



**CITY OF DELAFIELD
MEETING MINUTES
COMMON COUNCIL**

Mayor: Kent Attwell

Council President: Alderperson Tim Aicher

Alderspersons: Wayne Dehn, Matt Grimmer, Danielle Henry, Paul Price, Mark Schaefer, Jackie Valde

January 16, 2023

7:00 p.m.

City Hall, Council Chambers
500 Genesee St.

Regular Meeting
DRAFT

1. Call to Order

Mayor Attwell called the meeting to order at 7:00 PM.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Roll Call

Alderspersons Present: Danielle Henry, Ald. D1
Mark Schaefer, Ald. D2
Jackie Valde, Ald. D3
Wayne Dehn, Ald. D4
Matt Grimmer, Ald. D5
Paul Price, Ald. D6
Tim Aicher, Ald. D7

Also Present:

Kent Attwell, Mayor
Tom Hafner, City Administrator/Director of Public Works
Kathy Sawyer-Gutenkunst, City Attorney
Molly Schneider, City Clerk

4. Public Hearing:

A. Public Hearing #1:

Topic: Amend the text of the 2030 Comprehensive Plan to include a Special Use Area #2 and to amend map 7-4 City of Delafield 2030 Master Land Use Plan Map from the Agricultural category to the Planned Mixed Use category with a Special Use Designation Area #2.

Location: DELC0753996, No address; DELC0756997, No address; DELC0753999002, 3115 Hwy 83; DELC0756999, 2921 Hwy 83; DELC0756998, 2831 Hwy 83

Owner: CELA Holdings, LLC., Lake Country Land, LLC., The Farmhouse 1848, LLC., Daniel Bubb, Jeffrey & Tracy Mac Donald.

Applicant: City of Delafield.

Matter: Amendment to the text of the 2030 Comprehensive Plan to include a Special Use Area #2 and amendment to map 7-4 City of Delafield 2030 Master Land Use Plan Map from the Agricultural category to the Planned Mixed Use category with a Special Use Designation Area #2 on several properties as a result of recommendations provided by the Economic Development Focus Group and revisions made by Plan Commission.

Mayor Attwell opened the Public Hearing at 7:01 PM.

Tracy MacDonald, 2831 HWY 83 – Spoke in favor of the proposed amendment. Lives on HWY 83 north of Oakwood Church. Not expanding the uses will make it difficult to sell the property. The Conditional Use land-use option will make the property more desirable.

Susie Thompson, 700 Milwaukee St. – The Common Council should limit the use by limiting the light, traffic and other intrusive uses. The site plans should be reviewed carefully. Is concerned about businesses vacating the buildings instead of paying for necessary upgrades and upkeep.

Hearing no one further who wished to speak, the Public Hearing was closed at 7:08 PM.

5. Approval of the following meeting minutes:

A. December 19, 2022 Regular Meeting

B. January 3, 2023 Special Meeting

Motion by Aicher, seconded by Dehn, to approve the minutes of the December 19, 2022 Regular Meeting and the January 3, 2023 Special Meeting as presented.

All in favor. Motion carried.

6. City of Delafield Citizen Comments

Mary Daniel, 309 Wisconsin Ave – Spoke regarding page 265 of the ePacket, the capital projects summary. There were 24 projects approved in 2022. Nine of the projects are closed. She would like an update on the 15 projects that are still open on the summary. Would also like to know the status of the open projects back to 2007.

Susie Thompson, 700 Milwaukee St. – Noted appreciation to administrator Hafner for the detail and information provided regarding the LCFR issue. Is confused about the easement access being considered as this had been discussed previously and did not think it was moving forward. The driveway location should be reviewed. The well information provided by Miller-Marriott is very detailed and that is appreciated. Spoke regarding the 911 alert in the Delafield area the previous Saturday. The police response was quick and appreciated.

Hearing no one further who wished to speak, Citizen's Comments were closed.

7. Consent Agenda

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.

8. Boards, Committees, and Commission Reports

Reports by Council Members on discussion and action taken at previous meetings, future agenda items, and upcoming scheduled meetings. No discussion or action on these reports, unless specifically listed on this notice.

A. Licenses

B. Plan Commission

1) Commission Report by Ald. Aicher

There is a meeting at the end of the month – keep an eye out for the agenda. Attwell noted there would be some possible developments for consideration. Valde stated there was a Public Hearing notice sent out regarding Clearview.

