

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
December 21, 2010

Public Hearings:

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.

The hearing opened at 7:41 PM. No comments were received. The hearing closed at 7:41 PM.

7:30 PM: The purpose of the public hearing is to hear comment on the rezoning application filed by Alan Peters with True Vine Development to rezone 43,572 SF of land from RA; Rural Agricultural District to SR-3; Suburban Residential District which will be known as Lot 1 of a Certified Survey Map located at 1626 Brown Street.

The hearing opened at 7:42 PM. No comments were received. The hearing closed at 7:42 PM.

7:30 PM: The purpose of the hearing is to hear public comments on the rezoning application filed by Matt Newman with the Oconomowoc Area School District to rezone the Greenland Elementary School from SR-4 Suburban Residential District to IP Institutional Public District, located at 440 Coolidge Street.

The hearing opened at 7:43 PM. No comments were received. The hearing closed at 7:43 PM.

7:30 PM: The purpose of the hearing is to hear public comments on the rezoning application filed by Matt Newman with the Oconomowoc Area School District to rezone the Park Lawn Elementary School from SR-4 Suburban Residential District to IP Institutional Public District, located at 300 Park Lawn Street.

The hearing opened at 7:44 PM. No comments were received. The hearing closed at 7:44 PM.

7:30 PM: The purpose of the hearing is to hear public comments on the rezoning application filed by Matt Newman with the Oconomowoc Area School District to rezone the Summit Elementary School from SR-3 Suburban Residential District to IP Institutional Public District, located at 1680 Valley Road.

The hearing opened at 7:45 PM. No comments were received. The hearing closed at 7:45 PM.

Mayor Daley called the regular Common Council meeting to order at 7:45 PM.

Pledge of Allegiance

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

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

Others present: Atty. Chapman, Stan Sugden and Larry Kilduff

Treasurer's Report: Motion by Nold to approve the Treasurer's Report as presented; second by Cochrane. Council asked for clarification on miscellaneous disbursements. Kitsembel stated that this category is a summary of items with an invoice threshold of \$25K. Gard will provide Council with a summary. Motion carried 7 -1. Kohlenberg voted no.

Minutes of December 7, 2010: Motion by Cochrane to approve the minutes of the December 7th meeting as presented; second by Miller. Motion carried 8-0.

Comments and suggestions from citizens:

1) Les Strunk, 1288 Riverline Dr. has recently attached to the City from the Town of Summit as of 1/1/10. He challenged Council to look at ways to keep costs down and lower taxes.

Consent agenda:

- A. Licenses
- B. Agreement Conveying Outlot 8 of Wood Creek V Subdivision from Bielinski Development Inc.
- C. Cooperative Agreement between the City of Oconomowoc Fire Department Ambulance Service and the Town of Ashippun
Motion by Miller to approve the Consent Agenda; second by Cochrane. Motion carried 8-0.

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

Kohlenberg reported on Items 1., 2. & 3. stating that the only fee changes being recommended are for vehicle impound, animal impound and the State Seal charge. These increases will bring the fees in-line with the costs to the City.

1. **Consider/act on Ordinance to Amend §9.13(2)(b) of the Municipal Code Relating to Vehicle Impoundment Storage Charge – 1st Reading:** Motion by Nold to give the ordinance its 1st reading; second by Cochrane. Chapman read the ordinance into the record noting that the Finance Committee recommended changing the fee to \$25.00 which is the cost to the City for vehicle impound. Motion carried 8-0.
2. **Consider/act on Resolution to Amend §12.03(10)(a) of the Municipal Code Relating to Animal Impound Fee:** Motion by Nold to adopt the resolution to amend §12.03(10)(a) of the Municipal Code relating to animal impound fee; second by Cochrane. Motion carried 8-0.
3. **Consider/act on Resolution to Amend the City Charge for the Building Permit Fee Related to the State Seal:** Motion by Nold to adopt the resolution to amend the City charge for the State Seal; second by Cochrane. Motion carried 8-0.

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

1. **Consider/act on Resolution to Purchase a Polar Trac Snow Removal & Lawn Mower for the Parks, Recreation and Forestry Department:** Hall reported that Public Services recommends purchasing the Toro Groundskeeper with Polar Trac to replace existing equipment which has required continual maintenance over the past 5 years. The low quote received was from Reinders, Inc. in the amount of \$48,097.36. Motion by Hall to adopt the resolution to purchase a Polar Trac Snow Removal & Lawn Mower in the amount of \$48,097.36; second by Miller. Motion carried 8-0.

