

**CITY OF DELAVAN  
COMMON COUNCIL  
April 13, 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 Captain Hansen, 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 March 4, 2010, March 9, 2010 and March 17, 2010. The motion was seconded by Alderman Finley and carried unanimously.

**Public Comments:** Noreen Joppa Nelson, owner of the Joppa House Museum, reminded the Council of Delavan's 175<sup>th</sup> anniversary next year. Laurie Jacobs-Welch thanked the Council members for their service to the City and encouraged funding the Downtown Business Association's farmer's market. Joe Bell, 54 Arbor Ridge Drive, congratulated the new members of the Council, and spoke on controlling spending. Merlyn Dahl, 403 E Wisconsin Street, spoke on lodging tax, room tax, and other items on the agenda. Allen Buzzell, 353 Tyrrell Court, encouraged spending on the DBA as they are "home-grown". Alderman Finley corrected the article in the newspaper that the Chamber of Commerce was asking for a loan, when in fact they were asking for a gift from the City for the purchase of their land, with no details of the remainder of the purchase of the property. Alderman O'Connor confirmed with the City Attorney that it is appropriate for aldermen to provide information to staff to be distributed to the Council.

**Reports of Standing Committees - Finance and Treasurer's Report:** Alderman Siedelmann reported on the Finance Committee meeting of April 12<sup>th</sup>. Based upon the review and the recommendation of the Finance Committee, Alderman Siedelmann moved to approve the Treasurer's Report for March 31, 2010. The motion was seconded by Alderman Johnson and carried unanimously.

**General Operations:** Alderman Johnson reported on the meeting of April 5<sup>th</sup>. Discussed issues with the Franklin and Marino neighborhood and closing the road at Geneva and Third Street that will be handled in the coming months. Minutes are available through the City Clerk's office.

**Public Works:** Alderman Kilkenny noted at the March 23<sup>rd</sup> meeting they discussed the possible closing of the intersection at Geneva and Third Street. They are also reviewing the roadway project goals.

**Town of Delavan Lake Committee:** Alderman Finley reported that plans and specifications bids have been sent out on the inlet dredging project. They discussed salt

on the roads and runoff to the lake. The Town of Delavan has adopted an ordinance to control invasive species into Delavan Lake.

Library Board of Trustees: Alderman Finley reported they are preparing a building proposal for the 2015 capital plan and heating repairs for the future. He also reviewed all of the May programs.

Fire Station Task Force: Mayor Nieuwenhuis – no meeting.

Tri-Community Meeting: Mayor Nieuwenhuis – no meeting due to the elections.

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

Communications Commission: Alderman DeWitt noted the Commission will meet again in May.

**R-498 Resolution Authorizing the Issuance and Sale of \$2,450,000 General Obligation Promissory Notes, Series 2010A:** Dave Wagner, Vice-President of Ehlers & Associates, the City's financial advisors, reported bonds were sold with the low bid going to Banker's Bank of Madison, Wisconsin, at a true interest rate of 2.7837%. The net interest cost is \$289,011 for ten years. Moody's Rating Service confirmed the City's A3 rating. The borrowing was reduced by \$15,000 to \$2,435,000 due to the favorable interest rate. Alderman Siedelmann moved to adopt the Resolution Authorizing the Issuance and Sale of \$2,435,000 General Obligation Promissory Notes, Series 2010A. The motion was seconded by Alderman Johnson and carried with Alderman Finley dissenting.

**Public Hearing on Special Assessments for Concrete Sidewalk on both sides of Elmhurst Avenue from the north line of Barnes Street to a point 800 feet north.** Mayor Nieuwenhuis opened the public hearing. Director of Public Works Wendorf explained this is a recommendation from the Public Works Committee in connection with repaving Elmhurst Avenue.

Blanca Tejada spoke against adding a sidewalk to Elmhurst Avenue. She explained the problems with children in the area waiting for the school bus and littering in the area. She felt the sidewalk will cause additional problems as it will be very close to the homes. Police Captain Hansen felt the Police Department would like the sidewalk so they can direct the children to the sidewalk instead of having them walk in the street.

