

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
September 16, 2008

Mayor Sullivan called the regular Common Council meeting to order at 7:30 PM.

Pledge of Allegiance

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

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

Others present: Atty. Chapman and Stan Sugden

Minutes of August 19, 2008 and September 2, 2008: Motion by Cochrane to approve the minutes of the August 19th and September 2nd meetings as presented; second by Hollatz. Motion carried 8-0.

Comments and suggestions from citizens

- 1) Dustin Riley, 762 Summit Avenue/Sandy Solheim, 746 Summit Avenue/Nick Thompson, 738 Summit Avenue all have concerns about the new traffic light at Summit and Forest Avenue and turning into and getting out of their driveways. Stated they were not notified that traffic lights were going to be installed. All have safety concerns. Also, light flashes directly into the home of 738 Summit.
- 2) Eileen Gillespie, 318 N. Lake Road is in support of a quiet zone for train horns. Feels the horns work against efforts to bring people to the downtown.

Sullivan stated that he would have the City Engineer look into the lights and that the quiet zone will be considered by Council in the future.

Consent agenda:

- A. Licenses (Revised Resolution at Council stations)
- B. Treasurer's Report
- C. Utility Easement Agreement (For Water) – Valley Road Development, LLC

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

Committee Reports:

Finance Committee – Larsen, chr; Cochrane; Antonneau, secy

1. **Consider/act on Resolution for the Southwest Area Land Use and Development Plan** – Gallo stated that the City sent out requests for proposals to complete a land use and development plan for the southwest area of the City, which is experiencing development pressures. This plan will evaluate the long-term viability of existing land uses within the area and propose future use of land, particularly development concepts and possible approaches. The study area is approximately 2,700 acres (over four square miles.) The City received four responses and staff recommends the low quote from Crispell-Snyder, Inc. in the amount of \$28,385.00. Antonneau reported that the Finance Committee reviewed and unanimously recommends approval. Motion by Antonneau to adopt the resolution for the Southwest Area Land Use and Development Plan by Crispell-Snyder, Inc. in the amount of \$28,385.00; second by Cochrane. Motion carried 8-0.

Protection and Welfare - Schmitter, chr; Hollatz; Miller, secy

1. **Consider/act on Resolution for Street Name Changes** – Frye reported that several weeks ago the City sent letters to property owners of the intention to change some street names in accordance with the completion of the roundabout and the realignment of Silver Lake Street.

Staff is proposing that the existing portion of Silver Lake Street between Collins Street and Wisconsin Avenue be renamed to Silver Lake Plaza. Also, the realigned street between Summit Avenue and the roundabout should be named Silver Lake Street for safety and clarity purposes. The impact would be minimal, as only a storage unit at 115 Walnut Street would have its address changed to 115 Silver Lake Street and Speedway has a Wisconsin Avenue address. Staff was looking into the possibility of changing a small section of Walnut Street to Oakwood Avenue, but after receiving citizen concerns, staff supports those concerns and does not recommend changing that stretch of street to Oakwood. Miller reported that the Protection and Welfare Committee reviewed and unanimously recommends approval. Motion by Miller to adopt the resolution for street name changes as presented; second by Antonneau. Motion carried 8-0.

2. **Consider/act on Resolution for Fire Department Protective Clothing** – Miller reported that the Fire Department received a FEMA grant for the purchase of protective clothing in the amount of \$72,916.00. Based on the quotes received and the various items to be purchased from three different vendors, the total purchase would be \$76,754.00. The City's share would be 5% or \$3,838.00. The Protection and Welfare Committee has reviewed and unanimously recommends approval. Motion by Miller to adopt the resolution for the purchase of Fire Department protective clothing in the amount of \$76,754.00; second by Antonneau. Motion carried 8-0.

