

**CITY OF OCONOMOWOC**  
**COMMON COUNCIL MEETING MINUTES**  
**September 1, 2009**

**Mayor Sullivan** called the regular Common Council meeting to order at 7:30 PM.

**Pledge of Allegiance**

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

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

**Others present:** Atty. Chapman

**Minutes of August 18, 2009:** Motion by Cochrane to approve the minutes of the August 18<sup>th</sup>, 2009 meeting as written; second by Antonneau. Motion carried 8-0.

**Consent agenda:**

A. Licenses

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

**Committee Reports:**

Finance –Larsen, chairman, Antonneau, Cochrane, secy

- 1. Consider/act on Resolution Authorizing the Issuance of \$5,000,000 General Obligation Promissory Notes and the Issuance and Sale of \$5,000,000 Note Anticipation Notes in Anticipation Thereof:** Cochrane reported that on 8/4/09 Council approved proceeding with the extension of the short-term financing for another two years of the \$5M note anticipation notes for TID #4. The Finance Committee reviewed and recommends unanimously. Kitsembel stated that originally the debt was structured as short term to allow time for the TIF District to become established and generate increment. The note will mature on 10/1/09 and the best alternative is to extend it to the maximum allowable time of five years because the TID needs \$8M to come to fruition to generate enough increment to pay it back. The current interest rate is 4% and the coupon rate for the extension is 1.75%. The sale of the short-term notes occurred prior to the Council meeting and the details are in the revised resolution at Council stations. Motion by Cochrane to adopt the resolution authorizing the issuance of \$5M General Obligation Promissory Notes and the issuance and sale of \$5M Note Anticipation Notes in Anticipation Thereof; second by Antonneau. Motion carried 8-0.
- 2. Consider/act on Resolution for Purchasing Policy Revisions:** Cochrane reported that the Finance Committee has worked on the purchasing policy revisions for the last two months and unanimously recommend approval. There was discussion among Council members regarding the language in professional services, why we have hired professional services to represent the City without Council approval and change orders. Kitsembel explained that staff drafted language addressing services that are used more on an as-needed basis that are identified in the budget and language for unique situations, which are not planned for or identified in the budget. In the latter instance, it proposed staff would estimate the cost and go through the purchasing policy requirements for approvals. Staff also drafted language that requires Council to be notified in writing of change orders. Council had further discussion on the reasons for hiring professional services without Council approval beforehand. Council agreed they wanted to know why, how much and where the cost of special services would be charged before the professional is hired, in writing. Sullivan stated staff could create a specific section addressing attorneys. Motion by Cochrane to approve the purchasing policy revisions; second by Antonneau. Motion failed 0-8.

- 3. Consider/act on Resolution Ratifying Services of Professionals and/or Consultants Authorized by City Officials:** Cochrane reported that this resolution ratifies agreements with professionals or consultants that may have been hired in the past by employees or officials beyond the terms of the policy and procedure. The Finance Committee reviewed and unanimously recommends. Nold requested the resolution be read into the record. Chapman read the resolution and added that if the hiring of professionals could have been done by Council, it is appropriate and lawful to ratify the actions from 9/1/09 to previous actions. There was discussion among Council members regarding ratification of past actions, why it is needed and what are the repercussions if it is not done. Chapman stated the City has already received the benefits of these services, it corrects any potential for complaints and that nothing would happen as the professionals have all been paid for their services. Kohlenberg recited from the 2007 City Procurement Policy and State Statutes stating that Council has always had the authority for approval of professional services. Motion by Cochrane to adopt the resolution ratifying services of professionals and/or consultants authorized by city officials; second by Antonneau. **Motion failed 2-4-2. (Nold, Kohlenberg, Miller and Schmitter voted no and Larsen and Morgan abstained.)**

**Unfinished Business:**

- A. **Consider / act on Ordinance to Create Section 20.15(2)(b) Relating to Waukesha County Flood Storage District Maps – 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. Motion carried 8-0. Motion by Cochrane for the ordinance to become law; second by Antonneau. Motion carried 8-0.

**New Business:**

- A. **Consider/act on Resolution Disallowing Claim of Jarrod Paddock:** Sullivan stated that a claim was filed on 8/4/09 by Paddock alleging his vehicle was damaged when it struck a protruding manhole cover on the 900 block of Armour Road. Our insurance company has reviewed the claim and recommends denial based on the fact that there was no negligence on the part of the City and the City had no prior notice of any defective street condition at the location of the manhole. Motion by Antonneau to adopt the resolution disallowing claim of Jarrod Paddock; second by Cochrane. Motion carried 8-0.

Motion by Larsen to convene into Closed Session; second by Cochrane. Motion carried 8-0. Closed Session convened at 8:17 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." (W. Wisconsin Avenue)

Motion by Antonneau to adjourn the Common Council meeting; second by Cochrane. Motion carried 8-0. The meeting adjourned at 8:17 PM.

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Diane Coenen, City Clerk