

Revised
CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
November 17, 2009

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

Pledge of Allegiance

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

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

Others present: Atty. Chapman, and Stan Sugden and Steve Brunner, Ruekert-Mielke

Minutes of November 3, 2009: Motion by Antonneau to approve the minutes of the November 3rd meeting as presented; second by Cochrane. Motion carried 8-0.

Consent agenda:

A. Licenses

B. Treasurer's Report

Kohlenberg asked that Item B. - Treasurer's Report be removed from the Consent Agenda. Motion by Cochrane to approve Item A. on the Consent Agenda and remove Item B.; second by Antonneau. Motion carried 8-0. Motion by Larsen to approve Item B. - Treasurer's Report; second by Antonneau. Motion carried 7-1. Kohlenberg voted no.

Committee Reports:

Finance – Larsen, chairman, Antonneau, Cochrane, secy.

1. **Consider/act on Resolution Contracting for Professional Services for Environmental Legal Representation:**

Cochrane reported that as part of the purchase for the property at 131 Silver Lake St. the City entered into a remediation and escrow agreement with the former owner because of possible environmental issues. The City retained the firm of McNally, Maloney & Peterson for the development and implementation of the documents. The City Attorney recommends that until the agreement conditions are satisfied, we continue to use this firm for environmental legal representation on an as needed basis. Finance Committee reviewed and recommend unanimously. Motion by Cochrane to adopt the resolution to contract for professional services for environmental legal representation from McNally, Maloney and Peterson, SC; second by Antonneau. Kohlenberg questioned why this resolution does not have a time limit. Sullivan responded that the Committee discussed that issue and decided not to act on a time limit. Motion carried 8-0.

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

1. **Consider/act on Resolution Contracting for Professional Services for Structural Engineering Services:**

Larsen reported that DPW has utilized the structural engineering services of J. Robbins & Associates since 2007 for the abandonment of a vault on E. Wisconsin Ave. and the replacement of the Library steps. In 2010 the City will do streetscape work along S. Main and there is a vault under the sidewalk that needs to be investigated for abandonment. Public Services reviewed and recommend unanimously. Motion by Larsen to adopt the resolution to contract for professional services for structural engineering services from J. Robbins & Associates through December 2010; second by Nold. Motion carried 8-0.

Utility Committee – Antonneau, chairman; Larsen; Nold, secy.

1. **Consider/act on WE Energies Lease Agreement Amendment No. 1 for Summit Substation:**

Nold reported that on 4/15/08 Council approved a joint Lease Agreement with WE Energies and American Transmission Co. for the Summit Substation at Pabst Farms. This amendment covers WE Energies change in policy regarding the construction of the substation driveway and placement of underground feeder lines from the substation onto WE Energies property. Utility Committee reviewed and recommend unanimously. Motion by Nold to approve the WE Energies Lease Agreement Amendment No. 1 for the Summit Substation; second by Larsen. Motion carried 8-0.

Plan Commission:

- A. **Consider/act on the Conditional Use Permit for the conversion of 70 hotel rooms to commercial apartments for Olympia Resort, 1350 Royale Mile Road:** Antonneau reported that plans have been submitted for a CUP to convert 70 hotel rooms into commercial apartments on the 4th floor at the Olympia Resort, 1350 Royale Mile Road. The proposed conversion would allow the apartment units to be for long term leasing. Plan Commission reviewed and recommend unanimously. Motion by Antonneau to approve the CUP for Olympia Resort, 1350 Royale Mile Road; second by Cochrane. Antonneau asked how this conversion would affect room tax. Gard stated that the apts. would be exempt from room tax. Duffy explained that if the owner occupies the apt. they are exempt, but if the owner rents to family, tax could be collected. Motion carried 8-0.
- B. **Consider Extraterritorial Certified Survey Map that creates one lot in the NE ¼ of Section 11, north side of River Road, Town of Concord (Wegner):** Antonneau reported that Wegner submitted an ETZ-CSM to create one new 1.2 acre lot in the Town of Concord. The purpose is to create a lot to sell the home and retain the remaining land for farming. The proposed ETZ-CSM is located approximately 1-mile from the City of Oconomowoc boundaries, within the City's extraterritorial platting jurisdiction. The applicant did not request a technical review; therefore Plan Commission recommends that no action be taken. Council took no action.
- C. **Consider Extraterritorial Certified Survey Map to create two legal lots, located at W339 N7590 Townline Road, Town of Merton (Zuelsdorf):** Antonneau reported that Zuelsdorf submitted an ETZ-CSM to create one new 3.5 acre lot in the Town of Merton. The purpose is to create a lot to sell the home and retain the remaining vacant land. The proposed ETZ-CSM is located approximately 2.5-miles from the City of Oconomowoc boundaries, within the City's extraterritorial platting jurisdiction. The applicant did not request a technical review; therefore Plan Commission recommends that no action be taken. Council took no action.
- D. **Consider Two Extraterritorial Certified Survey Maps which create three lots and one outlot on the first CSM, and two lots on the second CSM located at W380 N8291 Mill Street, Town of Oconomowoc (Faretta):** Antonneau reported that Faretta submitted two ETZ-CSM's to create a total of four lots and two outlots. The proposed land divisions still require approval from the Town of Oconomowoc and Waukesha County and are located approximately 2.25-miles from the City of Oconomowoc boundaries, within the City's extraterritorial platting jurisdiction. The applicant did not request a technical review; therefore Plan Commission recommends that no action be taken. Council took no action.
- E. **Consider/act on Ordinance for the Zoning Code text amendment to create Section 17.406(6), amend Section 17.407(1)(b), repeal and recreate Section 17.910(A)(2), create 17.910(A)(2)(a) and Section 17.910(A)(2)(b), all relating to flag pole structures – 1st Reading:** Antonneau reported that the City of Oconomowoc is requesting a text amendment to change the zoning requirements of flagpoles. The proposed change will allow flag poles in all yards and flag poles up to 50 feet in non-residential zoning districts. Plan Commission reviewed and recommend unanimously. Motion by Antonneau to give the ordinance its 1st reading; second by Nold. Chapman read the ordinance into the record. Motion carried 8-0.
- F. **Consider/act on Ordinance Attaching Certain Lands of the Town of Summit to the City of Oconomowoc (152 Parcels) – 1st Reading:** Chapman explained that this ordinance covers all lands that have not already come into the City per the 2000 Boundary Agreement with the Town of Summit with the exception of the Southwoods Subdivision which will attach in 2019. This ordinance attaches 152 parcels at 11:59 PM on 12/31/09. The Town of Summit has adopted a resolution stating they have no objection. Motion by Nold to give the ordinance its 1st reading; second by Cochrane. Chapman read the ordinance into the record. Council inquired about an island parcel by Paganica and if the City received any feedback from the Town residents. Chapman stated that the island parcel was created by the Boundary Agreement. Staff stated that the City received some calls generated by the Welcome Packet mailing and the main concerns were taxes going up, services and address change. Motion carried 8-0.
- G. **Consider/act on Ordinance Attaching Certain Lands of the Town of Summit to the City of Oconomowoc (152 Parcels) – 2nd Reading:** Chapman explained that this information needs to be filed with the State and other agencies by the end of December so the agencies can do what is necessary to change their records for the 152 parcels. By having the second reading this evening, the Clerk can start the process of notification. There is no legal reason not to do this. Motion by Nold to suspend the rules and give the ordinance its second reading; second by Cochrane. Motion carried 8-0. Motion by Nold to give the ordinance its 2nd reading in title only; second by Cochrane. Chapman read the title into the record. Motion carried 8-0. Motion by Antonneau for the ordinance to become law; second by Nold. Motion carried 8-0.

