

**CITY OF OCONOMOWOC**  
**COMMON COUNCIL MEETING MINUTES**  
**September 5, 2006**

**Mayor Sullivan** called the regular Common Council meeting to order at 7:50 PM (immediately following adjournment of the Fowler Lake Meeting) and the Clerk confirmed appropriate notice was given.

**Pledge of Allegiance**

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

**Staff present:** Mayor Sullivan, Gard, Lamp, Gallo, Duffy, Maurer, Frye, Kitsembel, Dodge, Beguhn, Duffy and Coenen

**Others present:** Atty Chapman and Sugden

**Minutes of August 15, 2006:** Motion by Jones to approve the Common Council Minutes of the August 15, 2006 meeting as written; second by Cochrane. Motion carried 8-0.

**Comments and suggestions from citizens:**

- 1) Tom Lindl, 839 Thackeray Trail handed out a letter regarding the connection of Thackeray Trail to Silver Lake Street addressing safety, property values and cost. Against connection.
- 2) Tom Depies, 805 Thackeray Trail is opposed to the extension of Thackeray Trail. If it would go through, the congestion caused by the proposed roundabout will slow down traffic causing people to find alternate routes. The wetlands are protected, a permit will be needed, and if it is issued, the residents will closely supervise. This extension will upset the ecology and the filtering process for stormwater will be compromised. Waukesha County's water table is down and we need to find a way to keep our water from depleting.
- 3) Melissa Reith, 689 Thackeray Trail. She has lived there for one year and before making her offer on the home, they spoke to the City Planner about the road being extended and were told there were no plans.
- 4) Shirley Depies, 805 Thackeray Trail handed Coenen a petition of 168 signatures, representing 127 homes around the Olympia area. The residents are concerned with the safety of the pedestrians and drivers, noise and the road's ability to handle higher traffic. Asking Council to eliminate the extension of Thackeray Trail as planned.
- 5) Jill Gust, 614 E. Juneau St. is representing herself and her husband Don. They both oppose The Parc on Lac LaBelle because the 14 ft. setback will create a concrete wall and affect the band shell acoustics, which will degrade the enjoyment of the listeners.
- 6) Julie Larsen, 718 N. Lake St. read a petition into the record opposing the Parc condos because it would have a negative impact on the lake. She also had another petition with concerns about the height (668 signatures of which 640 are City residents.) Many are in favor of the City purchasing the land for City Beach. The PD defines "a lack of reinvestment" and this project does not qualify. She referred to the Downtown Revitalization Plan, which recommends mixed use, that buildings be a consistent vertical (not taller than one-story of the building next to it.) By amending the ordinance, she feels the Council is setting a precedent for the rest of the downtown, as height does matter. Asking for a no vote and Council to take the time to reconsider.
- 7) Mary Blaska, 116 Lisbon is a Real Estate Agent and agrees with J. Larsen that this will set precedence. She is also in favor of no funding from the City, feels the tax revenue from this project is a plus and that other investors will follow.
- 8) Delores Johnson, 507 Grove St. asked Council to consider planning for future generations of children, visitors and residents. Condos can be built in various places, but a beach can only be on a lake. Would like to see the City research other options.
- 9) Jennifer Girard, 611 Glenview Ave. spoke to Council as a representative of the majority of the Park & Recreation Board and a citizen asking the City to acquire the property adjacent to City Beach. The opinion is that it is our responsibility to ensure future generations enjoy the property.
- 10) Florence Whalen, 406 W. Third St. stated that this project comes with unanimous recommendations from the CDA and Plan Commission, as well as Staff recommendations. Quality housing is an important part of the downtown renewal. Asked Council to consider the consequences of denial for prospective developers. It makes sense to build up, not sprawl out using all available land.
- 11) Peggy Mueller read a letter authored by Laurel Whelan into the record that is against the height of the Parc condos and undermining the Master Plan. Mueller also opposes the development.

