

**CITY OF OCONOMOWOC**  
**COMMON COUNCIL MEETING MINUTES**  
**November 16, 2010**

**Mayor Daley** called the regular Common Council meeting to order at 7:35 PM.

**Pledge of Allegiance**

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

**Excused:** Alderman Slattery

**Staff Present:** Mayor Daley, Gard, Beguhn, Gallo, Kitsembel, Duffy, Frye, Lamp, Kelliher, Steinbach, Bednarski, Roush, Pfister, Leidel, McKenna, Dodge and Coenen

**Others present:** Atty. Chapman

**Public Hearings:**

**CANCELLED – 7:30 PM:** *The purpose of the public hearing is to hear comment on the application of John Kelliher of the City of Oconomowoc Parks, Recreation & Forestry Dept to amend the Park and Recreational Component of the City of Oconomowoc Comprehensive Land Use Plan 2010-2030. Specifically, the amendment changes elements within the Park and Open Space Plan, which is a component of the City's Comprehensive Plan, to include goals and objectives, existing park inventory, identify future park and recreation facilities, updated action plan and improvement schedule, and updated maps.*

**7:30 PM:** The purpose of the public hearing is to hear comment on the application filed by Jeff Fowle of US Cellular, on behalf of St. Paul's Lutheran Church, to amend Section 17.206(7)(ca) of the City Zoning Ordinance relating to personal wireless service facilities. The proposed ordinance amends the approval process for wireless antennas that are located within or on existing structures.

The hearing opened at 7:39 PM. No comments were received. The hearing closed at 7:39 PM.

**7:30 PM:** The purpose of the hearing is to hear public comments on the 2011 Proposed City Budget.

The hearing opened at 7:40 PM. Kitsembel stated that the budget was reviewed by the Finance Committee and Committee-of-the-Whole. She next gave a Power Point presentation (10 slides) of the budget that included a Service Provider Comparison sheet. Kitsembel noted that since the year 2000, years 2009 – 2011 have had the lowest levy increases and that we are under the allowable levy limit. Additionally, revenue growth is not keeping pace with expenditures. No other comments were received. The hearing closed at 8:01 PM.

**Treasurer's Report:** Motion by Cochrane to approve the Treasurer's Report as presented; second by Nold. Motion carried 6 -1. Kohlenberg voted no.

**Minutes of November 2, 2010:** Motion by Cochrane to approve the minutes of the November 2<sup>nd</sup> meeting as presented; second by Miller. Motion carried 7-0.

**Comments and suggestions from citizens:**

- 1) Floss Whalen, 406 W. 3<sup>rd</sup> Street commented that roads are an issue and should not be cut out of the budget.
- 2) Bill Scheuer, 1286 Yosemite Road commented he is concerned with speculative spending, the City needs to do more to address current problems and that the poor condition of the roads will not present a good picture to prospective residents and businesses.
- 3) Lola Loepfe, 304-311 Valley Road referenced an email she sent to the City in regards to the Wangard development on Hwy P and stated that she disagrees with the disaster bond money being used for the project.

**Consent agenda:**

- A. Licenses
- B. Final Release of Letter of Credit for Hickory Wood Farms Subdivision – Phase II
- C. Resolution for Participation in the Wisconsin Investment Series Cooperative

D. Resolution Designating Public Depositories and Other Financial Institutions for Investments  
Motion by Cochrane to approve the Consent Agenda; second by Miller. Motion carried 7-0.

**Finance** – Nold, chairman, Hall, Kohlenberg, secy.

1. **Consider/act on Resolution to Contract for a Retail Development Consultant for Pabst Farms Town Centre:** Duffy reported that this resolution authorizes staff to use the expert services of Larry Kilduff as an outside consultant to assist with the Pabst Farms Town Centre project. Staff again is requesting to use Kilduff as-needed as the Town Centre project moves forward. Motion by Nold to adopt the resolution to contract for a retail development consultant for the Pabst Farms Town Centre; second by Kohlenberg. Kohlenberg stated that the Finance Committee reviewed and amended the resolution, therefore, motion by Kohlenberg to amend the resolution to cap Kilduff's fees at \$10K and that the resolution expires on 11/16/11; second by Nold. Kohlenberg also informed Council that the Committee requested a report by Kilduff be given to Council. Council had concerns with hiring a consultant for just one development. The rationale is that this is the largest project the City will probably ever have and it needs to be done right. The consultant is an advocate for the City and the fees will come out of TIF #3. Motion carried 6-1. Morgan voted no.
2. **Consider/act on Resolution to Contract for City Assessment Services:** Kitsemel reported that our current contract for assessment services will expire at the end of 2010. Staff requested proposals from 48 firms and received 5. After review of the proposals and interviews with the top 3 firms, staff recommends entering into a 3 year contract with Grota Appraisals (our current assessor) for \$154,500. Motion by Nold to adopt the resolution to contract for City assessment services from Grota Appraisals in the amount of \$154,500; second by Cochrane. Some Council members expressed concerns with lake property assessments. Staff responded that the City is pleased with the experience and Market Drive technology of Grota Appraisals. Motion carried 5-1-1. Larsen abstained and Kohlenberg voted no.

