

**CITY OF DELAVAN
COMMON COUNCIL**

Tuesday, March 21, 2017 - 6:30 p.m.

(This meeting will be video recorded, and rebroadcast for the 7 days following the meeting at 9am and 7:00 pm starting on Thursday on Charter Cable Channel 991 and 992 and on the City Website at www.ci.delavan.wi.us)

Please be advised that Alderman Ron Henriott will be attending this City Council Meeting via telephone conference call. Mr. Henriott's statements will be broadcast through speakers located within the City Council Chambers

1. Call to Order and Roll Call
2. Pledge of Allegiance and Invocation
3. Approval of Minutes: February 21, 2017 (Vote required: Majority)
4. Communications
5. Public Comments (*Citizens may address the Chair at this point of the meeting – please limit your comments to once for 3 minutes maximum to items on the agenda*)
6. Reports of Standing Committees
 - a. Finance and Treasurer's Report (Vote Required: Majority)
 - b. General Operations
 - c. Public Works
 - d. Town of Delavan Lake Committee
 - e. Library Board of Trustees
 - f. Water and Sewage Commission
 - g. Parks and Recreation Commission
 - h. Communications Commission
 - i. Delavan Downtown Project Management Team
 - j. Delbrook Golf Commission

Plan Commission

7. Consider Request to amend the existing Conditional Use Permit to allow for the building addition for the property located at 307 Hallberg Street in the Manufacturing General (MG) zoning district with a Light Industrial land use. Applicant: USG Corporation
 - a. Comments
 - b. Action (Vote Required: Majority)
8. Consider Request for a Conditional Use Permit to allow an Indoor Sales or Service and Indoor Commercial Entertainment land use at 127 Park Place in the Business Central (BC) zoning district. Applicant: Delavan Nutrition LLC, Co-applicant Veneration Jujitsu Delavan
 - a. Comments
 - b. Action (Vote Required: Majority)
9. Consider request for a Conditional Use Permit for an Indoor Sales or Service land use at 1442 E. Geneva Street in the Business Regional (BR) zoning district. Applicant: Xtreme Smoke, Co-applicant: Pine Tree Retail Properties
 - a. Comments
 - b. Action (Vote Required: Majority)

10. Consider Request to amend the existing Conditional Use Permit at 1819 E. Geneva Street to allow for the proposed 2,900 square foot building addition for an attached stand-alone liquor store which has an Indoor Sales or Service land use in the Business Regional (BR) zoning district. Applicant: Wal-Mart Real Estate Business Trust
 - a. Comments
 - b. Action (Vote Required: Majority)

General Operations Committee

11. Consider Class A Beer and Liquor License for Wal-Mart Stores East, LP at 1819 E Geneva St, Timothy N Casey, Agent. (Vote Required: Majority)
12. Consider Rescinding Resolution establishing the Crossing Guard Program. (Vote Required: Majority)

Finance

13. Consider proposal for bunker renovation from K. Rhodes Company of Milton, WI, for a total not to exceed \$43,916.92, with an additional \$2,000 in contingency funds to be made available if necessary. (Vote Required: Roll Call Majority)
14. Consider Ordinance amending Title 9, Chapter 3 establishing Sewer Service Charges (Vote Required: Roll Call Majority)
15. Consider additional advance of 2016 Room Tax Revenue to the Tourism Commission in the amount of \$45,000. (Vote Required: Roll Call Majority)
16. Consider First Amendment to IGA providing Police Services to the Village of Darien. (Vote Required: Roll Call Majority)
17. Approval of Bills: Warrant 17-02 (Vote Required: Roll Call Majority)

Other

18. Consider Surplus Property Resolution (Vote Required: Majority)
19. Announcement of representatives to Sign Revision Focus Group.
20. Public Comments (*Citizens may address the Chair at this point of the meeting – please limit your comments to once for 2 minutes maximum*)
21. Suggested Future Agenda Items
22. Recess to Closed Session pursuant to Wisconsin Statutes 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: IGA providing Police Services to the Village of Darien and Industrial Land Acquisition; and
23. Remain in Closed Session pursuant to Wisconsin Statutes 19.85 (1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Re: City Administrator Evaluation (Vote Required: Roll Call Majority)

24. Reconvene to Open Session, with possible announcement or determination of closed session discussion. (Vote Required: Roll Call Majority)

25. Adjourn.

Posted _____ by Susan Kitzman, City Clerk

Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the City Clerk's office at 262-728-5585 with as much advance notice as possible.

UPCOMING MEETINGS

Monday, March 27, 2017, 5:30 pm, Parks and Recreation
Tuesday, March 28, 2017, 5:30 pm, Public Works
Tuesday, March 28, 2017, 7:00 pm, Downtown Design Project Management Team & Main St Manor
Monday, April 3, 2017, 5:30 pm Plan Commission
Tuesday, April 4, 2017, 7am – 8pm Spring Election
Monday, April 10, 2017, 5:30 pm General Operations Committee
Tuesday, April 11, 2017, 5:00 pm Finance
Tuesday, April 11, 2017, 6:00 pm Public Safety Strategic Planning
Friday, April 14, 2017, City Offices Closed
Tuesday, April 18, 2017, 6:30 pm. Council
Thursday, April 20, 2017, 4:30 Library Board
Thursday, April 20, 2017, 4:45 pm Water & Sewer Commission
Thursday, April 20, 2017, 5:00 pm Delbrook Golf Commission
Monday, April 24, 2017, 5:30 pm Parks and Recreation
Tuesday, April 25, 2017, 5:30 pm Public Works Committee
Tuesday, April 25, 2017, 7:00 pm Downtown Design Project Management Team @ Main St Manor
Monday, May 1, 2017, 5:30 pm Plan Commission
Tuesday, May 2, 2017, 5:30 pm General Operations Committee
Tuesday, May 9, 2017, 5:00 pm Finance Committee
Tuesday, May 9, 2017, 6:00 pm Public Safety Strategic Planning
Tuesday, May 16, 2017, 12-2 pm Open Book with Associated Appraisal
Tuesday, May 16, 2017, 6:30 pm Council
Monday, May 22, 2017, 5:30 pm Parks & Recreation Commission
Tuesday, May 30, 2017, 5:30 pm Public Works Committee
Tuesday, May 30, 2017, 7:00 pm Downtown Design Project Management Team @ Main St Manor

Website: www.ci.delavan.wi.us

**CITY OF DELAVAN
COMMON COUNCIL
February 20, 2017**

3.