Old Business:

- A. **Presentation Review and Direction Regarding Boat Launch:** Brunner gave the same power point presentation of the conceptual boat launch reconfiguration, on the current Community Center site, as previously shown to Council. With the configuration shown, boat launch placement would be at the far northwest corner of the site. Council discussed problems with this design, which included parking issues, traffic concerns, boat queuing, water depth, Police boat and concerns from the neighbors on the west side of the site. Council suggestions for further study included utilizing the space of the current Community Center building for parking, leaving the launch where it currently is, making an L-shaped dock, designating trailer parking directly across the street, looking at South St. and the old Baptist Church site as options for parking, building a platform for parking on the current site and/or on the new Community Center site, having more boat slips for those who wish to dock and changing the grade on the site going out onto Wisconsin Ave. Sullivan stated this item will come back to Council in January 2010.

New Business: Sullivan reported that both applicants meet all code requirements.

- A. **Consider/act on Resolution Granting a 2009-2010 "Class A" Intoxicating Liquor/Fermented Malt Beverage License to APK, Inc. (Five O's Convenience Store/Gas Station), 744 E. Wisconsin Avenue:** Motion by Antonneau to adopt the resolution granting a 2009-2010 "Class A" Liquor License to APK, Inc.; second by Nold. Motion carried 8-0.
- B. **Consider/act on Resolution Granting a 2009-2010 "Class A" Intoxicating Liquor/Fermented Malt Beverage License to Kalsi, LLC (BP Convenience Store/Gas Station), 1004 E. Summit Avenue:** Motion by Antonneau to adopt the resolution granting a 2009-2010 "Class A" Liquor License to Kalsi, LLC; second by Cochrane. Motion carried 8-0.

Staff Report:: Gard stated that Maurer has accepted a position with the City of Oshkosh. He has been with the City four years and during that time the department has grown under his leadership. He will be missed. Sullivan stated he appreciates Maurer's service and leadership.

Reports and Comments from the Aldermen:

- A. Comments Regarding Leaf Pickup – Kohlenberg stated that he has had several questions regarding leaf pickup. He suggests having leaves raked into the street or the tree border and having City vehicles vacuum them up. He feels if it is managed properly it could be a benefit. This process would eliminate bags. He asked staff to research the cost.
- B. Comments Regarding Involving Stake Holders in Discussions Concerning City Plans – Kohlenberg expressed concern that the City does not involve property owners in discussions regarding development that could potentially involve their property. He would like to see the City move in a more cooperative way with owners at the early stages of possible development.

Other comments from the Aldermen included Kohlenberg asking for the Treasurer's Report to be permanently removed from the Consent Agenda and he suggests addressing zoning of the properties east of City beach and the property for the new Community Center. He asked staff to start the process of rezoning. Sullivan stated that zoning will follow a Council decision on those properties and that deliberation on finances still needs to happen first.

Closed Session: Sullivan stated that the Closed Session for this evening has been cancelled.

Motion by Cochrane to adjourn the Common Council meeting; second by Miller. Motion carried 8-0. The meeting adjourned at 8:59 PM.

Diane Coenen, City Clerk