

CITY OF DELAVAN
COMMON COUNCIL MEETING
May 11, 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, Kilkenny, O'Connor, Johnson, DeWitt and Stebnitz. Also Present: City Attorney Koch, City Administrator Salitros, Director of Public Works Wendorf, Building/Zoning Administrator Walling, City Treasurer Wiese, Library McCrea, and City Clerk Kitzman.

Pledge of Allegiance and Invocation: Mayor Nieuwenhuis led the pledge and invocation.

Approval of Minutes: Alderman Kilkenny had a minor correction to the April 20 organization meeting minutes. Alderman O'Connor moved to approve the minutes of April 13, 2010, April 20, 2010 and April 20, 2010 as amended. The motion was seconded by Alderman Johnson and carried unanimously.

Communications: City Clerk Kitzman announced that the first meeting of the Board of Review will be June 8th at 6:25 p.m. immediately prior to the next Council meeting. At that time the Board will recess until the Assessment Roll is ready.

Mayor Nieuwenhuis announced he is implementing a Downtown Revitalization Task Force to consist of: Alderman Kilkenny, Alderman DeWitt, Kevin Armstrong, Jackie Busch, Laura Jacobs-Welch, Ron Markwell, Rachel Catlet, Lydia Huerta, and Saskia Lodder. Alderman Kilkenny commented on the progress of the Israel Stowell Temperance Committee.

Public Comments: Alderman Kilkenny moved to take Public Comments following communications. The motion was seconded by Alderman Siedelmann. The motion carried with Alderman O'Connor dissenting.

Jack Vahe spoke in favor of the Temperance House as long as tax dollars are not used on it. Noreen Joppa Nelson, 122 N 2nd Street, invited everyone to her museum. Erin Yarmo who owns The Smoke Shop on Walworth Avenue asked that the parking situation be reviewed during special events. Vendors should park their vehicles in one of the parking lots that are available.

Melinda Allen, 313 North 6th Street, felt ATC should be stick to their end of the contract. John Finley spoke on free speech and supported the Israel Stowell Temperance House.

Mayor Nieuwenhuis commented that public comments have gotten out of hand. Public comments in June will be at the beginning of the meeting and may only be about what is on the agenda. At the end of the meeting, comments will be offered for 2 minutes each

on any subject. If you have a concern, please put it in writing on the forms provided and submit to the Clerk or your elected official so we can assign it to the proper committee or commission to address your concern.

Reports of Standing Committees - Finance and Treasurer's Report: Alderman DeWitt moved to receive the Treasurers Report and place it on file. The motion was seconded by Alderman Johnson and carried unanimously.

General Operations: Alderman Johnson reported on the meeting of May 4th. He noted the minutes are on file with the City Clerk and available to the public.

Public Works: Alderman O'Connor reported on the meeting of April 27th. The next meeting will be May 25th. They are looking at the list of roads for repair.

Town of Delavan Lake Committee: Mayor Nieuwenhuis noted the inlet dredging project bids came in much higher than expected and the bids were rejected.

Library Board of Trustees: Alderman O'Connor noted the next meeting will be later this week.

Tri-Community Meeting: No meeting.

Lake Comus Protection and Rehabilitation District: Alderman Kilkenny noted the passing of long time Chairman Gary Burdick and appreciated his dedicated service. A new member to the committee is Allen Bauer. School children will be measuring sediment in Lake Comus.

Communications Commission: Alderman DeWitt highlighted the meeting where the public access policy was reviewed and recommended to the Council.

Public Hearing on a request for a Conditional Use Permit for construction of a 500 square foot ADA accessible entry addition which is an indoor institutional land use in the Institutional Zoning District located at 503 E Walworth Avenue. Applicant: Christ Episcopal Church. Mayor Nieuwenhuis opened the public hearing. Edward Hayden with Engberg Anderson of Milwaukee, representing the Christ Episcopal Church explained their addition to make the building ADA accessible. The building will have an elevator and as well as a drop off that will bring the entrance to street level. The addition will look much like the existing church. Mr. Hayden explained that there will also be a courtyard landscape garden. There will be accessible parking and will add 18 parking stalls off street. There being no further parties wishing to be heard, the public hearing was closed.

R-502 Resolution for a Conditional Use Permit for construction for a 500 square foot ADA accessible entry addition which is an indoor institutional land use in the Institutional Zoning District located at 503 E Walworth Avenue. Applicant: Christ Episcopal Church. Alderman Siedelmann moved to approve the regular conditional use permit for a 500 sq. ft. addition to the east side of an existing church located at 503 E Walworth Avenue. The motion was seconded by Alderman O'Connor. The motion carried unanimously upon call of the roll.

Review 2009 Financial Statements and Audit Report from Baker-Tilly: Heather Acker of Baker Tilly reviewed the 2009 Financial Statements reports. Alderman Kilkenny had several questions regarding the TIF District. The Council also discussed

cost recovery bills, and unsecured or uncollateralized deposits. When asked, Ms. Acker explained how the capital assets for streets are determined.

NAI MLG Commercial presentation regarding the marketing of our industrial park properties and the concept of a I-43 marketing effort. Mr. Henderson and Vito Barkas of NAI MLG Commercial noted they market a number of industrial parks along the I-43 corridor including Beloit, Clinton, Elkhorn, and East Troy. He encouraged marketing the City's industrial property and noted most large industrial businesses in Delavan are not locally owned and the decisions are made elsewhere. They would be compensated on a commission for the land sale with a minimum per acre of approximately \$4,500. The Council will review the issue next month.