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 Schroeder, Phillips, Johnson, DeWitt, Stebnitz and Henriott, who appeared by telephone. Also Present: City Administrator Pieroni, City Attorney Koch, Director of Public Works Wendorf, Building Inspector Walling, Parks and Recreation Director Klug, Chief O'Neill, and City Clerk Kitzman.

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

Approval of Minutes: Alderman Johnson moved to approve the minutes of January 17, 2017 and January 30, 2017, seconded by Alderman Phillips and unanimously carried.

Communications: None.

Public Comments: Jack Vahe spoke against the Park and Open Space Plan, he preferred that the money be spent on trees and flowers.

Reports of Standing Committees - Finance and Treasurer's Report: Alderman DeWitt reported on the Finance Committee meeting and moved to receive the Treasurer's Report for December, 2016. The motion was seconded by Alderman Stebnitz and unanimously carried.

Reports were given on the following committees: General Operations, Public Works, Town of Delavan Lake Committee, Library Board of Trustees, Water and Sewage Commission, Parks and Recreation Commission, Communications Commission, Delavan Downtown Project Management Team and Delbrook Golf Commission.

RC-380 Planned Infill Development Amendment to the Official Zoning Map for a Step 3 General Development Plan for the property located at 820 East Wisconsin Street located in the Manufacturing General (MG) zoning classification to develop a Mixed Use Residential/Commercial development. Applicant: General Capital Acquisitions: Comments: Jackie Mich, Planner with Vandewalle & Associates, explained the project. General Capital is proposing to purchase and renovate the existing Bergamot Brass Building into 73 two and three bedroom rent controlled apartment units. This is the zoning step in the project and will vest the rights for the applicants to create apartments in the building for five years. The final step in the process will detail the building materials.

Ms. Mich noted Project Management Practices have been provided by the applicants as listed in the February 16, 2017 memo from City Planner Slavney. She asked that these practices be included in the ordinance.

Alderman Stebnitz asked about the five year extension for building the project. City Administrator Pieroni explained this is a standard provision that if the project does not go forward the zoning will go away.

Action: Alderman Johnson moved to approve the proposed Bergamot Brass Works multi-family redevelopment project as a Planned Infill Development/General Development Plan, subject to the requirements of the submitted application; subject to the requirements of the general Zoning Ordinance; and subject to following list of conditions identified by City Staff and the Plan Commission:

1. The Planned Infill Development/General Development Plan for the proposed Bergamot Brass Works multi-family redevelopment project shall be granted solely as approved.
2. Prior to any site disturbance, a Precise Implementation Plan consistent with the approved General Development Plan must be secured.
3. Modifications to the site and/or operations that are not specifically enabled by the approved GDP and PIP will require an amended PIP, and potentially, an amended GDP – per the City’s determination.
4. The City shall retain the right to inspect the subject property, including within buildings, annually to ensure full compliance with the Building Code, the Fire Code, the Zoning Ordinance and the GDP and PIP, and other government regulations.
5. Project Management Practices:
 - Building and grounds will be maintained continuously without termination in full compliance with the City’s annual inspection and maintenance criteria and with the following specific requirements:
 - On-site property management office is staffed full-time;
 - Fire Department holds Knox Box key. Box holds master key to all spaces and units;
 - On-site management provides a fully up-to-date master key plan to Fire Department;
 - On-site management provides a fully staffed 24-hour on-call emergency repair, property maintenance, and alarm system maintenance contractors;
 - On-site management provides a current up-to-date Property Information Sheet to Fire Department with all 24-hour on-call contractors;
 - On-site management strives to have a designated resident “key holder”;
 - Maintenance of all outdoor spaces, surfaces and structures;
 - Maintenance of all required landscaping;
 - Maintenance of the walking trail around the stormwater basin;
 - Management policy limit of no more than two persons per bedroom;
 - The provision of one carport parking space free to each dwelling unit; and
 - Requirement to provide and maintain an inventory of tenant-owned motorized vehicles, beginning at time of application.
6. Any other conditions identified by the Common Council.
7. Per Section 24.914(7)(a)9.: All portions of the approved GDP not fully developed within five years of final Common Council approval shall expired, and no additional development shall be permitted on the undeveloped portions of the property. The Common Council may extend this five-year period by up to five additional years via a majority vote following a public hearing.

The motion was seconded by Alderman Stebnitz and unanimously carried.

Consider proposal from Vandewalle & Associates for development of a Parks and Open Space Plan, including development plans for three parks as identified in the proposal, and use of a Digital Mapping Tool for soliciting public input, at a cost of \$27,085: Parks

and Recreation Director Klug explained this proposal will solicit public input on all of the parks. Tower, Phoenix, and Congdon Parks will also have individual development plans. Alderman Phillips indicated the Park and Open Space Plan will allow the City to apply for grants. Mr. Klug noted the Plan is a criteria for many grants. The Vandewalle proposal was \$10,000 less than the next lowest proposal.

Alderman DeWitt moved that Vandewalle and Associates be retained to develop a Parks and Open Space Plan, including development plans for the three parks identified in the proposal, and use of a Digital Mapping Tool for soliciting public input, as further outlined in their proposal dated December 21, 2016 and on the revised Project Budget dated February 10, 2017, at a cost of \$27,085. The motion was seconded by Alderman Phillips. Alderman Schroeder noted this also ties in with the Downtown Strategic Plan. The motion carried unanimously upon call of the roll.

