

CITY OF DELAFIELD COMMON COUNCIL MINUTES

aysCall 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 18, 2010 Common Council meeting:

Present

Absent

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

1. Approve minutes of October 4, 2010 and October 13, 2010 Common Council meetings.

E. SADOWSKI MOVED TO APPROVE THE OCTOBER 4, 2010 AND OCTOBER 13, 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.

Paul Price, 3111 Sylvester Drive, passed out pictures that were taken in October of the northeast side of the lake, which looks the same today as it did in July with respect to the weeds. He emailed the pictures to the Mayor and received a letter from the Public Works Director stating the department is not able to pick up weeds anymore, however they did cut weeds for an extra week. He suggested next year cut weeds for an extra two full weeks and pick up weeds for an extra four weeks. E. McAleer stated the Common Council did put extra money in the budget for weed control but due to revenues not coming in as anticipated, each department had to make cuts to their 2010 budget and weed cutting and pickup was one of the cuts.

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

L. MORRISON MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:06 P.M. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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.

3. Consent Agenda
 - a. 2010 Waukesha County Tax Collection Agreement.

E. SADOWSKI MOVED TO APPROVE ITEM(S) ON THE CONSENT AGENDA. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

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

a. Licenses

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

- a. Nate E. Wilkinson, Marty's Pizza
- b. Kate Panawash, Delafield Brewhaus

G. Gresch stated all bartenders passed their background check.

L. MORRISON 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

There was nothing to report at this time.

c. Lake Welfare Committee – (Minutes of October 13, 2010)

L. Morrison stated the Lake Welfare Committee is having the watershed signs made, and Public Works Director Tom Hafner will decide on the sizes for each respective area. They also discussed the runoff coming from properties in the Village of Nashotah. Also, the City received approval from the DNR to not lower the lake level. The committee is working on conducting a goose round-up in the summer of 2011. Other communities in the area have done this and have been successful. This will be discussed during the 2011 Budget Workshop. All the feedback they've received has been positive. Pam Anderson, who lives on the corner of St. John's Bay, reported on the private dredging project which is in the works right now. L. Morrison stated she visited the project site and it's really neat to see it in action; it's going very well.

1. Discussion and action to adopt Ordinance No. 643 An Ordinance Repealing and Recreating Section 19.04(3)(b) of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin Related to Slow No Wake.

L. Morrison stated that in the last two years there has been a significant amount of rainfall and many lakes in the area were "Slow-No Wake." Lake Nagawicka had "Slow-No Wake" on for about two days but the determination is made by the Public Works Director's discretion. The Lake Welfare Committee drafted language on when a "Slow-No Wake" would go into effect. Also, the dam has an electronic metering device on it which can be connected to the City's website for about \$500. The Lake Welfare Committee will be paying that connection fee. There was discussion on when and how to notify residents and non-resident lake users of the new "Slow-No Wake" rules. It was suggested to put a screen shot of the website displaying the water level meter in the Communicator newsletter.

L. MORRISON MOVED TO ADOPT ORDINANCE NO. 643 AN ORDINANCE REPEALING AND RECREATING SECTION 19.04(3)(B) OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN RELATED TO SLOW NO WAKE. T. AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

E. McAleer stated he has a friend on Fox Lake and they saw the article about the Goose Roundup in the Communicator, and they are taking it back to their community because they think it's a fantastic idea. L. Morrison stated Gayle Gaborsky wrote it and did fantastic job.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

d. Park and Recreation Commission

T. Aicher stated the Committee also discussed the watershed signs and expressed concern about the sizes. The feedback was well received and taken back to Lake Welfare Committee for review. They are also looking at restoring Fort Cushing in 2011. They also discussed and acted on proposing to the Common Council budget modifications to user fees for field usage and the Fish Hatchery building. He did an onsite inspection of the fish hatchery pond and there are many self-sustained fish in it. There are many children fishing there and there are tons of bluegills to catch. DNR regulations do apply to the pond. The minimum catch size for a bass is 15". Please use the catch and release system for the larger fish.

e. Public Works Committee – (Minutes of October 6, 2010)

