

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Call Common Council Meeting to Order
Mayor McAleer called the meeting to order at 6:30 P.M.

Pledge of Allegiance
The Pledge of Allegiance was recited.

Roll Call for the Monday, November 15, 2010 Common Council meeting:

- | | |
|--|---------------|
| <u>Present</u> | <u>Absent</u> |
| Ed McAleer, Mayor | |
| Jeff Krickhahn, Ald. | |
| Beth Leonard, Ald. | |
| Erv Sadowski, Ald. | |
| Michele DeYoe, Ald. | |
| Gerald MacDougall, Ald. (arrived at 6:38 p.m.) | |
| Lynn Morrison, Ald. | |
| Tim Aicher, Ald. | |
| Tim Schuenke, Administrator | |
| Gina C. Gresch, Clerk-Treasurer | |

Motion to convene into Closed Session pursuant to 19.85(1)(e), Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically to discuss negotiations involving the purchase of public property owned by Del-Hart Sewer Commission.

E. SADOWSKI MOVED TO CONVENE INTO CLOSED SESSION PURSUANT TO 19.85(1)(E), DELIBERATING OR NEGOTIATING THE PURCHASING OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION, MORE SPECIFICALLY TO DISCUSS NEGOTIATIONS INVOLVING THE PURCHASE OF PUBLIC PROPERTY OWNED BY DEL-HART SEWER COMMISSION. TIM AICHER SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED BY ROLL CALL VOTE.

- | | |
|---------------------|------------|
| J. KRICKHAHN | YES |
| B. LEONARD | YES |
| E. SADOWSKI | YES |
| M. DEYOE | YES |
| L. MORRISON | YES |
| T. AICHER | YES |

Common Council convened into Closed Session at 6:31 p.m. Gerry MacDougall arrived at 6:38 p.m.

Motion to reconvene into Open Session.

J. KRICKHAHN MOVED TO RECONVENE INTO OPEN SESSION. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED BY ROLL CALL VOTE.

- | | |
|----------------------|------------|
| J. KRICKHAHN | YES |
| B. LEONARD | YES |
| E. SADOWSKI | YES |
| M. DEYOE | YES |
| G. MACDOUGALL | YES |
| L. MORRISON | YES |
| T. AICHER | YES |

CITY OF DELAFIELD COMMON COUNCIL MINUTES**PUBLIC HEARING – PROPOSED 2011 BUDGET**

A public hearing on the proposed 2011 budget will be held on Monday, November 15, 2010 during the regular meeting of the Common Council. The public hearing begins at 7:00 p.m. in the Council Chamber of City Hall, 500 Genesee Street, Delafield, WI 53018. The budget in detail is available for public inspection in the City Clerk's office at City Hall during normal business hours and at the City website at www.cityofdelafield.com.

Mayor Ed McAleer called the public hearing to order at 7:01 p.m. and G. Gresch read the public hearing notice into the record.

T. Schuenke gave a presentation on the 2011 budget. On October 26, 2010 the City Council and staff had a workshop on the propose budget. At that time, the changes listed below were recommended to the proposed Budget. The impact on the levy as noted below is that which is above and beyond what was previously proposed in the 2011 Budget. For example, the proposed budget recommended increasing the Bleeker Street parking fees by \$5 from \$10 to \$15. The recommendation at the workshop was to increase the fees to \$20. The additional \$5 would result in an increase in revenues of \$3000 over and above what was reflected in the proposed budget. Change Impact on Levy:

- Increase Bartender's Licenses to \$50 (new), \$35 (non-profit licenses) (\$410)
- Increase Park Shelter Fees (\$200)
- Increase Bleeker Street Parking Fees to \$20 (\$3,000)
- Decrease newsletters to 2 per year (\$2,375)
- Postage for newsletters (\$650)
- Garbage Collection \$1,786
- Lake Welfare Goose round-up \$6,600

In addition to the above, we also recommend the following changes, which we will explain below.

