

**CITY OF DELAVAN
COMMON COUNCIL
Tuesday, January 16, 2018 – 6:30 P.M.
MUNICIPAL BUILDING**

AGENDA

(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 992 and on the City Website at www.ci.delavan.wi.us)

1. Call to Order and Roll Call
2. Pledge of Allegiance and Invocation
3. Approval of Minutes – December 19, 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
 - k. Tourism Commission

Finance

6. Consider award of bid to Bobcats Plus, Janesville, WI, for the purchase of a skid-steer model S770 loader in the amount of \$49,265 and further declare the currently owed model, Bobcat 753, as surplus. (Vote Required: Roll Call Majority)
7. Approval of Bills: Warrant 17-12 (Vote Required: Roll Call Majority)

General Operations Committee

8. Consider Class A Cider License for Speedway 4476, at 803 E Geneva Street, Joseph Robb, Agent. (Vote Required: Majority)

Other

9. Consider authorization of a 2018 advance of Tourism 2016 Revenues to the Tourism Commission through its Special Revenue Fund entitled Tourism Legislation Commission Expenditures in the amount of \$60,000 effective February 1, 2018. (Vote Required: Majority)

10. Consider appointment to the Police and Fire Commission to fulfill the unexpired term of Sean Blanton (expiring April, 2019) Greg Kostechka recommended. (Vote Required: Majority)
11. Discussion on the status of the Temperance House.
12. Public Comments (*Citizens may address the Chair at this point of the meeting – please limit your comments to once for 2-minute maximum*)
13. Suggested Future Agenda Items
14. 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: Purchase of Property, Terms of Development Agreements in TID #4 and TID #5.

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: Martinez and Lowe's Litigation and 309 E Walworth potential litigation (Vote Required: Roll Call Majority)
15. Reconvene to Open Session, with possible announcement or determination of closed session discussion. (Vote Required: Roll Call Majority)
16. Consider Lake Lawn Fifth Amendment to the Development Agreement. (Vote Required: Majority)
17. 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

Thursday, January 18, 2018, 4:30 pm Library Board
 Thursday, January 18, 2018, 4:30 pm Water & Sewage Commission
 Thursday, January 18, 2018, 5:00 pm Delbrook Golf Commission
 Monday, January 22, 2018, 5:30 pm Parks & Recreation Commission
 Tuesday, January 23, 2018, 5:30 pm Public Works Committee
 Tuesday, January 30, 2018, 7:00 pm Downtown Project Management Team at Main Street Manor
 Monday, February 5, 2018, 5:30 pm Plan Commission
 Tuesday, February 6, 2018, 5:30 pm General Operations Committee
 Tuesday, February 14, 2018, 5:00 pm Finance Committee
 Thursday, February 15, 2018, 4:30 pm Library Board at Aram Library
 Thursday, February 15, 2018, 4:30 pm Water & Sewage Commission
 Thursday, February 15, 2018, 5:00 pm Delbrook Golf Commission
 Monday, February 19, 2018, 6:30 pm Common Council
 Tuesday, February 20, 2018, ELECTION DAY 7 am – 8 pm
 Monday, February 26, 2018, 5:30 pm Parks & Recreation Commission
 Tuesday, February 27, 2018, 5:30 pm Public Works Committee

Website: www.ci.delavan.wi.us

**CITY OF DELAVAN
COMMON COUNCIL
December 19, 2017**

3.

Call to Order: Mayor Nieuwenhuis called the regular meeting of the Common Council to order at 6:30 pm in the Municipal Building Council Chambers.

Roll Call: The following members were present: Mayor Nieuwenhuis, Aldermen Schroeder, Phillips, Henriott, Johnson, DeWitt and Stebnitz. Also Present: City Attorney Koch, Director of Public Works Wendorf, Finance Director Hayden 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 November 21, 2017. The motion was seconded by Alderman Phillips and unanimously carried.

Communications: None.

Public Comments: None.

