



CITY OF DELAFIELD MEETING MINUTES COMMON COUNCIL

Mayor: Kent Attwell

Council President: Alderperson Tim Aicher

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

October 2, 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 7:00 PM.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Roll Call

Alderpersons Present: Danielle Henry, Ald. D1
Dirk Wilken, Ald. D4
Matt Grimmer, Ald. D5
Paul Price, Ald. D6
Tim Aicher, Ald. D7

Alderpersons excused: Mark Schaefer, Ald. D2
Jackie Valde, Ald. D3

Also Present: Kent Attwell, Mayor
Tom Hafner, City Administrator/Director of Public Works
Kathy Sawyer-Gutenkunst, City Attorney
Molly Schneider, City Clerk
Mary Truman, Recording Secretary

4. Approval of the following meeting minutes:

A. [September 18, 2023](#) Regular Meeting.

Motion by Aicher, seconded by Price, to approve the minutes of the September 18, 2023 Regular Meeting, as presented.

All in favor. Motion carried.

5. City of Delafield Citizen Comments

Jim Zahorik – 1948 W Shore Dr, Delafield – spoke regarding Lake Country Fire & Rescue budget consideration. Noted that getting FT help is necessary as PT help for fire services is not viable. The Lake Country Fire & Rescue budget was presented in 2022, and the City of Delafield did not approve funding the presented budget and created a deficiency instead when approving the City of Delafield Referendum language for the April ballot. Would like the City to consider the Town of Delafield proposal with an open mind.

Megan Stevens, 225 Birch Rd Delafield – Spoke regarding the Lake Country Fire & Rescue budget. Noted there is a lack of communication. The need was communicated, but the City of Delafield did not effectively address the need. Did not feel the referendum language articulated the shortfall for the budget.

Jennifer Jaeschke, 110 Hickory Ct. – Spoke regarding the Lake Country Fire & Rescue budget. Agreed with the previous commenter about communication. Noted that the City of Delafield is putting forth every bit of their fair share and the rooftop fee is more than the other municipalities are paying for the same services. Supports the City of Delafield in the negotiations and supports fairness.

6. Announcement of Matters for possible Closed Session

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

Mayor Attwell announced the closed session and the nature of the business to be considered.

- 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, the most recent proposed first amendment to the Lake Country Fire & Rescue (LCFR) Intermunicipal Agreement, as proposed and approved by the Town of Delafield.
- B. Motion to convene into closed session pursuant to the provisions of Wis. Stat. 19.85(1)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically the contract employment and compensation of the City Planner.

Motion by Aicher, seconded by Henry, to convene into closed session at 7:16 PM, 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, the City of Delafield's participation on the Fire Chief's proposed LCFR 2024 Budget Team being convened to help move past the current impasse with the 2024 LCFR budget and pursuant to the provisions of Wis. Stat. 19.85(1)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically the contract employment and compensation of the City Planner.

Roll Call Vote (AYE/NAY):

	AYE	NAY
Henry	X	
Schaefer	ABSENT	
Valde	ABSENT	
Wilken	X	
Grimmer	X	
Price	X	
Aicher	X	

Motion carried.

- C. Motion to re-convene into Open Session.

Motion by Aicher, seconded by Henry, to reconvene into open session at 8:23 PM.

Roll Call Vote (AYE/NAY):

	AYE	NAY
Henry	X	
Schaefer	ABSENT	
Valde	ABSENT	
Wilken	X	
Grimmer	X	
Price	X	
Aicher	X	

Motion carried.

- D. Discussion and possible action regarding items discussed in closed session.

Motion by Aicher, seconded by Wilken, to not accept the First Amendment to the Lake Country Fire & Rescue IMA proposed by the Town of Delafield.

Discussion: Aicher added that he appreciated the Town of Delafield for their efforts and feedback. Grimmer agreed the feedback was helpful. Wilken noted they are moving forward and they getting closer to an amendment that can be accepted.

All in favor. Motion carried.

Motion by Aicher, seconded by Price, to approve a first amendment to the Lake Country Fire & Rescue IMA that utilizes the Town of Delafield amendment as a template, but modifying on page two the paragraph beginning "LCFR 2024 budget" section to read as follows:

LCFR's 2024 Operating Budget. The Municipalities agree for the calendar year 2024, operating budget only, the aforementioned restriction shall not apply. The municipal contribution to the Lake Country Fire and Rescue operating budget for the calendar year 2024 shall be \$3,857,098 plus the amount budgeted (but not actually expended) for staffing in calendar year 2023. Solely for the purposes of illustration, if the amount budgeted (but not actually expended) for staffing in calendar year 2023 is \$250,000, then LCFR's 2024 operating budget shall be \$4,107,098.

