

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
February 19, 2008

PUBLIC HEARING:

7:30 PM – The purpose of the hearing is to hear public comments on the rezoning application of Richard Shovick with Btheball, LLC to rezone the property located at 1710 and 1730 Summit Ave. in the City of Oconomowoc, to include a Planned Development Overlay District. The Planned Development Overlay District is being requested on the subject property that is currently zoned SC; Suburban Commercial, to develop a commercial retail project. The proposed rezoning is Step 3 in the City's Planned Development process. The Common Council will be acting on the Planned Development Ordinance and the General Development Plan for "The Blue Ribbon Shoppes."

The hearing opened at 7:35 PM. Tim Seidel, architect for the project, used a power point presentation to display the site plan. The shoppes will be 14,000 sq. ft. and a setback exemption for the east property line would be needed. Because of right-of-way issues, the building has been relocated fit within future roadways and would be one foot off the property line. Parking has been reduced to 42 stalls and a small reduction has been made to the landscape requirements at this time. There will be four-sided architecture with stone and efface, and a cloth canopy. Eventually, a north/south access road will be put in. The caveat to the project is once the DOT determines the layout of the intersection, land now being held by the DOT will become available to the site and landscape will be added. No other comments were received. The hearing closed at 7:42 PM.

Mayor Sullivan called the regular Common Council meeting to order at 7:42 PM.

Pledge of Allegiance

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

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

Others present: Attys. Chapman and Matt Carlson

Minutes – February 5, 2008: Motion by Cochrane to approve the minutes from the February 5, 2008 meeting as presented; second by Antonneau. Motion carried 8-0.

Comments and suggestions from citizens:

- 1) **Certificate of Apprenticeship to Andrew Evans** – Evans was not able to attend this meeting, so his certificate will be presented at a future Council meeting.
- 2) Jerry Wendt, W155 Allen Road respectfully requests Council approve his ETZ CSM on the agenda this evening. He stated that by not approving it, the 90 day mandatory wait time for automatic approval only delays him from dividing his property.

Consent agenda:

- A. Licenses
- B. Utility Easement Agreement with Dowd Court Enterprises, LLC
- C. Utility Easement Agreement with Sentry Equipment Corp.
- D. Cooperative Agreement between City of Oconomowoc and Waukesha County Department of Senior Services
- E. Treasurer's Report

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

Committee Reports:

A. Public Services:

1. **Consider/act on Resolution Hiring Engineering Firm for Stormwater Management Plan -**

Larsen reported that the Committee delayed action on this item two weeks ago in order to give the City time to receive more than just one proposal. The Committee unanimously recommends the low quote from MSA Professional Services in the amount of \$120,500, which by delaying action, has saved the City \$24,000. Motion by Larsen to adopt the resolution hiring MSA Professional Services as the engineering firm for the Stormwater Management Plan in the amount of \$120,500; second by Nold. Motion carried 8-0.

At this time Item 8.D. was considered at the request of the developers due to travel arrangements.

Plan Commission:D. **Consider/act on Ordinance to Create a Planned Development (PD-17-08) on approximately 165.5**

acres located at the northeast corner of STH 67 and I-94 and the General Development Plan for Developers Diversified Realty and Pabst Farms Retail Inc. This ordinance amends and recreates Ordinance 07-O694 (PD-13-07) – 1st Reading – Atty. Carlson, special assistant council representing the City in the town centre project, took a seat at the Council station. Sullivan reported that previously public hearings have been held before the Plan Commission and Council and before us this evening is a recommendation from the Plan Commission. Antonneau reported that DDR and Pabst Farms plan to build a 2 million sq. ft. community shopping center, lifestyle center and large format retail in the Pabst Farms. This is Step 3 of the planned development process and the Plan Commission recommends approval. Motion by Antonneau to give the ordinance its first reading and approve the GDP; second by Nold. Various comments were made by Council regarding signage concerns on I-94 and Hwy 67 and the screening wall, landscaping and berm. Because of the lack of detail at this stage, Council noted that as the development proceeds, changes will occur and the developer will improve the area and put something together that will be aesthetically pleasing. Council feels the developer will work with the Planning Department and Sullivan noted that there are at least five references to landscaping in the PD ordinance. Antonneau wanted to clarify that he voted no to the recommendation from Plan Commission and that he has been receiving numerous calls, but has been reluctant to comment for fear of being misquoted. At this point he read a prepared statement into the record which reflected that he feels Oconomowoc can not provide the lone draw to the DDR mall, their proposal will be less of a regional draw than General Growth's proposal was and he does not feel this development will bring traffic to the downtown. He further read that personally he can wait two – five years for the right developer. Larsen expressed that DDR's development is not really regional in nature and our TIF calls for regional. He is also concerned with the unknown mix of tenants. Carlson started reading the ordinance into the record, with Gallo taking over the reading at Item 9.C. Motion carried 6-2. Larsen and Antonneau voted no. At this time Sullivan asked Carlson if the motion was done correctly and he suggested that the motion be done again for clarification. Motion by Antonneau to give the ordinance its first reading and approve the GDP for the Pabst Farms Town Centre proposed by DDR and Pabst Farms; second by Nold. Motion carried 6-2. Larsen and Antonneau voted no.

