

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
June 16, 2009

Mayor Sullivan called the regular Common Council meeting to order at 7:39 PM.

Pledge of Allegiance

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

Staff present: Mayor Sullivan, Kitsembel, Gallo, Lamp, Duffy, Frye, Schmidt, Molitor and Coenen

Others present: Atty. Chapman

Minutes of June 2, 2009: Motion by Cochrane to approve the minutes of the June 2nd meeting as written; second by Antonneau. Motion carried 8-0.

Comments and suggestions from citizens:

Comments on the Downtown Waterfront Master Plan and Intercity Passenger Rail Service:

- 1) Jackie O'Brien, 623 Anderson stated great idea, but why not at Lac LaBelle. Feels Dr. Thorton who wrote the Fowler Lake Management Plan should have been consulted. She showed photos from 7/26/00 of water level issues at one of the possible boat launch sites.
- 2) Florence Whalen, 406 W. Third St. stated the plan presents an image and it's not concrete. Urges Council to decide on overall basis of plan.
- 3) Dick Pas, 662 E. Juneau Ave. feels the lakefront has more potential than a better looking parking lot and road. Feels we are getting exactly what we already have, 90% pavement. Urges thoughtfulness on boat launch plans.
- 4) Robert Felker, owner of property on Main St. stated he was not consulted on the plan. Feels the roadway should be eliminated.
- 5) Mary Blaska, 116 E. Lisbon Rd. stated people use Fowler Lake all year. She served on the Advisory Committee for this plan and urges Council to adopt it.
- 6) Letter from Jon Spheeris was read into the record by Sullivan. Spheeris feels having the roadway between the land and the lake will devalue the property.
- 7) Florence Whalen, 406 W. Third St. supports the Intercity Passenger Rail Service.

Consent Agenda:

- A. Licenses
- B. Treasurer's Report

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

Committee Reports:

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

1. **Consider/act on Resolution Awarding the Sale of \$5,025,000 General Obligation Street Improvement Bonds:** Cochrane reported that Council adopted the initial resolutions for the City's intention to issue general obligation bonds for our street improvement projects on May 5th. This resolution authorizes the bonds to be offered for public sale. Finance Committee reviewed and recommend unanimously. Kitsembel stated that the low bidder was approx. 3.4% as a taxable build bond. Council questioned the final resolution changes and why the bid was done on 6/16/09 and not sooner. Jim Miller, Hutchinson Shockeyerley & Co. stated the bidding was set up for two options; tax base and exempt. It wasn't known until after the bid opening which it would be, therefore the only changes to the resolution were to extract the tax exempt language. Same day bid opening is the industry norm, because of the commitment of funds. Motion by Cochrane to adopt the resolution awarding the sale of \$5,025,000 General Obligation Street Improvement Bonds; second by Antonneau. Motion carried 8-0.
2. **Consider/act on Agreement for Municipal-Wide E-mail System Consolidation:** Sullivan stated that the Finance Committee asked staff to review further. No action at this time.

Personnel – Cochrane, Chairman, Morgan, Miller, secy

1. **Consider/act on Ratification of 2009 – 2011 AFSCME Contract:** Miller reported that the City has come to an agreement with the AFSCME Union for the 2009-2011 contract period. The provisions of this agreement are consistent with contracts recently settled by the police, dispatch and IBEW unions. Personnel Committee reviewed and recommend unanimously. Motion by Miller to approve ratification of the 2009-2011 AFSCME Contract; second by Cochrane. Motion carried 8-0.

Protection and Welfare – Schmitter, Chairman, Kohlenberg, Miller, secy.

1. **Consider/act on Reserving the July 1, 2009 Available “Class B” Liquor License for the Downtown:** Miller reported that Committee took no action on this item, due to receipt of an application for this available license. No action by Council.

Plan Commission:

