

## CITY OF DELAFIELD COMMON COUNCIL MINUTES

YouTube Video Link: <https://www.youtube.com/watch?v=wevEN4Nkc4s>

Call Common Council Meeting to Order

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

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call:

Present

Doug Saloga, Ald. D1

Jackie Valde, Ald. D3

Wayne Dehn, Ald. D4

Matt Grimmer, Ald. D5

Kevin Maples, Ald. D6

Tim Aicher, Ald. D7

Kent Attwell, Mayor

Tom Hafner, Administrator/ City of Public Works Director

James Hammes, City Attorney

Absent

Jim Behrend, Ald. D2

**PUBLIC HEARING**

Public Hearing to receive public comment regarding the special assessments to be levied against benefitted property owners as a result of the construction and reconstruction of a public road known as Golf Road, and related improvements including the installation of a roundabout.

Presentation: Mike Court – City Engineer and Josh Willer – Traffic Engineer

With the success of the Golf Road Business Corridor – Traffic volumes have increased over time.

In 2011, the City completed an extensive study on the Golf Road Corridor area. A major point of that study was evaluating safety and finding a way to make the Golf Road corridor safer. The main safety issue noted in that study was the number of access points and the limited available site distance from each of those access points due to horizontal and vertical curves on the roadway. From that study, the City came away with a proposed solution that included and a roundabout at Golf Court.

When the development of the Chick-fil-a parcel was proposed in 2018/2019 – The City required the developer to prepare a Traffic Impact Analysis based on the building footprints. This TIA analyzed existing traffic operations along Golf Road between STH 83 the City of Delafield limits. The TIA found that with the increase in traffic at the Golf Road and Golf Court intersection would result in unacceptable delays for vehicles exiting Golf Court, which was the same conclusion reached in the 2011 corridor study. Due to this a traffic signal and a roundabout were analyzed as alternate traffic control options. With the need for construction along the corridor the City also took the opportunity to improve access control along the corridor as was noted in the 2011 Corridor Study. In order to achieve the desired access control changes the roundabout became the leading alternative. The following are some benefits of the project:

- Provides similar or better LOS to the Signal alternative and was built to accommodate future expansion
- Allowed for better access control.
- Assists in speed control along the corridor
- Reduces severity of crashes and number at access closure locations
- Minimized R/W impacts to adjacent property owners

- Similar construction cost to full build signal. The TIA did not evaluate the costs of the full 'loon' feature required to allow delivery vehicles to make U-turns. This would have required additional land acquisition and loss of parking to surrounding businesses.
- Easier flow for thru traffic. Eliminates unnecessary stops.

The City was able to negotiate with the Chick-Fil-A developers a cost share of \$650,000 of the overall cost of the traffic improvements of 1.3 million dollars. Thus, only half of the costs would need to be special assessed to the other parcels within the corridor.

Because the project costs were at 1.3 million dollars – A referendum was required.

The resolution for referendum (#2019-02) was passed by the Common Council on January 21, 2019. The question read "Shall the Common Council be authorized to enter into public works contracts for the purpose of construction modifications to the reconstruction of a portion of Golf Road at a cost not to exceed \$1,300,000, with the cost of the project being paid by payments required of developers under the terms of a development agreement to be entered into with the City, and the balance through special assessments to be levied against specially benefitted properties that abut or otherwise have direct access to Golf road?"

The referendum vote was held and passed on April 2, 2019

A Preliminary resolution declaring intent to levy special assessments (#2019-04) was approved by the Common Council April 15th, 2019.

Construction of the Roundabout and traffic improvements were completed in the summer/fall of 2019. With some punch list items to be finalized spring of 2020.

Now we are finalizing the SA with tonight's hearing.

There was one update to the SA calculations – an oversight on one of the calculations was brought to light for the Kohl's parcel and in your packets is the updated Schedule C.

The special assessment was levied against 'specially benefitted properties that abut or otherwise have direct access to Golf Road.'

The new development area has brought new traffic to the area. Without the improvements of this project the additional traffic would degrade safety and operations for the corridor. The improvements as part of this project improved traffic operations, safety, and in turn mobility for the entire corridor. In addition, the SA area was a General Development Plan. All parking, storm water requirements, signage, etc are based on the entire development, not each specific business. The improvements of this project benefit the entire development area, not just those properties that have frontage on Golf Road.

In order to assign assessment values a method for determining how each property benefited from the improvements needed to be determined.

