

**CITY OF OCONOMOWOC**  
**COMMON COUNCIL MEETING MINUTES**  
**May 1, 2007**

**PUBLIC HEARING:**

The purpose of the hearing is to consider the request of Patrick & Jacqueline Smith who are requesting to re-establish a nonconforming use per Section 17.409(4) of the City Zoning Ordinance. The property is zoned SR-4; Suburban Residential District. The residential structure formerly located at 425 S. Main Street was destroyed by fire in June 2006. At the time the structure was destroyed, it was being used as a non-conforming three-family building. Mr. & Mrs. Smith are proposing to rebuild the structure as a two-family use.

The hearing opened at 7:30 PM.

- 1) Gallo reported that the Smith's wish to re-establish a nonconforming two-family use on the property. Section 17.409 does allow it. Before the fire destroyed the dwelling, it was a three-family dwelling unit. The property is zoned SR-4 and only one-family new structures can be constructed, although two-family conversion is allowed. The code allows for the Council to establish a nonconforming use.
- 2) Andrew Zuercher, 417 S. Main St. stated he is not against the structure, just concerned about setting precedence. He is an adjacent property owner and has concerns about drainage due to the footprint of the new structure, specifically the pitch rating and gutter placement. He was at Plan Commission on April 23<sup>rd</sup> and stated Comm. Peters said that the downspouts and grading should not be pitched.
- 3) Patrick Smith, 425 S. Main St. stated he had owned the residence for 15 years before the fire. The new construction meets all the floor area ratio requirements. He wants to work with his neighbor on the drainage issue and is possibly thinking of putting a partial brick driveway in for better drainage.

No other comments were received. The Public Hearing closed at 7:40 pm.

**Mayor Sullivan** called the regular Common Council meeting to order at 7:40 PM and the Clerk confirmed appropriate notice was given.

**Pledge of Allegiance**

**Roll Call:** Aldermen Snyder, Miller, Morgan, Nold, Larsen, Antonneau, Cochrane and Hollatz

**Staff present:** Gard, Frye, Lamp, Duffy, Beguhn, Maurer, Bednarski, Molitor, Gallo, Coenen and Dehnert

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

**Minutes – April 17, 2007:** Motion by Cochrane to approve the minutes from the April 17, 2007 meeting as presented; second by Antonneau. Motion carried 8-0.

**Comments and suggestions from citizens:**

- 1) Pete Holmes, 237 Shore Circle is a neighbor of the OASD proposed Parkway school. He has met with staff, the Mayor and Council Members regarding the sidewalk placement for this development. His concern is about a sidewalk on the north side of the street. Would prefer it be put on the south side.
- 2) Bill Wilde, 219 Royal Ridge Dr. referenced a previous letter and map he submitted to Council and feels a sidewalk along the south side of the Parkway makes the most sense. He feels it is a safety issue and it would be distressing to have the sidewalk placed in his backyard. At this time, Sullivan stated that OASD has proposed the sidewalk for the south side.
- 3) David Kolberg, 231 Royal Ridge Dr. is in agreement that the sidewalk should be placed on the south side. It would be difficult to maintain by the homeowners if placed on the north side.
- 4) Janice Medina, 213 Royal Ridge Dr. is in agreement that the sidewalk should be placed on the south side. The backyards are small and the upkeep would be difficult by the homeowners on the north.

**Consent Agenda**

- A. Licenses
- B. Final Release of WE Properties, LLC Letter of Credit No. 1166
- C. Final Release of the Arrowood, LLC Letter of Credit No. 183

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

**Committee Reports**

- A. Finance – None
- B. Personnel – None
- C. Protection and Welfare – None
- D. Public Services:

**1. Consider/act on Resolution for Demolition of Two Commercial Properties – Proj #1263-07**

– Nold reported that the City advertised for bids for the demolition and disposal of three commercial buildings: 329 E. Wisconsin Ave., 310 Collins St. and 326 E. Wisconsin Ave. These demolitions are part of the reconstruction plans for the Wisconsin Avenue project and are located in TIF #4. Staff recommends that we award two contracts now (329 E. Wisconsin and 310 E. Wisconsin) and hold off on 326 E. Wisconsin until we have title to the building. Motion by Larsen to adopt the resolution for the demolition of two commercial properties; second by Snyder. Chapman read the resolution into the record. Sullivan stated that additional information was provided to the Committee this evening that an additional cost of approximately \$33K for asbestos removal of the building at 329 E. Wisconsin will be required. Antonneau inquired if the demolition would exceed the bid. No. Nold stated that the buildings are for the proposed roundabout and spoke about the costs. He also stated that he has been off Council for 3 years and did not vote on the construction of Wisconsin Avenue. When he voted at Committee it was before he knew about the additional \$33K for the asbestos. Snyder responded that Council looked at many ways to refigure the intersection of the proposed roundabout. The other ways cost more than the roundabout. Nold responded that he hears a lot of questions as to why we are spending money on a roundabout when it is not wanted. Larsen shares his anxiety, but Council made a commitment in the direction it took. Morgan feels there is an extreme amount of opposition and does not know if we should proceed with the demolition or put it on hold. Hollatz stated that it is his understanding that no matter which option the City chose for the intersection, property would need to be bought. Duffy was asked to speak and he stated that if we redesigned the whole intersection, it would have to be expanded both ways. Option 5 was approved in 2005 and we have amended the TIF, awarded contracts, various decisions have been made by Council and 90% of the plan has been completed by the DOT. Any changes to the design now would be at a cost to the City and would delay the project. Larsen questioned if there were any hard bids on the asbestos yet. Duffy stated the DOT wants to be assured buildings will be removed. Motion carried 7-1. Nold voted no.

**E. Utility:**

- 1. Consider/act on Resolution to Purchase a One-Ton Dump Truck** – Nold reported that the Electric Utility wishes to replace the 1998 Chevrolet 1.5 ton dump truck with a Casper one-ton dump truck which meets all the specifications of the Utility vehicle replacement program. The Utility Committee recommends approval of the quote from Ewald Chevrolet in the amount of \$50,408.00. The 1998 truck will be sold. Motion by Nold to adopt the resolution to purchase a one-ton dump truck; second by Larsen. Chapman read the resolution into the record. Snyder inquired about the \$5K difference in the bids. Bednarski stated that the Ewald vehicle has metal parts, not plastic and there are no extra features. Also, Ewald is part of the State bid program. Nold mentioned that the price of steel has gone up considerably. Motion carried 8-0.
- 2. Consider/act on Resolution to Purchase a 2007 Utility Meter Van** – Nold reported that the Electric Utility is in need of an all-wheel drive van to be used by the meter electrician. This vehicle is an addition to the Utility fleet and meets or exceeds all of the specifications. The Utility Committee recommends the quote from Ewald Chevrolet in the amount of \$22,983.00. Motion by Nold to adopt the resolution to purchase a 2007 Utility Meter Van; second by Larsen. Chapman read the resolution into the record. Motion carried 8-0.
- 3. Consider/act on Resolution to Purchase an Infrared Imaging Camera** – Nold reported that this camera will be used by the Electric, Water, and Wastewater Utilities. The camera from Flir Systems, Inc. meets or exceeds all specifications. The Utility Committee is recommending the purchase in the amount of \$17,620.00. Motion by Nold to adopt the resolution to purchase an Infrared Imaging Camera; second by Larsen. Chapman read the resolution into the record. Antonneau inquired as to why the camera was needed. Bednarski stated that the camera will be used to take photos of our system and find the hot/weak spots. It will also be used in Wastewater and Water for breaks in their system. This camera allows us to be proactive in maintaining our systems. Morgan asked if we checked into other methods of

imaging. Bednarski responded yes. This method will give us the truest reading, temperatures and will be able to pinpoint exactly what is wrong. Motion carried 8-0.

4. **Discussion on the Electric Rate Case and Water Simplified Rate Case** – Molitor reported that the Utility would like to submit to the Public Service Commission, a proposed 2007 electric rate increase. This would be our first increase in rates since 1991. Based on 2007 budget projections and a request for a 6.50% rate of return, the study indicates an overall increase of 9.9%. The increase will vary by customer class but an average residential customer will see a monthly increase of \$8.03. The reasons for this rate change request are increased operation and maintenance expenses due to inflationary increases in the cost of labor, material, outside services, etc., an aging plant and increase in the number of customers. The rate design will reset the U-factor for new level of power costs and roll the PCAC into the base rates. The Utility intends to spend more time and dollars promoting energy conservation within the community. Funds previously collected through rates and public benefit charges are nearly depleted, while customer requests for assistance have increased. We will be adding three new distribution feeders and converting a portion of the distribution system from 4.16 kV to 24.9 kV. The Rate Tariff changes the proposed rate design which includes the elimination of the reactive energy charges for our CP-2 and CP-3 customers, the on-peak pricing period will change from 7am to 9pm to match the on-peak billing period from WPPI and the Utility would also like to add a time-of-use option for each customer class. The Public Service Commission will make the final determination as to what the rates will be.

