

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
July 18, 2006

Public Hearings:

7:30 PM – Petition of Jon Spheeris to rezone the properties at 210, 216 and 222 W. Wisconsin Avenue to a Planned Development Overlay District.

- 1) Spheeris gave a Power Point presentation depicting the property, the condo development, adjacent properties, historic overview and comparable heights. This development would target adults and not require any TIF funds.
- 2) Floss Whalen, 406 W. Third St., welcomes the opportunity to look at how things have changed over the last 20 years in the downtown area. Feels quality housing is the key in the downtown revitalization. This development is a very good idea overall.
- 3) Bob Snyder, 216 N. Lake Road, feels that the height of this project is pretty well scaled for this lot (depth & width.)
- 4) Kurt Schrang, 117 South St., who is the present owner of these properties, feels it will be the finest quality building the City will ever see.

The hearing closed at 7:39 PM.

7:39 PM – Application of William C. Niemann, Executive Vice President of Pabst Farms Development Inc, to rezone the property described as Parcel 8 (7) of Certified Survey Map No. 9170, located in the NE ¼ and the SE ¼ of U.S. Public Land Survey Section 15; and in the NW ¼ and SW ¼ of U.S. Public Land Survey Section 14, T7N, R17E, City of Oconomowoc, Waukesha County, Wisconsin.

- 1) Niemann asked for Chapman to help him out a little on the text amendment. Chapman stated the property was rezoned by ordinance on 11/21/00 and the ordinance provided for a zoning change for Parcel 7 (west side of the pond.) The current zoning of the parcel is Planned Development and the change to Planned Development Overlay District is necessary to be consistent.

The hearing closed at 7:51 PM.

7:51 PM – Creation of and Amendment to, Sections of the City Zoning Code regarding the approval process and design standards for Large Scale Development.

- 1) Gallo stated this new section would become part of Chapter 17 and specifically targets buildings in excess of 40,000 sq. ft. Currently, we do not have a large-scale development ordinance and with this creation, the development would need to go before the Architectural and Plan Commissions before being put in a more formal format.

The hearing closed at 7:52 PM.

7:52 PM – Petition of Eric Schoedel, of Plunkett Raysich Architects, on behalf of Lutheran Homes of Oconomowoc at 1306 W. Wisconsin Avenue requesting an amendment to the previously approved General Development Plan.

- 1) Tim Thiele, LHO stated this request was an amendment to the GDP, specifically a resale shop and facilities garage.

The hearing closed at 7:53 PM.

Mayor Sullivan called the regular Common Council meeting to order at 7:53 PM and the Clerk confirmed appropriate notice was given.

Mayor Sullivan led in the **Pledge of Allegiance**.

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

Staff present: Gard, Lamp, Gallo, Duffy, Maurer, Spencer, Frye, Schmidt, Kitsembel, Bednarski, Attorney Chapman and Coenen

Others present: CDA Members Rowe and Whalen

Minutes of July 5, 2006: Motion by Jones to approve the Common Council Minutes of the July 5, 2006 meeting as written; second by Cochrane. Motion carried 8-0.

Comments and suggestions from citizens

- A. Laura Rowe – CDA Report/Rockwell: Rowe touched upon three things.
 - 1. Role of the CDA – The CDA members are in agreement with the memo from Sullivan and are committed to communication.
 - 2. Resolution regarding the By-laws – This change moves the date to elect a new Chairman and Vice-Chairman up by one month to May instead of June.
 - 3. Rockwell – The CDA has unanimously approved recommending this conceptual project to the Plan Commission with concerns regarding the storm water discharge, setbacks and that the downtown plan goals are met. Rowe thanked Duffy for developing the checklist they used to look at each element of the plan.

Consent agenda

- A. Licenses
- B. Treasurer's Report
- C. Resolution Amending Resolution 05-R1790 Designating Wards
- D. Set Trick or Treat Hours for Saturday, October 28, 2006 from 6:00 to 8:00 p.m.