It was determined that the most equitable method for the SA would be on Average Daily trips per parcel. In order to determine an average daily number of trips generated by each tax parcel the ITE Trip Generation Manual 9th edition was used.

The ITE trip generation manual is the industry standard for determining trip generation rates. The data within the manual is based on different land uses that have been physically studied throughout the nation. The manual combines the studies for similar land use types to determine average rates for trip per development based on land use variables. Those variables can vary from building SF, to employees, Physical trip counts were determined to be impractical because of the type of developments and the amount of shared access points.

The use of the ITE and the estimated trip generation is an accepted practice for SA projects. In most instances the ITE Trip Generation Manual tends to overestimate the number of trips and when doing a TIA reduction for linked trips and pass by trips are taken. However, in this case no reductions were taken because similar reductions would be applied to all developments resulting in the same percentages. As an example, the City of Madison Wisconsin has found that utilizing trip generation calculations were the most equitable way to assign improvement costs via special assessment for intersection improvement projects. Update to Kohl's parcel from \$11,816.30 to \$44,173.72 with a resulting reduction for all other tax parcels based on the percentages calculated. All calculations were rechecked.

Presentation Complete.

Citizens Comments as they pertain to the Public Hearing

Michelle Mangan - 515 Kettle Woods Ct. and Jean Pierre - 349 Sand Hill Ln - Owners of Albrecht – Sentry. Feels the calculations were unfairly distributed. They do not feel the connection to the roundabout being more than 1000 feet away. They had an event on Saturday. There were 112 cars. They don't see the correlation to the numbers listed in the SEH report. Their attorney has been in contact with the City. This assessment is going to hurt their business. They only found out about this February 2020. They feel this is an unfair assessment based on the square footage, taxes paid, and number of people who come into the store. They would like everything to be looked at instead of how SEH calculated it. Wants it to be fair and equitable.

**No one else present spoke with regards to the Public Hearing. Citizen's Comments were closed.**

Discussion

Josh Willer from SEH stated the hours for each entity are different; the grocery store would have a longer timeframe where people trickle in vs. Kohls that opens later and has different peak times. They take a variety of sizes for their comparison and use the averages and percentages.

Wayne Dehn asked if this was the only method used for this type of calculation.

SEH confirmed this is not the only method. Another method they used skewed the numbers; using parcel size.

Tim Aicher believes the numbers seem accurate based on how often people would visit a grocery store vs. a clothing store. Matt Grimmer agreed.

Kent Attwell confirmed his understanding of the formula being calculated based on the use of the business on a national industry standard.

Matt Grimmer asked if they were weighing these parcels differently than the industry standard would.

Josh Willer explained they use the average rate where they can. In this case, with the traffic analysis, they could have adjusted the trips within the model. They did not do that here with their trip generation information. They did not use the trip counters because of the shared used driveways.

Matt Grimmer asked about the self-reporting of customer numbers.

Mike Court expressed this method might be more difficult to defend.

Jim Hammes explained you would have to double the customer count to get the trip count based on the car coming and going. It also does not take into account the number of occupants in the vehicle.

Mike Court explained, based off of Doug Saloga's question, that they do not used the tax base method to calculate the amount owed. They feel the trip count is the most fair and equitable way to assess the charges to the business owners.

Tom Hafner asked about the number for Verizon. And whether we could apply the retail code to them.

Josh Willer explained this was an estimate. He also explained this is not like your typical retail store because they don't offer the same type of products that Best Buy (for example) has.

Doug Saloga asked of the processes could be blended as long as they are fair across the board.

Jim Hammes explained they have to be done on a reasonable and equitable basis; maybe done by area, front footage, traffic count. The court has stated the traffic count is a valid method. The front footage was not used because of the shared parking areas. Jim asked if the fact that Kohl's has partnered with Amazon and if that was factored in.

Josh Willer indicated it was not taken into consideration.

Tom Hafner confirmed to Doug Saloga's question that blended methods could be used.

Jim Hammes indicated there are generally two methods one of which were used in this calculation. Virtually every municipality does it this way. Jim added people are able to challenge any method.

Tim Aicher asked if there was a calculation that would take into consideration the parking spaces for each property.

Mike Court stated this could be completed based on the City code.

