

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
February 20, 2007

Public Hearing:

7:30 PM – Amend Sections 16.13, 17.935 and 18.08(14) of the Municipal Code: The purpose of the hearing is to amend Section 16.13 of the City Shoreland-Wetland Zoning Code, relating to Fees for Zoning Permits, Certificates of Compliance, Conditional Use Permits, Rezoning Petitions and Chargebacks, to amend Section 17.935 of the City Zoning Code, relating to fees for Text Amendments, Zoning Map Amendments, Special Use Permits, Conditional Use Permits, Temporary Use Permits, Sign Permits, Site Plan and Supplemental Regulation Permits, Certificates of Zoning Compliance, Variances, Special Exception from The Board of Zoning Appeals, Interpretations, Appeals, Special Exceptions from the Architectural Commission, Zoning Determination Letters, Architectural Plan Review, Signage Plan Review and Planned Development Review and to amend Section 18.08 (14) of the City Platting and Subdivision Code, regarding fees related to the review of Preliminary Plats, Condominium Plats, Certified Survey Maps, Extraterritorial Land Divisions and Final Plats.

The hearing opened at 7:32 PM. Dodge reported that at a previous Committee-of-the-Whole meeting the proposed user fees were reviewed. The changes reflect administrative fees and actual fee chargebacks for staff review time in relation to planning and zoning services. The underlying goal is to better align the fees and this fee structure is more equitable to our customers since staff review time varies from project to project. In addition, the user pays for the service received instead of the taxpayers. 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 – Chapman led

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

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

Others present: Atty. Chapman and Stan Sugden

Minutes - February 6, 2007: Motion by Cochrane to approve the minutes from the February 6, 2007 meeting as presented; second by Jones. Motion carried 8-0.

Comments and suggestions from citizens:

- A. **Presentation of Officer Commendation – Scott Wheeler:** Chief Beguhn stated that on September 24, 2006, Officer Wheeler responded to a call at a pond behind 140 Sheldon Road. A two year old girl had fallen in and was not breathing. He administered CPR and the child was transported to the hospital, where she made a full recovery. He presented Officer Wheeler with the Commendation and he was given a standing ovation by all in attendance.
- B. **Citizens who spoke about the SW Summit Avenue Plan and Thackeray Trail:**
 1. Mariette Andersen, N14 W30212 High Ridge Road represents the owner of the Magna LLC lands, specifically the 8, 24 & 48 acre parcels. She asked Council to come to a compromise on density. Commerce Street was earmarked as an important access point to these parcels. Down zoning would compromise things already in place. Also, the planned area shown on the map, takes away 10 -15 acres. She asked why the City is looking at the golf course being changed from Ag to more density.
 2. Paul Kubicek from National Survey of Brookfield stated that he prepared an overlay of the plans on the conceptual plan submitted to Council and found six differences, which he then described.

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3. Michael Krill, 10060 W. Loomis Road spoke on behalf of Edmund Baysari. He stated that the plan submitted is a comprehensive plan and nothing more than a plan to be used as a tool. Although it is a good plan and would increase value, there are zoning issues. Baysari would agree to 6 – 8 units on the acres. He does not want a regimented set of rules so that when someone comes forward with a plan for the area, they are not completely tied up.
4. Basil Mroz, 844 Thackeray Trail feels no consideration has been given to the Whitman Park area. He asks Council to consider the residents on the north side of Thackeray Trail. All the driveways for the homes come out onto Thackeray. He asks Council to look at extending Oconomowoc Parkway. Feels concrete inverts should be put on both sides of Thackeray for drainage because where there are no inverts, water backs up.
5. Melissa Krahn, 833 Thackeray Trail handed out a sheet listing the Pros and Cons for the extension of Thackeray and photos. Basically there is four-tenths of a mile that is wetland, and if changed, would cause problems. She did a demonstration using water poured into a glass dish, placed sponges inside (representing the ground) and laid weight on top (representing the road). She said that in the Omni Report, it states Thackeray was created as a rural road. She asked Council to preserve the wetland.
6. Mary Pat Lindl, 839 Thackeray Trail passed out photos of the area showing flooding. She feels the flooding will continue to get worse and the extension will ruin the neighborhood. The Master Plan is old and the mindset is that it can't be deviated from, but things change.
7. Arlene Ziety, 1101 Emerson Drive had a question. Why are three roundabouts proposed?

