

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
December 19, 2006

Public Hearings:

7:30 PM – Special Assessments for Public Improvements - Wood Creek Sanitary Sewer Improvements: The purpose of the Public Hearing is for the intention of the City of Oconomowoc to exercise its police power in accordance with §66.0701 and §66.0703, Wis. Stats., to levy special assessments upon property within the following described assessment districts for benefits conferred upon the property by the installation of a 24” sanitary sewer extension from Lisbon Road north to Lake Drive (CTH “Z”), the installation of a 15” sanitary sewer from the 24” sanitary sewer easterly to Wrenfield Way and the construction of a pump station in Wood Creek subdivision together with a 6” force main from Wrenfield Way westerly to Redwing Drive and a 10” force main from Redwing Drive westerly to the 24” sanitary sewer.

The hearing opened at 7:32 pm. Kitsembel reported that on November 21, 2006 Council passed the preliminary resolution for special assessments. The properties referred to lie within the City and Town of Oconomowoc. Presently, the City does not assess the Town properties; and would only if they connect to the City. There was no opposition to levy special assessments at the Public Information Meeting held on December 13, 2006. No other comments were received. The hearing closed at 7:38 pm.

7:30 PM (or immediately following) – Chapter 20 Floodplain Zoning: The purpose of the hearing is to consider a recommendation of the City Plan Commission to repeal and recreate Chapter 20 FLOODPLAIN ZONING of the City of Oconomowoc Municipal Code. The purpose of the ordinance is to update the City’s floodplain regulations to be compliant with Section 87.30, Wis. Stats., Chapter NR116 of the Wisconsin Administrative Code and the National Flood Insurance Program. The ordinance sets minimum standards to protect the City’s floodways and minimum standards for development in floodplain fringe areas, as well as general floodplain areas. The ordinance provides for its enforcement, adopts floodplain related definitions and references the sources of floodplain information for the City.

The hearing opened at 7:38 pm. Gallo reported that the City is required by the Department of Natural Resources to update our floodplain zoning ordinance by December 31, 2006. There are no substantive zoning changes for the City. The changes are administrative and technical in nature and the Commission unanimously recommends approval. No other comments were received. The hearing closed at 7:41 pm.

Mayor Sullivan called the regular Common Council meeting to order at 7:41 pm and the Clerk confirmed appropriate notice was given.

Pledge of Allegiance – Bob Duffy led

Roll Call: Aldermen Cochrane, Hollatz, Jones, Snyder, Morgan, Gross and Antonneau
Absent: Alderman Larsen

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

Others present: Atty Chapman and Stan Sugden

Minutes of December 5, 2006: Motion by Cochrane to approve the Common Council Minutes of the December 5, 2006 meetings as written; second by Jones. Motion carried 7-0.

Comments and suggestions from citizens:

A. **General Growth Presentation of Town Centre Development Project:** B. Niemann introduced D. Dagget and J. Griswold of Pabst Farms and J. Craig, B. Yeager and G. Gorski who are representing General Growth. Craig gave background information on General Growth and the locations of their malls in Wisconsin. Additionally, he talked about the number of employees and number of retail partners General Growth has within these malls. Their proposal for Oconomowoc would be a single level, enclosed combination (mixed use) center. Illustrations were displayed of some of their current centers and maps outlining the layout of these centers. The plan is to have a variety of uses in an interior mall, with an intimate street setting theme. This is still a concept plan, but they are trying to give us a sense of the project; a space where people

can gather. Elements, such as a restaurant, create a successful atmosphere and the design gives it a sense of place. Sullivan asked for an overview of merchants. The mix would be small shops, apparel retailers, restaurants, etc. This project was pitched at a New York convention in December and received positive feedback from retailers. Gallo stated that during the Plan Commission presentation by General Growth, the Commissioners suggested looking into more levels (2nd story). Craig stated that they are looking into this suggestion to see if it fits with today's market, 10 years out, etc. Antonneau stated that although he is not much of a shopper, his trip to their Jordan Creek Center was impressive. Sullivan stated the process for this proposal is that it would go back to Plan Commission and then back to Council. It is conceptual now, but as the process moves forward, more detail will be provided.

