

**CITY OF OCONOMOWOC**  
**COMMON COUNCIL MEETING MINUTES**  
**August 18, 2009**

**Mayor Sullivan** called the regular Common Council meeting to order at 7:40 PM.

**Pledge of Allegiance**

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

**Staff present:** Mayor Sullivan, Gard, Beguhn, Gallo, Lamp, Kitsembel, Duffy, Frye, Maurer, Leidel, Steinbach, Bednarski, Roush, Molitor and Coenen

**Others present:** Atty. Chapman

**Minutes of July 21, 2009 and August 4, 2009:** Motion by Cochrane to approve the minutes of the July 21<sup>st</sup> and August 4<sup>th</sup>, 2009 meetings as written; second by Antonneau. Motion carried 8-0.

**Comments and suggestions from citizens**

- A. Highground Hero's Tribute Presentation – Jim Fulmer and Mike Sly presented Mayor Sullivan with two plaques and an American flag, which was flown in Iraq and at half-mast in the City of Oconomowoc, in dedication for the Highground Hero's Tribute Ride of 1,500 miles honoring Wisconsin's "Killed in Action" service men and women from the Persian Gulf war to the current war in Iraq.
- B. Imagination Station Presentation – Maurer introduced Cathy Schreiber and Jen Hilander, members of the Oconomowoc Community-Built Playground Committee, who presented a slide show of the Imagination Station build. Sullivan stated the Oconomowoc Junior Women's Club came to the City with an idea and asked for City participation. Tremendous amounts of talent, money and people made this happen and the City is pleased to have been a part of it.

**Consent agenda:**

- A. Licenses
- B. Declaration of Property Conformance (606 E. Wisconsin Avenue)
- C. Utility Easement Agreement (Frontier Development, Inc.)
- D. Treasurer's Report

Kohlenberg requested that Item D. on the Consent Agenda be removed. Motion by Antonneau to approve Items A. – C. on the Consent Agenda; second by Cochrane. Motion carried 8-0. Motion by Antonneau to approve Item D. - Treasurer's Report on the Consent Agenda; second by Larsen. Motion carried 7-1. Kohlenberg voted no.

**Committee Reports:**

Finance –Larsen, chairman, Antonneau, Cochrane, secy

1. **Consider/act on Agreement for Municipal-Wide E-mail System Consolidation:** Cochrane reported that the Finance Committee recommends the migration to a new consolidated city-wide internet based email system by Municipal Mail. Nold raised concerns that only one bid was received. Molitor stated that after research by staff and the recommendation by PDS to accept Municipal Mail's original proposal, concerns were raised by Kohlenberg. The Finance Committee directed staff on June 16<sup>th</sup> to go through the formal RFP process. Staff sent RFP's to five vendors and advertised in the newspaper. Only Municipal Mail responded. This system is a stepping stone until the City gets an in-house server and all City buildings are connected through fiber optics. This is a month to month contract that can be ended at any time. Molitor stated he did make calls to find out why the other vendors did not respond and they stated they could not provide the service we requested. Motion by Cochrane to approve the agreement for Municipal-Wide E-mail System Consolidation; second by Antonneau. Motion carried 7-1. Kohlenberg voted no.

2. **Consider/act on Purchasing Policy Revisions:** Cochrane reported the proposed policy is more in depth and formalizes our current practices and procedures. Revisions were made that include changes in construction contracts, utility inventory purchases and professional service procurement. This policy provides reasonable assurance that the lowest cost, highest quality good or service is obtained, while balancing the need for flexibility in department operations. The Finance Committee reviewed and recommends unanimously. Motion by Cochrane to approve the Purchasing Policy Revisions; second by Antonneau. Nold stated he agrees with the majority of the policy, but would like some changes to the process of professional services. Kohlenberg agreed with Nold and proceeded to read a two page document and his recommended amendments into the record. Motion by Nold to amend the motion and send the purchasing policy revisions back to the Finance Committee and Common Council for further review on what was discussed; second by Cochrane. Motion carried 8-0. Motion by Nold to postpone action; second by Cochrane. Motion carried 8-0. Staff will review the recommended amendments and concerns, and report back to Committee and Council.