**MOTION BY ALDERMAN GRIMMER, SECOND BY ALDERMAN MAPLES, TO ADJOURN THE PUBLIC HEARING TO APRIL 20, 2020. SEH IS TO BRING BACK THE FOLLOWING BLENDED CALCULATIONS FOR THE SPECIAL ASSESSMENT:**

- 1. USE 50% PARKING SPACE REQUIREMENT PER BUSINESS PER MUNICIPAL CODE AND 50% INDUSTRY STANDARD ITE TRIP GENERATION**
- 2. USE 25% PARKING SPACE REQUIREMENT PER BUSINESS PER MUNICIPAL CODE AND 75% INDUSTRY STANDARD ITE TRIP GENERATION**
- 3. USE 50% INDUSTRY STANDARD ITE TRIP GENERATION AND 50% ASSESSED VALUE OF THE PROPERTY.**

AS THIS IS ADJOURNED, NO ADDITIONAL NOTICE WILL NEED TO BE SENT.

**ALL IN FAVOR. MOTION CARRIED.**

1.) City of Delafield Citizens' Comments.

Pam Weidmeyer – 2740 Nagawicka Avenue – wants the common Council to know about the deer culler device. Wants the common council to know the DNR gave the City permission to use the deer culler device. The DNR then took a step back. The Deer Management sent a letter including the web address – deer culler with a warning. Would like the council to consider this thought and how they would feel in real life. Wayne Dehn sent an email to the paper – “if in the future the use of the device is warranted, we can use the device on public and private land. The DNR would easily give us permission”. From the deer culler website – accept no responsibility for injured animals or people. She would like us to consider to not approve the purchase of the deer culler machine. She would not like anyone to see or hear this device being used.

Greg Dorff – 224 Muir Valley Road – front yard abuts to the conservancy. Used to live in the Town of Brookfield. Has been using the Waukesha County natural trail to get around. Walking on the trail in the winter is dangerous. He called Waukesha County to see who was responsible. Says the last three months has been crazy and the path has not been cleared. Would like to see if we can have it plowed like they

do in the Golf Rd area and make it a requirement for Public Works. He also agrees there should be a path between Sunset View and Indian Springs.

Laura Schult – 935 Bahr Road - Knows Sunset View. The plows can neither go up or down the road. It has not been used for over 40 years. There are big logs across the roads, the plows cannot go up and down – she does not understand why they would like a pedestrian path there.

Steve Reardon - 2019 Hillside Court – Would like to get from their subdivision to the Indian Springs area. There is no ability for people to walk from the downtown area to the movie cinemas or Home Depot. There used to be a road to walk and take bikes on – he and his neighbors have talked about how they cannot get through. He is not asking for a road, but maybe an easement or path to allow them to get from one side to the other. He doesn't want cars or automobiles.

**Hearing no one else present wishing to speak at this time, Citizen's Comments were closed.**

2.) Consent Agenda

- a. Common Council Minutes [March 2, 2020](#).
- b. Approve and Issue Licenses
- c. 2020 Arbor Day Proclamation

**MOTION BY ALDERMAN AICHER, SECOND BY ALDERWOMAN VALDE, TO APPROVE THE CONSENT AGENDA AS PRESENTED.**

**ALL WERE IN FAVOR. MOTION CARRIED.**

3.) Committee Reports

a. Licenses

- i. Discussion and possible action on the Temporary Class "B"/"Class B" Retailers License for St Johns Northwestern Military Academy for their Excalibur to be held on April 25, 2020.

**MOTION BY ALDERMAN GRIMMER, SECOND BY ALDERMAN AICHER, TO APPROVE THE TEMPORARY CLASS "B"/"CLASS B" RETAILERS LICENSE FOR ST JOHNS NORTHWESTERN MILITARY ACADEMY FOR THEIR EXCALIBUR TO BE HELD ON APRIL 25, 2020.**

**ALL WERE IN FAVOR. MOTION CARRIED.**

b. Plan Commission (Ald. Tim Aicher until April 2020)

- i. Discussion and possible action regarding an amended specific implementation plan for Holliday Inn Express, 3030 Golf Road, Delafield, identified as tax key DELC 0804.993.003. The proposed specific implementation plan amendment proposes a building addition that does not increase impervious surface lot coverage. This action was unanimously recommended by the Plan Commission at their January 29, 2020 meeting, contingent upon site plan amendments regarding the expansion of the existing dumpster enclosure which was deferred to staff.