Consent agenda

- A. Licenses
- B. Treasurer's Report
- C. Resolution Appointing Election Inspectors for Year 2007
- D. Resolution Amending Resolution Increasing Special Charge for Garbage/Refuse Collection Fee
- E. 2007 Town of Summit Ambulance Service Contract Agreement
- F. 2007 Village of Lac La Belle Ambulance Service Contract Agreement
- G. 2007 Village of Lac La Belle Fire Protection Contract Agreement

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

Committee Reports

- A. Finance - Jones, chairman, Cochrane, Larsen, secy.
 1. **Consider/act on Consulting Agreement with Brad Steinke, Concord Development Company, as Project Manager for the General Growth Development** – Jones reported that due to the size of the project and constraints on staff time, the Finance Committee is recommending we enter into a consulting contract with Brad Steinke. Motion by Jones to approve the Consulting Agreement with Brad Steinke, Concord Development Company, as Project Manager for the General Growth Development; second by Antonneau. Antonneau is concerned about the workload for staff and feels it's a great idea to hire a consultant. Motion carried 7-0.
 2. **Consider/act on Extension of Property Assessment Services Contract for 2007-2008** – Jones reported that this contract extends our services with Grota Appraisals for two years with the same terms and pricing as our original contract. Motion by Jones to approve the Extension of Property Assessment Services Contract for 2007-2008; second by Cochrane. Motion carried 7-0.
- B. Personnel – No Report
- C. Protection and Welfare - Snyder, chairman, Antonneau, Hollatz, secy.
 1. **Consider/act on Ordinance to Create Section 5.12(3)(a)4. and Amend Certain Ambulance Fees and Establish an Effective Date** – Hollatz reported that there are two changes in the fees for 2007, but the transportation base rates are not changing. Motion by Hollatz to adopt the Ordinance to Create Section 5.12(3)(a).4. and Amend Certain Ambulance Fees and Establish an Effective Date; second by Antonneau. Chapman read the ordinance into the record. Antonneau stated that good service is provided and it is impressive that only two fees were raised. Motion carried 7-0.
- D. Public Services – No Report
- E. Utility – No Report

Plan Commission

- A. **Consider/act on the Ordinance to Rezone 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)** – Gross reported that the request is to change the underlying zoning from Suburban Commercial to Urban Residential for the Lexington Square Condominium project. The Plan Commission unanimously recommends approval. Motion by Gross to give the Ordinance its first reading; second by Cochrane. Chapman read the ordinance into the record. Motion carried 7-0.
- B. **Consider/act on the Planned Development Ordinance and General Development Plan for Lexington Square Condominiums** – Gross reported that this is Step 3 of the Planned Development (PD) process. The applicant is planning to develop a multi-family condominium project on Robruck Drive. The Plan Commission unanimously recommends approval. Motion by Gross to give the Ordinance its first reading in title only; second by Cochrane. Chapman read the title into the record and commented that the CSM was approved in October 2006 by the Plan

