

**CITY OF OCONOMOWOC**  
**COMMON COUNCIL MEETING MINUTES**  
**June 1, 2010**

**Mayor Daley** called the regular Common Council meeting to order at 7:40 PM.

**Pledge of Allegiance**

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

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

**Others present:** Stan Sugden

**Minutes of May 18, 2010:** Motion by Cochrane to approve the minutes of the May 18<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 Hall. Motion carried 8-0.

**Comments and suggestions from citizens:**

Individuals who are in favor of naming the bandshell "Rhodee Memorial Bandshell" – Don Gust, 614 E. Juneau Ave. and Maureen Stapleton, 112 N. Main St.

Individuals who oppose naming the bandshell "Rhodee Memorial Bandshell" – Floss Whalen, 406 W. Third St., Michael Otto, N1395 Cty Rd EE and Judith Otto-Knutson, 164 Pine St.

**Committee Reports:**

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

1. **Consider/act on Village Green Lease Agreement between City of Oconomowoc and Roblyn, Inc. (Lakerz Sportz Bar & Grill):** Larsen reported that the owner of Lakerz approached the City to rent the patio area on Village Green. Protection and Welfare reviewed and recommend unanimously. Motion by Larsen to approve the Lease Agreement with Roblyn, Inc.; second by Cochrane. Council asked for some clarifications in the language of the lease in regards to definition of the barrier, exit route of the patio area and cost to rent the area. Duffy stated that the area is defined by the bumpouts in Village Green and a site plan was submitted that does not impede the sidewalk area. Exiting the area will be through the bar and the City took into consideration the owner's expense for screening the dumpster, as suggested by the City, in determining the rent for the first year. Motion carried 8-0.
2. **Consider/act on Ordinance to Create §9.947.013(1)(b) and Amend §9.947.013(2)(b) of the Municipal Code Relating to Harassment – 1<sup>st</sup> Reading:** Larsen reported that our code currently addresses the subject of harassment but that there are new types of electronic technology which can be used to harass that are not included in our code. Protection and Welfare reviewed and recommend unanimously. Motion by Larsen to give the ordinance its 1<sup>st</sup> reading; second by Cochrane. Coenen read the ordinance into the record. Kohlenberg read names of individuals victimized by "cyber" bullies and urged Council to consider this amendment favorably. Beguhn stated that this would be a municipal offense and would be handled at the local level. A citation would be issued and the monetary value would increase for a repeat offense. Motion carried 8-0.
3. **Consider/act on Ordinance to Repeal and Re-create §9.02 of the Municipal Code Relating to the Use of Firearms and Weapons – 1<sup>st</sup> Reading:** Larsen reported that our ordinance is being amended to enforce the current code as well as adding a section to protect the rights of private business owners that do not wish to have individuals on their premises with a weapon. Protection and Welfare reviewed and recommends unanimously. Motion by Larsen to give the ordinance its 1<sup>st</sup> reading; second by Cochrane. Coenen started to read the ordinance into the record and Daley motioned to suspend the reading. Motion carried 8-0.

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

1. **Consider/act on Resolution Renaming City Beach Band Shell:** Hall reported that the Oconomowoc American Legion Band has proposed that the band shell be named in honor of the Rhodee's. Parks and Recreation Board and Public Services have reviewed and recommend. Motion by Cochrane to adopt the resolution renaming the City Beach Band Shell to the Rhodee Memorial Bandshell; second by Morgan. Council discussed the historical significance of the bandshell and Memorial Park, the contributions of the Rhodee family, the Legion and the lettering on the bandshell. Gallo stated that our code does not require this type of lettering to go before the Architectural Commission, but we can have Architectural review and give Council feedback. Motion carried 5-4. Kohlenberg, Miller, Slattery and Hall voted no. Daley cast the tie breaking vote in favor of the resolution.
2. **Consider/act on Resolution for Sidewalk Extensions on Chaffee Road and Blain Street:** Hall reported that Public Services reviewed and recommends the installation of sidewalk on the east side of Chaffee Road and Blain Street to allow for easier pedestrian access to the parks and in accordance with the Bicycle and Pedestrian Plan adopted by Council in 2006. Motion by Hall to adopt the resolution for sidewalk extensions on Chaffee Road and Blain Street; second by Miller. Council discussed the cost and maintenance to the owners, safety issues, width of the sidewalks, existing trees, parking and current code. Motion failed 3-5. Miller, Slattery and Hall voted yes.
3. **Consider/act on Ordinance to Repeal §7.016(3) and §7.05 and to Amend §7.03(8)(a)4. of the Municipal Code Relating to Parking:** Hall reported that this item relates to the sidewalk extensions on Chaffee Road and Blain Street as well as future extensions. Motion by Hall to postpone this item until July 6<sup>th</sup>; second by Slattery. Motion carried 8-0.

