

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
February 16, 2010

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

Pledge of Allegiance – Led by Boy Scout Troop #12

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

Staff Present: Mayor Sullivan, Gard, Beguhn, Gallo, Kitsembel, Duffy, Frye, Lamp, Bednarski, Froemming, Steinbach and Coenen

Others present: Atty. Chapman

Minutes of February 2, 2010: Motion by Cochrane to approve the minutes of the February 2nd meeting as presented; second by Larsen. Motion carried 7-0.

Comments and suggestions from citizens

- A. Wastewater Recognition: 3000 Days Without a Lost Time Injury – Steinbach reported that Wastewater employees (full-time and seasonal) reached a goal of 3000 days without a lost time injury on 1/23/10. This equates to over 8 years or 140K hours of no lost time. The overall goal of the department is to keep employees healthy and have the lowest possible insurance cost for the City. Incentives are offered for the department as well as individuals. Present from Wastewater were: Mary Rampolla, Tony Kluz, Randy Laetsch and Ron Stock. Council and audience applauded the department's accomplishment.
- 1) Don Gust, 614 E. Juneau Ave. and Gail Schroeder who are members of the Oconomowoc American Legion Band requested that the band shell be named the "Rhodee Memorial Band shell" in honor of the Rhodee family. (Letter submitted.)
 - 2) Laurel Whelan, 514 Silver Lake St. read a statement into the record concerning the need for a new Community Center and improvement to City Beach. She is not in favor of a referendum.
 - 3) Donna Lillethun, 1101 Yosemite Rd supports a no vote for the referendum.
 - 4) Florence Whalen, 406 W. 3rd St. not in favor of advisory referendum.
 - 5) Cathleen Slattery, P & R Board member does not support an advisory referendum. Language is too vague and costs are preliminary.
 - 6) Jim Hall, 1282 Christopher Ct. stated the Boy Scouts are in attendance this evening to work on a merit badge. Also, speaking as a member of the P & R Board, a new Community Center has been discussed for many years and has been recommended.

Consent agenda:

- A. Licenses
- B. 2010 Town of Oconomowoc Contract for Fire Protection
- C. Utility Easement Agreement – Oconomowoc Area School District
- D. 2010 Badgerland Water Ski Show Dates
- E. Treasurer's Report

Kohlenberg asked for Items D. – 2010 Ski Show Dates & E. – Treasurer's Report to be removed from the Consent Agenda. Motion by Cochrane to approve Items A. - C. on the Consent Agenda; second by Larsen. Motion carried 7-0. Motion by Morgan to approve Item D. – 2010 Ski Show Dates; second by Cochrane. Motion carried 7-0. Motion by Larsen to approve Item E. – Treasurer's Report; second by Cochrane. Motion carried 6-1. Kohlenberg voted no.

Committee Reports:

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

1. **Consider/act on Resolution Contracting for 2010 Street Maintenance Projects:** Larsen reported that the City received eight bids for the 2010 street maintenance projects, which included eight alternate bids. Public Services

reviewed and recommends accepting the low base bid and Alternates A, B, C, D, F and H from Payne and Dolan for a combined total of \$3,498,982.45. Motion by Larsen to adopt the resolution contracting for 2010 Street Maintenance Projects by Payne and Dolan in the amount of \$3,498,982.45; second by Nold. Motion carried 7-0.

Plan Commission:

- A. **Consider/act on a Conditional Use Permit for Alpha Collision Centers, Inc., 202 E. Wisconsin Avenue:** Sullivan reported the CUP is to operate an automobile estimating center at 202 E. Wisconsin Avenue. The CUP will need to be reapplied for annually and allows for five parking spaces. The proposed business would provide inspection of and estimating services to damaged vehicles which would then be taken to the applicant's shop in the Town of Oconomowoc for repair. Plan Commission reviewed and recommends unanimously. Motion by Cochrane to approve the Conditional Use Permit for Alpha Collision Centers, 202 E. Wisconsin Avenue; second by Kohlenberg. Motion carried 6-1. Nold voted no.

Kohlenberg made a Point of Information asking Chapman if Sullivan needed to step down in order to report on the Plan Commission items in the absence of Antonneau. Chapman stated no.

- B. **Consider Extraterritorial Certified Survey Map that creates three lots at 1060 N. Golden Lake Road, Town of Summit (Deppert):** Sullivan reported that this ETZ-CSM is to create three new lots in the Town of Summit. The property is located within the City's extraterritorial platting jurisdiction. No technical review was requested by the applicant and the Plan Commission recommends no action be taken. No action taken by Council.
- C. **Consider Extraterritorial Certified Survey Map that creates two lots at W1069 Rockvale Road, Town of Ixonia (Solsrud):** Sullivan reported that this ETZ-CSM is to create two new lots in the Town of Ixonia. The property is located within the City's extraterritorial platting jurisdiction. No technical review was requested by the applicant and the Plan Commission recommends no action be taken. No action taken by Council.
- D. **Consider Extraterritorial Certified Survey Map that creates one lot at W525 Valley Road, Town of Concord (Rausch):** Sullivan reported that this ETZ-CSM is to create one new 3-acre lot in the Town of Concord. The property is located within the City's extraterritorial platting jurisdiction. No technical review was requested by the applicant and the Plan Commission recommends no action be taken. No action taken by Council.

