

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 20, 2010 Common Council meeting:

PresentAbsent

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

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 September 7, 2010 Common Council meeting.

E. SADOWSKI MOVED TO APPROVE THE SEPTEMBER 7, 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.

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

Lyn Holton, 485 Lillian Court. G. Gresch read the Holtons' comments into the record since they couldn't make it to the meeting. Her comments were in response to agenda item #M1 regarding dredging. She asked for clarification on the Common Council's intentions, financial limits and responsibility for this project. The citizens spoke in last year's referendum, and she has confidence that this Council would not want to circumvent or disrespect the citizen's choice in this matter. In reading the minutes of the Plan B dredging committee, it is clear they have the intent to direct both "short term" and "long term" funding toward non-riparians in no uncertain terms and if at all possible. This is against the wishes of the voters in Delafield. In the minutes it is stated that there is a 10 year life expectancy of any dredging. Are we the taxpayer expected to assume this expense every ten years for the trap at the Bark River while they still discuss how and when they will handle it in front of their homes and we pay for the studies? Grotta Assessors will be at the meeting tonight. Please ask them how Lake Nagawicka exactly effects a non-riparian property value assessment. Do my trees and adjacency to Lapham Peak State Park effect a riparian property value assessment? Can I expect riparians to help me maintain my trees for future generations to view because in my opinion they should?

Al Zietlow, 3312 Bay View Court, Dredging Plan B Committee Chair stated the committee has been working on moving this project forward. Recent changes in action by the DNR led them to believe there are other options; however, they need costs so they can develop benchmarks. Their request is that the Common Council direct City staff to obtain costs to dredge only the basin, with two different methods, through the RFP process. The committee is also working on advancing a proposed model that they shared with the Common Council a while ago for a possible stormwater utility. They are working with the City Engineer on calculating the impervious surfaces of about 1,500 properties.

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Dave Daubert, 3330 Bay View Court, agrees with Holtons. He doesn't want the Common Council to give the Plan B Committee any more money until they can show that they can do the basin dredging like the St. John's Bay property owners.

M. DEYOE MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:07 P.M. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda

a. Resolution 2010-17, Resolution Establishing the Library Levy

G. MacDougall asked for clarification on the resolution. J. Krickhahn stated in order to have Waukesha County funding, the City must adopt a resolution that states the City will support the library to this dollar amount. There was discussion about the resolution and how it looks as though the library budget is approved before the rest of the City's budget. To the contrary, this must be adopted or the City will lose Waukesha County's funding. J. Krickhahn stated the Library's budget is a zero increase over last year.

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.

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. Reese Kressin, Open pantry
 - b. Renee M. Lowery; Applebee's
 - c. Palmarie D. Herberholz; Qdoba Mexican Grill

G. Gresch stated all bartenders passed their background check.

E. SADOWSKI 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

There was nothing to report at this time.

c. Lake Welfare Committee – (Minutes of September 8, 2010)

L. Morrison stated the committee saw several good presentations by the Plan B Committee and the St. John's Bay property owners' dredging project. The SJB property owners' dredging project was approved by the DNR and is underway. The City also received a two year extension to the City's Chapter 30 Permit. With regard to the lake level lowering, the request has been published, and we have to wait 30 days for an objection. The new buoys have been in the lake for a month. The placements have already been modified. When the buoys come out, DPW will take a GPS reading so they know where they go back next year. If anyone has suggestions on placement, call Public Works Director Tom Hafner.

1. Discussion and action on recommendation from Lake Welfare Committee that the current ordinance language remain the same in that only City of Delafield and Village of Nashotah residents should be able to purchase a parking permit for use at the Bleeker Street Boat Launch.

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L. Morrison stated the committee has discussed this at several meetings because one property owner, who is not a resident, has taken exception to the fact that the City only sells parking permits to Nashotah or Delafield residents. The Lake Welfare Committee recommends the current rules stay in effect. If this were changed, it could be a real problem for City Hall staff and it would be difficult to create a new ordinance. E. McAleer stated he has received phone calls and people feel the City is being unfair to let another municipality get a sticker and says no to our own taxpayers. He feels the ordinance needs to be changed. L. Morrison stated that will not be simple and there are too many factors to consider. You would have to prove where you live, what your business is, that you own the property, if you are the taxpayer, etc. J. Krickhahn stated there has only been one objection in the eight years he's been on the Common Council. E. Sadowski stated if it's not broke, don't fix it.

