

**CITY OF DELAVAN  
COMMON COUNCIL  
June 8, 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 Administrator Salitros, City Attorney Koch, Director of Public Works Wendorf, Police Chief O'Neill and City Clerk Kitzman.

**Pledge of Allegiance and Invocation:** Mayor Nieuwenhuis led the Pledge of Allegiance and Invocation.

**Approval of Minutes:** Alderman O'Connor moved to approve the minutes of May 11, 2010 and May 15, 2010. The motion was seconded by Alderman Johnson and carried unanimously.

**Public Comments:** Joe Bell, 54 Arbor Ridge Drive, spoke on the Comprehensive Plan and how it affects the Shodeen Development. Noreen Joppa Nelson, 122 North Second Street, owner of Joppa's Museum that is open on Sunday from 1-3. Lauren Pohn, 314 N 5<sup>th</sup>, spoke on Alro Steel, liquor licenses and Shodeen. John Finley expressed concern on the Shodeen Development.

**Reports of Standing Committees - Finance and Treasurer's Report:** Alderman DeWitt reported on the meeting of June 7<sup>th</sup> where the Committee approved the SCADA system upgrade that will save electrical costs for the water utility. Based upon the review and recommendation of the Finance Committee, Alderman DeWitt moved to approve the Treasurer's Report. The motion was seconded by Alderman Johnson and carried unanimously.

**General Operations:** Alderman Johnson reported on the meetings of June 1<sup>st</sup> and June 8<sup>th</sup>. The next meeting will be July 6<sup>th</sup>. Minutes are available with the City Clerk.

**Public Works:** Alderman O'Connor reported on the meetings of May 25<sup>th</sup> and June 5<sup>th</sup>. The Committee has met with local residents regarding streets that need repair.

**Town of Delavan Lake Committee:** Mayor Nieuwenhuis reported on the meeting of June 2<sup>nd</sup> where the inlet dredging bids were rejected as they were too high. The project will be rebid for dredging later this year if possible.

**Library Board of Trustees:** Alderman O'Connor noted she was unable to attend, however minutes for the meeting were available.

**Tri-Community Meeting:** No meeting.

**Lake Comus Protection and Rehabilitation District:** Alderman Kilkenny reported they did not have a meeting.

**Communications Commission:** No meeting. The next meeting will be July 6<sup>th</sup> at 4:30.

**Award 2010 Woolsey Street Elevated Water Storage Tank Repainting Bid to Aero Painting of Elkhart Lake, WI in the amount of \$46,390.** Alderman DeWitt reviewed the seven bids received and moved to award the 2010 Woolsey Street Elevated Water

Storage Tank Repainting Bid to Aero Painting of Elkhart Lake, WI in the amount of \$46,390. The motion was seconded by Alderman Siedelmann and carried unanimously upon call of the roll.

**Award Meter Truck Proposals to Hiller Ford Inc of Franklin, WI in the amount of \$26,495.** Alderman Dewitt noted two bids were received and moved to approve the bid from Hiller Ford Inc. for a meter truck in the amount of \$26,495. The motion was seconded by Alderman Siedelmann and carried unanimously upon call of the roll.

**Consider purchase of Mobil Data Terminals for Squad Cars from DCS Net Link.** Alderman DeWitt explained the request to purchase computers for the squad cars. The Police Department received a grant in the amount of \$12,767 to aid in this purchase. The remainder of \$68,000 was budgeted. Alderman DeWitt moved to approve the purchase of mobile data terminals from DCS Net Link plus interfacing costs in the total amount of \$80,767. The motion was seconded by Alderman Stebnitz and carried unanimously upon call of the roll.

**Consider Granting the 2010-2011 Liquor Licenses pursuant to the attached list and authorizing the City Clerk to issue the licenses when the statutory requirements have been met.** When asked, City Attorney Koch explained his written opinion that the City could not withhold issuance of liquor licenses pending payment of real property taxes.

Alderman Kilkenny moved to divide the question based on those establishments that are in compliance with Municipal Code Section 7-2-7(m)(1) with the exception of those owing city taxes. The motion was seconded by Alderman DeWitt. After discussion, the motion carried with Alderman Johnson dissenting.

Alderman Kilkenny moved to deny Delavan Resort Management, Delavan Lanes, Buena Vista, XCS Enterprises/Downtown Deli, Martinez Raul, Inc. d/b/a La Guanajuato based upon the ordinance excluding real property taxes as recommended by the City Attorney. The motion was seconded by Alderman Siedelmann. After much discussion it was agreed to schedule a hearing on the applicants who have been denied renewal for Tuesday, June 29<sup>th</sup> at 6:30 p.m. The motion to deny carried unanimously.

Alderman Kilkenny moved to approve the balance of the applicants that are in compliance with Section 7-2-7 (m)(1). The motion was seconded by Alderman Johnson and carried unanimously.