Consider Mill Pond Recreation Center restrooms renovations contract in the amount of \$49,895 with a 10% contingency of \$4,990 to GlenFern Construction of Lake Geneva, WI: Mr. Klug explained this construction would allow us to have outside access to the restroom facilities and will renovate the restrooms to make them ADA compliant. Alderman DeWitt noted the funds are coming from Impact Fees. Alderman DeWitt moved to award the contract for the restroom renovations in the Mill Pond Recreation Center to the low bidder GlenFern Construction of Lake Geneva, WI, at a cost of \$49,895 and to provide for a 10% contingency of \$4,990 to cover any additional work that may be required in conjunction with this project. The motion was seconded by Alderman Stebnitz and unanimously carried upon call of the roll.

Consideration of range adjustments and merit increases for non-represented regular employees: Alderman DeWitt moved to approve a 1% adjustment to salary ranges for non-represented regular employees and officially set the increase for employees (achieving an average per performance rating of 3 to 3.5) whose salaries are below the mid-point at 2% and set the increase for employees (achieving an average per performance rating of 3 to 3.5) whose salaries are at or above the midpoint at 1% and to direct that the award of merit increases be consistent with the policy established in 2016. The motion was seconded by Alderman Stebnitz and unanimously carried upon call of the roll.

Consider Highway 50 Watermain Replacement Engineering Services Agreement for a not-to-exceed amount of \$26,600 with Baxter & Woodman: Alderman DeWitt explained the watermain project is being included with the Highway 50 roadway project. The low bid for the construction of the watermain is \$655,498. The City is also responsible for overseeing the installation of the watermain. As proposed, staff will be responsible for most of the day-to-day required inspections with Baxter & Woodman providing inspection assistance and handling the required DOT paperwork.

Alderman DeWitt moved to approve the engineering services agreement with Baxter & Woodman relating to the Highway 50 watermain project at a not-to-exceed cost of \$26,600. The motion was seconded by Alderman Stebnitz. The motion carried upon call of the roll.

Consider 2017 Engineering Services Agreement at a \$75 per hour fixed rate with Baxter & Woodman: Alderman DeWitt noted that there has not been an adjustment in this rate since 2011 and moved to approve Amendment No. 19 to the Engineering Services Agreement with

Baxter & Woodman, as presented. The motion was seconded by Alderman Stebnitz and unanimously carried upon call of the roll.

Consider Street Department equipment replacement purchase of a 5-yard dump truck chassis from Lakeside International of Milwaukee, WI for \$90,354; and the dump box, plows, and sander from Northland Equipment out of Janesville, WI for \$73,216: Director of Public Works Wendorf explained the lowest bid did not meet the specifications for the plow. Staff had concerns about the quality as well as the service life of the equipment bid by Monroe Truck; therefore the bid was not responsive and was rejected.

Alderman DeWitt moved to award the quote of Lakeside International out of Milwaukee, WI for a 4-by-2 truck chassis in the amount of \$90,354 and the quote of Northland Equipment of Janesville, WI for the truck dump box, sander, plow and patrol wing in the additional amount of \$73,216; and to further declare our 1990 International plow truck as surplus property upon receipt of the replacement vehicle. The motion was seconded by Alderman Stebnitz and unanimously carried upon call of the roll.

Consider Software License and Support Agreement with Pro Phoenix Software at a total not-to-exceed cost of \$132,845: Chief O'Neill reviewed the software for records management that will record all of the transactions within the Police Department.

Alderman DeWitt moved to approve the Software License and Support Agreement with Pro Phoenix at a not to exceed cost of \$132,845 (excluding annual maintenance commencing in 2018) and per the payment schedule outlined in the agreement. The motion was seconded by Alderman Stebnitz and unanimously carried upon call of the roll.

Approval of Bills: Alderman DeWitt moved to approve Warrant 17-01, seconded by Alderman Stebnitz and unanimously carried upon call of the roll.

Consider request from Congdon Gardens for wine & beer picnic licenses for their July 20, 2017 and September 21, 2017 Walk & Wine events in Congdon Park/Gardens: Alderman Johnson moved to approve the Picnic Licenses for Congdon Gardens for their July 20, 2017 and September 21, 2017 events. The motion was seconded by Alderman Schroeder and unanimously carried.

Consider Temporary Class B License for St. Andrew's Congregation at 115 S 7th St, for Trivia Night on March 17, 2017, Tammy Ketterhagen, Agent: Alderman Johnson moved to approve the picnic license for St. Andrew's Congregation on May 17, 2017 for Trivia Night. The motion was seconded by Alderman Stebnitz and unanimously carried.

Public Comments: John Finley expressed concern about development agreements and spoke against the Bergamot Brass development. Jack Vahe spoke on the City services provided to St. Andrew's for rental. Mayor Nieuwenhuis asked the Parks and Recreation Commission to review the rental charges to see if they are fair, if they would like.

Dustin Nieuwenhuis, 425 Betzer Drive, spoke on Delbrook Golf Course. He felt the golf course maintenance is very understaffed. Mike Lazzeroni, 133 S Seventh Street, also spoke on the need for additional help for the golf course crew. He praised the work of Darren Dase and was concerned that Darren may leave.

Suggested Future Agenda Items: None.

Recess to Closed Session pursuant to Wisconsin Statutes 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: Lake Lawn Resort Development Agreement and General Capital Acquisitions, LLC

And Remain in 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 is likely to become involved. Re: ERD Complaint from Patricia Soukup. Alderman Phillips moved to recess to Closed Session at 7:45 p.m. The motion was seconded by Alderman Stebnitz and unanimously carried upon call of the roll. Mayor Nieuwenhuis declared a five minute recess prior to the closed session.

Reconvene to Open Session, with possible announcement or determination of closed session discussion: Alderman Phillips moved to reconvene to open session at 8:32 p.m. The motion was seconded by Alderman Stebnitz and unanimously carried.

Consider a Development Agreement with General Capital Acquisitions, LLC: Alderman Stebnitz moved to approve the proposed Development Agreement with General Capital Acquisitions, LLC, subject to wording of encouragement for using local contractors. The motion was seconded by Alderman Schroeder and unanimously carried upon call of the roll.

Recess to Closed Session pursuant to Wisconsin Statutes 19.85 (1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Re: City Administrator Evaluation: Alderman Stebnitz moved to table this item to the next meeting. The motion was seconded by Alderman Phillips and unanimously carried upon call of the roll.