Consider request from Alro Steel for an extension of their agreement with the City. Jon Gorham representing Alro Steel requested a second extension to building a distribution hub in Delavan. Alro is a privately held company that operates approximately 50 steel service centers. Alro would like a 5-year extension, however he expressed the company's willingness to consider other alternatives. Their current incentive agreement with the City expires in 2012. The Council agreed to meet in closed session in June to review the issue.

Final Plat for a 12-lot residential land division on Whispering Pines Drive (Linden Fields) Applicant: Dan McCoy of BRE Ventures Delavan LLC. Warren Hansen representing Mr. McCoy reviewed the final plat that is in accord with the preliminary plat. It is a 12-lot subdivision on 5 acres of land. The lots range in size from 13,000 to 25,000 square feet.

Alderman Johnson moved to approve the final plat for a 12-lot Final Subdivision Plat for Linden Fields, as prepared by Farris, Hansen & Associates, Inc. last revised 4/29/2010 identified as Project No. 6009.09 subject to the following conditions:

1. the document extinguishing the existing utility easements be properly recorded and denoted upon this plat; and
2. the required escrow or letter of credit amount is received by the City Treasurer.

The motion was seconded by Alderman Kilkenny and carried unanimously.

Request from ATC for payment of \$7,010 in lieu of planting an evergreen screen along Congdon Park. Director of Public Works Wendorf noted the original contract was to plant an evergreen screen along the interstate. However, ATC is unable to acquire the permits from the Department of Transportation to plant the trees. ATC would like to donate the money to the City. Alderman Stebnitz indicated the Parks and Recreation Commission felt that permission would not be granted from the Department of Transportation, and the money could be used for other projects in the park system.

Alderman Johnson moved to approve the payment from ATC of \$7,010 in lieu of planting an evergreen screen along Congdon Park with the money going into the non-lapsing park fund account. The motion was seconded by Alderman DeWitt and carried unanimously upon call of the roll.

Consider Public Access Channel Policy. Alderman DeWitt moved to approve the public access channel policy, which has also been approved by the Delavan-Darien School Board. The motion was seconded by Alderman Johnson and carried unanimously.

RC-288 Ordinance to amend Subsection 10-1-27(1) to establish Parking Prohibited Zones on Marino Avenue west and Franklin Street. Alderman Johnson moved to approve the ordinance to amend Subsection 10-1-27(1) to adding no parking on Marino Avenue and Franklin Street. The motion was seconded by Alderman DeWitt. Mr. Wendorf asked that Franklin be reduced to 50 feet from each side.

Alderman Kilkenny moved to amend to strike 100 feet and 90 feet on Franklin Street to insert 50 feet. Alderman DeWitt seconded the amending motion. The motion carried unanimously upon call of the roll. The ordinance as amended carried upon call of the roll.

Consider Ordinance to amend Section 15-5-6 Quantity, Location and Use of Space in Residential Buildings to establish a minimum size requirement per occupant. Alderman Johnson moved to approve the ordinance to amend Section 15-5-6 Quantity, Location and Use of Space in Residential Buildings to establish a minimum size requirement per occupant. The motion was seconded by Alderman DeWitt.

Alderman Stebnitz expressed concern in section (b) (2) that might not allow occupants to live in their home if they would have children moving back home, or other situations. He noted a 1,200 square foot home would allow 7 people. He felt the requirement to have two forms of egress for basement bedrooms is already in the code, as well as unsightly parking of vehicles. Alderman Kilkenny and Mayor Nieuwenhuis noted that there are families with homes that would not meet the new code requirements. Building/Zoning Administrator Walling noted the only change to the Code is relating to dwelling units and not just rental units. Upon a roll call vote, Aldermen Stebnitz, Siedelmann, and Kilkenny dissented. Mayor Nieuwenhuis also dissented and the ordinance did not pass. The Mayor directed the proposed ordinance be re-examined by the General Operations Committee.

Approval of Bills: Alderman DeWitt moved to approve Warrant 10-03 and Supplemental List of Bills in Excess of \$5,000 for April, 2010. The motion was seconded by Alderman Stebnitz and carried unanimously upon call of the roll.

Suggested Future Agenda Items: Discussion on Shodeen development regarding potential impact on the Smart Growth Plan.

Recess to Closed Session pursuant to WI Stats. 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Re: Consider ATC easement offers over 902 E Wisconsin Street and 226 S Seventh Street (municipal parking lot): Alderman Siedelmann moved, seconded by Alderman Johnson and unanimously carried upon call of the roll to recess to closed session.

Mayor Nieuwenhuis declared a 10 minute recess.

During closed session, the Council discussed the ATC easement offers with City Attorney Koch and City Administrator Salitros.

Reconvene to Open Session with possible announcement/determination on closed session discussion. Alderman O'Connor moved to reconvene to open session at 9:35 p.m. upon a motion by Alderman Johnson, and unanimously carried.

Consider ATC easement offers over 902 E Wisconsin Street and 226 S Seventh Street (municipal parking lot): Alderman O'Connor moved to accept the offer of \$29,375 from ATC for 902 E Wisconsin Street and 226 S Seventh Street. 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 9:38 p.m. upon a motion by Alderman O'Connor, seconded by alderman Johnson and carried unanimously.

Susan Kitzman
City Clerk