- Fish Hatchery Rental - overstated revenues \$8,150
- Recording of Municipal Court \$1,100
- Decrease Library levy to required minimum (\$5,809)
- Decrease Library interest income \$1,615 (no impact on levy)
- Decrease Library interest income on tax collections \$1,000 (no impact on levy)
- Increase in Admin copier lease \$1,100
- Net change to proposed levy \$6,392

The additional changes are recommended for the following reasons: The Fish Hatchery rentals were overstated in the budget submitted to the Council. We do not know why, but they are shown as \$22,900 for 2011 whereas we have only been receiving \$12,000 to \$14,000 per year. The change for the recording of Municipal Court is at the request of the Municipal Judge. He wishes to record all proceedings of the Court, and while we can do that, it will require having a technician available to run the equipment. The change in the Library levy is the result of a calculation error in determining what the levy should be. It appears some of the other Library revenues were not included when calculating the levy. The reduction brings the levy down to the minimum maintenance of effort levy. The reduction in the Library's interest income is T. Schuenke's recommendation, because he thinks their projections are too high given current interest rates (you will recall we reduced our interest revenues is the General Fund significantly). The final other change has to do with the City Hall copier lease which we now know will be \$1,100 more than budgeted. The changes above, if approved, would result in a levy of \$5,721,227 and a mill rate of \$4.306 (as compared to \$4.301 in the proposed budget).

For more detailed information, please see the Administrator's presentation which is attached to the minutes.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

PUBLIC COMMENTS:

Mike Hausman, 3135 Sylvester Drive, thanked the Common Council and Administrator for doing good job watching the budget. He asked the Common Council to please keep in the 2011 Budget the detail pertaining to dredging. Last week the City received the two year DNR extension to the Chapter 30 Permit. He supports the notion that any recommendation for dredging should go to referendum.

Marilyn Czubkowski, 1325 Nagawicka Street, commended the Common Council on the budget detail and workshops. She has two concerns and one is regarding the newsletter. Communication is the most important thing in this community and the timelier the information, the better. It is important that we use that newsletter to let our citizens know what has, is and what will be happening. She throws out her other newspapers but keeps the newsletter on the counter until the next one comes. The other item she is concerned about is that the Library should be using up more of their fund balance by paying high school or college students to work instead of using volunteers.

G. Gresch read a portion of the last Lake Welfare Committee meeting minutes into the record per Lake Welfare Committee Chair Kent Attwell's request. K. Attwell explained the Common Council was considering removing the monies set aside in the 2011 budget for possible construction of the sediment trap or shoreline dredging. While this amount was considered a "placeholder" for the project, concern was expressed for removal of the monies within the budget. If the money was left in the budget, there was an option to borrow the funds if needed for the dredging project. If the money was removed, it would be impossible to work on the project during the year. The motion that was made is as follows: "*J. Bills moved to request the Common Council to maintain the space holder in the 2011 budget for possible construction of the sediment trap or shoreline dredging. G. Gaborsky seconded the motion. There was no further discussion. All were in favor. Motion carried.*"

E. McAleer stated the Common Council will not discuss the dredging issue at tonight's meeting. That is a discussion item for the November 29th Budget adoption meeting.

John Durr, Kettle Ridge Condos, stated in light of the Town of Delafield voting down the new fire station, is there any chance of talking to them about joining the Fire Department. E. McAleer stated if the Town wants to join the Lake Country Fire & Rescue Department, they have to talk to the Fire Board.

E. SADOWSKI MOVED TO CLOSE PUBLIC COMMENTS AND PUBLIC HEARING AT 7:31 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

1. Approve minutes of November 1, 2010 Common Council meeting.

E. SADOWSKI MOVED TO APPROVE THE NOVEMBER 1, 2010 COMMON COUNCIL MEETING MINUTES AS PRESENTED. J. KRICKHAHN 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.

M. DEYOE MOVED TO CLOSE CITIZEN'S COMMENTS AT 7:32 P.M. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

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
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. Joseph A. Bantz, Delafield; Daybreak Mobil
 - b. Kyrik L. Herring, Pewaukee; Delafield Brewhaus

G. Gresch stated all bartenders passed their background check.

L. MORRISON MOVED TO APPROVE THE TWO-YEAR BARTENDER LICENSE(S). E. SADOWSKI 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 November 9, 2010)

L. Morrison stated Public Works Department Director Tom Hafner is working with Waukesha County on the Watershed signs for Nagawaukee Park and Bleeker Street. They are still having dialog with the Village of Nashotah about runoff from the Village into the lake last spring. They also authorized the lake level meter for the website a few meetings ago, for \$500. They received a quote and it will cost an additional \$1,000, which the committee approved to be included in the 2011 budget. There was a private dredging project north of St. John's Bay which was very successful and will be completely done November 23 when the water is put back in the lake and the sediment is removed. There is a group in Zastrow Bay that is also looking into this as a possibility next summer. The committee also had a good presentation on the goose roundup.