Plan Commission

- A. **Consider/act on Conditional Use Permit for the Continued Operation of an On-Site Real Estate Sales Office on Lot 34 of Eastlake Village Subdivision and an Accessory Parking Lot on Lot 42 of Eastlake Village Subdivision:** Council asked how long the extension is for and if this type of request is typical. Gard responded that the extension is for 5 years and usually temporary offices are trailers, but Pabst Farms uses a home. There have been no complaints and staff has no concerns. Motion by Kohlenberg to approve the CUP for an on-site real estate sales office on Lot 34 and an accessory parking lot on Lot 42 of Eastlake Village Subdivision; second by Cochrane. Motion carried 8-0.
- B. **Consider/act on Ordinance to Rezone Summit Elementary School, 1680 Valley Road from SR-3 Suburban Residential District to IP Institutional Public District – 1st Reading:** Motion by Kohlenberg to give the ordinance its 1st reading; second by Cochrane. Council had concerns about a provision in the IP zoning that allows height up to 50 ft. because these schools are in residential neighborhoods. Gallo explained that the IP District was created in 2002 and some churches, the hospital and high school are already zoned IP. The reason for changing the zoning is that these businesses would now be permitted uses. He also stated that if the zoning remains the same (residential) the height of the buildings could go up to 50 ft. with a conditional use permit. Chapman read the ordinance into the record. Motion carried 5-3. Larsen, Hall and Morgan voted no.
- C. **Consider/act on Ordinance to Rezone Park Lawn Elementary School, 300 Park Lawn Street from SR-4 Suburban Residential District to IP Institutional Public District – 1st Reading:** Motion by Nold to give the ordinance its 1st reading; second by Cochrane. Chapman read the ordinance into the record. Motion failed 3 – 5. Larsen, Hall, Miller, Slattery and Morgan voted no.
- D. **Consider/act on Ordinance to Rezone Greenland Elementary School, 440 Coolidge Street from SR-4 Suburban Residential District to IP Institutional Public District – 1st Reading:** Motion by Kohlenberg to give the ordinance its 1st reading; second by Cochrane. Chapman read the ordinance into the record. Motion carried 5-3. Larsen, Hall and Morgan voted no.
- E. **Consider/act on Ordinance to Rezone 43,572 SF of Land from RA-Rural Agricultural District to SR-3 Suburban Residential District, which will be known as Lot 1 Located at 1626 Brown Street:** Motion by Nold to give the ordinance its 1st reading; second by Cochrane. Chapman read the ordinance into the record. Council questioned the intended use of the land. Alan Peters stated that a buyer was interested in the farm portion of the land and requested the division. The home will be listed for sale. No development is planned. Motion carried 8-0

- F. **Consider/act on Certified Survey Map Creating One Lot at 1626 Brown Street:** Motion by Kohlenberg to approve the Certified Survey Map creating one lot at 1626 Brown Street; second by Cochrane. Motion carried 8-0.
- G. **Consider/act on Ordinance to Amend the Park and Open Space Element of the City of Oconomowoc Comprehensive Land Use Plan 2010-2030 – 1st Reading:** Motion by Cochrane to give the ordinance its 1st reading in title only; second by Miller. Chapman read the title into the record and referred to the 7 major components in the plan as listed in the memo from Kelliher. Motion carried 8-0.

New Business:

- A. **Consider/act on Developers Agreement with Developers Diversified Realty/Pabst Farms for the Town Centre:** Motion by Nold to approve the developer's agreement with Developers Diversified Realty and Pabst Farms for the Town Centre; second by Cochrane. Chapman gave a detailed summary of the agreement which was distributed to Council on 12/15/10. Kilduff gave a brief report on today's retail environment and stated that this is a very reasonable agreement. Daley left his chair at 8:40 PM and Larsen presided. Daley stated that DDR/Pabst Farms are still moving forward with this project in today's economy which is a strong testament to their commitment. He further stated that the agreement is a compromise on both sides and protects the City. He returned to his chair at 8:43 PM. Council had some questions about the agreement and verified that Kilduff is an agent for the City who is looking out for our interests. Motion carried 8-0.
- B. **Consider/act on Codification Ordinance – 1st Reading:** Motion by Nold to give the ordinance its 1st reading; second by Cochrane. Chapman read the ordinance into the record. Motion carried 8-0.

Reports and comments from the Mayor – Daley wished everyone a Merry Christmas and stated he is looking forward to 2011.

Reports and comments from the Aldermen – Larsen commented that his constituents are enjoying the quiet zone. He congratulated DDR/Pabst Farms and wished them well. Nold asked when the Town of Summit attachment properties were notified what their assessment would be. Gard stated that all property owners received a Welcome Packet from the City in the fall of 2009 and that the properties came in at their current Town assessed value, in other words, no changes in value unless improvements were done. Kohlenberg thanked DDR/Pabst Farms for investing in the City. Miller asked if the City had addressed the concerns of the resident who spoke to Council on 12/7/10 in regards to the intersection on Summit. Gard stated Frye will.

Motion by Cochrane to adjourn the Common Council meeting; second by Miller. Motion carried 8-0. The meeting adjourned at 9:06 PM.

Diane Coenen, City Clerk