



**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

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February 20, 2022

7:00 PM

City Hall, Council Chambers  
500 Genesee St.

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**Regular Meeting**  
[YouTube Link](#)

**1. Call to Order**

The meeting was called 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  
Molly Schneider, City Clerk

**4. Special Order of Business**

**A.** Special recognition of retiring Police Chief Erik Kehl for his nearly 25 years of distinguished public service to the City of Delafield.

**1)** Reading and approval of an Official Proclamation in recognition of the public service of Chief of Police Erik Kehl.

Mayor Attwell the read official proclamation recognizing Chief Erik Kehl for his many years of public service.

*Motion by Henry, seconded by Schaefer, to approve the Official Proclamation in Recognition of the Public Service of Chief of Police Erik Kehl.*

*All in favor. Motion carried.*

**2)** Presentation by Representative of the 99<sup>th</sup> Wisconsin State Assembly District, Cindi Duchow, honoring Chief of Police, Erik Kehl, for his many years of dedicated service to the City of Delafield and surrounding communities.

Rep. Duchow presented Chief Kehl with a citation and plaque in honor of his many years of dedicated service to the City of Delafield and surrounding communities.

**5. Approval of minutes of the following meetings:**

**A.** [January 16, 2023](#) Regular Meeting

Clerk Schneider pointed out that the agenda for January 16, 2023 had erroneously referenced Sec. 1-110(c) as being the portion of the municipal code repealed by Ordinance 812. The Ordinance correctly referenced section 2-110(c) of the code. The minutes were updated to reflect the correct section of code that was repealed by Ord. 812, both in the motion and in the agenda language.

*Motion by Aicher, seconded by Price, to approve the minutes of the January 16, 2023 Regular meeting with the suggested corrections.*

*All in favor. Motion carried.*

**B. [January 23, 2023](#) Special Meeting**

*Motion by Aicher, seconded by Grimmer, to approve the minutes of the January 23, 2023 Special meeting, as presented.*

*All in favor. Motion carried.*

**6. City of Delafield Citizen Comments**

Mary Daniel, 309 Wisconsin Ave – Spoke regarding item 12.C. Treasurer's report. Pointed out several projects that were still open that had remaining balances. She would like follow up as to the status of these projects and funds.

Sharon Dorff, 224 Muir Valley Rd – spoke regarding the Devonshire multiuse path. Suggested removing the Devonshire funds from the Street Improvement Program budget. Would prefer the funds be reallocated to the HWY C project. Would like to work with the planners regarding the impact of the path on the tree line on the abutting property. Devonshire was listed as a safety path previously and not a multiuse path and would like to know when this changed.

**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**

Aicher noted the items on the agenda are primarily housekeeping items. The Plan Commission meeting is on Wednesday that will include golf course development and the Miller Marriott developments that have been in the works for some time.

**2) Discussion and Possible Action regarding the following items**

**a) Storm Water Maintenance Agreement for the Delafield Family Dental development on the property owned by 3 ME GOS, LLC., located on Genesee Street (DELC0798953).**

*Motion by Aicher, seconded by Schaefer, to approve the Storm Water Maintenance Agreement for the Delafield Family Dental development on the property owned by 3 ME GOS, LLC., located on Genesee Street (DELC0798953).*

*All in favor. Motion carried.*

**b) Storm Water Maintenance Agreement for the Johnson Bank development on the property owned by Johnson Bank, located at 2675 Sun Valley Drive (DELC0803994).**

*Motion by Aicher, seconded by Price, to approve the Storm Water Maintenance Agreement for the Johnson Bank development on the property owned by Johnson Bank, located at 2675 Sun Valley Drive (DELC0803994).*

*All in favor. Motion carried.*

**c) DELT0780027, W303 N2598 Maple Avenue. Owner and Applicant: Robert & Jeanne Dierkes. Applicant seeks approval of an Extraterritorial Certified Survey Map for the purpose of combining two lots in the Town of Delafield.**

*Note: The Plan Commission recommended approval on September 28, 2022.*

*Motion by Aicher, seconded by Henry, to approve the Extraterritorial Certified Survey Map for the purpose of combining two lots in the Town of Delafield for the properties located at DELT0780027, W303 N2598 Maple Avenue*

*All in favor. Motion carried.*

- d)** OCOT0577013, W340 N4746 Jaeckles Boulevard. Owner: Deborah DeFere. Applicant: Deborah DeFere. Applicant requests approval of an Exterritorial Certified Survey Map to combine two lots in the Town of Oconomowoc.