Reports of Standing Committees - Finance and Treasurer's Report: Alderman DeWitt moved to approve the Treasurer's Report, seconded by Alderman Stebnitz and unanimously carried. Reports were also 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, Delbrook Golf Commission and Tourism Commission.

2018 Insurance Proposals: Alderman DeWitt reviewed the Insurance Proposal and noted that the workers compensation experience modification has risen which has resulted in a significant increase in the premium. It was noted that EMC has been the City's insurance provider for the past four years and has provided excellent service to the City. The premium increase is 9% with the majority of the increase attributable to the workers compensation policy. It was also noted that values on certain properties had been increased to more closely align with their replacement value.

Alderman DeWitt then moved to award the City's 2018 insurance coverage to:

- a. EMC Insurance (for all coverages with the exception of Crime and Cyber) at an approximate cost of \$245,050 [with 22% dividend on Worker's Compensation (estimated at \$27,759) payable in 2019]
- b. Crime to Hanover Insurance at an approximate cost of \$1,000
- c. Cyber Insurance to BCS Insurance Company in the amount of \$2,837.

The motion was seconded by Alderman Stebnitz and unanimously carried upon call of the roll.

2018 purchase of a 5-yard Dump Truck from Lakeside International at a cost of \$161,940: Alderman DeWitt explained that the staff was successful in identifying a unit that was being prepared for use as a demo which is resulting in a significant cost savings. In terms of the disposal of a truck, he commented that the truck currently being used by the Street Division would be transferred to the Utility Division and that the 1997 Ford Truck currently utilized by the Utility Division would be declared surplus. Alderman DeWitt moved to approve the 2018 purchase of the 5-yard truck with dump box, sander, and plows in the total amount of \$161,940 from Lakeside International, Milwaukee, Wisconsin; and to further declare the City's existing 1997 Ford Truck as surplus property upon receipt of the replacement vehicle in 2018. The motion was seconded by Alderman Stebnitz and unanimously carried upon call of the roll.

MOU agreement with Baxter & Woodman for the 2018 Street Improvement program: Alderman DeWitt moved to approve the proposed MOU agreement with Baxter & Woodman for the 2018 Street Improvement program, at an amount not to exceed \$41,400 for engineering design work and an amount not to exceed \$34,000 for construction engineering. The motion was seconded by Alderman Stebnitz and unanimously carried upon call of the roll.

MOU agreement with Baxter & Woodman for the Washington Street water main: Alderman DeWitt moved to approve the proposed MOU agreement with Baxter & Woodman for the Washington Street water main replacement at an amount not to exceed \$7,200 for engineering design work and amount not to exceed \$3,400 for construction engineering services. The motion was seconded by Alderman Stebnitz and carried unanimously upon call of the roll.

Approval of Bills: Alderman DeWitt moved to approve Warrant 17-11, seconded by Alderman Stebnitz and unanimously carried upon call of the roll.

Change of Agent for Ol' Wisco Bar & Grill at 328 E Walworth Avenue to Crystal Beles, Agent: Alderman Johnson moved to approve the Change of Agent to Crystal Beles for Ol' Wisco Bar & Grill. The motion was seconded by Alderman Henriott and unanimously carried.

Class A Fermented Malt Beverage License for Speedway 4476, at 803 E Geneva Street, Joseph Robb, Agent: Alderman Johnson moved to approve the Class A Beer License for Speedway, seconded by Alderman Henriott and unanimously carried.

Temporary Class B Beer and Wine License for December 31, 2017 for the New Year's Eve Party at St. Andrew's at 115 S Seventh St, Cevin Moses, Agent: Alderman Johnson moved to approve the Temporary Class B Beer and Wine License for St. Andrew's on New Year's Eve. The motion was seconded by Alderman Henriott and unanimously carried.

R-734 Resolution Appointing Election Officials for the 2018-2019 Term: City Clerk Kitzman noted election officials are appointed for a two-year term upon lists submitted by the political parties and the Clerk. Alderman Johnson moved to adopt the Resolution Appointing Election Officials for the 2018-2019 term. The motion was seconded by Alderman DeWitt and unanimously carried.

