

**CITY OF DELAVAN
COMMON COUNCIL MEETING
March 9, 2010**

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, Police Chief O'Neill, Utility Director Stebnitz, 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 February 9, 2010. The motion was seconded by Alderman O'Connor and carried unanimously.

Public Comments: Noreen Nelson, North Second Street, spoke in support of the Downtown Business Association and their funding. Calvin Square, 311 East Geneva Street, asked that his street be added to the capital projects program as it is very deteriorated since the watermain was repaired several years ago. Alderman Kilkenny explained the 10-year plan for repair or replacement.

Joe Bell, 54 Arbor Ridge Drive, opined the posting was inadequate for the Chamber of Commerce agenda item. Merlyn Dahl, 403 East Wisconsin Street, asked what the money for the Chamber can be spent for and where it is coming from. He also expressed concern about ground water and TIF Districts.

Lauren Pohn, 314 Fifth Street, asked for more information on the Chamber proposal prior to the Council taking action. Allen Buzzell, 353 Tyrrell Court, encouraged City staff to promote Delavan.

Mary O'Connor, Dave Kilkenny, and John Finley all spoke on the previous comments addressed at Council meetings between the three parties.

Reports of Standing Committees - Finance and Treasurer's Report: Alderman Siedelmann reported on the meeting of March 8th. He noted minutes are on file and available to the public. Based upon the review and recommendation of the Finance Committee, Alderman Siedelmann moved to approve the Treasurer's Report for February, 2010. The motion was seconded by Alderman Finley and carried unanimously. General Operations: Alderman Johnson reported on the meeting of March 2, 2010. Minutes are on file and available to the public. The next meeting will be Monday, April 5th.

Public Works: Alderman Kilkenny reported on the meeting held February 23rd where they discussed the road maintenance on North Shore Drive that will require seal coating.

Additional parking in the area of New Horizons was reviewed. They are unable to increase the parking, however when the new fire station is built there will be additional stalls in the parking lot that are currently reserved for Fire Department personnel.

Town of Delavan Lake Committee: Alderman Finley reported on the meeting February 13th. They discussed the dredging project and they have shifted from charging the lakefront owners along the inlet to the cost being paid by the entire township.

Library Board of Trustees: Alderman Finley noted over 100,000 people came into the library. March 12th and 13th will be the children's book sale. He thanked Public Works Assistant Weckel who wired the phone system, and the Street Department that removed an old maple tree in the parking lot.

Fire Station Task Force: Mayor Nieuwenhuis – no meeting.

Tri-Community Meeting: Alderman Finley reviewed the meeting of February 24th where information was presented about Shodeen's new project along Highway F. Water, sewer and stormwater were the basic topics of discussion.

Lake Comus Protection and Rehabilitation District: Alderman Kilkenny reported there was no meeting this past month.

Communications Commission: Alderman DeWitt reported on the meeting of March 2nd where they approved a recommendation regarding the public access channel policy, which states how the channel will be run. They have decided to recommend the hire of a communication coordinator and about \$5,000 is available in the budget for staffing.

Public Hearing on a request to amend Section 23.503 of Subchapter 23-5 of the City of Delavan Zoning Ordinance for Natural Resources Protection for Floodplain Zoning Regulations. Applicant: City of Delavan. Mayor Nieuwenhuis opened the public hearing. Director of Public Works Wendorf reviewed the ordinance that will keep the city in compliance with the federal and state standards for floodplains.

When asked, Mr. Wendorf further explained that FEMA redid all of the floodplain maps on a county-wide basis. Most of the changes to the ordinance are simply fine-tuning of the language. There are approximately seven properties in the City where the structure of the house may possibly be in the floodplain, mostly on Brook Lane. There are several properties owned by the city, such as Lower Springs Park and Veterans Park. The city purchased those properties in the 1920s and 1930s to protect from flooding problems.

Alderman DeWitt asked what would happen if the City is not in compliance. Mr. Wendorf indicated that if a homeowner is required to have flood insurance, it raises the price of the insurance by about three times. There being no further parties desiring to speak, the public hearing was closed.