J. KRICKHAHN MOVED TO APPROVE THE RECOMMENDATION FROM LAKE WELFARE COMMITTEE THAT THE CURRENT ORDINANCE LANGUAGE REMAIN THE SAME IN THAT ONLY CITY OF DELAFIELD AND VILLAGE OF NASHOTAH RESIDENTS SHOULD BE ABLE TO PURCHASE A PARKING PERMIT FOR USE AT THE BLEEKER STREET BOAT LAUNCH. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. OPPOSED BY M. DEYOE AND T. AICHER. MOTION CARRIED.

T. Schuenke clarified that he received an e-mail from the DNR that a letter would follow within a week about the Chapter 30 Permit extension.

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.

f. Del-Hart Commission

There was nothing to report at this time.

g. Police Commission

There was nothing to report at this time.

h. Library Board – (Minutes of September 7, 2010)

J. Krickhahn stated most of their last few meetings have been based on the budget. The Library has a zero increase in their budget. Also, the library had an increase in non-resident usage over last year.

1. Discussion and possible action on the usage of the Library Program room by non-residents within the Kettle Moraine School District.

J. Krickhahn stated the new library has a program room in it, which was funded by City tax dollars. Residents and non-residents have been asking to use the room, and the Library Board is not comfortable making the policy decision without the Common Council's input on who is allowed to use the room. There was a thought to limit it to the residents in the Kettle Moraine School District and they could use it for free. However, part of the KMSD is in the Town of Delafield and there would be non-residents using it

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for free when our taxpayers paid for the building. There was discussion about when the room is available for use, the pros and cons of allowing non-residents using the program room for free, charging a non-resident fee and a cleaning fee. J. Krickhahn stated the program room will be available for use during library hours only and that the users would have to leave the room the way they found it. It was suggested a \$20 or \$25 non-resident fee be charged. There was further discussion about the fees and if those would be City or Library revenues and the urgency to decide on this tonight. After further discussion, J. Krickhahn asked for a consensus, which was determined that City residents can use the program room for free and that non-residents should be charged. Clerk Gresch will check the Clerk's Network for polices and rates.

i. Board of Zoning

There was nothing to report at this time.

j. Promotional and Tourism Committee – (Minutes of September 7, 2010)

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 August 18, 25, 30, & September 9, 2010)

G. MacDougall stated the Lake Country Fire & Rescue Department has been working on establishing a line of credit with M&I Bank because the receivables are running three to four months behind due to the current ambulance billing company's delayed collection receipts. The Lake Country Fire & Rescue Department is cancelling the current ambulance billing contract and will contract with someone who can collect the money faster.

G. MacDougall stated they have been working on the 2011 budget also. There is a salary increase for the employees, but overall there is zero percent increase because their revenues increased. He reviewed the current wages and comparables and stated the Lake Country Fire & Rescue Department is going to fund the wage increases by doing Basic Life Support transports, which is transporting people from hospital to nursing home and vice versa. J. Krickhahn stated a large percentage of the budget is revenue based and a motion was made at the Fire Board meeting that if the 2011 budget is not tracking the way it should be by six months, the paramedics will not be receiving raises. E. McAleer suggested taking action on these items now instead of later on the agenda.

c. Discussion and action on Lake Country Fire & Rescue Department, Fire Board and Fire Commission 2011 Budget.

Common Council members asked that a management letter explaining the budget be provided next year.

Operational Budget:

- City of Delafield: \$728,350
- Village of Chenequa: \$88,509
- Village of Nashotah: \$93,141

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Capital Budget:

- City of Delafield: \$192,712
- Village of Chenequa: \$30,394
- Village of Nashotah: \$36,894

G. MACDOUGALL MOVED TO APPROVE THE LAKE COUNTRY FIRE & RESCUE DEPARTMENT, FIRE BOARD AND FIRE COMMISSION 2011 OPERATING BUDGET AT AN AMOUNT NOT TO EXCEED \$910,000. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

G. MACDOUGALL MOVED TO APPROVE THE LAKE COUNTRY FIRE & RESCUE DEPARTMENT, FIRE BOARD AND FIRE COMMISSION 2011 CAPITAL BUDGET AT AN AMOUNT NOT TO EXCEED \$260,000. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. Discussion and action on amendment to the Lake Country Fire & Rescue Department Agreement.