- d. Park and Recreation Commission - There was nothing to report at this time.
- e. Public Works Committee – (Minutes of November 3, 2010)

1. Discussion and possible action on adding an amount not to exceed \$40,000 to the 2011 Capital Budget to study providing pedestrian and bicycle access on Milwaukee and Main Street from Oneida St. east to their intersection.

G. MacDougall stated they discussed the possibility of adding walking paths per the Common Council's direction. Police and Fire Departments generally don't like one way streets, but an emergency lane could be put in. Also, the Comprehensive Plan would have to be changed to reflect sidewalks on these streets. The action on tonight's agenda is to add \$40,000 to the capital budget to study this idea further.

M. DeYoe asked where this idea came from. G. MacDougall stated when roads are scheduled for resurfacing, the Public Works Committee reviews them to see if sidewalks and/or bike lanes could/should be installed. T. Hafner stated the Comprehensive Plan stated the City is consider adding sidewalks and bike lanes on collector and arterial streets that are identified on the master trail map. E. Sadowski asked for the Police Chief's opinion. S. Taubel stated his main concern is the traffic flow and volume on intersecting streets. There would be increased traffic coming through the park and there would be much congestion at the triangle intersection. B. Leonard stated she hopes to debate this with all the other projects during the budget adoption meeting. There was

CITY OF DELAFIELD COMMON COUNCIL MINUTES

further discussion about spending \$40,000 on studying only these two specific streets or should money be spent to study all of the streets.

B. LEONARD MOVED TO DENY ADDING AN AMOUNT NOT TO EXCEED \$40,000 TO THE 2011 CAPITAL BUDGET TO STUDY PROVIDING PEDESTRIAN AND BICYCLE ACCESS ON MILWAUKEE AND MAIN STREET FROM ONEIDA ST. EAST TO THEIR INTERSECTION. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION FAILED WITH AYES BY B. LEONARD AND M. DEYOE; NAYS BY J. KRICKHAHN, E. SADOWSKI, G. MACDOUGALL L. MORRISON AND T. AICHER.

E. SADOWSKI MOVED TO ADDING AN AMOUNT NOT TO EXCEED \$40,000 TO THE 2011 CAPITAL BUDGET TO STUDY PROVIDING PEDESTRIAN AND BICYCLE ACCESS ON MILWAUKEE AND MAIN STREET FROM ONEIDA ST. EAST TO THEIR INTERSECTION. G. MACDOUGALL SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH NAYS BY M. DEYOE AND B. LEONARD.

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 November 9, 2010)

J. Krickhahn stated the Library had a program last week with about 40 people, which is a good turnout. Last Friday, the Library had over 620 people come in, when an average day is 300 to 400 people. Circulation is up 30% and the study rooms are consistently being used. Also, 235 new library cards have been issued since we moved back to the new building and the majority of those are City of Delafield residents. They also passed a no-frills room usage policy for the program room. Artists are also booking the display area consistently. The Friends of the Library book sale is the second Saturday of each month from 9am to 1pm until Memorial Day. Pizza with Santa is December 10 and 11 and is \$15 per person. T. Aicher asked about a statement in the Library Board minutes about the Library using the Common Council Chambers for programs. J. Krickhahn stated he was going to save that until the room usage policy is brought back by the Administrator. T. Schuenke stated he should have something in December.

i. Board of Zoning - There was nothing to report at this time.

j. Promotional and Tourism Committee – (Minutes of November 2, 2010)

L. Morrison stated they approved a donation for the downtown business group for the holiday print ads. The Chamber of Commerce has a new sign. Also, they are working on the 2011 marketing plan. November 18 the downtown stores will be open late to kick off the Delafield holiday season and the night will end with a raffle at Zin.

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.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

- b. Discussion on Ordinance No. 644, An Ordinance Creating Section 9.30 of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin to Provide Regulations Relating to Residency Restrictions for Sex Offenders and Directing Action for Injunctive Relief for Violation Thereof.

