

**CITY OF OCONOMOWOC**  
**COMMON COUNCIL MEETING MINUTES**  
**April 21, 2009**

**Mayor Sullivan** called to order the Ceremonial Common Council Meeting at 7:35 PM. The Deputy Clerk confirmed that appropriate notice had been given.

**Pledge of Allegiance**

**Roll Call:** Aldermen Miller, Schmitter, Morgan, Nold, Larsen, Antonneau and Hollatz  
**Excused:** Alderman Cochrane

**Staff present:** Sullivan, Gard, Kitsembel, Frye, Duffy, Beguhn, Gallo, Bednarski, Lamp and Dehnert

**Others present:** Atty. Chapman

**Comments and suggestions from citizens**

- 1) Jerry Erdmann, W365 N6900 McMahon Road, thanked Alderman Hollatz for all his years of service to the City and stated it was a pleasure to serve with him on both sides of the table. He added Hollatz has been promoted to citizen and gets to be the boss now.
- 2) Gary Kohlenberg, 604 LaBelle Avenue, thanked Alderman Hollatz and said the City was a better place because of him.

**Staff Reports**

- 1) Gard spoke on behalf of all staff and said what a pleasure Alderman Hollatz was to work with and wished him well.

**Reports and comments from the Aldermen**

- 1) Antonneau stated Hollatz was a true gentleman for a local politician, always acted very graciously and will be sorely missed.
- 2) Aids. Morgan, Nold, Larsen, Schmitter and Miller stated he was a pleasure to work with and nice to know.

**Reports and comments from the Mayor** – Sullivan presented Hollatz with a certificate for his 23 years of service to the Citizens of Oconomowoc and listed the numerous committees he has served on during that time. He added he has always been a gentleman and served the people of the 2<sup>nd</sup> District well.

**Adjourn sine die** – Motion by Antonneau to adjourn **sine die**; second by Morgan. Motion carried 7-0. The Ceremonial Meeting adjourned at 7:45 pm.

**Public Swearing in of newly elected Officials & Presentation of Certificates of Election:** Alderman Larsen, Alderman Kohlenberg, Alderman Miller and Alderman Nold. Congratulations were given.

**Public Hearing:** The purpose of the hearing is to consider the application filed by the City of Oconomowoc to create Sections 17.803(2), and 17.806(3)(a)2.c., all relating to sandwich board or A-Frame style signs. The purpose of this ordinance is to create a definition for sandwich board or A-Frame style signs, and allow these signs within the Central Commercial zoning district which is generally referred to as the Downtown Area. A copy of the proposed text amendment is available in the City Planner's office for the public to view during regular office hours.

This public hearing had been cancelled as the ordinance is in the process of being redrafted. Another public hearing on this matter will be scheduled for a later date.

**Public Hearing:** The purpose of the hearing is to consider the application filed by the City of Oconomowoc to create Section 17.206(8)(x) Sidewalk Seating, and amend Section 17.105(3)(f)2.d.(1) Land Uses permitted in the Central Commercial District as a permitted use, and amend 17.203 Table of Land Uses. The purpose of this ordinance is to allow sidewalk seating in the Central Commercial zoning district, which is generally referred to as the Downtown Area.

Duffy explained this ordinance is for the amendment to the Land Use section of the zoning code to allow sidewalk seating as an accessory land use in the Central Commercial District. Currently it is not allowed in the downtown. This will allow the Zoning Administrator to approve a permit to allow those types of activities to take place on the sidewalk.

Tony Pipito, 475 Bolson Drive, #4, stated he is a restaurant / bar owner in the City. He is not in favor of this amendment as he feels it is discriminatory to other businesses not located in the downtown area.

The hearing closed at 7:52 pm.

**Public Hearing:** The purpose of the hearing is to consider the proposed amendment and reissuance of \$4,860,000 City of Oconomowoc, Wisconsin, Industrial Development Revenue Bonds, Series 2006 (Sentry Equipment Corp. Project) (the "Bonds") pursuant to Section 66.1103 of the Wisconsin Statutes, which Bonds were issued to finance a project owned by Sentry Equipment Corp., a Wisconsin corporation (the "Borrower"). The effect of the amendment will be to extend the maturity date of the Bonds.

Duffy stated the original borrowing was approved in November, 2006. This request is simply to amend the maturity date of the \$4,860,000 borrowing to November 1, 2041. The purpose of the initial borrowing was to purchase land and construct a 45,000 sf manufacturing facility for Sentry Equipment Corporation. Currently, there are tax benefits to refinancing this loan and there is neither cost nor any liability to the City.

The hearing closed at 7:54 pm.