- A. **Consider/endorse Resolution by Plan Commission to Amend the City of Oconomowoc Comprehensive Master Plan to Incorporate the Downtown Waterfront Master Plan and Parking Solutions:** Antonneau reported the Plan Commission approved unanimously the resolution to amend the Comprehensive Plan to incorporate the Downtown Waterfront Master Plan & Parking Solutions prepared by Hitchcock Design Group and is seeking endorsement by Council. Motion by Antonneau to endorse the Plan Commission’s resolution to amend the City’s Comprehensive Master Plan to incorporate the Downtown Waterfront Master Plan and Parking Solutions; second by Cochrane. Council discussed at length various aspects of the plan, i.e. height of buildings, water features, parking lot, roadway, boat launch, value of real estate, cost and traffic. Sullivan asked President Antonneau to take his chair (8:37 pm.) Sullivan stated that the issue before Council is an identified goal for a promenade. The parking lot has been in existence for a long time and when the Committee put together a plan for less road and lot, the response was negative. Compromises have to be made and at this point the plan is not an engineering design, but rather a concept. Unless this plan is approved tonight, we can never get to the next step. All detail decisions will come back to Council for approval. Sullivan returned to his chair at 8:47 pm. Council further discussed roadway issues and the plan being a framework. Motion carried 6-2. Kohlenberg and Morgan voted no.
- B. **Consider/act on Ordinance to Zone Lands Recently Annexed to the City to SR-4 Suburban Residential (Gene Schaal Property – W372 N5406 Lapham Street) – 1st Reading:** Antonneau reported the rezone is from RA-35 (Temporary Zoning) to SR-4 (Suburban Residential) for a parcel of land located on N. Lapham Street. The rezoning is required to complete the recent annexation to the City that will allow the connection to City water and sewer. Plan Commission reviewed and recommends unanimously. Motion by Antonneau to give the ordinance its 1st reading; second by Cochrane. Chapman read the ordinance into the record. Motion carried 8-0.
- C. **Consider/act on CSM to Create One New Residential Lot located on the north side of Allen road, approximately 800 ft. east of Reddelien Road:** Antonneau reported the request is for approval of a CSM to create one new residential lot by dividing the existing dwelling from the remaining vacant, farm land. Lot #1 will be .483 acres and contains the existing dwelling and garage. Lot #2 will be 11.846 acres and contains a barn and silos. Plan Commission reviewed and recommends unanimously. Motion by Antonneau to approve the CSM to create one new residential lot located on the north side of Allen Road, approx. 800 ft. east of Reddelien Rd; second by Cochrane. Motion carried 8-0.
- D. **Consider/act on Ordinance to Rezone .483 acres of land located on the north side of Allen road to SR-3 Suburban Residential (Frontier Development Property) – 1st Reading:** Antonneau reported the rezone is for the land newly created by the approval of the CSM. The proposed rezoning will zone Lot #1 to SR-3, Suburban Residential. Lot #2 as will remain the same as RA, Rural Agriculture. The Plan Commission reviewed and recommends unanimously. Motion by Antonneau to give the ordinance its 1st reading; second by Cochrane. Chapman read the ordinance into the record. Motion carried 8-0.
- E. **Consider/act on Condominium Plat of Valley Road Commons that converts the Brennan’s Marketplace Development into four (4) units located at NE corner of Valley Road and STH 67:** Antonneau reported the request is for a condominium plat to create four units in the Valley Road Commons development, located at the northeast corner of Valley Road and STH 67. This plat will not change the GDP, zoning or anything else on the property that has already been approved. This change will ease the process of obtaining financing for construction of the buildings. Plan Commission reviewed and recommends unanimously. Motion by Antonneau to approve the condominium plat for Valley Road Commons; second by Cochrane. Motion carried 8-0.

- F. **Consider/act on Re-approval of the Preliminary Plat for Arrowood Subdivision, a residential development located at approximately 560 Oconomowoc Parkway:** Antonneau reported this is a re-approval of the Arrowood Subdivision preliminary plat. The proposed subdivision was initially approved in 2005 and re-approved in 2007. State statutes require re-approval of the plat if the final plat is not submitted within 24 months after the last required approval of the preliminary plat. Plan Commission reviewed and recommend unanimously. Motion by Antonneau to approve the re-approval of the preliminary plat for Arrowood Subdivision on Oconomowoc Parkway; second by Cochrane. Motion carried 8-0.

New Business:

- A. **Consider/act on Resolution Supporting Intercity Passenger Rail Service between Chicago and the Twin Cities through Oconomowoc:** Sullivan reported that in April 09 WisDOT and City staff met to discuss the development of a train station in Oconomowoc. WisDOT will be applying for funding to implement the passenger rail service that would include funding for the Oconomowoc station. Duffy stated that three locations in the downtown, for the station platform and parking up to 130 vehicles, are being researched. The City just received the dimensions (platform size) this week and WisDOT is reviewing traffic flow. It is expected that six to ten trains a day, going in each direction, will stop here. A second track will be installed and some crossings will need to be rebuilt. The resolution does not commit the City to absorb any costs. Motion by Antonneau to adopt the resolution supporting intercity passenger rail service between Chicago and the Twin Cities; second by Cochrane. Council had some questions on the quiet zone, cost to taxpayers, acquiring frontage and eminent domain. Duffy responded that staff has questions to the DOT. Motion carried 8-0.
- B. **Consider/act on Resolution Granting 45 Renewal 2009 – 2010 Alcohol Beverage Licenses:** Sullivan stated that this resolution covers 45 renewal liquor and fermented malt beverage licenses for the July 1, 2009 - June 30, 2010 period. All premises/licensees comply with City and State requirements. Motion by Antonneau to adopt the resolution granting 45 renewal 2009-2010 alcohol beverage licenses as listed; second by Cochrane. Motion carried 8-0.
- C. **Consider/act on Resolution to Deny Application for a new 2009 – 2010 Alcohol Beverage License for Landsharks Sports Bar, LLC:** Coenen stated that the former owner, James Johnson (JJ's), closed its doors and surrendered the "Class B" license on 2/20/09. Rick Garvens, took back ownership of the property and reopened the business as Ricky's on March 17th with a new "Class B" license. Garvens did not apply for renewal because he is leasing the building to Kim Stukel, who will own and operate Landsharks. However, the premise has delinquent taxes and utilities. Stukel has indicated the delinquencies will be paid by June 23rd. The City Clerk recommends postponing action on this license until June 23rd. Motion by Kohlenberg to postpone action on the resolution denying the new 2009–2010 "Class B" License for Landsharks Sports Bar, LLC until June 23, 2009; second by Cochrane. Motion carried 8-0.

