Sadowski asked if the City requires a donation in exchange for the vacated right-of-way, and can it be donated to Park & Recreation. T. Schuenke stated the Common Council can decide where they want the money to go. The City has ability to negotiate and can do something other than require a donation. There was further discussion about specific examples. K. Gutenkunst stated each vacation request is different; the Plan Commission and/or Common Council will have to look at the overall development plan. Common Council members asked for a formula and some guidelines to lead us in the right direction. They directed Attorney Gutenkunst to work with Attorney Jim Hammes and Administrator Schuenke on developing guidelines and bring it back to the Common Council when it is ready.

## 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, 2012.
- a. Shannon M. Gooch, Weissgerber's Seven Seas
- b. Justine A. Robbins; Delafield Brewhaus
- c. Jessica L. Stehli, PDQ
- d. Rebecca A. Lingle, Delafield Brewhaus
- e. Alyssa a. Becker, PDQ
- 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.**
- b. Plan Commission – (Minutes of August 25, 2010)
- i. Discussion and action on Final Certified Survey Map for **DELIC 0755.996, 2731 Nagawicka Road, Delafield**. Owner: James R. Lang. Applicant: Jay Lang, 132 W. Oak Street, Lake Mills, WI.
- M. DeYoe stated the Plan Commission has reviewed and approved the Certified Survey Map. All of the Engineer's concerns have been addressed.
- M. DEYOE MOVED TO APPROVE THE FINAL CERTIFIED SURVEY MAP FOR DELIC 0755.996, 2731 NAGAWICKA ROAD, DELAFIELD. OWNER: JAMES R. LANG. APPLICANT: JAY LANG, 132 W. OAK STREET, LAKE MILLS, WI. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**
- M. DeYoe also reported on the other action items at the Plan Commission meeting.
- c. Lake Welfare Committee
- The next Lake Welfare Committee meeting is Wednesday, September 8, 2010 at 6:00 P.M.
- d. Park and Recreation Commission – (Minutes of August 23, 2010)
- T. Aicher stated they are working on their 2011 budget and to send any suggestions to him or Committee Chair Chris Smith. M. DeYoe suggested they work on St. John's Road / Cedar Valley Park.
- e. Public Works Committee – (Minutes of September 1, 2010)
- G. MacDougall stated they reviewed the right-of-way vacation request by Jim Behrend from a utility point of view and they have a list of concerns. They also approved the Lake Country Trail grading changes.
- f. Del-Hart Commission – (Minutes of August 17, 2010)
- B. Leonard stated they had a major discussion about the DNR revisions to phosphorus limits. They could have up to 15 years to comply with the new limits, which will be 0.1, which is 10 times more what is currently allowed. They also reviewed the budget, which increased by 0.4% which is revenue driven. E. McAleer asked that Del-Hart put the discussion of the possible purchase of Del-Hart property by the City.

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

g. Police Commission

There was nothing to report at this time.

h. Library Board

There was nothing to report at this time.

i. Board of Zoning

There was nothing to report at this time.

j. Promotional and Tourism Committee

L. Morrison showed the Common Council the "Chronicles of Delafield" which is distributed four times a year in the Lake Country Reporter. It is all about our City and has articles and advertisements. A total of 35,000 copies were distributed and didn't cost the Tourism Committee any money. The businesses are working very hard to get out this type of advertising to the community. She also reported that the City has requested to replace the remaining banners, which was approved. The new banners will go up when the holiday ones come down. Also, the Committee has a hotel representative and she reported that business has improved for the fall. This weekend is very big weekend for downtown with the Fall Art Walk and Classic Car show. The advertising budget is being put to good use with radio spots this week and social media advertising this weekend's events.

k. Lake Country Fire Commission

There was nothing to report at this time.

l. Lake Country Fire Board – (Minutes of July 21 and August 11, 2010)

G. MacDougall stated the Lake Country Fire & Rescue Department's budget is proposed with a 0% increase. The next meeting is a joint meeting with the Lake Country Fire & Rescue Department Fire Board, Fire Commission and three municipalities on Thursday, September 9, 2010 at 6PM. There was discussion about the proposed budget's 0% increase relating to the \$100,000 startup costs they received from the City. G. MacDougall stated the \$100,000 startup costs are not being repeated; it was a one-time deal. T. Schuenke clarified that the 0% is what the Lake Country Fire & Rescue Department is asking for from the municipalities. Expenses did increase, but so did revenues. The impact on the community is the same as it was last year. G. MacDougall also reported that the Fire Board was going to dispose of an ambulance, but they are instead going to put it into service for Basic Life Support and transports to/from hospitals and nursing homes, which will generate more revenue.