Discussion and possible action on the property at 116 S Fifth Street: Alderman Phillips moved to:

1. Immediately have the asbestos removed from the buildings;
2. Have staff advertise the house for sale to be removed from the property;
3. If the Council has not approved an offer before February 28, 2018, staff is to collect razing bids for the Council to consider at the March, 2018 meeting; and
4. To offer the vacant City-owned land XLDA 00027A at Wisconsin and Harrison Streets as a potential site for the relocation of the house.

The motion was seconded by Alderman Henriott. When asked, Director of Public Works Wendorf noted that asbestos would need to be removed prior to either the house being moved or demolished. The motion was amended to remove the asbestos removal.

Alderman Schroeder noted that there was a consensus to not have the building heated. He felt winter time was not the best time to sell a house.

Alderman Phillips indicated he had two qualified purchasers that were not interested in the building, due to the expense of moving the property and placing a new foundation. Alderman Schroeder spoke against the motion and getting rid of the house.

Alderman Johnson asked what costs there are in addition to insurance. Staff indicated the gas has been shut off, however one electric meter is still on. There is the monthly Public Fire Protection bill through the Water bill. The City is also responsible for 2017 tax bill.

A discussion was held on delaying the sale of the property until the summer and the results of delaying the sale or razing. The motion was defeated with Alderman Phillips and Henriott voting in the affirmative.

Alderman Stebnitz moved to direct staff to market the house immediately after the holidays for the house to be moved, and to use the lot on East Wisconsin Street as a marketing tool for placement of the building. Bids for razing the house should be received by June 30. The motion was seconded by Alderman DeWitt. After additional discussion, the motion carried unanimously.

Consider change to the Composition of the Downtown Delavan Project Management Team: Alderman Schroeder explained that the Downtown Delavan Project Management Team is requesting the Council change the requirement to allow the Chamber of Commerce representative to be either the Chamber Executive Director or a member of its current Board. Alderman Schroeder moved to approve the change to the Composition of the DD-PMT to include the Chamber of Commerce representative to be either the Executive Director or a member of the Board of Directors, and to eliminate all ex-officio members. The motion was seconded by Alderman Stebnitz and unanimously carried.

Public Comments: John Finley, spoke about the house on South Fifth Street.

Suggested Future Agenda Items: Alderman Phillips asked for an Update on the Temperance House from the Historical Society.

Adjourn: There being no further business to come before the Common Council, the meeting adjourned at 7:26 p.m. upon a motion by Alderman Henriott, seconded by Alderman Schroeder and unanimously carried.

Susan Kitzman
City Clerk

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

6a

FINANCE COMMITTEE

January 9, 2018

Call to Order: Chairman DeWitt called the regular meeting of the Finance Committee to order at 5:00 pm in the Municipal Building Council Chambers.

Roll Call: Members Present: Chairman DeWitt, Aldermen Stebnitz and Schroeder. Also Present: City Administrator Pieroni, Finance Director Hayden, Director of Public Works Wendorf, Treasurer Wiese and City Clerk Kitzman.

Public Comments and/or Communications: None.

Approval of Minutes: Alderman Schroeder moved to approve the minutes of December 12, 2017, seconded by Alderman Stebnitz and unanimously carried.

Administrator's Report: City Administrator Pieroni indicated she attended the WalCoMet meeting today where they approved a credit of just over \$5,000, but not the \$11,000 credit that had requested. She asked the Committee for support in contacting the Public Service Commission relative to the City's testing concerns. Alderman DeWitt did not have a problem with discussing options with the PSC but would like to review the matter prior to any action.

Finance Director's Report: Ms. Hayden indicated the reports are not yet available, but will be distributed when completed.

Review of Treasurer's Report (City Investments) for December, 2017: Alderman Stebnitz moved, seconded by Alderman Schroeder to approve the Treasurer's Reports for December, 2017. The motion carried unanimously.

Bank Reconciliation (To be Distributed at the meeting): Not yet available.

