

**CITY OF OCONOMOWOC
COMMON COUNCIL MEETING**

January 18, 2005

Mayor Sullivan called the meeting to order at approximately 7:33 p.m. and the Clerk confirmed that appropriate meeting notice had been given.

Ald. Morgan led in the **Pledge of Allegiance**.

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

Aldermen absent: Snyder (a quorum was present)

Staff in Attendance: Lamp, Sugden, Martin, Senfleben, Gard and Attorney Chapman (all other Department Heads were excused this evening)

Minutes of previous meeting (January 4, 2005) – Moved by Ald. Morgan, seconded by Ald. Antonneau to approve the minutes of the January 4, 2005 Common Council meeting, as written. Voice vote carried with no dissenting votes.

Mayor Sullivan reported that the Finance Committee had met earlier this evening to review and approve vouchers. He announced there will be a closed session this evening, but we will not reconvene into open session. This regards conferring with legal Counsel on Police Department matters.

Comments and suggestions from citizens – none

Consent agenda: A. Licenses and B. Treasurer's Report – Moved by Ald. Hollatz, seconded by Ald. Cochrane to approve the consent agenda. Voice vote carried with no dissenting votes.

Committee Reports:

- A. Finance – no report
- B. Personnel – no report
- C. Protection & Welfare – no report
- D. Public Services – no report
- E. Utility – no report

Plan Commission recommendations

- A. Consider/act on Conditional Use Permit application of Heather McQuire, on behalf of Mike Herro/Oconomowoc Realty re: Weston Meadows-Phase I – Moved by Ald. Gross, seconded by Ald. Cochrane to grant the Conditional Use Permit to Heather McQuire, on behalf of Mike Herro/Oconomowoc Realty for Weston Meadows-Phase I. Motion was seconded by Ald. Cochrane.

Attorney Chapman explained that the northeast corner of this development is in the County Shoreland District, and any annexed property within the County Shoreland District must abide by the more restrictive setbacks of County or City. In this case, the County setbacks are more restrictive, it being 35' compared with the City's setback of 25'. The County is supportive of the proposed permit advocating the 25' setback, as it moves the development 10' further from the lake. It was also pointed out

that the Department of Natural resources must sign off on this, or it does not become effective.

Motion to approve the Conditional Use Permit carried unanimously.

- B. Consider/act on Final Plat of Weston meadows-Phase I – This item has been postponed.
- C. Consider/act on application of Robert Buchta for a Conditional Use Permit re: Lemon Grass Restaurant in Summit Centre Marketplace - Moved by Ald. Gross, seconded by Ald. Cochrane to approve the Conditional Use Permit for the Lemon Grass Restaurant.

Mayor Sullivan pointed out this is an in-fill project in the Summit Centre Marketplace, and other businesses will be coming before Council as the marketplace spaces are leased. He explained that this was discussed at a public hearing before the Plan Commission and several people raised concerns, particularly about a deck that is proposed. He read an excerpt from the Plan Commission meeting minutes with certain conditions as to hours of operation, construction of a fence, lighting, etc. and asked the City Engineer if this proposed Conditional Use Permit covers all of the conditions. Mr. Sugden, City Engineer, responded that it will, except for the deck. Attorney Chapman stated that paragraph 7 of the permit covers the conditions, but this approval would not approve the deck. That must go to the Architectural Commission. He stated that paragraphs 6 & 7 will be clarified, and paragraph 11 must be changed as to dumpster location.

Ald. Gross asked to have his motion amended to say that trash will be disposed of in the 2 dumpsters located at either end of the building. Ald. Cochrane seconded the amendment, and the motion, as amended, carried unanimously.

- D. Ordinance to rezone the west portion of the Park Studios LLC property, from RA Rural Agricultural to UR-10 Urban Residential District – Attorney Chapman pointed out on the attached sketch, that this is a 24 acre parcel owned by Park Studios LLC. Back when the zoning map was adopted, the west half of this parcel was erroneously zoned RA. Since it is surrounded by the golf course, it would appear that it was owned by the owner of the golf course, and zoned with it. Now that there are plans for development in that area, this came to our attention, and the entire 24 acre parcel should be zoned UR-10. This was obviously a technical error, and this ordinance will correct the error.

Moved by Ald. Gross, seconded by Ald. Cochrane to give the Ordinance its first reading.

There was some discussion and a suggestion made to hold off on this until the entire area is considered. The Mayor felt that since this is an obvious error, it should be corrected at this time. Ald. Gross commented that he felt this correction would be a step in the right direction for future development.

Motion for first reading of the ordinance carried unanimously.

- E. Consider/act on 2-lot Certified Survey Map for Wangard Partners, Inc. – Moved by Ald. Gross, seconded by Ald. Jones to approve the CSM. Attorney Chapman stated

there is a building on Lot 1, and there will be a building on Lot 2. This is in the Prairie Creek Shopping Center, and all buildings are adjoined. Zero lot lines are permitted under our code under these circumstances.

Motion to approve the CSM carried unanimously.

New Business

- A. Resolution Extending the Moratorium on construction activities within the St. Paul/E. Wisconsin Ave. Redevelopment area – this matter was postponed.
- B. Consider/act on Development Agreement for Weston Meadows-Phase I – this matter was postponed

Mayoral appointments to Boards and Commissions, with Council confirmation – none

Staff Reports – A. Administrator – no report
B. Other - none

Announcements and Communications – none

Reports and Comments from the Mayor – none

Reports and Comments form the Aldermen – none

There being no further business to properly come before this body, a motion to go into closed session, per Wis. Stats. 19.85(1)(g) "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.(Police Department) was made by Ald. Cochrane, seconded by Ald. Gross, and roll call vote carried unanimously.

Motion to adjourn was made by Ald. Larsen, seconded by Ald. Jones, and carried. (8:16 p.m.)

Ardyce Senfleben, City Clerk