Adjourn: There being no further business to come before the Common Council, the meeting adjourned at 8:35 p.m. upon a motion by Alderman Phillips, seconded by Alderman Henriott and unanimously carried.

Susan Kitzman
City Clerk

These are not official minutes until approved by the Common Council.

FINANCE COMMITTEE
March 14, 2017

6a

Call to Order: Chairman DeWitt called the regular meeting of the Finance Committee to order at 5:10 pm in the Municipal Building Council Chambers.

Roll Call: Members Present: Chairman DeWitt, Alderman Johnson and Schroeder. Also Present: City Administrator Pieroni, Director of Public Works Wendorf, Finance Director Hayden, Treasurer Wiese, Golf Pro Piecha, Mayor Nieuwenhuis and City Clerk Kitzman.

Public Comments and/or Communications: None.

Approval of Minutes: Alderman Schroeder moved to approve the minutes of February 14, 2017, seconded by Alderman Stebnitz and unanimously carried.

Administrator's Report: No report.

Finance Director's Report: Ms. Hayden clarified that the June meeting will be on June 8th. The first item on the agenda will be the review of the review of the 2016 Audit by Baker Tilly. It was noted that the Water and Sewer Commission would also be in attendance for this portion of the meeting.

Treasurer's Report (City Investments) for February, 2017: Alderman DeWitt asked about accounts still at Town Bank. Finance Director Hayden reviewed the remaining accounts. The CDs are being moved as soon as they come due. There is about \$100,000 in the main checking account at Town Bank to make sure any direct deposits or ACH draws are covered. Alderman Schroeder moved, seconded by Alderman Stebnitz, and unanimously carried, to approve the Treasurer's Report for February, 2017.

Bank Reconciliation: No comments.

Financial Statements for February, 2017: Alderman DeWitt questioned why the health life and disability accounts for many departments are at 40% which is high for this time of year. Ms. Hayden will review the accounts.

Warrant 17-02 and Professional Services over \$5,000 not previously approved under contract: Alderman Schroeder questioned the LW Allen bill for SCADA repair. Mr. Wendorf explained the SCADA system controls the wells. He also asked where The Parts Place is located. Staff noted it is in Elkhorn and prices are checked frequently for the lowest cost on repair parts.

Alderman Stebnitz moved to recommend to the Common Council the approval of Warrant 17-02 and the Professional Services over \$5,000. The motion was seconded by Alderman Schroeder and unanimously carried.

Consider proposal for bunker renovation from K. Rhodes Company of Milton, WI, for a total not to exceed \$43,916.92, with an additional \$2,000 in contingency funds to be made available if necessary: Golf Course Manager Dan Piecha reviewed this continuation of the bunker renovation program. When asked about donations to the capital improvement fund, Piecha explained some of the smaller projects have been removed from the capital budget and will be addressed through the use of donated funds. One example is the possible netting around the driving range. There is a commitment to continue to raise money, but the projects to be funded with the donated dollars have changed. The bunker project will be completed in 2018. Some drainage issues will also be addressed. Effective in

2019, work will start on the cart paths. Ms. Pieroni noted that once the cart paths are completed staff hopes that these areas of the course can be used for cross country skiing and snow shoeing, subject to the ability to successfully protect the greens.

Alderman Stebnitz moved to recommend to the Common Council the approval of the bunker renovation proposal from K. Rhodes Company of Milton, WI, for a total cost not to exceed \$43,916.92, with an additional \$2,000 in contingency funds to be made available if necessary. The motion was seconded by Alderman Schroeder and unanimously carried.

Consider supplemental agreement with Stanley Consultants for professional services relating to High Strength Wastewater Discharge Billing in the amount not to exceed \$9,750.00: Ms. Pieroni reported that significant progress was made with Andes Candies. Additional assistance from Larry Thomas will be needed to complete the process. Alderman Stebnitz asked if Andes could decide to stick with the old billing process. Ms. Pieroni indicated that if they wanted the City to continue to bill them based on the testing methodology, strong consideration to must be given to returning to a monthly testing cycle coordinated through WalCoMet so that the testing periods are aligned.

Alderman Schroeder moved to approve the supplemental agreement with Stanley Consultants for professional services relating to High Strength Wastewater Discharge. The motion was seconded by Alderman DeWitt and unanimously carried.

Consider amendment relating to Sewer Utility WalCoMet (Treatment) rates: Ms. Pieroni explained that WalCoMet is continuing to allocate more of the debt service costs to the customer unit charge. Several years back, a significant amount of the debt service costs previously covered by connection charges was transitioned to the customer unit component of the rate structure. The City, at that time, modified the customer unit and volume rates to reduce the impact to its residential customers. It was noted that the staff was recommending that the City begin phasing out these adjustments. The average residential customer should experience a slight decrease in annual costs. Users who use very little water will have a slight increase.

Alderman Stebnitz moved to recommend to the Common Council passage of the ordinance amending Title 9, Chapter 3 relating to Sewer Utility Regulations and Rates. The motion was seconded by Alderman Schroeder and unanimously carried.

Consider Professional Services Proposal from Ehlers for services related to the 3-year extension on the life of Tax Increment District No. 4: Ms. Pieroni explained Ehlers will provide professional services to bring the issue before the Joint Review Board. The City will also need a member to serve on the Joint Review Board to in lieu of the City Administrator, noting that having the City Administrator serve in this capacity creates some coordination issues as a result of the open meeting requirements. Alderman DeWitt noted that the cost was significantly lower than the amount discussed during the budget process. Ms. Pieroni noted that this was due to the fact that an amendment to the project plan was not required for consideration of the 3-year extension.

Alderman Stebnitz moved to approve the proposal from Ehlers & Associates relating to the Professional Services to be provided in conjunction with the proposed three-year extension of TID #4. The motion was seconded by Alderman Schroeder and unanimously carried.

