

**CITY OF DELAVAN
COMMON COUNCIL
September 8, 2009**

Call to Order: Mayor Nieuwenhuis called the regular meeting of the City of Delavan 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, DeWitt, O'Connor, Johnson, Kilkenny and Finley. Also Present: City Administrator Salitros, City Attorney Koch, Director of Public Works Wendorf, Utility Director Stebnitz, Police Chief O'Neill, Fire Chief Flood and City Clerk Kitzman.

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

Approval of Minutes: Alderman Siedelmann moved to approve the minutes of August 11, 2009, and August 24, 2009 as written. The motion was seconded by Alderman O'Connor and carried unanimously.

Communications -. Mayor Nieuwenhuis read a proclamation for the Daughters of the American Revolution proclaiming Constitution Week September 17-23, 2009. Mayor Nieuwenhuis also read a letter from Ryan Simons, Chairman of the Town of Delavan Lake Committee thanking the City for the stormwater runoff efforts along Borg Road.

Mayor Nieuwenhuis and Chief Flood explained the generous grant the Fire Department received from the Pentair Foundation of \$25,000. Chief Flood noted this will purchase some much needed equipment for the Fire Department including a thermal imaging camera, storage racks and turn out gloves.

Mayor Nieuwenhuis announced September 19th will be the POW/MIA Silent March in Delavan.

Public Comments: Nicole Beckman asked to reverse a decision made by the Council to remove the sidewalk on Walnut Street. The Public Works Committee was asked to review the matter at their meeting on September 22nd. Melinda Allen, 313 N. 6th Street, talked about the homeless shelter and the need for housing for the working poor.

Merlyn Dahl, 403 E. Wisconsin Street, spoke about several items on the agenda including sidewalks and the need to have a consistent rule for their installation throughout the City.

Reports of Standing Committees - Finance and Treasurer's Report: Alderman Siedelmann reviewed the meeting of September 8th. Based on the review and recommendation of the Finance Committee, Alderman Siedelmann moved to receive the Treasurer's Report and place it on file. The motion was seconded by Alderman Johnson and carried unanimously.

General Operations: Alderman Johnson reported on the meeting of September 1st. Minutes are available to the public at the City Clerk's office.

Public Works: Alderman Kilkenny reported there was no meeting in August.

Town of Delavan Lake Committee: Alderman Finley updated the Council on the September 3rd meeting.

Library Board of Trustees: Alderman Finley reported on the meeting of August 13th.

Fire Station Task Force: Alderman DeWitt noted they received an update on the McGrath Study.

Tri-Community Meeting: Alderman Finley indicated there has not been a meeting.

Lake Comus Protection and Rehabilitation District: Alderman Kilkenny noted there has not been a meeting.

Communications Commission: Alderman DeWitt reported on the meeting where they are working on the website and television station. They are drafting a policy statement for content and reviewing items for the 2010 Budget.

Public Hearing on 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. Randy Gritzmacher, Construction Manager for Walmart, explained this would be a change to the "new" standard exterior remodeling colors for WalMart that are a neutral brown. Merlyn Dahl, 403 E. Wisconsin Street, asked if the standards were the same for businesses downtown. Shirley Petersen, Spring Drive, spoke on other communities who have an architectural review board. Alderman DeWitt asked if the sign would change. Mr. Gritzmacher indicated the sign area will remain the same or be slightly smaller. Walmart is installing new LED signs that are energy efficient. There being no further parties wishing to be heard, the public hearing was closed.

R-483 Resolution to amend the existing Conditional Use Permit for exterior finishes and signage for WalMart located at 1819 East Geneva Street.

Alderman Siedelmann moved to remove this item from the table. The motion was seconded by Alderman DeWitt and carried unanimously. Alderman Finley moved to adopt the resolution to allow Walmart to make the changes as proposed in the plans prepared by Bruce M Carlson, Architect identified as Job Number 08181.036 dated 7/8/09. The motion was seconded by Alderman Johnson and carried unanimously.

Discuss Concept Plan for proposed Delavan Shores Subdivision in the same location as the currently approved Green Isle Subdivision Development.

The applicants have requested that this be reviewed at a future meeting. Alderman Kilkenny moved to table to the call of the chair. The motion was seconded by Alderman Johnson and carried unanimously.

Award Bid for Well #7 Pumping Equipment to Municipal Well & Pump for 3500 rpm Goulds pumping equipment at a cost of \$17,387.

Alderman Kilkenny moved to award the bid for the Well #7 Pumping Equipment to Municipal Well & Pump at a cost of \$17,387. The motion was seconded by Alderman Finley. Alderman Kilkenny noted the original budget was for \$50,000 and Water & Sewage Commission member Pippitt requested to consider a submersible turbine. As a result of the suggestion and working

with the engineer the cost went down from \$50,000 to \$17,387. Alderman O'Connor moved to amend to add "not to exceed". The motion was seconded by Alderman Johnson. The amending motion carried unanimously. The motion to award the bid for the Well #7 pumping equipment to Municipal Well & Pump at a cost not to exceed \$17,387 carried unanimously upon call of the roll.

Communications Site Lease Agreement with Charter Communications at 1111 Edward Street. Alderman Siedelmann noted this lease has been in negotiations for several months and is now at the same charge as lease agreements on other water towers. The lease is renewable five times for a maximum of 25 years. Alderman Siedelmann moved to approve the Communications Site Lease Agreement with Charter Communications at 1111 Edward Street for a 5-year term starting January, 2009 with the 2009 rent at \$13,152 with an annual rent increase of 5% from the previous year. The motion was seconded by Alderman O'Connor. A discussion was held on the City's ability to enforce the lease. The motion carried unanimously.