12) Bruce Brown, 526 W. Glenview Ave. is thrilled to move forward and supports The Parc project. He agrees the City Park is the greatest asset and encourages the City to study the entire property.

13) Dick Pas, 662 Juneau Ave. stated that Planned Developments are not very common and it affects zoning laws. The plan before us comes with a lot of variances, so what we really have is a PD without PD characteristics. The setback, height and closeness to the playground equipment will shrink the park. If the DNR is the only entity concerned about the lake, we are in deep trouble. We must advocate for kids, lake, park and music. The proposal needs reworking before it is ready to move forward.

14) Jackie O'Brien, 623 E. Anderson feels the topic here is money. The owners of the condos will not be around most of the time. We should invest in our children and we need more space. She urged the Council to follow the zoning codes.

15) Bob Snyder, 216 N. Lake Rd. is a life-long resident. Even though the population has doubled, the park has remained the same. Does not feel it is the right thing for the City to use money on. Conditional Use does allow up to 50 ft. height as part of the CC District. Feels the condo owners will shop here.

16) Mary Funke, 730 N. Lake Rd. stated the comments she originally was going to make have changed since she has heard everyone. She understands real estate agents are pro-sales and she cares about children and the beach. Her real concern is zoning and once this project moves forward, what's next. The proposed building looks like an old school house. She is concerned about the future of the City and it sounds to her like minds are already made up and citizens opinions don't matter. She hopes this is not true.

17) Dennis Waite, Oconomowoc Chamber of Commerce President, 152 E. Wisconsin Ave. supports the project because businesses need population density.

18) Don Wood feels that things should be corrected and cleared. This proposal kills the opportunity to enlarge our park. There are three condos on the lake now and footprints do not prohibit another one in this location. Would like the City to look at widening the City Park. Asks Council to use the tools we have and set this aside and have the Plan Commission and Architectural Commission look at it.

19) Dan Naylor, 223 Walnut is concerned about this development and the assumption it will bring people to the downtown. Do we really know the kind of dollars they will bring? Urges Council to do a study.

20) Brenda Stieber, 969 Bartlet Dr. gave her opinion that revitalization is restaurants, shops, etc. What about attracting the population from the new subdivisions to downtown? She is concerned about the trees even though Jon Spheeris says he won't take them down. She is afraid the condos will destroy the concerts and does not want the views blocked.

21) Sue Blanchard, 568 Greenland loves the lakes and Oconomowoc and is not opposed to condos. She wants downtown revitalized and she wants to shop downtown. Feels people will come downtown with new businesses – 15 unit condos will not do it.

22) Charles Kilander III, 1224 W. Wisconsin supports the condos and feels we can go higher. Noted that this is the Common Councils chance to move forward.

23) Steve Danen, 900 N. Lake Rd. stated that land is sacred ground and people will come downtown because of the beauty. Feels condos will eventually appear across the street and Council should think about that.

24) Jackie O'Brien feels the problems with downtown would be solved if businesses sell products that people need. Downtown needs the right stores.

#### A. CDA Report – TIF #4 and Parc on Lac LaBelle:

Laura Rowe stated that the CDA would not address TIF #4 until it goes before the Plan Commission. The CDA had Duffy prepare a checklist for them to use in reviewing developments versus the elements of the Downtown Plan. The Parc on Lac LaBelle substantially fulfills the downtown plan and the CDA favorable recommends this project. They did not find arguments against the proposal to be significant. No TIF money will be used, it will add \$15M to the tax base and on Page 36 of the Downtown Plan, it states expanding living space is needed.