Consent agenda

- A. Licenses
- B. Treasurer's Report
- C. 2007 Town of Oconomowoc Ambulance Service Agreement
- D. 2007 Town of Oconomowoc Fire Protection Agreement

Motion by Hollatz to approve the Consent Agenda; second by Antonneau. Motion carried 8-0.

Committee Reports

- A. Finance:
 1. **Consider/act on Professional Services Agreement with Schreiber Anderson Associates to update the Downtown Revitalization Plan:** Larsen reported Schreiber Anderson submitted a proposal to update the Downtown Revitalization Plan at a not to exceed fee of \$23,000. The update includes changes in land use and transportation patterns as a result of the proposed reconstruction of Wisconsin Avenue. It also provides additional detail to the design guidelines section of the adopted Master Plan. The CDA unanimously recommends approval. Motion by Larsen to approve the Professional Services Agreement with Schreiber Anderson Associates to update the Downtown Revitalization Plan for an amount not to exceed \$23,000.00; second by Cochrane. Motion carried 8-0.
- B. Personnel – No Report
- C. Protection and Welfare – Sullivan reported that earlier this evening a Protection & Welfare Meeting was held and they approved the purchase of five sets of protective clothing for the Fire Department.
- D. Public Services – No Report
- E. Utility:
 1. **Consider/act on Agreement for the Establishment and Operation of the Rock River TMDL Group:** Gross reported that municipalities in the Rock River basin are joining in a cooperative effort to monitor and give input to the EPA and DNR regarding a study on the total maximum daily load (TMDL) for phosphorus and sediment in the Rock River watershed. Steinbach was elected President of the group. The Utility Committee recommends approval of the agreement at a not to exceed amount of \$5,000. Antonneau and Morgan had questions. Steinbach stated he attended a meeting in Madison on total maximum loading limits for the Rock River. As a permit holder in the watershed, the State will be implementing phosphorus limits lower than our present 1.0 mg/l and enforcing them through our WPDES permit which will mean increased chemical use and associated costs. He added that communities like Oconomowoc are also facing increasing

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regulations on storm water discharge which may also be affected. For this reason, other permittees in the watershed are looking to join together as one voice, to be known as the Rock River Partnership Group, which previously looked at phosphorus levels in the 1990's. Motion by Gross to approve the Agreement for the Establishment and Operation of the Rock River TMDL Group for an amount not to exceed \$5,000.00; second by Antonneau. Motion carried 8-0.