RC-287 Ordinance to amend Section 23.503 of Subchapter 23-5 of the City of Delavan Zoning Ordinance for Natural Resources Protection for Floodplain Zoning Regulations. Applicant: City of Delavan. Alderman Siedelmann moved to adopt the Ordinance amending Section 23.503 of Subchapter 23-5 of the City of Delavan Zoning Ordinance for Natural Resources Protection for Floodplain Zoning Regulations. The motion was seconded by Alderman Finley and carried unanimously.

Initial Resolution Regarding Industrial Development Revenue Bond Financing to Benefit U.S. Tanker-Fire Apparatus, LLC. Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution. City Administrator Salitros announced that US Tanker does not want to move forward with this form of financing at this time. They are still looking to close on the property on March 31st and begin work at that time. Alderman Kilkenny moved, seconded by Alderman Siedelmann and unanimously carried to take no action.

R-496 Resolution Providing for the Sale of \$2,450,000 General Obligation Promissory Notes. Todd Taves of Ehlers and Associates explained the borrowing; \$1,520,00 is needed for new projects, \$930,000 will be refunding for a lower interest rate. There will also be a borrowing for the fire station later in the year. The refunding will save approximately \$18,703 in interest cost over the next three years. Alderman Johnson moved to adopt the resolution providing for the sale of \$2,450,000 GO Promissory Notes. The motion was seconded by Alderman Siedelmann. The motion carried unanimously upon call of the roll.

In conjunction with the borrowing, Mr. Taves updated the Council on the status of TIF District #4. At this point with a \$500,000 watermain loop the District would close in 2017. With the further addition of a \$1,000,00 water tower the District would close in 2018. This projection is based upon no additional growth in the District and no inflation.

Facilities Lease Agreement for Use of the Edward Street Water Tower between the City of Delavan and Open Range Communications. Alderman Johnson moved to approve the facilities lease agreement for use of the Edward Street Water Tower by Open Range Communications. The motion was seconded by Alderman Finley. Alderman DeWitt noted there is the ability for the company to get out of the lease upon 60 days notice. City Administrator Salitros pointed out the clause indicating the City can get out of the lease upon six months notice. The motion carried unanimously upon call of the roll.

Award the Well #3 Rehabilitation Project to Layne Christensen Company in the amount of \$32,480. Alderman Johnson moved to award the Well #3 Rehabilitation Project to Layne Christensen Company in the amount not to exceed \$32,480. The motion was seconded by Alderman O'Connor. Utility Director Stebnitz explained that after the test pumping of the well the alternate for air bursting treatment may be required to give more capacity to the well. The motion carried unanimously upon call of the roll.

Purchase One Ton Dump Truck with Plow and Sander from Kunes Country Ford, Delavan and Monroe Truck Equipment, Monroe at a total cost not to exceed \$51,104. Alderman Siedelmann moved to purchase the one-ton Dump Truck with Plow and Sander from Kunes Country Ford, Delavan and Monroe Truck Equipment, Monroe at a total cost not to exceed \$51,104. The motion was seconded by Alderman O'Connor and carried unanimously upon call of the roll.

Purchase of two new 2010 Ford Crown Victoria Police Interceptors and one 2010 Ford Explorer from Kunes Country Ford in the amount of \$66,850.49 and authorize the Chief of Police to negotiate the sale of the three vehicles that are being replaced.

Alderman Siedelmann moved to purchase two new 2010 Ford Crown Victoria Police Interceptors and one 2010 Ford Explorer from Kunes Country Ford in the amount not to exceed \$66,850.49 and authorize the Chief of Police to negotiate the sale of the three vehicles that are being replaced. The motion was seconded by Alderman Finley. Chief O'Neill explained the process for selling the old cars and the advantages of that sale. They would anticipate a much better net cost than the amount budgeted. The motion carried unanimously upon call of the roll.

Three-Party Design Engineering Contract between the State of Wisconsin Department of Transportation, Strand Associates Inc., and the City of Delavan for the resurfacing of Seventh and Geneva Streets from Wisconsin Street to Park Avenue; reconstructing of Geneva Street from Park Avenue through Wright Street; and construction of a multi-use path on the north side of Geneva Street extending from Wright Street through the I-43 Interchange, for local share amount of \$71,201.

Alderman Siedelmann moved to award the Three-Party Design Engineering Contract between the State of Wisconsin DOT, Strand Associates, Inc. and the City of Delavan at a cost to the City of \$71,201. The motion was seconded by Alderman Johnson.