#### Consent agenda

- A. Licenses

Motion by Antonneau to approve the Consent Agenda as presented; second by Hollatz. 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: Roof Section Replacement on City Building (former YMCA) – Motion by Larsen to enter into a contract with Pioneer Roofing for replacement of a portion of the roof of the old YMCA building in the amount of \$20,977.00; second by Antonneau. Chapman read the resolution into the record, stipulating that a Class 1 Notice must be published in the newspaper before construction takes place. It was questioned why Langer Roofing's Unit Price for Substraight was \$7.50 sq. ft. Test borings were done to determine the area to be repaired and they put their base bid up higher with the assumption that more underlying work will need to be done. Pioneer has previously done work on our Fire Station. Motion carried 8-0.
2. Resolution: Issuing Sidewalk Repair Orders by the City Engineer – Motion by Larsen to adopt the resolution allowing the Street Commissioner (Director of Public Works) or the City Engineer to issue sidewalk repair orders; second by Hollatz. Chapman read the resolution into the record and stated we are bringing this forward to allow the appropriate department head to issue repair orders for seriously defective sidewalks. Motion carried 8-0.
3. Consider/act on the Amendment to the Easement Agreement between CW Lake Properties, LLC, 525 N. Lake Road and the City of Oconomowoc – Motion by Larsen to approve the Amendment to the Easement Agreement between CW Lake Properties and the City of Oconomowoc; second by Hollatz. Chapman explained this is the property just south of the Peacock Dam, formerly owned by Butz, who built a garage across the easement. The easement is needed to repair the dam if necessary and this resolution only amends the location of the easement. Motion carried 8-0.

## E. Utility:

1. Consider/act on Well 7 Change Order – Gross reported that the testing of Well 7 showed that more cleaning is needed. Motion by Gross to approve Well 7 Change Order in the amount of \$18,838.00 and the addition of 154 days to the contract time; second by Antonneau. Motion carried 8-0.
2. Resolution: System Study on Water Supply Facilities – Motion by Gross to enter into a contract with Ruekert & Mielke for a sum not to exceed \$26,591.00 to complete the water system study as proposed; second by Antonneau. Motion carried 8-0.

**Plan Commission**

- A. Conceptual Presentation on the application of Doug Gallus for the Rezoning to a Planned Development Overlay for Lexington Square Condominiums; located within the SW ¼ of Section 3 – This item will be rescheduled as Gallus was not in attendance.
- B. Consider/act on the Certified Survey Map for Nelson Williams to divide one lot into two. Property located at next to 146 Elm Street, tax key number OCOC 0559991.002 – Gallo reported and Larsen noted that he has received neighbor input. In addition, one letter was received opposing rental units on this property. The property will be owner occupied. Motion by Gross to approve the CSM for Nelson Williams, Tax Key No. OCOC0559991.002; second by Cochrane. Motion carried 8-0.
- C. Consider/act on the application of Daniel E. Warren for the final plat of Interlaken Village, located east of Sawyer Road (CTH P), west of Interlaken Drive, south of Henning Drive, north of Interlaken Drive, Town of Summit. This plat is located within the City of Oconomowoc ETZ platting jurisdictional area – Gallo reported and Chapman stated that an ETZ presentation is not necessary. Morgan stated that as of 4:00 pm today, they have not applied to the Del-Hart Sewer District. This site will be served by sewer and well. Motion by Gross to approve the final plat of Interlaken Village in the Town of Summit; second by Cochrane. Motion carried 8-0.
- D. Consider/act on the Planned Development Overlay District Ordinance and on the General Development Plan for "The Parc On Lac LaBelle" located at 210, 216 and 222 W. Wisconsin Avenue – Gallo reported. Motion by Gross to adopt the Planned Development Overlay District Ordinance and the General Development Plan for "The Parc on Lac LaBelle" located at 210, 216 and 222 W. Wisconsin Avenue; second by Jones. Chapman read the entire ordinance into the record. Spheeris presented a Power Point presentation. He further stated that this site is located downtown and under current zoning a developer could tear down buildings and build a three-story office. He read the PD portion of Section 17.914 of the City's Zoning Code. He would need variances on height, setback and density. There are currently 13 – 14 vacant first floor areas in downtown buildings for rent. He read two favorable emails he received and stated he has developed Pine Terrace and Avenue Square Mall here in the City, besides himself and his partner being local residents. Their attorney, Michael Orgeman, has reviewed our ordinances and Master Plan and a letter was passed out before the meeting from him. Morgan responded that Johnson Creek Mall does not

