

**CITY OF OCONOMOWOC**  
**COMMON COUNCIL MEETING MINUTES**  
**January 4, 2007**

**Mayor Sullivan** called the regular Common Council meeting to order at 7:35 pm and the Clerk confirmed appropriate notice was given.

**Pledge of Allegiance** – Dennis Bednarski led

**Roll Call:** Aldermen Hollatz, Jones, Morgan, Gross, Larsen, Antonneau and Cochrane

**Absent:** Alderman Snyder

**Staff present:** Mayor Sullivan, Gard, Lamp, Frye, Kitsembel, Gallo, Beguhn, Duffy, Bednarski and Coenen

**Others present:** Atty. Chapman

**Minutes (December 19, 2006):** Minutes not available at this time.

**Comments and suggestions from citizens:** None

**Consent agenda**

- A. Licenses
- B. 2007 Joint Powers Agreement County 9-1-1 Emergency System between the City of Oconomowoc and Waukesha County
- C. 2007 Village of Oconomowoc Lake Ambulance Service Contract Agreement

Motion by Antonneau to approve the Consent Agenda; second by Hollatz. Motion carried 7-0.

**Committee Reports**

- A. Finance – No Report
- B. Personnel – No Report
- C. Protection and Welfare – No Report
- D. Public Services – Cochrane, chairman, Hollatz, Larsen, secy
  - 1. **Consider/act on Regional Telecommunications Commission Participation Agreement** –Larsen reported that the Committee reviewed a request for the City of Oconomowoc to enter into an agreement with approximately 30 other communities to intervene in the lawsuit filed by the City of

Milwaukee against AT&T. The purpose is to determine if AT&T's U-verse video service is a cable service subject to a franchise agreement with the City. Motion by Larsen to approve the Regional Telecommunications Participation Agreement; second by Cochrane. Motion carried 7-0.

E. Utility – No Report

**Old Business**

- A. **Consider/act on Ordinance to Create Section 5.12(3)(a)4. and Amend Certain Ambulance Fees and Establish an Effective Date – 2<sup>nd</sup> Reading** – Motion by Antonneau to approve the ordinance in title only; second by Cochrane. Chapman read the title into the record. Motion carried 7-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 7-0.
- B. **Consider/act on the Ordinance to Rezone (Amend Boundaries) the Property known as Lot 3 of Certified Survey Map 7227, from SC; Suburban Commercial District to UR-10; Urban Residential District; except for the East 50 Feet (Lexington Square Condominiums) – 2<sup>nd</sup> Reading** – Motion by Cochrane to approve the ordinance in title only; second by Antonneau. Chapman read the title into the record. Motion carried 7-0. Motion by Gross for the ordinance to become law; second by Antonneau. Motion carried 7-0.
- C. **Consider/act on the Planned Development Ordinance and General Development Plan for Lexington Square Condominiums – 2<sup>nd</sup> Reading** – Motion by Antonneau to approve the ordinance in title only; second by Cochrane. Chapman read the title into the record. Motion carried 7-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 7-0.
- D. **Consider/act on the Ordinance to Rezone (Amend) the Boundaries of the IP Institutional and Public District for the Lincoln Court/OMH Properties (805, 806, 816, 817, 823, 826, 831, 834, 838, 839 Lincoln Court and 711 Forest Street) – 2<sup>nd</sup> Reading** – Motion by Antonneau to approve the ordinance in title only; second by Cochrane. Chapman read the title into the record. Motion carried 7-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 7-0.
- E. **Consider/act on the Ordinance for Direct Annexation by Roger Gartzke into the City of Oconomowoc and to Establish Temporary Zoning for the Property Located at W372 N5334 Lapham Street – 2<sup>nd</sup> Reading** – Motion by Gross to approve the ordinance in title only; second by Cochrane. Chapman read the title into the record. Motion carried 7-0. Motion by Gross for the ordinance to become law; second by Cochrane. Motion carried 7-0.

