

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
April 7, 2009

PUBLIC HEARINGS:

7:31 pm - The purpose of the hearing is to consider the petition of the City of Oconomowoc, to create Section 17.409 (11) Nonconforming Structure and Building Regulations. Blanket Variance, within the Municipal Zoning Ordinance. The purpose of this ordinance is to create a blanket variance for properties made non-conforming by way of the widening of W. Wisconsin Avenue as provided in the Right-of-Way Plat, Project No. 1371-08-20.

Duffy reported that the City is continuing to work on the Wisconsin Avenue street improvement project and this blanket variance ordinance has been specifically created for the remaining areas on W. Wisconsin Avenue. The ordinance allows any existing structures to encroach within the setback and remain legal, non-conforming if any additional right-of-way is taken from a property. No other comments were received. The hearing closed at 7:33 PM.

7:33 pm - The purpose of the hearing is to hear public comment regarding an ordinance to create Section 18.08(2m) of the Municipal Code for the City of Oconomowoc requiring street trees in subdivisions. The amendment proposes that all subdivisions shall conform to the City of Oconomowoc street tree planting policy.

Maurer stated that a previous public hearing for this ordinance was held in December 2008 and since that time, substantial changes have been made to the policy. This policy will be a tool for the City and developers to use for planting street trees throughout the City and in subdivisions. The Park and Recreation Board have approved the policy as an internal document. No other comments were received. The hearing closed at 7:35 PM.

Mayor Sullivan called the regular Common Council meeting to order at 7:35 PM.

Pledge of Allegiance

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

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

Others present: Atty. Chapman and Stan Sugden

Minutes of March 17, 2009: Motion by Cochrane to approve the minutes of the March 17th meeting as written; second by Hollatz. Motion carried 8-0.

Comments and Suggestions from Citizens:

- A. Mayoral Challenge – Bednarski stated that the challenge is to have 10% of our residential households sign up for at least one block of green power by July 31st. The additional cost for one block of power would be \$3.00 per month. Presently less than 2% of customers have signed on. To create awareness of our green efforts the City will be sending letters and flyers with the customer's utility bill and also by displaying posters and handing out information cards at events such as Earth Day, street dance, etc. Sullivan stated that the Utility Committee supports this challenge and the City has committed to using 25% of energy in green block for City owned facilities.

Consent agenda:

- A. Licenses
- B. Budget Amendments for Grants Received: January 1st – March 31st, 2009
- C. AT & T Memorial Park Easement UT #5858430
- D. Utility Easement (Water) between the Town of Summit and City of Oconomowoc – Stonehedge Trail
- E. Utility Easement (Water) between Pabst Farms Land Company C, LLC and City of Oconomowoc
- F. Utility Easement (Water) between Pabst Farms Gateway, LLC and City of Oconomowoc
- G. Utility Easement (Water) between DDR/Stonebridge Capital Unit I, LLC and City of Oconomowoc

- H. Utility Easement (Water) between Stonebridge Capital Unit II, LLC and City of Oconomowoc
- I. Resolution Accepting Petition for Direct Annexation – W372 N6506 Lapham Street (Schaal)
- J. Set 2009 Trick or Treat Day/Hours

Motion by Cochrane to approve the Consent Agenda; second by Hollatz. Motion carried 8-0.

Committee Reports

A. Protection and Welfare – Schmitter, chr; Hollatz; Miller, secy

1. **Consider/act on Intergovernmental Agreement between Washington County and City of Oconomowoc – Radio Frequencies:** Miller reported that Washington County is constructing a countywide public safety radio system and in order to achieve this they require radio frequencies the City currently holds. The City is in agreement to release these frequencies in exchange for Washington County providing the City with new equipment and technology that will serve us with capabilities similar to what we have in place. Protection & Welfare reviewed and recommends unanimously. Motion by Miller to approve the intergovernmental agreement between Washington County and City of Oconomowoc; second by Antonneau. Motion carried 8-0.
2. **Consider/act on Addendum to Trunked Radio System Contract:** Miller reported that due to changing technology and the age of our current trunked radio analog system, Waukesha County has scheduled an upgrade to a digital system in 2013-2014. Protection & Welfare has reviewed and unanimously recommends. Kitsemel stated the City has been offered two payment options for this upgrade and the recommended option is to prepay a portion of the infrastructure costs with equal yearly payments from 2009 until 2013 in the amount of \$16,830. Motion by Miller to approve the addendum to the trunked radio system contract making yearly payments in the amount of \$16,830 for years 2009 - 2013; second by Antonneau. Motion carried 8-0.
3. **Consider/act on Ordinance to Amend 7.14(3)(a) and to Create 7.14(3)(d) Relating to Parking – 1st Reading:** Miller reported that due to an incident at the high school, this ordinance is intended to clarify and increase the enforceability of the parking ordinance already in place. Protection & Welfare reviewed and recommends unanimously. Motion by Miller to give the ordinance its first reading; second by Antonneau. Chapman read the ordinance into the record. Motion carried 8-0.

