



**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

October 16, 2023

7:00 PM

City Hall, Council Chambers
500 Genesee St.

Regular Meeting Minutes

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

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

Alderspersons Excused: Tim Aicher, Ald. D7

Also Present: Kent Attwell, Mayor
Tom Hafner, City Administrator/Director of Public Works
Molly Schneider, City Clerk

4. Approval of the following meeting minutes:

A. [October 2, 2023](#) Regular Meeting.

Motion by Wilken, seconded by Henry, to approve the minutes of the October 2, 2023 Regular meeting, as presented.

All in favor. Motion carried.

5. City of Delafield Citizen Comments

Mary Daniel, 309 Wisconsin Ave. – Spoke regarding item 10.A. Daniel asked about the letter provided by Hafner to the Common Council and the number of homes for quality check that was used in referendum. Asked why this list was not quality checked previously and asked if the number after the City quality check will be cross-checked with the Lake Country Fire & Rescue information.

6. 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. Approval of the Badger Book Memorandum of Understanding between the City of Delafield and the Wisconsin Elections Commission.

B. Approval of the 2022 Waukesha County Tax Collection Agreement.

C. Adoption of Resolution No. 2023-17: A Resolution to Set the 2024 Impact Fees Schedule for the City of Delafield.

Motion by Wilken, seconded by Henry, to approve the Consent Agenda, as presented.

All in favor. Motion carried.

7. 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

- i. Discussion and possible action regarding approval of the Appointment of Successor Agent, Mark A. Peterson, Sr., Brown Deer, WI, for Hillside Cinema, 2950 Hillside Dr, Delafield, WI 53018.

Schneider stated the new agent has passed background checks accordingly.

Motion by Schaefer, seconded by Valde, to approve the Appointment of Successor Agent, Mark A. Peterson, Sr., Brown Deer, WI, for Hillside Cinema, 2950 Hillside Dr, Delafield, WI 53018.

All in favor. Motion carried.

B. Plan Commission

Commission Report by Ald. Aicher

- i. Discussion and possible action regarding the following item(s)
 - a. Ordinance No. 818: An ordinance to amend sections of Article I of the City of Delafield Zoning Ordinance, including Section 52-16(d) Yard projections and Section 52-21 Street access requirements and by amending the text of Article III of the City of Delafield Zoning Ordinance, including Section 52-89(a) through (d) Plans of operation.

Note: The Plan Commission recommended approval of the revised ordinance on September 27, 2023.

Hafner noted this had been sent back to Plan Commission due to concerns from the Common Council. These concerns have been addressed and the result is the updated Ordinance for consideration.

Motion by Schaefer, seconded by Grimmer, to approve Ordinance No. 818: An ordinance to amend sections of Article I of the City of Delafield Zoning Ordinance, including Section 52-16(d) Yard projections and Section 52-21 Street access requirements and by amending the text of Article III of the City of Delafield Zoning Ordinance, including Section 52-89(a) through (d) Plans of operation.

All in favor. Motion carried.

b. St. Johns Estates Subdivision Development

- I. DELC0792990 & DELC0793997, Oakwood Drive. Owner: Hendricks Commercial Properties LLC. Applicant: George Erwin III. Applicant is requesting approval of a Final Plat for a single-family conservation design subdivision known as St. John's Estates.

Note: The Plan Commission recommended approval on September 27, 2023.

George Erwin was present to discuss the proposal.

Hafner explained that many of these items had previously been approved but had been slightly changed. The items that had been changed were defined in a memo by Attorney Van Kleunen provided in the packet.

Motion by Grimmer, seconded by Valde, to approve the Final Plat for a single-family conservation design subdivision known as St. John's Estate, for the properties located at DELC0792990 & DELC0793997, Oakwood Drive.

All in favor. Motion carried.

- II. DELC0792990 & DELC0793997, Oakwood Drive. Owner: Hendricks Commercial Properties LLC. Applicant: George Erwin III. Applicant seeks approval of a Storm Water Maintenance Agreement, which is inclusive of drainage easements, for St. John's Estates.

Note: Common Council approved a previous version on July 17, 2023.

