

**CITY OF OCONOMOWOC**  
**COMMON COUNCIL MEETING MINUTES**  
**July 7, 2009**

**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 Kohlenberg

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

**Others present:** Atty. Chapman and Stan Sugden

**Minutes of June 16, 2009:** Motion by Cochrane to approve the minutes of the June 16<sup>th</sup> meeting as written; second by Antonneau. Kohlenberg clarified that in Item D. under New Business his motion was stated incorrectly. He intentionally removed the words "intent to deny" from the resolution motion. Motion by Kohlenberg to amend the minutes reflecting the phrase "intent to deny" was not part of his motion; second by Antonneau. Motion carried 8-0. Original motion carried 8-0.

**Comments and suggestions from citizens:**

**A. Presentation on Community Center Economic Analysis & Feasibility Study:** Ray Maurer introduced Matt Wolfert from Bray Architects, along with Steve Brunner from Ruekert-Mielke, who has been working with City staff, administration and Park & Recreation on a programming study, economic analysis and site selection for a new community center. A Power Point presentation was given and a copy of the power point was handed out to the Council. Wolfert explained they used an 11,500 sf template which represents the current building and applied that to the three sites being considered. The first site is the former YMCA, which is located southeast of the downtown. It would need to be brought up to code with mechanical, electrical systems, etc., but the main building would generally remain as is with some interior renovations and a new service drive. He noted if the Park & Rec were moved to this site, a new bathhouse would have to be provided at City beach. The second site, which is known as the downtown site, is located on the southeast corner of Worthington and Wisconsin Ave. (directly across from the city beach). The land is currently owned by the City and two more parcels east of the property would have to be purchased in order to construct a new building on this site. A benefit to this site would be shared programming and parking with the Library, the boat launch, City beach and views over Lac LaBelle. The third site is the existing Community Center. The biggest challenge to this site is the intensity of uses during a similar time frame. The site is viable with its challenges as well as the floodplain and setback concerns. There would also be challenges with any future potential expansions.

Brunner explained his firm has been working with the City to evaluate opportunities for enhanced outdoor recreation along the Lac LaBelle lakefront, City beach and boat launch. Their focus has been on opportunities for changes at City beach and the boat launch should the community center be relocated to another site or if it is rebuilt on the existing site. The first concept, Alternative A, is based upon the community center being built in an alternative area and no additional property being acquired. The existing boat launch would be relocated to the existing west property line of the community center property which would create a more functional boat launch layout and completely separates the boat launch from the parking area. The sand beach area would be expanded by an additional 5,500 sf and a half acre of green space would be added. Alternative B is the same as the first except they propose the City acquire one additional property to the west which is currently residential. This would allow the boat launch to be moved further to the west. The sand beach would be expanded an additional 5,500 sf and additional green space areas would be created which could allow for volley courts, horse shoes, etc. The third concept, Alternative C, would require the acquisition of three properties immediately east of City beach, which would allow for expansion of the sand and green space areas for an additional .82 acres of land and 170 ft of frontage on Lac LaBelle.

Sullivan noted information on costs associated with these options will be available at a future Park & Recreation Meeting. The members will then prioritize the options and prepare a recommendation which will go either to the Plan Commission or the CDA, and then on to Council. Maurer explained numbers are expected late this week and if there are no questions or issues, this item may go to the Park & Recreation Board next Monday or in August.

**B. Comments from Citizens:**

1. Mary, Ean, Rebecca and Evan Kohlenberg, 604 LaBelle Avenue, stated husband/father Gary, put together concert series 7 years ago and the children enjoy announcing the bands. They asked that this not be taken away from them.
2. Stu Wangard, 4525 N. Hewitt's Point Rd, has been a sponsor of summer concert series and asked that as long as the venue is not being used for political or personal purposes, any sponsor, volunteers or persons who helped organize it be allowed to announce the bands.

3. Charles Kilander, 1224 W. Wisconsin Avenue, friend of Ald. Kohlenberg, believes he deserves to be allowed to announce.
4. Peter Holmes, 237 Shore Circle, encourages Aldermen to watch the replay of tonight's meeting and notice how they lean back in their chair which causes them to be hard to hear at home. He is also in support of Ald. Kohlenberg's request for a work space at City Hall, e-mail, letterhead and business cards.
5. Ald. Kohlenberg gave the Clerk letters in support of his announcing the summer concert series from: Matt Dawson, Craig Coursin, Mark Peppel, and Richard Cook. Copies were made and distributed to the Aldermen.