Consider additional advance of 2016 Room Tax Revenue to the Tourism Commission in the amount of \$45,000: Alderman DeWitt asked how the Tourism Commission will be able to pay the money back to the City. Ms. Pieroni explained that the dollars that the City is required to allocate to

tourism promotion and tourism development annually significantly exceeds the dollars that will be advanced. Noting that staff is estimating that it will take about three years for the Commission to be on a cycle where the funds can be collected in one year and then actually used in the next. The Committee briefly discussed a premier resort tax and how it could reduce room tax.

Alderman Schroeder moved to recommend to the Common Council the approval of an additional advance to the Tourism Commission in the amount of \$45,000, (for a total, when added to the previously approved advance of \$78,000, of \$123,000) with the understanding that this advance is to be paid back to the City. The motion was seconded by Alderman Stebnitz and unanimously carried.

Consider First Amendment to IGA providing Police Services to the Village of Darien: Ms. Pieroni reviewed the latest revisions from the City Attorney to the draft 1st amendment to the contract for Police Services with the Village of Darien.

Alderman Stebnitz moved, seconded by Alderman Schroeder and unanimously carried to recommend to the Common Council the approval of the 1st Amendment to the Intergovernmental Police Protective Services Agreement by and between the City of Delavan and the Village of Darien.

Consideration of waiver of fees for Telecare Program: Ms. Pieroni explained the Telecare Program provides for daily contact of shut-ins. She noted that they used to use the meeting room in the basement and continue to use it periodically, noting that more of the volunteers are starting to make the calls from their homes. The City has annually charged them a small fee to cover the cost of the phone service. Staff is recommending offering continued use of the room at no charge.

Alderman Stebnitz moved, seconded by Alderman Schroeder and unanimously carried to allow use of the lower level office space by representatives of the Telecare Program at no charge.

Future Agenda Items: None.

Adjourn: There being no further business to come before the Finance Committee the meeting adjourned at 5:50 p.m. upon a motion by Alderman Schroeder, seconded by Alderman Stebnitz and unanimously carried.

Susan Kitzman
City Clerk

These are not official minutes until approved by the Finance Committee.

GENERAL OPERATIONS COMMITTEE

March 7, 2017

6b.

Call to Order: Chairman Johnson called the regular meeting of the General Operations Committee to order at 5:30 pm in the Municipal Building Council Chambers.

Roll Call: Members Present: Chairman Johnson, Alderman DeWitt, Alderman Henriott (participated by telephone) and Village of Darien Representative Ken Truckey. Also Present: City Administrator Pieroni, Director of Public Works Wendorf, Building Inspector Walling and City Clerk Kitzman.

Comments from Citizens and/or Communications: Trevor Wheeler briefly reviewed his proposal to move his existing liquor license to a new location in the City. The matter will be on the agenda for the April meeting.

Approval of Minutes: Mr. Truckey moved to approve the minutes of February 14, 2017, seconded by Alderman DeWitt and unanimously carried.

Review of Police Related Reports - Monthly Activity Report: No comments.

Liquor License Incident Report: No comments.

Review of False Alarms: When asked about the false alarms at the City water tower, Mr. Wendorf indicated staff has been in contact with the alarm company to repair the system. Alderman DeWitt moved to bill the following false alarms, seconded by Alderman Johnson and unanimously carried:

4 th False Burglar Alarm	Delavan Water Tower	\$60.00
5 th False Burglar Alarm	Delavan Water Tower	120.00
6 th False Burglar Alarm	Delavan Water Tower	180.00
4 th False Burglar Alarm	Town Bank	\$60.00
5 th False Burglar Alarm	Town Bank	120.00

Operator Licenses Issued: No comments.

Ambulance Activity Report for January, 2017: Ms. Pieroni noted that the City of Delavan, effective March 1, 2017 is no longer providing ambulance services through Medix to the Town and Village of Darien, but will most likely continue to house the day ambulance at Darien Station.

Building/Zoning Administrator's Report: Building Inspector Walling reported on the many unsightly debris cases. In addition, the rental inspection program has added about 200 new properties to be inspected. If you have a family member living in a property who is not paying rent, it would be exempt. The new law requires a community that has a rental inspection program to inspect all rental units, not just building with multiple units, recognizing that life safety concerns addressed through the rental inspection program can also occur in a single-family home that is being rented. Alderman Johnson asked if we would be able to recoup our fees for this program. Staff indicated there is a \$30 registration fee and then after the inspection is done the City bills \$45 per unit for each inspection.

City Administrator: Ms. Pieroni advised the Committee that she has been appointed as the Walworth County City Representative on the County-wide Fire Committee recently established by the County.

Consider request to extend park hours in Phoenix Park for Movies in the Park: Alderman DeWitt moved to approve the extension of park hours in Phoenix Park for the Movies in the Park Program to 11:30 pm on the following four Friday nights: June 9, June 30, July 21 and August 11. In the event of rain these movies would be shown on one of the following Fridays – June 16, July 14, July 28 and August 18. The motion was seconded by Alderman Henriott and unanimously carried.

Consider Class A Beer and Liquor License for Wal-Mart Stores East, LP at 1819 E Geneva St, Timothy N Casey, Agent. No action necessary as the issues of this licenses was recommended to the Common Council at the Committee's January meeting.

Consider Application for Cigarette and Tobacco Products License for Bladco LLC at 1442 E Geneva St, Saad I Mustafa, Agent: The Committee asked that the applicant be in attendance at the meeting to answer questions prior to Committee taking action of the license. The item will be rescheduled to the April meeting.

Future Agenda Items

- a. Amendment to Municipal Code to address Drones
- b. Review Status of Liquor Licenses (on hold pending possible conditional use application on Racine Street)
- c. Review Residential & Commercial Roofing Permit Fees (April)

Adjourn: There being no further business to come before the General Operations Committee, the meeting adjourned at 5:50 p.m. upon a motion by Alderman Johnson, seconded by Alderman DeWitt and unanimously carried.

Susan Kitzman
City Clerk

These are not official minutes until approved by the General Operations Committee.

CITY OF DELAVAN
WATER & SEWAGE COMMISSION
March 14, 2017

6 f.

Call to Order: Mayor Nieuwenhuis called the regular meeting of the City of Delavan Water & Sewage Commission to order at 4:40 p.m. in the Municipal Building Council Chambers.

