

**CITY OF OCONOMOWOC**  
**COMMON COUNCIL MEETING MINUTES**  
**March 20, 2007**

**PUBLIC HEARING:**

The purpose of the hearing is to consider the vacation of Commerce Street from Unity Drive easterly to State Trunk Highway 67. Commerce Street between Unity Drive and State Trunk Highway 67 was subject to mandatory closure by the Wisconsin Department of Transportation upon the opening of Oconomowoc Parkway. The Council may, but is not required, to consider and act on the resolution at the March 20, 2007 Common Council meeting.

Sullivan opened the hearing at 7:30 PM. Gallo reported that this street has been properly abandoned and now the City is taking formal steps to vacate it. There is 90 ft. of right-of-way that will need to be split between the lands to the north and south. The exact footage to each property still needs to be determined. No other comments were received. The hearing closed at 7:34 PM.

**Mayor Sullivan** called the regular Common Council meeting to order at 7:34 PM and the Clerk confirmed appropriate notice was given.

**Pledge of Allegiance** – Charles Laabs led

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

**Absent:** Alderman Snyder

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

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

**Minutes – March 6, 2007:** Motion by Cochrane to approve the minutes from the March 6, 2007 meeting as presented; second by Jones. Motion carried 7-0.

**Comments and suggestions from citizens:**

1. Janet Swandby, 1384 Crystal Lake Dr. is here to endorse the Plan Commissions recommendation to deny the sales trailer in Lakewood Estates North, Lot 90. Those that live on Crystal Lake have looked at this trailer for almost a year and have always objected to it. They had asked JC Fleming Properties to place it on a

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different lot before any improvements were done. She does not object to a sales office in a model home.

2. Charles Laabs, 1398 Crystal Lake Dr. asks that the Common Council not approve the sales trailer. It has been there for one year, per the code. He would like the Council to consider changing the code to allow a speck house rather than a trailer.
3. Lisa Conley, 516 Lac La Belle Dr. commented on the trees that will be removed on Valley Road for the new subdivision in Pabst Farms. She asked if there was any way to save the trees, as they are old and worth saving. She hopes we can modify the plan for the road to save the trees.
4. Mary Burt, W347 N6130 Rd I, stated she would like to see some type of plan to save the trees, or as many as possible on Valley Road.

### Consent Agenda

- A. Licenses
- B. Treasurer's Report
- C. Resolution on Continuing Appropriations – Sullivan stated that earlier this evening the Finance

Committee reviewed and recommended approval for requests to carry over funds for projects that were not completed in 2006 and for purchase orders we are legally obligated to honor.

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

### Committee Reports

- A. Finance – No Report
- B. Personnel – No Report
- C. Protection and Welfare: *Hollatz reported that Morgan was appointed Acting Chair for this Committee as Snyder was absent.*

1. **Consider/act on Resolution to Purchase Digital In-Squad Cameras** – Hollatz reported that three proposals were received to replace our squad video cameras. Staff recommends the low proposal from WatchGuard in the amount of \$26,975 for five camera systems with DVD technology. Motion by Cochrane to adopt the Resolution to purchase five Digital In-Squad Cameras from WatchGuard in the amount of \$26,975; second by Hollatz. Chapman read the resolution into the record. Motion carried 7-0.
2. **Consider/act on the Resolution to Purchase SCBA Equipment through the 2006 FEMA Assistance to Firefighter's Grant Program** – Hollatz reported that the City received a \$54,805 FEMA Grant to purchase 11 self-contained breathing apparatus devices and 16 spare cylinders. The local match requirement is

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\$2,740. Staff recommends the low quote from Oshkosh Fire and Police Equipment in the amount of \$49,130. Motion by Cochrane to adopt the resolution to purchase SCBA equipment from Oshkosh Fire and Police Equipment in the amount of \$49,130; second by Morgan. Chapman read the resolution into the record. Motion carried 7-0.

3. **Consider/act on Amendment to Chapter 12.04(4)(a) and (5)2.(k) & (l) & Create Section 12.04(14) of the Intoxicating Liquor and Fermented Malt Beverages Ordinance** – Cochrane reported that the Committee reviewed several amendments and a section creation to Chapter 12.04 of the Municipal Code. Motion by Cochrane to adopt the amendment to Chapter 12.04(4)(a) and (5)2.(k) & (l) & Create Section 12.04(14) of the Intoxicating Liquor and Fermented Malt Beverages and give the ordinance its first reading; second by Hollatz. Chapman read the ordinance into the record. Jones stated he feels the code is too restrictive because 90 days is not enough time even with an extension for new building permits. He suggests looking at the ordinance and lobbying the State for legislation. Antonneau agrees with Jones except that the license will be up for revocation at the discretion of Council. Feels it is a step in the right direction. Motion carried 6-1. Jones voted no.