**Consent Agenda:**

- A. Licenses
  - B. Electric Utility Easement-Pabst Farms Land Company I, LLC (Oconomowoc Parkway East)
  - C. Sanitary Sewer Easement – Valley Road Development, LLC (Valley Road Commons)
  - D. Quit Claim Deed – Bielinski Holdings, LLC (Water Tower Site Access – Wood Creek V)
- Motion by Miller to approve the Consent Agenda; second by Cochrane. Motion carried 8-0.

**Committee Reports:**

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

1. **Consider / act on Resolution for Cleaning Service Contract for City Buildings:** Larsen reported proposals were received for a cleaning service for all City buildings. Public Services reviewed and recommend the low proposal of Kleanline LLC. Motion by Larsen to adopt the resolution for the cleaning service contract of Kleanline, LLC; second by Nold. Motion carried 8-0.
2. **Consider / act on Resolution for Purchase of a Front-End Loader:** Larsen reported DPW received quotes for a new front-end loader and a demonstrator unit which met all specifications. Public Services reviewed and recommend the demonstrator unit from Yale Equipment in the amount of \$136,405.77 which was the low bid. Morgan was concerned with the 3 cubic yard bucket and if the tractor body could handle the weight when it was full. Frye stated it would be able to. Motion by Larsen to adopt the resolution for the purchase of a front-end loader from Yale Equipment in the amount of \$136,405.77; second by Nold. Motion carried 8-0.

Utility – Antonneau, chairman, Larsen, Nold, secy.

1. **Consider / act on Resolution for Lily Road Pump Station Upgrade Project #0902:** Nold reported bids were received for mechanical and electrical upgrades to the sanitary sewer pump station which services Green Meadows and Park View Meadows. Rawson Contractors was the low bid but failed to supply the required safety program information. The Utility committee reviewed and recommends the next lowest bid of Faust Company in the amount of \$131,745.00. Motion by Nold to adopt the resolution for the Lily Road Pump Station Upgrade Project #0902; second by Larsen. Larsen questioned how this would affect the appearance of the current site on Lily Road. Steinbach stated the current station stands 3 – 4' above the pavement and is 10' in diameter overall. When the project is done, there will be flush hatch doors and concrete slabs with one small electrical pedestal so it should improve the corner. Motion carried 8-0.
2. **Consider / act on Resolution for Phase IV of the WTF Concrete Coatings Project #0903:** Nold reported bids were received for the last phase of the concrete coatings project at the Wastewater Treatment Plant. The Utility Committee reviewed and recommends the low proposal of Howard Grote & Son in the amount of \$48,652.00. Motion by Nold to adopt the resolution for the WTF concrete coatings project; second by Larsen. Motion carried 8-0.
3. **Consider / act on Ordinance to Create § 13.49(11) Relating to Chloride Reduction in Wastewater - 1<sup>st</sup> Reading:** Nold reported this ordinance would require all new or replacement water softeners in the City of Oconomowoc to be "Demand" based and all outside hose bids be plumbed to non-softened water. This is an attempt to lower the number of chlorides entering the Wastewater Treatment Plant through the sanitary sewer collection system. Motion by Nold to give the ordinance its 1<sup>st</sup> reading; second by Antonneau. Chapman read the ordinance into the record. Schmitter inquired if existing water softeners are grandfathered in which Gard agreed is the case until they are replaced. Motion carried 8-0.

**Unfinished Business:**

- A. **Consider / act on Ordinance to Zone Lands Recently Annexed to the City to SR-4 Suburban Residential (Gene Schaal Property - W372 N5406 Lapham Street) – 2<sup>nd</sup> Reading:** Motion by Antonneau to give the ordinance its 2<sup>nd</sup> reading in title only; second by Cochrane. Chapman read the title into the record. Motion carried 8-0. Motion by Nold for the ordinance to become law; second by Miller. Motion carried 8-0.
- B. **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) – 2<sup>nd</sup> Reading:** Motion by Antonneau to give the ordinance its 2<sup>nd</sup> 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.

## Staff Reports

- A. **WPRO Professional of the Year Award to Ray Maurer:** Gard announced Ray Maurer, Parks, Recreation and Forestry Director has been chosen as the 2008 Professional of the Year by the Wisconsin Park & Recreation Association. He was selected for his 15 years of service to the field of park & recreation as well as his commitment, dedication and enthusiasm to the industry. Gard congratulated him on this award. The Mayor commented on the leadership role Maurer had with the building of the Imagination Station playground.

