

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
May 20, 2008

PUBLIC HEARING:

7:30 PM – The purpose of the hearing is to hear public comment on an ordinance to repeal Section 17.505 Lakeshore Overlay Zoning District and Section 17.506 Drainage Way Overlay District (and the references to Drainage Way and Lakeshore permanently protected green space areas in Table 204); to create within Section 17.034 a definition of “Shoreyard Setback”; to amend Tables 17.403 and 17.404 by referencing shoreyard setback to conform to the zoning district requirements, to amend district regulations to include shore yard setback, to amend Section 17.106 to remove reference to Drainage Way Overlay and Lakeshore Overlay Districts; and create Section 17.115 which establishes a Downtown Redevelopment (DR) Overlay Zoning District.

The hearing opened at 7:35 PM. Gallo stated that the current lakeshore ordinance is an Overlay District that does not specifically provide setbacks and prohibits most uses. The proposed changes create a setback and would bring existing non-conforming uses into compliance. Additionally, the City is promoting development and pedestrian activity in the Central Business District and as a result of a recent survey, a Downtown Promenade on Fowler Lake was suggested as a top priority. With the reconstruction of Wisconsin Avenue, the purpose of this amendment is to bring existing buildings into conformance and allow some flexibility for redevelopment. The current ordinance does not have a setback, but regulates use. This requirement deters economic development by prohibiting uses on lakefront properties. Staff proposes to eliminate Section 17.505 and create a building setback of 75' for all navigable waters except the Isthmus and the Downtown would be reduced to 45' setback. There are also dozens of uses within these areas that violate Judge Reilly's interpretation of keeping the areas next to the lakeshore in an undisturbed state. Some of the uses include boardwalk, light poles, boat launch, benches, flag pole, and a gazebo. Individuals could ask to develop within these areas by requesting a variance or a planned development. Variances are currently an option, so that is not a change, but allowing PD's closer than 75' would be. With both variances and PD's, conditions may be placed on the individual projects to protect the health of the lake. The Plan Commission directed staff to study potential mitigation conditions, have them made part of the ordinance and have them inserted into the approvals of projects. Staff was also asked to submit the draft to the DNR, SEWRPC and LaBelle Management District for feedback. Additionally, letters were sent out to property owners directly impacted by the ordinance. In summary, the ordinance promotes economic development in the downtown by changing the setback from 75' to 45' in the downtown, allows the underlying uses for that zoning district to be allowed without the need for a use variance and allows for non-structural type uses to be within the 45' and 75' areas.

Dick Pas, 662 E. Juneau Avenue; Donna Lillethun, 1101 Yosemite Road; Al Haskell, 128 E. Greenland Ave.; Wayne Witte, 1234 W. Wisconsin Ave.; Julie Larsen, 718 Lake Rd; Ron Froemming, 810 N. Lapham St.; Sigi Miller, 1128 Dickens Dr.; Mary Funke, 730 N. Lake Rd; Ryan Myhre, 115 Woodland Ln; David Cullinane, 434 N. Lake Rd; and Marsha Camitta, 904 La Belle all spoke in opposition of changing the setback from 75' to 45'. Additional comments were: ordinance has an absence of standards, environmental affect on the lakes, mitigation issues not addressed, address illegal/legal non-conforming by granting variances on a case-by-case basis, more green space, PD's allow any height, density or setback with no restriction on paving, mitigation standards need to be done before approvals, proposed ordinance does not protect the lakes, destroys lake views, people want to see the natural beauty of the lakes not condos and look at DNR and SEWRPC suggestions and concerns about City Beach. Several individuals urged Council to table this proposal because it is incomplete and asked them to take the time to address mitigation issues and be sure it is what we want as it affects our future.

