

**CITY OF OCONOMOWOC**  
**COMMON COUNCIL MEETING MINUTES**  
**October 6, 2009**

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

**Pledge of Allegiance**

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

**Staff present:** Mayor Sullivan, Gard, Beguhn, Gallo, Lamp, Kitsembel, Duffy, Frye, Bednarski, Roush. Maurer and Coenen

**Minutes of September 15, 2009, September 22, 2009 and September 28, 2009:** Motion by Cochrane to approve the minutes of the September 15<sup>th</sup>, September 22<sup>nd</sup> and September 28, 2009 meetings as written; second by Antonneau. Motion carried 8-0.

**Consent agenda:**

- A. Licenses
- B. Fowler Park Girl Scout House License Agreement
- C. Electric Utility Easement – YMCA at Pabst Farms
- D. Cross Connection Control Program Contract

Kohlenberg requested that Item D.- Cross Connection Control Program Contract be removed from the Consent Agenda. Motion by Cochrane to approve Items A. – C. on the Consent Agenda; second by Antonneau. Motion carried 8-0. Motion by Nold to approve Item D. on the Consent Agenda; second by Larsen. Kohlenberg stated that he did not see a price or an ending date for the contract. Roush responded that on Page 5, Section 4.4 of the contract the 2009 total cost is \$9,960 and 2010 is \$15,960. Nold responded that the Utility Committee approved the contract for 2009 and 2010 only and it would be brought back for renewal approval. Motion carried 8-0.

**Committee Reports:**

Finance – Larsen, chairman, Antonneau, Cochrane, secy

1. **Consider/act on Resolution Authorizing Financial Auditing Services Contract:** Cochrane reported that RFP's were sent out for Financial Auditing Services. The Finance Committee reviewed and recommends the 2009 – 2011 contract with Schenck SC who provided the lowest quote in the amount of \$79,400. Schenck currently performs the City's auditing services and staff has been pleased with their service. Motion by Cochrane to adopt the resolution authorizing the financial auditing services contract with Schenck SC in the amount of \$79,400; second by Antonneau. Kohlenberg questioned why the contract is not for a 2 year term. Kitsembel stated that it's a three year term, which is standard in the industry. Motion carried 8-0.
2. **Consider/act on Resolution Authorizing Intent to Use CDBG – EAP Grant Funding:** Cochrane reported that in June 2009 the City was awarded a \$506,000 Community Development Block Grant-Emergency Assistance Program grant funds to be used for the Community Center project. The Finance Committee reviewed and recommends unanimously. Motion by Cochrane to adopt the resolution authorizing intent to use the \$506,000 CDBG – EAP Grant Funding for the Community Center; second by Antonneau. Nold asked what happens if the new Community Center is not approved and can the funds be used for any part of the Community Center. Maurer responded that the grant is non-binding and if we do nothing, we receive nothing. It is a reimbursable grant and the funds can be used for any of the sites being considered for the new Community Center. Motion carried 8-0.

Protection and Welfare – Schmitter, chairman, Kohlenberg, Miller, secy.

1. **Consider/act on Ordinance Repealing and Recreating §12.04(5)(m)3. Relating to “Class A” Liquor Licensing for Drug Stores, Convenience Stores and Service Stations – 1<sup>st</sup> Reading:** Miller reported that the City has received several requests from local businesses to amend our liquor licensing code to allow for “Class A” sales in drug stores and service stations. Currently, our code prohibits these types of businesses from

Selling alcohol. Protection & Welfare Committee reviewed and recommends. Motion by Miller to give the ordinance its first reading; second by Antonneau. Coenen read the ordinance into the record. Kohlenberg stated he supports the ordinance but would like to see the vote delayed for two weeks to allow members of the community to voice an opinion. Nold feels that since tonight is the first reading only, it will come back in two weeks for the second reading and action to make it law. If warranted, changes could be made. The Council had further discussion in support of the ordinance amendment and setting guidelines on the sale of alcohol product. Motion by Morgan to amend the ordinance to cover the product in an opaque manner so it is not viewable by the public during non-sale hours. Amended motion dies for lack of a second. Council had further discussion on the segregation of the product and hours of sale. Council requested the businesses owners in the audience to comment. The comments included one business only wants to sell beer and wine, one wants to sell small bottles of liquor, they see no problems with customers after the hours of sale, and one owner has operated a station in the past with no problems selling liquor. Council feels it's up to the retailers to decide what product to sell. It was noted that all clerks selling the alcohol products must have a bartender's license. There was further discussion by Morgan on locking up the product and Morgan made another motion to amend the ordinance to have the product locked up in such a manner that would not allow customers to enter the area or physically reach the product. Amended motion dies for a lack of a second. Motion carried 8-0.