Motion by Grimmer, seconded by Wilken, to approve a Storm Water Maintenance Agreement, which is inclusive of drainage easements, for St. John's Estates for the properties located at DELC0792990 & DELC0793997, Oakwood Drive.

All in favor. Motion carried.

- III. DELC0792990 & DELC0793997, Oakwood Drive. Owner: Hendricks Commercial Properties LLC. Applicant: George Erwin III. Applicant seeks approval of a Public Access Easement for St. John's Estates.

Note: Common Council approved a previous version on July 17, 2023.

Motion by Grimmer, seconded by Wilken, to approve the Public Access Easement for St. John's Estates, for the properties located at DELC0792990 & DELC0793997, Oakwood Drive.

All in favor. Motion carried.

- IV.** DELC0792990 & DELC0793997, Oakwood Drive. Owner: Hendricks Commercial Properties LLC. Applicant: George Erwin III. Applicant seeks approval of a Riverwalk Easement for St. John's Estates.
Note: Common Council approved a previous version on July 17, 2023.
- Motion by Grimmer, seconded by Wilken, to approve the Riverwalk Easement for St. John's Estates, for the properties located at DELC0792990 & DELC0793997, Oakwood Drive.*
- All in favor. Motion carried.*
- V.** DELC0792990 & DELC0793997, Oakwood Drive. Owner: Hendricks Commercial Properties LLC. Applicant: George Erwin III. Applicant seeks approval of a Storm Sewer Easement for St. John's Estates.
- Motion by Grimmer, seconded by Schaefer, to approve the Storm Sewer Easement for St. John's Estates, for the properties located at DELC0792990 & DELC0793997, Oakwood Drive.*
- All in favor. Motion carried.*
- VI.** DELC0792990 & DELC0793997, Oakwood Drive. Owner: Hendricks Commercial Properties LLC. Applicant: George Erwin III. Acknowledge modifications to the Declaration of Restrictions for St. John's Estates.
Note: Common Council approved a previous version on July 17, 2023 as part of the SIP, subject to staff review and approval.
- Motion by Grimmer, seconded by Schaefer, to acknowledge modifications to the Declaration of Restrictions for St. John's Estates, for the properties located at DELC0792990 & DELC0793997, Oakwood Drive.*
- Discussion: Grimmer asked for a refresher as to who are the members of the Architectural Control Committee. Grimmer asked about the side entry garage requirements. Erwin noted that the preference is side entrance, but there may be situations where a high-end design may be acceptable.*
- All in favor. Motion carried.*
- c.** Divine Redeemer Lutheran Church Daycare Facility Development
Matthew Mehring and Adam Wolfe were present to discuss the proposal.
- I.** DELC0733994001, DELC0733994, and DELC0733995, 31385 Hill Road. Owner: Divine Redeemer Lutheran Church. Applicant: Matthew Merhing. Applicant seeks approval a Conditional Use Amendment and Site Plan and Appearance Review for a daycare facility.
Note: The Plan Commission recommended approval on June 28, 2023.
- Motion by Grimmer, seconded by Wilken, to approve the Conditional Use Amendment and Site Plan and Appearance Review for a daycare facility for the properties located at DELC0733994001, DELC0733994, and DELC0733995, 31385 Hill Road.*
- All in favor. Motion carried.*
- II.** DELC0733994001, DELC0733994, and DELC0733995, 31385 Hill Road. Owner: Divine Redeemer Lutheran Church. Applicant: Matthew Merhing. Applicant seeks approval of a Developer's Agreement for a daycare facility.
- Motion by Grimmer, seconded by Wilken, to approve the Developer's Agreement for a daycare facility, for the properties located at DELC0733994001, DELC0733994, and DELC0733995, 31385 Hill Road.*
- All in favor. Motion carried.*
- III.** DELC0733994001, DELC0733994, and DELC0733995, 31385 Hill Road. Owner: Divine Redeemer Lutheran Church. Applicant: Matthew Merhing. Applicant seeks approval of a Watermain and Sanitary Sewer Easement for a daycare facility.
- Motion by Grimmer, seconded by Henry, to approve a Watermain and Sanitary Sewer Easement for a daycare facility, for the properties located at DELC0733994001, DELC0733994, and DELC0733995, 31385 Hill Road.*
- All in favor. Motion carried.*

C. Lake Welfare Committee
Committee Report by Ald. Price

No meeting, no report.