Maureen Stapleton, 112 N. Main; Florence Whalen, 406 W. Third St.; Pat Ornberg, Oconomowoc Chamber of Commerce; John Gross, 302 Concord Rd; Mary Blaska, 116 E. Lisbon Rd; Tom Strey, 128 W. Wisconsin Ave.; Jon Spheeris, 311 E. Wisconsin Ave.; Bob Snyder, 216 N. Lake Rd; Richard Reinert, 136 N. Main St.; Craig Pruscha, 329 E. Pleasant; and Susan Reinert, 136 N. Main St. all spoke in support of making the ordinance changes. Additional comments were: current ordinance decreases property value, changes will promote redevelopment, support strong mitigation standards, proposed ordinance protects our lakes, no blanket 45' setback only where needed from the isthmus to the downtown, get rid of asphalt and run-off into lakes, go green, allow existing buildings to change, current code too complicated, time matters to redevelopment and revitalization, and provide necessary landscaping requirements.

Suellyn Rohren, 918 W. LaBelle Ave. urged Council to take the time to listen to the citizens and make sure the ordinance is done right the first time.

Sullivan read the following names of individuals who submitted letters and their position: Nate Zastrow supports, Jon Haas supports, Judy Wierzbicki grandfathered concerns and supports, Laura Rowe supports, Mary Funke opposes, Peter Roehl supports, Charlie Folkman supports, Paul Carpenter opposes, Donna Lillethun limit space and scope, Lynn Markham opposes, Pabst Farms supports, Chamber of Commerce supports, SEWRPC urges caution, Terry Donahue supports and the DNR discourages approval. No other comments were received. The hearing closed at 9:27 PM.

7:30 PM – The purpose of the hearing is to hear public comment regarding the request of Tim Thiele, on behalf of Lutheran Homes of Oconomowoc, to extend the timeframe of PD-5-03 for five years to the date of **September 16, 2013**. Per the Zoning Ordinance Section 17.914(8)(a)16. "All portions of an approved PD/PIP not fully developed within five years of final City Council approval shall expire, and no additional PD-based development shall be permitted.

The hearing opened at 9:27 PM. Gallo reported that LHO is requesting to extend PD-5-03, which expires on September 16, 2008 for an additional five years. Wayne Witte, 1234 W. Wisconsin Avenue opposes the extension of the PD because of run-off issues and that they already have 94 apartments and want to add an additional 75 on land that could only hold four homes. Additionally, the skywalk is not being used as it was intended for because the nursing home is no longer on the north side of Hwy 16. No other comments were received. The hearing closed at 9:35 PM.

7:30 PM – The purpose of the hearing is to hear public comment on the amendment to Sections of the City Zoning Code regarding swimming pools and private residential recreational facilities. Specifically the request is to amend Section 17.206 (8)(e) relating to private residential recreational facility; to repeal and re-create Section 17.721; and to repeal and re-create Section 14.40 through 14.45 of the Municipal Code, all of which relate to swimming pools.

The hearing opened at 9:35 PM. Gallo reported that Chapter 14 refers to our building code and Chapter 17 is our Zoning Code and they both address swimming pools. With the changes in pool technology, the building inspector and Planning Dept. receive calls every year on regulations and permits. Sullivan stated that no action was taken by the Plan Commission due to the lateness of that meeting and therefore, no action will be taken this evening. The hearing closed at 9:37 PM.

Mayor Sullivan called for a five minute break and then called the Council Meeting to order at 9:45 PM.

Pledge of Allegiance

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

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

Others present: Atty. Chapman and Stan Sugden

Minutes – May 6, 2008: Motion by Cochrane to approve the minutes from the May 6, 2008 meeting as presented; second by Hollatz. Motion carried 8-0.

Consent agenda:

- A. Licenses
- B. Treasurer's Report

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

Committee Reports:

- A. Protection and Welfare – Schmitter, chr/Miller, secy/Hollatz
 - 1. **Consider/act on Fire Station Lease between Town of Summit and City of Oconomowoc** – Miller reported that earlier the Committee unanimously recommended approving the lease and requested Beguhn give a summary. Beguhn stated that as part of the Memorandum of Understanding entered on 8/15/06, the City will own the fire station at Pabst Farms which will house both Town of Summit and City fire equipment. The lease agreement, developed by

