

**CITY OF OCONOMOWOC**  
**COMMON COUNCIL MEETING MINUTES**  
**May 18, 2010**

**Mayor Daley** called the regular Common Council meeting to order at 7:55 PM.

**Pledge of Allegiance**

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

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

**Others present:** Atty. Chapman and Stan Sugden

**Treasurer's Report:** Motion by Nold to approve the Treasurer's Report as presented; second by Cochrane. Motion carried 7-1. Kohlenberg voted no.

**Minutes of May 4, 2010:** Motion by Cochrane to approve the minutes of the May 4<sup>th</sup> meeting as presented; second by Slattery. Motion carried 8-0.

**Consent agenda:**

A. Licenses

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

**Comments and suggestions from citizens:**

- 1) Floss Whalen, 406 W. Third St. stated that the meeting with the five developers on 5/4/10 was a good idea, but cautions Council that theirs is only one side of the story. Stated that there is nothing wrong with high standards, but projects die on the Council floor. Suggested Council recognize a chunk of the work has already been done by staff. Feels impact fees need looking at and the Architectural Commission role needs to be examined. Lastly, she commented that Duffy has too much on his plate.
- 2) Judith Knutson, 164 Pine St. read her letter of opposition for the naming of the band shell because it was built by the citizens. She passed out copies of her letter to Council.

**Committee Reports:**

Finance – Nold, chr, Hall, Kohlenberg, secy

1. **Consider/act on Retaining Legal Services of Stafford Rosenbaum, As-Needed, to Represent City/City Assessor at 2010 Board of Review:** Kohlenberg stated the Finance Committee reviewed and recommend approval. Kitsembel reported that in 2008 the City had a revaluation and as a result of that a number of objections were filed, they were heard before the BOR, the owner then filed a claim with the City disputing the BOR determination and then the owner filed an appeal in Circuit Court. Our insurance carrier retained the firm of Stafford Rosenbaum to represent the City for these cases. Because the number of non-residential cases heard by the BOR has increased, staff is recommending the City retain the firm of Stafford Rosenbaum for consistency purposes. The City Attorney represents the BOR at the hearings. Motion by Nold to approve retaining Stafford Rosenbaum LLP to represent the City/City Assessor at 2010 Board of Review; second by Hall. Council discussed reasons for having multiple attorneys at BOR and requested staff compare how other communities handle this issue. Motion by Kohlenberg to postpone this item for two weeks while staff polls other communities in Waukesha County on their policy for using multiple attorneys for BOR and the assessor; second by Larsen. Chapman stated that his opinion would not change as there is a conflict of interest if he represents both the Board and assessor. Motion failed 3 – 5. Cochrane, Miller, Slattery, Nold and Hall voted no. Council requested a

report on the number of hours and the number of conflicts the attorney is used for to represent the assessor at BOR. Main motion carried 7-1. Kohlenberg voted no.

2. **Consider/act on Retaining Legal Consultant, Hugh Anderson, for West Wisconsin Avenue:**

Kohlenberg stated the Finance Committee reviewed and unanimously recommends. Chapman reported that Advance Construction had problems with erosion control and dewatering on the W. Wisconsin Ave. utilities project and staff directed Advance to fix the issues or face defaulting. Chapman met with Attorney Anderson, who is an expert on construction contracts and performance bonds, on April 15<sup>th</sup> to ensure staff was taking appropriate actions. The fee for this consultation was \$687.50. He is also requesting Council allow consultation with Anderson for future issues with Advance if they occur. Motion by Kohlenberg to approve retaining Atty. Hugh Anderson for W. Wisconsin Avenue utilities project; second by Nold. Council discussed purchasing policy procedure for an emergency situation and directed staff to bring back a revision allowing flexibility to certain City experts to retain consulting services. Motion carried 8-0.

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

1. **Consider/act on Ordinance to Amend §9.20(1)(a)1., 4. & 5. of the Municipal Code Relating to Use of Intoxicants Restricted - 1<sup>st</sup> Reading:**

Larsen stated Protection & Welfare reviewed and recommend adoption. Chapman reported that this ordinance was previously given its first reading on 5/4/10 but due to revisions addressing parades and the parcel lying between 164 E. Wisconsin Ave. and City Hall, it is being brought back to Council for a first reading. Motion by Larsen to give the ordinance its first reading; second by Nold. Chapman read the ordinance into the record. Motion carried 8-0.

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

1. **Consider/act on Resolution for Sidewalk Extensions on Chaffee Road and Blain Street:**

Hall reported that Public Services took no action on this item to allow time for staff to set up a meeting with affected property owners and the Public Services Committee. No action taken by Council.