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

1. **Consider/act on Resolution to Purchase a Multi-Use Sprayer** – Larsen reported Parks and Recreation requested bids for a 2008 herbicide turf spray vehicle to replace the 1972 sprayer. This unit is intended to be a multi-use vehicle and in addition to herbicide spraying it will be used almost daily for watering all the new plantings and to prep and maintain the seven ball diamonds. Additionally, this purchase will eliminate the need to replace our current athletic field maintenance unit in 2011 as planned. Public Services reviewed and recommends approval from Reinders, Inc. in the amount of \$29,935.00. Motion by Larsen to adopt the resolution for the purchase of a multi-use sprayer from Reinders, Inc. in the amount of \$29,935.00; second by Nold. Motion carried 8-0.
2. **Consider/act on Resolution to Purchase Play Equipment for River Highlands Park** – Larsen reported that as part of the Park and Recreation Plan every 15 – 20 years it is standard to replace old, worn playground equipment. River Highlands equipment was installed in 1991 and is one of the oldest play structures in the park system. Public Services has reviewed and unanimously recommends approval of the new play structure from Minnesota/Wisconsin Playground in the amount of \$30,000.00. Motion by Larsen to adopt the resolution to purchase play equipment for River Highlands Park from Minnesota/Wisconsin Playground in the amount of \$30,000.00; second by Nold. Motion carried 8-0.
3. **Consider/act on Resolution for the Lake Bluff Drive Extension** – Larsen reported that the City received a single bid from C.W. Purpero, in the amount of \$1,249,541.00, for the extension of Lake Bluff Drive. The work includes construction of the new street, placement of a bridge over Rosenow Creek, storm sewer and biofiltration areas for water quality, as well as resurfacing the existing Lake Bluff Drive between Lily Road and Lapham Street. Public Services reviewed and unanimously recommends. Motion by Larsen to adopt the resolution for the Lake Bluff Drive extension by C.W. Purpero in the amount of \$1,249,541.00; second by Nold. Sullivan stated that although the Committee has recommended the resolution, the intention of the discussion was to ask Council to postpone action until we get the official response from the DNR. Motion by Nold to postpone action on the resolution for the Lake Bluff Drive extension until the requested conditions are met by the Department of Natural Resources; second by Antonneau.

At this time (7:55 pm) Sullivan vacated his seat as Council Chairman and Cochrane presided. He stated that the City approached the DNR in November 2007 regarding the extension of Lake Bluff Drive and the wetland in the Rosenow Creek area. The extension would go to Hwy 67 and impacts parents, school children, commuters, school buses, etc. The DNR asked the City to narrow the proposed medians, so we took them out in addition to removing the proposed 8

ft. sidewalk on the south, which decreased the land impact. After working with the DNR and making changes, they gave us a preliminary decision not to approve the permit. It will cost the City \$1.2M to put in the extension and there is only .15 acres (15 one-hundredths of an acre) of wetland disturbance. All improvements proposed would enhance the wildlife (fishery) in the area and the DNR told us that. The DNR process/rational has been elusive and no criteria to improve the area has been given. A map was displayed on the screen of the area and Sullivan described the routes people would need to take if the extension did not happen. He returned to the Chair (8:10 pm.) Larsen suggested the City might consider a slight concession by offering the DNR a 4 ft. path on the north. Motion carried 3-0 for the second motion. No roll call was taken for the first motion as this resolution has been postponed.

Plan Commission:

- A. **Consider/act on the Conditional Use Permit for Cousins Subs Restaurant located at 1380 Pabst Farms Circle, Suite 410** – Antonneau reported that the applicant has submitted plans for a CUP to operate a Cousins Subs Restaurant at 1380 Pabst Farms Circle. The applicant is proposing to occupy vacant retail space in the Pabst Farms Marketplace development. The Plan Commission unanimously recommends approval. Motion by Antonneau to approve the CUP for Cousins Subs Restaurant at 1380 Pabst Farms Circle; second by Cochrane. Motion carried 8-0.
- B. **Consider/act on the Certified Survey Map combining two lots into one for Our Savior's Lutheran Church located at 145 E. Lisbon Road** – Antonneau reported that the applicant has submitted a request to reapprove a CSM to combine two lots to create one lot. This CSM was approved in 2007, but the applicant failed to record the survey within the required time period. The Plan Commission unanimously recommends reapproval. Motion by Antonneau to approve the CSM for Our Savior's Lutheran Church at 145 E. Lisbon Road; second by Cochrane. Motion carried 8-0.
- C. **Consider/act on the Certified Survey Map for Valley Road Development, LLC located at the NE corner of Summit Avenue (S.T.H. 67) and Valley Road (C.T.H B)** – Antonneau reported that this CSM creates two lots for the Valley Road Development located on the northeast corner of STH 67 and Valley Road. The Plan Commission unanimously recommends approval. Motion by Antonneau to approve the CSM for Valley Road Development, LLC located at the NE corner of Summit Avenue and Valley Road; second by Cochrane. Sullivan stated that Council had a letter at their stations recommending postponement of the CSM. The Planned Development was approved and the CSM has been recommended by the Plan Commission, but now after those approvals, the developer wants changes to the theme of the development. Antonneau withdrew his motion and Cochrane withdrew her second. No action was taken.

