

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
August 21, 2007

Mayor Sullivan called the regular Common Council meeting to order at 7:30 PM and the Clerk confirmed appropriate notice was given.

Pledge of Allegiance

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

Absent: Alderman Morgan

Staff Present: Mayor Sullivan, Gard, Kitsembel, Gallo, Maurer, Duffy, Lamp, Frye, Molitor, Beguhn, Steinbach and Coenen

Others present: Attys. Chapman and John DeStefanis

Minutes – August 7, 2007: Motion by Cochrane to approve the minutes from the August 7, 2007 meeting as presented; second by Antonneau. Motion carried 7-0.

Comments and suggestions from citizens:

- 1) Cindy Son, 1303 Ridgeside Road is opposed to the YMCA. She stated that Paul Schmitter, Plan Commissioner, has a conflict of interest and she questioned it.
- 2) Buzz Blum, 1412 N. Lapham is opposed to the YMCA because of safety, traffic and size issues. Asked the Aldermen to consider the 100 – 200 kids that walk the boulevard and future generations.
- 3) Mike Dolan, 1065 Winterberry Road opposes the placement of the YMCA and feels there was a miscarriage of justice with the Plan Commission vote. Stated 75 people were at the PC meeting and with a show of hands did not support the YMCA. There was also a petition, by proxy, with 168 signatures on it. 4 people spoke in favor of the YMCA at the PC meeting and after listening to comments, the Commissioners still recommended the YMCA by a 5-1 vote.
- 4) Joe Kwiatkowski, 1104 N. Lapham works for MSI and lives in Oconomowoc and supports the YMCA. He also stated a traffic study has been done.
- 5) Pete Holmes, 237 Shore Circle stated that no one doubts the value and worth of the YMCA but the proposed site is not a good location. The traffic study is only good for 3 years and safety is a big issue. He is not opposed to a YMCA somewhere else and applauds Antonneau's courage to vote no. There are lives at stake here and urges the Aldermen to vote no.
- 6) Bruce Brown, 526 W. Wisconsin Ave. is in favor of the YMCA. Feels it should be put where the children and users are located. He noted that the YMCA is being built by contributed money. He further noted that the community has accepted the other YMCA, the membership has grown tremendously and the number of volunteers impresses him.

Consent agenda:

- A. Licenses
- B. Treasurer's Report

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

Committee Reports:

- A. Finance - Larsen, chairman, Antonneau, Cochrane, secy.
 1. **Consider/act on Resolution for the Purchase of an Office Copier in the Clerk's Department –** Cochrane reported that the Clerk's office received 4 quotes for the purchase of an office copier to replace the current copier which is 7 years old. Staff is recommending the Konica 750 due to the features and speed of the copier. Antonneau noted that although the copier from Kubichek came in with the highest purchase price, the annual maintenance costs are less and the additional purchase cost will be recovered over the life of the copier. Motion by Cochrane to adopt the resolution for the purchase of a Konica 750 copier from Kubichek in the amount of \$13,687.32; second by Antonneau. Motion carried 7-0.
- B. Personnel – No Report
- C. Protection and Welfare – Snyder, chairman, Hollatz, Miller, secy.

1. **Consider/act on Ordinance to Amend §1.37 of the Municipal Code of the City of Oconomowoc Relating to a Residency Requirement for Members of the Police and Fire Commission** – Miller reported that the proposed changes to this ordinance will create a residency requirement for Police and Fire Commission members. Motion by Miller to adopt the ordinance to amend §1.37 of the Municipal Code of the City of Oconomowoc relating to a residency requirement for members of the Police and Fire Commission; second by Hollatz. Chapman read the ordinance into the record. Motion carried 7-0.
- D. Public Services – No Report
- E. Utility - Antonneau, chairman, Larsen, Nold, secy.
 1. **Consider/act on Ordinance to Create §8.13 of the Municipal Code of the City of Oconomowoc Regulating the Use of Lawn Fertilizers** – Nold reported that the purpose of this ordinance is to create regulations that will enable the City to protect its water resources by regulating the amount of nutrients and contaminants contained in fertilizer. This ordinance would prohibit the use of fertilizer containing any phosphorus in the City of Oconomowoc as well as regulate the conditions under which fertilizer can be applied. Motion by Nold to adopt the ordinance to create §8.13 of the Municipal Code regulating the use of lawn fertilizers; second by Larsen. Chapman read the ordinance into the record. Cochrane questioned about the property owner using a lawn service. Steinbach responded that the ordinance will take effect January 2008 and the City is working on getting the word out. He has contacted all the reputable lawn service companies and most have not used phosphorus in over a year. Nold asked about other communities. Steinbach listed several communities that have already adopted this regulation and the State is also looking into this regulation. Motion carried 7-0.