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

Committee Reports

- A. Finance – No Report
- B. Personnel – No Report
- C. Protection and Welfare – No Report
- D. Public Services:
 - 1. Resolution: Annual Sidewalk Replacement Program – Project #1258-06 - Chapman read the resolution into the record. Motion by Larsen to adopt the Resolution awarding the contract for the Annual Sidewalk Replacement Program to Concrete Placement Co. for \$43,400.00; second by Hollatz. Motion carried 8-0.
- E. Utility – No Report

Plan Commission

- A. Consider/act on the Conditional Use Permit for Matt Wade, 1185 Corporate Center Drive – Gross reported this CUP would allow the construction of a multi-tenant medical clinic addition to the Pro Health Care Clinic. Chapman reported he received a call and four places in the CUP will be changed from 39,000 sq. ft. to 49,550 sq. ft. Motion by Gross to approve the CUP for 1185 Corporate Partners, LLC with the changes noted by Chapman; second by Cochrane. Motion carried 8-0.
- B. Consider/act on the Conditional Use Permit for Richard Shovick, 1710 and 1730 Summit Avenue – Gard stated that because two items need to be clarified on this issue, it would be postponed for two weeks.
- C. Consider/act on the text amendment application for William C. Niemann for lands located at Parcel 8 (7) of CSM 9170, known as Village Square of Pabst Farms – Chapman read the ordinance into the record. Antonneau asked for clarification and Chapman responded that the original ordinance had

- zoning on each parcel and many were conditional. The SI zoning was in a TIF District and must remain SI. Motion by Gross to approve the first reading of the ordinance on the text amendment for Parcel 7 of CSM 9170; second by Cochrane. Motion carried 8-0.
- D. Consider/act on Ordinance to Create the Definition of Large Scale Development, Add Large Scale Development as a Conditional Use in SO, NC, SC, UC and CC Districts and Create 17.206(4)(q) which Establishes Large Scale Development as a Commercial Land Use – Motion by Gross to read this ordinance by title only; second by Cochrane. Motion carried 8-0. Chapman read the title and referred to several sections, i.e. the purpose and intent, requirements as a CUP and Architectural conditions. Motion by Gross to approve the first reading of the ordinance to create the definition of Large Scale Development; second by Cochrane. Motion carried 8-0.
- E. Consider/act on the Conditional Use Permit for Nelson Williams, 146 Elm Street – Gross reported that 146 Elm St. is not the correct address; the property is located adjacent to 146. This CUP is for the construction of two 2-flat condo buildings. Additionally, the Plan Commission postponed action on the CSM because lot lines need to be adjusted. Chapman referred to Page 3, Paragraph 8 of the CUP and stated that the garage/storage building will be removed and no appearance before the Architectural Commission will be needed as stated in Paragraph 9 because this building is a duplex. Snyder asked for a new copy of the CUP. Motion by Gross to approve the CUP for Nelson Williams with the changes outlined; second by Cochrane. Motion carried 8-0.
- F. Consider/act on the Plan Commission recommendation referring the Rezoning Application of Jon Spheeris for the properties located at 210, 216 and 222 W. Wisconsin Avenue to the Community Development Authority (CDA) – Gross reported that this project is in the downtown redevelopment area and the CDA has not reviewed this project yet. Motion by Gross to approve the Plan Commission recommendation referring the rezoning application of Jon Spheeris to the CDA; second by Cochrane. Motion carried 8-0.
- G. Consider/act on Endorsement of Amendment to the Park and Open Space Element of the City of Oconomowoc Comprehensive Master Plan (Pedestrian and Bike Trail Plan) – Gross reported that the Plan Commission adopted the Bike/Ped Trail Plan and eliminated the trails along the lake between City Beach and Memorial Park. Motion by Gross to adopt the resolution endorsing the amendments to the Park and Open Space Element of the City of Oconomowoc Comprehensive Master Plan as presented; second by Cochrane. Motion carried 8-0.

Unfinished Business

- A. Ordinance Revision to §13.62 Residential Equivalent Connection Table for Hotels – 2nd Reading: Motion by Gross to give the ordinance its' second reading in title only; second by Cochrane. Chapman read the ordinance by title only. Motion carried 8-0. Motion by Gross for the ordinance to become law; second by Cochrane. Motion carried 8-0.