T. Aicher asked about the staff's wages which were mentioned in the last set of minutes, that the wages were below average. G. MacDougall stated the Fire Board conducted a wage and benefits survey and found that the Lake Country Fire & Rescue Department is about 28% below the average and they will be working on bring that up, which will take about three to five years to do.

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

T. Aicher stated the committee is discussing the idea of a possible Stormwater Utility District as a source for dredging or lake maintenance. The lake functions as a stormwater retention area already and the city currently has stormwater utility districts. The committee is working on an assessment method with formulas based on the total square footage of impervious surface and a calculation of that property's contribution of runoff to the lake. There was discussion about

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

clarifying that the lake property owners aren't double- or triple-taxed and the possibility of sending out bids to obtain costs for the budget. There was further discussion that that was done already and we could run in to the same problem as before.

The next Dredging Plan B Committee meeting is Wednesday, September 15, 2010 at 7:00 P.M.

5. Unfinished Business

a. LOMR Update.

There was nothing to report at this time.

b. Discussion and possible action on City Refuse and Recycling contract and current recycling practices.

T. Hafner stated as of September 1, 2010 there are new rules about recycling electronics; they cannot be put in the landfill anymore. He stated the City does not need to provide this service because there are already existing opportunities for people to take advantage of, which can be found on the DNR or Waukesha County website. There was discussion about Best Buy taking items as well as the Boy Scouts having recycling events.

He also reported he has been trying to set up a subcommittee with himself, Administrator Schuenke and Alderperson Leonard to meet with Veolia to negotiate the next contract. L. Morrison asked what people could do with their leaves. T. Hafner stated two meetings ago he presented the Common Council with two options. One is the "Sticker Program", the other is to pay as you go, but it will cost the resident more to have the items picked up on their own schedule. Veolia would like the City to decide which method they want residents to use. With the sticker program, the resident would purchase a minimum of 60 stickers for \$1.90 each and put a sticker on each bag they want picked up. Pick up is a certain day each month. G. Gresch stated she will work on getting the news out to the residents.

**M. DEYOE MOVED TO APPROVE THE CITY USING VEOLIA'S STICKER PROGRAM FOR YARD WASTE DISPOSAL. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

6. Mayor's Report

E. McAleer thanked Bray, Mortenson and C.D. Smith for the wonderful job they did on City Hall.

7. New Business

a. Discussion of Street Vacation policy.

See discussion on page 2.

8. Administrator's Report

a. Report of City Officials

i. Administrator

T. Schuenke stated the Common Council set a budget goal setting workshop for September 16<sup>th</sup> at 6PM. All Common Council members are invited to come. Department heads (less the Library and Fire Departments) will be there.

ii. Clerk-Treasurer

a. Ordinance & Resolution Update

b. Election Reminders, Moving Back to City Hall, 4<sup>th</sup> Quarter Communicator

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

G. Gresch stated the 4<sup>th</sup> quarter Communicator will be mailed on September 24, 2010. The Library will be moving the week of September 20 and will be closed all week. City Hall Offices are moving September 23 and 24. We will be closed at Noon on the 23rd and closed all day on the 24th. She also reviewed the September Election dates to remember:

- Thursday, September 9, 2010 – Last day at 5PM for electors to request absentee ballots by mail.
- Monday, September 13, 2010 – Last day at 5PM for electors to register to vote and vote absentee in the Clerk's Office.
- Tuesday, September 14, 2010 – ELECTION DAY! All wards vote at Christ the King Lutheran Church, 1600 Genesee Street. Polls open at 7AM and close at 8PM.

Electors may register to vote at the polls, but please be sure to bring your Driver's License with your current address on it. If your Driver's License is not current, please take a utility bill, credit card bill or bank statement with you, along with your Driver's License.

G. Gresch also reported that all meetings will be held in the new City Hall Council Chambers effective October 1, 2010.

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

J. Krickhahn requested a meeting room usage policy. M. DeYoe requested a sex offender ordinance. E. Sadowski requested an update to the campfire ordinance.

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 Newsletters  
b. Monthly Project Report – July  
c. City Hall & Library Open House / City Buildings Dedication Ceremony.  
d. Email from Paul Decker regarding Lake Country Trail Update.

11. Adjournment

**E. SADOWSKI MOVED TO ADJOURN THE SEPTEMBER 7, 2010 COMMON COUNCIL MEETING AT 8:16 P.M. L. MORRISON 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