- Commission. The rezone was not done that night because the developer asked to withdraw that request. Motion carried 7-0.
- C. **Consider/act on Endorsing Resolution Amending the Comprehensive Master Plan (OMH Properties)** – Gross reported that the Plan Commission adopted a resolution to amend the Comprehensive Master Plan to designate the Lincoln Court properties as institutional. Motion by Gross to endorse the Plan Commission Resolution amending the Comprehensive Master Plan; second by Cochrane. Chapman stated that the change in the master plan involved zoning of Lincoln Court from residential to institutional use. Antonneau asked if there would be access to the high school. Yes – the area is being reconfigured and some homes are being removed. Motion carried 7-0.
- D. **Consider/act on the Certified Survey Map to Combine and Reconfigure the Properties at 805, 806, 816, 817, 823, 826, 831, 834, 838, 839 Lincoln Court and 711 Forest Street (Property known as 791 Summit Avenue)** – Gross reported that Oconomowoc Memorial Hospital owns the 10 homes on Lincoln Court and is creating a two-lot CSM—one lot including the properties on the east side of Lincoln Court and one lot including those on the west side. The Plan Commission unanimously recommends approval. Motion by Gross to approve the Certified Survey Map to combine and reconfigure properties on Lincoln Court and Forest Street; second by Cochrane. Motion carried 7-0.
- E. **Consider/act on the Ordinance to Rezone 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)** – Gross reported that this ordinance rezones the Lincoln Court properties from Suburban Residential to Institutional and Public District. The Plan Commission unanimously recommends approval. Motion by Gross to give the ordinance its first reading; second by Cochrane. Chapman read the ordinance into the record. Motion carried 7-0.
- F. **Consider/act on the Certified Survey Map of Robert Erdmann to Reconfigure the Property at 654 Armour Road** – Gross reported that Erdmann has purchased additional property next to their existing parcel from Big Jim's Small Engine Repair. This CSM combines the two properties and the Plan Commission unanimously recommends approval. Motion by Gross to approve the Certified Survey Map of Robert Erdmann, 654 Armour Road; second by Cochrane. Motion carried 7-0.
- G. **Consider/act on a Conditional Use Permit by Robert Erdmann for a Group Development known as World of Wood, located at 654 Armour Road** – Gross reported that this CUP allows World of Wood to construct a 7,500 sq. ft. manufacturing building. The Plan Commission unanimously recommends approval. Motion by Gross to approve the CUP by Robert Erdmann for the development known as World of Wood, 654 Armour Road; second by Cochrane. Chapman went over a small array of items in the CUP and Antonneau commented on the landscaping. Motion carried 7-0.
- H. **Consider/act on a Conditional Use Permit by Bradford Fry for the construction of a Kwik Trip Gasoline Service Station, Convenience Store and Car Wash at 1220 Brown Street (Prairie Creek Shoppes)** – Gross reported that this CUP is to construct a gas station and car wash on Lot 3 of the Prairie Creek Shoppes. The Plan Commission unanimously recommends approval. Motion by Gross to approve the CUP by Bradford Fry for the construction of a Kwik Trip Gasoline Service Station, Convenience Store and Car Wash at 1220 Brown Street; second by Cochrane. Chapman summarized that this parcel was already considered for a Mobil. An access drive is provided and an easement is required for utilities. Motion carried 7-0.
- I. **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** – Gross reported that the applicant has petitioned for annexation because of a failing sanitary system. The property is contiguous to the City and the Plan Commission unanimously recommends approval. Temporary zoning of Suburban Residential (SR-4) is recommended. Motion by Gross to give the ordinance its first reading; second by Cochrane. Chapman read the ordinance into the record. Motion carried 7-0.
- J. **Consider/act on the Resolution for the Wisconsin Avenue Transportation Project Plat and Relocation Order** – Gross reported that this plat identifies the road right-of-way and the area necessary to be acquired for the downtown reconstruction project. The Plan Commission unanimously recommends approval. Motion by Gross to approve the Resolution for the Wisconsin Avenue Transportation Project Plat and Relocation Order; second by Cochrane. Chapman read the resolution into the record. Motion carried 7-0.
- K. **Consider/act on Commercial Rental Agreement between the City and United States Administrators, Inc. in accordance with our Agreement to Purchase the Property Located at 121 S. Silver Lake Street** – Gross reported that as part of the acquisition of the property at 121 S. Silver Lake Street, the property owner has requested occupancy of the building until August 31, 2007. No rent will be charged during this time. Motion by Gross to approve the Commercial Rental Agreement between the City and United States Administrators, Inc. for property located at 121 S. Silver Lake Street; second by Cochrane. Motion carried 7-0.

- L. **Consider/act on the Resolution for Property Acquisition at 35-37 Worthington Street (Parcel is Adjacent to Municipal Property)** – Gross reported that this property, adjacent to the municipal parking lot next to the Library, is recommended for acquisition for future parking and expansion. The purchase price is \$197,500 and funding will come from our undesignated general fund. The Plan Commission unanimously recommends approval. Motion by Gross to approve the Resolution for Property Acquisition at 35-37 Worthington Street; second by Cochrane. Chapman read the resolution into the record. Motion carried 7-0.
- M. **Consider/act on the Property Acquisition at 1185 Summit Avenue for Roadway Extension Purposes** – Gross reported that this property is owned by Pagenkopf Funeral Home and a portion is recommended for purchase at a cost of \$110,000 for the future road extension to Lexington Avenue. Motion by Gross to approve the property acquisition at 1185 Summit Avenue; second by Cochrane. Motion carried 7-0.

Old Business

- A. **Consider/act on Ordinance to Amend Chapter 27.09(2)(b), (4)(b) and (c), (5)(b) and (c), (6)(b) and (c) and (7)(c) of the Municipal Code of the City of Oconomowoc Relating to the North Interceptor Impact Fee, the North Water Tower Impact Fee and Impact Fees for Highways and Other Transportation Facilities, Law Enforcement Facilities, Fire Protection and Emergency Medical Facilities, and Parks, Playgrounds, and Land for Athletic Fields – 2nd Reading** – Motion by Antonneau to give the Ordinance its second reading 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 Ordinance to Amend Section 13.63(3)(a) of the Municipal Code of the City of Oconomowoc Relating to Sewer Availability Charges – 2nd Reading** – Motion by Antonneau to give the Ordinance its second reading 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.
- C. **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.”** – Sullivan stated that previously a protest was filed by Pabst Farms regarding this issue and that Council now has in front of them a withdrawal of the protest by Pabst Farms’ attorney. Motion by Antonneau to adopt the Ordinance to Create a Planned Development Overlay District and Approve the General Development Plan for the Old Summit School Site in title only; second by Cochrane. Chapman read the title into the record. Sullivan inquired as to the status of the building on the plans and Chapman stated that no further plans will take place unless Pabst Farms and Valley Road Development agree. Sugden reported on the review of the stormwater and stated the final details will be worked out in Step 4 of the process. He is confident with the proposal so far. Chapman referred to a letter received and stated in-vehicle sales and service was incorporated into the ordinance on Page 5. Motion carried 7-0.