**Mayor Sullivan** called the regular Common Council meeting to order at 7:54 PM.

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

**Excused:** Alderman Cochrane

**Staff present:** Sullivan, Gard, Kitsembel, Frye, Duffy, Beguhn, Gallo, Bednarski, Lamp and Dehnert

**Others present:** Atty. Chapman

**Minutes – April 7, 2009:** The minutes were not available.

**Comments and suggestions from citizens:** None.

#### **Consent Agenda**

- A. Licenses
- B. Treasurer's Report

Motion by Antonneau to approve the Consent Agenda; second by Larsen. Motion carried 7-0.

#### **Committee Reports**

##### **A. Public Services:**

1. **Consider/act on Resolution to Purchase Playground Equipment for Chaffee Road Park** – The Mayor stated the Park & Recreation Board met last evening. There are 3 parks in need of new playground equipment. Larson noted Public Services reviewed the plans for all 3 parks and recommends approval. Motion by Larsen to adopt the Resolution for the purchase of playground equipment from Minnesota / Wisconsin Playground for Chaffee Road Park in the amount of \$34,976.00; second by Antonneau. Motion carried 7-0.
2. **Consider/act on Resolution to Purchase Playground Equipment for Lily Road Park** – Motion by Larsen to adopt the Resolution for the purchase of playground equipment from Minnesota / Wisconsin Playground for Lily Road Park in the amount of \$34,850.00; second by Antonneau. Motion carried 7-0.
3. **Consider/act on Resolution to Purchase Playground Equipment for Wood Creek Park** – Motion by Larsen to adopt the Resolution for the purchase of playground equipment from Minnesota / Wisconsin Playground for Wood Creek Park in the amount of \$39,986.00; second by Antonneau. Motion carried 7-0.
4. **Consider/act on Resolution for the Purchase of a 2009 Chevrolet Silverado Pick up Truck** – Larsen explained the Public Services Committee recommended the low bid of the Ford F-250 truck rather than the Chevy that appears in the resolution. Chapman read the amended resolution which reflected approval of the low bid from Ewald Ford Lincoln Mercury for a Ford F-250. Motion by Larsen to adopt the resolution for the purchase of a 2009 Ford Superduty F-250

pick up truck from Ewald Ford Lincoln Mercury, Hartford, in the amount of \$27,712.00; second by Nold. Motion carried 7-0.

5. **Consider/act on Resolution for DPW Roof Repairs for Facility on Worthington Street** – Larsen explained this resolution is for roof repairs at the DPW facility, and includes the White Knight roofing system. Public Services reviewed and recommend unanimously. Motion by Larsen to adopt the resolution for Langer Roofing, Milwaukee, to do repairs to the DPW facility roof on Worthington Street in the amount of \$123,661.00; second by Nold. Motion carried 7-0.
6. **Consider/act on Resolution for Annual Pavement Marking Project** – Larsen explained bids were received for the annual pavement marking project with an option for a second year. Public Services reviewed and recommend unanimously. Motion by Larsen to adopt the resolution for Crowley Construction Company to do the pavement marking for 2009 in the amount of \$18,740.25, with staff to review their performance after their 1<sup>st</sup> year and if acceptable, approve entering into a contract for 2010 in the amount of \$18,350.25; second by Nold. Motion carried 7-0.
7. **Consider/act on Ordinance to Create 8.06(2)(c) and 8.06(3) of the Municipal Code Relating to Sidewalk Seating and Decorative Displays** – Larsen reported this ordinance would allow sidewalk seating and decorative displays in the downtown. Motion by Larsen to give the ordinance its 1<sup>st</sup> reading; second by Antonneau. Chapman read the ordinance into the record. Kohlenberg asked if there could be live music such as a single performer without an amplifier which could add an ambiance to the downtown. Duffy stated they didn't want music at every restaurant on the street. Kohlenberg questioned signage promoting the ordinance and Duffy stated an additional ordinance was being discussed on sandwich boards. Kohlenberg also felt other restaurants not located in the downtown may want to be allowed to have outdoor seating. Duffy stated this ordinance affects those businesses which want seating in the public right-of-way. Chapman added other businesses who want outdoor seating can come to the Plan Commission for a modification of their CUP. Larsen asked if the ordinance could be modified to allow for music in the right-of-way and Chapman stated he would amend the ordinance to allow music with a special permit. Motion carried 7-0.

