

**CITY OF OCONOMOWOC**  
**COMMON COUNCIL MEETING MINUTES**  
**March 18, 2008**

**PUBLIC HEARING:**

**7:30 PM** – The purpose of the hearing is to hear public comment on the petition of Ken Herro of Oconomowoc Realty, for amendment to Sections 17.105(3)(h)2.c.; 17.206(4)(b)3.; and 17.203(4) to allow the following uses in the UI; Urban Industrial District upon issuance of a Conditional Use Permit: Personal or Professional Services (limited to medical clinics).

The hearing opened at 7:32 PM. Sullivan stated that no comments were received at the Plan Commission Public Hearing on March 12<sup>th</sup>. The Plan Commission took no action on this issue because a lease agreement between the owner and a tenant had not been signed. This item was postponed until April. No other comments were received. The hearing closed at 7:34 PM.

**7:30 PM** – The purpose of the hearing is to hear public comment regarding an ordinance to amend Section 17.802(3) Sign Permits; to amend Section 17.803 Sign Definition; to create Section 17.803(2)(j) Changeable Copy Sign; to repeal and recreate Section 17.804(1)(b) and 17.804(1)(c) Sign Prohibitions and Limitations; and to create 17.804(3)(e) Changeable Copy Configuration. The purpose of the proposed ordinance sections are to create a definition for changeable copy signs and create regulations for these types of signs.

The hearing opened at 7:34 PM. Sullivan stated that he was approached by a business representative who thinks the 60 second time requirement is too long. No other comments were received. The hearing closed at 7:37 PM.

**Mayor Sullivan** called the regular Common Council meeting to order at 7:37 PM.

**Pledge of Allegiance**

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

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

**Others present:** Atty. Chapman

**Minutes – March 4, 2008:** Motion by Cochrane to approve the minutes from the March 4, 2008 meeting as presented; second by Antonneau. Motion carried 8-0.

**Consent agenda:**

- A. Licenses
- B. Pabst Farms Land Company, LLC Utility Easement – Parcel 12, CSM 9172
- C. Pabst Farms Land Company, LLC Utility Easement – Parcel 13, CSM 9172
- D. Pabst Farms Land Company, LLC Roadway Easement – Parcels 12 & 13, CSM 9172
- E. Treasurer's Report

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

**Committee Reports:**

A. Personnel:

1. **Consider/act on Resolution for the Voluntary Dental Insurance Program** – Miller reported the City was notified that effective April 1<sup>st</sup> our current Tri-Select dental plan will no longer be offered. After receiving quotes from four providers, Committee is recommending a contract with Ameritas. This is a voluntary dental insurance program, and if coverage is elected, the employee pays 100% of the premiums. Motion by Miller to adopt the resolution

for the Voluntary Dental Insurance Program by Ameritas; second by Morgan. Motion carried 8-0.

2. **Consider/act on Resolution for Dependent Care Flexible Spending Account Program/ Vendor** – Miller reported that Committee reviewed the flexible spending account program for dependent care to be offered by the City and recommends Diversified Benefit Services, Inc. as our vendor. Kitsemel stated that participants would receive certain benefits on a pre-tax basis and the City would save in annual FICA taxes for each participant who had the maximum \$5K withheld. Motion by Miller to adopt the resolution for Dependent Care Flexible Spending Account Program by Diversified Benefit Services, Inc.; second by Morgan. Motion carried 8-0.
- B. Public Services:
1. **Consider/act on First Amendment to the Intergovernmental Agreement for the Pabst Farms Joint Stormwater Agreement** – Larsen reported that the City entered into an Intergovernmental Agreement on June 18, 2003 to create a Stormwater Utility District with the Town of Summit for the Pabst Farms Development. This amendment redefines several sections of the agreement. Committee recommends approval. Motion by Larsen to approve the First Amendment to the Intergovernmental Agreement for the Pabst Farms Joint Stormwater Agreement; second by Nold. Motion carried 8-0.