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

*Motion by Aicher, seconded by Schaefer, to approve the Exterritorial Certified Survey Map to combine two lots in the Town of Oconomowoc for the property located at OCOT0577013, W340 N4746 Jaeckles Boulevard.*

*All in favor. Motion carried.*

- e)** DELT0780017, N26 W30285 Maple Avenue. Owner: Stuart Kotovic & Melissa Krueger. Applicant: Mark Augustine, LandMark Engineering Sciences, Inc. Applicant requests approval of an Extraterritorial Certified Survey Map to combine two partial lots in the Town of Delafield.

*Note: The Plan Commission recommended approval on January 25, 2023.*

*Motion by Aicher, seconded by Henry, to approve the Extraterritorial Certified Survey Map to combine two partial lots in the Town of Delafield for the property located at DELT0780017, N26 W30285 Maple Avenue.*

*All in favor. Motion carried.*

- f)** DELT0810009 & DELT0810010, N20 W29592 Glen Cove Road. Owner: Timothy and Anna Trotier. Applicant: Kristie Miller, Rob Miller Homes, LLC. Applicant requests approval of an Extraterritorial Certified Survey Map to combine two lots into one lot in the Town of Delafield.

*Note: The Plan Commission recommended approval on January 25, 2023.*

*Motion by Aicher, seconded by Schaefer, to approve the Exterritorial Certified Survey Map to combine two lots into one lot in the Town of Delafield for the property located at DELT0810009 & DELT0810010, N20 W29592 Glen Cove Road.*

*All in favor. Motion carried.*

- g)** DELC0798999002, 935 Main Street. Owner: Clearview Home Corporation. Applicant: Elizabeth Harned. Applicant seeks approval of a Conditional Use-Site Plan Amendment and Permanent Signage to construct an addition, a new meeting hall, a new outbuilding, install new signage, and modify parking associated with an existing senior living facility.

*Note: The Plan Commission recommended approval on January 25, 2023.*

Aicher explained that Clearview was requesting a Conditional Use amendment to include a meeting hall and an outbuilding along with parking. The housing that faced Milwaukee street was removed from the current proposal, but this could come back in the future.

*Motion by Aicher, seconded by Henry, to approve the Conditional Use-Site Plan Amendment and Permanent Signage to construct an addition, a new meeting hall, a new outbuilding, install new signage, and modify parking associated with an existing senior living facility for the property located at DELC0798999002, 935 Main Street.*

*Discussion: Aicher noted a citizen requested some light adjustment. Valde added that Clearview had been great neighbors.*

*All in favor. Motion carried.*

#### **C. Lake Welfare Committee**

- 1) Committee Report by Ald. Price

No meeting, no report.

#### **D. Park and Recreation Commission/Tree Board**

1) Committee Report by Ald. Schaefer

Park and Rec Commission welcomed a new member. University Lake School representatives were at the meeting to discuss opening their trails to Delafield residents. They would be requiring signups and ID badges for trail use.

**E. Public Works Committee**

1) Committee Report by Ald. Grimmer

Public Works Committee approved the 2023 Street Improvement Plan which included Genesee St path and Devonshire path. The Devonshire path was an 8 ft wide path with signage at the beginning to prohibit motorized vehicle use. They voted to vacate Smythe and Farrand and discussed strategies for traffic calming. They are considering metrics to measure efficacy of traffic calming.

**F. Del-Hart Commission**

1) Commission Report by Ald. Aicher

The Plant upgrade is moving along. They are in fiscally good shape and have one payment to make on the Clean Water Act loan that was taken out years ago. Next meeting is in March.

