

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
May 5, 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, Cochrane, Kohlenberg and Miller

Excused: Alderman Schmitter

Staff present: Mayor Sullivan, Gard, Gallo, Duffy, Beguhn, Steinbach, Lamp, Kitsembel, Bednarski, Frye and Coenen

Others present: Atty. Chapman and Stan Sugden

Minutes of April 7, 2009: Motion by Cochrane to approve the minutes of the April 7th meeting as written; second by Antonneau. Motion carried 7-0.

Comments and suggestions from citizens:

- A. **Fowler Lake Waterfront Master Plan Presentation** – Duffy stated that the Hitchcock Design Group was here this evening to present the “Final-Draft” plans to create an open space behind City Hall, which was one of the Council priorities. Carl Wohlt, Bill Schmidt, Terry Jenkins, Phil Barron and Lance Theis presented a power point presentation. A letter from Rick Hitchcock was read into the record, as he was unable to attend. The Master Plan presents a vision for the community and this vision is targeted for a 2018 completion. The plan will be done in phases and details will be worked out in each phase.
- B. **Comments from Citizens** – Mac Dorn, representing the Fowler Lake Waterfront & Parking Solutions Committee, Pat Ornberg, member of the FLWPSC, Jon Spheeris, Laurel Whelan, member of the FLWPSC and Kurt Schrang support approving the master plan. Mark May, Mays Garden Center stated that basic maintenance needs to be addressed before the City spends millions on this plan. He also does not believe that large delivery trucks have been provided for in the plan. Lissa Eske, 515 Silver Lake supports that businesses in the Downtown have to be a priority, but the historic ambience of the downtown needs to be continued. Not supportive of the “splash area” in Village Green. Sullivan stated that the Committee and consultants had a very positive interaction and has presented us with a vision to work with.

Consent Agenda:

- A. Licenses
- B. Utility Easement Agreement – James Gustafson, 115 E. Jefferson Street
- C. Amended Resolution to Amend the Wisconsin Avenue Right-of-Way Plat, Project No: 1371-08-20; Sheet Numbers 4.1 – 4.8 and Relocation Order

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

Committee Reports:

- A. Finance - Larsen, chr; Antonneau; Cochrane, secy
Cochrane reported that in August 2008 Council adopted Resolution 08-R2009 which established a street maintenance program. On April 7, 2009 Council approved the award of the first street maintenance contract under this program. We are now ready to move forward with the borrowing of not to exceed \$5,025,000. The first two resolutions provide initial notice to the public of the City’s intention to issue general obligation bonds and the third resolution authorizes the bonds to be offered for public sale.
 - 1. **Consider/act on Initial Resolution Authorizing \$5,025,000 General Obligation Bonds for Street Improvement Projects:** Motion by Cochrane to adopt the initial resolution authorizing \$5,025,000 general obligation bonds for street improvement projects; second by Larsen. Motion carried 7-0.
 - 2. **Consider/act on Resolution Directing Publication of Notice to Electors:** Motion by Cochrane to adopt the resolution directing publication of notice to electors; second by Larsen. Motion carried 7-0.
 - 3. **Consider/act on Resolution Providing for the Sale of Not to Exceed \$5,025,000 General Obligation Street Improvement Bonds Public Services:** Motion by Cochrane to adopt the resolution providing for the sale of not to exceed \$5,025,000 general obligation street improvement bonds; second by Larsen. Motion carried 7-0.
- B. Utility - Antonneau, chr; Larsen; Nold, secy

1. **Consider/act on Resolution for the Purchase of Substation Control Building:** Nold reported that the Utility is in the process of expanding the Summit substation control building to house the electronic equipment used in operating and monitoring the controls. The Utility Committee recommends the low quote from Ford Construction Co. in the amount of \$34,850.00. Motion by Nold to adopt the resolution for the purchase of the substation control building from Ford Construction Co. in the amount of \$34,850.00; second by Larsen. Motion carried 7-0.
2. **Consider/act on Resolution for the Purchase of Substation Structural Steel:** Nold reported that in conjunction with the expansion of the Summit substation, the Utility requested bids for the structural steel for the new substation. The Utility Committee recommends the low quote from Ace Iron & Steel Corp. in the amount of \$32,000.00. Motion by Nold to adopt the resolution for the purchase of the substation structural steel from Ace Iron & Steel Corp. in the amount of \$32,000.00; second by Antonneau. Motion carried 7-0.
3. **Consider/act on Resolution for Hydrant Refurbishing Project:** Nold reported that the Water Utility instituted a Hydrant Painting Program in 2006. The Utility now proposes to enter into a 3 year program to complete the 900 hydrants that remain to be painted. The Utility Committee recommends the quote from Davies Water. Motion by Nold to adopt the resolution for the hydrant refurbishing project by Davies Water; second by Larsen. Council questioned if we had this program last year. Gard stated that no action was taken last year, but rather this is a continuation of what had been started. Motion carried 7-0.

Kohlenberg questioned why only a single bid was received for the substation control building. Nold responded that the Utility Committee discussed this issue and because of the uniqueness of the project, two contractors were not willing to bid. Kohlenberg asked how bids were solicited and if a single bid served the community well. Gard stated that staff does send out RFP's to vendors that we know may be interested, but that the City also advertises in the local papers. Staff budgets for projects and when the bids come in, we review them against our budget estimates, market study and research before making a recommendation. Additionally, there is language included in the RFP that states "the City reserves the right to accept or reject any bid."