**MOTION BY ALDERMAN AICHER, SECOND BY ALDERMAN DEHN, TO APPROVE AN AMENDED SPECIFIC IMPLEMENTATION PLAN FOR HOLLIDAY INN EXPRESS, 3030 GOLF ROAD, DELAFIELD, IDENTIFIED AS TAX KEY DELC 0804.993.003. THE PROPOSED SPECIFIC IMPLEMENTATION PLAN AMENDMENT PROPOSES A BUILDING ADDITION THAT DOES NOT INCREASE IMPERVIOUS SURFACE LOT COVERAGE. THIS ACTION WAS UNANIMOUSLY RECOMMENDED BY THE PLAN COMMISSION AT THEIR JANUARY 29, 2020 MEETING, CONTINGENT UPON SITE**

**PLAN AMENDMENTS REGARDING THE EXPANSION OF THE EXISTING DUMPSTER ENCLOSURE WHICH WAS DEFERRED TO STAFF.**

**ALL WERE IN FAVOR. MOTION CARRIED.**

Note for the next meeting – Alderman Tim Aicher expects to see Hendricks on the next Plan Commission agenda.

- c. Lake Welfare Committee (Ald. Kevin Maples until April 2020)
  - i. SEWRPC Survey waiting for DNR review.
  - ii. Welcome to the Lake program. New lake property owners.
  - iii. US Coast Guard boating courses – located at North Shore Middle School and Pewaukee Lake Yacht Club.
  - iv. Next meeting April 8<sup>th</sup>.
- d. Park and Recreation Commission (Ald. Matt Grimmer until April 2020) – No meeting, no report.
- e. Public Works Committee (Ald. Wayne Dehn until April 2020)

Tom Hafner went over the Public Works items from the last agenda: Hendricks engineering plans for 705 Genesee St, Street Improvement Program, Roundabout landscaping, Speed Bumps, etc. – refer to the minutes for more detail.

Three different bids came in February 2020: no action for Nagawicka Road at this time; the next two bids are being addressed below:

- i. Discussion and possible action to award a construction contract to Payne & Dolan, Inc. in the amount of \$427,152.13 for the 2020 Street Improvement Program, as unanimously recommended by the Public Works Committee at their March 4, 2020 meeting.

**MOTION BY ALDERMAN DEHN, SECOND BY ALDERMAN AICHER, TO APPROVE THE AWARD OF A CONSTRUCTION CONTRACT TO PAYNE & DOLAN, INC. IN THE AMOUNT OF \$427,152.13 FOR THE 2020 STREET IMPROVEMENT PROGRAM, AS UNANIMOUSLY RECOMMENDED BY THE PUBLIC WORKS COMMITTEE AT THEIR MARCH 4, 2020 MEETING.**

**ALL WERE IN FAVOR. MOTION CARRIED.**

- ii. Discussion and possible action to award a construction contract to Property Solutions, Inc. in the amount of \$44,620.00 for the Golf Road Roundabout Landscaping Project, as unanimously recommended by the Public Works Committee at their March 4, 2020 meeting.

**MOTION BY ALDERMAN DEHN, SECOND BY ALDERWOMAN VALDE, TO APPROVE THE AWARD OF A CONSTRUCTION CONTRACT TO PROPERTY SOLUTIONS, INC. IN THE AMOUNT OF \$44,620.00 FOR THE GOLF ROAD ROUNDABOUT LANDSCAPING PROJECT, AS UNANIMOUSLY RECOMMENDED BY THE PUBLIC WORKS COMMITTEE AT THEIR MARCH 4, 2020 MEETING.**

**ALL WERE IN FAVOR. MOTION CARRIED.**

- f. Del-Hart Commission (Ald. Tim Aicher until April 2020) – No meeting, no report until May or so.
- g. Police Commission (Ald. Doug Saloga until April 2020)
  - i. Meeting Postponed until April 30<sup>th</sup>, 2020. Packet and date information changed.
- h. Library Board (Ald. Jackie Valde until April 2020)
  - i. Met last Tuesday.

- ii. The Director and the Board have decided to close the library today at 6:00pm. No fees will be assessed. No deliveries will be made.
- i. Zoning Board of Appeals (Ald. Jim Behrend until April 2020) – No meeting, no report.
- j. Promotion & Tourism Commission (Ald. Doug Saloga until April 2020)
  - i. Refer to the minutes.
- k. Lake Country Fire Commission (Mayor to report as needed) – No meeting, no report.
- l. Lake Country Fire Board (Ald. Matt Grimmer until December 2020) – No meeting
  - i. CoVID-19 update: Waukesha County has a supply of personal protective equipment (PPE). First responders can get as needed. The Chief has been in contact. PPE training has occurred. Implements a screening tool for 9-1-1 calls. Lake Country Fire and Rescue Department has cancelled all of their public events. Waukesha County has 3 confirmed cases at the time of this meeting.
- m. Tree Board (Ald. Matt Grimmer until April 2020) – No meeting, no report.
- n. Deer Management Committee (Ald. Dehn until April 2020) – No meeting, no report.