Roll Call: Members Present: Ron Pippitt, Mayor Nieuwenhuis and Alderman Stebnitz. Absent: Rich Rehak and Joe Salitros. Also Present: City Administrator Pieroni, Finance Director Hayden, Public Works Superintendent Piester, Director of Public Works Wendorf, and City Clerk Kitzman.

Approval of Minutes: Alderman Stebnitz moved to approve the minutes of February 16, 2017, seconded by Mr. Pippitt and unanimously carried.

Public Comments /Communications: None.

Review of Financial Statements and Approval of Bills and Vendor Payments: After review, Mr. Pippitt moved to approve the Financial Statements and Bills in the amount of \$149,196.56. The motion was seconded by Alderman Stebnitz and unanimously carried.

City Administrator's Report: Ms. Pieroni commented that Andes Candies will be present at the April meeting to review their 2016 4th quarter billing for high strength. Alderman Stebnitz moved, seconded by Mr. Pippitt and unanimously carried, to accept the City Administrator's Report.

Finance Director's Report: The regular Finance Committee and Water & Sewage Commission meetings will be moved to Thursday June 8th. The audit will be reviewed on that date. Alderman Stebnitz moved, seconded by Mr. Pippitt, to accept the Finance Directors Report. The motion carried unanimously.

Public Works Superintendent Report: Mr. Piester added that there was a claim filed with EMC Insurance Company for a sewer back up at 1298 Center Street. The City has a no-fault sewer back up policy with EMC. It was subsequently determined that the problem was in the municipal main. Mr. Pippitt moved to receive the Public Works Superintendent Report and place it on file. The motion was seconded by Alderman Stebnitz and unanimously carried.

WalCoMet: Ms. Pieroni indicated the vacancy on the WalCoMet Board as well as their administrator position still remain unfilled.

Consider supplemental agreement with Stanley Consultants for professional services relating to High Strength Wastewater Discharge Billing in the amount not to exceed \$9,750.00: City Administrator Pieroni explained this would include the final services needed to adjust the high strength wastewater billing process for Andes Candies. The Commission asked about the current billing process. Ms. Pieroni indicated the testing process, for a number of reasons, is not an effectively measurement of what is actually being discharged. Testing of Andes occurs quarterly were as WalCoMet tests the City monthly. The cost of the quarterly test which runs for 7 days is \$3,000.

Alderman Stebnitz moved to approve the supplemental agreement with Stanley Consultants for professional services relating to High Strength Wastewater Discharge in an amount not to exceed \$9,750. The motion was seconded by Mr. Pippitt and unanimously carried.

Consider amendment of Sewer Utility WalCoMet (treatment) Rates: Ms. Pieroni explained that WalCoMet is continuing to allocate more of the debt service costs to the customer unit charge. Several years back, a significant amount of the debt service costs previously covered by connection charges was transitioned to the customer unit component of the rate structure. The City, at that time, modified the customer unit and volume rates to reduce the impact to its residential customers. It was noted that the staff was recommending that the City begin phasing out these adjustments. The average residential customer should experience a slight decrease in annual costs. Users who use very little water will have a slight increase.

Mr. Pippitt moved to recommend to the Common Council passage of the ordinance amending Title 9, Chapter 3 relating to Sewer Utility Regulations and Rates. The motion was seconded by Alderman Stebnitz and unanimously carried.

Suggested Future Agenda Items: None.

Adjourn: There being no further business to come before the Water & Sewage Commission, the meeting adjourned at 5:07 p. m. upon a motion by Mr. Pippitt, seconded by Alderman Stebnitz and unanimously carried.

Susan Kitzman
City Clerk

These are not official minutes until approved by the Water & Sewage Commission.

6.

PLAN COMMISSION
March 6, 2017

Call to Order: Mayor Nieuwenhuis called the regular meeting of the City of Delavan Plan Commission to order at 5:30 pm in the Municipal Building Council Chambers.

Roll Call: Members Present: Mayor Nieuwenhuis, Alderman Johnson, Steve Cass, Korey Kuehni, Chris Lindloff and Dale Gauger. Absent: Joe Salitros. Also Present: City Administrator Pieroni, Director of Public Works Wendorf and City Clerk Kitzman.

Approval of Minutes: Alderman Johnson moved to approve the minutes of February 6, 2017, seconded by Mr. Kuehni and unanimously carried.

Communications: None.

Public Hearing on a Request to amend the existing Conditional Use Permit at 1819 E. Geneva Street to allow for the proposed 2,900 square foot building addition for an attached stand-alone liquor store which has an Indoor Sales or Service land use in the Business Regional (BR) zoning district. Applicant: Wal-Mart Real Estate Business Trust. Mayor Nieuwenhuis opened the public hearing. Director of Public Works Wendorf reviewed the proposal for an addition to the existing Wal-Mart building that would provide for a liquor store with a separate entrance. Debbie Tomczyk, Attorney representing Wal-Mart, as well as several Wal-Mart employees including the store manager, were available to answer any questions. Mr. Gauger asked about the maintenance concerns identified by staff. Mr. Wendorf indicated that most of the issues relating to street lights and signs have been addressed. He noted that an active association that would be responsible for overseeing the maintenance of the common areas contemplated in the original approval of the development has not materialized. He noted that these a plan identifying long term maintenance responsibilities was in the process of being developed. In order to not hold up the project, staff was recommending that this matter be successfully addressed before occupancy of the space was granted. The Attorney for Wal-Mart was in agreement with this condition. Mr. Cass asked about the work area as designated on the plans. Matt Ross, Engineer, explained the Limits of Disturbance area is a temporary construction area. Mr. Ross indicated the area will usually be accessible to pedestrian traffic but may be used for ingress and egress to the construction site, further noting that they did not anticipate impeding access through this area. There being no further parties wishing to speak, the public hearing was closed.

Review and Possible Recommendation to Common Council regarding a Request to amend the existing Conditional Use Permit at 1819 E. Geneva Street to allow for the proposed 2,900 square foot building addition for an attached stand-alone liquor store which has an Indoor Sales or Service land use in the Business Regional (BR) zoning district. Applicant: Wal-Mart Real Estate Business Trust. Alderman Johnson moved to approve the following, seconded by Mr. Lindloff and unanimously carried.

