



**CITY OF DELAFIELD
SPECIAL 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 24, 2023

5:30 PM

City Hall, Council Chambers
500 Genesee St.

**Special Meeting Minutes
DRAFT**

1. Call to Order

The meeting was called to order at 5:30 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
Molly Schneider, City Clerk

4. City of Delafield Citizen Comments

Mary Daniel, 309 Wisconsin Ave. - Thanked the Common Council for their hard work and noted she believed that they would find a solution to the issue being discussed.

5. New Business

- A.** Discussion and possible action on the consideration of possible changes to the methodology of assigning Emergency Service Equivalent (ESE) units to vacant land, duplexes, townhouse style apartments, hotel rooms, and homes/buildings under construction, for purposes of calculating Fire & EMS fees, as requested by Michael Bichler, President, Village of Oconomowoc Lake, and Edward Kranick, Chairperson, Town of Delafield, on behalf of the other communities.

Hafner summarized options for implementing the ESE. The timing of the implementation of the ESE had not yet been discussed, so this may be a way to adjust the fee and increase the ESE count. There were items that were presented to the public that were not finalized and therefore there are some areas that could be clarified to increase the funds. The Common Council needs to consider which, if any, of the proposed considerations should be incorporated into the model, and also if the increase in ESE fees would increase the budgetary contribution or reduce the overall fee.

Motion by Price, seconded by Valde, that the ESE for Commercial buildings should include buildings that are under construction, making the charge at the time when the permit is pulled to be charged on a pro rata basis for the balance of the year.

Discussion: Schaefer asked if this was just commercial. Price clarified the intent is for buildings under construction and it should be both commercial and residential.

Grimmer asked about historical precedent on other fees levied to ensure consistency, what was discussed, and is there a practical purpose for imposing the fees prior to occupancy.

Price noted that buildings are most likely to have fire/EMS calls when under construction.

Aicher suggested that the property tax is levied based on percent complete of a building. Hafner confirmed.

Attwell added that this will not increase the ESEs, but they would be counted sooner, and this adds complexities to the calculation of the fees. Is the impact worth the update in calculation. Grimmer pointed out that a building would have span more than one year for completion to qualify for this exception.

Price clarified his pro rata proposal.

Hafner suggested an appropriate process to determine a prorated amount. There should be a cutoff date for the City to determine the properties in construction, and the City would apply the fees based on the percent of months the building was under construction. October 15 would be the cutoff for the fees, and fees for the remainder of the year would be added to the contribution for the next year.

Grimmer asked about staff efforts and the return on investment. Hafner summarized the efforts, and discussion occurred regarding the potential return. The pro-rated amount would likely only bump up costs for one year, and then would be assessed in full the following year.

Valde added that it's important to consider that, per Price, construction projects are more likely to need EMS and Fire services and this is logical to implement.

Hafner explained that this year, the added funds would be up to the Common Council to determine how to use the excess, but in the future, the contribution would likely be determined first, and then spread out among the City, only decreasing the individual ESE fee amount, and not increasing the overall contribution.

Henry added that this is the year that every penny matters, and if we have the opportunity to contribute more, the City should take that opportunity.

Wilken suggested just charging the fee in full when the permit is charged. Hafner suggested the proration based on date is a relatively simple calculation, and that typically fees should be charged fairly and equitably.

Price amended the motion to include all construction including commercial and residential. Valde seconded the amendment.

Attwell added that sometimes there are delays and the construction doesn't occur. Hafner added that more often it is that there are only delays, and eventually most get built. Discussion occurred about potential effects. Henry added that as long as there is an open building permit, there is an associated risk that construction may occur at any time.

Schneider reiterated the amended motion: the ESE shall include all construction including commercial and residential, should include buildings under construction, making the charge on a pro rata basis from when the permit is pulled.

Grimmer suggested amending the motion to clarify construction versus building permit.

Price amended the motion to strike construction from the original motion and keep building permit. Valde seconded.

Schneider reiterated the fully amended motion: the ESE for all commercial and residential buildings should be charged on a pro rata basis from when the building permit is pulled.