T. Schuenke stated he took comments from the last meeting and incorporated those facilities into the map. He spoke to the City Attorney about including the lake as a facility where children congregate and he recommends against it because it is too broad. He does suggest including the beach, fishing pier, etc. but not the whole lake. There was further discussion about what attracts children to congregate in an area. There was also discussion about the number of feet that should be incorporated into the ordinance with regards to where they can live in relation to where children congregate. T. Schuenke stated one of the problems we could run into if we are too restrictive is there will be narrow, pocketed areas where these people could reside. T. Aicher stated parts six and seven of the ordinance bother him, in that we are limiting people's rights to even be present in certain areas. For example, a 50 year old vet, who could be a sex offender, couldn't go to a ball game at the American Legion. Someone wouldn't be able to walk across the bike path to get to somewhere else. Someone would not be able to see the pastor at a church. He is concerned about restricting the physical presence of someone in community on one level of crime. E. McAleer stated these are all good comments but the debate should happen after the public hearing.

E. SADOWSKI MOVED TO SET A PUBLIC HEARING DATE FOR ORDINANCE NO. 644, AN ORDINANCE CREATING SECTION 9.30 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN TO PROVIDE REGULATIONS RELATING TO RESIDENCY RESTRICTIONS FOR SEX OFFENDERS AND DIRECTING ACTION FOR INJUNCTIVE RELIEF FOR VIOLATION THEREOF, FOR MONDAY, JANUARY 17, 2011 AT 7PM AND TO INCLUDE 2,000 FEET IN THE PROPOSED ORDINANCE. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. Discussion and action to adopt Resolution 2010-19 Accepting Work Completed in the Mission Prairie Subdivision.

T. AICHER MOVED TO ADOPT RESOLUTION 2010-19 ACCEPTING WORK COMPLETED IN THE MISSION PRAIRIE SUBDIVISION. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. Mayor's Report

- a. Special thanks to the following for their donations to the New Building Dedication Ceremony on Saturday, November 6th: Kelsey McClurg, KM High School senior (National Anthem), St. John's Northwestern Military Academy (Color Guard and Lone Bagpiper), Milwaukee Street Traders (coffee and hot chocolate), and Daybreak Mobile (bottled water).

E. McAleer thanked the following for their donations to the New Building Dedication Ceremony on Saturday, November 6th: Kelsey McClurg, KM High School senior (National Anthem), St. John's Northwestern Military Academy (Color Guard and Lone Bagpiper), Milwaukee Street Traders (coffee and hot chocolate), Daybreak Mobile (bottled water), and Delafield Fine Foods (cookies). J. Krickhahn stated Mortenson donated 12 books, signed them and added bookmark as to why that book was special to them.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

7. New Business

- a. Discussion and action on creating a new section in the City of Delafield Municipal Code regarding the synthetic chemical cannabinoid or K2 substance, and recommendation from Police Chief Scott Taubel that the City Attorney review the draft ordinance for the same.

S. Taubel stated he hasn't seen this in Delafield as much of an issue so he hadn't looked into it until J. Krickhahn requested it. He feels the City should adopt an ordinance for this because this substance is readily available. K2 is a chemical that is sprayed on a leafy substance. With a spray, there can be hotspots where there is more saturation in some areas than others, which makes it very dangerous. There is talk of introducing this into the legislature even though many municipalities are adopting ordinances banning it. One problem with this is it is hard to identify in the field; there is no way to test for it onsite. There is one lab in Pennsylvania and they charge \$300 for each test. An ordinance would be useful so the police could issue citations. He doesn't know if any is being sold in the City but it can be bought on the internet pretty easily. There was discussion about petitioning the legislature to pass a law banning K2. Then the City would only have to update their ordinance listing the state statutes the City enforces. The Common Council agreed that is a good idea and asked that the resolution be ready for the next Common Council meeting. Common Council members suggested it be placed on the November 29 special meeting agenda.

8. Report of City Officials

- i. Administrator
- ii. Clerk-Treasurer
 - a. Election Day Wrap-up

G. Gresch stated the November 2, 2010 General Election went very well. There were 3,429 votes cast out of 4,876 registered voters, which yielded a 70.22% turnout. There were 232 new voter registrations and 552 absentee ballots were processed. We also used the Common Council's laptops for Voter Registration, which was a big success! Voters entered their information into a fillable PDF Voter Registration form and printed the form for their signature. We will definitely be using this method again, especially for the larger elections.

- 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. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. October Treasurer's Report

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

10. Correspondence

- a. Focus Newsletter
- b. Letter from DNR regarding dredging permit extension

CITY OF DELAFIELD COMMON COUNCIL MINUTES

11. Adjournment

E. SADOWSKI MOVED TO ADJOURN THE NOVEMBER 15, 2010 COMMON COUNCIL MEETING AT 8:31 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:

A handwritten signature in cursive script that reads "Gina C. Gresch".

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