New Business – Chapman requested that Item B. be considered before Item A.

- A. **Consider/act on Codification Ordinance for Chapter 20, Floodplain Zoning** – Chapman stated that a notice was published in the paper that a copy of this ordinance is on file in the Planner’s Office and by codifying this lengthy ordinance, the City will save publication charges. Motion by Cochrane to approve the Codification Ordinance for Chapter 20, Floodplain Zoning; second by Jones. Chapman read the ordinance into the record. Motion carried 7-0.
- B. **Consider/act on the Ordinance Repealing and Re-Enacting Chapter 20 of the Municipal Code which is the Floodplain Zoning Ordinance** – Motion by Gross to approve the ordinance in title only; second by Cochrane. Chapman read the title into the record. Motion carried 7-0.
- C. **Consider/act on 2007 Utility Budget** – Kitsemel reported that on December 5, 2006 the Committee-of-the-Whole reviewed the 2007 Utility Budget and unanimously recommended it to the Common Council. Wastewater rates will increase by 3% for city residents. There are no budgeted rate increases for water and electric, but we intend to file a rate case with the PSC for our electric utility and may be looking at a simplified rate increase for water. The Hwy 16 Project and Automated Meter Reading Upgrades account for most of the increases. Motion by Gross to approve the 2007 Utility Budget; second by Cochrane. Motion carried 7-0.
- D. **Consider/act on Ordinance to Amend Section 3.08(1) Relating to the Room Tax Rate** – Motion by Antonneau to approve the ordinance to amend Section 3.08(1); second by Cochrane. Chapman read the ordinance into the record and stated that the increases in the City’s room tax rate are from 5% to 6%, effective April 1, 2007. Motion carried 7-0.
- E. **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** – Motion by Antonneau to approve the ordinance to amend Sections 9.13(2)(b), 12.13(4)(b),

8.04(1)(c) and 7.03(10)(c)2; second by Cochrane. Chapman read the ordinance into the record and stated that this ordinance increases the following fees: storage charge for impounded vehicles, amusement devices registration fee, street excavation permit and parking permits. Motion carried 7-0.

- F. **Consider/act on Ordinance to Create Section 3.10 Creating Fees for Assessments on New Construction** – Motion by Antonneau to approve the ordinance to create Section 3.10; second by Cochrane. Chapman read the ordinance into the record and stated this ordinance creates a fee for the property assessment of new construction. The fee is \$50 per residential building of four units or less and \$100 for residential buildings of five units or more and commercial, industrial and institutional buildings. Motion carried 7-0.
- G. **Consider/act on Rescheduling the January 2, 2007 Common Council Meeting** - City Hall is closed on January 2nd and we are suggesting that we schedule the meeting for Thursday, January 4, 2007. Motion by Antonneau to reschedule the January 2, 2007 Council meeting to Thursday, January 4, 2007; second by Cochrane. Motion carried 7-0.

Mayoral Appointments – None

Staff Reports

- A. Bob Duffy reported on the negotiations for each of the properties listed below that are being acquired for right-of-way purposes. Funds come from TIF #4 and the closing date for all three is December 20, 2006:
- Property Acquisition at 121 Silver Lake Street – \$659,535
 - Property Acquisition at 310 Collins St. for the Silver Lake Street Improvements/Realignment – \$450,000
 - Property Acquisition at 329 E. Wisconsin Avenue for Jurisdictional Transfer Improvements – \$650,000

Announcements and Communications – None

Reports and Comments from the Aldermen – Hollatz wished everyone Happy Holidays!

Reports and Comments from the Mayor – None

Motion by Antonneau to convene into Closed Session; second by Snyder. Motion carried 7-0. The meeting adjourned into Closed Session at 9:14 p.m.

Closed Session, per Wis. Stat. 19.85(1)(c) “Consider compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.” (Salaries for non-represented employees.)

Motion by Cochrane to return to Open Session, per Wis. Stats. 19.85(2); second by Jones. Motion carried 7-0. The meeting convened back into Open Session at 9:29 p.m.

Consider/act on Resolution: 2007 Salaries for Non-Represented Employees – Motion by Gross to approve the Resolution for 2007 Salaries for Non-Represented Employees; second by Jones. Sullivan read the resolution into the record. Motion carried 7-0.

Motion by Antonneau to adjourn the Common Council meeting; second by Cochrane. Motion carried 7-0. Meeting adjourned at 9:31 p.m.

Diane Coenen, City Clerk