At this point Chapman vacated his seat as Council Attorney and Atty. DeStefanis replaced him.

Plan Commission

- A. **Consider/act on the Conditional Use Permit application of Paul Schmitter of MSI General Corp., who is requesting a recreation facility for the Oconomowoc YMCA located at 900 Lake Drive** – Antonneau reported that this CUP would allow for the construction of an 113,450 sq. ft. field house building, to act as a satellite facility to the existing YMCA at Pabst Farms. The Plan Commission recommends approval. Sullivan clarified that there were only 6 Commissioners, not 7, that voted on this issue at the Plan Commission meeting. He also noted that Atty. DeStefanis is serving as City Council on this matter. Motion by Antonneau to approve the CUP for a recreation facility for the Oconomowoc YMCA located at 900 Lake Drive; second by Cochrane. Miller questioned Item 12. of the CUP regarding access to the YMCA. Schmitter displayed the site plan and stated that the school, drive and site drop off are being constructed right now and although the site drop off and service drive are not connected by pavement, it is a drivable surface. Larsen stated he is concerned about the residents of District 1 and the 3,000 trips per day. He is also concerned about the size of the building and traffic, and feels the safety concerns are genuine. Antonneau commented that he does not believe the road can handle the traffic. Nold stated there are numerous reasons for and against this project. Feels the community has to be civic minded and learn to live with it. There is growth in the general area and feels it is a good idea to spread it around town. Property values will increase. Some streets are substandard and Lake Bluff has to be completed and sidewalks installed. Larsen inquired about the traffic study. The engineer for the YMCA stated that only a small portion of Lake Bluff is not connected and the study shows that only 5% of traffic will be coming from that area. Pabst Farms will increase traffic on Hwy 67 and there will be a burden in that area. Nold commented that Hwy 67 is designed to handle traffic and stop lights could be installed. Larsen stated that stop lights defeat the purpose of the by-pass. Motion carried 5-2. Larsen and Antonneau voted no.

Chapman returned to his seat as Attorney for the Council.

- B. **Consider/act on the Certified Survey Map application of Mike Barry of the Oconomowoc School District to divide one lot into three lots, located at 900 Lake Drive** – Antonneau reported that the CSM will divide the existing 94.27 acres into three lots. Lot 1 will be for the proposed YMCA (18.27 acres), Lot 2 will be for the approved Intermediate School (34.16 acres) and Lot 3 will remain as open space (41.84 acres). The Plan Commission unanimously recommends approval. Motion by Antonneau to approve the CSM to divide one lot into three lots, located at 900 Lake Drive; second by Cochrane. Sullivan stated that there is a 60 ft. cross easement, it is a private road (not a public road) and the wording needs to be changed on the CSM. Chapman mentioned 2 other corrections; Page 4 the Water

Utility easement and 66.06(27) is the correct statute. The changes will be made before recording. Motion carried 7-0.