Merlyn Dahl, 403 E Wisconsin, spoke on the disparity of which residences are required to install sidewalks. Joe Mullen, 561 Elmhurst Avenue, felt there was an agreement to not charge his property for sidewalk when the land was sold to the City. City Attorney Koch indicated the City agreed that there would be no cost for the extension of Elmhurst Avenue and he interpreted that to mean road costs and not sidewalk costs.

Alderman Johnson asked about the sidewalks being very close to the houses. Director of Public Works Wendorf said it would be the two corner houses at Barnes Street that have two street yards. The houses probably received variances when they were built closer to the lot line than normal.

Laurie Moore at 1215 Barnes Street said the sidewalk will be almost on top of our house and may need to take down the fence. Mr. Wendorf indicated the fence is on private

property, however the sidewalk could be placed closer to the street than normal. Aldermen Kilkenny and Johnson felt it would be safer to put the children on the sidewalk and off the street. There being no further parties wishing to be heard, the public hearing was closed.

**R-499 Resolution for Special Assessments for Concrete Sidewalk on both sides of Elmhurst Avenue from the north line of Barnes Street to a point 800 feet north.**

Alderman Kilkenny moved to adopt the resolution for Special Assessment for Concrete Sidewalk on both sides on both sides of Elmhurst Avenue from the north line of Barnes Street to a point 800 feet north, adjusting the sidewalk closer to the road in front of the houses at the corner of Barnes and Elmhurst. The motion was seconded by Alderman O'Connor. After additional discussion the motion carried unanimously upon call of the roll.

There being no objection, Mayor Nieuwenhuis took the following agenda item out of order.

**Discussion and possible action regarding conditions assessment for the Old Temperance House:** Alderman Kilkenny explained the condition of the building on East Walworth Avenue owned by Ed Chesko and explained the historical significance of this building. A follow up meeting will be held Saturday, April 17<sup>th</sup> at 10:00 a.m. at City Hall to discuss the building.

Jenell Scheurell, National Trust for Historic Preservation, spoke about the temperance building where the beginning of the Delavan government started. Delavan was the leader of the temperance movement in the state, as well as the abolitionist movement. At a state level it is an important building because it is the only known temperance building remaining. It later became a tavern and is one of the oldest taverns in the state. She quoted Jim Draeger who felt the building was restorable and the current adverse conditions are reversible. Patti Mariscano will work to start a Save the Temperance House Building Committee who will need to hire an architect to perform a condition assessment on the building. The National Trust for Historic Preservation can offer a 1 to 1 grant to cover the conditions assessment cost. The books in the building are causing the fire hazard and the weight load stresses on the building. There is someone coming the end of April to look at taking all of the books that are owned by Ed Chesko, which would allow the Fire Chief to lift the raze order.

Alderman Kilkenny moved to authorize the City Administrator to work with the National Trust for Historic Preservation to prepare a request for proposals for a conditions assessment for the Old Temperance House. The motion was seconded by Alderman Finley. The approximate cost would be \$10,000 with the possibility of a grant for half of the cost. The motion carried unanimously upon call of the roll.

Mayor Nieuwenhuis called a 5-minute recess.

**Award the 2010 Street Seal Coating bids to Struck & Irwin Paving of DeForest, WI for an amount not to exceed \$37,530.90.** Alderman Kilkenny moved to award the 2010 Street Seal Coating bids to Struck & Irwin Paving of DeForest, WI for an amount not to exceed \$37,530.90. The motion was seconded by Alderman Finley and carried unanimously upon call of the roll.

**Consider authorization for sale of surplus topsoil from Industrial Park #6 (north of Mound Road) or authorize solicitation for cash-crop rental quotes.** Alderman O'Connor moved to authorize the sale of surplus topsoil from Industrial Park #6. The motion was seconded by Alderman DeWitt. When asked, Mr. Wendorf explained the proposal is from Compost Management to strip some of the remaining topsoil and then seed the property. There are a lot of rocks in the land as it was a borrow pit for I-43 in 1970's and therefore it is not the best soil profile.

