

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
December 15, 2009

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

Pledge of Allegiance

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

Staff Present: Mayor Sullivan, Gard, Beguhn, Gallo, Sayre, Kitsembel, Duffy, Frye, Bednarski, Roush, Steinbach, Lemke, Lamp, Molitor and Coenen

Others present: Atty. Chapman

Minutes of December 1, 2009: Motion by Cochrane to approve the minutes of the December 1st meeting as presented; second by Antonneau. Motion carried 8-0.

Consent agenda:

- A. Licenses
- B. Resolution Appointing Election Inspectors for Years 2010-2011
- C. Joint Powers Agreement – County 911 Emergency System (Dodge County)
- D. Release of Recorded Easement – St. Matthews Lutheran Church, 818 W. Wisconsin Avenue
- E. Utility Easement Agreement – Jeffrey L. Peterson, 829 W. Wisconsin Avenue
- F. Utility Easement Agreement – John A. Kraft, 1129 W. Wisconsin Avenue
- G. Release of Letter of Credit – Hickory Wood Subdivision Phase I
- H. Treasurer's Report

Kohlenberg asked for Item H. – Treasurer's Report to be removed from the Consent Agenda and stated that he had requested at the last Council meeting that the Treasurer's Report no longer be included in the Consent Agenda. Motion by Cochrane to approve Items A. – G. on the Consent Agenda; second by Antonneau. Motion carried 8-0. Motion by Larsen to approve Item H. – Treasurer's Report; second by Antonneau. Sullivan stated that a 2002 policy decision placed the Treasurer's Report under Consent Agenda and he has no intention of changing that policy. Motion carried 7-1. Kohlenberg voted no.

Committee Reports:

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

1. **Consider/act on Solid Waste/Recycling/Yard Waste Contract:** Larsen reported that the City is at the end of a 3 year contract with Veolia for our waste collection services. Public Services reviewed and recommend unanimously. Motion by Larsen to approve the agreement from Veolia for the City's refuse and recycling services; second by Nold. Frye noted that the new contract still includes up the drive pickup. Motion carried 8-0.
2. **Consider/act on Resolution to Contract for Fire Station #2 HVAC System:** Larsen reported that on 10/20/09 the City opened bids for Fire Station #2 - Bid Package #2 and that "Contract W – HVAC" was not awarded at that time. Public Services reviewed and recommend the quote from American Indoor Environments which includes the alternate Plymo Vent System for a total cost of \$282,855. Antonneau stated that by including this system it protects the health of employees and is also part of our green initiatives. Motion by Larsen to adopt the resolution for Fire Station #2 HVAC contract including Plymo Vent System from American Indoor Environments in the amount of \$282,855; second by Nold. Kohlenberg questioned if the project has gone over the \$2.5M budget Council agreed to and by how much. Gard stated the approximate cost is now \$2.7M or 8% over. She stated that contingency fees and Police and Fire Station impact fees are available, as well as possible funding to offset overages. Motion carried 7-1. Kohlenberg voted no.

Plan Commission:

1. **Consider/act on Extraterritorial Certified Survey Map that creates one lot at N6004 Willow Glen Road, Town of Concord (Reinders):** Antonneau reported that an ETZ-CSM to create one new 5.2 acre lot in the Town of Concord was submitted along with a request for a full technical review. Plan Commission reviewed and recommend unanimously. Motion by Antonneau to approve the ETZ-CSM at N6004 Willow Glen Road, Town of Concord; second by Cochrane. Motion carried 8-0.

