

CITY OF DELAFIELD COMMON COUNCIL MINUTES

YouTube Video Link: <https://www.youtube.com/watch?v=5UuglGWsup4&t=538s>

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
Jim Behrend, Ald. D2

Absent

Jackie Valde, Ald. D3

Wayne Dehn, Ald. D4
Matt Grimmer, Ald. D5
Phil Kasun, Ald. D6
Tim Aicher, Ald. D7
Kent Attwell, Mayor
Tom Hafner, Administrator/ City of Public Works Director

1.) City of Delafield Citizens' Comments

Susie Thompson, 700 Milwaukee Street – pointed out the map for the art walk and was excited it was going to happen, complemented I.D.'s, Music on the Hill event and spoke about the potential cuts to police services and staff. She is worried about what would happen if we cut police services. She is also worried about cuts to public works staff, especially in the winter. She complimented City Administrator, Tom Hafner's, budget options and how he highlighted options 1 – 4. She agrees with option 1. She has talked to a lot of people that would agree with a wheel tax and a smaller levy increase. Delafield is considered a high standard and she would hate to see Delafield at a lower standard.

Mary Daniel, 309 Wisconsin Avenue – spoke on item New Business 6.g., preliminary 2021 operating budget. Debt Service projection is up 5.25% and the General Fund projection is up .75%. The operating budget is on the agenda for this meeting and the capital budget is part of that because we have to pay for capital projects that we have borrowed for. She asked how much we still owe on the City Hall/Library and Fire/Police buildings. What do we have to start paying for the Bark River restoration and St. John's Park? What is still left to pay on the Golf Road round-a-bout? She spoke about the City's portion of the hotel tax for 2021 is capped by Act 55 at \$241,586.68. The preliminary budget for the hotel tax is \$352,087. Where will the difference come from? The revenue for the Fish Hatchery is the same as last year at \$25,000. She has noticed on the voucher list that there are a lot of refunds for cancellations, and maybe this should be reevaluated. She asked for someone to answer her questions after the meeting. The preliminary operating budget is a lot of numbers and time and she thanked those who have worked on it.

John Schaal, 130 Stocks Drive – He has been a cop for about 25 years. He and his wife moved here about 12 years ago because it is a nice community. It is upsetting that they are considering cutting police positions. He asked how many of them have gone on a ride-a-long with a cop and urged them to not make any decisions until they do. We cannot afford to drop the numbers. The Delafield police do a fantastic job. He also complimented Administrator Hafner on doing a fantastic job. He is sure all of his neighbors think the same way he does.

Hearing no one else present who wishes to speak - citizen's comments were closed.

2.) Consent Agenda

a. Common Council Minutes [August 3, 2020](#).

MOTION BY ALDERMAN AICHER, SECOND BY ALDERMAN KASUN, TO APPROVE THE CONSENT AGENDA AS PRESENTED.

ALL WERE IN FAVOR. MOTION CARRIED.

3.) Committee Reports

- a. Licenses – none.
- b. Plan Commission (Ald. Tim Aicher until April 2021)
 - i. Discussion and possible action for a Certified Survey Map and Special Exception for Michael and Courtney Roehl to modify the interior lot line of their properties located at 1475 Weber Court and 1525 Weber Court; further identified by tax keys DELC0783.005 and DELC0783.004. Recommended by the Plan Commission at their July 29th meeting.

MOTION BY ALDERMAN AICHER, SECOND BY ALDERMAN BEHREND, TO APPROVE A CERTIFIED SURVEY MAP AND SPECIAL EXCEPTION FOR MICHAEL AND COURTNEY ROEHL TO MODIFY THE INTERIOR LOT LINE OF THEIR PROPERTIES LOCATED AT 1475 WEBER COURT AND 1525 WEBER COURT; FURTHER IDENTIFIED BY TAX KEYS DELC0783.005 AND DELC0783.004.

ALL WERE IN FAVOR. MOTION CARRIED.

- ii. Discussion and possible action regarding a Certified Survey Map and Storm Water Maintenance Agreement for Delasota, LLC to divide a property into two lots located at 2980 Golf Court; further identified by tax key DELC 0804.982.001. Recommended by the Plan Commission at their June 24, 2020 meeting.

MOTION BY ALDERMAN AICHER, SECOND BY ALDERMAN BEHREND, TO APPROVE A CERTIFIED SURVEY MAP AND STORM WATER MAINTENANCE AGREEMENT FOR DELASOTA, LLC TO DIVIDE A PROPERTY INTO TWO LOTS LOCATED AT 2980 GOLF COURT; FURTHER IDENTIFIED BY TAX KEY DELC 0804.982.001.

