

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 October 4, 2010 Common Council meeting:

Present:

Ed McAleer, Mayor
Jeff Krickhahn, Ald.
Beth Leonard, Ald.
Erv Sadowski, Ald.
Michele DeYoe, Ald.
Lynn Morrison, Ald.
Tim Aicher, Ald.
Tim Schuenke, Administrator
Gina C. Gresch, Clerk-Treasurer

Absent:

Gerald MacDougall, Ald.

SPECIAL ORDER OF BUSINESS:

A. Presentation of Wellness Committee Summer Fitness Challenge Winner.

Sandy Rosch stated the City had a summer fitness challenge and presented Lt. Erik Kehl with his \$250 award for winning the Wellness Committee Summer Fitness Challenge.

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 20, 2010 Common Council meeting.

E. SADOWSKI MOVED TO APPROVE THE SEPTEMBER 20, 2010 COMMON COUNCIL MEETING MINUTES AS PRESENTED. T. AICHER 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.

Gerry Holton, 485 Lillian Court, stated this is a great day in Delafield. The new building is a long time coming. He congratulated the Mayor, Common Council, Plan B Committee members and the citizens. Not only does the City have great buildings, they also came in under budget. Everyone deserves a tremendous amount of credit for their integrity and honesty. It is pretty incredible for a municipality to have a building budget and not betray the citizens' trust. E. Sadowski stated one person that needs special mention is Kean Kemnitz. E. McAleer stated there are many more to thank and we will do that at the November 6 Grand Opening/Dedication Ceremony.

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

Dave Rahmlow, 2415 Oakwood Road, stated he didn't know there was an ordinance against keeping fowl in the city in residential areas but he has had chickens on his property for the last five years. Having chickens is a great way to show children that you can grow and raise something that produces food for the family. Many cities have adopted an ordinance to allow a certain number of birds on a property. He hopes the Common Council considers passing such an ordinance. E. McAleer stated the ordinance allows fowl on agricultural land and the Common Council may discuss extending that. T. Schuenke stated there are limits on the number of fowl in agricultural areas too.

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Natalie Boslee, 1729 Hillcrest Court, stated she had chickens and she was asked to remove them, which they did. She has three acres and the chickens were pets and they provided eggs. She has done some research and found that Santa Rosa, California, Chicago, New York City, Seattle, Houston and Miami all allow chickens in residential areas. She feels it would be appropriate that Delafield allow also chickens.

Gerry Holton, 485 Lillian Court, commented on the proposed changes to the open burning ordinance. He believes we first started talking about this because of leaf burning and asthmatics having issues, which he is sympathetic to. The Common Council has to take into consideration that there are many lots in the city that have multiple acreage and heavily wooded lots and have burned without issue for many years.

M. DEYOE MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:13 P.M. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda

4. Committee Reports - Report on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.

a. Licenses

1. Bartender's Licenses – 2 Year Licenses to expire June 30, 2012.

- a. Alex J. Tessman, Milwaukee Street Traders
- b. Caitlin E. Braun, Milwaukee Street Traders
- c. Jessica M. Niedermayer, Milwaukee Street Traders
- d. Chelsea N. Zwieg, Milwaukee Street Traders
- e. Jeanine R. Pariseau, Delafield American Legion

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. Liquor License

- a. "Class B" Beer "Class B Liquor" for 616 Hospitality Group LLC, The Delafield Hotel/Andrews, 415 Genesee Street, Delafield; Kim L. Fintel, Hartland; Agent – *CORPORATION & AGENT CHANGE ONLY*

G. Gresch stated the Delafield Hotel created a new corporation and named a new agent. This is a formality.

L. MORRISON MOVED TO APPROVE THE "CLASS B" BEER "CLASS B LIQUOR" FOR 616 HOSPITALITY GROUP LLC, THE DELAFIELD HOTEL/ANDREWS, 415 GENESEE STREET, DELAFIELD; KIM L. FINTEL, HARTLAND; AGENT – CORPORATION & AGENT CHANGE ONLY. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

b. Plan Commission – (Minutes of September 29, 2010)

M. DeYoe reported on matters considered and actions taken at the meeting. The Plan Commission approved a temporary Business Plan of Operation for a private dredging project which started September 13 and will end October 15. The Plan Commission scheduled public hearings for November 17; Village Square Sign Program modification; and Zoning Code

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revisions. She encouraged the Plan Commission and Common Council members to read up on the proposed zoning changes.