Sullivan introduced the next four agenda items and stated the resolutions are for the intent not to renew the "Class B" alcohol licenses because the premises/licensees are not in complete compliance with City Code, Section 12.04(5)(i) and State Statutes. The recommended action would be to adopt the resolution, direct the City Clerk to send notice of the intent not to renew the license and set a hearing date of June 23, 2009 at 5:30 pm.

- D. **Consider/act on Resolution Expressing Intent not to Renew 2009 – 2010 Alcohol Beverage License for KS Golf, LLC and Direct City Clerk to send Notice of such Intent to Licensee and set Hearing Date:** Motion by Kohlenberg to renew the 2009 – 2010 Alcohol Beverage License for KS Golf, LLC on the condition all delinquencies are paid by June 30, 2009; second by Schmitter. Sullivan explained that the licensee must be given proper notice of the intent not to renew. Council questioned the wording of the resolutions, specifically the word "deny." Chapman confirmed the City must give proper notice of denial and allow the licensee a hearing before Council. Motion failed 0-8. Motion by Antonneau to adopt the resolution expressing intent not to renew 2009 – 2010 Alcohol Beverage License for KS Golf, LLC, direct City Clerk to send notice of such intent to licensee and set the hearing date on Tuesday, June 23, 2009 at 5:30 pm; second by Cochrane. Motion carried 8-0.
- E. **Consider/act on Resolution Expressing Intent not to Renew 2009 – 2010 Alcohol Beverage License for Porticello, Inc. and Direct City Clerk to send Notice of such Intent to Licensee and set Hearing Date:** Motion by Antonneau to adopt the resolution expressing intent not to renew 2009 – 2010 Alcohol Beverage License for Porticello, Inc., direct City Clerk to send notice of such intent to licensee and set the hearing date on Tuesday, June 23, 2009 at 5:30 pm; second by Cochrane. Motion carried 8-0.

- F. **Consider/act on Resolution Expressing Intent not to Renew 2009 – 2010 Alcohol Beverage License for The CornerStone of Oconomowoc, LLC and Direct City Clerk to send Notice of such Intent to Licensee and set Hearing Date:** Motion by Nold to adopt the resolution expressing intent not to renew 2009 – 2010 Alcohol Beverage License for The CornerStone of Oconomowoc, LLC, direct City Clerk to send notice of such intent to licensee and set the hearing date on Tuesday, June 23, 2009 at 5:30 pm; second by Cochrane. Motion carried 8-0.
- G. **Consider/act on Resolution Expressing Intent not to Renew 2009 – 2010 Alcohol Beverage License for Kwai Fong, Inc. (Fong's Garden) and Direct City Clerk to send Notice of such Intent to Licensee and set Hearing Date:** Motion by Nold to adopt the resolution expressing intent not to renew 2009 – 2010 Alcohol Beverage License for Kwai Fong, Inc., direct City Clerk to send notice of such intent to licensee and set the hearing date on Tuesday, June 23, 2009 at 5:30 pm; second by Cochrane. Motion carried 8-0.

Reports and comments from the Aldermen: Antonneau stated residents like the idea of the speed indicators. Kohlenberg received a call from the owner of Berkshire regarding space needs for the senior center. Berkshire has 800 sq. ft. of space available and would like to see it used for the seniors, although not without compensation. Kohlenberg stated he will be working to find out more details and would like to see this as an agenda item so Council can decide whether or not to accommodate the seniors. Sullivan encourages Kohlenberg to work with City staff. Chapman stated that the seniors sub-let the space at Berkshire from the City. Morgan complimented everyone involved with Imagination Station. The volunteer turnout was amazing and it was a great effort by all.

Reports and comments from the Mayor: Sullivan stated that our utilities received an Award from the Business Journal.

Motion by Cochrane to adjourn the Common Council meeting; second by Miller. Motion carried 8-0. The meeting adjourned at 9:45 PM.

Diane Coenen, City Clerk