1. The following conditional use findings, (below); and,
2. The Conditional Use request for a building addition of 2,900 square feet for the property located in the Business Regional (BR) zoning district. Plans provided by Dean L Carlson, job number 96542020 dated September 7, 2016 and last revised on February 21, 2017. Applicant Walmart. Subject to the listed Conditions of Approval, (below).

Findings per the requirements of the Zoning Ordinance in Section 25.905(4)(c):

1. The proposed Conditional Use will not create an excessive burden on existing parks, schools, and other public facilities and utilities which serve or are proposed to serve the area. This is a minor building addition of 2,900 square feet, to an existing building of 186,800 square feet.
2. The proposed Conditional Use, the property, and the proposed structures will have proper ingress and egress with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control of access in case of fire or catastrophe. Existing site access is unchanged and all minor site plan modifications fully comply with the Zoning Ordinance requirements
3. The proposed Conditional Use will be sufficiently compatible with, or separated by distance or screening from, adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value, and there will be no deterrence to development of vacant land. This minor building addition is not adjacent to agricultural or residential properties, not to vacant land.
4. The proposed Conditional Use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use in that all land use, bulk, intensity, landscaping, and performance requirements of the Business Regional (BR) Zoning District are met. All zoning district and ordinance standards are met.
5. The proposed Conditional Use will not cause a traffic hazard or congestion. Roads serving the subject property are adequate for, and designed to, accommodate the additional traffic.
6. The proposed Conditional Use will not adversely affect existing businesses nearby because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness. The proposed building addition will match the existing building's exterior materials, textures, colors and site lighting.
7. Overall, the potential public benefits of the proposed Conditional Use outweigh any and all potential adverse impacts of the proposed development (as identified in 1. Through 6., above), after taking into consideration the Applicant's proposal and any requirements recommended to ameliorate such impacts. Overall, the benefits provided by proposed Conditional Use and discussed above, outweigh any and all adverse impacts.

Conditions of Approval:

The proposed Conditional Use Permit for the Liquor Box addition, (if granted), be subject to the submitted site plan, and subject to:

1. The Fire Department Connection will be relocated to the front of the building addition, in an unobstructed area acceptable to City Staff;
2. No outdoor storage or display of materials or products of any kind are permitted around the perimeter of the building addition, or in the alcove area between the building addition and the main building to the west. Shopping carts will be stored only in approved cart corrals as depicted on the approved Site Plan, and will not be stored in the alcove area;
3. All parking lot and drive lighting, traffic control signs, and pavement conditions throughout the subject property shall be fully restored to the satisfaction of the City prior to occupancy of the building addition, along with establishment of a maintenance solution enforceable by the City; and,
4. Any other requirements identified by the Common Council.

Public Hearing on a Request to amend the existing Conditional Use Permit to allow for the building addition for the property located at 307 Hallberg Street in the Manufacturing General (MG) zoning district with a Light Industrial land use. Applicant: USG Corporation. Mayor Nieuwenhuis opened the public hearing. Mr. Wendorf reviewed the request for an addition to the existing building at 307 Hallberg Street. It will be an enclosed fabric building to be used for loading and tarping of trucks used to transport their outgoing products.

Mike Spreitzer, Plant Manager for USG facilities located in Delavan and Walworth, advised the Plan Commission of the product produced at the Delavan facility, noting that production has significantly increased due to the demand for this product. He indicated that they have added employees as a result of the increase in the production at this facility, noting that this is the only USG facility manufacturing this product.

Mr. Spreitzer than commented on the proposed building, indicating that it will provide protection from the elements for employees and truck drivers. He noted that the building will not be climate controlled. The proposed traffic pattern was reviewed. Mr. Spreitzer commented on the safety benefits of not having to have trucks back into the loading area. He highlighted the excellent safety record of USG. There being no further parties wishing to speak, the public hearing was closed.

Review and Possible Recommendation to Common Council regarding a Request to amend the existing Conditional Use Permit to allow for the building addition for the property located at 307 Hallberg Street in the Manufacturing General (MG) zoning district with a Light Industrial land use. Applicant: USG Corporation: Alderman Johnson moved to approve the following, seconded by Mr. Lindloff and unanimously carried.

1. The following conditional use findings, (below); and,
2. The Conditional Use request for a new fabric building for the property located in the Manufacturing General (MG) zoning district. Plans provided by Farris, Hansen & Associates, Inc., project no. 9623 dated November 29, 2016 and last revised on January 24, 2017. Applicant USG Corporation. Subject to the listed Conditions of Approval, (below).

Findings per the requirements of the Zoning Ordinance in Section 25.905(4)(c):

1. The proposed Conditional Use will not create an excessive burden on existing parks, schools, and other public facilities and utilities which serve or are proposed to serve the area. This is a minor building addition and minor site upgrades.
2. The proposed Conditional Use, the property, and the proposed structures will have proper ingress and egress with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control of access in case of fire or catastrophe. Existing driveways will be used.
3. The proposed Conditional Use will be sufficiently compatible with, or separated by distance or screening from, adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value, and there will be no deterrence to development of vacant land. There are no adjacent agricultural or residential properties. Vacant lands in the vicinity will benefit from code-compliant landscaping being provided in this project.
4. The proposed Conditional Use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use

in that all land use, bulk, intensity, landscaping, and performance requirements of the Manufacturing General (MG) Zoning District are met. All zoning district and ordinance standards are met.

5. The proposed Conditional Use will not cause a traffic hazard or congestion. Roads serving the subject property are adequate for, and designed to, accommodate industrial traffic.
6. The proposed Conditional Use will not adversely affect existing businesses nearby because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness. The proposed changes will all result in aesthetic improvements, and the fabric building will screen most loading and unloading activities at the site.
7. Overall, the potential public benefits of the proposed Conditional Use outweigh any and all potential adverse impacts of the proposed development (as identified in 1. Through 6., above), after taking into consideration the Applicant's proposal and any requirements recommended to ameliorate such impacts. Overall, the benefits provided by proposed Conditional Use and discussed above, outweigh any and all adverse impacts.