Public Services-Nold, chairman, Schmitter, Larsen, secy

1. **Consider/act on Change Order Number One for Street Pulverizing Project:** Larsen reported that this change order is due to the fact that we were unable to complete the televising of all of the sewers within the streets slated for maintenance last year. With the televising now finished, work needed to be completed on the 100 year old sanitary sewer line in Third Street and two other items were added to the pulverizing work. Public Services reviewed and recommend unanimously. Motion by Larsen to approve change order number one for the street pulverizing project in the amount of \$68,505.20; second by Nold. Motion carried 8-0.
2. **Consider/act on Change Order Number One for Street Reconstruction Project:** Larsen reported that this change order addresses several previously unknown conflicts between the sanitary sewer and storm sewer systems that were encountered in South Street, the cost of storm water quality items required by the DNR and deficiencies in the South and Blain Streets sanitary sewer mains. Public Services reviewed and recommend unanimously. Motion by Larsen to approve change order number one for the street reconstruction project in the amount of \$158,239.25; second by Nold. Kohlenberg questioned if the delay was caused by the wetland delineation being held back because of SEWERPAC, the lining of pipes and pipe replacement. Frye responded that they were unable to do their work because of snow on the ground and that the project had already been bid out before winter to obtain better pricing. He also stated that due to weather temperatures last year, the televising was not completed until this year. Motion carried 8-0.
3. **Consider/act on Resolution for Construction of ADA Accessible Path at Fowler Park:** Larsen reported that the Parks, Recreation and Forestry Department advertised for bids for the construction of an ADA accessible path to provide access to the new fishing pier recently installed at Fowler Park. The work also includes installation of some retaining walls incorporating field stone similar to what was used along the Fowler Park shoreline. Public Services reviewed and recommend the low bid of Grade Tech Pavers, Inc. for \$25,059.00. Maurer stated that railings will be added in some sections. Motion by Larsen to adopt the resolution for construction of the ADA accessible path at Fowler Park by Grade Tech Pavers, Inc. in the amount of \$25,059.00; second by Cochrane. Motion carried 8-0.

#### Plan Commission:

- A. **Consider/act on Conditional Use Permit for JM Development, LLC for a Group Development located at 1815 Executive Drive:** Antonneau reported that the CUP is for operation a group development at 1815 Executive Drive that will contain up to a maximum of five tenants. The owners expect future tenants to include office, warehouse or light manufacturing businesses. Plan Commission reviewed and recommends unanimously. Motion by Antonneau to approve the CUP for JM Development, LLC for the operation of a group development at 1815 Executive Dr.; second by Cochrane. Motion carried 8-0.
- B. **Consider /act on Ordinance to Create Section 20.15(2)(b) Relating to Waukesha County Flood Storage District Maps – 1<sup>st</sup> Reading:** Antonneau reported in November 2008, Council approved updates to the City's floodplain ordinance. The Department of Natural Resources is now requiring the City to amend its floodplain ordinance to include recently created flood storage district maps. Plan Commission reviewed and recommends unanimously. Motion by Antonneau to give the ordinance its first reading; second by Cochrane. Chapman read the ordinance into the record. Motion carried 8-0.

**Old Business:**

1. **Consider / act on Ordinance to Amend §8.06(3)(j)1.e. Relating to Sidewalk Seating Standards Restrictions – 2<sup>nd</sup> Reading:** Motion by Nold to give the ordinance its second reading in title only; second by Cochrane. Chapman read the title into the record and stated the second reading was previously postponed due to the recommendations submitted by DOMA. Staff reviewed and recommends adoption of the ordinance as is. Motion carried 8-0. Motion by Nold for the ordinance to become law; second by Cochrane. Motion carried 8-0.
2. **Consider / act on Ordinance to Repeal Certain Definitions in §17.034 and Amend §17.105(3)(h)2.a. , §17.105(3)(i)2.c and §17.203(4) and Repeal and Recreate Section §17.206(4)(p) all Relating to Sexually Oriented Uses – 2<sup>nd</sup> Reading:** Motion by Antonneau to give the ordinance its second reading in title only; second by Cochrane. Chapman read the title into the record and stated the caption read into the record on August 4<sup>th</sup> was from a draft version, not the final version. Motion carried 8-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 8-0.

**New Business:**

- A. **Consider/act on Resolution Accepting the Donation of Imagination Station from the Oconomowoc Community-Built Playground Committee:** Sullivan stated that on 11/18/08 Council entered into an agreement with the Oconomowoc Community-Built Playground Committee and the Oconomowoc Junior Women's Club to participate in the construction of a new playground. Imagination Station is complete, and per the agreement, the playground is to be dedicated to the City for recreational use and the benefit of the public. Parks & Recreation Board recommend acceptance. Motion by Cochrane to adopt the resolution accepting the donation of Imagination Station from the Oconomowoc Community-Built Playground Committee; second by Miller. Motion carried 8-0.
- B. **Consider/act on Resolution Granting 2009-2010 "Class A" License to JRGB, Inc. (Fresh and Green Market, 650 E. Wisconsin Avenue):** Sullivan stated that this resolution grants a new "Class A" license for the sale of fermented and intoxicating beverages at a new organic grocery store, Fresh and Green Market. The City has no quotas on Class A licenses, which are issued for the sale of alcoholic beverages in original packages for off-premises consumption. The applicant meets all Chapter 12 licensing requirements. Motion by Cochrane to adopt the resolution granting a 2009-2010 "Class A" License to JRGB, Inc.; second by Antonneau. Motion carried 8-0.

**Reports and comments from the Aldermen:** Nold questioned if we have interested parties in redeveloping the City property by the roundabout, why are no developer's looking at the Herro property across from City Hall. He feels staff should look into this. Larsen thanked everyone who made the Wizard of Oz and Festival Week activities happen and for all their work. Miller stated he liked the street dance being held in the middle of the street. Antonneau stated again that he thinks it would be very fitting to place a plaque on the new ADA pier in honor of Erwin Pockelwald and his 40 years of care.

Motion by Cochrane to adjourn the Common Council meeting; second by Miller. Motion carried 8-0. The meeting adjourned at 8:50 PM.

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Diane Coenen, City Clerk