2. **Consider/act on Change Order to Add Forest Street to 2010 Street Maintenance Program:**

Hall reported that this change order does not exceed 15% of the contract and Public Services reviewed and recommend unanimously. Frye reported that the 2010 streetscaping project on S. Main and Silver Lake Plaza has been postponed until 2011 and with the removal of this work staff recommends adding Forest St. to the 2010 street maintenance program from Summit Avenue to the High School main entrance. The proposed cost of this work is \$137,812. Motion by Hall to approve the Change Order to Add Forest Street to the 2010 Street Maintenance Program; second by Miller. Motion carried 8-0.

3. **Consider/act on Change Order to Add Main Street Railroad Crossing to 2010 Street Maintenance Program:**

Hall reported that this change order is for the intersection of Main Street/Summit Avenue/ Second Street which will need to be reconfigured on the south side of the tracks. The cost of the modification is \$83,025. Public Services reviewed and recommend unanimously. Frye stated that the changes occurred because of the proposed high speed rail. The City will now be installing delineators and not four quadrant gates, which still comply with the quiet zone plan. Motion by Hall to adopt the Change Order to add Main Street Railroad Crossing to the 2010 Street Maintenance Program; second by Miller. Council questioned the turning radius for trucks with the reconfiguration and installation of delineators. Frye stated that the reconfiguration was laid out for truck traffic. Motion carried 7-1. Morgan voted no.

**Plan Commission:**

A. **Consider the Extra-territorial Certified Survey Map at 3349 N. Golden Lake Road, Town of Summit:**

Nold reported that the ETZ-CSM is to divide one lot into two lots located at 3349 N. Golden Lake Road. The lot is located in the Town of Summit and the City boundaries are located immediately across the road to the east on Golden Lake Road. The applicant did not request a technical review. Plan Commission recommends that no action be taken. No action taken by Council.

**New Business:**

A. **Consider/act on Resolution for Appointment of Official City Newspaper:**

Coenen stated that two proposals were received and bids were opened 4/27/10. The Focus submitted the lowest effective bid;

therefore, staff recommends that the Focus serve as our official newspaper for 2010 - 2011. Motion by Kohlenberg to adopt the resolution appointing the Focus as the City's official newspaper; second by Cochrane. Motion carried 8-0.

### **Mayoral appointments to City Boards, Commissions, Authorities, etc.:**

Motion by Kohlenberg to approve the reappointment of Paul Schultz to the Architectural Commission; second by Larsen. Motion carried 8-0.

Motion by Cochrane to approve the reappointment of Chad Vande Zande to the Architectural Commission; second by Kohlenberg. Motion carried 8-0.

Motion by Cochrane to approve the reappointment of Richard Schlieve to the Board of Review; second by Slattery. Schlieve went over his background and stated he wants to serve because he understands the process. Motion carried 8-0.

Motion by Cochrane to approve the reappointment of Jan Duff to the Library Board; second by Morgan. Duff went over her background and stated her service is a way to give back to the community. Motion carried 8-0.

Motion by Cochrane to approve the appointment of Denise Salamone to the Library Board; second by Larsen. Salamone stated the reason she wants to serve is that when she moved to the City the first place she went to was the Library. Motion carried 8-0.

Motion by Kohlenberg to approve the appointment of Kiara Caldwell to the Park & Recreation Board; second by Larsen. Motion carried 8-0.

Motion by Kohlenberg to approve the appointment of Scott Antonneau to the Park & Recreation Board; second by Slattery. Motion carried 8-0.

Motion by Cochrane to approve the reappointment of John Snyder III to the Plan Commission; second by Miller. Motion carried 8-0.

Motion by Cochrane to approve the reappointment of David Kejwan to the Police & Fire Commission; second by Kohlenberg. Kejwan stated that he has been a citizen for 40+ years and served on various committees, the longest being Police and Fire. Motion carried 8-0.

**Reports and Comments from the Aldermen:** Larsen thanked all the appointed committee members. Kohlenberg referred to a letter given to Council in their Friday packet regarding engineering expenditures for Ruekert-Mielke. He requested staff give a report to Council on June 1<sup>st</sup> on what we bought for the money and what we received at the City level. Larsen stated he spoke with developer Ted Matkom, School Loft project, and Matkom said it was a pleasure doing business in Oconomowoc.

**Reports and Comments from the Mayor:** Daley stated he met with all department heads to brainstorm on revising City processes and procedures. He stated as we move forward, he will ask for direction from the Committee-of-the-Whole. He wants transparency and stated that Council will be updated and very involved.

Motion by Cochrane to adjourn the Common Council meeting; second by Miller. Motion carried 8-0. The meeting adjourned at 9:27 PM.

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Diane Coenen, City Clerk