Plan Commission

- A. **Consider/act on the Conditional Use Permit application of John Thiel of Thiel Visual Design, on behalf of the Greater Oconomowoc Area Chamber of Commerce requesting the approval of the City of Oconomowoc Wayfinding Sign Plan** – Gross reported that plans were submitted to display wayfinding signs throughout the Oconomowoc area directing motorists to certain points of interest. The signs include the downtown's new logo. The Plan Commission unanimously recommends approval. Motion by Gross to approve the Conditional Use Permit for the Greater Oconomowoc Area Chamber of Commerce for the Oconomowoc Wayfinding Sign Plan; second by Cochrane. Motion carried 8-0.
- B. **Consider/act on Ordinance to Amend §16.13(1), (2), (4) and (5), Repeal §16.13(3) and Create §16.13(6) of the Municipal Code of the City of Oconomowoc Relating to Zoning Fees – 1st reading** – Gross reported that this ordinance relates to the fees charged for planning and zoning services. As part of the budget process we completed a comprehensive fee review, and the Finance Committee recommended fee revisions. For most services, there will be an administrative fee plus a chargeback for the actual time spent reviewing projects. This fee structure is more equitable to our customers since staff review time varies from project to project. In addition, the user pays for the service received instead of the taxpayers. Motion by Gross to give the ordinance its first reading; second by Cochrane. Chapman read the ordinance into the record. Jones inquired if an estimate would be given to the applicant. Gard responded yes. Antonneau asked if these fees were similar to communities surrounding us. Chapman responded yes. Motion carried 8-0.
- C. **Consider/act on Ordinance to Amend §17.935(1) and to Create Additional Subsections of §17.935 of the Municipal Code Relating to Zoning and Planning Fees – 1st reading** – Gross reported that this section was also part of the comprehensive fee review. Motion by Gross to give the ordinance its first reading; second by Cochrane. Chapman read the ordinance into the record and stated that subsection four provides for chargebacks. Antonneau asked if these fees were in line with other communities. Gard believes so and stated that when the study was conducted, we looked at the actual time to perform the review. Gallo added that when he came to the City, there were no fees for reviews. Gross stated that this amendment was discussed at length at Plan Commission. Motion carried 8-0.
- D. **Consider/act on Ordinance to Amend §18.08 (14)(b) and (e) of Chapter 18, the Platting and Subdivision Ordinance of the City of Oconomowoc – 1st Reading** – Gross reported that this section was also part of the comprehensive fee review. Motion by Gross to give the ordinance its first reading; second by Antonneau. Chapman read the ordinance into the record and stated that we will be charging a basic fee for filing and then chargebacks. An extensive engineering review is need for subdivisions. Motion carried 8-0.
- E. **Consider/act on the Certified Survey Map application of Mark D. Groose for a one-lot land division located on Concord Center Drive, in Section 14 of the Town of Concord. (These lands fall within the City's Extra-territorial Platting jurisdiction area.)** – Gross reported that this land is approximately 1.5 miles west of the intersection of Valley Road and Morgan Road. The proposed use is not in conformance with the adopted Comprehensive Master Plan of the City of Oconomowoc. The Plan Commission recommends that no action be taken. The CSM will be deemed approved at the end of the 90-day review period. No action taken by Common Council.
- F. **Consider/act on the Certified Survey Map application of Robert Smith for a one-lot land division/reconfiguration, located at 3250 Silver Circle Drive, Town of Summit. (These lands fall within the City's Extra-territorial Platting jurisdiction area.)** – Gross reported that this property is located in the Silver Lake Sanitary District on the north side of Valley Road. It is consistent with the City's Comprehensive Master Plan. The Plan Commission reviewed the CSM and determined that combining the lots does not change the land use, therefore unanimously recommends approval. Motion by Gross to approve the CSM of Robert Smith for a one-lot land division located at 3250 Silver Circle Drive, Town of Summit; second by Cochrane. Motion carried 8-0.

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New Business

- A. **Consider/endorse Plan Commission Resolution 06-R1878 to Amend the City of Oconomowoc Comprehensive Master Plan to incorporate the SW Summit Avenue Area Plan** – The wrong resolution (06-R1857) was included in the packet and the correct resolution (06-R1878) was given to Council members. Duffy did a Power Point presentation and attempted to answer the questions and concerns raised by individuals during the public comment portion of the meeting. The City has undertaken a process spanning several months to develop a plan for the Southwest Summit Avenue area. Several public hearings were held (Plan Commission 10/11/06 & Council 10/3/06) and revisions have been made as the plan developed. Thackeray Trail has been in the last three Comprehensive Plans for extension. The Plan Map is a representation of land use, not a Parcel Map. Staff is looking for final endorsement to move forward and the Plan Commission unanimously adopted the plan. Gross stated that this is a planning document to be used as a guide and it is not cast in stone. Ultimately, decisions are made by the Plan Commission and Council and it is staff's goal to let Council know if what is proposed is or is not consistent with the plan. Larsen questioned the water and wetland issues on Thackeray. Duffy stated that again, Thackeray is on the Master Plan as extended. Sugden addressed Council and stated that no designs to extend Thackeray are underway at this time. Jones feels this would be costly. Sugden responded that cost would be another decision. Also, there is a 100 ft. right-of-way on Thackeray and that would be sufficient room for sidewalks. Jones next questioned the roundabouts. Sugden stated that these are potential remedies for traffic calming and have not been decided yet. Snyder stated that the City will have to do something with the water problem regardless. Sugden stated that the slope of the ditches is currently an issue. Snyder asked realistically, when the project will come forward. Sugden responded four to five years. Morgan feels we are tying too many things together. We should start with the extension of Oconomowoc Parkway because the school is going to happen. Gross asked if the plan is not acted on tonight, would Thackeray not be mapped. Duffy stated that Thackeray is already on the Official Map. Cochrane questioned the roundabouts, if we could install more inverts and look at other options besides Thackeray. Sugden stated that we need to look at traffic needs, internal trips, etc. Jones feels this project should be a low priority as it is not popular and will be very expensive. Gross feels we could take the focus away from Thackeray by using Oconomowoc Parkway. He does not know if Thackeray will ever go through, but we can not take away our options. What we would be doing is endorsing a plan that has been there since 1957. The 8, 24 & 48 parcels have problems with odd easements, no access, configurations of odd parcels and private roads, which do not have anything to do with the plan.