Conditions of Approval:

The proposed Conditional Use Permit is recommended for the Fabric Building, subject to the submitted site plan, and subject to:

1. Stormwater management plan approval by the City Engineer;
2. The submitted Plan of Operation, Site Plan, and other submittal materials in the packet delivered to the City on January 24, 2017;
3. Fire suppression and containment equipment, certified by the project architect and approved by the State of Wisconsin, as compliant with all applicable codes; and,
4. Any other requirements identified by the Common Council.

Public Hearing on a Request for a Conditional Use Permit to allow an Indoor Sales or Service and Indoor Commercial Entertainment land use at 127 Park Place in the Business Central (BC) zoning district. Applicant: Delavan Nutrition LLC, Co-applicant Veneration Jujitsu Delavan. Mayor Nieuwenhuis opened the public hearing. Mr. Wendorf noted this is an indoor entertainment land use. Jeremy Lee, owner of Veneration Jujitsu explained that this is a form of martial arts and classes would be offered at this location. He also noted that he would also be operating his nutrition store at this location. Joe Murphy, spoke in support of the project, indicating that he owns the building and also teaches other forms of martial arts in the adjacent space. The two businesses will be separate, however work cooperatively. There being no further parties wishing to speak, the public hearing was closed.

Review and Possible Recommendation to Common Council regarding a Request for a Conditional Use Permit to allow an Indoor Sales or Service and Indoor Commercial Entertainment land use at 127 Park Place in the Business Central (BC) zoning district. Applicant: Delavan Nutrition LLC, Co-applicant Veneration Jujitsu Delavan. Alderman Johnson moved to recommend approval of the Conditional Use Permit to allow for the indoor Commercial Entertainment land use at 127 Park Place, located in the Business Central zoning district. Applicants: Joe and Marilyn Murphy and Jeremy Lee. The motion was seconded by Mr. Kuehni and unanimously carried.

Public Hearing on a Request for a Conditional Use Permit for an Indoor Sales or Service land use at 1442 E. Geneva Street in the Business Regional (BR) zoning district. Applicant: Xtreme Smoke, Co-applicant: Pine Tree Retail Properties. Mayor Nieuwenhuis opened the

public hearing. Mr. Wendorf reviewed the proposal noting that the proposed use would occupy a portion of the available space in the center and a conditional use permit was required. Antonio Fanizza, Architect, was available to answer any questions. Ms. Pieroni noted staff is requesting that this be approved as a Limited Conditional Use so that the City would be able to review a new operator if the business was sold. There being no further parties wishing to speak, the public hearing was closed.

Review and Possible Recommendation to Common Council regarding a Request for a Conditional Use Permit for an Indoor Sales or Service land use at 1442 E. Geneva Street in the Business Regional (BR) zoning district. Applicant: Xtreme Smoke, Coapplicant: Pine Tree Retail Properties: Alderman Johnson moved to approve the following, seconded by Mr. Kuehni and unanimously carried.

1. The conditional use Findings as listed below; and,
2. The Limited Conditional Use Permit to allow for an Indoor Sales or Service Land use at 1442 E. Geneva Street, within the space indicated on the plans provided by Antonio Fanizza Assoc. LTD, job number 1665, dated December 15, 2016

Findings per the requirements of the Zoning Ordinance in Section 25.905(4)(c):

1. The proposed Conditional Use will not create an excessive burden on existing parks, schools, and other public facilities and utilities which serve or are proposed to serve the area. Specifically, the proposed conditional use is merely an expansion of the existing structure into an area already paved.
2. The proposed Conditional Use, the property, and the proposed structures will have proper ingress and egress with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control of access in case of fire or catastrophe. Specifically, the proposed conditional use expansion is located to the rear service area of the property.
3. The proposed Conditional Use will be sufficiently compatible with, or separated by distance or screening from, adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value, and there will be no deterrence to development of vacant land. Specifically, there are no residences or agricultural lands adjacent to the subject property.
4. The proposed Conditional Use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use in that all land use, bulk, intensity, landscaping, and performance requirements of the Business Regional (BR) Zoning District are met. Specifically, the applicant has worked with City staff to ensure that all requirements of the BR zoning district are met.
5. The proposed Conditional Use will not cause a traffic hazard or congestion. Specifically, the additional building footprint will have little impact on traffic circulation.
6. The proposed Conditional Use will not adversely affect existing businesses nearby because of curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness. Specifically, the proposed conditional use will include the requirement for a garbage enclosure for the property.
7. Overall, the potential public benefits of the proposed Conditional Use outweigh any and all potential adverse impacts of the proposed development (as identified in 1. Through 6., above), after taking into consideration the Applicant's proposal and any requirements recommended to ameliorate such impacts. Overall, the benefits provided by proposed Conditional Use and discussed above, outweigh any and all adverse impacts.

Consider Building Front Facade Installation for property within the Downtown Design Overlay Zoning District. Applicant: Sonia Venegas, 229 E. Walworth Avenue: Mr. Wendorf noted this was before the Commission previously and the applicants would like to have the Commission review the choice of brick. The applicants noted that they felt that the brick color closest to the existing brick is Castlewood, however the existing bricks need to be cleaned and that might make a difference. City Administrator Pieroni noted that Director of Public Works, Mark Wendorf had taken the bricks to the location of the building and felt that the lighter brick options might be a better match. The Commission felt any of the submitted bricks would be appropriate but would prefer the closest match to the existing.

Mr. Gauger moved to approve any of the proposed brick samples as submitted for the repair of the storefront façade at 229 E. Walworth Avenue, with staff determining which brick would be the closest in color to the existing. The motion was seconded by Mr. Cass and unanimously carried.

Building & Zoning Administrator Updates

- a. Downtown Building Revitalization
- b. New Businesses

Adjourn: There being no further business to come before the Plan Commission, the meeting adjourned at 6:10 p.m. upon a motion by Alderman Johnson, seconded by Mr. Gauger, and unanimously carried.

Susan Kitzman
City Clerk

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