D. Park and Recreation Commission/Tree Board
Committee Report by Ald. Schaefer

Schaefer stated the Park and Rec Commission primarily discussed the request from the Village of Hartland regarding renegotiating the existing Recreation Contract.

- i. Discussion and possible action regarding The Village of Hartland's action to renegotiate the existing Recreation Contract Between the Village of Hartland and the City of Delafield.

Schaefer explained that the City had an agreement with Hartland since 2003 that allows for City residents to utilize the Hartland Park and Rec services for the resident fee and in return, the City pays \$2500 annually, allows for the use of the Fish Hatchery as a facility during the week and the City also pays for mailing costs for the catalog. The Park and Rec Commission had discussed the agreement but would like the payment to be based on usage. The expenses were provided but did not include the funds that are made from City residents. There were suggestions made to Hartland to reduce their recreation catalog mailing costs. The Park and Rec Commission would like a \$10 per user fee, based on the usage indicated, that would be about \$4000. Park and Rec Commission offered the disc golf courts and volleyball courts as an additional possible incentive. There is an item in the current agreement that allows the City to charge for costs incurred above normal expenses.

The Park and Rec Commission is recommending that the agreement be modified to make the payment \$10 per participant instead of the flat fee.

Grimmer asked if Hartland was aware of these proposed options and stated that saving on printing costs would be an idea. Schaefer stated Hartland is aware.

Motion by Schaefer, seconded by Grimmer, to modify the recreation agreement between Hartland and Delafield agreement, in section 4, to make the payment \$10 per participant instead of the flat fee.

Discussion: Attwell asked if the agreement needs to be rewritten before the Common Council should act. Hafner asked if the City should wait until Hartland reviews the proposed amendments and whether there is concern about the possible increase in City contribution based on the usage, without a subsequent increase in Hartland's overall expense.

Grimmer added that if there is agreement regarding the offer from the City, then it seems appropriate to move forward. Schaefer clarified that the Recreation Director and Village Manager are aware, but the Village Board has not approved the proposed amendments.

Grimmer noted that if participation goes up, then that would be a good problem to have. Discussion occurred about the appropriate way to move forward in an effort to limit the possibility of increased expenses.

Hafner asked about the condition of the proposal that allows them to use additional facilities at no additional cost.

Schneider added that there are current annual users for the facilities, and this should be considered as part of any amendments to the agreement.

Attwell suggested Schaefer attend the Village meeting to provide feedback.

Schaefer suggested that it might be better to modify the agreement and bring back the final approved version for consideration.

Schaefer and Grimmer withdrew the first and second for the motion.

There was consensus to move forward with the changes proposed.

E. Public Works Committee

Committee Report by Ald. Grimmer

No meeting, no report.

F. Del-Hart Commission

Commission Report by Ald. Aicher

Ald. Aicher was not present to provide a report.

G. Police Commission

Commission Report by Ald. Valde

No meeting, no report.

H. Library Board

Board Report by Ald. Henry

The Library is going through the bylaws. On October 29th there is a fundraiser at Texas Roadhouse.

i. Library Director's Report

I. Zoning Board of Appeals
Board Report by Ald. Valde

No meeting, no report.

J. Promotion and Tourism Commission
Commission Report by Ald. Schaefer

No meeting, no report.

K. Lake Country Fire and Rescue Commission

L. Lake Country Fire and Rescue Board
Board Report by Ald. Grimmer

The fiscal 2022 audit remains unapproved because the City wants to ensure that the assigned funds that were used in 2023 are assigned accordingly for repayment. These were the funds that were assigned per the VOL plan. At that time, this was considered a loan, and this position needs to be solidified prior to the audit being approved.

M. Deer Management Committee
Committee Report by Ald. Wilken

No meeting, no report. There is a meeting the following evening.

