

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
January 6, 2009

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

Pledge of Allegiance

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

Excused: Aldermen Larsen and Miller

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

Others present: Atty. Chapman

Minutes of December 16, 2008: Motion by Cochrane to approve the minutes of the December 16th meeting as written; second by Antonneau. Motion carried 6-0.

Comments and Suggestions from Citizens:

1) Florence Whalen, 406 W. Third St. spoke on behalf of the Community Development Authority and stated the Committee unanimously recommends the Rockwell Redevelopment proposal.

Consent agenda:

- A. Licenses
- B. Cooperative Agreement between City of Oconomowoc and Waukesha County Department of Senior Services
- C. 2009 Village of Lac La Belle Ambulance Service Agreement
- D. 2009 Village of Oconomowoc Lake Ambulance Service Agreement
- E. 2009 Town of Ashippun Ambulance Service Agreement

Motion by Hollatz to approve the Consent Agenda; second by Cochrane. Motion carried 6-0.

Committee Reports:

Protection and Welfare – Schmitter, chr; Hollatz; Cochrane, acting secy

1. **Consider/act on Resolution to Purchase Three 2009 Crown Victoria Squads for the Police Department:** Schmitter reported that this purchase is for two marked squads and one unmarked squad that will replace older vehicles. Using the State of Wisconsin bid program, Ewald Automotive Group is the recommended vendor for the purchase of these vehicles. This is a budgeted purchase and the Protection & Welfare Committee reviewed and recommends adoption. Motion by Schmitter to adopt the resolution to purchase 3 – 2009 Crown Victoria squads from Ewald Automotive Group for a total amount of \$66,154.00; second by Cochrane. Motion carried 6-0.
2. **Consider/act on Ordinance to Create Section 9.01A / 9.947.013 Relating to Harassment:** Schmitter reported that this ordinance will allow the Police Dept. to issue citations for certain instances when a State charge (disorderly conduct) is not appropriate. Protection and Welfare has reviewed and recommends adoption. Motion by Schmitter to give the ordinance its first reading; second by Cochrane. Chapman read the ordinance into the record. Motion carried 6-0.

Public Services – Nold, chr; Schmitter; Cochrane, acting secy

1. **Consider/act on Resolution to Purchase a Toro Groundsmaster 7210 Lawn Mower with Polar Trac Kit and Attachments:** Nold reported that the Parks, Recreation and Forestry Dept. requested quotations for a new lawn mower with a snow removal kit and attachments to replace a 1998 unit. Three quotes were received for this budgeted item and staff recommends the low quote from Reinders, Inc. in the amount of \$44,690.30. Public Services have reviewed and recommend adoption. Motion by Nold to adopt the resolution to purchase a Toro Groundsmaster 7210 lawn mower with polar trac kit and attachments from Reinders, Inc. in the amount of \$44,690.30; second by Cochrane. Motion carried 6-0.

Utility - Antonneau, chr; Larsen; Nold, secy

1. **Consider/act on Resolution for the Wisconsin Energy Independent Community Partnership:** Nold reported that the Utilities believe it would benefit the City to become a member of the Wisconsin Energy Independent Community Partnership at the One Star Level. The goal of the partnership is to generate 25% of electricity and

transportation fuels from renewable resources by 2025 and to have at least 100 communities participate. Motion by Nold to adopt the resolution for the Wisconsin Energy Independent Community Partnership; second by Antonneau. Motion carried 6-0.

2. **Consider/act on Resolution for the Summit Substation Foundation Work:** Nold reported that the City entered into an agreement with We energies that the Oconomowoc Electric Utility would construct a substation addition to the Summit substation which would connect with the We energies facility and that We energies would construct facilities required to provide the interconnection. Bids were received for the concrete work portion of this project. The Utility Committee unanimously recommends the low bid of Midwest General & Mechanical Contractors, Inc. in the amount of \$75,324.00 with a change order not to exceed \$10,000. Motion by Nold to adopt the resolution for the Summit substation foundation work by Midwest General & Mechanical Contractors, Inc. in the amount of \$75,324.00; second by Antonneau. Motion carried 6-0.

Unfinished Business:

- A. **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 – 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 6-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 6-0.
- B. **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 – 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 6-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 6-0.