D. Public Services:

1. **Consider/act on 2007 Concert Dates at City Park** – Larsen reported that the Parks and Recreation Board recommends approval of the Concert in the Parks series for 2007. Sullivan stated the dates are: June 16 and 23, July 7, 14 and 28 and August 4 and 18. The number of events is the same as last year, seven. Motion by Larsen to approve the 2007 Concert Dates at City Park; second by Antonneau. Cochrane stated she had received complaints from constituents about the music lasting for four days in a row. The Chamber hosts events with music around the same time and there are also park rentals. Care should be used in scheduling all events. Motion carried 7-0.
2. **Consider/act on Resolution for the Demolition of four City Owned Properties – Project #1260-07** – Larsen reported that four bids were received to raze the structures located at 121 and 123 St. Paul Street, 116-118 Walnut Street and 35-37 Worthington Street. Staff recommends the low bid of Coughlin Contractors, Inc. in the amount of \$35,734. Motion by Larsen to adopt the resolution for the demolition of four City owned properties by Coughlin Contractors, Inc. in the amount of \$35,734; second by Antonneau. Chapman read the resolution into the record. Jones asked about the time frame for the demolitions. Lamp stated that once all the paperwork is done the demolitions should be completed by June 29, 2007. Motion carried 7-0.

E. Utility:

1. **Consider/act on Resolution for Automatic Meter Reading System** – Gross reported that two proposals were received to convert the City to an Automatic

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Meter Reading System (AMR). The Committee unanimously recommends the proposal of HD Supply Waterworks in the amount of \$2,402,389. It will take approximately six months to install the system. Motion by Gross to adopt the resolution for the Automatic Meter Reading System to be installed by HD Supply Waterworks in the amount of \$2,402,389; second by Antonneau. Chapman read the resolution into the record. Antonneau stated that although this system is costly, it is the way to go. Labor costs will make up for the initial investment and the computer will be able to notify staff within a matter of hours of high usage. For example, a burst pipe. Jones inquired about the timing of the project. Frye stated the meters will all be replaced within a year. Morgan asked if the cost covered installation and equipment and the life expectancy. Frye stated yes and the life expectancy is 20 years. He further added that we should realize a \$1.M savings over the next 20 years and feels that that amount is a conservative number. Motion carried 7-0.

#### Plan Commission

- A. **Consider/act on Conditional Use Permit of Paul Essock, on behalf of McDonald's Restaurant to construct and operate a second drive-through lane at 880 E. Wisconsin Avenue** – Gross reported that this Conditional Use Permit allows McDonald's to add a second drive-through lane to their operation and the Plan Commission unanimously recommends approval. Motion by Gross to approve the Conditional Use Permit of Paul Essock to construct and operate a second drive-through lane at McDonald's located at 880 E. Wisconsin Avenue; second by Cochrane. Motion carried 7-0.
- B. **Consider/act on Conditional Use Permit of Roxanne Platz for the continued operation of an On-Site Real Estate Sales Office on Lot 90 of Lakewood Estates North Subdivision** – Gross reported that the applicant requested a Conditional Use Permit to operate a temporary sales office trailer for a three-year period. The Plan Commission unanimously recommends denial of the Conditional Use Permit. Motion by Gross to deny the Conditional Use Permit of Roxanne Platz for the continued operation of an On-Site Real Estate Sales Office on Lot 90 of Lakewood Estates North Subdivision; second by Larsen. Sullivan referred to a memo placed at the Alderman's station from Gallo clarifying the Planner's Report and actions of the Plan Commission and an email received from Larsen regarding this matter. Motion by Gross to amend his original motion to adopt the Planner's Report and to approve the recommendation of the Plan Commission to deny the Conditional Use Permit of Roxanne Platz; second by Cochrane. Motion carried 7-0.
- C. **Consider/act on Petition of Daniel E. Warren of Pabst Farms Development, Inc. for the Final Plat of Lake Country Village (Phase 1), located at the SW Corner of Valley Road (CTH B) and Sawyer Road (CTH P), Town of Summit** – Gross reported that this plat lies within the City's extraterritorial platting jurisdictional area. The Plan