And excepting the redline strikes as follows:

~~*LCFR's 2025 Operating Budget. The Municipalities agree that for the purpose of calculating the calendar year 2025 operating budget only, LCFR's operating budget for calendar year 2024 shall be the \$3,857,098 in municipal contributions. The 2025 operating budget shall then be limited to a maximum increase calculated by the formula set forth in Article V, Section I.1.c) above. Solely for purposes of illustration, if the percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor between September 1, 2023 and August 31, 2024 is five percent, then the maximum percentage increase in the 2025 operating budget is seven percent and the maximum 2025 operating budget shall be \$4,127,095.*~~

~~*Review of Operations Financing Formula. The Municipalities shall exercise good faith and fair dealing to review, negotiate, and amend the "Operations Financing Formula (Distribution of Costs)" set forth in Article V, Section I.1.c) of the Agreement. The Amendment shall be executed by the Municipalities on or before March 31, 2024. To accomplish the purpose of this Section, the Municipalities agree to appoint a mutually agreeable mediator and a consultant to provide necessary financial information and data. The mediator and consultant shall be approved by all Municipalities. The costs of the mediator and the consultant shall be shared equally by the Municipalities.*~~

Discussion: Aicher thanked the Town of Delafield for the feedback. It is understood the IMA formula negotiations are not an acceptable negotiation for the 2024 budget. Alternatively, the City of Delafield put forth a not-to-exceed number and increased the LCFR budget by \$400,000 in contributions from the City's taxpayers. The operating budget is increasing from \$2.7 million to \$3.8 million in just a year and this represents the promise to hire 7 firefighters in 2023 and keep them. Henry added she is not happy with the amendment, and that not addressing the IMA and the formula at this time means the City will be back to addressing this in the next year. She is thankful for the Town of Delafield offering a proposal and that supporting this is beneficial in that it allows the City of Delafield to maintain the seven firefighters hired as promised.

All in favor. Motion carried.

Motion by Grimmer, seconded by Henry, to direct the City Administrator to move forward with entering into an agreement with Amy Barrows for City Planning Services.

All in favor. Motion carried.

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 reported that the Plan Commission is going through text amendments to eliminate ambiguity. There was discussion about the item that was sent back to Plan Commission from the Common Council.

2) Discussion and possible action regarding the following items:

- a) DELC0798978, 505 N. Lapham Peak Road, DELC0798979001, 427 N. Lapham Peak Road, DELC0798893001, 532 Bleeker Street, Part of DELC0798167002, 1014 Kenora Road, DELC0798976, 1016 Kenora Road. Owner: Behrend Property, LLC. Part of DELC0798977001, 333 N. Lapham Peak Road. Owner: American Legion Post No. 196. Applicant: Jim Behrend. Applicant is requesting approval of a Developer's Agreement for a 29-lot single family residential subdivision.**

Aicher added that there are no significant changes from what has been proposed over the past several months.

Motion by Aicher, seconded by Henry, to approve the Developer's Agreement for a 29-lot single family residential subdivision for the properties located at DELC0798978, 505 N. Lapham Peak Road,

DELC0798979001, 427 N. Lapham Peak Road, DELC0798893001, 532 Bleeker Street, Part of DELC0798167002, 1014 Kenora Road, DELC0798976, 1016 Kenora Road.

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
Refer to the minutes.

E. Public Works Committee

- 1) Committee Report by Ald. Grimmer
No meeting, no report.
- 2) Discussion and possible action on updating the Traffic Map to include no parking restrictions on Bleeker Street at Division Street South to the south end of the boulevard, as recommended by the Public Works Committee.
Grimmer explained this change is meant to address snowplow and EMS access.
Motion by Grimmer, seconded by Wilken, to approve the updated Traffic Map to include no parking restrictions on Bleeker Street at Division Street South to the south end of the boulevard, as recommended by the Public Works Committee, as presented.
All in favor. Motion carried.

F. Del-Hart Commission

- 1) Commission Report by Ald. Aicher
The general manager position is being transferred to the new hire.

G. Police Commission

- 1) Commission Report by Ald. Valde
No meeting, no report.

H. Library Board

- 1) Board Report by Ald. Henry
No meeting, no report.

I. Zoning Board of Appeals

- 1) Board Report by Ald. Valde
There is a Zoning Board of Appeals meeting in the near future.

J. Promotion and Tourism Commission

- 1) Commission Report by Ald. Schaefer
Refer to the minutes.

K. Lake Country Fire and Rescue Commission

L. Lake Country Fire and Rescue Board

- 1) Board Report by Ald. Grimmer
The next meeting is October 11th, 2023.

M. Deer Management Committee

- 1) Committee Report by Ald. Wilken
No meeting, no report.

N. Other Committees, Commissions, and Boards

9. Unfinished Business

- A. Discussion and possible action regarding Ordinance 820: An Ordinance To Amend Section 4-4(8) Of The City Of Delafield Municipal Code Regarding The Reserve "Class B" Liquor License Initial Issuance Fee.