**G. Police Commission**

1) Commission Report by Ald. Valde

No meeting, no report. No news to report other than the retirement of the Police Chief.

**H. Library Board**

1) Board Report by Ald. Henry

The library Board reviewed the annual report. There is a Library overview in the packet. The Winter Reading Program is going on currently.

2) Brief overview from the Library Director highlighting what is occurring at the Library.

**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**

**L. Lake Country Fire and Rescue Board**

1) Board Report by Ald. Grimmer

The Board entered into a technical rescue agreement with the City of Waukesha. This is an exchange of services for specialized dive capabilities and confined space extraction equipment. There continues to be a request from Board members to make public response times for clarity and openness. There was pushback to this idea from other Board members. The debate is ongoing. Metrics are still being reviewed for the purposes of comparisons regarding the effect on response times. There were four new hires. Sandy Rosch is retiring. Price asked about the response times related to a recent incident. Attwell noted appreciation for the push for metrics. Aicher reiterated the appreciation for, and importance of, metrics.

**M. Other Committees, Commissions, and Boards**

1) **Deer Management Committee**

a) Committee Report by Ald. Henry

No meeting, no report.

## 9. Unfinished Business

- A. Discussion and possible action regarding a decision on whether or not the City intends to pay to upgrade the future monotube traffic signal poles with a modification to have them painted black on the upcoming WDOT STH 83 resurfacing project (currently scheduled for construction in 2025 but could get moved up to 2024).

Hafner explained that the Common Council had discussed this issue previously. The Common Council direction had been to put this funding into the 2024 budget for consideration. The DOT had recently reached out explaining they needed approval for the painting due to timing of the project. The Hartland Village Board is not interested in cost sharing. The DOT identified that the City's obligation would continue going forward for upkeep and repair if necessary.

Attwell pointed out that the poles on that stretch of road are all the standard poles.

*Motion by Schafer, seconded by Price, to move forward with the standard poles for this project.*

*Aicher stated there was an example of this elsewhere and it looked really nice for a period of time and then looked terrible. Schaefer added that having the black poles only at this intersection would not be well coordinated.*

*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.

## 11. New Business

- A. Discussion and possible action regarding the request by the City Assessor to approve the relief for excessive taxation for the following parcels: DELC0802006001, DELC0787045, and DELC0798946013.

Cal Magnan, City Assessor, was present to discuss the request. He noted that two of the situations were due to failure to complete a discussed open book change and the remaining one was due to a building project that had not been completed.

*Motion by Grimmer, seconded by Aicher, to approve the request by the City Assessor to approve the relief for excessive taxation for the following parcels: DELC0802006001, DELC0787045, and DELC0798946013.*

*All in favor. Motion carried.*

- B. Discussion and possible action on a memorandum of understanding between Waukesha County Department of Health and Human Services – Aging and Disability Resource Center Adult Protective Services Unit and the City of Delafield Police Department, in order to provide a coordinated and cooperative response to protect elder adults-at-risk and adults-at-risk.

Lt. Landon was present to discuss the Memorandum of Understanding. This is new to the Waukesha County. The Health and Human Services Adult Protective Services cannot share investigative information without this Memorandum of Understanding.

Attwell asked how this had worked in the past. Nyren explained this had been more of a one-way street in the past but would now be shared both ways.

*Motion by Aicher, seconded by Henry, to approve the memorandum of understanding between Waukesha County Department of Health and Human Services – Aging and Disability Resource Center Adult Protective Services Unit and the City of Delafield Police Department, in order to provide a coordinated and cooperative response to protect elder adults-at-risk and adults-at-risk.*

*All in favor. Motion carried.*

- C. Discussion and possible action regarding City Hall steps and repairing them, as requested by Ald. Valde.