1. Discussion and action on recommendation from Plan Commission to deny the request for a Conditional Use - Planned Unit Development General Development Plan for a funeral home and residential lots for **DELC 0756.999, 3115 HWY 83, Delafield.** Owner/Applicant: Eric Harder, Harder Funeral Home.

M. DeYoe stated the Plan Commission held a public hearing on the funeral home and there were a number of speakers. The issues came up consistently: The zoning is agricultural; the funeral homes doesn't fit the City's Comprehensive Plan; and the existing home is historic, more than 100 years old and worthy of preservation. Plan Commission also had concerns about traffic. The Harders asked the Wolcotts for an easement to Hwy 83 and were denied. The WI DOT granted a temporary driveway until the permanent road was built but the Plan Commission questioned how long a temporary driveway would be there, a month, five years, etc. The request was denied unanimously and asked the Common Council to uphold the decision. E. McAleer stated Eric Harder contacted him to thank him and the City's staff for the professionalism and honesty we showed him, indicating to him in from the beginning it would be difficult. T. Aicher stated he was at the Plan Commission meeting and the process works. The Plan Commission is open to new ideas but this one just didn't fit.

M. DEYOE MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO DENY THE REQUEST FOR A CONDITIONAL USE - PLANNED UNIT DEVELOPMENT GENERAL DEVELOPMENT PLAN FOR A FUNERAL HOME AND RESIDENTIAL LOTS FOR DELC 0756.999, 3115 HWY 83, DELAFIELD. OWNER/APPLICANT: ERIC HARDER, HARDER FUNERAL HOME. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. Discussion and action on recommendation from Plan Commission to approve the request to amend the Conditional Use to build multi-unit garages for **DELC 0740.998 and 0740.997.001, 1621 – 1657 Kettle Cove Court, Delafield.** Owner: Kettle Cove, LLC. Applicant: Larry Schober.

M. DeYoe stated this was passed unanimously with no public comments. It is an upgrade to existing garages.

M. DEYOE MOVED TO APPROVE THE RECOMMENDATION FROM PLAN COMMISSION TO APPROVE THE REQUEST TO AMEND THE CONDITIONAL USE TO BUILD MULTI-UNIT GARAGES FOR DELC 0740.998 AND 0740.997.001, 1621 – 1657 KETTLE COVE COURT, DELAFIELD. OWNER: KETTLE COVE, LLC. APPLICANT: LARRY SCHOBER. J. KRICKHAHN 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 – (Minutes of September 27, 2010)

T. Aicher stated the committee focused on the 2011 budget. The Fish Hatchery pond was also stocked with fish and people are already fishing there; it is catch and release only.

- e. Public Works Committee

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There was nothing to report at this time.

f. Del-Hart Commission – (Minutes of September 21, 2010)

B. Leonard stated the Commission discussed the City purchasing the Del-Hart land which will be discussed further. They approved a sewer extension for Wal-Mart Supercenter. Most of the meeting was spent on DUE and consideration changing the standard DUE gallons from 100,000 to 75,000. If this is changed it will add to the longevity of the plant.

g. Police Commission

There was nothing to report at this time.

h. Library Board

J. Krickhahn stated the Sneak Peak brought in about 500 people in two hours and checked out about 450 books. He thanked the Friends of the Library for helping that day. The library has had help from L. Morrison, M. DeYoe, and his own family checking in books to help the library get caught up. In the two weeks the library has been open in the new building, about 5,500 books have been checked out; that is a record.

