

**CITY OF DELAVAN
COMMON COUNCIL
November 10, 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, DeWitt, O'Connor, Johnson, Kilkenny and Finley. Also Present: City Administrator Salitros, City Attorney Koch, Director of Public Works Wendorf, Building/Zoning Administrator Walling, Fire Chief Flood, Police Chief O'Neill, Utility Director Stebnitz and City Clerk Kitzman.

Pledge of Allegiance and Invocation: Alderman Siedelmann led the pledge and invocation. Mayor Nieuwenhuis asked the veterans to stand and be recognized.

Approval of Minutes: Alderman Siedelmann moved to approve the minutes of October 13, 2009, and October 27, 2009 with a minor addition of "upon call of the roll" at the end of the paragraph approving the amendment to the Employment Agreement for City Administrator. The motion was seconded by Alderman Kilkenny and carried unanimously.

Communications: Presentation from Downtown Business Association: Laura Jacob-Welch, owner of the Cheese Store at Walworth and Main, spoke in favor of the Delavan Business Association. Becky Gavin of Charter showed three commercials advertising historic downtown Delavan.

Alderman Kilkenny relayed a thank you received by Director of Public Works Wendorf who spoke in Waukesha at the Federation of Environmental Technologist on organizing a successful Brownfields cleanup.

Public Comments: Allen Buzzell, 353 Tyrrell Court, spoke on the Legion activities for Veterans Day. Alderman O'Connor reported post-traumatic stress seminars are being given at the Legion. Jackie Busch, Executive Director of the Chamber of Commerce expressed their continued support of the Downtown Business Association. Linda Siert, 105 Spring Drive, owner of Memories of the Heart, spoke on the value of the downtown to tourist looking to move to Delavan and the value of communication for businesses.

Reports of Standing Committees - Finance and Treasurer's Report: Alderman Siedelmann reported on the meeting of November 9th and moved to approve the Treasurer's Report. The motion was seconded by Alderman Johnson and carried unanimously.

General Operations: Alderman Johnson reported on the meeting of November 3rd.

Public Works: Alderman Kilkenny reported on the meeting of October 27th. They are reviewing industrial park improvements, 2010 street projects, and coordinating projects

with the Water Utility. He further explained how the Committee is trying to do the most cost-effective repair of the roads.

Town of Delavan Lake Committee: Alderman Finley reported on the meeting of September 3rd where they discussed the Inlet dredging, Brown's channel, the wetlands, and control of invasive species. Next meeting will be the first Wednesday in December.

Library Board of Trustees: Alderman Finley reported the Board is considering placing school textbooks in the library and improving security improvements. The library is offering free computer classes as well as home buyer classes.

Fire Station Task Force: Mayor Nieuwenhuis indicated the McGrath Study should be completed at the end of the month. The preliminary study for the City of Delavan concluded that Ann Street was the best location for our fire station.

Tri-Community Meeting: Alderman Finley reported the meeting has not been held for several months.

Lake Comus Protection and Rehabilitation District: Alderman Kilkenny no meeting.

Communications Commission: Alderman DeWitt reported on the meeting of November 3rd. There has been a lot of concern about the PEG channel that is not being used at WSD. The Committee discussed the fact that many citizens do not have access to the cable channel and maybe they should be utilizing something more modern such as the website. They are discussing whether the channel should be located at City Hall or at the school. Alderman DeWitt stressed letting the Communications Commission work on the PEG channel project.

Public Hearing on the Plan Commission's proposed City of Delavan Comprehensive Plan that outlines policies to guide growth, development, redevelopment, and preservation in the City over the next 20 years. Dan Moser of Vandewalle highlighted the proposed Comprehensive Plan. He explained that compared to the most recent 1999 plan, the new plan recommends less potential development area, and the pace of development has been substantially reduced. The emphasis is on making the best use of infill opportunities of residential development and are utilizing planned neighborhoods and planned mixed uses for future development of the city. The planned mixed-use areas are flexible growth areas for commercial development, office and some residential development. An emphasis was placed on maintaining a healthy downtown. Mr. Moser noted the changes requested from the Plan Commission and staff and recommends incorporating these into the plan.

Mayor Nieuwenhuis opened the public hearing. Lauren Pohn, 314 North Fifth Street, spoke on the historic downtown and asked for an ordinance to enforce historical signage. She asked that façades to be returned to a historic look whenever a building changes hands. She spoke against an interchange at I-43 and Mound. There being no further parties wishing to be heard the public hearing was closed.