G. MacDougall stated the agreement needs to be modified to allow the M&I line of credit to be opened, which is required by the bank. E. McAleer stated this concept was approved at the last Common Council meeting but this is formalizing it into the agreement. This needs to be done until the Fire Board's reserves build up.

G. MACDOUGALL MOVED TO APPROVE THE AMENDMENT TO THE LAKE COUNTRY FIRE & RESCUE DEPARTMENT AGREEMENT TO ALLOW DEPT TO OPEN LINE OF CREDIT WITH MI BANK TO PAY FOR OPERATIONS WHEN RECEIVABLES FALL SHORT. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- m. Dredging Plan B Committee – (Minutes of September 15, 2010)

1. Discussion and action on recommendation from Dredging Plan B Committee that the City move forward with the dredging of the sediment basin and in order to begin this project, that appropriate personnel be directed to initiate an "Request For Proposal" (RFP) process to obtain costs for this lake improvement.

B. Leonard stated in order for the committee to go any further, we really need a much better of idea of what costs will be for dredging the basin portion only. Based on additional information and more research done and the fact there is a small scale dredging project under way, there is quite a bit of flexibility with the DNR regarding spoils, that no one believed was there before. The cost per cubic yard could be significantly lower, and they are requesting City staff to put together a project specification and send out bids to dredge the sediment basin only. There was discussion on what the alternate spoils options would be. There was further discussion about who is going to pay for the basin dredging. A. Zietlow stated if the costs come back under \$1 million, they have a funding idea and will bring that to the Common Council at a later date. They currently have no suggestions of who is going to pay for this smaller project. E. McAleer stated he doesn't mind obtaining costs, but he will demand there be a referendum no matter what the costs.

B. Leonard stated this could end up like the Building Plan B where more research is done and better options are available and it could pass in a referendum. There was discussion about how we are in the same place we were the last time we tried to obtain costs; bidders might not bid on it because the project hasn't been approved. A. Zietlow stated the SJ Bay property owners didn't have a problem obtaining bids. L. Morrison stated she found Pam Anderson's presentation interesting because what they paid for

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their private dredging project is slightly less than what they would have through the City and it has nothing to do with methodology; they followed the Lake Welfare Committee recommendations and following the Chapter 30 Permit exactly. The DNR was so accepting of her plan because nothing major changed. There was further discussion regarding how many bids might be received, arsenic levels and how much putting bids together will cost. The Common Council discussed the possibility of the Lake Welfare Committee putting the bids together by changing the dates and reducing the scope of work. There was further discussion that the City has professionals that do this type of work and since we are asking for bids for two different ways of treating the spoils the Common Council members suggested having DPW Director Tom Hafner work with Yaggy Colby on obtaining a quote on what it will cost for Yaggy Colby to put the bids together.

J. KRICKHAHN MOVED TO DIRECT PUBLIC WORKS DIRECTOR TOM HAFNER TO WORK WITH YAGGY COLBY TO OBTAIN A QUOTE BY YAGGY COLBY TO PREPARE DREDGING BID PACKAGES, WITH THE UNDERSTANDING THAT ANY ADDITIONAL COSTS WILL BE COVERED BY THE LAKE WELFARE COMMITTEE BUDGET FOR APPROVAL BY THE COMMON COUNCIL. SECONDED BY L. MORRISON. 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.

6. Mayor's Report

7. New Business

- a. Presentation of 2010 Open Book and Board of Review by Assessor Mike Grotta.

M. Grotta was present and reviewed the 2010 Board of Review and Re-Evaluation with the Common Council. B. Leonard asked if there was a shift in classification between the forest land and agricultural forest land. M. Grotta stated yes, ag-forest is a new classification. M. DeYoe asked M. Grotta to address the citizen comment earlier. M. Grotta stated the lake benefits everyone in the city. It's a quality of life factor inseparable from schools or parks. The closer you are to those riparian rights, the greater the value it might have. T. Aicher stated the commercial properties values went up about 10% and residential seems to be pretty event. M. Grotta stated the commercial class was significantly undervalued compared to residential and had a larger increase. Both classes are near 100%.