- F. **Consider/act on Ordinance to Create a Planned Development Overlay District and Approve the General Development Plan for the Old Summit School Site Located at the Northeast Corner of STH 67 and CTH B (Valley Road) to be Designated Planned Development (PD-10-06) for the project known as "Brennan's Marketplace."** – 2<sup>nd</sup> Reading – Motion by Antonneau to approve the ordinance in title only; second by Cochrane. Chapman read the title into the record. Motion carried 7-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 7-0.
- G. **Consider/act on the Ordinance for Chapter 20 – Floodplain Zoning of the Municipal Code – 2<sup>nd</sup> Reading** – Motion by Antonneau to approve the ordinance in title only; second by Cochrane. Chapman read the title into the record. Motion carried 7-0. Motion by Morgan for the ordinance to become law; second by Cochrane. Motion carried 7-0.
- H. **Consider/act on the (Codification) Ordinance Repealing and Re-Enacting Chapter 20 of the Municipal Code which is the Floodplain Zoning Ordinance – 2<sup>nd</sup> Reading** – Motion by Larsen to approve the ordinance in title only; second by Cochrane. Chapman read the title into the record. Motion carried 7-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 7-0.
- I. **Consider/act on Ordinance to Amend Section 3.08(1) Relating to the Room Tax Rate – 2<sup>nd</sup> Reading** – Motion by Gross to approve the ordinance in title only; second by Cochrane. Chapman read the title into the record. Motion carried 7-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 7-0.
- J. **Consider/act on Ordinance to Amend Sections 9.13(2)(b), 12.13(4)(b), 8.04(1)(c) and 7.03(10)(c)2 Increasing and Creating Various Fees – 2<sup>nd</sup> Reading** – Motion by Larsen to approve the ordinance in title only; second by Cochrane. Chapman read the title into the record. Motion carried 7-0. Motion by Larsen for the ordinance to become law; second by Cochrane. Motion carried 7-0.
- K. **Consider/act on Ordinance to Create Section 3.10 Creating Fees for Assessments on New Construction – 2<sup>nd</sup> Reading** – Motion by Antonneau to approve the ordinance in title only; second by Cochrane. Chapman read the title into the record. Motion carried 7-0. Motion by Antonneau for the ordinance to become law; second by Cochrane. Motion carried 7-0.

### **New Business**

- A. **Consider/act on Release of Letter of Credit SB 9091 for Pabst Farms Development, Inc.** – Kitsemel reported that the Development Agreement with Pabst Farms requires a \$3M letter of credit to assure payment of the TID #3 debt. According to our estimates, the TID will payoff even if there is no

- further development. Therefore, we are recommending the full release of the \$3M letter of credit. Motion by Jones to Release the Letter of Credit SB 9091 for Pabst Farms Development, Inc.; second by Cochrane. Motion carried 7-0.
- B. **Consider/act on Developer's Agreement for Lexington Square** – Chapman reported that this is a typical Developer's Agreement for the Lexington Square project located near Robruck Drive. As part of this agreement, the Developer will construct a road and extend it to Lexington Drive. The CSM will come forward for Lot 3 in the near future. The City will be closing on the Pagenkopf property this month. The road is being bid out now and he believes it will be constructed in spring. Motion by Gross to approve the Developer's Agreement for Lexington Square; second by Jones. Motion carried 7-0.
- C. **Consider/act on Resolution Authorizing Submission of Amendment to Cooperative Boundary Agreement to the Department of Administration Between the City of Oconomowoc and Town of Summit** – Sullivan stated that this item and the next three on the agenda are all related to the requirements of the Memorandum of Understanding (MOU) between the four parties that was approved in August. Chapman stated that this resolution authorizes the submission of an amendment to the Boundary Agreement to the Department of Administration so that the boundary between the City and Town is permanently fixed in perpetuity. Motion by Jones to approve the Resolution authorizing submission of Amendment to Cooperative Boundary Agreement to the Department of Administration between the City and Town of Summit; second by Cochrane. Chapman referred to the map and read the resolution into the record. Motion carried 7-0.
- D. **Consider/act on Ordinance Annexing Certain Lands of the Town of Summit and City of Oconomowoc (Boundary Agreement) – 1<sup>st</sup> Reading** – Chapman commented briefly that the lands to be annexed are east of Golden Lake Road and the majority of the property owners in the area filed a petition for annexation. The Town of Summit will meet next Monday (1/8/07) to authorize a lawsuit to be commenced for the boundaries. He suggests doing the first and second readings tonight. Motion by Larsen to give the ordinance its first reading; second by Cochrane. Chapman read the ordinance into the record. Motion carried 7-0. Motion by Gross to suspend the rules to be able to give the ordinance its second reading; second by Morgan. Motion carried 7-0. Motion by Gross to give the ordinance its second reading in title only; second by Morgan. Chapman read the title into the record. Motion carried 7-0. Motion by Gross for the ordinance to become law; second by Cochrane. Motion carried 7-0.