- representatives of both the City and Town, provides for cost-sharing and ensures the Town will have access to the building for the next 50 years if they so choose. Motion by Miller to approve the fire station lease between the Town of Summit and City of Oconomowoc; second by Antonneau. Motion carried 8-0.
2. **Consider/act on Compression Brake Ordinance – 1st Reading** – Miller reported that complaints have been received from citizens living on Old Tower Road, Wildwood Place and Armour Road about the use of “jake brakes” by truck drivers on the 67/16 bypass. The Committee unanimously recommends adopting this ordinance. Motion by Miller to give the ordinance its first reading; second by Antonneau. Chapman read the ordinance into the record. Motion carried 8-0.
- B. Public Services – Nold, chairman, Schmitter, Larsen, secy.
1. **Consider/act on Public Property Facility Naming Policy** – Schmitter reported that this policy sets forth the authorization, procedure and general criteria to be used when considering the naming of a public facility owned and/or operated by the City. The Committee unanimously recommends approval. Motion by Schmitter to approve the Public Property Facility Naming Policy; second by Nold. Motion carried 8-0.
 2. **Consider/act on Resolution to Rename Oakwood Bridge** – Schmitter reported that the Oconomowoc Area Veterans Committee has requested to rename Oakwood Bridge to Veterans Bridge. The Committee unanimously recommends approval. Sullivan stated that for over 50 years the veterans of Oconomowoc have tossed a wreath off this bridge on Memorial Day in memory of those who have served our country. Motion by Schmitter to adopt the resolution renaming Oakwood Bridge to Veterans Bridge; second by Larsen. Motion carried 8-0.
 3. **Consider/act on Resolution for 2007 Street Project Change Order Number One** – Schmitter reported that the 2007 street program contract was bid out as a unit cost and the work is now complete. The net effect of the actual unit cost reductions and added work is \$42,883.84 and will be allocated to the appropriate departments. The Committee unanimously recommends approval. Motion by Schmitter to adopt the resolution for the 2007 Street Project Change Order Number One in the amount of \$42,883.84; second by Nold. Motion carried 8-0.
 4. **Consider/act on Resolution for Sod Replacement at City Park/Beach** – Schmitter reported that due to the April 2nd explosion, the grass areas at City Park/Beach were littered with shards of glass/debris. The Committee has reviewed and recommends adopting the resolution. Frye reported that in an attempt to clean the area, the City has vacuumed the grass numerous times and these attempts were unsuccessful. Because there is no reasonable assurance that the grass is safe, staff recommends replacement of the sod. Motion by Schmitter to adopt the resolution for the replacement of sod at City Park; second by Larsen. Morgan questioned the safety of the beach and water. Frye reported that the sand has already been cleaned up and per Leidel, the dive team will search the water. Motion carried 8-0.

Plan Commission

- A. **Consider/act on ordinance to repeal Section 17.505 Lakeshore Overlay Zoning District; repeal Section 17.506 Drainage Way Overlay District (and the references to Drainage Way and Lakeshore permanently protected green space areas in Table 204); to create within Section 17.034 a definition of “Shoreyard Setback”; to amend Tables 17.403 and 17.404 by referencing shoreyard setback to conform to the zoning district requirements, to amend district regulations to include shore yard setback, to amend Section 17.106 to remove reference to Drainage Way Overlay and Lakeshore Overlay Districts; and create Section 17.115 which establishes a Downtown Redevelopment (DR) Overlay Zoning District – 1st Reading** – Antonneau reported that the City is proposing to change the present shore yard regulations due to interpretations expressed within a recent court decision and to address development in the Downtown TID. The Plan Commission recommends approval but suggests Council hold off until mitigation standards are in place. Motion by Antonneau to give the ordinance its first reading; second by Nold. At this time, a motion was made by Larsen to table the adoption of this ordinance; with a second by Morgan. Motion failed 2 – 6. Nold, Antonneau, Cochrane, Hollatz, Miller and Schmitter voted no. In regards to the first motion, Chapman read the ordinance into the record. Discussion by the Aldermen ensued and comments were to determine the pros and cons of having an exception for W. Wisconsin Ave., keep this ordinance moving forward, make amendments to the ordinance after its passed, fear of condos all around lake, setback concerns, look at expanding City Beach, lost taxable property, tax revenue, mitigation standards need to be addressed and have 45’ setback from Spinnakers to St. Paul St. At this point, Sullivan vacated his chair (10:31 pm) to address Council and Cochrane took over. His comments entailed that the downtown redevelopment has been building for a long time, too many interests are competing in the Central Business District, dollars and time are continually being applied