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

There was nothing to report at this time.

5. Unfinished Business

a. LOMR Update.

There was nothing to report at this time.

b. Discussion and action to adopt Ordinance 641, An Ordinance to Repeal and Recreate section 9.14 of the City of Delafield Municipal Code related to Open Burning.

E. Sadowski stated he asked for this agenda item and the changes were meant to regulate campfires on small lots. This ordinance wouldn't apply to those that want to open burn on three or four acre lots. This is to enforce campfires that are burning for multiple days. There was discussion about the size of the burning pile, recreational versus open burning fires, the definition of recreational fires, the times fires are allowed fire supervision, burning on small lake lots and fire pit sizes. Common Council members did not want to act on the ordinance because it was sent earlier in the day by the attorney. There was further discussion about enforcement and the Fire Department deciding if the fire is a nuisance or not. It was clarified that

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enforcement is in section eight, that if someone is bothered by the fire, the Police and/or Fire Department will decide if it's a nuisance; if it is, they will put out the fire. There was further discussion if this helps or hinders the small lake lot property owners from burning.

E. SADOWSKI MOVED TO POSTPONE ORDINANCE 641, AN ORDINANCE TO REPEAL AND RECREATE SECTION 9.14 OF THE CITY OF DELAFIELD MUNICIPAL CODE RELATED TO OPEN BURNING TO THE OCTOBER 18, 2010 COMMON COUNCIL MEETING. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. Mayor's Report

- a. Discussion and action to adopt Hawks Inn 50th Anniversary Proclamation.

E. McAleer read the Hawks Inn 50th Anniversary Proclamation into the record.

T. AICHER MOVED TO ADOPT HAWKS INN 50TH ANNIVERSARY PROCLAMATION. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

T. Aicher stated the Hawks Inn tours run through the end of October and encouraged everyone to take the tour, it is beautiful.

7. New Business

- a. Discussion and action to adopt Resolution No. 2010-18, Resolution to Enter Into Promissory Note with M&I Marshall & Ilsley Bank.

J. Krickhahn stated Lake Country Fire & Rescue needs a line of credit so they can make payroll when the ambulance billing receivables don't come in fast enough. This is the third time the Common Council has seen this issue, but M&I Bank requires the municipalities participating in Lake Country Fire & Rescue to sign a resolution. E. Sadowski asked what the interest rate will be. J. Krickhahn stated he is not sure. L. Morrison stated that is up to the Fire Board to oversee.

L. MORRISON MOVED TO ADOPT RESOLUTION NO. 2010-18, RESOLUTION TO ENTER INTO PROMISSORY NOTE WITH M&I MARSHALL & ILSLEY BANK. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY E. SADOWSKI.

- b. Discussion and action to refer to the Plan Commission the keeping of fowl in residential districts.

T. Schuenke stated recently another complaint was filed about the keeping of fowl in a residential area. There was a similar complaint earlier this year in Ald. Aicher's ward. The current issue is at 3415 Nagawicka Road. Here the resident has chickens and geese he keeps as pets on his property. The complaint is that by feeding the fowl, he is attracting Canadian geese to the area. The resident at 3415 Nagawicka Road would like to keep the fowl as he considers them pets. He has been advised the neighbors are gathering a petition in support of allowing the resident to keep the geese and will present it at tonight's meeting. Regardless of whether or not a petition is presented, this is a subject the Council should discuss. He stated he guesses that these two complaints are not the only two places where fowl are kept. Currently, our Zoning Code only allows the keeping of fowl in agricultural districts. If we wish to broaden this, we will need to send the matter to the Plan Commission for a public hearing and a recommendation. We need to decide if we want to allow fowl in residential area in the community.