ALL WERE IN FAVOR. MOTION CARRIED.

- c. Lake Welfare Committee (Ald. Phil Kasun until April 2021)
 - i. Next meeting in 2 weeks.
 - ii. Upcoming item will be boat rental slips.
- d. Park and Recreation Commission (Ald. Matt Grimmer until April 2021) – No meeting, no report.
- e. Public Works Committee (Ald. Jim Behrend until April 2021)
 - i. Request to eliminate no parking on Mill Street.
 - ii. Discussion and possible action regarding the proposed detour route for the Waukesha County CTH C/Hasslinger Drive project. The Public Works Committee unanimously recommended approval of the proposed detour route at their August 5, 2020 meeting.

MOTION BY ALDERMAN BEHREND, SECOND BY ALDERMAN AICHER, TO APPROVE THE PROPOSED DETOUR ROUTE FOR THE WAUKESHA COUNTY CTH C/HASSLINGER DRIVE PROJECT.

ALL WERE IN FAVOR. MOTION CARRIED.

- f. Del-Hart Commission (Ald. Tim Aicher until April 2021)
 - i. Pending solar panel installation and agreements.
- g. Police Commission (Ald. Doug Saloga until April 2021) – No meeting, no report.
 - i. Meeting is next Wednesday.
- h. Library Board (Ald. Jackie Valde until April 2021) – No report.

- i. Zoning Board of Appeals (Ald. Phil Kasun until April 2021) – No meeting, no report.
- j. Promotion & Tourism Commission (Ald. Jim Behrend until April 2021)
 - i. Meeting was rescheduled for tomorrow due to the election.
- k. Lake Country Fire Commission (Mayor to report as needed) – No meeting, no report.
- l. Lake Country Fire Board (Ald. Matt Grimmer until December 2021)
 - i. Audit - continue to retain 250,000 in a contingency/rainy day fund, not to be used by new members.
 - ii. Omission in 2020 budget - paramedic refresher course which amounted to roughly \$51,000 and is funded by unassigned reserve funds.
 - iii. Allocated \$25,000 from unassigned fund for Covid-19 expenses.
 - iv. Allocated 78.8% in unassigned fund balance to the City of Delafield in the amount of \$61,238.
- m. Tree Board (Ald. Matt Grimmer until April 2021) – No meeting, no report.
- n. Deer Management Committee (Mayor to report as needed)
 - i. The first meeting of the year is on Wednesday.

4.) Unfinished Business

- a. None.

5.) Mayor's Report

- a. None.

6.) New Business

- a. Discussion and possible action regarding a proposed ordinance to add subsection 50-4.(d)(3)d. to the municipal code of the City of Delafield regarding properties meeting certain specified criteria not being subject to the city's mandatory sewer connection requirements.

Administrator Hafner explained the property that is in question that was discussed by the Council two meetings ago. The property owner is looking to sell the property that is on septic and by our code it would require the property to connect to sewer within one year of the sale. The lateral length is over 1,000 feet long and the cost of the installation would be over \$100,000. Hafner looked into a set of criteria that would make sense for a property like this, but also minimize how many properties it would apply to. They did a query on properties that are not on sanitary sewer but have access to it. They also looked at their size, how long of a lateral would be needed and how close they are to any lake, river or creek. These circumstances only apply to this one property.

MOTION BY ALDERMAN AICHER, SECOND BY ALDERMAN BEHREND, TO APPROVE AN ORDINANCE TO ADD SUBSECTION 50-4.(D)(3)D. TO THE MUNICIPAL CODE OF THE CITY OF DELAFIELD REGARDING PROPERTIES MEETING CERTAIN SPECIFIED CRITERIA NOT BEING SUBJECT TO THE CITY'S MANDATORY SEWER CONNECTION REQUIREMENTS PROVIDED THAT THE TEXT IS CHANGED TO SAY EXISTING RESIDENTIAL PROPERTIES AT THE BEGINNING OF THE ORDINANCE.

ALL WERE IN FAVOR. MOTION CARRIED.

- b. Discussion and possible action regarding request from the Delafield Chamber of Commerce for approval of the Fall Art Walk and Halloween in Delafield community events that are expected to exceed the Waukesha County large gathering size recommendation. Presentation to be made by representatives of the Delafield Chamber of Commerce with their plan to provide for appropriate social distancing, hygiene accommodations, and precautionary measures to safely accommodate the proposed large gathering size.