2) Discussion and action regarding the following items:

- a)** Ordinance No. 810: An ordinance amending the text of the 2030 Comprehensive Plan by creating a Special Use Area #2 that will include specific provisions applicable to certain areas within the Planned Mixed Use category and amending the Land Use Plan Map from the Agricultural category to Planned Mixed Use with a Special Use Area #2 designation on properties located at DELC0753996, No address. Owner: CELA Holdings, LLC; DELC0756997, No address. Owner: Lake Country Land, LLC; DELC0753999002, 3115 Hwy 83. Owner: The Farmhouse 1848, LLC; DELC0756999, 2921 Hwy 83. Owner: Daniel Bubb; DELC0756998, 2831 Hwy 83. Owner: Jeffrey & Tracy Mac Donald. Applicant: City of Delafield.

Note: The Plan Commission recommended approval on November 30, 2022 by passing Resolution # 2022-33.

Aicher briefly reviewed the process of the Economic Development Focus Group and the considerations for updates to this area. There was a lot of input from the residents in this area.

The input was considered, and the end result is the recommendation that was provided to the Common Council for consideration that evening.

Motion by Aicher, seconded by Henry, to approve Ordinance No. 810: An ordinance amending the text of the 2030 Comprehensive Plan by creating a Special Use Area #2 that will include specific provisions applicable to certain areas within the Planned Mixed Use category and amending the Land Use Plan Map from the Agricultural category to Planned Mixed Use with a Special Use Area #2 designation on properties located at DELC0753996, No address.

All in favor. Motion carried.

- b)** Ordinance No. 811: An ordinance amending the Zoning District of the Official Zoning Map from the P-1 Public and Semipublic Use District to the R-4 Single- and Two-Family Residential District to accommodate a single-family residential development on properties located at DELC0792074, 439 Saint Johns Road; DELC0792069 & DELC0792078, 411 Saint Johns Road; and DELC0792073 & DELC0792060, unknown addresses on Wisconsin Avenue and Saint Johns Road. Owner: Hendricks Commercial Properties, LLC. Applicant: Chris Miller, Miller Marriott Construction, LLC.

Note: The Plan Commission recommended approval on December 21, 2022.

Aicher explained this property and potential zoning change had been discussed and considered in previous meetings.

Motion by Aicher, seconded by Dehn, to approve Ordinance No. 811: An ordinance amending the Zoning District of the Official Zoning Map from the P-1 Public and Semipublic Use District to the R-4 Single- and Two-Family Residential District to accommodate a single-family residential development on properties located at DELC0792074, 439 Saint Johns Road; DELC0792069 & DELC0792078, 411 Saint Johns Road; and DELC0792073 & DELC0792060, unknown addresses on Wisconsin Avenue and Saint Johns Road.

All in favor. Motion carried.

- c)** DELC0798953, Unknown address south of 124 Genesee Street. Owner: 3 ME GOS, LLC. Applicant: Michelle and Michael Kelly. Applicant seeks approval of a Planned Development Conditional Use-Site Plan to operate a dental clinic.

Note: The Plan Commission recommended approval on December 21, 2022.

Motion by Aicher, seconded by Grimmer, to approve the Planned Development Conditional Use-Site Plan to operate a dental clinic for the property located at DELC0798953, Unknown address south of 124 Genesee Street.

All in favor. Motion carried.

- d)** Access easement agreement granted to City of Delafield on property owned by 3 ME GOS, LLC. located at 124 Genesee Street (DELC0798953).

Aicher summarized the access easement information. This is to accommodate the possibility long term to allow for access off of Genesee Street should the property owners desire to develop in the future. This is meant to be for a what-if scenario, not for any intended current use.

Grimmer added this makes sense and is proactive.

Motion by Grimmer, seconded by Aicher, to approve the access easement agreement granted to City of Delafield on property owned by 3 ME GOS, LLC, located at 124 Genesee Street (DELC0798953).

Discussion: Valde asked why this is happening now, as there had been pushback from the current property owners? Could this be addressed later?

Attwell explained the easement is only for the Dental Office and none of the other properties.

Henry asked if the property owner had any objections. Attwell noted this was a non-issue and the applicant had been agreeable to the process.

All in favor. Motion carried.