4. **Consider/act on Amended Order Establishing a Moratorium on Sewer Connections in the Town of Oconomowoc Utility District No. 1:** Nold reported that after City staff met with the Town of Oconomowoc to discuss the progress made to reduce the groundwater issues, staff recommends reducing the district-wide moratorium on new connections to apply to only the Westshore subdivision and all tributary areas to the north. The Utility Committee reviewed and also recommends amending the order. Motion by Nold to approve the amended order establishing a moratorium on sewer connections in the Town of Oconomowoc Utility District No. 1; second by Larsen. Kohlenberg asked if the Town had an opportunity to respond to the letter from Steinbach that was included in the Council packet. Steinbach stated that the letter was drafted after the meeting with the Town and confirms the conversations and the acceptance of the outcome of the meeting. He then briefed Council of the process that has been ongoing since 2007 and stated the Town has taken permanent and temporary measure to address the most severe problems. Motion carried 7-0.

Unfinished Business:

- 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 – 2nd Reading:** Sullivan stated this ordinance was improperly noticed and will be postponed until the May 19, 2009 Council meeting.
- B. **Consider/act on Codification Ordinance to Amend the General Ordinances of the City of Oconomowoc – 2nd Reading:** Motion by Cochrane to give the ordinance its 2nd reading in title only; second by Antonneau. Chapman read the title into the record. Motion carried 7-0. Motion by Cochrane for the ordinance to become law; second by Antonneau. Motion carried 7-0.

Old Commission:

- A. **Consider/act on Resolution Disallowing Claim of Darrell Dyson:** Kitsembel reported that at the March 17, 2009 meeting, Council postponed action on this matter in order for our insurance carrier to reevaluate and report back. Our insurance company had found no negligence on behalf of the City and recommended denial. On March 27, 2009 Chief Beguhn & Lieutenant Buerger met with Dyson at the library, took photographs and measurements and have made a recommendation to deny the claim based on the fact that the insurance company and the police department found no negligence on behalf of the City and the City acted in a timely manner to address the flooding in the parking lot. Further, State Statutes protect municipalities from over exposure and negligence must be proved. Motion by Antonneau to adopt the resolution disallowing the claim of Darrell Dyson; second by Cochrane. Council asked for an explanation from Dyson of City negligence. Dyson stated the storm drain was stopped up and standing water was 2 ½ - 3 ½ ft. high for 25 – 30 ft. into the parking lot. Frye stated DPW was notified of the blockage at 3:00 pm and promptly fixed the problem. Motion carried 5-2. Larsen and Miller voted no.

New Business:

- A. **Consider/act on Resolution for Appointment of Official City Newspaper:** Coenen reported that two proposals were received and bids were opened on April 28, 2009 by Mayor Sullivan, Ald. Cochrane and Coenen. The Focus submitted the lowest effective bid therefore the recommendation is that the Focus serves as our official newspaper for 2009 - 2010. Coenen noted that the Focus' bid was 6% lower than the previous year's rate and the Enterprise bid was the same rate as the previous year. Motion by Cochrane to adopt the resolution appointing the Focus as the City's official newspaper for 2009 – 2010; second by Antonneau. Motion carried 7-0.

Mayoral appointments to Council Committees announced – Sullivan introduced the appointments. Motion by Kohlenberg to table Item 11. until the next Council meeting in order to discuss Item No. 15.A. Sullivan stated that the motion was out of order because Item 11. was already introduced. Sullivan then withdrew Item 11. from the floor. Motion by Kohlenberg to table Item 11. until the next Council meeting in order to discuss Item No. 15.A. Motion died for lack of a second.

Motion by Cochrane to confirm the Appointment of John Merkel to the Park, Recreation and Forestry Board until 4/30/12; second by Antonneau. Motion carried 7-0.

Motion by Cochrane to confirm the Reappointment of Mary Rampolla to the Library Board until 4/30/12; second by Antonneau. Motion carried 6-1-0. Kohlenberg abstained.

Motion by Cochrane to confirm the Reappointment of Bob Lex to the Plan Commission until 4/30/12; second by Antonneau. Motion carried 7-0.

Motion by Cochrane to confirm the Reappointment of Terry Kaldhusdal to the Library Board until 4/30/12; second by Antonneau. Motion carried 6-1-0. Kohlenberg abstained.

Staff Reports:

- A. **Bicycle Helmet Safety Program** – Beguhn stated that due to an \$800.00 Oconomowoc Utilities Community Benefits Fund given to the Police Dept., they were able to purchase 180 bicycle helmets that will be distributed free of charge to any youth that is seen by an officer riding a bicycle without a helmet. A child will be issued a certificate that they can bring to the Police Dept. where an officer will fit them with the appropriate size helmet. They will also be given safety reflectors and a bike safety pamphlet.

Reports and comments from the Aldermen

- A. **Discussion on Protocol for Mayoral Appointments** – Kohlenberg requested that when Sullivan appointments or reappointments individuals to Committees that comprehensive documentation, i.e. resumes, are included in the packet and appointees appear before Council for questioning. He stated he abstained from two appointments this evening because he does not know the individuals. Larsen agrees that information about the person including their phone number would be helpful, especially if a Council member has a question. He stated that he knows all of the appointees this evening and they are all standout citizens. Morgan stated he is confident in Sullivan's appointments.

Antonneau asked staff if the 4 ft. cable boxes in yards can be made smaller, less obtrusive. Nold commented that the truck traffic for businesses needs to be addressed in the Fowler Lake Waterfront Master Plan. He also commented that the water splash area in Village Green may not be the best location. Larsen thanked the FLWPSC for all their hard work. He is excited about the plan, and likes the abundance of trees.

Motion by Cochrane to adjourn the Common Council meeting; second by Miller. Motion carried 7-0. The meeting adjourned at 9:25 PM.

Diane Coenen, City Clerk