At this point, Sullivan requested Snyder take the Chair (9:12 pm.) Sullivan stated that the plans came into existence because of various issues. Based on those issues, he asked the Plan Commission to bring forth cohesive plans. There have been a number of public hearings and opportunities for people to participate. Ultimately, the document before you is for endorsement, not adoption. If Council will not endorse the plan, then they should speak to the issues and send it back to the Plan Commission. He hopes Council endorses it. The advantages and disadvantages are not specific. He has previously met with several land owners and gave a ninety day period for suggested modifications. Not all of the issues are compatible between all involved. The decision is for an east/west road. With the new school and General Growth, why close off options before we can properly plan for an east/west road. He then referred to the map and Duffy stated that there is no intent to change the boundaries and that the map shows no property lines. In conclusion, Sullivan stated that it seems to him we are buying into a vision, an idea that allows people to come forward with a plan. At 9:23 pm he returned to the Chair.

Motion by Gross to endorse the Plan Commission Resolution 06-R1878 to Amend the City of Oconomowoc Comprehensive Master Plan to incorporate the SW Summit Avenue Area Plan; second by Cochrane. Motion carried 6-2. Jones and Morgan voted no.

- B. **Consider/act on Resolution to the DOT Granting the Conditional Use Permit for the Proposed City of Oconomowoc Wayfinding Sign Plan** – Chapman stated that the Department of Transportation (D.O.T.) has requested a resolution from the Council showing support of the wayfinding sign plan in order for the D.O.T. to allow the placement of signs outside of our jurisdiction. Motion by Gross to approve the resolution showing support for the Oconomowoc Sign Plan; second by Cochrane. Chapman read the resolution into

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- the record. Antonneau stated he likes what he sees and the signs are a real addition. Sullivan complimented the Chamber of Commerce on their work and collective efforts. Motion carried 8-0.
- C. **Consider/approve Contract for Concessionaire at City Beach** – Maurer reported that two proposals were initially received to operate the concession stand at City Beach in 2007. One withdrew and the Park and Recreation Board unanimously recommends the proposal from Maria Moreno, d/b/a Martin's Popcorn and More. Motion by Cochrane to approve the Contract from Maria Moreno, d/b/a Martin's Popcorn and More to provide concessions at City Beach; second by Antonneau. Motion carried 8-0.
 - D. **Consider/approve 2007 Badgerland Water Ski Show Dates** – Maurer reported that the Badgerland Water Ski Show Team requested three dates for shows in 2007: June 21, July 26, and August 16. In 2006, there were six shows. The Park and Recreation Board unanimously recommends approval. Motion by Cochrane to approve the 2007 Badgerland Water Ski Show Dates as presented; second by Jones. Morgan commented that the number of shows is down from six last year and he would like to see more. Maurer has sent a letter from the Park and Rec stating the City would like more. Motion carried 8-0.

Mayoral Appointments – None

Announcements and Communications – None

Reports and comments from the Aldermen – Antonneau commented that from a safety standpoint, we may want to consider not parking on both sides of the street on Greenland. Chief Beguhn will monitor the cars going through that area. Also, Antonneau noticed that the new pedestrian signs are becoming shredded. Beguhn stated that the extreme cold is part of the problem.

Reports and comments from the Mayor – None

Motion by Cochrane to adjourn the Common Council meeting; second by Antonneau. Motion carried 8-0. The meeting adjourned at 9:34 PM.

Diane Coenen, City Clerk