C. Lake Welfare Committee

1) Committee Report by Ald. Price

Lake Welfare Committee discussed the impervious surface requirements in the municipal code. This had been considered at Plan Commission meetings in the past, but there was issue with the smaller lots being limited. The lot size was increased in order to accommodate the 50% impervious surface limitation.

Boat wake size limitations were discussed. Boats with large wakes negatively affect the wake of the lake. They are considering an education point.

Egg oiling was discussed.

D. Park and Recreation Commission/Tree Board

1) Committee Report by Ald. Schaefer

No meeting, no report.

E. Public Works Committee

1) Committee Report by Ald. Grimmer

Referred to the minutes. Hafner noted there was significant discussion regarding the speeding issues on Milwaukee Street.

F. Del-Hart Commission

1) Commission Report by Ald. Aicher

No meeting, no report.

G. Police Commission

1) Commission Report by Ald. Valde

No meeting, no report. Next meeting scheduled for next week.

H. Library Board

1) Board Report by Ald. Henry

Library Programs are going well. Library policies are being updated. Staff is working on the strategic plan.

I. Zoning Board of Appeals

1) Board Report by Ald. Valde

No meeting, no report.

J. Promotion and Tourism Commission

1) Commission Report by Ald. Schaefer

No meeting, no report.

K. Lake Country Fire and Rescue Commission

No meeting, no report.

L. Lake Country Fire and Rescue Board

1) Board Report by Ald. Grimmer

Grimmer explained there had been a joint meeting with all LCFR municipalities. The municipalities discussed where they were in the process of funding. There is meeting coming up in and the intention is to discuss metrics regarding the effect of response times on increased staffing.

Attwell appreciates the timing of this presentation of metrics as it will provide valuable information for residents as they consider approving funding for the LCFR.

M. Other Committees, Commissions, and Boards

1) Deer Management Committee

a) Committee Report by Ald. Henry

Henry stated that the proposed Ordinance was considered at the Deer Management Committee meeting and approved for consideration by the Common Council. This is to remove the Deer Management Committee sunset clause and make the Committee permanent. There is still consideration occurring regarding the Deer Management Committee handling additional wildlife.

b) Discussion and possible action regarding Ordinance No. 812: An Ordinance Repealing Section 2-110(c) of the City of Delafield Municipal Code to eliminate the Deer Management Committee termination date.

Motion by Aicher, seconded by Henry, to approve Ordinance No. 812: An Ordinance Repealing Section 2-110(c) of the City of Delafield Municipal Code to eliminate the Deer Management Committee termination date.

All in favor. Motion carried.

9. Unfinished Business

A. Discussion and possible action regarding the 2022 A/V Capital Project.

Schneider summarized the A/V project proposals. Updates had been made to accommodate the preferences of the Common Council and to address the supply chain issues. The price had increased. The AVI estimate included items that would be significantly delayed in order to reduce costs. The AVI proposal with items that were readily available was over \$100,000.

The estimate from Miles PRO A/V included some items that could be removed and provide cost savings as well as items that were included as optional items, such as the projector and TVs, because replacing those items would be easier as they are standard equipment.

Attwell clarified the cost as being \$77,604 inclusive of the keeping the lapel mics.

Motion by Aicher, seconded by Dehn, to approve Miles PRO AV as the vendor for the City of Delafield 2022 A/V CIP upgrades and to proceed with the project as recommended with the upgrades included in the estimate that were not considered optional, not to exceed \$81,500.

Discussion: Schaefer asked if this was with the lapel mics. Aicher noted this was based off of the project which was presented at \$77,604, with a buffer for incidentals.

Schneider asked for final clarification as to whether this was to include any of the items in the optional estimate. This number is to accommodate the \$77,604 option presented with the additional funds to provide a buffer to be used as necessary at the discretion of staff.

Aicher clarified that this cost was to include the additional funds for discretionary items that might be on the optional list if they are deemed valuable.

All in favor. Motion carried.

10. Mayor's Report

Report by the Mayor to the public regarding recent events attended, awards and commendations, and upcoming events. No discussion or action shall take place by members of the Council unless otherwise listed below.

A. Discussion and possible action on the following items:

1) Confirm appointment of Jacob Berg to the Police Commission citizen member position vacated by Ed McAleer, term to expire April 2026.

Henry noted she had worked with Berg on other Committees, and he is very capable.