New Business:

- A. **Consider/act on Local Primary Election for February 17, 2009:** Coenen referred to a memo placed at Council stations updating them as to the number of individuals who have filed candidacy paperwork by 5:00 pm today (1/6/09) for each of the four Aldermanic Districts. Based on the number of candidates, the only district that would need a primary is District #3. There are three individuals who have filed candidacy paperwork and therefore Council must act on whether or not to hold a local primary election on February 17th. In the past, Council has not held a primary when there are three candidates in any one office, but rather let the voters decide at the Spring Election in April. Motion by Antonneau to not hold a local primary election on February 17, 2009; second by Cochrane. The Aldermen commented that there has never been a problem in the past when there have been three candidates on the Spring ballot. Motion carried 6-0.
- B. **Consider/act on Declaration for the Monarch Property that they are Not Non-Conforming as a result of the STH 16 (Wisconsin Avenue) WI DOT Project No. 1371-09-20:** Chapman reported that this declaration states that the Monarch property is considered conforming in all respects as to zoning requirements and is not considered non-conforming as a result of the acquisition of a portion of the property required for the reconstruction of STH 16 (Wisconsin Avenue.) This declaration will be recorded and in doing that, it will guarantee the conforming status if in the future an ordinance change is made. Motion by Antonneau to approve the declaration for the Monarch property as presented; second by Cochrane. Motion carried 6-0.
- C. **Consider/act on Order Establishing a Moratorium for Future Connections to the City of Oconomowoc Sanitary Sewer Collection System for the Town of Oconomowoc Utility District No. 1:** Steinbach reported that this order is a result of a two year history of groundwater issues with the Town of Oconomowoc Westshore Subdivision. In 2007, flooding occurred and the Town worked with an engineering consultant for resolution of this issue. In April 2008, homes were again impacted by flooding and the City reminded the Town that the surface and ground water management was not approved by the State. In June 2008, severe flooding occurred and again our pump station was completely over capacity, which meant we had to by-pass to the surface water ditch which feeds into Okauchee Lake. There has had numerous correspondences with the Town, the last being sent 12/3 seeking a response by 12/15 for the resolution of this issue. To our knowledge, the Town is conducting an investigative study, but nothing has been resolved. We anticipate they will exceed flow in 2009, as they have already grossly exceeded RECs by as much as 2,500 RECs. The WDNR is concerned and will be considering enforcement action if necessary. This order will establish a moratorium that will not permit future connections to the sanitary sewer collection system in the district and shall remain in effect until the groundwater problems have been corrected. Penalties will also apply. Council inquired if there was a reasonable solution. Steinbach responded that a consultant was hired to explore options to rectify surface water and that there were several ponds in the

subdivision. As for groundwater, they have come up with a group of options, but no decision on which course of action to take has been made. Although the measures to correct these issues are reasonable, it's not cheap. Motion by Antonneau to approve the order establishing a moratorium for future connections to the City of Oconomowoc sanitary sewer collection system for the Town of Oconomowoc Utility District No. 1; second by Cochrane. Chapman read the order into the record. Motion carried 6-0.

- D. **Consider/act on Order Approving the Precise Implementation Plan for Rockwell Village at Fowler Lake Planned Development (PD-14-07):** Duffy went over the history of this project, naming the specific dates which Committees met and the action taken for this project. He reported that the Plan Commission recommended the PIP for Rockwell Village at Fowler Lake Planned Development PD-14-07 to Council on 10/10/07. He went over the order, page by page, pointing out specific items. This project proposes a redevelopment of several properties along St. Paul and Pleasant Streets and would consist of a mixed use residential and commercial condominium development. Motion by Nold to approve the order for the PIP for Rockwell Village at Fowler Lake Planned Development PD-14-07; second by Cochrane. Council asked if the parking issues from the first proposal had been satisfied. The plan outlines 70 stalls, which is above the zoning requirement. Motion carried 5-1. Antonneau voted no.
- E. **Consider/act on Redevelopment Agreement between City of Oconomowoc and Rockwell Development, LLC:** Duffy reported that the City has previously adopted Ordinance 07-0703 on 8/7/07 for PD-14-07, as well as approved the GDP and now Order approving the PIP. This agreement, which was drafted by Atty. Riffle, outlines the developer's responsibilities and the required improvements that need to be constructed, which are a condominium complex containing 36 units, studio/gallery workspaces and two enclosed levels of parking. Duffy went over the agreement, page by page, pointing out specific items, which included on Page 13 that the developer must submit a Letter of Credit in the amount of \$225K. Motion by Nold to approve the Redevelopment Agreement between the City and Rockwell Development, LLC; second by Cochrane. Motion carried 5-1. Antonneau voted no. Jeff Seymour, Rockwell Development, LLC thank Council and shook their hands.

Staff Reports:

- A. **Ice Skating Rinks (Ray Maurer)** – Maurer stated that the rinks are now open and as a reminder, City ordinance prohibits ice fishing when ice rinks are operational.

Motion by Cochrane to convene into Closed Session; second by Hollatz. Motion carried 6-0. Closed Session convened at 8:30 pm.

Closed Session:

Per Wis. Stats. 19.85(1)(e) "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session."
(Purchase of Public Property) (Future Fire Station)

Motion by Antonneau to adjourn the Common Council meeting; second by Hollatz. Motion carried 8-0. The meeting adjourned at 8:30 PM.

Diane Coenen, City Clerk