Schneider explained the Common Council had discussed the increase at a previous meeting. Wis. Stats. allow for the governing body to establish the initial issuance fee of not less than \$10,000. Based on the statutes, the City can proceed with updating the fee to the \$30,000 as discussed.

Motion by Henry, seconded by Aicher, to approve Ordinance 820: An Ordinance To Amend Section 4-4(8) Of The City Of Delafield Municipal Code Regarding The Reserve "Class B" Liquor License Initial Issuance Fee.

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 consideration of changing the City of Delafield polling location to City Hall (500 Genesee Street).

Jeannine Sawall and Marti Sievert, City of Delafield Chief Election Inspectors were present to discuss the proposal.

Schneider explained that discussions had occurred regarding the change to City Hall as a polling location over the past few years. Concerns had been brought up in these discussions, and thoroughly addressed by the Chiefs in the memo provided for review.

Attwell thanked the Chiefs for attending and added that they have done a great job facilitating elections in the City.

Sawall summarized their experience as poll workers and Chief Elections Inspectors. They have worked with five different City Clerks and certainly represent continuity in the elections. Working elections during COVID brought forth the benefits of running elections at City Hall.

Sievert noted that parking was of concern. Sawall summarized the parking at the Church versus the parking at City Hall. It was determined that there is more parking surrounding City Hall.

Sievert summarized concerns that were voiced in discussions with the Department Heads. Hafner had noted concern about parking. The Library Director, Stephanie Ramirez, would assist with communications to residents about the location change and navigation in the lobby. There is a potential for a Library in-service day for closing for a bigger election. Ramirez has stated that other librarians had provided positive feedback regarding the partnership with voting locations. The DPW foreman, Paul Zellner, had noted that there would be a reduction in the necessary man hours for setup. Sievert added that the equipment being transported is costly and cumbersome. There would still be some set-up assistance needed, but it would be significantly reduced.

Schneider had voiced concerns about the elevator. Sievert summarized the proposed alternatives for an emergency situation. Plan A is to assist with curbside voting. They could also possibly move a Basger Book to an accessible location.

Sawall noted that the equipment is left at the church and anyone who has access to the church also has access to the equipment and supplies left overnight. It would be safer and would eliminate any concerns about the integrity of the process.

Discussions with Chief Nyren lent support to City Hall as the polling location.

Sawall explained the volume comparisons provided and the potential volume concerns. There are nominal rental fees that would be eliminated. The Clerk's Office would be able to remain more productive on election days. City Hall has a break room with seats for poll workers to be able to sit down on breaks.

Sievert addressed potential negatives to consider. Change is difficult, and the City would need to be positive and creative with communications. The City would have to be proactive in rerouting residents. Presenting the change positively and being proactive would be helpful. Stanchions would be utilized to create lines. There shouldn't be any political information in the lobby, but staff will have to remain aware and keep an eye out for potential conflicts.

Grimmer noted the report was thorough but asked why City Hall had not been utilized previously. Hafner explained that City Hall had not been a regular polling location, but the DPW building parking bays had previously been utilized for polling. This location was cumbersome and cold during inclement weather. Prior to 2009, City Hall was too small to accommodate voting.

Price asked about the flow of voting traffic. Sievert explained the proposed flow.

Price asked about Library usage. Sievert clarified the Library would only be used for Library functions, but they would have to ensure access to library users.

Schneider added that historically, the election team has adjusted the layout of the polling location as necessary to alleviate issues as they are identified.

Grimmer added that the relocation might relieve some of the stress of the elections. Sievert added that the switch to Badger Books had already reduced some of the stress. Schneider added that City Hall represents a home base that would alleviate some of the pressures of having to have everything cleaned up at the end of a 14-hour day.

Price asked about the number of voting booths. Sievert clarified the number of booths was regulated by statutes.

Aicher stated the flow of the people at City Hall is inferior to Christ the King Lutheran, but the security of the ballots is certainly a benefit.

Hafner asked about extra warning signage for the steps and suggested ensuring that there are safety measures in place. Sievert noted that there had been a greeter at the steps previously for elections and that this would be considered in future elections.

Motion by Grimmer, seconded by Price, to direct the City Clerk to begin the process of changing the City of Delafield polling location to City Hall – 500 Genesee St.

All in favor. Motion carried.

B. Discussion and possible action regarding the City of Delafield maintaining its own municipal court versus joining Lake Country Municipal Court.

Police Chief Landon Nyren was present to discuss the proposed changes.

Hafner summarized the options proposed regarding maintaining a City Municipal Court or joining the Lake Country Municipal Court.

There are approximately \$60,000 in costs for the City of Delafield Municipal Court. The Lake Country Municipal Court costs would be about \$31,000 dollars.