#### Unfinished Business:

- A. **Consider/act on Ordinance to Amend 7.14(3)(a) and to Create 7.14(3)(d) Relating to Parking - 2<sup>nd</sup> Reading:** Motion by Antonneau to give the ordinance its 2<sup>nd</sup> reading in title only; second by Miller. Chapman read the title into the record. Motion carried 7-0. Motion by Antonneau for the ordinance to become law; second by Miller. Motion carried 7-0.
- B. **Consider/act on Ordinance to Create Section 17. 409(11) Nonconforming Structure and Building Regulations (Blanket Variance) – 2<sup>nd</sup> Reading:** Motion by Antonneau to give the ordinance its 2<sup>nd</sup> reading in title only; second by Miller. Chapman read the title into the record. Motion carried 7-0. Motion by Antonneau for the ordinance to become law; second by Miller. Motion carried 7-0.
- C. **Consider/act on Ordinance to Create Section 18. 08(2m) of the Municipal Code Requiring Street Trees in Subdivisions - 2<sup>nd</sup> Reading:** Motion by Antonneau to give the ordinance its 2<sup>nd</sup> reading in title only; second by Miller. Chapman read the title into the record. Kohlenberg raised questions on the current landscape ordinance. Gallo noted it does not regulate street trees in the right-of-way in subdivisions which this ordinance does. Morgan questioned if this ordinance is wise as he was concerned it could drive up lot costs to the developer which would be passed on to the purchaser of the lot. Motion carried 6-1 (Morgan). Motion by Antonneau for the ordinance to become law; second by Miller. Motion carried 6-1 (Morgan).

#### Plan Commission:

- A. **Consider/act on Ordinance to Create Section 17.206(8)(x) Sidewalk Seating and amend Section 17.105(3)(f)2.d.(1) Land uses Permitted in the Central Commercial Districts as a Permitted Use and Amend 17.203 Table of Land Uses – 1<sup>st</sup> Reading:** Antonneau stated both Plan Commission and Council held public hearings on this proposed ordinance which adds outdoor seating in the downtown right-of-way as an acceptable use in the land use section of the zoning code. Plan Commission has reviewed and recommends approval. Motion by Antonneau to give the ordinance its 1<sup>st</sup> reading; second by Larsen. Chapman read the ordinance into the record. Motion carried 7-0.
- B. **Consider/act on Extraterritorial Certified Survey Map for Property located at N7149 Hwy F, Town of Concord:** Antonneau explained the applicant submitted an ETZ CSM to create one new lot in the Town of Concord. The Plan Commission recommends no action be taken. Gallo added staff looked at the shape of the lot and noted Jefferson County felt the shape and size of the lot preserves farmland. Morgan thought the size would be an issue at some point and didn't feel the CSM should be approved. Motion by Antonneau to take no action; second by Schmitter. Motion carried 6-1 (Morgan).

#### New Business:

- A. **Consider/act on Resolution Granting New 2008-2009 Class "B" Fermented Malt Beverage License and "Class C" Wine License to William C. Niemann (Staybridge Suites)** – Deputy Clerk reported Niemann has applied for a Class "B" Beer

license along with a "Class C" Wine license which will allow the sale of beer and wine by the glass or in an opened original container for consumption by guests. The Clerk's department recommends approval. Motion by Antonneau to approve the Class "B" Beer License and "Class C" Wine License to William C. Niemann for Staybridge Suites; second by Nold. Motion carried 7-0.

- B. **Consider/act on Codification Ordinance to Amend the General Ordinances of the City of Oconomowoc – 1<sup>st</sup> Reading:** Deputy Clerk reported this ordinance is simply the process of bringing the municipal code up to date with those ordinances which have been approved from June 2007 thru June 2008. Notice of this codification was published in the Focus on April 2 and made available to the public. Motion by Antonneau to give the ordinance its 1<sup>st</sup> reading; second by Miller. Chapman read the ordinance into the record. Motion carried 7-0.
- C. **Resolution Authorizing Amendments to \$4,860,000 City of Oconomowoc, Wisconsin Variable Rate Demand Industrial Development Revenue Bonds, Series 2006 (Sentry Equipment Corp. Project) Issued on November 30, 2006:** Motion by Antonneau to adopt the Resolution amending and reissuing the Industrial Development Revenue Bond Financing for Sentry Equipment Corp; second by Larsen. Motion carried 7-0.

**Mayoral appointments to Council Committees announced – No action required.**

Finance:	Larsen, Chr; Cochrane, Sec; Antonneau
Personnel:	Cochrane, Chr; Miller, Sec; Morgan
Protection & Welfare:	Schmitter, Chr; Miller, Sec; Kohlenberg
Public Services:	Nold, Chr; Larsen, Sec; Schmitter
Utility:	Antonneau, Chr; Nold, Sec; Larsen

**Election of Council President by Aldermen –** This is a one-year term. Nomination by Larsen for Antonneau as Council President; second by Morgan and nomination by Kohlenberg for Nold as Council President; second by Miller. No other nominations were received. Ballots were cast and the results were: Antonneau - 4 votes; Nold – 3 votes.

