

**CITY OF DELAVAN  
COMMON COUNCIL  
MARCH 4, 2010**

**Call to Order:** Mayor Nieuwenhuis called the special meeting of the Common Council to order at 6:40 p.m. in the Municipal Building Council Chambers.

**Roll Call:** The following members were present: Mayor Nieuwenhuis, Alderman Siedelmann, DeWitt, O'Connor, Johnson, Kilkenny, and Finley. Also present: City Attorney Koch, Special Counsel Schroeder, Director of Public Works Wendorf, Utility Director Stebnitz, Utility Manager Piester, Ron Pippitt, and Rich Rehak.

**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 it is likely to become involved, re: Delavan Resort Holdings, Inc. performance or non-performance of Development Agreement and Amendments thereto.** Alderman O'Connor moved to 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 it is likely to become involved, re: Delavan Resort Holdings, Inc. performance or non-performance of Development Agreement and Amendments thereto. Alderman Siedelmann seconded the motion that carried unanimously by a roll call vote. Alderman Kilkenny moved to allow members of City Staff and members of the Water & Sewage Commission to be present in closed session. The motion was seconded by Alderman Johnson, and was carried unanimously by a roll call vote.

**Reconvene to Open Session:** Alderman Siedelmann moved to reconvene in open session. The motion was seconded by Alderman DeWitt and carried unanimously by a roll call vote.

Alderman Kilkenny moved to approve the Resolution Rescinding Amendment #2 to the Developers Agreement and directed counsel to record with the Register of Deeds the Resolution and forward the letter rescinding the agreement to the opposing party for notification of the action of the counsel with updating the letter as needed. The motion was seconded by Alderman John Finley.

Alderman Ron Siedelmann moved to take a five minute recess to carefully review the Resolution. This motion was seconded by Alderman Kilkenny and carried unanimously at 7:47 p.m. 7:52 p.m. back in session. A roll call vote of Alderman Kilkenny's motion was taken and passed unanimously.

**Motion to Adjourn:** Alderman Kilkenny made a motion to adjourn and said motion was seconded by Alderman Jeff Johnson at 7:53 p.m. and unanimously carried.

Steve Koch  
City Attorney