G. MacDougall stated the Committee is resubmitting the Golf Road Reconstruction grant and breaking it down into small pieces. They also reviewed the Delafield Woods project. The developers included seven pages of changes as recommended by the City Engineer. The Committee also reviewed Milwaukee Street and its deterioration and repair. There have been requests for a pedestrian sidewalk, and the Committee is looking for guidance from the Common Council on that issue. There was discussion about a grant the City received four to five years ago for a "snow removal lane" on Milwaukee Street. It serves the same purpose as a sidewalk, but it is a three foot lane on each side of the road to accommodate for snow removal. There was discussion about surveying the residents in that area if they feel a sidewalk is needed. There was further discussion about widening the road to downtown to include sidewalks and not special assessing for them, since the walking lanes or sidewalks would be for the public good. G. MacDougall stated these walking lanes or sidewalks would be from the triangle that exists between Oneida Street, Main Street and Milwaukee Street at the south end of Nagawicka Lake which would improve pedestrian safety. L. Morrison stated she has a radical idea: If the City wants to be resident friendly, we could make Milwaukee and Main Streets one way, Milwaukee Street going east and Main Street going west. There was discussion about possibly making the streets one way, people using the newly reconstructed bike path, and the difficulties in widening Milwaukee Street. G. MacDougall stated he will take all of these comments back to the Public Works Committee and the Police Chief for their review.

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 October 12, 2010)

J. Krickhahn stated the Library is having staffing issues on Sundays but are working through it. Cushing Elementary students will be visiting the Library during October; they are hoping for Lake Country schools to come through as well. There hasn't been any progress on meeting room policies. Library Director Zignego will be working on a simplified policy. The Friends of the Library book sales are every Saturday through the end of October. Then they will be on the second Saturday of each month until next spring. Pizza with Santa is coming up; there will be two sessions, December 10 and 11. Watch the website for information on how and when to sign up.

i. Board of Zoning

There was nothing to report at this time.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

j. Promotional and Tourism Committee – (Minutes of October 5, 2010)

1. Presentation and discussion by OCreative on the current Promotional & Tourism Marketing plan.

Deb Smith, Chamber Director, and Andrea Koepfel from OCreative Design Studio gave the Common Council the 2010 Marketing Update. A. Koepfel reviewed upcoming and completed print publications, radio advertising, email marketing, online ads, websites, social media and press releases. A more detailed report is in the Common Council ePacket on the City's website. They will also be working on new light pole banners for the downtown to match those that are already up on Hwy 83 and Golf Road. E. McAleer asked why the St. John's Northwestern Military Academy Golf Course isn't mentioned in the new tri-fold brochure; it is important that they are advertised and have an opportunity to be successful. A. Koepfel stated she will make sure they are in the next re-print of the brochure. L. Morrison stated the Committee approved donations for the Fall Art Walk advertising and received a request from the Curling Club. Their hotel representative has indicated that third quarter hotel usage seemed quite a bit better than the second quarter. Upcoming events include Halloween in Delafield on Saturday, October 23 which includes the business trick-or-treat and Grand Pumpkin Illumination. The Christmas tree lighting is November 19; Breakfast with the Reindeer is December 4. L. Morrison commented on a new article she received that stated there is a lack of funding for tourism and the state is requesting a \$15M jumpstart in the state budget. T. Aicher asked questions about Grand Pumpkin Illumination. D. Smith stated 350 pumpkins donated by a local farmer and are being carved by the local school students.

k. Lake Country Fire Commission

There was nothing to report at this time.

l. Lake Country Fire Board – (Minutes of October 13, 2010)

J. Krickhahn stated there wasn't much action taken at this meeting. G. MacDougall stated the Fire Board is reviewing four ambulance billing agencies which are local. Also, one of the Firefighter/Paramedics left to take a job in Washington, DC. E. McAleer also stated M&I's line of credit interest rate is 4.5%.

m. Dredging Plan B Committee – (Minutes of October 7, 2010)

B. Leonard stated they discussed several items including a letter from a citizen and Yaggy Colby estimate to perform impervious surface calculations on lots in the watershed. The committee agreed that the City should work with SEWRPC and maybe Waukesha County Parks and Land Use. Also, the assessment data for the 441 riparian properties should be available soon from the assessor. The Committee also discussed how the private dredging project is going and how the City should possibly obtain quotes for only the basin portion of the project. Also, the Committee suggested that possibly the dredging project could be considered a TIF. There was no further discussion on a TIF at the meeting; it will be discussed at the next meeting. T. Aicher stated the committee is looking for citizen input and suggested that Mr. Price attend the next meeting and give the same public comment as he did tonight.