**Election of Council Vice-President by Aldermen -** This is a one-year term. Nomination by Kohlenberg for Miller as Council Vice-President; second by Larsen. No other nominations were received. Motion carried 7 -0.

**Selection by Council of Common Council Representative to Plan Commission –** Motion by Morgan to nominate Antonneau as Council Representative to Plan Commission; second by Schmitter. No further nominations were received. Motion carried 7-0.

**Mayoral appointment of City Comptroller, with Council confirmation –** Motion by Antonneau to confirm appointment of Cochrane as City Comptroller; second by Miller. Motion carried 7-0.

**Mayoral appointment of City Attorney, with Council confirmation –** Motion by Nold to confirm appointment of Chapman as City Attorney; second by Miller. Motion carried 7-0.

**Mayoral appointment of Emergency Government Director, with Council confirmation –** Motion by Antonneau to confirm appointment of Beguhn as Emergency Government Director; second by Miller. Motion carried 7-0.

**Appointments to City Boards, Commissions, Authorities, etc.**

Motion by Antonneau to approve the appointment of David Nold to the Community Development Authority; second by Schmitter. Motion carried 7-0.

Motion by Antonneau to approve the appointment of Maury Sullivan to the Community Development Authority; second by Larsen. Motion carried 7-0.

Motion by Antonneau to approve the appointment of Nate Zastrow to the Community Development Authority; second by Schmitter. Kohlenberg requested the opportunity to interview candidates appointed to various Committees before Council approves their appointment. Motion carried 7-0.

Motion by Morgan to approve the appointment of David Nold to the Park & Recreation Board; second by Schmitter. Motion carried 7-0.

Motion by Morgan to approve the appointment of Paul Schmitter to the Park & Recreation Board; second by Nold. Motion carried 7-0.

Motion by Nold to approve the appointment of Bob Morgan to the Library Board; second by Schmitter. Motion carried 7-0.

Motion by Antonneau to approve the appointment of Gary Kohlenberg to the Police & Fire Commission; second by Miller. Motion carried 7-0.

Motion by Antonneau to approve the reappointment of Richard Mercier to the Police & Fire Commission; second by Morgan. Motion carried 7-0.

Motion by Schmitter to approve the reappointment of Don Anderson to the Board of Review; second by Miller. Kohlenberg noted he has no documentation on this reappointment. The Mayor responded that Anderson was on the board when Kohlenberg was in office. Motion carried 6-0-1 (Kohlenberg).

Motion by Nold to approve the reappointment of Kent Johnson to the Architectural Commission; second by Schmitter. Motion carried 7-0.

Motion by Morgan to approve the reappointment of Jeremy Flint to the Architectural Commission; second by Schmitter. Motion carried 7-0.

Motion by Nold to approve the reappointment of William Paton to the Zoning Board of Appeals; second by Schmitter. Motion carried 7-0.

Motion by Nold to approve the reappointment of John Gross to the Zoning Board of Appeals; second by Schmitter. Motion carried 6-1 (Kohlenberg).

Motion by Nold to approve the reappointment of Matthew Rosek to the Zoning Board of Appeals; second by Miller. Motion carried 7-0.

Mayoral appointment of Matthew Rosek as Chairman of the Zoning Board of Appeals. No action required.

**Mayoral appointments to Pabst Farms Joint Stormwater District announced** – No action required.

Mark Frye – April 2010

Maury Sullivan – April 2010

**Mayoral appointments to WPPI Board announced** – No action required.

Diane Gard – April 2010

Dennis Bednarski – April 2010

**City Attorney appointment of Assistant City Attorney** – Letter received from Chapman appointing Mark Herro as Assistant City Attorney. No action required.

**Staff Reports:**

A. Dennis Bednarski – RP3 Award - Bednarski reported the Utilities was awarded the RP3 Award from the American Public Power Assn. He presented the award to Gard and the Utility Committee members and thanked them for all their support.

**Reports and comments from the Aldermen** – Larsen welcomed Kohlenberg to the Council. Kohlenberg stated he looks forward to serving the 2<sup>nd</sup> District.

**Reports and comments from the Mayor**

A. Proclamation – 2010 Census

B. Proclamation – Knights of Columbus Days

Sullivan read the Proclamations into the record.

Motion by Larson to adjourn the Common Council meeting; second by Schmitter. Motion carried 7-0. The meeting adjourned at 9:42 PM.

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Chris Dehnert, Deputy City Clerk