In 2002, the Public Service Commission approved a 13% rate increase for our Water Utility. Within five years of this approval we have the ability to request a Simplified Rate Case (SRC) should our rate of return fall below our authorized level of 7.25%. The SRC process was put in place to allow water utilities to maintain financial stability by obtaining small increases, 3.2% this year, with minimal accounting effort. The increase will vary by customer class but an average residential customer will see a monthly increase of .49 cents.

Nold commented that it is unique not to have done a rate case in 16 years and he agrees that it will improve the reliability of our system. Molitor stated that due to the growth in residential and commercial areas, we have been able to maintain our costs, so the rates have not gone up, although electric has. The next step is to file the case with the PSC, which will take 90 days to review and apply the new rates and tariffs. The final step is for a Public Hearing in the form of a conference call for comments.

#### **Plan Commission**

- A. **Consider/act on the Conditional Use Permit application of Keith Anderson of Endberg-Anderson Design Partnership, Inc., on behalf of the Oconomowoc Memorial Hospital, for building additions and remodeling at 791 E. Summit Avenue** – Antonneau reported that OMH proposes to construct additions to the current hospital facility including a patient tower, expanded emergency department and expansion of the north parking lot. The Plan Commission recommends approval. Motion by Antonneau to approve the CUP for OMH for building additions and remodeling at 791 E. Summit Avenue; second by Cochrane. Motion carried 8-0.
- B. **Consider/act on the request of Patrick & Jacqueline Smith to re-establish a nonconforming use at 425 S. Main Street per Section 17.409(4) of the City Zoning Ordinance – Per Public Hearing** - Antonneau reported that the residential structure was destroyed by fire in June 2006. At the time the building was being used as a non-conforming three-family structure. The applicants wish to rebuild the structure as a two-family use. The property is zoned SR-4 and the Plan Commission recommends approval. Motion by Antonneau to approve the Order by the Common Council establishing a nonconforming use at 425 S. Main Street; second by Cochrane. Chapman stated that there is no procedure set forth in 17.409. This item has gone to Architectural Commission and they approved the two-family. He then read the 4 conditions of the order into the record. Motion carried 8-0.
- C. **Consider/act on the Conditional Use Permit request of Matt Frick of Prestwick Golf Group to occupy the building at 1880 Executive Drive for "light industrial" purposes** - Antonneau reported that in 2006, the City approved a CUP for this company within the Pabst Farms Commerce Center. The Plan Commission recommends approval. Chapman stated that the company decided not to build and instead are asking to occupy an existing building at 1880 Executive Dr. Because there has been a change in the "user" for this building, a new CUP is required. Motion by Antonneau to approve the

CUP of Prestwick Golf Group to occupy the building at 1880 Executive Dr.; second by Cochrane. Motion carried 8-0.