Motion by Henry, seconded by Valde, to approve the appointment of Jacob Berg to the Police Commission citizen member position vacated by Ed McAleer, term to expire April 2026.

All in favor. Motion carried.

11. New Business

- A. Discussion and possible action regarding Resolution No. 2023-01, a resolution authorizing a referendum for the City of Delafield to establish a fire protection and emergency medical services fee beginning on the December 2023 tax bill that funds the 2024 budget and continuing on an ongoing basis.

Hafner noted there was a memo provided in the packet regarding this item. There had been a special meeting where this item was discussed. There had since been requests for other scenarios to be presents. The numbers included were reflective of an increase in the funding formula. Hafner reviewed the scenarios provided in the ePacket.

Attwell asked if in scenario number 5, the \$373 was to support the full fourteen hires. Henry further clarified that scenario 4 was the only one that included only seven hires. Hafner confirmed that is correct.

Schaefer asked about hiring future employees in scenario 4. Attwell explained this was meant to be more of an annualized review process for funding.

Grimmer pointed out that the Town of Delafield funded 14 new hires through 2024 according to their IMA obligations.

Aicher pointed out that the City doesn't have a final say on the way funds are spent but are really trying to determine what the funding will be. The LCFR is asking for budgetary funding that supports fully tenured full-time positions. The residents are not being asked to fund a reserve but are being asked to fund a level of service. There is buffer built into what has been presented. The City was not expecting a threefold increase 3 years after the IMA was signed. The City needs to maintain some leverage to make this more equitable in the future. Attwell noted that the inequality is an argument to not vote for this increase.

Attwell suggested that there be a cap for future amounts to provide reassurance for the residents.

Grimmer pointed out there is a significant issue if this doesn't pass. He agreed with Aicher and Attwell that this has to be passable, and this should be capped and its important and the City should maintain leverage for more equitable funding.

Valde noted the City agreed to the formulas when this agreement occurred. Grimmer pointed out that at that time, the fixed percentage increase was only supposed to be CPI+2%.

Aicher pointed out that when this was negotiated, it was meant to temper the impact of the change initially. With this increased budget, the disparity is more alarming. A reasonable number today is the right step.

Hafner pointed out that if we go to a fee, the City will have to take a negative adjustment to the tax levy. This will result in reduced taxes for properties in the City of Delafield. There will be some properties that would be paying less as part of the fee system. Price explained this net increase is important to communicate to the residents.

Henry asked what is the most that the residents would see for an increase. Hafner explained the savings is \$0.39 per thousand on the levy.

Sawyer-Gutenkunst asked Hafner to reiterate the process of taking the negative adjustment to the levy. Hafner summarized the process of taking the negative levy adjustment.

Attwell asked Hafner to clarify the calculations in scenario 3 and the calculations in scenario 5. Both are meant to hire 14 employees. Scenario number 5 eliminates any funding formula. This counts the total number of ESE in all seven communities and divides the budget accordingly. Scenario 3 retains the formula portion but removes the fixed base formula. There are still variables in the funding formula that make scenario number 3 not totally equitable for City costs.

Schaefer is not comfortable with this being an unequitable dispersion. The City should make this a more equitable number for Delafield residents.

Henry asked if there is a particular scenario for consideration that might encourage the other communities to agree to a more equitable funding formula. Hafner noted the other communities are not interested in changing the funding formula.

Price asked if what happens if the City does not fund the amount. Discussion ensued regarding outcomes of this scenario and ways to present a more palatable and fairer amount to the residents.

Aicher supports scenario 3, as it keeps with the spirit of the funding formula and is more justifiable and rational. There will still be a buffer for funding in this scenario.

Grimmer pointed out that the variable plan could also see the city's cost increase due to development. Attwell added that this is still a one for one increase.

Aicher can appreciate that scenario 3 shifts the burden appropriately.

Henry would like to see a cap on this. Asked what happens to the IMA. Attwell clarified the IMA will still exist, and this is what states that the budget is limited to the CPI + 2%. Henry suggested the other communities could just adjust their contributions equivalent to the IMA agreement and the City would still be paying an unequitable amount. Discussion occurred regarding the possible funding totals for the LCFR and ways to ensure the equity in the referendum in the future.

Sawyer-Gutenkunst pointed out that the City would not have to go to referendum for this or other increases for the scenario unless they choose to not take the levy adjustment.