- E. **Consider/act on Stipulation Satisfying the Memorandum of Understanding between the City of Oconomowoc, Town of Summit, Pabst Farms and Aurora** – Sullivan stated that since some of the MOU requirements could not be accomplished by the end of 2006, a stipulation is needed and will be filed with the Court. If approved, the Judge would issue an order, which requires the parties to satisfy the requirements of the MOU. This will provide the certainty General Growth and Aurora need to move forward with their projects. Motion by Cochrane to approve the Stipulation satisfying the MOU between the City of Oconomowoc, Town of Summit, Pabst Farms and Aurora; second by Hollatz. Motion carried 7-0.
- F. **Consider/act on the Development Agreement between the City of Oconomowoc and Pabst Farms Development Company 1, LLC (Fire Station)** – Chapman reported that this agreement defines the terms for the dedication of land and the construction of the fire station. The acreage Pabst Farms proposed is two acres plus an additional one acre. A CSM will be created for the three acre parcel. It may be necessary for the parcel to encroach upon SO zoned land, and if that happens, Pabst Farms would then be able to rezone three acres SO in another area. The Fire Station will be east of HWY 67 – North of the Parkway. Motion by Jones to approve the Development Agreement between the City of Oconomowoc and Pabst Farms Development Company, LLC with either date of January 16, 2007 or January 22, 2007 for the release of Parcel 5; second by Gross. Motion carried 7-0.

**Mayoral appointments to Boards and Commissions, with Council confirmation** – None

#### **Staff Reports**

- A. **Government Finance Officer's Association Award** – Gard reported that this award is given for excellence in financial reporting. It is the highest recognition awarded and she would like to congratulate the Finance Director and staff and to thank the Mayor and Council for their support.
- B. **Police Department Grants** – Chief Beguhn reported that the department has received two grants. The first was a Homeland Security grant applied for by the Fire Department. The department received \$52,065 to be used for updated breathing equipment. The department's portion of the purchase will be \$2,740. The second grant received was for implementation of the Badger Trax System Program in the amount of \$20,000. This grant will be used toward hardware, software, etc. in issuing citations. This will cut down on clerical time and paper.

**Announcements and Communications** – None

**Reports and comments from the Aldermen – None**

**Reports and comments from the Mayor – None**

Motion by Larsen to convene into Closed Session; second by Cochrane. Motion carried 7-0. The meeting adjourned into Closed Session at 8:42 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.”  
(Purchase of Public Property)**

Motion by Jones to adjourn Closed Session; second by Antonneau. Motion carried 7-0.

Motion by Antonneau to adjourn the Common Council meeting; second by Jones. Motion carried 7-0. The meeting adjourned at 8:51 pm.

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Diane Coenen, City Clerk