Clarification on the fee occurred.

Motion carried with Aicher voting nay.

Price clarified that Hafner would be correcting any issues with the duplexes. Hafner confirmed.

Aicher asked for clarification on the potential increase in the funding if the duplex issue was corrected. Hafner clarified.

Valde brought up the difference between the townhome and a condominium and the fees. Discussion occurred about the differentiation in responses and the practicality of the process of identifying the different units.

Aicher asked if the half would be bumped up to a whole, or if the whole would be bumped up to a half. Going down this path may end up decreasing ESEs. These questions were asked and answered as part of the referendum, and changes, if any should be considered for the next year. Lake Country Fire & Rescue partners have the same taxing authority as the City, and there are concentrated efforts to dig into the City budget and try to figure how the City can raise taxes on our residents as opposed to filling the gap amongst the partners. The are people in partner municipalities don't pay in total what the City is considering increasing on one single unit and pay more for garbage collection than to Lake Country Fire & Rescue per resident, yet the City is being accused of being the municipality with the priorities in the wrong place. Nickel and diming the City constituents is a mistake and the City should stick with what was presented in the referendum. The residents voted to increase taxes by a significant amount, the fire department does distinguish between any home in all seven municipalities, and it is difficult to nickel and dime our residents when a resident across the street in a partner municipality is getting the same service for half the cost. This needs to be kept in perspective.

Valde pointed out that the \$450 ESE isn't necessarily equitably dispersed due to the corresponding reduction in tax levy amount, which will be reduced according to assessed value.

Aicher suggested that other municipalities have the same ability to leverage taxes, and the City stepped up and passed the referendum to achieve the goals promised. Looking at items that were asked and answered during referendum discussions is not appropriate. There are other places to look for the revenue.

Grimmer echoed and support Aicher's comments and supported the fee – it's a fee for service, which is equal throughout the City. The fee is broader based and all entities will get taxed.

Schaefer reiterated the sentiments of Aicher that the other communities are putting in significant effort for the City to come up with more money, but what are the communities doing within their own budgets. The City residents are paying nearly double than the other municipalities for the same service. How is this justified? Wilken added that per his calculations the two municipalities that are most like the City, the Town of Delafield and the Town of Genesee pay less than half of what City residents pay per ESE.

- B.** Discussion and possible action on whether any increase in Emergency Services Equivalent (ESE) units should be used to increase the City of Delafield's contribution to Lake Country Fire & Rescue or used to decrease the Fire & EMS fee for City of Delafield property owners.

Hafner explained that if there are additional ESEs, there are two ways to disperse the increase – either increase the contribution to the Lake Country Fire & Rescue budget or decrease the City resident ESE fee.

Valde would strongly support that if there were an increase in funds raised by the ESE count increase, then funding should be increased.

Dirk added that the City has been adamant that they will pay the entire \$450 fire to the Lake Country Fire & Rescue and if the City finds additional funds, this should be used to close the gap. Henry and Price agreed. Schaefer agreed also.

Motion by Wilken, seconded by Price, to approve any increase to the ESE units to be used to increase the City of Delafield's contribution to Lake Country Fire & Rescue, based on \$450 fee amount.

Discussion: Grimmer asked about the benefit of a delay in action. Hafner clarified that if the magnitude of the contribution would affect the Common Council decision as to whether to contribute those funds to Lake Country Fire & Rescue.

Aicher asked if there is any contingency based on this as far as whether any proposed amendment to the IMA must be passed, or if the City will consider that any funds raised off of the possible increase will be contributed regardless of any IMA amendment.

Henry added that the City said they were going to contribute the full amount raised by the \$450 per ESE fee, regardless of outcome, and that is still her stance.

Hafner suggested bringing clarity to the use of the ESEs. Discussion occurred and it was determined that there was not support for contingencies on the contributions from the ESEs.

All in favor. Motion carried.

6. Adjournment

Having no further business, the October 24, 2023 Common Council Special meeting was adjourned at 6:22 PM.

Respectfully submitted,

Molly Schneider,
City Clerk