- D. **Consider/act on the one-lot Certified Survey Map request of Michael Barry of the Oconomowoc Area School District located in the lands being part of the SW ¼ of the NE ¼ and the NW ¼ of the SE ¼ and the SE ¼ of the NW ¼ of Section 8 (known as the 36.02 acres north of Valley Road and south of the future extension of the Oconomowoc Parkway)** - Antonneau reported that Barry submitted a CSM combining property with lands in the Arrowood Subdivision. The CSM is dedicating lands for the future extension of Oconomowoc Parkway. The Plan Commission recommends approval. Sullivan stated that this CSM separates the site from the rest of the Siepmann property. Motion by Antonneau to approve the CSM for the 36.02 acres north of Valley Road and south Oconomowoc Parkway future expansion; second by Cochrane. Motion carried 8-0.
- E. **Consider/act on an Ordinance to Rezone the Oconomowoc Area School District Property (known as the 36.02 acres north of Valley Road and south of the future extension of the Oconomowoc Parkway)** - Antonneau reported that currently the site is zoned Suburban Residential (SR-3) and a petition has been submitted to rezone the property to Institutional and Public (IP). The proposed building meets or exceeds all setback requirements in the IP District. The Plan Commission recommends approval. Motion by Antonneau to adopt the ordinance to rezone the 36.02 acres north of Valley Road and south Oconomowoc Parkway future extension; second by Cochrane. Chapman read the ordinance into the record. Motion carried 8-0.
- F. **Consider/act on the Conditional Use Permit for Oconomowoc Area School District to allow the construction of an intermediate school (on the site known as the 36.02 acres north of Valley Road and south of the future extension of the Oconomowoc Parkway)** - Antonneau reported that Barry has applied for a CUP to construct a new intermediate school on the Oconomowoc Parkway site. The building is approximately 123,510 sq. ft. located on a 44.19 acre site. It has the capacity for 800 students, grades 5 -8. The Plan Commission recommends approval of the CUP. Motion by Antonneau to approve the CUP for construction of an intermediate school; second by Cochrane. Sullivan referenced the speakers this evening and at Plan Commission. Chapman reported on some of the specifics of the CUP, noting the conditions raised by the Plan Commission. He further referenced a letter from Barry dated April 30<sup>th</sup> addressing some of the concerns raised at Plan Commission. Barry then addressed Council, stating they will need assistance from the City for easements to place the sidewalk on the south side, a letter from We energies stating no issues with the gas line was included with his letter and they should have the hydrologist report in two weeks. Sullivan stated that the technical needs will be addressed with staff. It was asked what a hydrologist determines and Sugden responded that ground water is a concern and this is an added step to look at the suitability for a building on the site. Antonneau noted that he was the exception in the vote at Plan Commission because his concern is the wet area. Budget constraints are a factor for the school in choosing this site and he would like to see the school on a different spot on the site. Motion carried 7-1. Antonneau voted no.
- G. **Consider/act on the ETZ Certified Survey Map request of Kean Kemnitz, to combine two lots in the NE ¼ of Section 10, T9N, R17E in the Town of Oconomowoc (located near the intersection of CTH P and CTH CW)** - Antonneau reported that the applicant has submitted a CSM combining lands in the Town of Oconomowoc. The lands are located within the City's three mile extra-territorial zoning jurisdiction. The Plan Commission recommends approval. Motion by Antonneau to approve the ETZ CSM of Kean Kemnitz; second by Cochrane. Cochrane asked what Kemnitz is doing with the property. Antonneau responded that buses will be moved to this site. There is a large buffer, 10 ft. high and landscaping separating this area from the homes. Motion carried 8-0.
- H. **Consider/act on the Certified Survey Map of Robert Felker to divide lands located in the NW ¼ and SW ¼ of the SW ¼ of U.S. Public Land Survey Section 33, T8N, R17E, City of Oconomowoc (known as 121 & 125 E. Wisconsin Avenue and 23 & 25 S. Main Street)** - Antonneau reported that in March 2007, the applicant proposed a land division in the Downtown area. The prior map included the division of a non-conforming parcel. The non-conforming parcel was an existing lot of record and staff recommended that it be removed from the map. The revised CSM creates two lots and an outlot. Lot 1 is the property identified as 121 E. Wisconsin Avenue. Lot 2 is the property identified as 25 S. Main Street and Outlot 1 is a 10 ft. by 88 ft. existing easement. The intention is for this area to be transferred to one of the adjacent owners. The property is zoned Central Commercial District (CC) and the Plan Commission recommends approval. Motion by Antonneau to approve the CSM of Robert Felker; second by Cochrane. Chapman stated that he had reviewed the Declaration of Easements and it will be recorded with the CSM. Motion carried 8-0.

