

**City of Delavan
Special Common Council
Monday, September 28, 2009
Municipal Building Council Chambers**

Call to Order and Roll Call: Mayor Nieuwenhuis called the Special Common Council meeting to order at 6:30 pm.

Members Present: Mayor Nieuwenhuis, Alderman Siedelmann, DeWitt, Finley, Kilkenny, Johnson and O'Connor.

Also Present: City Administrator Salitros, City Attorney Koch, Director of Public Works Wendorf, Delbrook Golf Course Manager Piecha, Special Counsel Schroeder and Deputy Clerk/Treasurer Stewart.

Consider awarding bid for the Delbrook Golf Course paving proposal to B.R. Amon & Sons, Inc. of Elkhorn, WI in the amount of \$32,303, with the elimination of Section A Item #4: Golf Course Manager Piecha was in attendance and explained why the section along Highway O was eliminated from the proposal. Mr. Johnson made a motion to award the bid for the Delbrook Golf Course paving proposal to BR Amon & Sons, Inc. of Elkhorn, WI for the amount not to exceed \$32,303 with the elimination of Section A, Item #4. Mr. Finley seconded the motion, which passed with a call of the roll.

Consider preliminary resolution to specially assess the cost for initial installation of concrete sidewalks on the east side of Walnut Street from Walworth Avenue to Schauf Street: Several of the Aldermen spoke with the neighbors involved in this issue as well as representatives of Dousman Transport, the school bus company, prior to the meeting. The party that initially requested the sidewalk has since removed their request and does not want any further action taken. In the opinion of Director of Public Works Wendorf, installing a sidewalk at that location would have been difficult as there is not adequate space on that side of the street. The school bus company prefers children cross in front of the bus when entering or exiting the bus for safety reasons and have modified their route on that street. Alderman Kilkenny made a motion to deny the preliminary resolution declaring intent to exercise special assessment powers under Section 3-2-2, Municipal Code, and Section 66.0703, Wisconsin Statutes (under City's Police Power) for concrete sidewalks on the east side of Walnut Street from Walworth Avenue to Schauf Street. The motion was seconded by Alderman Finley and carried on a call of the roll. Notification of cancellation will be sent to parties who received notice of a public hearing on the subject.

Recess to closed session pursuant to Wisconsin 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: Amendment No. 2 to Developer's Agreement between City of Delavan and Delavan Resort Holdings. Alderman Siedelmann made a motion to move to closed session at 6:45 pm. The motion was seconded by Alderman Finley and carried on a call of the roll.

At 8:04 p.m. Alderman O'Connor made a motion to go into open session, which was seconded by Alderman Finley and was unanimously approved 6-0.

At 8:04 p.m., a motion was made by Alderman Kilkenny to direct the attorneys for the City to notify Delavan Resort Holdings, LLC of the City's intent to suspend their performance under the first and second amendment to the Developer's Agreement, said letter to be sent via certified and regular mail. This was seconded by Alderman Siedelmann, and unanimously approved 6-0.

Motion to Adjourn: At 8:05 p.m., a motion to adjourn was made by Alderman Siedelmann, and seconded by Alderman DeWitt. Said motion was unanimously approved by the Council 6-0.

Respectfully Submitted,
Lisa Stewart, Deputy Clerk/Treasurer