Public Services – Nold, chairman, Schmitter, Larsen, secy.

1. **Consider/act on Resolution Authorizing Change Order for DPW Roof Maintenance Project:** Larsen reported that Council approved the roof repairs on 4/21/09 and during the replacement of the existing roof materials, it was discovered that some of the parapet walls were exposed concrete blocks. The change order is in the amount of \$1,497 and Public Services recommends unanimously. Motion by Larsen to adopt the resolution for the DPW roof maintenance change order in the amount of \$1,497; second by Nold. Motion carried 8-0.

#### **New Business:**

- A. **Consider/act on Codification Ordinance – 1<sup>st</sup> Reading:** Sullivan reported that this is the semi-annual update of our municipal code which will incorporate all ordinances adopted from 6/4/08 through 12/31/08. Motion by Cochrane to give the ordinance its first reading; second by Antonneau. Coenen read the ordinance into the record. Motion carried 8-0.
- B. **Consider/act on Resolution Authorizing Contract with Reinhart, Boemer & Van Deuren for Community Development Authority Legal Representation:** Duffy reported that in 2004 the CDA was created and the City Attorney advised that separate legal counsel should be retained to represent the activities and interests of the CDA. This resolution makes that recommendation formal. Since that time, the legal services of Reinhart, Boemer & Van Deuren have been used on an as needed basis related to redevelopment occurring in the downtown. Council asked for a breakdown by year of the dollars spent for these services. 2004 – approximately \$11K, 2005 - \$8.2K, 2006 - \$2.5K, 2007 - \$3.5K, 2008 - \$0 and 2009 to date - \$0. These expenditures come out of TIF #4. Motion by Cochrane to adopt the resolution retaining Reinhart, Boemer & Van Deuren for CDA legal representation; seconded by Antonneau. Nold stated that if the area the CDA is working on is not part of the TIF, then the dollars should not be billed to it. He feels the resolution should be revised to allocate funds where appropriate. Kohlenberg made a motion to amend the resolution to add at the end of Paragraph 4 “through 12/31/10”; seconded by Miller. Miller clarified the intent was to review this service annually. Amended motion carried 7-1. Antonneau voted no. Motion by Nold to amend the resolution to provide that services outside of the TIF #4 District be allocated to the CDA Legal expense account; second by Antonneau. Amended motion carried 8-0. Main motion carried 8-0.

#### **Staff Report:**

- A. **Certified Municipal Clerk Certifications – Christine Dehnert and Christina Wallace:** Coenen reported that Chris and Tina have completed a 3 year professional education program consisting of 100 hours of class time at the Wisconsin Municipal Clerk's Institute in Green Bay to earn their certification.

#### **Reports and comments from the Aldermen:**

- A. **G. Kohlenberg – Request for Time Limit Agenda Item for Ron Stadler, Labor Attorney:** Kohlenberg stated that he realized after the 9/15/09 vote by Council for the approval of the contract retaining Ron Stadler as the City labor attorney, the contract was open ended. He is asking Council to make a motion to bring this item back to Council to amend the

resolution to have the contract end on 12/31/10. Motion by Kohlenberg to bring back the resolution for the contract of Ron Stadler, labor attorney for amendment; second by Nold. Council discussed the idea of having a standard start and end date on contracts, which would bring them back to Council for renewal. Morgan feels that if the City is in the middle of union negotiations, this could cause a problem. Nold feels having time frames gives the City more options and better ability to control cash flow. Motion carried 7-1. Morgan voted no.

- B. Nold expressed his disappointment that Aldermen are airing their grievances in the newspaper. Kohlenberg expressed condolences to the Kimberly Smith family. Millers asked for an update on the road construction. Frye stated it is targeted to be done by November 1<sup>st</sup>.

Motion by Cochrane to convene into Closed Session; second by Schmitter. Motion carried 8-0. Closed Session convened at 8:21 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." (LaFuente Restaurant)

Motion by Antonneau to adjourn the Common Council meeting; second by Cochrane. Motion carried 8-0. The meeting adjourned at 8:21 PM.

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Diane Coenen, City Clerk