Mike Slavney, City Planner, explained the difference between the urban reserve area and agricultural. The urban reserve area is where the city has been authorized by Southeastern Wisconsin Regional Planning Commission (SEWRPC) to extend public water and sewer lines. The ratepayers may have already made an investment in the water and sewer system to develop the urban services area. The agricultural area designation is sending a

message that those areas will always be rural or agricultural in nature. Alderman Kilkenny felt that more land should be designated is agricultural to preserve farmland, hillsides, lakes, and waterways.

A lengthy discussion was held regarding the extraterritorial area within the Town of Delavan. Mr. Slavney explained that the Town has the area east of CTH F as property designated for development. He also explained farmland preservation easements. After January 1st of 2010 the City can allow annexation of property but cannot change the zoning if it is inconsistent with the adopted master plan.

Alderman DeWitt moved, seconded by Alderman Kilkenny to amend the agenda to take items out of order.

RC-281 Ordinance to adopt the Comprehensive Plan of the City of Delavan: Alderman O'Connor moved to adopt the Comprehensive Plan. The motion was seconded by Alderman Finley.

Alderman Dewitt moved to amend the plan to reflect the November 4th memo from Mr. Wendorf highlighting 11 changes to the plan. The motion was seconded by Alderman Finley and carried unanimously.

Alderman Kilkenny moved to change the category of urban reserve area north of Highway 50 and the inlet, south of Mound Road, east of the airport of our extraterritorial jurisdiction land to agriculture. The motion was seconded by Alderman Finley. After discussion the motion and the second were withdrawn.

Alderman Dewitt move to amend the area south of Mound Road, north of the inlet and everything east of Highway F to agriculture. The motion was seconded by Alderman Kilkenny. (The area west of Highway F would remain urban reserve) The motion carried unanimously.

Alderman Johnson moved to amend the plan to state "The city opposes the permanent preservation of areas within the urban service area boundary except for areas designated for environmental corridors or for public open space." Alderman Finley seconded the motion that carried with Alderman DeWitt dissenting.

Alderman Kilkenny moved to add "The city shall not consider amendments to the plan any more frequently than on an annual basis." The motion was seconded by Alderman Finley and carried unanimously upon call of the roll.

Alderman DeWitt moved, seconded by Alderman Finley, to approve the ordinance adopting the Comprehensive Plan as amended. The motion carried unanimously upon call of the roll.

Alderman Kilkenny moved, seconded by Alderman Finley to amend the order of the agenda. The motion carried unanimously.

Consider approving the 2010 Planning Services Agreement with Vandewalle & Associates. Alderman Johnson moved to approve the 2010 Planning Services Agreement provided by Vandewalle & Associates. The motion was seconded by Alderman Finley and carried unanimously.

Public Hearing on a request to assign permanent zoning to the recently annexed portion of 975 West Walworth Avenue to Institutional (I) with a Shoreland Overlay Zoning. Applicant: Walworth County Metropolitan Sewerage District. Alderman Johnson moved to remove this item from the table. The motion was seconded by Alderman Finley and unanimously carried. Mayor Nieuwenhuis opened the public hearing.

Director of Public Works Wendorf explained this is the filtration building portion of WalCoMet at the top of the hill. Because it is within 500 feet of the creek it needs to have shoreland overlay zoning. Lauren Pohn asked what is the effect of the zoning change. Mr. Wendorf explained this part of the plant needed public water for their filtration system that could only be provided to properties within the City limits. The Council previously approved the annexation and this action is to assign permanent zoning consistent with its use.

Dan Kilkenny, N3616 Elm Ridge Road, Darien, asked why WalcoMet didn't annex all of their property. Mr. Wendorf assumed it was because this was the area they needed water for and it is the property owner's choice to request annexation. There being no further parties wishing to be heard the public hearing was closed.

Alderman Johnson moved to amend the order and consider item 11 on the agenda. The motion was seconded by Alderman Kilkenny and carried unanimously.

RC-282 Ordinance to assign permanent zoning to the recently annexed portion of 975 West Walworth Avenue to Institutional (I) with a Shoreland Overlay Zoning. Applicant: Walworth County Metropolitan Sewerage District. Alderman Johnson moved to assign permanent zoning of Institutional (I) with a Shoreland Overlay District on 4.4 acres of land at 975 W. Walworth Avenue. The motion was seconded by Alderman Kilkenny and carried unanimously.