Schaefer would like to see a cap on the scenario 3 number of CPI+2%.

Valde explained that the City should be mindful of limiting the increases. Scenario 3 is the most sensible. This sends a fair message.

Grimmer prefers scenario number 5 but supports scenario 3.

Hafner asked about including the CPI+2% in the referendum. This is often a very detailed definition. Aicher asked about including the CPI+2% by referencing back to the definition in the IMA. Sawyer-Gutenkunst asked for clarification on what the inclusion of the CPI+2% was referring to. Aicher clarified it would be to not exceed that amount in the future.

Sawyer-Gutenkunst explained that the Common Council cannot bind a future Council. The referendum is not required. Aicher stated this intent should be clarified in the FAQ. The limitation should not be included if it's not binding. Discussion ensued. Hafner asked if the referendum was binding why it wouldn't hold the Common Council to those limits in the future. Sawyer-Gutenkunst explained it wasn't required in the statute and noted that there is concern regarding if the referendum should come back without approval.

Hafner asked the Common Council to clarify whether the referendum should be binding. Discussion ensued as to whether this referendum where appropriate to move forward as a binding referendum.

Price asked about increasing the levy limit for the referendum. Hafner stated that at a previous meeting the direction by the Common Council had been to move forward with the fee option and it was too late to consider the levy limit for the referendum.

Aicher asked about including a statement about the decrease in the property tax levy in the summary statement to be included on the ballot. Hafner suggested including something similar to "The amount paid in the fee would partially offset by the property tax savings." Sawyer-Gutenkunst suggested the verbiage "Assessment of the fee will result in a reduction of the levy as it relates to the fire budget." The final recommended was "The current property tax levy will be reduced by \$705,584 if the fee is approved."

Motion by Grimmer, seconded by Dehn, approve Resolution 2023-01 with the following changes: by changing the fire protection emergency services of not more than – strike \$560 and insert \$450; Now Therefore be it resolved - strike \$560 insert \$450, change non-binding to binding, and to add verbiage at the end that "The assessment of the fee will result in a reduction of the property tax levy by \$705,584."

Discussion: Hafner asked for clarification to the location of the assessment and levy reduction statement.

Grimmer amended the motion to include the verbiage regarding the assessment of fee and levy reduction verbiage behind "A yes vote." Dehn seconded the amendment.

Henry asked about changing the verbiage in the summary statement to say restore versus improve response times. Hafner suggested restoring industry standard response times. Aicher stated this is already in the summary. Resulting in the restoration and improvement of response times was suggested. The consensus was no to include this.

Discussion occurred regarding including the CPI+2% cap on the referendum. A percentage cap was discussed. Henry does not support not including a cap on the amount. The consensus was not to include this.

Grimmer was not inclined to change the motion further.

Motion carried with Henry voting nay.

- B.** Approval of Vouchers Payable report for reporting dates of 12/22/2022 – 1/16/2023 in the amount of \$888,764.70 for accounts payable and \$255,316.82 for payroll.

Motion by Dehn, seconded by Grimmer, to approve the Vouchers Payable report for reporting dates of 12/22/2022 – 1/16/2023 in the amount of \$888,764.70 for accounts payable and \$255,316.82 for payroll.

All in favor. Motion carried.

12. Report of City Officials

A. City Administrator

Hafner reported the change to the new garbage contractor has been relatively smooth and the new contractor is excellent. Valde has received positive feedback and quick response time.

Aicher pointed out that there are properties where they seem unoccupied, and bins are in the ditch. He would like to see this addressed.

Schaefer had calls initially but none since then. They have been extremely responsive and helpful.

B. City Clerk

- 1) Spring Primary Election - February 21, 2023

Schneider stated there was an election February 21, 2023 and there are no City of Delafield primaries and the primary is only for the State Supreme Court.

C. City Treasurer

- 1) November 2022 Treasurer's Report

D. Council requests for future agenda items

Note: No discussion on requested items

- 1) Ald. Valde requested adding an update on the City Hall steps and fixing them.
- 2) Ald. Valde requested discussion regarding Public Works Committee spending on the 2023 Street Improvement Plan costs. The Common Council approved a budget, and the proposals exceed that amount.

13. Correspondence

14. Adjournment

Having no further business, the meeting was adjourned at 9:07 PM.

Respectfully Submitted,
Molly Schneider,
City Clerk