New Business

- A. Discussion: Role of CDA – Sullivan had discussions with several officers of the CDA and tried to identify issues – most importantly communication. He read the CDA By-Laws and Common Council minutes in development of the CDA and it was intended that the CDA have a role in approving projects in the downtown area. He suggests the CDA step into the process of a PD, which would require an ordinance change, for the downtown area projects at the conceptual level and act instead of the Plan Commission at this stage. There would still be time for the Plan Commission to weigh in on these projects. He asked Chapman to draft this ordinance. Antonneau and Gross gave positive comments on this change.
- B. Resolution to Approve Amendment of the CDA By-Laws and Rules of Procedure – Chapman read the resolution into the record. Motion by Jones to approve the resolution amendment of the CDA By-Laws and Rules of Procedure as presented; second by Cochrane. Motion carried 8-0.
- C. Consider/act on Ordinance Amending the Planned Development Overlay District Ordinance relating to the Lutheran Homes of Oconomowoc Property at 1305 and 1306 W. Wisconsin Avenue – Chapman stated there are changes to the PD Ordinance. Page 2, top paragraph date should be July 18, 2006 and Page 3, Item D. should be omitted as the driveways are too close together. This amendment facilitates a bigger building and resale shop. Motion by Gross to approve the first reading of the

- ordinance amending the PDOD for Lutheran Homes of Oconomowoc; second by Cochrane. Motion carried 8-0.
- D. Initial Resolution for Industrial Development Revenue Bond Financing for Sentry Equipment Corp. – Chapman stated that this initial resolution is essentially a “comfort” resolution that is needed before pursuing the bonds in an amount not to exceed \$5 million. Motion by Jones to approve the initial resolution for Industrial Development Revenue Bond Financing for Sentry Equipment Corp.; second by Snyder. Motion carried 8-0.
- E. Consider/act on Final Release of \$1.6 Million Letter of Credit for Pabst Farms Development, Inc. – Gard stated that the Common Council authorizes the final release of a letter of credit. This letter is related to the first phase in the TID #3 Developer’s Agreement and staff is recommending release. Motion by Cochrane to approve the final release of \$1.6 Million Letter of Credit for Pabst Farms Development, Inc.; second by Jones. Motion carried 8-0.
- F. Consider/act on Waiving Right of 1st Refusal for part of Certified Survey Map 7079 in West Industrial Park – Chapman stated that the West Industrial Park property was sold with the first right of refusal provision to prevent speculation as to why the City sold it for a very reasonable price. Originally eight acres were sold to VanKampen and 2 acres sold to Trainor. Trainor wants to combine her acreage under one ownership, Hills of Erin, in which she has an interest. Motion by Larsen for City Council to prepare the Waiver of First Right of Refusal for part of CSM 7079 in West Industrial Park for the City; second by Cochrane. Motion carried 8-0.

Mayoral Appointments – None

Staff Reports –

- A) Maurer introduced our new Park and Forestry Superintendent, Bryan Spencer, who was hired on May 30, 2006. Spencer briefly stated his background, having earned a Bachelor’s Degree from UW-Stevens Point in Urban Forestry. He was most recently employed as the Grounds Manager by St. Norbert College.
- B) Lamp reminded Council that there is a meeting on July 20th from 5:30 – 7 PM in Room #3 at City Hall regarding the Oakwood Bridge. A display will be set up. This informational meeting notice was published in the paper and also sent to property owners.

Announcements and Communications – Sullivan read the Proclamation for Fleet Reserve Association Week – September 17-24, 2006 into the record.

Reports and Comments from the Aldermen – Snyder mentioned that the green stop n’ go light going east by the Clark Station was out. He also stated that he did not receive the Staff Notes from their last meeting. Larsen mentioned that the sales trailer on Crystal Lake had a bright colored canopy on it. Gallo will check this out. Antonneau asked if we are having local problems with communication towers, i.e. cell phones.

Reports and Comments from the Mayor – None

Motion by Antonneau to adjourn the Common Council meeting; second by Cochrane. Motion carried 8-0. Meeting adjourned at 8:55 p.m.

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.” (Boundary Agreement)

Diane Coenen, City Clerk