Alderman Finley moved to amend the motion to solicit for a cash crop rental quote first. The motion was seconded by Alderman Kilkenny. Terms for potential crop leases were discussed. Alderman Kilkenny moved to further amend to a lease term of one year. The motion died for lack of a second. The amending motion failed with Aldermen Siedelmann, DeWitt, O'Connor and Johnson dissenting.

The motion to authorize the sale of surplus topsoil from Industrial Park #6 carried with Aldermen Kilkenny and Finley dissenting.

**Consider Memorandum of Understanding with Baxter & Woodman for engineering review of the existing Borg Road bridge structure over Swan Creek, to be cost shared at 50% with the Town of Delavan, for approximately \$3,000.** Alderman Siedelmann moved to approve the Memorandum of Understanding with Baxter & Woodman for engineering review of the existing Borg Road Bridge at a cost of \$3,000 to be shared 50% with the Town of Delavan. The motion was seconded by Alderman Finley and carried unanimously upon call of the roll.

**Consider Auto Service Parking Lease with Hunter's Auto Service:** Alderman Siedelmann moved to approve the new auto service parking lease with Hunter's Auto Service at \$129 per month. The motion was seconded by Alderman O'Connor. Alderman Siedelmann noted this lease is proposed as a month to month lease as the lease covers part of the area needed for the new fire station project. The motion carried unanimously upon call of the roll.

**Consider the Creation of a new position of Communication Coordinator.** Alderman DeWitt explained the Communications Commission has recommended that the Council authorize the creation of a Communications Coordinator. This person would be in charge of more than the PEG channel and would look at all forms of communication such as the web site. There is \$5,000 in the budget for 10-15 hours per week for the remainder of the year. The PEG channel can have sponsored programming. Alderman DeWitt moved to create the position of Communication Coordinator and was seconded by Alderman Finley.

Alderman Kilkenny moved to strike the word occasional in the paragraph titled Supervision Received. The motion was seconded by Alderman Finley. The amending motion carried with Alderman Johnson dissenting. The motion to approve the position of Communications Coordinator as amended carried unanimously upon call of the roll.

**Consider Downtown Business Association additional funding from Room Tax revenues.** Alderman Kilkenny moved to approve the DBA request for the additional \$5,000 for a total of \$10,000 funding for this year. The motion was seconded by Alderman Finley. Laura Jacobs-Welch, Rachel Catlet, and Susan Carpenter explained their new project, Delavan Fresh Market, which would provide for the sale of producer grown or home made goods that are produced within 50 miles of Delavan. Their intent is to be in place in June or July. The full season would be from April through October. A discussion was held on the items not being budgeted. Alderman Johnson moved to call the question, seconded by Alderman O'Connor. The motion carried unanimously. The original motion carried with Alderman Siedelmann dissenting.

**Consider purchase of Leaf Vacuum from ODB Company for a belt driven leaf collector and leaf box insert at a total cost of \$26,000.** Alderman Siedelmann moved to purchase the leaf vactor from ODB Company for a LCT 650 belt driven leaf collector and a LCB 500 10-foot leaf box insert for a total cost of \$26,000. The motion was seconded by Alderman Finley and carried unanimously upon call of the roll.

**Consider Class A Beer and Intoxicating Liquor License for Stop-N-Go of Madison, Inc. at 750 Beloit Street, Unit B, Andrew J Bowman, Agent:** Alderman Finley moved to approve the Class A Beer and Intoxicating Liquor License for Stop-N-Go of Madison, Inc. at 750 Beloit Street #B, Andrew J Bowman, Agent. The motion was seconded by Alderman Johnson and carried unanimously.

**Approval of Bills:** Based upon the review and recommendation of the Finance Committee, Alderman Siedelmann moved to approve Warrant 10-03 and Supplemental List of Bills in Excess of \$5,000 for March, 2010. The motion was seconded by Alderman Kilkenny and carried unanimously upon call of the roll.

**Adjourn:** There being no further business to come before the Common Council, the meeting adjourned at 9:17 p.m. upon a motion by Alderman Finley, seconded by Alderman O'Connor and unanimously carried.

Susan Kitzman  
City Clerk