



**CITY OF DELAFIELD
MEETING MINUTES
COMMON COUNCIL**

Mayor: Kent Attwell

Council President: Alderperson Tim Aicher

Alderspersons: Matt Grimmer, Danielle Henry, Paul Price, Mark Schaefer, Dirk Wilken, Jackie Valde

August 21, 2023

7:00 PM

City Hall, Council Chambers
500 Genesee St.

Regular Meeting

DRAFT

[YouTube Link](#)

1. Call to Order

The meeting was called to order at 7:02 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
Dirk Wilken, 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
Dan Vliet, City Labor Attorney
Molly Schneider, City Clerk

4. Moment of silence in honor of long-time City of Delafield Municipal Judge C. Michael Hausman, who passed away on Wednesday, August 16, 2023.

A moment of silence was taken in honor of long-time City of Delafield Municipal Judge C. Michael Hausman, who passed away on Wednesday, August 16, 2023.

5. Approval of the following meeting minutes:

A. [July 17, 2023](#) Regular Meeting.

Motion by Aicher, seconded by Schaefer, to approve the minutes of the July 17, 2023 Regular Meeting, as presented.

All in favor. Motion carried.

6. City of Delafield Citizen Comments

7. Matters for possible Closed Session

The Council will reconvene in open session after completion of the closed session to consider the balance of the agenda.

A. Motion to convene into closed session pursuant to the provisions of Wis. Stat. 19.85(1)(e), Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically, discussion between the City Council and the City's labor attorney to provide direction regarding the upcoming collective bargaining for a successor agreement between the Delafield Professional Police Association and the City of Delafield (current agreement is set to expire on December 31, 2023).

Motion by Aicher, seconded by Price, to convene into closed session at 7:03 PM, pursuant to the provisions in items 7.A.

Roll Call Vote (AYE/NAY):

| | AYE | NAY |
|----------|----------|-------|
| Henry | <u>X</u> | _____ |
| Schaefer | <u>X</u> | _____ |
| Valde | <u>X</u> | _____ |
| Wilken | <u>X</u> | _____ |
| Grimmer | <u>X</u> | _____ |
| Price | <u>X</u> | _____ |
| Aicher | <u>X</u> | _____ |

Motion carried.

B. Motion to re-convene into Open Session.

Motion by Aicher, seconded by Grimmer, to reconvene into open session at 8:11 PM.

Roll Call Vote (AYE/NAY):

| | AYE | NAY |
|----------|----------|-------|
| Henry | <u>X</u> | _____ |
| Schaefer | <u>X</u> | _____ |
| Valde | <u>X</u> | _____ |
| Wilken | <u>X</u> | _____ |
| Grimmer | <u>X</u> | _____ |
| Price | <u>X</u> | _____ |
| Aicher | <u>X</u> | _____ |

Motion carried.

C. Discussion and possible action regarding items discussed in closed session.

No action.

8. 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.

A. Approve a Resolution establishing the City of Delafield Library Levy, as required to obtain an exemption from the 2023 Waukesha County tax levy for 2024 budget purposes.

Motion by Aicher, seconded by Wilken, to approve resolution 2023-13, with the correction to the number in the 3rd paragraph to be \$0.215554 per \$1000.

Discussion: Wilken noted that there was a typo in the resolution and the rate in the third paragraph should be changed to be \$.215554 per \$1000. Hafner suggested that it would be appropriate to pass the resolution based on staff revising the resolution to match the minimum levy required.

Aicher amended the motion to establish levy to be at the minimum levy required from the county. Wilken seconded the amendment.

All in favor. Motion carried.

9. 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

A. Discussion and possible action regarding issuing the 2023-2024 “Class B” Liquor and Class “B” Beer Alcohol Beverage Retail License conditionally surrendered by Wisconsin Apple (DBA Applebee’s), to SBG Apple North VII, LLC (DBA 863-Applebees).

Schneider explained this request is a standard request when franchise ownership changes and has happened previously for this entity. The license is surrendered conditionally upon the Common Council granting the license to the new buyers. It may be beneficial to put a timeline on the request.

The representative for Applebee's indicated that they intended the closing to occur around August 15, 2023.

Motion by Valde, seconded by Grimmer, to approve issuing the 2023-2024 "Class B" Liquor and Class "B" Beer Alcohol Beverage Retail License conditionally surrendered by Wisconsin Apple (DBA Applebee's), to SBG Apple North VII, LLC (DBA 863-Applebees) with a limit of 60 days.

All in favor. Motion carried.

- B.** Discussion and possible action to consider approval of the request to pursue the purchase of a Reserve "Class B" Liquor License from the Town of Delafield on behalf of Brunch Delafield, LLC.

Stephanie Friemoth and Bill Friemoth were present to discuss the request.

Schneider explained that the applicant is proposing a business for The Grain and would like to pursue purchasing a license from the Town of Delafield. We received an informal price from the Town and if the Common Council approves the license purchase, the Town of Delafield would formally consider the transfer at the next Town Board meeting. Schneider explained that the process should mirror the purchase that occurred for Contento.

S. Friemoth explained that the business would hope to be open by next year and it is intended to be an upscale brunch location.