B. Public Services – Nold, chr; Schmitter; Larsen, secy

1. **Consider/act on Resolution to Contract for West Wisconsin Avenue Real Estate Acquisition Services:** Larsen reported that the right-of-way plat for the W. Wisconsin Ave. reconstruction project has been recorded and it is time to proceed with property acquisition and relocation to accommodate street facilities. Public Services reviewed and unanimously recommend the low quote from Highland Group in the amount of \$63,000. Motion by Larsen to adopt the resolution to contract for W. Wisconsin Ave. Real Estate Acquisition Services from Highland Group in the amount of \$63,000; second by Nold. Motion carried 8-0.
2. **Consider/act on Resolution for 2009 Street Pulverization Projects:** Larsen reported that the City received two bids for the 2009 budgeted street pulverizing projects. Public Services reviewed and unanimously recommend the low quote from Payne and Dolan in the amount of \$697,734.62. Motion by Larsen to adopt the resolution for 2009 street pulverization projects by Payne and Dolan in the amount of \$697,734.62; second by Nold. Motion carried 8-0.
3. **Consider/act on Resolution for 2009 Street Maintenance Projects:** Larsen reported that the City received five bids for the 2009 street maintenance projects. Public Services reviewed and unanimously recommend accepting the base bid, Alternate B and Alternate D from Payne and Dolan for a total of \$2,560,051.22. Motion by Larsen to adopt the resolution for 2009 street maintenance projects by Payne and Dolan for a total amount of \$2,560,051.22; second by Nold. Motion carried 8-0.
4. **Consider/act on Resolution for Stormwater Utility Study Grant:** Larsen reported that for the past year, staff has been reviewing the quality and quantity of the stormwater throughout the entire City. Funding needs to be addressed and before proceeding, a feasibility study needs to be completed. Grant applications are being accepted by the DNR until 4/15/09 that would reimburse up to 70% of the cost of a feasibility study. As part of the application process, a resolution needs to be approved by Council. Public Services reviewed and recommends unanimously. Motion by Larsen to adopt the resolution for the stormwater utility study grant; second by Nold. Motion carried 8-0.

C. Utility - Antonneau, chr; Larsen; Nold, secy

1. **Consider/act on Resolution for the Construction of the SE Arterial Water Main Loop:** Nold reported that bids were received in January for the construction of the SE Arterial Water Main Loop. This infrastructure will complete the necessary loop and provide system reliability for all customers to the south of

I-94. The Utility Committee has reviewed and unanimously recommends. Since the bids were received, there was a slight change in the cost of materials due to a deviation from standards. This change increased the quote by just over \$20K. The revised quote from Heartland Construction Inc. is \$634,033. Motion by Nold to adopt the resolution for the construction of the SE arterial water main loop by Heartland Construction, Inc. in the amount of \$634,033; second by Antonneau. Motion carried 8-0.

2. **Consider/act on Resolution for the Purchase of a Meter Test Bench:** Nold reported that bids were received for the purchase of a new Meter Test Bench. The current meter test bench does not allow for the testing of single and three phase electric meters. Testing of our meters is an annual requirement of the PSC and also used to verify customer complaints. The Utility Committee has reviewed and unanimously recommend the purchase from Megger Phazer in the amount of \$28,095. Motion by Nold to adopt the resolution for the purchase of a Meter Test Bench System from Megger Phazer in the amount of \$28,095; second by Larsen. Motion carried 8-0.

Plan Commission:

- A. **Consider/act on Ordinance to create Section 17.409 (11) Granting a Blanket Variance for Properties made Nonconforming by the Widening of the W. Wisconsin Avenue Project – 1st Reading:** Antonneau reported that the City is continuing to work on the Wisconsin Avenue street improvement project and this blanket variance ordinance has been specifically created for the remaining areas on W. Wisconsin Avenue. The ordinance allows any existing structures to encroach within the setback and remain legal. There is potential a building would become classified as legal, non-conforming if any additional right-of-way is taken from a property. The Plan Commission unanimously recommends adoption. Motion by Antonneau to give the ordinance its first reading; second by Nold. Chapman read the ordinance into the record. Motion carried 8-0.
- B. **Consider/act on Ordinance to create Section 18.08(2m) of the Municipal Code Requiring Street Trees in Subdivisions – 1st Reading:** Antonneau reported that a public hearing was originally held in December 2008 and after receiving comments, revisions were made. This ordinance requires developers of subdivisions to plant trees in the terrace area between the sidewalk and curb in locations acceptable to the City. It also establishes a warranty period of two years. Both the Park & Recreation Board and Plan Commission have reviewed and unanimously recommend approval. Motion by Antonneau to give the ordinance its first reading; second by Nold. Chapman read the ordinance into the record. Motion carried 8-0.

Staff Reports: Gard stated that the street resurfacing and reconstruction projects acted on earlier this evening are one of the priorities identified by Council. She informed Council that due to soft expenses going up, the City will look to staff to do some of the work internally. Gard also stated the Bednarski had received the Robert Roundtree Public Power Award for his leadership and contributions.

Reports and comments from the Aldermen: Larsen congratulated Bednarski on his award. Antonneau gave staff an "atta-boy" for an outstanding plan to address our City streets at a cost that is friendly to the taxpayers.

Reports and comments from the Mayor:

- A. Arbor Day Proclamation – Sullivan read the Proclamation into the record.

Motion by Antonneau to convene into Closed Session; second by Cochrane. Motion carried 8-0. Closed Session convened at 8:16 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 – Wisconsin Avenue) and (Future Fire Station)

Motion by Antonneau to adjourn the Common Council meeting; second by Cochrane. Motion carried 8-0. The meeting adjourned at 8:16 PM.

Diane Coenen, City Clerk