Peggy Olson, President of the Delafield Chamber of Commerce, 154 Pine Street, Oconomowoc and Megan Braatz, Executive Director of the Delafield Chamber of Commerce, 2216 Patrick Lane, Waukesha, were present to ask for an exception to the Waukesha County guidelines for mass gatherings for the Fall Art Walk. Braatz explained that they have capped the number of artists to 30 for social distancing. They are requiring artists to wear masks and have hand sanitizer at all of their booths. She mentioned how important this event is and made the Council aware that the Pewaukee Chamber has had to close their doors and Hartland is very close. Olson also commented on how important the event is and that it is an outside event.

Grimmer – The County order doesn't specify inside or outside.

Aicher – Recommended they put out on social media all that they are doing to make it a safe event.

MOTION BY ALDERMAN AICHER, SECOND BY ALDERMAN BEHREND, TO APPROVE THE REQUEST FROM THE DELAFIELD CHAMBER OF COMMERCE FOR APPROVAL OF THE FALL ART WALK COMMUNITY EVENT THAT IS EXPECTED TO EXCEED THE WAUKESHA COUNTY LARGE GATHERING SIZE RECOMMENDATION.

Behrend – Does not want to see cameras and they should ask the participants to follow the rules and procedures.

Grimmer – Would like a fail-safe if the crowds were to get out of hand.

ALL WERE IN FAVOR. MOTION CARRIED.

Administrator Hafner noted that the Halloween in Delafield event was also on the agenda but the Chamber of Commerce will be coming back to another meeting for that event.

- c. Discussion and possible action regarding a Solar Now Service Agreement between the City of Delafield and WE Energies to host a Solar PV System on the City owned property located at 218 North Cushing Park Road, Delafield, WI (Tax Key DELC 0793-990-002).

MOTION BY ALDERMAN BEHREND, SECOND BY ALDERMAN AICHER, TO APPROVE A SOLAR NOW SERVICE AGREEMENT BETWEEN THE CITY OF DELAFIELD AND WE ENERGIES TO HOST A SOLAR PV SYSTEM ON THE CITY OWNED PROPERTY LOCATED AT 218 NORTH CUSHING PARK ROAD, DELAFIELD, WI (TAX KEY DELC 0793-990-002).

ALL WERE IN FAVOR. MOTION CARRIED.

- d. Discussion and possible action regarding a Solar Ground Lease Agreement between the City of Delafield and WE Energies to host an electric power generating photovoltaic solar panel array and connector equipment on the City owned property located at 218 North Cushing Park Road, Delafield, WI (Tax Key DELC 0793-990-002).

MOTION BY ALDERMAN BEHREND, SECOND BY ALDERMAN AICHER, TO APPROVE A SOLAR GROUND LEASE AGREEMENT BETWEEN THE CITY OF DELAFIELD AND WE ENERGIES TO HOST AN ELECTRIC POWER GENERATING PHOTOVOLTAIC SOLAR PANEL ARRAY AND CONNECTOR EQUIPMENT ON THE CITY OWNED PROPERTY LOCATED AT 218 NORTH CUSHING PARK ROAD, DELAFIELD, WI (TAX KEY DELC 0793-990-002).

ALL WERE IN FAVOR. MOTION CARRIED.

- e. Discussion and possible action regarding a Memorandum of Solar Ground Lease Agreement to be recorded for the purpose of giving public notice of the existence of the Solar Ground Lease Agreement between the City of Delafield and WE Energies on the City owned property located at 218 North Cushing Park Road, Delafield, WI (Tax Key DELC 0793-990-002).

MOTION BY ALDERMAN AICHER, SECOND BY ALDERMAN GRIMMER, TO APPROVE A MEMORANDUM OF SOLAR GROUND LEASE AGREEMENT TO BE RECORDED FOR THE PURPOSE OF GIVING PUBLIC NOTICE OF THE EXISTENCE OF THE SOLAR GROUND LEASE AGREEMENT BETWEEN THE CITY OF DELAFIELD AND WE ENERGIES ON THE CITY OWNED PROPERTY LOCATED AT 218 NORTH CUSHING PARK ROAD, DELAFIELD, WI (TAX KEY DELC 0793-990-002).

ALL WERE IN FAVOR. MOTION CARRIED.

- f. Presentation by Police Chief Erik Kehl regarding the impact of a potential Police Department staffing reduction, possible services to cut, and the Police Department budget.