- b. Discussion of drafting a Sex Offender ordinance.

M. DeYoe stated she requested this agenda item and that only 48 municipalities in Wisconsin enacted ordinances restricting where sex offenders live. Delafield should not be a dumping ground and we should enact an ordinance. She requested the Common Council consider looking at other ordinances and we adopt our own ordinance. E. McAleer stated he would like Attorney Hammes to examine our current ordinances related to adult oriented establishments that to see if it is still current and to review other sex offender ordinances to see if it is enforceable; he wants teeth in the ordinance. T. Aicher agreed that the City needs this ordinance. J. Krickhahn stated we need to find out if those already living in the City will be grandfathered, as there are a few sex offenders living in the first district.

M. DEYOE MOVED TO DIRECT THE CITY ATTORNEY TO CURRENT CITY ORDINANCES RELATED TO ADULT ORIENTED ESTABLISHMENTS THAT TO SEE IF IT IS STILL CURRENT, TO REVIEW OTHER SEX OFFENDER ORDINANCES FOR ENFORCEABILITY

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AND TO DRAFT AN ORDINANCE FOR THE COMMON COUNCIL TO REVIEW. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. Discussion and action on Lake Country Fire & Rescue Department, Fire Board and Fire Commission 2011 Budget.

See above discussion and action on pages 4 and 5.

- d. Discussion and action on amendment to the Lake Country Fire & Rescue Department Agreement.

See above discussion and action on pages 4 and 5.

8. Administrator's Report

- a. Report of City Officials

- i. Administrator

- a. Building Project Update

T. Schuenke stated this week is moving week. We have received our certificate of occupancy and the Library/City Hall building has been turned over to us. There have been 10 changes approved since we last reported in July. They total \$40,156. The most important of these is for an improvement to cellular service and radio reception at the new Public Safety Building. The Public Safety Building besides housing our Police and Fire Departments also serves as our Emergency Operation Center. An EOC is where everyone from multiple departments would gather to coordinate the response to a major emergency. After being in this building for nine months we have learned that radio and cell phone reception is very poor and unreliable here – an unacceptable condition for Police, Fire and an EOC. As such, Chief Edwards and Chief Taubel have recommended to me that we install a repeater system and a new antennae system in this building. I have approved doing so. The cost is \$11,295. This was an unknown as there was no way of knowing this until we moved in here. There is sufficient money in the contingency to cover the cost. The contingency currently stands at \$46,269. While the project is complete, he expects there will be some additional costs, but it does appear we have come in under budget. We will have a more complete report in a few months as we close this out.

E. Sadowski stated our Administrator has done a great job with overseeing construction of three new buildings, contained costs and he thanked him for a great job.

- ii. Clerk-Treasurer

- a. September Election Results, Moving back to new City Hall & Library

G. Gresch stated the September Primary Election went very smooth with a 41% turnout. Thank you to the pollworkers, Christ the King Church and to everyone that voted. If this is any indication to the November election, we expect more than double the turnout, ordering 100% ballots, of which 40% are absentee. We have to prepare for a large absentee turnout as the Republican Party told the clerks that they are shifting their costs for tracking voters to the municipality by encouraging absentee voting. All City 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.

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E. Sadowski requested the campfire ordinance be on the next agenda. T. Schuenke stated the City Attorney has the ordinance and he will be reviewing it with him soon. It will be on the next Common Council agenda.

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.

- b. August 2010 Treasurer's Report.

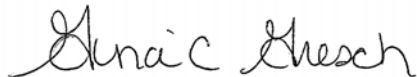
L. MORRISON MOVED TO APPROVE THE AUGUST 2010 TREASURER'S REPORT AS PRESENTED. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

10. Correspondence
a. Recycle and Win!
b. Village of Summit Public Hearing notice regarding their Shoreland District

11. Adjournment

E. SADOWSKI MOVED TO ADJOURN THE SEPTEMBER 20, 2010 COMMON COUNCIL MEETING AT 8:37 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