Unfinished Business:

- A. **Consider/act on Ordinance Amending Language Relating to Sewer and Water Connections and Service for Attached Town of Summit Properties – 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 7-0. Motion by Nold for the ordinance to become law; second by Cochrane. Motion carried 7-0.
- B. **Consider/act on Codification Ordinance – 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 7-0. Motion by Nold for the ordinance to become law; second by Cochrane. Motion carried 7-0.

New Business:

- A. **Mayoral Appointment of Parks, Recreation and Forestry Director with Council Confirmation:** Gard stated that the City received 68 applications for the position and of those, 7 were chosen to interview. Interviews were conducted by Gard, Sullivan, Frye, Joe Moroni and Jim Hall. Sullivan stated he is appointing John Kelliher to the Director's position and requests confirmation by Council. Motion by Cochrane to confirm the appointment of John Kelliher to the position of Parks, Recreation and Forestry Director; second by Miller. Motion carried 7-0. Gard added that Kelliher's start date will be March 15th.
- B. **Consider/act on Resolution Denying Claim for Excessive Assessment (2009) from Dayton Hudson Corp.:** Kitsemel reported that a claim of excessive assessment for 2009 was filed on behalf of Target with the City on 1/25/10. She further explained that the City hires a professional assessor to determine the assessed values for each property and the process a property owner can follow if they do not agree with the value. If the property owner does not agree with the Board of Review's decision they do have the option for further appeal. In order to file a claim for excessive assessment, the taxes must be paid timely and the claim must be filed by January 31st of the year in which the tax is payable. If Council denies the claim they may then appeal the matter to circuit court within 90 days. If this happens then the claim is filed with the City's insurance company. Motion by Cochrane to adopt the resolution denying the 2009 claim for excessive assessment of Dayton Hudson Corp; second by Schmitter. Motion carried 6-1-0. Kohlenberg abstained.

- C. **Consider/act on Resolution Disallowing Claim of Bette Goodman:** Kitsemel reported that on 1/28/10 a claim was filed on the City by Goodman for personal injuries resulting from a trip and fall on the sidewalk ramp leading to the parking lot at the Public Library on 1/4/09. Our insurance company has reviewed the claim and recommends denial based on the fact that the City was not negligent and is entitled to immunity for the natural accumulation of snow and ice. Motion by Cochrane to adopt the resolution disallowing the claim of Bette Goodman; second by Miller. Motion carried 7-0.

Sullivan stepped down from his chair at 8:20 PM and Vice President Miller took over the meeting. Sullivan spoke to the history of Council determining their top 17 priorities and of their approval to move forward with gathering the needed information for a new Community Center, renovation of the boat launch and purchase of 3 properties east of City Beach. He also spoke as to where staff is in the process of gathering all necessary information. He summarized by stating that given the incomplete information, lack of Council analysis and decision-making, the deteriorating economy and the tax impact to the taxpayer, he believes the projects should not be undertaken at this time and it would be premature to place these items on the April ballot as advisory referendums. He returned to his chair at 8:30 PM.

- D. **Consider/act on Resolution Providing for an Advisory Referendum on the April 6, 2010 Ballot for:** Council discussed the referendum questions and the merits of having an advisory referendum based on the information available. Motion by Nold to adopt the resolution placing all three advisory referendum questions on the April 6th ballot. Motion died for lack of a second. Sullivan read the three questions and concise statements into the record.
- 1) **City Beach** – Motion by Nold to place Question No. 1, the purchase of three properties east of City Beach on the April 6th ballot as an advisory referendum; second by Morgan. Motion failed 5 – 2. Morgan and Nold voted yes.
 - 2) **Community Center** – Motion by Nold to place Question No. 2, construction of a new Community Center on the April 6th ballot as an advisory referendum; second by Morgan. Motion failed 5 – 2. Morgan and Nold voted yes.
 - 3) **Boat Launch** – No action taken by Council.

Reports and comments from the Mayor – Sullivan stated he had received a letter from Suellyn Shellpeper-Rohrer in regards to the referendum items, and asked that it be made part of the record.

Motion by Miller to convene into Closed Session; second by Cochrane. Motion carried 7-0. Closed Session convened at 8:55 PM.

Closed Session:

Per Wis. Stats. 19.85(1)(g) “Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.” (Notice of Circumstance – City Administrator)

Motion by Miller to adjourn the Common Council meeting; second by Cochrane. Motion carried 7-0. The meeting adjourned at 8:55 PM.

Diane Coenen, City Clerk