Preliminary Financial Statements for December, 2017 (To be Distributed later in January for review at the February meeting)

Warrant 17-12: Alderman Stebnitz noted there were multiple receipts from Ace Hardware every day. He asked that the staff try to consolidate their trips. Alderman DeWitt asked that the costs for Pro Phoenix be reviewed and distributed to the Finance Committee. Alderman Stebnitz moved to recommend approval of Warrant 17-12. The motion was seconded by Alderman Schroeder and carried unanimously.

Professional Services over \$5,000 not previously approved under contract: None.

Consider recommendation to approve the purchase of the Bobcat S770 with spare tire and bucket from Bobcats Plus, Janesville, WI at a cost of \$49,265 and to declare the Bobcat 753 as surplus. Alderman Schroeder moved to recommend to the Common Council the purchase of the Bobcat S770 with spare tire and bucket with bolt on cutting edge from Bobcats Plus, Janesville, WI, at a cost of \$49,265 and to further declare the Bobcat 753 (currently at Delbrook) as surplus upon the delivery of the new system. The motion was seconded by Alderman Stebnitz and unanimously carried.

Consider approval of the TiPSS 2018 Support Fees and Pro-Phoenix Interfaces relating to the municipal court software. Ms. Pieroni explained that the TiPSS support fees was an annual cost which now exceeds the \$5,000 threshold. The two additional interfaces that may be need for the Court system to retrieve and upload citation and deposition data may be required. It was noted that the staff was still in the process of verifying the need for these interfaces but at this point did expect that they would be required. It was further noted that the cost of the Pro-Phoenix project, including these two additional interfaces, was still under the year-end estimate which was slightly under budget. The issue is the timing, noting that these costs would have to be reflected in the 2018 Capital Budget which did not include funds for this project.

Alderman Stebnitz moved to approve the payment to TiPSS for the 2018 annual support fee for the municipal court modules at a cost of \$5,472 and to confirm the payment of the \$1,875 cost of the TiPSS Court and the Wisconsin Badger TracCS (Traffic and Criminal Software) system interface and the payment of the \$1,325 cost of the TiPSS Court and Other Records interface. The motion was seconded by Alderman Schroeder and unanimously carried.

Future Agenda Items: None.

Adjourn: There being no further business to come before the Finance Committee, the meeting adjourned at 5:25 p.m. upon a motion by Alderman Stebnitz, seconded by Alderman Schroeder and unanimously carried.

Susan Kitzman
City Clerk

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



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Memorandum

To: Common Council
From: Adam Brotz Street Department Foreman
Thru: Denise Pieroni, City Administrator
Date: January 10, 2017

Subject: Street Department Equipment Replacement Purchase

Executive Summary: The 2018 budget included funds for the purchase of a new skid-steer loader for the Public Works Street Division with the current Street Division unit being transferred to Delbrook and the current Delbrook unit being declared surplus.

Background: We requested quotes from three dealers of large-frame high-flow skid-steer loaders (commonly called Bobcat machines), that would be compatible with our current attachments. The bids received were as follows:

Johnson Tractor	Case SV340	\$55,750
Treibold Implement	New Holland L234	\$54,175
Bobcats Plus	Bobcat S770	\$49,265

Key Issues: These prices reflect the cost of the machine with a spare tire and a bucket with a bolt on cutting edge. The tire and bucket are necessary as this skid steer is a large-frame machine requiring a larger tire and a wider bucket to cover the wheel tracks.

Budget Impact: The 2018 Capital Improvement Fund budget includes \$50,000 (Account #400-57230-8100) for the purchase of this machine. The total cost from Bobcat's Plus, Janesville, WI, is \$49,265 which is \$735 under budget.

Recommendation: The Finance Committee reviewed this issue at their January 9th meeting and, consistent with the Staff's recommendation, has recommended that the Common Council approve the purchase of the skid-steer model S770 from Bobcats Plus, Janesville, WI at the cost of \$49,265.

