

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
November 2, 2010

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

Pledge of Allegiance

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

Staff Present: Mayor Daley, Gard, Beguhn, Gallo, Kitsembel, Duffy, Frye, Lamp, Kelliher, Buerger, Leidel and Coenen

Others present: Atty. Chapman

Minutes of October 19, 2010: Motion by Cochrane to approve the minutes of the October 19th meeting as presented; second by Miller. Motion carried 8-0.

Consent agenda:

A. Licenses

B. Sanitary Sewer and Utility Easement Agreement - Speedway Superamerica, LLC

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

Protection & Welfare – Cochrane, chr, Slattery, Larsen, secy.

1. **Consider/act on Resolution Adopting the Identity Theft Prevention Program for the Fire Dept.:** Leidel reported that this policy sets forth the Fire Department's commitment to comply with all standards established by the Federal Trade Commission under the Identity Theft "Red Flags" Program and is designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or any existing covered account. A "Covered Account" is one that the Fire Dept. maintains primarily for personal, family, or household purposes that permits multiple payments. The program will be updated annually, the Deputy Fire Chief will administer the program and training of employees will be part of the EMS training program. Motion by Larsen to adopt the resolution for the Identity Theft Prevention Program for the Fire Department; second by Slattery. Motion carried 8-0.

Public Services – Kohlenberg, chr, Miller, Hall, secy.

1. **Consider/act on Ordinance to Amend §19.11(d)(3)h. Relating to Groundwater Protection and Subsurface Water Dispersal Systems – 1st Reading:** Frye reported the proposed changes will allow for the use of underground infiltration basins for stormwater management. This means that a subsurface fluid distribution system, which is defined as an assemblage of perforated pipes or drain tiles, is intended to disperse/discharge a fluid underground. This type of system is called a Class V injection well. The City will continue to not allow Classes I, II, III and IV. City staff, the Pabst Farms Joint Stormwater District and the DNR are supportive of this use of underground infiltration for stormwater management. Motion by Miller to give the ordinance its first reading; second by Cochrane. Chapman read the ordinance into the record. Motion carried 8-0.

Unfinished Business:

- A. **Consider/act on Ordinance Amending Section 5.12(3)(a)(b)&(c) and Creating Section 5.12(3)(d) Related to Ambulance Service Fees – 2nd 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 8-0. Motion by Miller for the ordinance to become law; second by Cochrane. Motion carried 8-0.
- B. **Consider/act on Ordinance to Create Section 17.707(4)(b)1., 2., & 3. Relating to Intensity of Illumination – 2nd Reading:** Motion by Cochrane to give the ordinance its second reading in title only; second by Miller. Chapman read the title into the record. Motion carried 8-0. Council asked for clarification on how this change affects lot lines, borders and parking lots. Gallo responded that this ordinance change concentrates on commercial property and he described the affect of the increased foot candles. Motion by Cochrane for the ordinance to become law; second by Slattery. Motion carried 8-0.

- C. **Consider/act on Ordinance to Repeal and Recreate Planned Development Ordinance #08-0720 that Created Planned Development PD 17-08 – 2nd Reading:** Motion by Cochrane to give the ordinance its second reading in title only; second by Nold. Chapman read the title into the record. Motion carried 8-0. Motion by Cochrane for the ordinance to become law; second by Miller. Motion carried 8-0.

Plan Commission

- A. **Consider/act on Order Approving the Precise Implementation Plan for Phase I of the Pabst Farms Town Centre:** Chapman reported that the Planned Development has 3 documents that need to be approved; PD Ordinance/ GDP, Order approving the PIP and Developer's Agreement. This order approves the final site plans for Phase I of the Pabst Farms Town Centre project, which consists of the Community Center and the infrastructure for the Lifestyle Center. Next Chapman went over each page of the order, noting items of importance. Gallo then reported that a public hearing was held at Plan Commission on October 27th and the Commission made a unanimous recommendation. The development will be done in phases and Phase I consists of 544,961 sq. ft. of building area. Additionally, he stated that lighting will consist of both decorative and standard poles, landscaping exceeds the points required in the code, the 2,590 parking stalls will be shared and that due to the phasing of the development not all of the details are available at this time. Gallo then briefly went over the features, building units, dumpsters, wetlands, stormwater management, traffic impact, design, sustainable plans, exemptions and amenities. *At 8:16 PM Daley left his chair and Larsen chaired the meeting.* Daley thanked Chapman for all his work. He stated this plan is flexible to allow the developer to go to market in order to meet the needs of potential retailers. He further stated that this development will help the tax base and community grow, and he strongly supports this quality development. *He returned to his chair at 8:20 PM.* Council discussed their concerns focusing mainly on the signage plan and the fact that it will go to Architectural Commission on Nov. 3rd and will not come back to Council. Council also discussed missing details in the PIP. Motion by Hall to postpone action until November 16th; second by Slattery. Council then discussed at length the missing details, loss of control on the signage, the flexibility in the plan, the capability of the Architectural Commission, tax revenue to the City, project timeline, exemptions, items to be addressed in the Developer's Agreement and the Planner's Reports. Peter Bell spoke to the necessity of flexibility in the PIP and offered to bring the signage plans back to Council for their review. In addressing concerns by Council, both Bell and Bill Niemann assured Council that the project would be a high quality development. Motion failed 2-6. Larsen and Hall voted yes. Motion by Nold to approve the Order for the Precise Implementation Plan for Phase I of the Pabst Farms Town Centre; second by Kohlenberg. Council questioned the wetlands included in the GDP and the affect of the 115 acre parcel designated as Ag land. Gallo stated the wetlands are Parcels 5 & 6 and Outlot 1 which are listed as separate parcels but will always be wetlands and Gard stated that Pabst has agreed when ground is broke the Ag lands will be changed to fair market value. It was also stated that there would still be some lands designated Ag that are outside of the Town Centre. Motion carried 8-0.

New Business:

- A. **Consider/act on Resolution Granting a New 2010-2011 Class "B" Fermented Malt Beverage License for Taqueria el Indio, LLC:** This resolution grants a new Class "B" license for the sale of fermented malt beverages (beer only) at Taqueria el Indio located at 109 W. Wisconsin Avenue. The applicant meets all Chapter 12 licensing requirements. Motion by Cochrane to adopt the resolution granting a new 2010-2011 Class "B" License for Taqueria el Indio, LLC; second by Slattery. Motion carried 8-0.

Reports and comments from the Aldermen – Cochrane stated she has received positive citizen comments on the new roundabout sculpture and thanked the Rotary for their generosity. Kohlenberg inquired if the new Fire Station was open but not operational. Beguhn stated the station operations are occurring in phases. Summit has moved in, phones and computers are installed and the City will move in Nov. 10th. Kohlenberg stated that he is in favor of open government and requests to have Committee meetings held in Council Chambers and broadcast. Hall asked when the RFP deadline is for the Engineering audit. Gard stated November 15th.

Reports and comments from the Mayor – Daley commented on the voter turnout in the City and feels the numbers show a renewed interest.

Daley stated that there is no need for a Closed Session this evening. Motion by Cochrane to adjourn the Common Council meeting; second by Miller. Motion carried 8-0. The meeting adjourned at 9:37PM.

Diane Coenen, City Clerk