Valde noted the repairs had been approved in 2015 and it was time to make the repair. The repairs are long overdue. Hafner explained the funds were approved in 2015, but the previous Mayoral administration

had provided direction for staff to determine who was responsible for the damage to the steps. There were no results from this investigation. Following that, there was direction to staff to investigate legal repercussions regarding the damage. In 2019 a scope of services was prepared, and a conceptual design was presented. Construction costs were rising, and the funds allocated would no longer be enough. Hafner would like to put together an updated scope of services which would include engineering designs such as decreasing the size of the steps which might include landscaping. The scope of services would be presented to Plan Commission for approval of design, and the final project update would have to come to Common Council for budget approval.

Valde recalled some of the discussions, and reiterated it was time to move forward.

Attwell noted there had been repairs made to some of the issues. Aicher suggested some additional patchwork and repairs would be helpful.

- D.** Discussion and possible action regarding the Public Works Committee Street Improvement Plan costs wherein the Common Council approved a budget for this item for 2023 and the proposals exceed the budgeted amount, as requested by Ald. Valde.

Valde explained that the ePacket page 115 provided the project costs. The budget is \$91,000 over budget. There are some items that could possibly be adjusted for cost savings.

Hafner pointed out that there were some projects already removed from the Street Improvement Plan and that does bring the project to within budget.

Valde pointed out that Devonshire was noted as being 8 feet wide but in the RFP was 10 feet wide. Grimmer recalled that there were concerns about the Devonshire path project and some of those items had been addressed with signage and a reduction in path width from 10 ft. to 8 ft.

Valde followed up with noting the Delafield resource page references the Devonshire path as a safety path not a multi-use path and questioned whether the path could be moved or adjusted to lessen tree destruction.

Hafner stated the property to the west gave permission to allow for the path to abut right up to the property and to allow for grading onto the property in order to attempt to follow the pre-existing path and to lessen the amount of tree destruction.

Aicher asked for clarification as to whether this path was all on City Right of Way. Attwell clarified the path is all on City Right of Way.

Aicher asked when bids would be returned for this project. Hafner noted this is out to bid currently and approvals would be in March or April. Aicher pointed out that the Common Council would have the opportunity to address the path funding at that time.

Hafner explained that the current pathway being used will be followed as much as possible with staying within the City Right of Way. The property owners were not willing to grant an easement onto their property but were ok with slight grading onto their property. Attwell added this would likely be a construction easement.

- E.** Discussion and possible action regarding funding of support services for the 2023 Liberty Park Entertainment Series, as requested by Ald. Schaefer.

Schaefer explained the Common Council had approved \$50,000 to support the Liberty Park project. \$15,000 of that had been utilized to create a temporary stage for this summer. DAF had secured several regional acts for the Stage. Support for electric and port-o-potty services is being requested. The estimated amount for support would be about \$4700, with a possible increase.

*Motion by Schaefer, seconded by Aicher, to fund the support services for the 2023 Liberty Park Entertainment Series in the amount of not more than \$6,000.*

*Discussion: Aicher asked for clarification on the current amount being funded. Hafner explained that the Common Council approved \$50,000 but had approved the \$15,000 being utilized for the temporary stage. Grimmer asked for clarification regarding what is included in the funding. Aicher asked if Police Department funding and Department of Public Works setup was included in this proposal. Grimmer explained that in the past, the City has waived fees for organizations that were holding events that directly*



supported and benefitted the City. Schaefer noted this was a low-cost test and learning experience for the City. Henry asked if this was redirecting part of the \$50,000 in Capital Improvement Project expenses. She is unsure as to how these would be capital expenses, as these are clearly operating expenses. Hafner asked who is throwing the events – is it exclusively DAF? Schaefer suggested this was a partnership between DAF and the City. Grimmer noted other entities could support this project. Henry does not support taking money from the capital investment to support operating expenses. Schaefer noted this was the design and feasibility study. Discussion ensued regarding the feasibility of funding this as a capital project. Hafner explained that pursuing funding from Promotion & Tourism Commission should be in May or June of this year. Price asked how the project would be funded in the future if the stage were to be successful, given \$15,000 plus \$6,000 would be utilized at this time. Henry asked if DAF asked for the funding support. Schaefer indicated that they had not requested the funding, but he was requesting the support as the District 2 Alderperson. Henry asked where the cost estimates came from. Grimmer noted that the setup and organization and the backend items are not typically DAF's strength. Discussion occurred as to who was spearheading the entertainment series and the funding. Aicher did not think it was appropriate for the City to fund this. Supporting the amenity of a stage makes sense, but supporting the entertainment acts for a charitable organization is not appropriate. Schaefer reiterated this is a small amount to test the waters before committing significantly more for a permanent stage. Valde pointed out that the Economic Development Focus Group survey showed that the residents support the events that occur in the City. Supporting this would help the Common Council make a more educated decision for a permanent stage.