5. Unfinished Business

a. LOMR Update.

L. Morrison stated there was a letter in the packet on this issue. The DNR got the opportunity to study the Bark River in Jefferson County, but they are unable to accept that project if they don't finish Delafield's LOMR project first. LOMR should be finalized in November.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

- b. Discussion and action to adopt Ordinance No. 637, An Ordinance Repealing and Recreating Section 9.17 of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin Related to Distribution of Advertising Publications.

L. Morrison stated we never heard back from the Lake Country Publications' attorney. M. DeYoe stated the black bag advertisement will be delivered by mail. There was discussion about how to enforce this and what constitutes a violation. Is a violation each complaint, each house, each day of delivery? Common Council members felt this needed clarification by the City Attorney.

E. SADOWSKI MOVED TO POSTPONE ORDINANCE NO. 637, AN ORDINANCE REPEALING AND RECREATING SECTION 9.17 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN RELATED TO DISTRIBUTION OF ADVERTISING PUBLICATIONS TO THE NOVEMBER 1, 2010 COMMON COUNCIL MEETING, FOR ENFORCEMENT CLARIFICATION BY THE CITY ATTORNEY. G. MACDOUGALL 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 to refer to the Plan Commission to review sample Election Sign ordinance language and hold a public hearing for the same.

J. Krickhahn stated our rules are very close to the Village of Nashotah's. He would like to tighten up our rules regarding election signs. This year's issue was the size of the signs and that flags were attached to them, which is abuse of the flag. A properly displayed flag should be lit. M. DeYoe suggested the Public Works Department remove the signs instead of the Building Inspector. L. Morrison stated she feels strongly that those who put up the signs should take them down. J. Krickhahn stated those in violation are the ones that need to be addressed. T. Aicher suggested that any costs associated with removing the signs be assessed in addition to a fine.

J. KRICKHAHN MOVED TO REFER TO THE PLAN COMMISSION TO REVIEW SAMPLE ELECTION SIGN ORDINANCE LANGUAGE AND HOLD A PUBLIC HEARING FOR THE SAME. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. Discussion and action to refer to the Plan Commission to examine the City of Delafield Chapter 17 Zoning Code for compliance with the City's Smart Growth Plan, relating to Planned Unit Developments.

B. Leonard stated she would like to have this carried over to next Common Council meeting before it goes to the Plan Commission.

B. LEONARD MOVED TO POSTPONE THE REFERRAL TO THE PLAN COMMISSION TO EXAMINE THE CITY OF DELAFIELD CHAPTER 17 ZONING CODE FOR COMPLIANCE WITH THE CITY'S SMART GROWTH PLAN, RELATING TO PLANNED UNIT DEVELOPMENTS TO THE NOVEMBER 1, 2010 COMMON COUNCIL MEETING. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

- c. Discussion and action to refer to the Plan Commission to review sample ordinances related to keeping fowl in residential districts and hold public hearing for the same.

M. DeYoe asked for the Common Council's opinion on this issue. J. Krickhahn stated he is in favor of using the City of Brookfield's verbiage. There was discussion on possible variances, but variances require a hardship. There was further discussion about possible requirements and enforcement. T. Aicher stated the City is not urban, not rural but we are looking for a balance. M. DeYoe stated she doesn't want us to over think this.

M. DEYOE MOVED TO REFER TO THE PLAN COMMISSION TO REVIEW SAMPLE ORDINANCES RELATED TO KEEPING FOWL IN RESIDENTIAL DISTRICTS AND HOLD PUBLIC HEARING FOR THE SAME. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE ABSTENTION BY E. SADOWSKI.

G. Gresch other things that Common Council members requested

- d. Discussion and action to adopt Ordinance No. 642, An Ordinance Repealing and Recreating Section 3.07 of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin Related to Public Records.

G. Gresch reviewed the memo in the packet. Common Council members asked questions regarding backups, emails, open records, and budget impacts. G. Gresch stated the backups are stored offsite at Town Bank. She reviewed the current process for open records requests and how requests for emails are handled. B. Leonard stated she would like more time to review this ordinance. G. Gresch stated there is no budgetary impact after this adopted. The Clerk's Office has been functioning this way for years and is only bringing up the ordinance up to speed with our current practice.