N. Other Committees, Commissions, and Boards

8. Unfinished Business

A. Discussion and possible action regarding approval of Ordinance No. 821, An Ordinance To Repeal And Recreate Section 2-165 Of The Delafield Municipal Code To Amend The City Of Delafield Polling Location.

Schneider stated that she had completed the accessibility audit required by the Wisconsin Election Commission. This was completed and approved by the WEC.

Valde asked when the first election at City Hall would occur. Schneider stated it would be the February Primary election if that election is required.

Henry asked about Library access and if there was a plan in place to allow Library visitors an easy access. Schneider stated that the intention is to provide a clear path for Library users.

Motion by Grimmer, seconded by Price, to approve Ordinance No. 821, An Ordinance To Repeal And Recreate Section 2-165 Of The Delafield Municipal Code To Amend The City Of Delafield Polling Location.

All in favor. Motion carried.

9. 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.

10. New Business

A. Discussion and possible action regarding Ordinance No. 822, an Ordinance repealing and recreating Section 18-1(a) and creating Section 18-1(c) of the Municipal Code, relating to Lake Country Fire and Rescue and allowing for an Annual Fire Protection and Emergency Medical Service Fee.

Hafner explained that this fee is updating the ordinance to allow for the ESE fee and the following meeting would be for consideration in determining the

Hafner summarized the process for the quality check.

Valde asked about City staff doing the follow up check and if the original number of homes came from the fire department. Hafner stated that the list was provided by the Fire Chief and added that the City did a quality check prior to the referendum number being presented. There was an issue that had been determined at that time, in that Town homes had been double counted.

Motion by Grimmer, seconded by Price, to approve Ordinance No. 822, an Ordinance repealing and recreating Section 18-1(a) and creating Section 18-1(c) of the Municipal Code, relating to Lake Country Fire and Rescue and allowing for an Annual Fire Protection and Emergency Medical Service Fee.

Discussion: Schaefer asked if the City was considering the items that were suggested by other municipalities. Hafner noted that this would need to be discussed at a special meeting, but many of the items suggested conflict with what the referendum educational material provided or certain items that would be discussed. It may be more appropriate to

consider these changes for the next year. Attwell added that these changes are last minute. Henry asked about the duplex issue. Hafner clarified that the City would be correcting this issue.

Valde asked about the construction and the fees associated with a home as it is being constructed.

Price asked about discussing this at the budget workshop. It was decided that this would be added to that agenda for discussion.

All in favor. Motion carried.

- B.** Approval of Vouchers Payable report for reporting dates of 10/4/2023 – 1017/2023 in the amount of \$83,881.80 for accounts payable and \$116,324.99 for payroll.

Motion by Henry, seconded by Scheafer, to approve voucher payable for reporting dates of 10/4/2023 – 1017/2023 in the amount of \$83,881.80 for accounts payable and \$116,324.99 for payroll.

All in favor. Motion carried.

11. Report of City Officials

A. City Administrator

- i. Update regarding Mayor McAleer memorial.

Hafner stated that the memorial is progressing nicely, the plaque is mounted, and the boulder will be put in place this week. A ceremony is in the works for Sunday.

- ii. Budget Meetings Reminder

- Budget Workshop - Tuesday, October 24, 2023 (6 pm in Common Council Chambers)
- Budget Public Hearing - Monday, November 6, 2023 (7 pm Common Council Chambers)
- Budget Approval - Monday, November 20, 2023 (7 pm Common Council Chambers)

Hafner added that the budget workshop is in the Common Council Chambers. The budget books will be out by the end of the week.

B. City Clerk

Schneider noted that the Common Council agenda had been posted utilizing the current website's basic agenda management modules and asked for feedback from the Common Council regarding the experience.

C. City Treasurer

D. Council requests for future agenda items

Note: No discussion on requested items

Schaefer requested the Hartland Recreation Agreement come back for consideration.

12. Correspondence

13. Adjournment

Having no further business, the October 16, 2023 Common Council meeting was adjourned at 8:01 PM.

Respectfully submitted,

Molly Schneider
City Clerk