have a house within three miles and they still attract people due to good stores. He then passed out an interest piece on Echo (reverberation.) Larsen asked if profit was a driving force – response yes. He then complimented Spheeris on the Pine Terrace development. Spheeris commented the setback and feels the trees will help deflect the height. He would like to see this issue addressed by a sound expert. Larsen commented that Dr. Thorton could not be here tonight, but encourages the City to abide by its zoning code. This project circumvents our zoning and it's clear it does, otherwise it would not be a PD. No new building should be taller than the building on adjoining properties by one-story. He read previous comments from Duffy and stated that Duffy's thoughts changed with the checklist given to the CDA. He noted that the Bike and Pedestrian Plan was removed at the developer's insistence. Height and density of this project are not appropriate and it blocks the lake view. The roundabout will cost the City \$6M involving seven properties. The assessed value for the Parc properties is \$800K. He asks that the City consider buying the property closest to City beach, at a value of \$200K+, Parc development be one-story lower and to consider the rate of growth in the City. Gross stated everyone's opinion has been heard and the controversy makes him think about a lot of things. Larsen reminded everyone that initially the Rockwell project height was heralded by the CDA at 92 ft. and now they are heralding the reduced height. He referenced the petitions and stated it originally asked for support of 35 ft. height and upon their own, people conveyed their desire to expand the park. The approximately 700 signatures want the building an appropriate scale. Snyder stated he would have to abstain because of family. Antonneau is happy with the quality of the Spheeris project and the increased revenue is good, but he hopes we do not decide based on this. The July 4<sup>th</sup> festivities have raised safety concerns in this area. Larsen asked why set precedence for 4 units. Why not one-story less, it will not affect the downtown. Asking Council to reject and see what Spheeris proposes next. Jones asked why we couldn't move the band shell and reconfigure the park – keep an open mind. Larsen stated we could paint another picture – expand the park. It has never been discussed because the properties were not for sale. Urges City to develop within the zoning. Hollatz is concerned about revitalization and feels this is a way to start. Sullivan removed himself as Chairman (10:44 pm) and Snyder took his place. He stated that the Downtown Plan was 2 years in the making, public opinions were collected and it went before all committees. To make the plan successful, we need to import people in the downtown area. There are 2 proposals before us tonight that do exactly what the Downtown Plan proposes. The property is in the downtown redevelopment plan area; not in residential, and also in the CC District. PD is a tool used for development and redevelopment. Both the CDA and Plan Commission have recommended this project unanimously. This project still has to move forward through the PIP process (if approved.) The advocacy for an expanded park never arose in the planning process. We could go to the west to expand. A City Beach Expansion Cost Calculation sheet was passed out. The City is facing some very large capital costs - \$15M on the downtown area, streets, infrastructure, etc. and we need to decide to make a commitment or not, before we spend money on infrastructure. He is not completely strong on some of the elements of this project, but hopes the Council supports this. Sullivan returned to the Chair at 11:02 pm. Larsen asked Gallo to comment on the 75 ft. lake setback. Gallo stated that the project is going to the Architectural Commission on 9/6/06. Building elevations are not required in Step 3 of the PD process, but in Step 4. The PD process is being met in Section 17.914 of our code. Height can be addressed at Architectural and any recommendation they have will be incorporated into his review for the PIP. The bulk requirements/setback was brought to his attention last week and he is looking into it. A PD gives flexibility. Motion carried 4-3. Morgan, Larsen and Antonneau voted no and Snyder abstained.

At 11:15 pm, Council took a break. Meeting resumed at 11:20 pm.