Consider award of Masonic Lodge Drain Line to GMS Excavators, Inc. in the amount of \$10,680. Alderman Siedelmann moved to recommend to the Common Council to approve the low bid from GMS Excavators, Inc. at a cost of \$10,680 contingent on receiving a construction easement from the Masonic Lodge. The motion was seconded by Alderman Johnson and carried unanimously.

RC-277 Ordinance Amending Section 7-1-2 (a) (2) Issuance of Dog Licenses: Alderman Johnson moved to adopt the ordinance increasing the fees for dog licenses. The motion was seconded by Alderman Siedelmann. Alderman DeWitt noted the main reason for the increase of the fees is that Walworth County is increasing the fees charged to the City of Delavan. Alderman Finley noted the police spend a lot of time on dog problems such as barking dogs. The motion carried unanimously.

RC-278 Ordinance Amending Section 7-2-33 Operator's License Fee. Alderman Johnson moved to adopt the amendment to Section 7-2-33 for Operator's Licenses. The motion was seconded by Alderman O'Connor. Alderman DeWitt noted the Operator License fee will increase to \$40 for a one year license and \$60 for a two year license, the Temporary License fee to \$10 and Provisional Licenses \$30. The motion carried unanimously.

Approval of Bills: Alderman Siedelmann moved to approve Warrant 09-08 and Supplemental List of Bills in Excess of \$5,000 for August, 2009. The motion was seconded by Alderman Finley and carried unanimously upon call of the roll.

Approve Appointment of Parks and Recreation Director. City Administrator Salitros noted 37 applications were received and all five of the candidates interviewed had ties to Wisconsin. The Parks and Recreation Commission has recommended approval of the appointment of Thomas Klug of Janesville with a starting date of September 21, 2009. Alderman Finley moved to approve City Administrator Salitros' appointment of Thomas Klug as Parks and Recreation Director. The motion was seconded by Alderman Siedelmann. The motion carried unanimously upon call of the roll.

Mayor's Appointment to the Police and Fire Commission, to fulfill the unexpired term of Cindy Finley expiring April, 2011: Alderman Siedelmann moved to approve the appointment of Al Seemann to the Police and Fire Commission. The motion was seconded by Alderman Kilkenny and carried unanimously.

Approve contract amendment with Mann Brothers to delete the Sanitary Sewer Installation portion of the project on east Highway 50. Alderman Kilkenny moved to authorize an amendment to the current contract awarded to Mann Bros. to delete the installation of sanitary sewer piping per Director of Public Works Wendorf's memo of September 2nd. The motion was seconded by Alderman Siedelmann. When asked, City Administrator Salitros explained the contract included an extensive watermain project that was paid for mostly out of water revenue bonds. The second portion of the contract was for sanitary sewer installation. However since no work has been commenced by Lake Lawn on the site the sanitary sewer installation is not necessary at this time. The contractor would like to close out the contract in order to release the contract retainage funds. Mr. Salitros explained the money that has already been borrowed for the project needs to be committed to either another project or to repayment of the TIF loans.

Staff is recommending connecting two dead end watermains along Highway 50 under the interstate. If there would be a major watermain break in that area, almost all of the buildings in the east development area (Delavan Crossings) would be required to shut down because of a lack of fire protection and drinking water. Alderman Kilkenny feels they should close down the TIF district and pay down the debt. The motion carried unanimously upon call of the roll.

Discussion of Capital Improvement Plan (2010-2014): City Administrator Salitros noted the budget calendar requires the Council to discuss the CIP prior to September 10th. He noted Ehlers is in the process of incorporating the proposed CIP into their financial planning and tax impact spreadsheets at the request of the Finance Committee. Alderman O'Connor asked for an explanation of several items. Alderman Kilkenny opined that the review of the 5-year plan should also include the impact on the tax rate.

R-484 Resolution authorizing grant application to WI DNR for repair and rehabilitation of Mill Pond Dam: Alderman Johnson moved to authorize the grant application to WI DNR for repair and rehabilitation of the Mill Pond Dam. The motion was seconded by Alderman Finley. Director of Public Works Wendorf explained the current handrails do not meet safety standards for pedestrians and repair to the dam would allow it to be more easily operated to meet the flow coming from Delavan Lake. The motion carried unanimously.

Suggested Future Agenda Items: Alderman Finley noted the Council should be searching for a replacement for the city administrator. The current agreement for Administrator Salitros expires January 9, 2010.

Recess to Closed Session pursuant to WI Statutes 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Re: Lake Lawn Resort and/or Development Resort Holdings. Alderman Siedelmann moved to recess to closed session at 8:05 p.m. The motion was seconded by Alderman Finley and carried unanimously upon call of the roll. Mayor Nieuwenhuis called for a 5-minute recess.

Reconvene to Open Session with possible announcement or action on closed session discussion. Alderman O'Connor moved to reconvene to open session at 9:00 p.m. The motion was seconded by Alderman Johnson and carried unanimously.

Adjourn: There being no further business to come before the Common Council, the meeting adjourned at 9:01 p.m. upon a motion by Alderman Johnson, seconded by Alderman DeWitt and unanimously carried.

Susan Kitzman
City Clerk