2. **Consider/act on Extraterritorial Certified Survey Map that creates one lot and one outlot at N479 Concord Center Drive, Town of Concord (Concord Wisconsin Properties LLC):** Antonneau reported that an ETZ-CSM to create one new 1.1 acre lot and one outlot in the Town of Concord was submitted along with a request for a full technical review. Plan Commission reviewed and recommend unanimously. Motion by Antonneau to approve the ETZ-CSM at N479 Concord Center Drive, Town of Concord; second by Cochrane. Motion carried 8-0.
3. **Consider/act on Extraterritorial Certified Survey Map that creates two lots at N6031 Willow Glen Road, Town of Concord (Hoffmann):** Antonneau reported that an ETZ-CSM to create two new lots in the Town of Concord was submitted along with a request for a full technical review. Plan Commission reviewed and recommend unanimously. Motion by Antonneau to approve the ETZ-CSM at N6031 Willow Glen Road, Town of Concord; second by Cochrane. Motion carried 8-0.
4. **Consider/act on Ordinance for the City of Oconomowoc 2030 Comprehensive Plan – 1st Reading:** Antonneau reported that Council held a public hearing on 12/1/09 and Plan Commission passed a resolution unanimously recommending adoption of the 2030 Comprehensive Plan. The copy in the packet is the most current plan and reflects changes made at Plan Commission. Motion by Antonneau to give the ordinance its first reading; second by Cochrane. Chapman read the ordinance into the record. Sayre outlined the amendments made to the plan at Plan Commission on pages 5, 12, 18, 19, 21, 22, 26 and 28, and noted that the 3 Baysari parcels (8, 24 & 48 acres) now reflect 6 units per acre. Council questioned density in several areas in the plan that included properties owned by Baysari, Stapleton and Siepmann. There was lengthy discussion on density and possible amendments. Sayre said the density along the Oconomowoc Parkway (Silver Ridge Condos) would be corrected back to high density residential – a mistake on the map, and that the Siepmann and Stapleton parcels on the northeast corner of CTH BB and Valley Road would be changed to suburban residential. He noted both the Riverwest Plan and the Southwest Plan, which were previously approved, are incorporated into the Comprehensive Plan. Sullivan noted that the Stapleton property is not in the City yet. Chapman stated to lessen confusion, the plan should refer to low, medium and high density, not zoning designations. He stated if the land is too dense, it is not marketable and there is nothing prohibiting a developer from submitting a rezone application. Kohlenberg stated the 3 properties east of City Beach are shown as mixed use and because Council voted to look at purchasing the land, they should reflect parkland. Motion by Nold to amend the main motion to change the medium density residential designation for the properties on the NE corner on Valley Road and Golden Lake to suburban residential density (brown to yellow color) for the 2 parcels (Siepmann and Stapleton); second by Kohlenberg. Motion carried 6-2. Antonneau and Miller voted no. Motion by Kohlenberg to amend the main motion of the Comprehensive Plan 2030 and change the designation from mixed use to recreational parks for the 3 properties immediately east of City Beach; second by Larsen. Sullivan vacated his chair at 8:50 pm and Council President Antonneau took his chair. Sullivan stated the change to the 3 properties would adversely affect the property owner due to previous discussion on the property purchase by Council and that if Council does not buy the properties, it leaves the owner impaired. He further stated that there could be litigation potential that would be harmful to the City. He also stated if the City does purchase the land, it can change the zoning. Chapman stated the land use designation change would leave all the buildings non-conforming. Sullivan returned to his chair at 8:53 pm. Council discussed the ramifications of the land use change and zoning. Motion failed 1-7. Kohlenberg voted yes. Motion by Nold to amend the main motion to change the Silver Lake Condos from suburban residential to high density residential; second by Schmitter. Motion carried 8-0. Main motion as amended carried 8-0.

Unfinished Business:

- A. **Consider/act on Ordinance to Amend Section 8. 04(1)(c) relating to the Street Excavation Fee – 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 7-1. Kohlenberg voted no. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 7-1. Kohlenberg voted no.
- B. **Consider/act on Ordinance to Amend Sections 9. 13(2)(b), 7.03(10)(c)2 and 7.03(10)(e)1 relating to Vehicle Impoundment Storage Charges, Annual Parking Permit Fees and Penalty for Parking Violations – 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 8-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 8-0.

New Business:

- A. **Consider/act on 2010 Utility Budget:** Kitsemel gave a Power Point presentation and stated the Committee-of-the-Whole reviewed the 2010 Utility Budget on 12/1/09 and unanimously recommended approval. The proposed operating incomes are: Wastewater - \$219,756; Water - \$334,187 and Electric – \$750,055. Utility Committee also reviewed and recommend unanimously. Motion by Nold to approve the 2010 utility budget; second by Morgan. Motion carried 8-0.

- B. **Consider/act on Resolution granting a 2009-2010 Class "A" Fermented Malt Beverage License for Herr's Service Inc., 402 E. Wisconsin Avenue:** Sullivan reported that Herr's Service has applied for a Class "A" beer license for their convenience store/gas station located at 402 E. Wisconsin Avenue. The applicant meets all code requirements. Motion by Antonneau to adopt the resolution granting a 2009-2010 Class "A" Fermented Malt Beverage License to Herr's Service, Inc.; second by Cochrane. Motion carried 8-0.
- C. **Consider/act on Resolution granting a 2009-2010 Class "A" Fermented Malt Beverage License for Kwik Trip #417, 1200 Brown Street:** Sullivan reported that Kwik Trip Store #417 has applied for a Class "A" beer license for their convenience store/gas station located at 1200 Brown Street. The applicant meets all code requirements. Motion by Antonneau to adopt the resolution granting a 2009-2010 Class "A" Fermented Malt Beverage License to Kwik Trip #417; second by Cochrane. Motion carried 8-0.
- D. **Consider/act on Resolution granting a 2009-2010 Class "A" Fermented Malt Beverage License for Kwik Trip #446, 1292 Oconomowoc Parkway:** Sullivan reported that Kwik Trip, Store #446 has also applied for a Class "A" beer license for their convenience store/gas station located at 1292 Oconomowoc Parkway. The applicant meets all code requirements. Motion by Antonneau to adopt the resolution granting a 2009-2010 Class "A" Fermented Malt Beverage License to Kwik Trip #446; second by Cochrane. Motion carried 8-0.

Reports and Comments from the Aldermen: Antonneau inquired what happens to the leaf collection at the curb side now. Gard stated that the yard waste is taken to the quarry and composted on site.

Motion by Larsen to convene into Closed Session; second by Cochrane. Motion carried 8-0. Closed Session convened at 9:20 PM.

Closed Session: Per Wis. Stats. 19.85(1)(g) "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved." (Property Assessment Claims) and (Notice of Circumstances – City Administrator)

Motion by Antonneau to adjourn the Common Council meeting; second by Cochrane. Motion carried 8-0. The meeting adjourned at 9:20 PM.

Diane Coenen, City Clerk