**Consider Granting 6 Month Class B Beer License for American Legion Post 95 Canteen at Veteran's Park from May to October.** Alderman Johnson moved to grant the 6 month beer license to the American Legion Canteen. The motion was seconded by Alderman O'Connor and carried unanimously.

**Consider Granting Temporary Class B license for St. Andrew Festival on July 9<sup>th</sup> and 10<sup>th</sup>, 2010, James Damrow, Agent.** Alderman Johnson moved to grant a temporary

Class B License for St. Andrew Festival on July 9<sup>th</sup> and 10<sup>th</sup>, 2010. The motion was seconded by Alderman O'Connor and carried unanimously.

**RC-289 Invasive Species Ordinance to amend the Navigable Waters portion of the Municipal Code to include polluting of waters with aquatic plants or animals.** City. Alderman Siedelmann moved to approve the Invasive Species Ordinance. The motion was seconded by Alderman Kilkenny and carried unanimously.

**Discussion and possible recommendation on request to permanently close the intersection of Third Street and Geneva Street, south of the railroad tracks:** Alderman Kilkenny moved to permanently close Third and Geneva south of the railroad tracks. Alderman Siedelmann seconded the motion. Alderman Siedelmann noted the Fire Department has recommended not closing the intersection, however residents cite several safety issues at the intersection. Alderman DeWitt noted several impacts this closing will create. When asked, Director of Public Works Wendorf indicated the project is not budgeted for construction for 2010. The motion carried unanimously upon call of the roll.

**Consider approving proposal to conduct a conditions assessment of the former Israel Stowell Temperance House.** Alderman Kilkenny moved to approve the proposal submitted by LJM Architects, Inc. of Sheboygan WI at a cost of \$8,900 to conduct the conditions assessment of the Israel Stowell Temperance House. The motion was seconded by Alderman Siedelmann. A lengthy discussion was held on who would be paying for this cost.

Alderman Kilkenny moved, seconded by Alderman DeWitt, to amend the motion to provide a condition that the award is pending receipt of the National Trust for Historic Preservation grant for one-half the cost. The motion was carried unanimously upon call of the roll. The motion as amended carried with Alderman Stebnitz dissenting.

**Receive Notice of Claim for Joseph S Ricciotti from Attorney Joseph Putzstuck:** City Attorney Koch indicated he spoke with Attorney Wassel, who is the senior partner of the law firm where Attorney Putzstuck is employed. The documents requested by the law firm have been provided by the City Attorney, and therefore there is no claim. Alderman Kilkenny moved, seconded by Alderman Siedelmann, and unanimously carried, to take no action at this time.

**Discussion on Shodeen Development regarding potential impact on the Smart Growth Plan.** Alderman Kilkenny, who had requested this item, spoke on the Smart Growth Plan and expressed concern about amending the recently adopted plan.

**Approval of Bills:** Based upon the review and recommendation of the Finance Committee, Alderman DeWitt moved to approve Warrant 10-05 and Supplemental List of Bills in Excess of \$5,000 for May, 2010. The motion was seconded by Alderman Stebnitz and carried unanimously.

**Public Comments:** Shirley Peterson, 335 Spring Lane, suggested weighing very carefully your decision to go into closed session. James D'Allesandro, who is running for State Assembly, introduced himself. Calvin Square, 311 East Geneva Street, thanked the Council for agreeing to close Third and Geneva, however expressed concerns about being assessed for curb and gutter. John Finley suggested his views on the items to be discussed in closed session. Allen Buzzell spoke on the 5 year plan. Dan Kilkenny, N3616 Elm Ridge Road, encouraged the Council to maintain fiscal conservatism on the closed session items.

**Suggested Future Agenda Items:** Alderman Siedelmann suggested an update on the status of the disputed invoices with Lake Lawn. Alderman DeWitt indicated they will be discussed at a special meeting of the Finance Committee later this month.

**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.**

- a. Consider NAI MLG Commercial proposal for marketing industrial park properties.
- b. Consider request from Alro Steel for an extension of their agreement with the City.

**And remain in Closed Session pursuant to WI Stats. 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 is likely to become involved. Re: Lake Lawn Resort Water Projects.** Alderman Kilkenny moved to divide the question for all items. The motion died for lack of a second.

Alderman Johnson moved to recess to closed session at 7:45 p.m. The motion was seconded by Alderman O'Connor. Alderman Kilkenny expressed concern about the Alro Steel project as there is an existing agreement with Alro and the public has a right to hear. The motion carried with Alderman Kilkenny dissenting.

Mayor Nieuwenhuis declared a 10-minute recess.

**Reconvene to Open Session with possible announcement/determination on closed session discussion.** Alderman Johnson moved to reconvene to open session at 9:37 p.m. the motion was seconded by Alderman Kilkenny and carried unanimously.

**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 Johnson, seconded by Alderman Kilkenny and unanimously carried.

Susan Kitzman  
City Clerk