Police Chief Erik Kehl addressed the budget issues from the perspective of the Police Department. He made a broader argument that the Police Department is not alone and all of our departments would suffer in their operations and their ability to provide services with staffing reductions. Reduction in staff would force them to be more reactive instead of proactive. Optional services that would be eliminated are included in this presentation. He is asking the elected officials to help him make that decision. He then went over the budget comparisons and noted one change in the personnel costs. The percent for longevity is .25% higher for union officers. The proposed increase is \$17,000 for personnel. Their total budget this year is 90% for personnel and 10% to do everything else and next year it is 8%. There are items that can be cut to save about \$40,000. This includes all of the training budget for next year. It also includes membership to the tactical team and the investigation unit. The biggest portion includes supplies and equipment maintenance. All cuts will have an impact. Laying off even one officer will have an impact. It would also have an impact in the future for recruiting new officers. Allowing the people to have the say is important. If the community decides they do not want to pay any more, then we scale back. We cannot sustain what we do now if we cut resources. He mentioned that the Police Department is not peculiar in that fact and that DPW and the Clerk's office would take longer to do what they do with less staff.

Grimmer – The consensus is that they do a great job. These are difficult times that require decisions that could be considered draconian and unfortunate. They discussed the types of training that would be cut.

Aicher – Appreciates Kehl's work on this. He mentioned that his approach is reverse of a zero-based budget. It is not a single incident that has caused the budget issues. He agrees that they should let the neighbors make the decision on whether this is rationalized or not.

Grimmer – Asked Kehl to explain less citations. Kehl said it is due to the pandemic and the Safer at Home order. Court was postponed for two months and he instructed his officers not to enforce minor offenses due to the potential Covid-19 exposure. He does not believe in writing more tickets as a revenue source.

Hafner clarified that court penalties and costs is down this year but police citations are actually up. The budget for the year is \$8,000 and through August 10th we have \$13,467. Court penalties and costs is budgeted for \$120,000 and through August 10th only \$23,000 has come in. Kehl explained that some of the revenue this year is from citations at the end of 2019. It takes time to go through the process.

Grimmer – Asked about overtime. There has been consistent overtime even though we hired two additional officers in 2017. Kehl explained there is more people and more activity. He gave an example such as drunk driving that can take several hours to process. Boat Patrol also creates a lot of overtime. They do receive some funds back from the DNR, but it is always unknown as to how much to expect. Hafner stated we typically get around \$20,000 - \$30,000 per year.

Kasun – Believes the Police Department is doing a great job and that training is critical. He would like an overview of how many officers are on each shift. Kehl explained that there are typically two sworn officers each shift but sometimes there is only one and very rarely there would be three. There is still some need for mutual aid but there is much less need now.

Behrend – Spoke about the two officers that were hired in 2017. One of those officers is now in the Detective position. There was more overtime before those hires were made, but overtime cannot be completely eliminated.

g. Discussion and possible action regarding the preliminary 2021 operating budget.

Hafner explained the four budgets that were included in the ePacket. Budget #1 assumes no staffing cuts, 2% pay increases, a wheel tax and a successful referendum of about \$100,000. There are still a lot of unknowns with the numbers in the documents. Budget #2 is the same as #1 except without the wheel tax and a successful referendum of about \$250,000. Budgets #3 and #4 are assuming not going to referendum or a failed referendum. Positions would have to be cut to balance the budget. Cutting one police officer would save around \$120,000 in the general fund, one public works position saves about \$77,000 in the general fund and one administrative position would save about \$31,000 in the general fund. Budget #3 still assumes a 2% pay increase. The numbers for #3 and #4 changed slightly due to a mistake that was found. He emailed the Council earlier in the day and before the meeting gave them a two-page handout. First page is budget #3, revised 8/17/20, and the second page is budget #4, revised 8/17/20. With budget #3 there is still a \$18,740 budget deficit. Budget #4 is the same as #3 except the pay increases are 0%. With #4 there would be a surplus of about \$27,000. This would allow a 1% pay increase and have a balanced budget.

Grimmer, Attwell, Dehn – Do not support a wheel tax.

Saloga – A wheel tax only affects residential not businesses.

Behrend – Retail areas are a big component and he would prefer to have an increase to property tax.

MOTION BY ALDERMAN GRIMMER, SECOND BY ALDERMAN DEHN TO NOT MOVE FORWARD WITH A WHEEL TAX.