The City would lose its autonomy and City of Delafield ability to determine who the judge would be in an election would be watered down, as there would be 18 or more other municipalities voting.

Nyren echoed the sentiments of Hafner.

Attwell added that there are cost savings, but the overall savings may not be as much as it seems to be on paper. The autonomy and the voice of the City of Delafield citizens outweighs these costs.

Grimmer asked for clarification on the savings. Hafner provided clarification on considerations related to any possible savings.

Hafner added that the ability to maintain municipal court would require the City to have a nominee that runs for the position.

Hafner suggested that the Common Council should consider adding qualifications for the Judge position in the City.

Henry asked about the autonomy that could be lost. Hafner explained that the autonomy would be related to the fact that this is a cooperative agreement, therefore the details of the court would be determined by that agreement, not just the City.

Price added that the previous Judge had offered an opinion that the City having their own municipal court made sense for the City and the residents.

Nyren stated that the PD and court are two separate institutions constitutionally, and therefore he did not want to weigh in heavily. However, he noted that the Lake Country Court runs efficiently, but timewise for prosecution and officer time spent in court might be an issue. There is efficiency in the current City court, as well.

Grimmer asked about the frequency of officers attending court. Nyren added that it's about six times per year an officer must testify, but the City has a bailiff for each court date.

Aicher asked about other examples of qualifications that other municipalities have enacted for judge. The dollar savings needs to be weighed against the quality-of-service service.

Hafner suggested additional items to be further considered were the opt out clause and asked for other issues. Grimmer added the restriction related to the voting member in two years and who is the standard voting member. How often are these meetings?

Henry asked how long the Lake Country Municipal Court has been in place. Hafner clarified the court was formed in 1988.

Grimmer would like to hear from the current members.

- C. Introduction of Resolution Number 2023-14, a resolution of the Common Council to vacate and discontinue a portion of Lake Street public right-of-way, 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 the process to vacate Right of Way requires this as the first step. These vacations are for the Miller Marriott office proposal.

Motion by Aicher, seconded by Henry, to introduce Resolution Number 2023-14, a resolution of the Common Council to vacate and discontinue a portion of Lake Street public right-of-way, to refer 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 the public hearing on the Resolution for Nov 20, 2023.

All in favor. Motion carried.

- D. Introduction of Resolution Number 2023-15, a resolution of the Common Council to vacate and discontinue an alley within public right-of-way, 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.

Motion by Aicher, seconded by Henry, introduce Resolution Number 2023-15, a resolution of the Common Council to vacate and discontinue an alley within public right-of-way, to refer 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 for Nov 20, 2023.

Discussion: Aicher added that there are some images related to the proposal. This is a very appealing building.

All in favor. Motion carried.

- E. Update on the writing of the tree ordinance, as requested by Alderperson Price

Hafner has had limited time to address this. The County has an ordinance that will be reviewed for information.

- F. Update on the horn-free railroad crossing at Vettelson Road, as requested by Alderperson Price.

Hafner explained that the quiet zone pursuit has been a challenge. The City added signage and marking to become compliant.

- G. Approval of Vouchers Payable report for reporting dates of 9/19/2023 – 10/02/2023 in the amount of \$228,541.74 for accounts payable and \$118,391.05 for payroll.

Motion by Henry, seconded by Aicher, to approve Vouchers Payable report for reporting dates of 9/19/2023 – 10/02/2023 in the amount of \$228,541.74 for accounts payable and \$118,391.05 for payroll.

All in favor. Motion carried.

12. Report of City Officials

A. City Administrator

- 1) Reminder of upcoming City-Wide Brush Collection Service – week of October 9 through October 13 – all brush needs to be out by 6:30am on Monday October 9th to ensure collection.

Hafner reminded residents that brush needs to be out by 6:30 AM on October 9 to ensure collection.

- 2) Budget Timeline

Hafner Summarized the timeline and added that the Budget workshop would be moving to the Common Council Chambers for 2024.

- a) Tuesday, October 24, 2023 - Budget Workshop (6 pm in Common Council Chambers)
- b) Monday, November 6, 2023 - Public Hearing on 2024 Budget & Tax Levy (7 pm Common Council Chambers)
- c) Monday, November 20, 2023 - Approve Final 2024 Budget & Tax Levy (7 pm Common Council Chambers)

B. City Clerk

1) Communicator Articles Due NOVEMBER 22, 2023

Schneider stated the deadline was about two months away and that submissions from City of Delafield organizations are welcome. Articles should be informational in nature and should not solicit anything from residents.

C. City Treasurer

D. Council requests for future agenda items

Note: No discussion on requested items

13. Correspondence

A. PSC Digital Equity Plan

B. Summit Comprehensive Plan Update

14. Adjournment

Having no further business, the Common Council meeting was adjourned at 9:30 PM.

Respectfully Submitted,

Molly Schneider,
City Clerk