Recommended Action: Move to approve the purchase of the Bobcat S770 with spare tire and bucket with bolt on cutting edge from Bobcats Plus, Janesville, WI at a cost of \$49,265 and to further declare the Bobcat 753 (currently at Delbrook) as surplus upon the delivery of the new machine.



8.

Memorandum

To: Common Council
From: Susan Kitman, City Clerk
Thru: Denise Pieroni
City Administrator
Date: January 8, 2018
Subject: Class A Cider License – Speedway LLC

Executive Summary: Speedway LLC has applied for a Class A Cider License for their store at 803 East Geneva Street, Joseph G Robb Agent. They recently acquired a Class A Fermented Malt Beverage License and then came back to request the Cider License.

Background/Supporting Data: The Police Department has performed a background check on the agent and is recommending approval.

Key Issues: This request is to sell Cider in addition to their existing Beer License for consumption outside of the premise.

Budget Impact: The State of Wisconsin only allows us to charge the \$25.00 publication fee.

Recommendation: To approve the Class A Cider License.

Recommended Action: Approval of the Class A Cider license for Speedway LLC at 803 E Geneva Street, Joseph G Robb, Agent.



9.

Memorandum

To: Members of the Common Council
From: Denise Pieroni
 City Administrator
Date: January 11, 2018
Subject: Consideration of 2018 Advance to the Tourism Legislative Commission Special Revenue Fund

Executive Summary: The objective is to have the Tourism Commission operate on a similar policy followed by the former Room Tax Advisory Board, wherein revenues collected in one year are used to fund following year expenditures. This addresses the cash flow issue created by the fact that the City receives its allocation first whereby resulting in no revenues being allocated to the Commission until the 3rd quarter. It also ensures that the Commission can meet its commitments for the current year even if there was a significant decrease in revenues. In 2017, the Council advanced to the Commission \$123,000 which will be fully repaid with 2017 revenues. For 2018, an advance in the amount of \$66,750 is being recommended. The chart below includes the calculation to support amount of the recommended transfer.

Summary of Advances to Tourism Legislation Commission Fund

		Account Balance
2017 Advance from City Tourism Fund:	123,000	
2017 Actual Revenues Thru 12/31/2017	125,500	
2017 Projected Revenues - 4th Quarter 2017	82,000	
TOTAL 2017 ADVANCES & REVENUES		330,500
2017 Expenditures	128,138	
2017 Transfer to Lake Betterment Fund	5,606	
TOTAL 2017 EXPENDITURES & TRANSFERS		133,744
REVENUES & ADVANCES OVER(UNDER) EXPENDITURES & TRANFERS		196,756
2017 REPAYMENT OF 2017 ADVANCES		123,000
PROJECTED AMOUNT AVAILABLE TO FUND 2018 EXPENDITURES		73,756
2018 EXPENDITURE ESTIMATE		133,000
2018 PROJECTED AVAILABLE FUNDS OVER(UNDER) 2018 EXPENDITURE ESTIMATE		(59,244)
RECOMMENDED 2018 ADVANCE		60,000

It is anticipated that no advance will be required in future years, commencing in 2019. One of the reasons this is being achieved over a shorter period of time than originally contemplated, is that no tourism development projects, with the exception of the transfer to the Delavan Lake Betterment Fund, are proposed. This is allowing for the temporary use of these funds that are to be allocated for tourism development purposes to reduce any advance that may be required. This intra-fund use of these dollars for this purpose will in the short-term reduce the dollars available for Tourism Development.

Background/Supporting Data: Addressed in the Executive Summary.

Key Issues: Allows the Tourism Commission to both continue marketing and promotion efforts at their current levels and to provide for a reasonable allocation of dollars for funding of grant requests, while transitioning to a program cycle that will allow them to more effectively address fluctuations in room tax revenues.

Budget Impact: The City will temporarily not have these Room Tax Revenues that fall under their direct control available to them.

Recommendation: Consideration request for the advancement of funds.

Recommended Action: Motion to authorize a \$60,000 advance to the Tourism Commission, effective February 1, 2018, with the understanding that this advance is to be paid back to the City prior to the close out of the 2018 Fiscal Year.