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Commission unanimously recommends approval. He further stated that the Plan Commission did discuss the loss of trees, but the widening of the road is mandated by the County for ingress and egress. Gross asked Dan Warren of Pabst Farms to speak about this matter. Warren stated that this has been a four year project and they have been working with Waukesha County and the Town of Summit. The widening of Valley Road is slated for when the development occurs; maybe next summer. Valley Road is a County road and deceleration lanes are required for County roads. It is not unusual to have decel, excel and by-pass lanes. Larsen asked Steinbach to speak on the history of this project. Steinbach stated that he was involved on a staff level and this item has been before staff for reviews of the project and design for some time. Because the road is a County road in the Town of Summit, our powers are limited because we do not have jurisdiction. We have no alternatives because the County dictates the road design. Although he personally feels another alternative is possible by shifting the entrance, he does not know how long that would take because there are many governing bodies involved in this process and they would all have to come together to change the design. Gross asked Chapman if we could change the final plat at this time, if it was not deemed substantially different. Chapman stated that if the entryway was redesigned, it would have to go back to the Town of Summit and the County Parks and Land Use for approvals. Sullivan stated that Council's approval is more of a formality. This is not a City road and it is not in the City's jurisdiction. It conforms to the plat and the design has already been decided. He then mentioned two emails received about the trees and that there were copies at the Alderman's stations. Larsen asked Steinbach for a rough guess on how many feet it would be to relocate the entry. Steinbach is not an engineer, so Sugden responded. First, a permit is needed for access from Waukesha County. He then stated he has a drawing that shows where the trees are and there might be some latitude to shift it to the west, but more trees would be affected to the east. There is a possibility to ask the County for a waiver for the length of the decel/excel lanes. Larsen thinks reduced lane length is acceptable and asked Sugden to compare Porticello on Valley Road. Sugden stated there is a different design speed on that portion of the road. Larsen feels it's ironic that one place has a narrower roadway and another is wider on the same County road. Sugden stated the applicant is doing other plantings in the development to compensate for the loss. Warren addressed the Council again and stated that Eastlake Village is almost complete and will have 1,800 trees. Their covenant states that each lot owner must have a minimum of five trees on their property. For the Lake Country development, 800 trees are being planted by the developer and 1,000 more by the property owners. In all 3,600 trees in two developments. Also, the tree discussion was part of their talks with the Town of Summit and the County and they were able to save seven or eight trees by getting the County to relax the ditch grading

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standards. The only trees that will be removed are along that stretch of Valley Road in Phase 1 of the development. Pabst Farms has carried out a strong due diligence because they care about the trees. Larsen wishes them well with their project, but he can not in good conscious approve the plat with the issues at hand. Motion by Gross to approve the final plat of Lake Country Village (Phase 1), located at the SW Corner of Valley Road (CTH B) and Sawyer Road (CTH P), Town of Summit; second by Cochrane. Motion carried 6-1. Larsen voted no.

- D. **Consider/act on the Resolution for the Wisconsin Avenue Transportation Project Plat #1371-09-20 pages 4.06 thru 4.20** - Gross reported that on March 6, 2007 the Council approved a contract amendment with Miesbauer for the acquisition of strip parcels needed for the Wisconsin Avenue reconstruction project. This transportation project plat established the road right-of-way and the area to be acquired. The Plan Commission unanimously recommends approval. Motion by Gross to adopt the resolution for the Wisconsin Avenue Transportation Project Plat #1371-09-20; second by Cochrane. Chapman read the resolution into the record. Morgan stated he did not see anything referring to west Wisconsin Avenue on the map. Duffy stated that although the project refers to east Wisconsin, the west is shown from Sheldon Road to Concord Road on the plat. Motion carried 7-0.

#### **Announcements and Communications**

- 1) Steinbach reported that earlier today we were informed the contractor working to install an electrical conduit for our Electric Utility struck our sewer main siphon at the bridge on North Lake Rd. The directional drilling operation of the contractor struck our pipe near the northwest bridge abutment and that the exact location of the damage was not known at this time. The damage to the pipe has rendered it completely non-operational and we immediately have setup emergency pumping via vacuum trucks to maintain sanitary sewer service to residents north of the bridge. No residential basement backups have occurred nor has there been any bypassing of raw sewage to the river or lake. We will be investigating temporary and permanent remedies to this problem and perhaps expediting the replacement of the siphon which is already scheduled to occur with the North Lake Rd. reconstruction project in May or June.
- 2) Lamp reported that the Oakwood Bridge was on schedule, the girders are up and work has begun on the deck.

**Reports and comments from the Aldermen** - Antonneau stated that with all the growth occurring in the City, we should discuss at an upcoming meeting hiring a full-time City engineer. He also noted that he has observed at a number of project sites in the area work vehicles from outside the City. He feels that local businesses should be included in local projects when possible as many of them can accommodate the size and scope of these projects with their workforce.

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Motion by Cochrane to convene into Closed Session; second by Jones. Motion carried 7-0. The meeting convened into Closed Session at 8:57 PM.

Motion by Antonneau to adjourn the Common Council meeting; second by Jones. Motion carried 7-0. The meeting adjourned at 8:57 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 Gross to adjourn Closed Session; second by Cochrane. Motion carried 7-0. Closed Session adjourned at 9:35 PM.

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Diane Coenen, City Clerk