Public Hearing on a request to amend the Floodplain Overlay Zoning District to maintain compliance with the National Flood Insurance Program. Applicant: City of Delavan. Director of Public Works Wendorf indicated the language changes are not yet ready.

Consider Request for Amendment to the Development Agreement with First Real Estate Partners Wisconsin LLC. Alderman Kilkenny moved to remove this item from the table. The motion was seconded by Alderman Finley and carried unanimously. Alderman Kilkenny moved to direct the Director of Public Works to utilize the letter of credit funds and deny the extension request by First Real Estate. The motion was seconded by Alderman Finley and carried unanimously upon call of the roll.

Consider Awarding of a two-year Contract for Residential and Commercial Assessing Services for 2010 and 2011. Alderman Johnson moved to award the contract to National Appraisal in an amount of \$8,700 each year for 2010 and 2011. The motion was seconded by Alderman Finley. Alderman Siedelmann explained staff has expressed continuing concerns with Accurate Appraisal. The City previously had a long history with National Appraisal who had met our needs in the past. The motion carried unanimously upon call of the roll.

R-485 Resolution establishing a Policy pertaining to the Use of Room Tax Collections Pursuant to Section 3-5-2(d)(1) of the Municipal Code: Alderman Johnson moved to approve the resolution regarding optional uses for special revenue funds for room tax monies. The motion was seconded by Alderman Siedelmann and carried unanimously.

RC-283 Ordinance to amend Section 6-4-5 Abate of Tree Disease Nuisances and Section 6-4-8 Trimming to include the City Forester's duties related to Emerald Ash Borer. Alderman Johnson moved to adopt the amendments to Section 6-4-5 and 6-4-8 to permit the City Forester to abate any tree disease as a public nuisance. The motion was seconded by Alderman DeWitt and carried unanimously.

R-486 Resolution establishing an annual Goal Setting Session: Alderman Johnson moved to approve the resolution establishing an annual Goal Setting Session. The motion was seconded by Alderman DeWitt and carried unanimously.

Approval of Bills: Alderman Siedelmann moved to approve Warrant 09-10 and Supplemental List of Bills in Excess of \$5,000 for October, 2009. The motion was seconded by Alderman Johnson and carried unanimously upon call of the roll.

Request for Proposals (RFP) for design services related to Fire Station construction: Alderman O'Connor moved to authorize staff to prepare a RFP for design services related to fire station construction. The motion was seconded by Alderman Finley and carried unanimously upon call of the roll.

R-487 Resolution Waiving the Necessity for Referendum on the proposed Fire Station Pursuant to Section 3-1-6 of the Delavan Municipal Code. Alderman Finley moved to approve the resolution. The motion was seconded by Alderman Kilkenny and carried unanimously.

Discuss municipal water service for Lake Lawn Lodge, for existing buildings that do not have service from the City. Alderman Kilkenny noted there is still no water connection to the main building. He will be meeting with staff to discuss what it might take to make those connections.

Discussion and possible action regarding PEG channel which is currently not utilized. Alderman Finley indicated the existing second PEG channel is doing nothing and it is his understanding that Charter will remove this channel if it is not being used.

The Council discussed possible programming and uses for the channel. Alderman Kilkenny moved to direct staff to work with the Communications Commission to secure the ultimate rights or re-rights on that channel. The motion was seconded by Alderman Siedelmann and carried unanimously.

Review and possible action on Ordinance RC-263 regarding Referendum on City Capital Expenditures. No action needed.

Suggested Future Agenda Items: Alderman Finley asked to discuss reopening TID #4 and restrict it to the industrial park and take away from the resort that should operate with their own money.

Consider recessing and convening as Committee of the Whole to discuss 2010 Budget recommended by Finance Committee: Alderman Kilkenny asked to table this item due to the late hour. City Administrator Salitros indicated staff placed this on the agenda because this was the last day of the review period on the budget calendar schedule that the Finance Committee had adopted.

Adjourn: There being no further business to come before the Common Council, the meeting adjourned at 9:30 p.m. upon a motion by Alderman Kilkenny, seconded by Alderman Finley and unanimously carried.

Susan Kitzman
City Clerk