A. **Consider/act on the Order for the Precise Implementation Plan (PIP) for the project known as Lake**

Shore Place located at 1306 West Wisconsin Avenue – Antonneau reported that this is Step 4 of the four-step planned development process. The developer is proposing to construct Phase 1 which consists of a new commons building and a model apartment. The Plan Commission unanimously recommends approval. Motion by Antonneau to approve the Order for the PIP for Phase 1 of Lake Shore Place located at 1306 W. Wisconsin Avenue; second by Hollatz. Chapman stated that Steps 1, 2, & 3 of the PD process are done and because this project will take more than five years to complete, an extension will be needed. Antonneau stated that he recently received a comment on the elevation and asked that if the public wants to comment on any item, they should do it as soon as possible. Motion carried 8-0.

B. **Consider/act on Ordinance to Create a Planned Development (PD-18-08) for the “Blue Ribbon Shoppes,” a commercial retail project, located at 1710 and 1730 Summit Avenue and the General Development Plan – 1st Reading –** Antonneau reported that this is Step 3 of the planned development process. The developer is proposing to construct a 14,000 sq. ft. retail center at the southwest corner of Valley Road and STH 16. Plan Commission unanimously recommends approval.

Motion by Antonneau to give the ordinance its first reading; second by Cochrane. Chapman read the ordinance into the record. Council questioned the green space requirement being only 19% instead of the required 25%. Gallo stated that when Hwy 67 is redone and the right-of-way issues resolved, the DOT will give a certain amount of land to the property and that land will be landscaped. Council also questioned the phasing of the project. Gallo stated this is part 2 and the restaurant already has an approved CUP. Parking between the restaurant and the shoppes will be shared, as the peak times of the users will not be in conflict with each other. Motion carried 8-0.

- C. **Consider/act on the Extraterritorial Certified Survey Map for Jerry Wendt, located at W155 Allen Road, Town of Concord** – Antonneau reported that this ETZ creates two lots in the Town of Concord and the site is approximately ¼ mile from the City's boundary. The City's Master Plan does not show a future 2010 proposed land use for this property, therefore, the Plan Commission took no action. Chapman stated that because this property is not within the City, "no action" means that the ETZ CSM will automatically be approved in 90 days. Gallo stated that the City is required to review requests outside of their planning area per State Statute because generally towns do not have services. Council asked if the 90 day wait would make a difference. Wendt stated that he still has processes to follow in Jefferson County and by having to wait the 90 days, it will hold him up. Motion by Nold to approve the Extraterritorial Certified Survey Map for Jerry Wendt, located at W155 Allen Road, Town of Concord; second by Antonneau. Motion carried 8-0.

New Business:

- A. **Consider/approve 2008 Badgerland Water Ski Show Dates** – Sullivan stated that Badgerland had submitted a letter requesting four dates for their shows this summer: June 19th, July 10th, July 31st and August 21st and that the Park and Recreation Board is recommending approval. Motion by Cochrane to approve the 2008 Badgerland Water Ski Show dates as requested; second by Miller. Motion carried 8-0.

Reports and comments from the Aldermen – Nold commented on the ice and snow build-up of the municipal lots. Frye responded that crews have been out plowing the past several weeks due to all the snowfall and rain. The problem in clearing the City lots is that snow falling during the day gets packed down from vehicle traffic and ruts occur. Also, the sub-zero temperatures do not allow the salt to work. Larsen wished DDR and Pabst Farms well and thanked the Mayor, Gard, Gallo and all City staff for all their work on the town centre project.

Motion by Cochrane to convene into Closed Session; second by Miller. Motion carried 8-0. Closed Session convened at 9:25 PM.

Closed Session: Per Wis. Stats. 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. (Performance Evaluation for Non-represented employee)

Motion by Larsen to adjourn the Common Council meeting; second by Cochrane. Motion carried 8-0. The meeting adjourned at 9:25 PM.

Diane Coenen, City Clerk