- I. **Consider/act on the ETZ Certified Survey Map of Steven Vogt to combine lands located at N55 W37183 East Harvard Street, in the Town of Oconomowoc** - Antonneau reported that the applicant has submitted a CSM combining nine lots into one in the Town of Oconomowoc located at N55 W37183 E. Harvard Street. The lot will have a total of 25,643 sq. ft. or .588 acres. The applicant has built a single-family dwelling on the lot. The land is about 50' from the current city limits and within the City's three-mile ETZ jurisdiction. The Plan Commission recommends approval. Motion by Antonneau to approve the ETZ CSM of Steven Vogt; second by Cochrane. Motion carried 8-0.
- J. **Consider/act on an Ordinance to Rezone the Oconomowoc Area School District Property at 804 Lake Bluff Drive to IP Institutional and Public District** - Antonneau reported that currently the site is zoned RA and a petition has been submitted to rezone the property to IP to accommodate the new school. This site is the former Clark Farm. The Plan Commission recommends approval. Motion by Antonneau to adopt the ordinance to rezone the property at 804 Lake Bluff Drive to IP; second by Cochrane. Chapman read the ordinance into the record. Motion carried 8-0.
- K. **Consider/act on the Conditional Use Permit for Oconomowoc Area School District to allow the construction of an intermediate school at 804 Lake Bluff Drive** - Antonneau reported that Barry has applied for a CUP to construct a new intermediate school. The building would be 123,510 sq. ft. located on 94.3 acres. It has the capacity for 800 students, grades 5 – 8. The Plan Commission recommends approval. Gallo then reported that this CUP went before the Plan Commission on April 23<sup>rd</sup> and there was a concern about the YMCA. The CUP states that it neither approves nor disapproves of the YMCA on the site. There are a total of 26 conditions, they meet the parking stall requirements and no outdoor field lighting will be allowed on the site. There is a concern about bus turning radiuses and staff will be reviewing that and site exits. They will comply with the Bike and Pedestrian plan. Sullivan asked about the a turning lane, pond depth, a fence, street widening along Lapham, traffic lights and location of berms. Sugden responded that the entrance to the site is a private driveway, the detail shows a by-pass lane and storage bay for cars, there is a 10 ft. wide safety shelf around the pond and the depth is 5 ft., there is enough pavement along Lapham to accommodate the maximum number of 12 buses, so it is not necessary to add more pavement and landscaping is provided along the boundaries. The site is designed to only allow bus traffic to travel along Lapham. They will work with the City for the headlight glare. He noted that most of the traffic is during the day hours. They can look to make the pond 3 – 4 ft deep. Larsen noted that on Plan No.s L100 & L101 of the packet, it appears the retention pond is in the bus area. Also, the berm is 2 ft. high and he feels that is hardly enough height and would like to see plantings a little higher and more of them. He understands it is a safety sight issue for children, but also a privacy issue for residents. If the retention pond was narrower, it would allow for a wider berm. He is also concerned about where parents will drop off their children. Maurer stated that the bike path would continue north and will be an 8 ft. wide asphalt path. The drop off site for children is not a Plan Commission item, but up to the school to educate parents on. Barry stated that if they raise the height of the berm, plans would have to be modified to accommodate additional plantings and this would change the pond. They will work this out with staff. Snyder feels the modification to the berm and pond would be as good as or better than a fence. Larsen feels a few things need to be worked out, but we can go forward in good faith. Motion by Antonneau to approve the CUP to allow construction of an intermediate school at 804 Lake Bluff Drive; second by Cochrane. Motion carried 8-0.

#### **New Business**

- A. **Consider/act on the Resolution Disallowing the Claim of John and Lou Hunter** – Motion by Cochrane to adopt the resolution disallowing the claim of John and Lou Hunter; second by Hollatz. Chapman read the resolution into the record. Nold asked if the City hit the camper. Chapman stated the driver denied it and that the driver stated it appears that a smaller plow hit it. The camper was parked in a driveway. Motion carried 8-0.

#### **Staff Reports**

- A. **Update on City Projects – Mark Frye** – Frye reported that the Oakwood Bridge is open to traffic today; however there is a little detail work that still needs to be done. He complimented Jim Lamp on a job well done. North Lapham Street will be closed Wednesday and Thursday for minor repairs. The North Lake Road project should start later this week and the turn lanes at Hwy P and Z are scheduled to be installed on June 29. The pedestrian signs have been reinstalled and a new sign

added on Wisconsin Avenue by the City Beach. There will be an information meeting on May 9<sup>th</sup> on city street projects and residents are invited to attend.

**Announcements and Communications**

- A. League of Wisconsin Municipalities Regional Dinner Meeting in Pewaukee on May 24<sup>th</sup> – Coenen asked the Aldermen to let her know by Friday, 5/4/07 if anyone will be attending this dinner.

**Reports and comments from the Aldermen** – Morgan suggested a park and ride area near the interstate. Snyder inquired as to why the water by the boat launch was high. Maurer will look into it. Antonneau complimented the aesthetics of the rip rap at Fowler Park.

**Reports and comments from the Mayor**

- A. Proclamation – Knights of Columbus Days to Aid Citizens with Intellectual Disabilities – Sullivan read the Proclamation into the record.

Motion by Cochrane to adjourn the Common Council meeting; second by Antonneau. Motion carried 8-0. The meeting adjourned at 9:41 PM.

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Diane Coenen, City Clerk