Utility - Miller, chr; Nold, Slattery, secy

1. **Consider/act on Resolution to Purchase Two (2) NEV Vehicles:** Slattery reported that proposals were received for the purchase of 2 NEVs which are in support of the City's 25 X 25 plan by working alternative fuel sources into the City's vehicle fleet. WPPI has authorized a grant of \$5,000 to the City after the vehicles have been purchased. Utility Committee reviewed and unanimously recommends the quote from MEE Material Handling in the total amount of \$35,964. Motion by Slattery to adopt the resolution for the purchase of 2 NEV vehicles in the amount of \$35,964; second by Miller. Motion carried 8-0.
2. **Consider/act on Resolution for the Wisconsin DNR Compliance Maintenance Annual Report (CMAR) for 2009 Operations:** Slattery reported that the annual report for the Wastewater Treatment Plant is required by the Department of Natural Resources. Wastewater Utility received a score of 3.91 due to exceeding the permitted amount of phosphorus in May, 2009. Utility Committee reviewed and unanimously recommends. Motion by Slattery to adopt the resolution approving the Wisconsin CMAR for 2009; second by Miller. Motion carried 8-0.
3. **Consider/act on Order Terminating Moratorium on Sewer Connections in the Town of Oconomowoc Utility District No. 1:** Slattery reported that on 1/6/09, the Common Council approved an order establishing a sanitary sewer connection moratorium due to groundwater issues in the Town of Oconomowoc's Westshore Subdivision. The Town has now taken corrective measures which the County will certify. Utility Committee reviewed and unanimously recommends. Motion by Slattery to approve the Order Terminating the Moratorium on Sewer Connections in the Town of Oconomowoc Utility District No. 1; second by Miller. Steinbach stated that staff anticipated certification from the County before this meeting in order to terminate the moratorium and the Town was made aware that without it, the agreement would not be 100% compliant. Kitsemel stated that the parties agreed to postpone this item until 6/15/10 because the County has not provided certification yet. Motion by Slattery to withdraw her motion to approve the order; second by Miller. Motion carried 8-0. Motion by Nold to postpone this item until 6/15/10; second by Slattery. Motion carried 8-0.

#### Unfinished Business:

- A. **Consider/act on Ordinance to Amend §9.20(1)(a)1., 4. & 5. of the Municipal Code Relating to Use of Intoxicants Restricted – 2<sup>nd</sup> Reading:** Motion by Hall to give the ordinance its second reading in title only; second by Cochrane. Coenen 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.

#### New Business:

- A. **Introduction of Resolution Vacating Part of Silver Lake Street (Formerly South Walnut Street):** Daley reported that per Wis. Statutes, the introduction of this resolution is the first step in the process to vacate a part of Silver Lake Street (formerly S. Walnut St). This vacation is part of a settlement proposal with Speedway SuperAmerica. Coenen read the resolution into the record. No action by Council.

**Mayoral appointments to City Boards, Commissions, Authorities, etc.:****A. Matt Dawson – Community Development Authority (April, 2013)**

Motion by Kohlenberg to approve the appointment of Matt Dawson to the Community Development Authority; second by Cochrane. Motion carried 8-0.

**Reports and Comments from the Aldermen:** Cochrane stated she was asked when swimming would open at Park Street and confirmed that swimming is allowed, but that no lifeguards are on duty. She also asked that a public announcement be made to remind everyone that no bicycles or skateboards are allowed on sidewalks. Kohlenberg asked when Park Street construction/paving would be done. Frye stated we are looking at 6/10/10, when the State paves their portion. Kohlenberg also stated he would like a report from staff on what the City can do for transportation for seniors.

**Reports and Comments from the Mayor:** Daley commented on his tie breaking vote for naming the bandshell. He said it was a tough issue, but because of the dedication to the community, leadership and selflessness, the Rhodee family was worthy of praise and respect from the community. He reminded Council that they voted for the Bicycle and Pedestrian Plan in 2006 and that that plan gives staff direction to move forward. He stated that Council needs to come together and look at approved plans.

Motion by Miller to convene into Closed Session; second by Cochrane. Motion carried 8-0. Closed Session convened at 9:18 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."  
(Properties by City Beach) and (Other Public Property)

Motion by Nold to adjourn the Common Council meeting; second by Miller. Motion carried 8-0. The meeting adjourned at 9:18 PM.

---

Diane Coenen, City Clerk