Director of Public Works Wendorf explained this is for the design engineering of the project that was agreed to in 2008 and the City must pay 25% of the design engineering cost. The construction would be in 2013 or 2014 and the State will pay all of the eventual construction cost. The motion carried unanimously upon call of the roll.

Mayor Nieuwenhuis declared a 5-minute recess at 7:55 p.m.

Consider confirming Chamber of Commerce project as an eligible use of room tax and approving special revenue funds for the project. Travis Egan, representing the Chamber of Commerce explained the proposal for the purchase of the vacant lot at Second Street and Walworth Avenue. The Chamber is asking for funds from the City Room Tax Special Revenue Fund to assist in the purchase. The Chamber would like to construct a building to house the Chamber and the Historical Society. They believe this will continue the revitalization of the downtown and will add a destination and an anchor to the downtown.

Mr. Egan explained they are not asking for property tax dollars, but are requesting room tax dollars that are restricted by State law to only be used for tourism, promotion and development. The first year commitment could be limited to \$10,000 and four subsequent \$20,000 commitments and a final commitment of \$10,000. If the building is not substantially started by December 31, 2012, the City would stop making any more payments on the commitment, thereby limiting the city's exposure to \$50,000.

Alderman Kilkenny moved a Point of Order as he felt this was a violation of the open meeting law as it was not properly agendacized. Alderman Kilkenny moved to not

review this proposal at this time due to a potential open meetings violation. Alderman Finley seconded the motion. City Attorney Koch reviewed the test of reasonableness and felt it met the standards of reasonableness. The motion was denied with Alderman Siedelmann, DeWitt, O'Connor and Johnson dissenting.

A lengthy discussion was held on the proposal and whether a written agreement between the City and Chamber would be required. Alderman Finley moved that the city guarantee the purchase of the property and at another meeting we figure out the details. After some discussion, Alderman Johnson seconded the motion.

Alderman Kilkenny moved to table to a special meeting. The motion was seconded by Alderman Finley. The motion was denied with Alderman Siedelmann, DeWitt, O'Connor and Johnson dissenting.

The motion from Alderman Finley was denied with Alderman Siedelmann, DeWitt and Kilkenny dissenting. Mayor Nieuwenhuis also dissented.

Alderman DeWitt moved to approve the Chamber of Commerce project as an eligible use of room tax money. The motion was seconded by Alderman Johnson. The motion carried unanimously.

Consider approving agreement with Bray Architects for Fire Department Design and Planning Services. City Administrator Salitros noted this item is not fully prepared for action.

Discussion and possible action regarding the Letter of Credit requirements with the Ellis Farms Subdivision. Mr. Wendorf explained no action is needed as a corrected Letter of Credit has been provided by the developer.

Consider a Change Order to the 2010 Streets contract to allow for paving in The Fields of Delavan Subdivision using developer escrowed funds. Director of Public Works Wendorf explained this request is to complete pavement of the remaining public roadways of Linden Lane, Cedar Avenue and Whispering Pines Drive at an estimated amount of \$24,450 for base pavement repairs (out of the Heritage escrow) and an estimated \$51,650 for final pavement installation (out of the First Real Estate escrow).

Alderman Siedelmann moved to authorize a Change Order to the 2010 Streets contract to allow for paving in The Fields of Delavan Subdivision using developer escrowed funds. The motion was seconded by Alderman Finley. The motion carried unanimously upon call of the roll.

Approval of Bills: Warrant 10-02 and Supplemental List of Bills in Excess of \$5,000 for February, 2010: Based upon the review and recommendation of the Finance Committee, Alderman Siedelmann moved to approve Warrant 10-02 and the Supplemental List of Bills in Excess of \$5,000 for February, 2010. The motion was seconded by Alderman Johnson and carried unanimously upon call of the roll.

R-497 Resolution regarding abandoned 2002 Chevrolet S10 Pickup Truck.
Alderman Johnson moved to adopt the resolution declaring the 2002 Chevrolet S10 Pickup Truck as abandoned property and allowing the City to take possession of the truck. The motion was seconded by Alderman DeWitt and carried unanimously.

Suggested Future Agenda Items: None.

Adjourn: There being no further business to come before the Common Council, the meeting adjourned at 8:55 p.m. upon a motion by Alderman Siedelmann, seconded by Alderman Finley and unanimously carried.

Susan Kitzman
City Clerk