## Reports and comments from the Aldermen

- A. **Discussion on Aldermen Communications with City Staff – Alderman Kohlenberg:** Kohlenberg stated this item is about the Aldermen not being able to talk directly to City staff due to a directive from the City Administrator which requires all information requests go to her first and she then passes it along to the correct person or department. He wants to be able to talk to anyone without being reprimanded for doing so. Gard handed out information and stated Council created the administrator position to have professional management of staff and to handle day-to-day operations. There have been only 2 times where this has been an issue; in 2002 when Kohlenberg became Mayor and now since he became an Alderman. The City is a \$65 million operation and the Council makes decisions as a collective body. It is important that all Aldermen get the same information which is also subject to the open records law. The communication procedure ensures that open records are maintained and available. She stated she has received 3 requests from 3 Aldermen and 62 requests from Kohlenberg since the April election. In addition, there have been 170 communications between staff to gather the requested information which she estimates has taken her and staff 70 hours. Gard was concerned if individual Aldermen go directly to staff it will be hard to ensure that all Council members receive the same information. In addition, staff will come to her for direction on priority issues related to the requests. She believes this would be a recipe for a dysfunctional organization. While some requests should be responded to, the volume and time consumed interferes with staff's other responsibilities. Gard concluded if this continues, other alternatives will need to be explored. Kohlenberg stated most of his requests are open record requests and his requests of staff have nothing to do with these. He questioned how he can make an informed decision that affects the City if he is not entitled to receive open record requests. He believes his requests are data collection so he can better serve his district.
- B. **Discussion on Summer Concerts at City Beach – Alderman Kohlenberg:** Kohlenberg stated the Mayor decided not too long ago, along with Gard, that he is not allowed to announce summer concerts. He started the concert series 7 years ago and has been involved with every part of it, except the decision that he and his family are not allowed to announce the shows. He was not told this by the Mayor but was informed of this decision in an e-mail by a member of City staff. Kohlenberg then read one of the letters which he had added to the record during Citizen Comments which supports his request. He stated there have been no complaints over the last 7 years on his announcing concerts with the exception of the last 90 days when he became an Alderman. He stated he has helped and is directly responsible for raising over \$100,000 in funds for this series and has stopped raising money when he became an alderman. Kohlenberg also thinks there is an inconsistency since as an alderman, he is not able to announce concerts but the Mayor was able to make remarks during the July 25<sup>th</sup> American Legion Band dedication concert. Morgan clarified he asked the Mayor to speak at the American Legion concert. Kohlenberg said he had no issue with the Mayor's speaking but was concerned because it's okay for the Mayor to speak but he can't. Mayor Sullivan acknowledged that though Kohlenberg started the summer series and raised a lot of money, this had no bearing on his decision. He based his decision on the events that occurred during the June concert series wherein Kohlenberg gave direction to City staff and sent home police officers. He stated aldermen or volunteers do not manage events in the City, staff does. Because of this, the Mayor directed Maurer to handle announcements at the summer concert series. Kohlenberg stated he did not do what a park & rec staff member reported and then explained his view of the events that occurred during the June concert. He added he does not want to direct personnel and just wants the show to run smoothly. Gard stated she has previously brought concerns to Kohlenberg that in the position he is now in as an alderman, he is no longer a volunteer. As a Council member, whether it be fundraising or making announcements, there can be perceptions that an individual is in a position to influence decisions, whether true or not. She is not saying that he has but that there is the potential for that perception. Kohlenberg stated based upon this conversation with Gard that he stopped fundraising after he became an alderman, though money may have come in after his election. He asked Council to vote on this tonight and stated that he had previously asked the Mayor to allow this item on the agenda as an action item, which did not happen.
- C. **Discussion on Senior Center Space at Berkshire – Alderman Kohlenberg:** Kohlenberg asked Council to allow him to introduce David Weiss, owner of Berkshire to speak on how to better serve senior citizens in Oconomowoc. The Mayor clarified that he introduces individuals who wish to speak before the Council and then introduced Weiss, the owner of General Capital who developed Berkshire. Weiss stated they have been working with the City and Senior Center to facilitate getting the seniors additional space in the building. He suggested they could provide them with the old 4<sup>th</sup> former classroom in the old schoolhouse which they can no longer use in exchange for a little more rent and some of the utilities. They did not accept this and it was tabled about a year ago due to lack of funds. This came up again about 6 weeks ago by members of the Senior Center to find a way to get them the additional space. Kohlenberg stated he brought this item forward because he wanted the Council to know how important the Senior Center is to many people and how the City Administrator has repeatedly told the seniors that the City doesn't have the funds. He would like Council to consider negotiating with the property owner to have an expansion of the Senior Center. Gard explained that