Attwell asked if the restaurant was a new endeavor. S. Friemoth explained their experience and the business partner would be the franchise owner.

Grimmer asked for clarification as to whether this was the Town of Delafield's last liquor license. Schneider confirmed this was the last license that Town of Delafield is allowed by statutes to sell.

Grimmer asked if the City of Delafield gained a license based on population count and suggested that this was the last license that the City of Delafield would be able to issue. Schneider noted that the population went down, so there was not license gained in that manner, but that there were inquiries out to other municipalities regarding interest in transferring licenses.

Schafer noted that the signed agreement included obligates the applicant to pay the purchase fee for the license. Schneider clarified that City of Delafield cannot pay the fee, and statutes require the applicant to pay the fee, which ultimately gets paid to the Town of Delafield for the license.

Motion by Grimmer, seconded by Wilken, to approve the request to pursue the purchase of a Reserve "Class B" Liquor License from the Town of Delafield on behalf of Brunch Delafield, LLC.

All in favor. Motion carried.

- C.** Discussion and possible action regarding increasing the Reserve license fee, as requested by Mayor Attwell.

Attwell explained that the City has purchased a license on behalf of applicants for a price of \$30,000. The City's fee is currently \$10,000. Perhaps the City should consider increasing their fee to the current market price.

Aicher asked if these licenses come back to the City to resell. Schneider stated that the fee is paid one time for the initial issuance of the license, and then is only paid again when the license is issued to someone else, or if the licensee moves locations and it needs to be reissued at the new location.

Grimmer asked if raising the fee would be a detriment to the City's business. Attwell noted that applicants are willing to pay the higher fees we have seen.

Discussion occurred regarding an appropriate fee and the options for obtaining additional licenses.

Motion by Aicher, seconded by Grimmer, to proceed with an ordinance to change the Reserve "Class B" License fee to \$30,000.

All in favor. Motion carried.

B. Plan Commission

- A.** Commission Report by Ald. Aicher

Aicher noted that there are items being considered but that the developments are slowing down. There was discussion related to Delafield Dental. Ordinance changes are incoming.

C. Lake Welfare Committee

A. Committee Report by Ald. Price

The Lake Welfare Committee discussed boathouses and changes that occurred without proper permitting. The Lake Welfare Committee recommend that the Plan Commission require the applicants to remove the doors and other items added without permits.

D. Park and Recreation Commission/Tree Board

A. Committee Report by Ald. Schaefer

Schaefer noted the Park and Rec Commission has been discussing the budget. They are working to approve this at the next meeting.

E. Public Works Committee

A. Committee Report by Ald. Grimmer

No meeting, no report.

F. Del-Hart Commission

A. Commission Report by Ald. Aicher

They are looking for a new general manager. They have a replacement starting in early September. In the past 18 months, there has been a new finance director and now a new general manager.

G. Police Commission

A. Commission Report by Ald. Valde

No meeting, no report.

H. Library Board

A. Board Report by Ald. Henry

No meeting, no report.

B. Library Director Monthly Update

The update was included in the ePacket.

I. Zoning Board of Appeals

A. Board Report by Ald. Valde

No meeting, no report.

J. Promotion and Tourism Commission

A. Commission Report by Ald. Schaefer

A Special Meeting was scheduled, and they are hoping to welcome a new member.

K. Lake Country Fire and Rescue Commission

L. Lake Country Fire and Rescue Board

A. Board Report by Ald. Grimmer

The board meets Aug 23, 2023. There was a letter of compromise sent out.

M. Deer Management Committee

A. Committee Report by Ald. Wilken

The Deer Management Committee is ready to start the hunting season on Sept 16. The deer stand relocation has been completed.

N. Other Committees, Commissions, and Boards

10. Unfinished Business

11. 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:

- A.** Accept Resignation of Robert Weiler from Citizen Member position on the Plan Commission.

Motion by Aicher, seconded by Henry, to accept the resignation of Robert Weiler from Citizen Member position on the Plan Commission.

All in favor. Motion carried.

- B.** Confirm appointment of Scott Krienke to the Citizen Member position on the Plan Commission vacated by Robert Weiler, term to expire April 2026.

Motion by Grimmer, seconded by Wilken, to confirm the appointment of Scott Krienke to the Citizen Member position on the Plan Commission vacated by Robert Weiler, term to expire April 2026.

All in favor. Motion carried.

- C.** Confirm appointment of Erin MacDonald to the Hotel Representative position on the Promotion & Tourism Commission vacated by Steven McCartney, term to expire April 2024.

Motion by Schaefer, seconded by Grimmer, to Confirm appointment of Erin MacDonald to the Hotel Representative position on the Promotion & Tourism Commission vacated by Steven McCartney, term to expire April 2024.

All in favor. Motion carried.

12. New Business

- A.** Discussion and possible action regarding alternatives for the video replay of the Common Council and Plan Commission meetings at scheduled times throughout the week, due to limitations with the proposed playback option for the A/V upgrade project.

Schneider explained the issue with the playback option. Playback had not occurred for some time, as the current option had not worked for several months. Live Broadcast on Channel 25 and YouTube would still occur.