ALL WERE IN FAVOR. MOTION CARRIED.

Aicher – The wheel tax is now off the table so we cannot impose it if a referendum fails.

Grimmer – Offered a budget #5. The goal is to make it through this with cutting as few employees as possible, without raising taxes as best we can and still continue to provide our core services. Some of the cuts he is proposing could save one of the positions from being cut if a referendum fails. He suggested a decrease to council and committee salaries, eliminate employee engagement, end the league membership, end tuition reimbursement, suspend Deer Management for a year, suspend Lake Welfare goose roundup, mailings and weed control, suspend the Bleeker Street attendant, eliminate the Waukesha County Center for Growth and eliminate the Communicator. Also recommends utilizing the remaining \$20,000 in the Fund

Balance, pass a 1% raise to nonunion employees and 0% for union employees. All of this meets the \$247,000 with only two layoffs – DPW and Clerk.

Kasun – There is another option to look at reducing capital improvements.

Hafner clarified that reducing capital expenses does not change our levy limit for operating costs.

Behrend – We would be well advised that if we are going out for a referendum that we should hold off on some of these capital projects that are controversial.

Grimmer – Proposing budget #5 in lieu of having a referendum.

Aicher – Asking permission to spend the money, doesn't mean we have to spend the money. Not asking for a referendum eliminates budget option #2.

Dehn – Asked how much would the referendum would cost taxpayers – \$18 per \$100,000 in property value.

Aicher – A referendum takes the decision out of the Council's hands and put it in the voters' hands.

Dehn – Leaning towards budget #2 and go to a referendum. If it fails it will force us to make the cuts.

MOTION BY ALDERMAN DEHN SECONDED BY ALDERMAN SALOGA TO APPROVE PRELIMINARY BUDGET #2.

5 IN FAVOR WITH GRIMMER VOTING NAY. MOTION CARRIED.

- h. Discussion and possible action regarding a resolution approving a referendum for allowing the City of Delafield to exceed the state-imposed property tax levy limit.

Hafner explained how the resolution is worded. The language includes the total amount we need in the levy. This would not use any of our fund balance and there would be about \$20,000 above the 20% minimum needed in the fund balance. Mayor Attwell stated that if any citizen has ideas as to where we can make cuts besides cutting employees to please email him. Saloga asked about why the resolution is for five years and Hafner explained that Mayor Attwell requested five years and there are developments coming up in the next few years that would increase our levy.

MOTION BY ALDERMAN AICHER, SECOND BY ALDERMAN DEHN, TO APPROVE RESOLUTION 2020-XX ON PAGE 158 OF THE PACKET, APPROVING A REFERENDUM FOR ALLOWING THE CITY OF DELAFIELD TO EXCEED THE STATE IMPOSED PROPERTY TAX LEVY LIMIT WITH AN INCREASE OF 7% TO THE LEVY.

Aicher would like the explanation of how much approximately per \$400,000 it would cost included in the resolution if allowed by legal counsel.

AICHER AMENDED THE MOTION TO ADD TO THE END OF THE RESOLUTION THIS WOULD RESULT IN AN APPROXIMATE TAX INCREASE OF \$72 PER YEAR FOR A \$400,000 PROPERTY. IF LEGAL COUNSEL ALLOWS.

5 IN FAVOR WITH GRIMMER VOTING NAY. MOTION CARRIED.

- i. Discussion and possible action, as requested by Mayor Attwell, regarding trick-or-treat in the City of Delafield in 2020.

Mayor Attwell explained that trick-or-treat is always voluntary if you want to participate so he is in favor of continuing to it.

MOTION BY ALDERMAN GRIMMER, SECOND BY ALDERMAN AICHER, TO APPROVE TRICK-OR-TREAT ON OCTOBER 31ST AND WITH THE SAME HOURS AS LAST YEAR.

ALL WERE IN FAVOR. MOTION CARRIED.

- 7.) Report of City Officials
 - a. Administrator – None.
 - b. Clerk
 - i. Discussion and action on the Voucher List.

MOTION BY ALDERMAN DEHN, SECOND BY ALDERMAN AICHER, TO APPROVE THE VOUCHER LIST.

ALL WERE IN FAVOR. MOTION CARRIED.

- c. Council requests for future agenda items

- 8.) Correspondence – None.

- 9.) Adjournment
 - There was no further business. The meeting was adjourned at 9:11 PM.

Minutes transcribed by: Mary Green
Minutes approved on: September 21, 2020