over the last 5 years there have been many conversations with David Weiss and the seniors. The most recent occurred in August, 2008 at which time the seniors had indicated they could not pay the additional amount as proposed by Weiss for the additional space and the City was in the position of having to make \$600,000 in budget cuts and nothing was included in the budget for them. Gard reported this information to Council at the budget hearing last year. The City has always been supportive of the seniors and provided \$750,000 in financial assistance towards the Berkshire project and contributes \$6,000 annually towards the funding of their operation. Gard added that upon conclusion of the Berkshire project and execution of the lease agreement, the City's financial obligations were concluded. Suggestions have been made by the City to the seniors for additional financial resources. Maurer has recently offered to make space for them at the Community Center. Gard would love to see additional space for the seniors and recognizes the Center is an asset to the community. She concluded that if Council wants to consider additional funding, they should consider the impact when they look at the 2010 budget. The Mayor noted individual aldermen are not to be involved in negotiating contracts unless they are appointed to that process. Kohlenberg clarified he was not negotiating for the Berkshire space and is now presenting this item to Council for their decision.

- D. **Discussion on Request for City Letterhead Paper, Envelopes, Business Cards, Office Space, Computer and Email – Alderman Kohlenberg:** Gard noted Council members had information before them that staff had gathered which gave pricing for letterhead, envelopes, business cards and e-mail. There is also a new work space available for Council members off of Council chambers for their use. She concluded she is just looking for direction from Council regarding the purchase of these items. Kohlenberg explained his purpose for this agenda item was to get the identical product from the same printer for less money because he was concerned about how the City spends money. He noted City Hall priced letterhead for the Aldermen at \$960 while he found he could get letterhead for \$793.84 and City Hall quoted envelopes at \$840 and he could get them for \$641. His method of ordering would have an overall savings of \$350. In addition, he noted every Alderman would have 500 letterhead and envelopes which he thought was unrealistic. He stated if each of the Aldermen were given 125 letterhead and envelopes, using his method the price would drop to \$358. Kohlenberg felt the information the Council received from City staff was priced incorrectly with incorrect quantities. Gard noted when the City charges for shells, it is allocated among all departments. If the Council is going to be provided with letterhead, then their "department" would be charged the same as any other City department. Kohlenberg claimed he did this and inquired why the pricing is not correct. He stated he wanted to see Council move forward and order the proper amount using the correct pricing method. Sullivan stated he felt business cards for the Aldermen are reasonable and if the Council doesn't disagree, he will see that staff has standard business cards made up for all of them. He noted a room is available for their use right off the Council chambers and e-mail should be available in early fall. Sullivan noted again that Kohlenberg was acting on his own and that he didn't feel letterhead would be wise for Council members because there could be issues if individual Aldermen use letterhead to pursue further discussions or negotiations of items. He added he didn't feel there would be an issue if an Alderman needed to send a letter to a constituent and staff would assist with this. Kohlenberg added his main concern was more than the price of letterhead but with the pricing of larger more expensive items. He noted he will be requesting additional public record information and will disclose when City Hall and the purchasing department does purchasing incorrectly because that is part of his job as an Alderman. Larsen questioned if any of the Aldermen could get 10 stationary and envelopes a month and if more are needed, then the City Administrator or someone could make a note to the Council. He believed in some circumstances the request for letterhead could be legitimate though he really hadn't considered the Mayor's concerns. Morgan felt that providing letterhead would be a very unwise decision because it implies that a person has the authority to speak for the City, and it would open up a can of worms. Nold commented that while some of the items that have been discussed are worthwhile, there are much more important issues going on than summer concerts and letterhead like a long-time business closing in the downtown. He asked that Council get back to what they're supposed to do and try to get the community back to where it was rather than worrying about personal agendas. Antonneau noted that the City is losing a paint store run by Cliff Carlson that was in business 45 years due to it going out business and he will be missed.

Motion by Antonneau to convene into Closed Session; second by Cochrane. Motion carried 8-0. Closed Session convened at 9:37 pm.

**Closed Session: Motion to go into closed Session, per Wis. Stats. 19.85(1)(c) "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility." (City Administrator)**

Motion by Nold to adjourn the Common Council meeting; second by Cochrane. Motion carried 8-0. The meeting adjourned at 9:37 PM.

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Diane Coenen, City Clerk