

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
December 16, 2008

Public Hearings:

7:33 PM – The purpose of the hearing is to hear public comment regarding an ordinance to amend Sections 17.105, 17.206 and 17.203 of the Municipal Code of the City of Oconomowoc relating to uses permitted by right and uses permitted as conditional uses in the Suburban Industrial (SI) District and Institutional Public (IP) District.

Gallo reported that the City of Oconomowoc is requesting a zoning text amendment to change zoning requirements as they relate to uses permitted by right and uses permitted as conditional uses in the SI and IP districts. These changes will ensure the City is in conformance with a recent Wisconsin Supreme Court case because in order to deny conditional uses, there must be some permitted uses in every zoned district. No other comments were received. The hearing closed at 7:37 pm.

7:37 PM – The purpose of the hearing is to hear public comment regarding an ordinance to amend Sections 17.202(4)(a), 17.905(1)(b) and 17.905(4)(b); and to create Sections 17.905(4)(b)7. and 17.905(4)(b)8. of the Municipal Code of the City of Oconomowoc relating to conditional uses.

Gallo reported that the City of Oconomowoc is requesting a zoning text amendment to change zoning requirements as they relate to conditional use permits. The proposed changes as based on the same Wisconsin Supreme Court case. The amendments create two additional standards for the granting of conditional use permits which address adverse impacts and if the proposed conditional use negatively affect the health, safety, welfare and morals of the general public. No other comments were received. The hearing closed at 7:40 pm.

7:30 PM – The purpose of the hearing is to hear public comment regarding an ordinance to create Section 18.08(2m) of the Municipal Code of the City of Oconomowoc requiring street trees in subdivisions.

Maurer reported that the Park & Recreation Board took no action on this ordinance and directed staff to continue working to finalize it due to public input. In the past, the City has had issues with tree placement due to the fact that in some cases the tree is planted before the lot is sold. After the sale, sometimes the issue arises that the owner's driveway placement does not work with the tree placement. No comments were received at the public hearing held before the Plan Commission. No action is being requested this evening by Council. No other comments were received. The hearing closed at 7:43 pm.

Mayor Sullivan called the regular Common Council meeting to order at 7:43 PM.

Pledge of Allegiance

Roll Call: Aldermen Schmitter, Morgan, Nold, Larsen, Antonneau, Cochrane, Hollatz and Miller

Staff Present: Mayor Sullivan, Gard, Gallo, Kitsembel, Beguhn, Duffy, Maurer, Bednarski, Frye, Lamp, Spencer and Coenen

Others present: Atty. Chapman

Minutes of December 2, 2008: Motion by Cochrane to approve the minutes of the December 2nd meeting as written; second by Miller. Motion carried 8-0.

Consent agenda:

- A. Licenses
- B. Extension of Assessment Services Contract for 2009-2010
- C. 2009 Town of Oconomowoc Ambulance Service Contract Agreement
- D. Stormwater Facility Access Easement – Pabst Farms Land Company I, LLC
- E. Treasurer's Report

Motion by Hollatz to approve the Consent Agenda; second by Cochrane. Motion carried 8-0.

Committee Reports:

Public Services – Nold, chr; Schmitter; Larsen, secy

1. **Consider/act on Oconomowoc Junior Women's Club Application to Host a Cardboard Boat Regatta on Fowler Lake:** Larsen reported that the Oconomowoc Junior Women's Club (OJWC) has submitted an application to host the Great Cardboard Boat Regatta event on August 8, 2009. The goal of this event is to raise awareness of OJWC within the community, raise funds to support programs and also to initiate a signature project in Oconomowoc that will contribute to community spirit and make Oconomowoc the destination for this annual event. Public Services reviewed and recommend approval. Motion by Larsen to approve the Oconomowoc Junior Women's Club application to host a cardboard boat regatta on Fowler Lake; second by Antonneau. Motion carried 8-0.

Plan Commission:

- A. **Consider/act on Order to Amend the Conditional Use Permit Granted to RJ Water's Martini Bar (renamed Splash Martini Bar), 134 N. Main Street to Allow for the Use of an Outdoor Deck:** Antonneau reported that the applicant has submitted a request to amend his CUP to allow construction of an outdoor deck and to change the name from RJ Water's Martini Bar to Splash Martini Bar located at 134 N. Main Street. The Plan Commission unanimously recommends approval. Motion by Antonneau to approve the order to amend the CUP for Splash Martini Bar, 134 N. Main Street; second by Cochrane. A question was raised regarding encroachment of the deck into the alleyway. The Plan Commission reviewed that issue and is satisfied with the location of the deck. Motion carried 8-0.
- B. **Consider/act on the Certified Survey Map for Property Located on the SW Corner of Blue Ribbon Drive and STH 67 (Pabst Farms Commerce Center):** Antonneau reported that the applicant has submitted a request for a CSM. The CSM creates outlots for stormwater purposes in the Pabst Farms Hospitality Campus. Along with this CSM, access easements will be recorded. The Plan Commission unanimously recommends approval. Motion by Antonneau to approve the CSM for Pabst Farms Hospitality Campus for lands located on the SW Corner of Blue Ribbon and STH 67; second by Cochrane. Motion carried 8-0.
- C. **Consider/act on the ETZ Certified Survey Map of Gordon and Marilyn Zastrow at W147 CTH B, Town of Concord:** Antonneau reported that the applicant has submitted an ETZ CSM to create two lots in the Town of Concord. The site is located approximately 1.25 miles from the City of Oconomowoc boundaries and is located within the City's extraterritorial platting jurisdiction. The applicant has not requested a full technical review and is willing to wait 90 days to record the document. The Plan Commission recommends no action be taken. Council took no action.
- D. **Consider/act on Ordinance to Amend Sections 17.105, 17.206 and 17.203 of the Municipal Code Relating to Uses Permitted by Right and Uses Permitted as Conditional Uses in the Suburban Industrial (SI) District and Institutional Public (IP) District (Per Public Hearing) – 1st Reading:** Antonneau reported that the City of Oconomowoc is requesting a zoning text amendment to change the permitted uses in the Suburban Industrial and Institutional zoning districts. The proposed changes will ensure the City is in conformance with a recent Wisconsin Supreme Court case. The Plan Commission has reviewed and recommends adoption. Motion by Antonneau to give the ordinance its first reading; second by Cochrane. Chapman read the entire ordinance into the record. Gallo was asked to define selective cutting and he stated it is defined as cutting up to 40% of the trees on a lot, and that more than 40% is clear cutting. When land is developed, the developer must submit a landscaping plan and identify which trees will be removed. Motion carried 8-0.
- E. **Consider/act on Ordinance to Amend Sections 17.202(4)(a), 17.905(1)(b) and 17.905(4)(b); and to create Sections 17.905(4)(b)7. and 17.905(4)(b)8. of the Municipal Code Relating to the Conditional Use Approval Process (Per Public Hearing) – 1st Reading:** Antonneau reported that the City of Oconomowoc is requesting a zoning text amendment to change zoning requirements as they relate to conditional use permits. These proposed changes will also ensure the City is in conformance with a recent Wisconsin Supreme Court case. The Plan Commission has reviewed and recommends adoption. Motion by Antonneau to give the ordinance its first reading; second by Cochrane. Chapman read the ordinance into the record. Motion carried 8-0.

Unfinished Business:

- A. **Consider/act on Ordinance to Repeal and Recreate Chapter 19 Stormwater Management and Erosion Control – 2nd Reading:** Motion by Antonneau to give the ordinance its second reading in title only; second by Cochrane. Chapman read the title into the record. Motion carried 8-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 8-0.

- B. **Consider/act on Ordinance Approving Stormwater Intergovernmental Agreement for Stormwater Education Program with Waukesha County – 2nd Reading:** Motion by Antonneau to give the ordinance its second reading in title only; second by Cochrane. Chapman read the title into the record. Motion carried 8-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 8-0.
- C. **Consider/act on Ordinance to Amend Section 27.09(2)(b), (3)(b), (4)(b) and (c), (5)(b) and (c), (6)(b) and (c), (7)(c) and (8)(c) Relating to Impact Fees – 2nd Reading:** Motion by Antonneau to give the ordinance its second reading in title only; second by Cochrane. Chapman read the title into the record. Motion carried 8-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 8-0.
- D. **Consider/act on Ordinance to Amend Section 13.63(3)(a) Relating to Sewer Availability Charges – 2nd Reading:** Motion by Antonneau to give the ordinance its second reading in title only; second by Cochrane. Chapman read the title into the record. Motion carried 8-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 8-0.
- E. **Consider/act on Ordinance to Amend Sections 9.13(2)(b), 7.03(10)(c)2 and 7.03(10)(e)1 Relating to Vehicle Impoundment Storage Charges, Annual Parking Permit Fees and Penalty for Parking Violations – 2nd Reading:** Sullivan stated that a revised ordinance was at Council stations which reflects a change in fees under 7.03(10)(e)1. Motion by Antonneau to give the ordinance its second reading in title only; second by Cochrane. Chapman read the title into the record. Motion carried 8-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 8-0.
- F. **Consider/act on Ordinance to Amend Section 4.075 Relating to Warrant Fees – 2nd Reading:** Motion by Antonneau to give the ordinance its second reading in title only; second by Cochrane. Chapman read the title into the record. Motion carried 8-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 8-0.

Staff Reports:

- A. **Certified Playground Safety Inspector Certification (Bryan Spencer)** – Maurer presented Spencer with his certification and stated that Spencer completed a 16 hr. training course that included hands-on playground safety inspection. It was noted that this training will be beneficial with the new Community-Built Playground proposed at Roosevelt Park.
- B. **2007 Comprehensive Annual Financial Report** – Kitsemel reported that the City received a certificate for excellence in financing reporting for 2007. The judging is done by an impartial panel and includes full disclosure. The City was 1 of 36 who submitted their financials. Tax bills were mailed December 15, 2008. New this year is the ability to make on-line tax payments.

Sullivan complimented Kitsemel and City staff on the financial statements and all the hard work. Gard reported that Kitsemel was elected President of the Wisconsin Government Finance Officers Association for 08-09 which is a testament of the quality of staff the City has employed.

Reports and comments from the Aldermen: Antonneau inquired about ice skating. Maurer responded that the ice thickness is checked weekly and the ice conditions are not right at this time.

Mayor Sullivan wished everyone a Merry Christmas!

Motion by Cochrane to adjourn the Common Council meeting; second by Miller. Motion carried 8-0. The meeting adjourned at 8:32 PM.

Diane Coenen, City Clerk