Discussion occurred about playback on Channel 25 and the broad reach and ease of access of YouTube versus the scheduled playback on Spectrum Channel 25.

Motion by Aicher, seconded by Price, to approve the removal of the scheduled playback option from the AV upgrade project for a cost reduction of \$2500 to the project budget and to include an article in the Communicator directing residents to YouTube for playback of meetings.

Discussion: Henry asked about adding a link on the website. Schneider will make the YouTube Channel more prominent on the website.

All in favor. Motion carried.

- B.** Review of the 2022 City of Delafield Audit, including the 2022 Financial Statement Overview and 2022 Financial Statements with Independent Auditor's Report provided by Johnson Block CPAs.

Hafner reviewed the audit summary provided by the finance director, Amy Buchman.

- C.** Discussion and possible action regarding the request by Cal Magnan of Magnan Assessment to approve amending the refund to DELC 802-006-001 from \$1,779.41 to \$1,601.21, due to a calculation error.

Cal Magnan, of Magnan Assessment Services, was present to discuss the request.

Motion by Grimmer, seconded by Aicher, to approve the request by Cal Magnan of Magnan Assessment to approve amending the refund to DELC 802-006-001 from \$1,779.41 to \$1,601.21, due to a calculation error.

All in favor. Motion carried.

- D. Discussion and possible action regarding a Wisconsin Department of Natural Resources Surface Water Grant Application and Authorizing Resolution No. 2023-12, for the purpose of updating the City of Delafield's Aquatic Plant Management Plan for Nagawicka Lake, as required to apply for a new mechanical harvesting permit needed for 2025.

Hafner noted that at the July Common Council meeting, the Common Council approved moving forward with the aquatic plant management plan update. This item is the next step in the process.

Motion by Henry, seconded by Valde, to approve the request regarding a Wisconsin Department of Natural Resources Surface Water Grant Application and Authorizing Resolution No. 2023-12, for the purpose of updating the City of Delafield's Aquatic Plant Management Plan for Nagawicka Lake, as required to apply for a new mechanical harvesting permit needed for 2025.

All in favor. Motion carried.

- E. Discussion and possible action regarding a Temporary Limited Construction and Access Easement Agreement between the Blott Revocable Living Trust ("Owner") and the City of Delafield ("City"), to provide the private property access necessary to perform the city's dredging project, including payment in the amount of \$30,000 from the City to the Owner as compensation for the easement.

Hafner explained that this easement is necessary for the dredging project. This cost had been considered as part of the dredging budget.

Grimmer asked if the City paid for similar services previously. Attwell noted that the previous dredging project was private.

Discussion occurred about the cost for the access and alternatives to paying the fee.

Henry asked if this project was still on track for the fall. Hafner explained the City is still waiting on permit approvals. Henry does not want to do anything to delay the project and asked about a possible estimate for an easement in another location. Hafner explained the previous cost estimate for the other proposed location for the easement. This location would be a permanent easement but was more than twice the cost proposed for this easement. Discussion occurred about the viability of the alternate easement.

Motion by Price, seconded by Schaefer, to approve a Temporary Limited Construction and Access Easement Agreement between the Blott Revocable Living Trust ("Owner") and the City of Delafield ("City"), to provide the private property access necessary to perform the city's dredging project, including payment in the amount of \$30,000 from the City to the Owner as compensation for the easement.

Motion carried with Grimmer voting nay.

- F. Discussion and possible action regarding the approval of a Proclamation in Recognition of the 100th Anniversary of Saint Joan of Arc Catholic Church.

Attwell explained that Aicher requested this proclamation. Aicher added that...

Motion by Aicher, seconded by Grimmer, to approve the Proclamation in Recognition of the 100th Anniversary of Saint Joan of Arc Catholic Church.

All in favor. Motion carried.

- G. Discussion and possible action regarding approval of Vouchers Payable report for reporting dates of 7/18/2023 – 8/21/2023 in the amount of \$509,861.64 for accounts payable and \$391,000.03 for payroll.

Motion by Aicher, seconded by Wilken, to approve the Vouchers Payable report for reporting dates of 7/18/2023 – 8/21/2023 in the amount of \$509,861.64 for accounts payable and \$391,000.03 for payroll.

All in favor. Motion carried.

13. Report of City Officials

A. City Administrator

- A. Update regarding the private fundraising for the memorial honoring long-time City of Delafield Mayor Ed McAleer.

Hafner noted that \$2,970 had been raised. The project is on track to be completed before winter.

Hafner added that the Town of Delafield Chairman has expressed interest in the offer from the City of Delafield regarding the Lake Country Fire & Rescue issue and meeting would be occurring later that week.

B. City Clerk

Schneider noted she would be attending the WMCA conference later in the week.

C. City Treasurer

A. June 2023 Treasurer's Report

D. Council requests for future agenda items

Note: No discussion on requested items

14. Correspondence

A. Waukesha County Memo to Municipal Planners.

15. Adjournment

Having no further business, the August 21, 2023 Common Council meeting was adjourned at 9:17 PM.

Respectfully submitted,

Molly Schneider,
City Clerk