4.) Unfinished Business

- a. Discussion and possible action regarding the lease between the City of Delafield and the Delafield American Legion. The Park and Recreation Commission recommended termination of the lease at their August 26<sup>th</sup> meeting. Item was postponed on the September 16, 2019 and October 7, 2019 Common Council meetings. Scheduled to come back in March.

Presenters: American Legion representative - George Gundlach

Have taken a look in the past and what will need to be done going forward. They are having difficulties with funds. No matter what they outcome, they will still be here. The American Legion does the Coon Feed, 4<sup>th</sup> of July Parade, Lucky Duck Race, and Car Show.

**MOTION BY ALDERMAN GRIMMER, SECOND BY ALDERWOMAN VALDE, TO END THE CONTRACT WITH THE AMERICAN LEGION ON DECEMBER 31, 2020 WITH THE FOLLOWING CAVEATS: CONTINUE TO CUT THE GRASS FOR THE REST OF 2020, CONTINUE TO PLOW THE PARKING LOT AND PAY \$450.00 (CAP) FOR UTILITY BILLS UNTIL SUCH TIME AS THE COMMON COUNCIL DETERMINES OTHERWISE.**

**5 WERE IN FAVOR WITH DEHN VOTING NAY. MOTION CARRIED.**

- b. Discussion and possible action regarding a revised proposal from Jeff Tjugum for the City to sell the northern leg of Sunset View Drive, at a nominal cost, in exchange for a pedestrian access easement that would result in pedestrian connectivity between Hillside Drive and Indian Spring Drive, with no cost share from the City.

**MOTION BY ALDERMAN AICHER, SECOND BY ALDERMAN MAPLES, TO NEGOTIATE TO SELL THE LAND ON SUNSET VIEW.**

**ALL WERE IN FAVOR. MOTION CARRIED.**

5.) Mayor's Report

- a. Update regarding city response to COVID-19 virus pandemic.

6.) New Business

- a. Discussion and possible action to allow the City Clerk to approve Operator (Bartender) licenses at the City after a police background check has been completed.

**MOTION BY ALDERMAN AICHER, SECOND BY ALDERMAN MAPLES, TO ALLOW THE CITY CLERK TO APPROVE OPERATOR (BARTENDER) LICENSES AT THE CITY AFTER A POLICE BACKGROUND CHECK HAS BEEN COMPLETED.**

**ALL WERE IN FAVOR. MOTION CARRIED.**

- b. Discussion and possible action regarding payment of City employees in cases of disruption of the normal work schedule due to the COVID-19 virus pandemic, including school closures requiring employees to stay at home with their children, possible quarantine, and/or possible closure of City Hall if determined to be appropriate in the future.

**MOTION BY ALDERMAN MAPLES, SECOND BY ALDERMAN GRIMMER TO ALLOW THE USE OF SICK LEAVE FOR COVID-19 RELATED REASONS UNTIL FURTHER NOTICE; AT THE DISCRETION OF THE CITY ADMINISTRATOR.**

**ALL WERE IN FAVOR. MOTION CARRIED.**

7.) Report of City Officials

a. Administrator

- i. Finance Officer/Treasurer hiring process.
  - 1. Currently we have one applicant. The application is strong.
- ii. Budget development has begun for 2021.
  - 1. Referendum questions are now able to be placed on the August ballot. The question needs to be approved at the May Common Council meeting.

b. Clerk

- i. Discussion and action on the Voucher List.

**MOTION BY ALDERMAN DEHN, SECOND BY ALDERMAN MAPLES, TO APPROVE THE VOUCHER LIST AS SUBMITTED.**

**ALL IN FAVOR. MOTION CARRIED.**

- ii. Update regarding spring election and presidential preference primary on April 7, 2020.
  - 1. The Church is closed. The election, if it still continues, will be held at the City Hall. The website has been updated, the County has been informed, signs will be posted, a person will be stationed at the church, the County Health Department has been informed.

c. Council requests for future agenda items – None.

8.) Correspondence – None.

9.) Adjournment

There was no further business. The meeting was adjourned at 8:55 PM.

Minutes transcribed by: Michelle Luedtke

Minutes approved on: 4/20/2020