and nothing is being done, mitigation is beneficial and will be more intense and the Plan Commission approach was prudent in their discussions. He then read excerpts from letters submitted by Phil Evenson and SEWRPC, reminded Council that they zoned the downtown as Central Commercial and this is the most dense zoning, that Council approved the TID #4 and incurred costs with that approval and if we don't develop, who will pay, that the issue of expanding City Beach is not on the agenda and has been directed to the Park and Recreation Board for review and recommendations to include costs and finally listed the options Council could take with this ordinance – have the 1st reading, postpone or table. At 10:49 pm Sullivan returned to his chair. Motion carried 6 – 2. Morgan and Larsen voted no.

Cochrane excused herself from the Council meeting at 10:50 pm.

New Business:

- A. **Consider/act on Resolution for Appointment of Official City Newspaper** – Coenen reported that two proposals were received on May 6, 2008 and the Oconomowoc Focus submitted the lowest effective bid. Staff recommends the Oconomowoc Focus serve as our official newspaper. Motion by Antonneau to adopt the resolution appointing the Oconomowoc Focus as the City's official newspaper; second by Larsen. Motion carried 7-0.
- B. **Consider/act on Reapproval of the Certified Survey Map for the Commerce Center North project located at the northwest corner of Blue Ribbon Circle North and Delafield Road (CTH DR), Tax Key Number OCOC 0635.999.012**
- C. **Consider/act on the Reapproval of the Certified Survey Map for the project known as Village Crossing which is part of Parcel 8 of CSM Number 9170**
- D. **Consider / act on the Reapproval of the Certified Survey Map for the project known as Hospitality Campus at the northeast corner of Blue Ribbon Circle North and Delafield Road (CTH DR), Tax Key Number OCOC 0635.999.002**
- E. **Consider/act on the Reapproval of the Certified Survey Map for the project known as Lexington Square which is Lot 3 of CSM 7227** – Chapman reported that these four CSM's have previously been reviewed and approved by the Plan Commission and Common Council in 2007. State Statutes require that they be recorded within six months of the last approval. Each of these surveys failed to get recorded in this timeframe and now need to be reapproved by Council in order to be recorded with the Waukesha County Register of Deeds. Motion by Nold to reapprove the Certified Survey Map for Commerce Center North; second by Miller. Motion carried 7-0. Motion by Nold to reapprove the Certified Survey Map for Village Crossing; second by Miller. Motion carried 7-0. Motion by Nold to reapprove the Certified Survey Map for Hospitality Campus; second by Miller. Motion carried 7-0. Motion by Nold to reapprove the Certified Survey Map for Lexington Square; second by Miller. Motion carried 7-0.

Staff Reports:

- A. **Disposal of Medications** – Frye referred to the flyer included in the Council packet and stated that due to medications being flushed, the quality of our drinking water and aquatic life is jeopardized. The County is testing a "pilot program" where residents can call a 1-800 number and they will receive a prepaid envelope to ship medications in to be safely destroyed.

Reports and comments from the Alderman – Antonneau requested that the City Clerk and City Attorney check into the 100 ft. distance someone can campaign from the polls and see if that distance can be lengthened. Morgan mentioned bumper stickers on cars parked at the polls and campaign buttons individuals wear into the polls. Can we restrict?

Reports and comments from the Mayor: Sullivan read the Proclamation for Emergency Medical Services Week (May 18th – 24th, 2008) into the record.

Motion by Miller to adjourn the Common Council meeting; second by Schmitter. Motion carried 7-0. The meeting adjourned at 11:02 PM.

Diane Coenen, City Clerk