

**CITY OF DELAVAN  
COMMON COUNCIL  
August 11, 2009**

**Call to Order:** Mayor Nieuwenhuis called the regular meeting of the Common Council to order at 6:30 p.m. in the Municipal Building Council Chambers.

**Roll Call:** The following members were present: Mayor Nieuwenhuis, Aldermen Siedelmann, O'Connor, Johnson, Kilkenny and Finley. Also Present: City Administrator Salitros, City Attorney Koch, Director of Public Works Wendorf, Captain Hansen, Building/Zoning Administrator Walling, and City Clerk Kitzman.

**Pledge of Allegiance and Invocation:** Mayor Nieuwenhuis led the pledge and invocation.

**Consider Appointment of Second District Alderman:** The three people interested in the position, Sam Riggs, Joe Guido and Bruce DeWitt, were given an opportunity to introduce themselves. After much discussion, Alderman Siedelmann nominated Bruce DeWitt to serve until April of 2010. The motion was seconded by Alderman Johnson and carried with Alderman O'Connor dissenting. City Clerk Kitzman swore in Alderman DeWitt.

**Approval of Minutes:** Alderman Siedelmann moved to approve the minutes of July 14, 2009 (2) and July 20, 2009 with a minor correction. The motion was seconded by Alderman Finley and carried unanimously.

**Public Comments:** Kevin Armstrong, 216 N 4<sup>th</sup> Street, spoke on the status of Lake Lawn and their financial situation. Shirley Petersen, 335 Spring Lane, spoke on open government. Lauren Pohn, North Fifth, offered comments on several items of concern. Merlyn Dahl, 403 E. Wisconsin Street, spoke on several items on the agenda as well as TIF districts. Melinda Allen, 313 North Sixth Street, spoke on Lake Lawn. Dan Kilkenny, N3616 Elm Ridge Road, Delavan, spoke on Lake Lawn.

**Reports of Standing Committees - Finance and Treasurer's Report:** Alderman Siedelmann reported on the meeting of August 10<sup>th</sup>. Minutes are on file and available to the public. Based on the review and recommendation of the Finance Committee, Alderman Siedelmann moved to receive the Treasurer's Report for July 31, 2009 and place it on file. The motion was seconded by Alderman Johnson and carried unanimously.

**General Operations:** Alderman Johnson reported on the meetings of July 21<sup>st</sup> and July 28<sup>th</sup>. He noted the Committee has changed their regular meeting day to the first Tuesday of the month.

**Public Works:** Alderman Kilkenny reported on the meeting of July 28<sup>th</sup>. He reported on the activities with American Transmission Company and their request for additional easements. The Committee is also looking to expand parking on Wisconsin Street to add more angle parking.

Town of Delavan Lake Committee: Alderman Finley reported on the meeting of August 5<sup>th</sup>. An ordinance prohibiting noxious lake weeds was discussed as well as current projects, such as Brown's channel and repair of the dam gates.

Library Board of Trustees: Alderman Finley noted they last met on July 15<sup>th</sup>. Topics included the Friends of the Library parade entry, 2009 projected and 2010 budget requests, and new laptops that have been purchased to be used by the public.

Fire Station Task Force: Mayor Nieuwenhuis indicated there has not been a meeting as they are waiting for the fire services study to be completed.

Tri-Community Meeting: No meeting last month.

Lake Comus Protection and Rehabilitation District: Alderman Kilkenny noted the District has not met, however ATC will be removing power poles on the District property.

Communications Commission: No report.

**A request to amend the existing Conditional Use Permit for exterior finishes and signage for WalMart located at 1819 East Geneva Street.** Mayor Nieuwenhuis opened the public hearing. The applicant was not present, therefore Alderman Finley moved to continue the public hearing to September 8<sup>th</sup> at 6:30 p.m. The motion was seconded by Alderman Siedelmann and carried unanimously.

**Resolution to amend the existing Conditional Use Permit for exterior finishes and signage for WalMart located at 1819 East Geneva Street.** Alderman Johnson moved to table this item to September 8<sup>th</sup>, 2009. The motion was seconded by Alderman Finley and carried unanimously.

**R-483 Resolution amending the Sidewalk Repair Policy to address Damage from City Terrace Trees.** Alderman Johnson moved to approve the resolution amending the Sidewalk Repair Policy to clarify that repairs caused by tree root damage would be paid by the City. The motion was seconded by Alderman Kilkenny. The motion carried unanimously.

**Class B (Beer) license for Brodie's Inc. at 1741 E Geneva Street, Suite #500, Christopher Gertmann, agent.** Alderman Johnson moved to approve the Class B fermented malt beverage license for Brodie's Inc at 1741 E Geneva Street. The motion was seconded by Alderman Finley and carried unanimously.

**Consider Amendment to Municipal Code regarding Parks and Recreation and possible alternatives to a Director:** Alderman Johnson explained the General Operations Committee unanimously recommended to maintain the ordinance as it is written at the present time and therefore moved that motion. The motion was seconded by Alderman Siedelmann. Alderman Kilkenny noted the Council had requested the GOC to consider alternatives to the ordinance to allow for private contracting to allow the City flexibility to hire in-house or utilize an outside agency. After a lengthy discussion, Alderman Finley moved to call the question. The motion was seconded by Alderman Johnson and carried with Alderman Kilkenny dissenting. The motion to maintain the ordinance as written regarding the Parks and Recreation Director carried with Alderman Kilkenny dissenting.

**Approval of Bills:** Alderman Siedelmann moved to approve Warrant 09-07 and the Supplemental List of Bills in Excess of \$5,000 for July, 2009. The motion was seconded by Alderman Johnson and carried unanimously upon call of the roll.

**Mayor's Appointment to Library Board of Trustees:** Alderman O'Connor moved to approve the recommendation of Mayor Nieuwenhuis to appoint Allen Buzzell and Jean Black for a 3-year term to the Library Board beginning August 1, 2009. The motion was seconded by Alderman Johnson and carried unanimously.

**City Administrator's Appointment of Building Inspector Walling:** Alderman O'Connor move to approve the City Administrator's appointment of Fred Walling as Building Inspector. The motion was seconded by Alderman Finley and carried unanimously upon call of the roll.

**Mayor's appointment to Tri-Community group:** Alderman Finley moved to approve the appointment of Mayor Nieuwenhuis to the Tri-Community Group. The motion was seconded by Alderman O'Connor and carried unanimously upon call of the roll.

**Discussion and update on the status of Lake Lawn Resort.** Alderman Siedelmann noted a foreclosure action has been filed by Anchor Bank in connection with Lake Lawn Resort and expressed concerns about protecting the City's investments. Alderman Kilkenny suggested Special Counsel Schroeder and City Attorney Koch should obtain the pleadings and review the Development Agreements to advise on future actions. After much discussion, City Attorney Koch indicated he would proceed as suggested and advise the Council at a later date.

**Suggested Future Agenda Items:** None

**Adjourn:** There being no further business to come before the Common Council, the meeting adjourned at 8:30 p.m. upon a motion by Alderman Siedelmann, seconded by Alderman Finley and unanimously carried.

Susan Kitzman  
City Clerk