There was discussion that there are probably more than these two or these instances of keeping fowl in residential districts and the Plan Commission needs to discuss and consider

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changing the ordinance. T. Schuenke G. Gresch will receive samples from the Clerk's Network and it will be on the October Plan Commission agenda.

J. KRICKHAHN MOVED TO REFER THE KEEPING OF FOWL IN RESIDENTIAL DISTRICTS TO THE PLAN COMMISSION. T. AICHER 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

ii. Clerk-Treasurer

a. Yard Waste Collection Now Available and November Election Dates to Remember.

G. Gresch stated City of Delafield residents can now take advantage of yard waste collection services provided by Veolia Environmental Services (Veolia). Veolia is the same company that provides refuse and recycling collection services in the City. However, the yard waste collection will not coincide with the regular refuse and recycling collection. The yard waste collection services will be provided as a sticker program. Residents wishing to utilize the service must purchase stickers from Veolia and place one sticker on every bag of yard waste to be collected. The cost of the stickers is \$1.90 each and residents choosing to purchase the stickers must purchase a minimum of 30 stickers at a time. Veolia will maintain a map of the addresses of residents that have purchased stickers and will only collect yard waste from the driveways at those addresses. Veolia will check the driveways of every resident that has purchased stickers on specific scheduled collection dates. For 2010, those dates will be October 7, October 28 and November 11. In 2011, it is expected that a collection will be scheduled once per month for the months of April through December. No collection will be scheduled for the months of January through March. Stickers can be purchased at Veolia's offices located at 559 Progress Drive, Hartland, WI 53029. Sticker purchases can also be arranged over the telephone using a credit card. Telephone orders will be mailed via certified mail with the mailing cost to be added to the cost of the stickers. The certified mailing cost would be approximately \$5. The number to call to contact Veolia for purchasing stickers or with questions about the yard waste service is (262) 367-6040. All yard waste to be picked-up must be contained in biodegradable Kraft paper lawn & leaf bags (large brown paper bags) that are available at most home improvement, hardware and grocery stores. The bags typically cost approximately \$8 for a pack of 25 bags. Each bag must have a sticker affixed to it and must be out at the driveway by 7:00 am on the day of the collection to ensure pick-up. There is a 50-pound per bag weight limit. Bags may contain grass clippings, leaves, weeds, other vegetation and small branches or twigs. No dirt or sod should be included in the bags.

G. Gresch also reviewed the November Election dates to remember.

- **Monday, October 4, 2010** – Absentee Voting Begins
- **Thursday, October 28, 2010** – Last day at 5:00 pm for electors (except military and indefinitely confined) to request absentee ballots by mail.
- **Friday, October 29, 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, November 1, 2010** – Last day at 5:00 pm for electors to register to vote and vote absentee in the Clerk's Office.

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- o *This does not apply to hospitalized electors, sequestered jurors and military electors who are on active duty away from their voting residence.*

- **Tuesday, November 2, 2010 – ELECTION DAY!**
- **Tuesday, November 2, 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 agenda for absentee ballot.

B. Leonard asked if the City can change the remaining 2010 yard waste pickup dates. L. Morrison stated other communities are involved in this and people have already ordered stickers and have been given a schedule; maybe we can have more input for next year's pickup dates.

b. Ordinance & Resolution Update

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

J. Krickhahn - Political signs and related ordinances.

B. Leonard - Examine the Zoning Code to be sure it is in compliance with the Smart Growth plan, specifically PUD can we put those anywhere in the city.

L. Morrison – CTH C bridge in Waukesha County.

M. DeYoe – Phonebook/advertisement circular ordinance. T. Schuenke stated the Lake Country Reporter will be converting the black bag mailers to mail, but this ordinance will be on the next agenda.

9. Financial Report

a. Approve voucher list

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

10. Correspondence

a. Focus Newsletter

11. Adjournment

E. SADOWSKI MOVED TO ADJOURN THE OCTOBER 4, 2010 COMMON COUNCIL MEETING AT 8:12 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