Unfinished Business:

- A. **Consider/act on Resolution Granting a New 2008-2009 "Class B" Alcohol Beverage License for BtheBall, LLC** – Sullivan reported that in July, BtheBall, LLC applied for a new Class B license for their proposed new restaurant. Council postponed action on this license at the August 19, 2008 meeting to allow time for BtheBall, LLC to pay their delinquent taxes and City chargeback claim. Coenen stated that the delinquent taxes have been paid to the County and the chargeback claim to the City is paid in full. The recommendation is to grant the Class B license. Motion by Antonneau to adopt the resolution granting a new 2008-2009 Class B License to BtheBall, LLC; second by Miller. Morgan requested that BtheBall have a structured plan in order to continue to receive license renewal. Sullivan stated that no past action requiring performance has been conditioned by Council, except for the Martini Bar. The motion would need to be amended if Council wants to place a condition on the license for BtheBall or for future approvals. Motion by Morgan to amend the main motion to include a condition to meet proof of development ability; second by Antonneau. Council agreed that restrictions should be made to ensure a business gets going, instead of continuing to extend a license with no prospect of development. This action may not automatically deny the renewal application, but will mean the application should be reviewed very closely. Approval motion carried 8-0. Condition motion carried 7-1. Miller voted no.

- B. **Consider/act on Application for a New 2008-2009 "Class B" Alcohol Beverage License for William C. Niemann (Town Centre Restaurant IV)** – Coenen stated that because Council approved the license for BtheBall, the City no longer has an available Class B license to grant. No action was taken.

New Business:

- A. **Consider/act on Resolution Disallowing Claim of Katherine Tackes** – Gard reported that this claim alleges a City vehicle struck and damaged the claimant's vehicle on June 30, 2008. Our insurance carrier has reviewed the claim and recommends denial as there is not enough evidence to prove that a City vehicle damaged the claimant's vehicle. Additionally, the City checked our vehicles for damage and found none. Motion by Antonneau to adopt the resolution disallowing the claim of Katherine Tackes; second by Hollatz. Council questioned the witness statement. Chapman reviewed it and feels it is not clear. Motion carried 7-1. Nold voted no.
- B. **Consider/act on Resolution Disallowing Claim of John Docter** – Gard reported that this claim alleges a rock flew out from a City vehicle mowing the grass at Champion Field and damaged the claimant's vehicle on June 19, 2008. Our insurance carrier has reviewed the claim and recommends denial based on the fact that the City does not mow that area by Champion Field. Motion by Morgan to adopt the resolution disallowing the claim of John Docter; second by Cochrane. Motion carried 8-0.

Staff Reports:

- A. Lineman's Rodeo Award – Bednarski reported that this year's rodeo took place in Stoughton and the City placed 3rd overall and won a single event. The participants are graded on work safety. Tim Stelplug and Steve Hedden were each presented with two plaques.
- B. Management Certificate to Casey Lemke – Bednarski reported that Lemke has attended a 2½ year program through MEUW and has achieved his Management Certificate. He attended a variety of workshops and has applied ideas to our business. Some well received and others not. Lemke was presented with his Management Certificate.

Reports and comments from the Aldermen: Larsen thanked Pete Holmes and his neighbors for the donation to the Police Department at the September 2nd Council meeting. He mentioned the comments from Michelle Gugin and Eileen Gillespie regarding the train noise and appreciates the efforts of Sullivan and Sugden to move the quiet zone forward. Antonneau stated while traveling north on Main Street at Wisconsin Avenue, the turn area is small when making a right hand turn. He also questioned if it would be possible to expand the driveways of those affected by the new traffic lights on Summit Avenue. Sullivan stated that staff is aware of the issues and is seeking a solution.

Reports and comments from the Mayor:

- A. Update on Council Priorities – Sullivan gave a power point presentation (15 slides) on where we are at with Council priorities, areas to focus on and updates. A hard copy of the presentation was also at Council stations and is in the Clerk's file.

Motion by Miller to adjourn the Common Council meeting; second by Cochrane. Motion carried 8-0. The meeting adjourned at 9:14 PM.

Diane Coenen, City Clerk