- E. Conceptual Presentation on the application of Jim Bestor for the Rezoning to a Planned Development Overlay District for Rockwell Village, located at the southeast corner of St. Paul St. and Pleasant St. – Gallo reported. Keith Farley of Oliver Construction, Rob Perry and Jeff Seymour of Rockwell, and Ray White made a conceptual presentation to Council. The project is scaled down from their original proposal. Community input has been met and setbacks are incorporated. The City would benefit by the increase in taxes and tourism, and no TIF dollars have been requested. There is an offer on the table for the property owned by the Hatches. Chapman asked if the PD ordinance should include expansion to the east – response yes. White described all levels of the design, adding that parking is concealed, stormwater will be addressed through rain gardens and townhouses will have raised porches. Gallo stated we are still studying the issue of an open parking lot or ventilated and suggested exhaust omission be routed to the north. Sullivan stated the issues from Plan Commission, i.e. Hatch property, City cost, financing commitment, landscaping, stormwater, Herro property, fire lane access, setback, height and the request for a 3-D model

need to be addressed. Larsen stated tree growth is important and asked Rockwell to maximize the green space. Jones asked if the gated entrance was for service and confirmed that there would be no gate to the parking lot. Cochrane verified that there are three stories of residential and 1 ½ stories of parking. Snyder likes what he sees. A favorable opinion was given.

**Unfinished Business**

- A. Ordinance to Amend Section §18.03(5)(a)2.c. and to repeal Section §18.03(5)(a)d., e., f. and g. of the Municipal Code of the City of Oconomowoc Relating to Fees in Lieu of Parkland Dedication – 2<sup>nd</sup> 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.
- B. Ordinance Annexing Certain Lands of the Town of Oconomowoc to the City of Oconomowoc (Marks/Weston Meadows Property) – 2<sup>nd</sup> 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. Consider/act on the Final Release of Eastlake Village Subdivision Letter of Credit SB#6941. Gard reported that Pabst Farms Development requested that the City release the letter of credit for Eastlake Subdivision. The final lift of asphalt in the second phase is the only remaining work to be completed. The warranty period has expired on all other public infrastructure work. We recommend the release of the letter of credit as long as the final lift of asphalt is included in the \$3M letter of credit held by the City. Motion by Antonneau to approve the release of the Eastlake Village Subdivision Letter of Credit (SB #6941) upon receipt of the revised \$3M Letter of Credit (SB #6220) including provisions to cover the final lift of asphalt in Eastlake Village; second by Cochrane. Motion carried 8-0.
- B. Resolution Accepting the Petition of Roger Gartzke for Direct Annexation – Chapman reported that the Gartzke's are requesting to annex their property (two lots) located along Lapham and Wilson Streets because their sanitary sewer system is failing. Motion by Cochrane to adopt the resolution accepting the petition of Roger Gartzke; second by Hollatz. Motion carried 8-0.
- C. Consider/act on an Increase to the Real Estate Services Contract with G. J. Miesbauer & Associates, Inc. – Duffy stated that this is an \$8,000.00 increase related to two additional parcels that need to be acquired and some fixture appraisals. Motion by Jones to approve the contract amendment for G.J. Miesbauer, Inc. in the amount of \$8,000.00; second by Cochrane. Motion carried 7-1. Larsen voted no.

**Mayoral Appointments – None**

**Staff Reports** – Lamp reported that there will be a Hazardous Waste Collection at DPW from 8:00 am – Noon on September 9<sup>th</sup>. Refrigerator pick-up is still available for a fee of \$15.00 with garbage collection and can be placed at curbside. Coenen informed Council that new voting equipment (Edge II) will be at each of the polling places.

**Announcements and Communications – None**

**Reports and Comments from the Aldermen** – Hollatz stated that there is a problem with bikes on sidewalks and there is an ordinance against it. Also, grass clippings are a problem.

**Reports and Comments from the Mayor** – Sullivan reported that Alderman and staff have been invited by General Growth to tour their Jordan Creek property in Des Moines, Iowa. We have received ethics opinions about attending and they are all fine.

Motion by Cochrane to adjourn the Common Council meeting; second by Antonneau. Motion carried 8-0. Meeting adjourned at 12:00 a.m.