**Protection & Welfare** – Cochrane, chairman, Slattery, Larsen, secy.

1. **Consider/act on Resolution to Purchase 3 Squad Cars for the Police Department:** Beguhn reported that the Police Dept. budgeted to purchase two new marked squads and one unmarked squad in 2011. The Dept. went out for bids using the State of Wisconsin Bid Program and the Waukesha County V.A.L.U.E. Bid Program. The lowest price quote received was from Ewald Automotive Group V.A.L.U.E. bid in the amount of \$64,392. If the City orders these vehicles by Nov. 17<sup>th</sup> we will receive a \$500 early order discount on each vehicle, for a total of \$1,500. Additionally, the retired vehicles will be sent to auction. Motion by Larsen to adopt the resolution to purchase 3 squad cars from Ewald Automotive Group in the amount of \$64,392; second by Miller. Motion carried 7-0.
2. **Consider/act on Resolution to Purchase a 911 Emergency Phone System for the Dispatch Center:** Beguhn reported that the Police Department budgeted for the remodel of the Dispatch Center in 2011. The City received 2 quotes and the Police Department is requesting approval for the purchase of a new 911 Emergency Telephone System from AT&T. If the City enters into the contract with AT&T by Nov. 17<sup>th</sup>, a discount reduction for the installation and equipment costs of \$35,653 will be given using Federal Stimulus Funds. Additionally, the City can save \$28,636.80 if we enter into a 5-year maintenance contract. Motion by Larsen to adopt the resolution to purchase a 911 emergency telephone system from AT&T for the dispatch center; second by Miller. Motion carried 7-0.

**Plan Commission**

- A. **Consider/act on Ordinance to Amend Section 17.206(7)(ca) of the Zoning Ordinance Relating to Personal Wireless Service Facilities – 1<sup>st</sup> Reading:** Gallo reported that US Cellular has requested the City approve a text amendment to the zoning code which would allow cellular antennas to be considered a permitted use in all zoning districts, including residential, when enclosed within an existing building. Plan Commission reviewed and unanimously recommend. Motion by Nold to give the ordinance its 1<sup>st</sup> reading; second by Cochrane. Chapman read the ordinance into the record. Motion carried 7-0.
- B. **Consider/act on Conditional Use Permit for a Pharmacy Drive-Thru at 1288 Summit Avenue, Building B:** Gallo reported that this CUP is to construct a drive-thru on the east side of Building B at 1288 Summit Avenue for a pharmacy to be located at a future Aurora Wilkinson Urgent Care Clinic. A CUP is required because the drive-thru is classified as in-vehicle sales or service incidental to the principal land use. The proposed drive-thru conforms to all required setbacks. Plan Commission reviewed and unanimously recommend. Motion by Nold to approve the CUP for a pharmacy drive-thru at 1288 Summit Avenue, Bldg. B; second by Cochrane. Motion carried 7-0.
- C. **Consider/act on Conditional Use Permit for Feng's Kitchen Restaurant at 1320 Pabst Farms Circle, #140:** Gallo reported that this CUP is for the operation of a restaurant to be located at 1320 Pabst Farms Circle, Suite #140. Plan Commission reviewed and unanimously recommends with the change of hours being 7 days a week from 11 AM – 11 PM and added the potential for an alcohol license in the future. Motion by Nold to approve the CUP for Feng's Kitchen; second by Cochrane. Motion carried 7-0.