*Motion carried with Henry and Aicher voting nay.*

- F. Introduction of Resolution Number 2023-04, a resolution of the Common Council to vacate and discontinue a portion of public right-of-way for Smythe Lane and Farrand Lane, referral of the matter to the Plan Commission for consideration and recommendation to the Common Council pursuant to Wis. Stat § 62.23(5), and set the date for a public hearing on the Resolution at least 40 days after the date of introduction.

Hafner explained that the vacation is intended to accommodate the proposed Beacon Hills Subdivision. This is intended to vacate the road in the proposed area and put in meandering sidewalks.

*Motion by Aicher, seconded by Grimmer, to Introduce Resolution Number 2023-04, a resolution of the Common Council to vacate and discontinue a portion of public right-of-way for Smythe Lane and Farrand Lane, to refer the matter to the Plan Commission on March 29, 2023 for consideration and recommendation to the Common Council pursuant to Wis. Stat § 62.23(5), and set the date for a public hearing on the Resolution to be April 17, 2023.*

*Discussion: Aicher asked for precedence regarding other street vacations and information on cost savings and other potential benefits to the community. Valde supported the landscape and lighting design in the proposed subdivision.*

*All in favor. Motion carried.*

- G. Approval of Vouchers Payable report for reporting dates of 1/17/2023 – 2/20-2023 in the amount of \$530,700.29 for accounts payable and \$363,233.41 for payroll.

*Motion by Dehn, seconded by Henry, to approve the Vouchers Payable report for reporting dates of 1/17/2023 – 2/20-2023 in the amount of \$530,700.29 for accounts payable and \$363,233.41 for payroll.*

*All in favor. Motion carried.*

## **12. Report of City Officials**

### **A. City Administrator**

- 1) 2023 County paving update – Paving scheduled for CTH R/East Wisconsin Avenue (frontage road north of Hwy 16).

The County is planning on paving this, but this is contingent upon the bids coming in as expected.

The DNR notified the City that the St. Johns Pier permit application has been reviewed and is considered complete. A Public Hearing would occur via Zoom likely about 3:00 or 4:00 in the afternoon.

## **B. City Clerk**

### **1) Spring Primary Election February 21, 2023.**

#### **a) 326 Absentee ballots returned as of 2/16/2023.**

(1) 115 of those were in-person absentee voters.

Schneider reported that the election was the following day and reiterated the absentee statistics provided in the agenda. Badger Books will be used again, and the printers for the books came in to utilize for this election.

Schneider also reported that the County had provided the sample ballots for the April 4, 2023 election that would include the City Referendum. The referendum question takes up just over ½ of a column and will not require a second ballot in the Oconomowoc School District, as had previously been suggested by the County Clerk.

### **2) Census Challenge process started.**

Schneider had started the challenge to the residential facility population reported at St. Johns. In the process of starting the challenge, it was determined that St. John's may not qualify for the population count to be increased, but the paperwork must be submitted either way. Grimmer asked if the City would get an extra liquor license. Schneider explained the City is close to another license, but there are many factors to consider.

## **C. City Treasurer**

### **1) December 2022 Treasurer's Report.**

## **D. Council requests for future agenda items**

*Note: No discussion on requested items*

## **13. Correspondence**

## **14. Adjournment**

Having no further business, the meeting was adjourned at 8:37 PM.

Minutes approved: March 6, 2023

Minutes prepared by: Molly Schneider, City Clerk