B. LEONARD MOVED POSTPONE ADOPTION OF ORDINANCE NO. 642, AN ORDINANCE REPEALING AND RECREATING SECTION 3.07 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN RELATED TO PUBLIC RECORDS TO THE DECEMBER 2, 2010 COMMON COUNCIL MEETING. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- e. Discussion and action on Impact Fees increases.

Accountant Marie Williams was present and answered questions for the Common Council members. They asked what an impact fee was, what it means to those already living here, is this for new residents, when do they have to pay it, and when do the new fees go into effect. M. Williams stated the City of Delafield enacted an impact fee ordinance in February 2000. Pursuant to the ordinance, the impact fees are to be "reviewed annually to determine adjustments deemed necessary by the Common Council to reflect changes in the net capital value of facilities and changes in municipal debt and any other relevant change of circumstances." As such, the review of impact fees does not involve any change in methodology but rather an adjustment based on changes in value. The calculation of the fees in the ordinance was based on a number of factors including the following:

- Replacement value of facilities
- Estimated age of assets
- Number of residents
- Non-resident improvement value in the City

Until this year, impact fees had decreased since Ordinance 466 was enacted in 2000, predominantly due to the aging of assets and higher depreciation associated with the facilities.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

However, this year the impact fee calculations have risen dramatically. The primary reason for the increase is the new public safety campus that was added in 2009. And next year's impact fees will increase further because of the city hall/library campus built in 2010. The fee for single-family units increased from \$337.03 to \$1,712.69, and the fee for multi-family units increased from \$250.57 to \$1,284.51. Non-residential impact fees increased from \$2.04 to \$6.17. Impact fees are collected to help the City pay for new facilities/buildings when they are needed, due to the impact of having more residents. The impact fees that are collected offset the costs of any future buildings/expansion. This only affects new construction, residential and commercial and the fee is collected at the time the building permit is issued. There was further discussion about the fees and if they will ever level off. M. Williams stated the fees will decrease as buildings depreciate, however, the fees will increase yet again in 2011 because of the new City Hall / Library building being on the books. There was further discussion about comparing the City's impact fees to other municipalities. G. Gresch stated it is hard to do, as they are based on values and not every community has the same values or buildings. There was further discussion about when the new fees go into effect. M. Williams and G. Gresch couldn't find any verbiage indicating when the new fees would start, but they would look into that further after the meeting.

E. SADOWSKI MOVED TO ADOPT THE NEW IMPACT FEES, EFFECTIVE JANUARY 2, 2011, SUBJECT TO VERIFYING THE EFFECTIVE DATE. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- 8. Report of City Officials
 - i. Administrator
 - ii. Clerk-Treasurer
 - a. Laptops to be used on Election Day for Voter Registration.

G. Gresch stated the Clerk's Office will be utilizing laptops on Election Day to assist with Voter Registration. Voters will enter their information into a fillable PDF Voter Registration form and print the form for their signature. Pollworkers will be trained on how to use the laptops and how to clear the information after each voter completes, prints and signs their form. We will need five of the Common Council member's laptops after the November 1, 2010 Common Council meeting. They will be picked up early on November 2nd and set up before the polls open. Other communities are already using laptops for voter registration and have found it to be a very efficient way to register voters. She also stated the City Hall / Library Open House & New Buildings Dedication Ceremony is on Saturday November 6, 2010 from 10am to 1pm, with the Dedication Ceremony at 11am. We have a Kettle Moraine High School Senior singing the National Anthem and the St. John's Northwestern Military Academy Color Guard and Lone Bagpiper, along with County Executive Dan Vrakas, Senator Neal Kedzie and Representative-elect Chris Kapenga speaking that day.

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

Items they asked for M. DeYoe, E. Sadowski, and L. Morrison, all being worked on.

- 9. Financial Report
 - a. Approve voucher list

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

CITY OF DELAFIELD COMMON COUNCIL MINUTES

- b. September Treasurer's Report

M. DEYOE MOVED TO APPROVE THE SEPTEMBER TREASURER'S REPORT AS PRESENTED. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

10. Correspondence
a. Energy Awareness Month
b. Letter from Attorney Hammes regarding the City of Delafield v. Earth Tech Trial Date.

11. Adjournment

E. SADOWSKI MOVED TO ADJOURN THE OCTOBER 18, 2010 COMMON COUNCIL MEETING AT 8:46 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:



G. Gresch C. Gresch, MMC/WCPC
City of Delafield Clerk-Treasurer
Waukesha County