- D. **Consider/act on Certified Survey Maps for Meadows at Prairie Creek, Tax Key No.'s OCOC-0540-999-005 and OCOC-0540-999-021:** Gallo reported that the request is for two Certified Survey Maps for Phase 1 of the development known as Meadows at Prairie Creek. The first CSM will create one 13 acre lot to be used for future apartments and two outlots which will be boulevard landscaping areas. The second CSM will create three new lots that will contain future apartments and one new outlot which will be dedicated to the City. Plan Commission reviewed and unanimously recommend. Motion by Nold to approve the two Certified Survey Maps for Meadows at Prairie Creek; second by Cochrane. Motion carried 7-0.
- E. **Consider/act on Order for the Precise Implementation Plan for Meadows at Prairie Creek, Tax Key No.'s OCOC-0540-999-005 and OCOC-0540-999-021:** Gallo reported that this is Step 4 of the PIP process for the development known as Meadows at Prairie Creek and includes the final site plan for the first phase of the project, building layout and detailed plans. Gallo then briefly went over the conditions in the order and noted that the water loop is a requirement, the Architectural Commission approved the signage and architecture on Nov. 3<sup>rd</sup> and the Plan Commission reviewed and recommend unanimously. Motion by Nold to approve the Order for the Precise Implementation Plan for Meadows at Prairie Creek; second by Cochrane. Kohlenberg asked the developer to display 4 drawings of the development that reflect the changes the Architectural Committee requested. Council had a few questions regarding the development and bonds for S. Wangard and he answered them. Motion carried 7-0.
- F. **Consider/act on Resolution Approving the Acquisition of Property Located on North Lake Road, Tax Key No. OCOT-0542-987:** Chapman reported that the property owner, Candace Kapperman-Wolf approached the City offering to donate 1.3 acres located on North Lake Road in the Town of Oconomowoc. The land borders City owned property and may be of value when Lake Bluff Drive is extended. The property is 100% floodplain and 80% wetland therefore it is an undevelopable parcel. Plan Commission reviewed and unanimously recommend. Motion by Nold to adopt the resolution approving the property acquisition of Tax Key No. OCOT-0542-987; second by Cochrane. Motion carried 7-0. Council commented that this was a very generous gift.

#### Unfinished Business:

- A. **Consider/act on Ordinance to Amend §19.11(d)(3)h. Relating to Groundwater Protection and Subsurface Water Dispersal Systems – 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. Motion carried 7-0. Motion by Nold for the ordinance to become law; second by Cochrane. Motion carried 7-0.

#### New Business:

- A. **Consider/act on 2011 City Budget :** Council discussed the proposed 2011 City Budget and commented on pay increases, engineering services, street repairs, TIF, levy, revenue, reducing street maintenance dollars, \$0 tax increase and bidding of street maintenance project. Staff answered questions in regards to the additional transportation aid revenue and reducing the street maintenance program. Motion by Cochrane to adopt the 2011 City Budget as proposed; second by Nold. Motion carried 4-3. Larsen, Kohlenberg and Miller voted no.
- B. **Set Property Tax Levy for 2011:** The recommended tax levy for 2011 is \$8,325,172 resulting in an estimated assessed tax rate of \$4.66, a 2.2% increase from last year's rate of \$4.56. Motion by Cochrane to set the 2011 tax levy at \$8,325,172; second by Nold. Motion carried 6-1. Kohlenberg voted no.
- C. **Consider/act on Ordinance to Repeal Chapter 26 of the Municipal Code Relating to Signs – 1<sup>st</sup> Reading:** Chapman stated that currently, both Chapter 17 of the Zoning Code and Chapter 26 have sections which refer to signage, therefore he is recommending that Chapter 26 be repealed so that Chapter 17 is the only section that addresses all signage. Motion by Nold to give the ordinance its 1<sup>st</sup> reading; second by Cochrane. Motion carried 7-0.
- D. **Consider/act on Resolution to Contract for Professional Services for Community Development Authority Legal Representation:** Duffy reported that this is an annual resolution to retain legal representation for the activities and interests of the CDA. Staff noted that we have been using Attys. Block and Tomczyk since 2005 and request to continue to use them on an as-needed basis. Motion by Nold to adopt the resolution to contract for professional services for CDA legal representation; second by Cochrane. Motion carried 7-0.

**Staff Reports** – Gard announced that Steinbach has been named 2010 Operator of the Year by the Wastewater Operator's Association. Congratulations were given by all.

**Reports and comments from the Mayor** – Daley acknowledged the recipients of the Annual Chamber of Commerce Awards: Organization - Oconomowoc Rotary Club, Business - Roundy's and Persons of the Year - Richard and Florence Whalen. Congratulations were given by all.

**Reports and comments from the Aldermen** – Larsen thanked Steinbach for his years of service and commended him on his award. Kohlenberg thanked Wolf for her land donation. He also stated he has received complaints about the condition of the Rockwell properties. He then mentioned he is looking for a response to his suggestions on holding Committee meetings in Council chambers, broadcasting them and the possibility of having the leaf machine sweep leaves from City streets. Morgan warned about the danger of children playing in leaf piles. Larsen reminded everyone to speak into the microphones when talking.

Motion by Miller to convene into Closed Session; second by Cochrane. Motion carried 7-0. Closed Session convened at 9:30 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.” (Property Purchases)

Motion by Nold to adjourn the Common Council meeting; second by Miller. Motion carried 7-0. The meeting adjourned at 9:30 PM.

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Diane Coenen, City Clerk