#### Plan Commission:

- A. **Consider/act on the Extraterritorial Certified Survey Map of Barbara Zastrow for 44 acres located at W518 Allen Road, Town of Concord** – Zastrow stated that the correct acreage for the land division is 5 acres, not 44. Antonneau reported that the applicant proposes a land division of approximately 5 acres from an existing dwelling in the Town of Concord and no new buildable lots are being created. The site is approximately 1.25 miles from the City limits. Plan Commission unanimously recommends approval and liked the fact that this land will be green space. Motion by Antonneau to approve the ETZ Map at W518 Allen Road in the Town of Concord; second by Cochrane. Motion carried 8-0.
- B. **Consider/act on the Resolution adopting an Extraterritorial Platting Jurisdiction Limits Map** – Antonneau reported that the City has extraterritorial platting jurisdiction extending three miles from the City limits and that the Plan Commission unanimously recommends approval of this map. Gallo stated this map identifies the limits of our jurisdiction and will be used as a tool to review all requests for land divisions, including subdivision plats and CSM's outside of the City limits. Motion by Antonneau to adopt the resolution for the Extraterritorial Platting Jurisdiction Limits Map; second by Cochrane. Chapman commented that the City will provide the surrounding municipalities with a copy of this map. Motion carried 8-0.
- C. **Consider/act on an Ordinance to amend Section 17.802(3) Sign Permits; to amend Section 17.803 Sign Definition; to create Section 17.803(2)(j) Changeable Copy Sign; to repeal and recreate Section 17.804(1)(b) and 17.804(1)(c) Sign Prohibitions and Limitations; and to create 17.804(3)(e) Changeable Copy Configuration – 1<sup>st</sup> Reading** – Antonneau reported that the proposed amendments to our current ordinance will provide a definition of a changeable copy sign and clearer regulations as to where reader board/changeable copy signs are allowed to be displayed and the hours of display. 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. There was some discussion between Council members and Larsen stated that although he supports this ordinance, he feels these signs are an unnecessary distraction. Antonneau responded to the suggestion of changing the 60 second time requirement to every 5-6 seconds and feels that the rapid movement accelerates attention and the objective is to not be intrusive. Motion carried 8-0.

#### New Business:

- A. **Consider/act on Resolution Accepting Dedication of a Public Street located in the Village Crossing Condominium Development** – Chapman reported that a copy of a revised deed dated today and signed by Bill Niemann was at the Council stations. He further stated that previously Council approved a condominium plat known as Village Crossing and as part of the approval the developer dedicated a public street within the development. This resolution accepts the dedication, subject to all the terms of the Developer's Agreement. Motion by Antonneau to

adopt the resolution accepting dedication of a public street located in the Village Crossing Condominium Development; second by Cochrane. Motion carried 8-0.

**Reports and comments from the Alderman** – Nold has received calls on Porticello and he is concerned that this issue puts the City in a poor light. He feels the developer went through all the processes and followed the rules and he does not want the City to hinder, but rather help to resolve this matter as soon as possible.

**Reports and comments from the Mayor** – Sullivan stated that there have been articles in several newspapers addressing the Porticello issue, but what the public doesn't know is that this has been a long, arduous process. He stated he supports this development and has all along, but the developer did some things to not help his situation and has angered neighbors. He then gave a brief overview of the history of this project. Variances were granted and the Silver Lake Association filed a suit in Circuit Court. Judge Reilly decided the City did not follow our procedures and rendered a decision voiding the variances. The City appealed that decision and no decision has been reached yet on the appeal. Mr. Pipito has asked me (Sullivan) to issue an occupancy permit, but I do not believe that to be legally correct. To acquire occupancy, the business has to be in compliance with our codes so why would the City grant occupancy when this issue is still in Appeals Court. The City is aware that Pipito has hired staff and purchased stock, but if he opens the restaurant without the proper permits, he would be cited. Additionally, Sullivan stated that he received a letter from Pipito's attorney asking the City to amend our ordinance. He noted that an ordinance amendment is coming forward in April that would partially address this issue and others also.

Motion by Miller to adjourn the Common Council meeting; second by Antonneau. Motion carried 8-0. The meeting adjourned at 8:16 PM.

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Diane Coenen, City Clerk