- C. Consider/act on the following applications of Mike Barry of the Oconomowoc School District, who is requesting building additions to the Oconomowoc High School located at 641 E. Forest Street:
1. **Certified Survey Map to combine several parcels into one** – Antonneau reported that the CSM will combine the existing school property which abuts Forest Court with the parent parcel containing the high school building. The CSM also identifies a land swap with the hospital. Two triangular pieces of land are being reconfigured resulting in better separate access drives for each user. The Plan Commission unanimously recommends approval. Motion by Antonneau to approve the CSM combining several parcels into one at 641 E. Forest Street; second by Cochrane. Motion carried 7-0.
 2. **Endorse Plan Commission Resolution Amending the City of Oconomowoc Comprehensive Land Use Plan to change the designation on the plan from “Mixed Residential” to “Institutional” for the parcel described as tax key number OCOC 0590 952 001** – Antonneau reported that the purpose of this request is to change the designation of the property west of Oconomowoc High School from future “mixed residential” development to future “institutional” development. The school district has acquired the subject property for future high school expansion and it is currently being used for outdoor recreation. The proposed plan change is not in conflict with the adjacent land uses. The Plan Commission unanimously recommends approval. Motion by Antonneau to endorse the Plan Commission resolution amending the City of Oconomowoc Comprehensive Land Use Plan to change the designation on the plan from “Mixed Residential” to “Institutional” for the parcel described as Tax Key Number OCOC-0590-952-001; second by Cochrane. Motion carried 7-0.
 3. **Ordinance rezoning 61.58 acres located at 641 E. Forest Street and tax key number OCOC 0590 952 001 from SR-3; Suburban Residential District and MR-6; Mixed Residential District to IP; Institutional and Public District** – Antonneau reported that this rezoning request would change 61.58 acres at the existing high school site and adjacent property to the west from SR-3; Suburban Residential District and MR-6; Mixed Residential District to IP; Institutional Public District to accommodate the school additions. The Plan Commission unanimously recommends approval. Motion by Antonneau to give the ordinance its first reading; second by Cochrane. Chapman read the ordinance into the record. Motion carried 7-0.
 4. **Conditional Use Permit to allow for the construction of an auditorium and gymnasium with a height exceeding 50’** – Antonneau reported that this CUP would allow for the construction of two building additions to the existing high school. It includes the construction of a 750 seat auditorium on the north side of the school and a gymnasium at the south end. The Plan Commission unanimously recommends approval. Motion by Antonneau to approve the CUP to allow for the construction of an auditorium and gymnasium with a height exceeding 50 ft.; second by Cochrane. Larsen asked what the actual height is. Chapman responded 55 ft. maximum height. Antonneau commented that the height is for scenery. Miller questioned the parking. Gallo responded that performances will be in the evening and that they are reconfiguring the parking and access points, although the number of spaces will not change. Also for a big event, parking can be handled further south, as they have no intention of selling the middle school site. Motion carried 7-0.
- D. **Consider/act on the Conditional Use Permit application of Richard Shovick, on behalf of BTHEBALL, LLC, to allow for the construction and operation of a restaurant known as “Blue Ribbon Sports Club”, located at 1265 Corporate Center Drive** – Antonneau reported that this CUP would allow for the construction of a 6,400 sq. ft. sports bar and restaurant to be known as “Blue Ribbon Sports Club.” The Plan Commission unanimously recommends. Motion by Antonneau to approve the CUP for the construction and operation of the Blue Ribbon Sports Club at 1265 Corporate Center Drive; second by Cochrane. Sullivan commented that the day care center is proposed to be retail shops. Motion carried 7-0.
- E. **Consider/act on the Conditional Use Permit application of Richard Shovick, on behalf of BTHEBALL, LLC, to allow for the construction and operation of a retail shopping center known as “Blue Ribbon Shoppes”, located at 1710 and 1730 Summit Avenue as a Group Development** – Antonneau reported that this CUP would allow for the construction of a 14,000 sq. ft. shopping center to be known as “Blue Ribbon Shoppes.” The Plan Commission unanimously recommends approval. Motion by Antonneau to approve the CUP for the construction and operation of the Blue Ribbon Shoppes at 1710 and 1730 Summit Avenue as a Group Development; second by Cochrane. Nold inquired about better access to this site. Sullivan stated that the owner has been trying to remedy this issue with the DOT, but because of the proposed Town Centre, the DOT wants to retain the easement width on Hwy 67. Motion carried 7-0.
- F. **Consider/act on the ETZ Preliminary Plat application of Siepman Realty for the Kenehan property located on Delafield Road in Sections 22 and 24 in the Town of Summit** – Antonneau reported that

