

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
September 15, 2009

Mayor Sullivan called the regular Common Council meeting to order at 7:41 PM.

Pledge of Allegiance

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

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

Others present: Klaus Lemke, Miron Construction Co., Inc.

Minutes of September 1, 2009: Motion by Cochrane to approve the minutes of the September 1st, 2009 meeting as written; second by Antonneau. Motion carried 8-0.

Consent agenda:

- A. Licenses
- B. Resolution Exempting the City from the Waukesha County Library Levy for 2010
- C. Contract for Annual Sidewalk Project #1279-09 - Marvin Gleason Contractor, Inc.
- D. Contract on Fire Station Concrete Work – Project #1284-09 – Marvin Gleason Contractor, Inc.
- E. Treasurer's Report

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

Committee Reports:

Finance –Larsen, chairman, Antonneau, Cochrane, secy

1. **Consider/act on Resolution Retaining Larry Kilduff as Development Consultant for Pabst Farms Town Centre Project:** Cochrane reported that the City uses an outside consultant for the proposed large scale retail development project in the Pabst Farms Town Centre. The Finance Committee unanimously recommends retaining Kilduff. Council had questions regarding time frame of agreement, the length of time the City has used Kilduff's services and cost. Duffy stated the engagement letter does not have a defined time frame. Kilduff's services are used on an as needed basis to assist the City with understanding larger market forces that affect retail, commercial and mixed use developments as well as helping to refine the GDP proposal. Kilduff has attended in 2008 approximately a dozen meetings at a cost of \$17,000 to the City and to date in 2009 the cost is approximately \$5,500. Motion by Cochrane to adopt the resolution retaining Larry Kilduff as Development Consultant for Pabst Farms Town Centre Project; second by Larsen. Council had discussion on defining a time frame for the agreement. Motion by Kohlenberg to amend the resolution whereas this contract shall last for twelve months from today; second by Nold. Kohlenberg proposes that staff provide expenditures to date and bi-weekly updates of how much is spent since the last Council meeting. Gard stated that staff would need to set up a code in our accounting system to identify the accounts in order to generate a report. Amended Motion carried 7-1. Larsen voted no. Main motion carried 8-0.

Personnel - Cochrane, chairman, Morgan, Miller, secy.

1. **Consider/act on Resolution Retaining Ron Stadler as Labor Attorney:** Miller reported that the City uses an outside attorney as needed for labor issues. Stadler has been used since 1991 to assist the City in labor negotiations, grievance disputes, general labor matter consultation and personnel policy development. The Personnel Committee recommends unanimously. Motion by Miller to adopt the resolution retaining Ron Stadler as Labor Attorney; second by Nold. Kohlenberg has concerns that the resolution could be interpreted to approve legal counsel services in the past. Motion by Kohlenberg to amend the resolution to remove the words "continuing to" from the 3rd whereas and changing "utilize" to "utilizing." Motion died for lack of a second. Motion carried 8-0.

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

1. **Consider/act on Resolution Approving Agreement Between City of Delafield Fire Department and City of Oconomowoc Fire Department for Emergency Medical Technician-Paramedic Intercept Services:** Miller reported that this agreement between the Cities of Delafield and Oconomowoc Fire Departments enhances the level of emergency services to citizens served by the Oconomowoc Fire Department by allowing the City of Delafield Fire Department to respond to the scene of an accident or intercept an Oconomowoc ambulance en-route to the hospital to assist and supplement the EMT's on the scene with paramedic care. Protection & Welfare recommends unanimously. Motion by Miller to adopt the resolution approving the agreement between City of Delafield Fire Department and City of Oconomowoc Fire Department for Emergency Medical Technician-Paramedic Intercept Services; second by Antonneau. Motion carried 8-0.

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

1. **Consider/act on Resolution for Fire Station #2 Bid Package #1 - Site Work:** Larsen reported that Public Services had reviewed the five bids for earthwork, asphalt paving, site concrete, site utilities and building foundations for Fire Station #2 and recommend unanimously. Motion by Larsen to adopt the resolution for Fire Station #2 Bid Package #1 Site Work as presented; second by Nold. Kohlenberg stated he made a public request for how much money has been spent on the Fire House and has not received a response yet. He then asked if any work had been done yet and where it has been charged. Kitsemel responded that only some utility work, i.e. laterals, etc. have been done and charged to the Fire Station account. Gard stated that his record request has not been completed yet. Motion carried 8-0.

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

1. **Consider/act on Resolution for Summit Substation Final Grade Preparation Contract:** Nold reported that the Electric Utility requested bids for contracting of the Summit Substation final grade preparation as part of the Electric Substation Expansion Project. One bid was received from Terry's Excavating, Inc. in the amount of \$39,456 and the Utility Committee recommends unanimously. Motion by Nold to adopt the resolution for Summit Substation Final Grade Preparation Contract by Terry's Excavating, Inc. in the amount of \$39,456.00; second by Larsen. Motion carried 8-0.

New Business:

- A. **Consider/act on \$10,000 Reserve "Class B" Alcohol Beverage Grant – Porticello, Inc. (Tony Pipito, Agent):** Miller reported that Protection & Welfare approved the grant in the amount of \$10,000 minus the citation fee of \$2,875. Motion by Miller to approve the grant in the amount of \$10,000 minus the citation fee of \$2,875; second by Kohlenberg. Coenen reported that Pipito, owner of Porticello applied for a \$10,000 Reserve "Class B" Alcohol Beverage Grant and per the conditions of the City's adopted grant resolution, the applicant does not comply with all the requirements and therefore the recommendation is to deny the grant. Coenen further stated that if Council decides to approve the grant, the recommendation is for the grant to be \$10,000 minus the delinquent citation and associated fees for a total grant of \$5,911. Motion by Nold to amend the grant amount to also deduct the collection and court fees of \$547 and \$667 for a total net grant of \$5,911; second by Larsen. Council acknowledged that the Conditional Use Permit requirements are now in compliance and the delinquent citation should have been paid before the grant application was submitted. Amended Motion carried 6-2. Kohlenberg and Miller voted no. Main Motion carried 8-0

Mayoral appointment:

- A. **Downtown Waterfront Advisory Committee – Rich Allen:** Motion by Nold to confirm the mayoral appointment of Rich Allen to the Downtown Waterfront Advisory Committee; second by Miller. Motion carried 8-0.

Motion by Antonneau to adjourn the Common Council meeting; second by Cochrane. Motion carried 8-0. The meeting adjourned at 8:19 PM.

Diane Coenen, City Clerk