the subject plat is in an area covered by the cooperative border agreement entered into by the City of Oconomowoc and the Town of Summit. The subject plat consists of 22 lots and is located south of CTH DR, west of Timber Trail Lane and on the east shore of Upper Genesee Lake. The City has no plans to extend City utilities into this area. The Plan Commission unanimously recommends approval. Motion by Antonneau to approve the ETZ Preliminary Plat for the Kenehan property in the Town of Summit; second by Cochrane. Motion carried 7-0.

- G. **Consider/act on the ETZ Certified Survey Map application of Kent Johnson located at N56 W39260 Wisconsin Avenue, Town of Oconomowoc** – Antonneau reported that this ETZ CSM will reconfigure property lines in the Town of Oconomowoc. No new lots are being created. The purpose of the proposed CSM is to move a triangular piece of property from the Hintz property (Lot 2) to the Johnson property (Lot 1). The Plan Commission unanimously recommends approval. Motion by Antonneau to approve the ETZ CSM of Kent Johnson at N56 W39260 Wisconsin Avenue, Town of Oconomowoc; second by Cochrane. Motion carried 7-0.
- H. **Consider/act on the Certified Survey Map application of Aaron Koch, on behalf of Chili's Restaurant to divide one lot into two, located at 1227 Corporate Center Drive** – Antonneau reported that the CSM will divide the existing property containing 4.3 acres into two lots. Lot 1 will be for the proposed Chili's Restaurant (1.47 acres) and Lot 2 will be for the existing Waukesha State Bank (2.83 acres). The Plan Commission unanimously recommends approval. Motion by Antonneau to approve the CSM for Chili's Restaurant to divide one lot into two at 1227 Corporate Center Drive; second by Cochrane. Motion carried 7-0.

New Business

- A. **Consider/act on Resolution Disallowing Claim by James and Griffin LaDew for Damage to Vehicle** – Sullivan reported that the City received a claim in the amount of \$343.68 for damages allegedly incurred as a result of a vehicle striking the concrete entrance to the municipal parking lot. Our insurance company has investigated this claim and did not find any negligence on behalf of the City and is recommending that the City disallow the claim. Motion by Cochrane to adopt the resolution disallowing claim by James and Griffin LaDew for damages to their vehicle in the amount of \$343.68; second by Hollatz. Chapman read the resolution into the record. Motion carried 7-0.
- B. **Consider/act on Initial Resolution Regarding Industrial Development Revenue Bond Financing for Oconomowoc Mfg. Corp.** – Sullivan introduced this item and Chapman reported that this really is a comfort resolution for major improvements to the properties of Oconomowoc Manufacturing Corp. This is a qualified project for bonds and page 2 a. & b. are important. Motion by Cochrane to adopt the initial resolution regarding industrial development revenue bonds for Oconomowoc Mfg. Corp; second by Nold. Motion carried 7-0.

Reports and comments from the Aldermen – Larsen thanked Sullivan, Chapman, Steinbach, Maurer and the Utility Committee for their efforts and work on the fertilizer ordinance. He congratulated the YMCA on their new location and hopes they will be a good neighbor. He suggested the YMCA could plant trees or put in some type of screening to minimize the head light glare into the residential area. He further stated that Dolan gave him a traffic diagram that might have merit; he will give it to Gallo.

Reports and comments from the Mayor – Sullivan commented on the reference by Son in regards to Schmitter and a conflict of interest. He stated that Schmitter came to him and offered to exclude himself from voting and that at the Plan Commission meeting; he removed himself from the table. There are 7 Plan Commission members and one member removed himself and sat in the audience for the formation of the decision and did not vote. The vote was 5 -1.

Motion by Cochrane to adjourn the Common Council meeting; second by Antonneau. Motion carried 7-0. The meeting adjourned at 8:50 PM.

Diane Coenen, City Clerk