

**CITY OF OCONOMOWOC**  
**COMMON COUNCIL MEETING**  
**October 18, 2005**

**7:30 p.m. – Public Hearing re: Amendment of §17.934(1)(a) and (3)(b) of the City of Oconomowoc Zoning Ordinance relating to the organization and powers of the Zoning Board of Appeals** – Mayor Sullivan declared the public hearing open at 7:52 p.m. Attorney Chapman explained that the State now requires that the Mayor appoint alternates 1 and 2 for the Zoning Board of Appeals. There has been a problem with attendance and presently it takes 4 affirmative votes to grant a variance. This will change that to an affirmative vote of the majority of the members present. There was no public input. The hearing adjourned at 7:54 p.m.

**7:40 p.m. – Public Hearing, or immediately following adjournment of the previous hearing – Public Hearing re: Amendment to the Planned Development Ordinance (PD #03-0573) and the Precise Implementation Plan for Lutheran Homes of Oconomowoc** – Mayor Sullivan declared the hearing open at 7:55 p.m. Attorney Chapman explained that Lutheran Homes is applying for an amendment to their Planned Development and Precise Implementation Plan to construct a garage and modify the parking area that will be displaced and also provide for a green area covered by a canopy where residents may gather. The public hearing was necessary because the PD Ordinance is covered under zoning which requires a public hearing. There was no public input. The hearing adjourned at 7:57 p.m.

**Mayor Sullivan** called the regular Common Council meeting to order at approximately 7:58 p.m. and the Clerk confirmed that appropriate meeting notice had been given.

Lt. Schmidt led in the **Pledge of Allegiance**.

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

**Staff in attendance:** Caughran, Sugden, Severson, Langohr, Kitsembel, Duffy, Schmidt, Bednarski, Frye, Senfleben, Gard and Attorney Chapman

**Minutes of previous meeting:** Regular Common Council meeting of October 4, 2005 – Moved by Ald. Cochrane, seconded by Ald. Antonneau to approve the minutes of the October 4, 2005 Common Council meeting, as written. Voice vote carried with no dissenting votes.

**Comments and suggestions from citizens – Mr. Ray Higgins, 343 S. Elm St.**, asked that the repairs on Elm St. be delayed until the utilities are completed. He stated that he is against the proposed Transportation Utility District. The residents should pay for road maintenance, as opposed to businesses. Businesses would only increase their prices on products or services so the resident would end up paying anyway. Further, it is the City's obligation to maintain the streets which have not been adequately maintained for many years, and he challenged the City to come up with money from the budget to cover the cost, and he will be happy to do his share. Regarding the Wisconsin Ave. reconstruction, he was against having a round-about as it will not handle 5:00 o'clock traffic.

**Mr. Peter Schwabe, 506 W. Wisconsin Ave.**, speaking as a resident, a real estate developer and a member of the Community Development authority, strongly opposed the implementing

of a Transportation Utility District. He felt it must be paid for through property taxes which we have not been doing for a long time in an effort to keep our property tax rate low. We are inviting businesses to locate in Oconomowoc, and then you want to tax them for using the streets. He felt this would only discourage economic growth, and hoped that the Council would make the right decision.

Mr. Ron Schneider, 514 Lincoln St., stated that he has the same concerns. This would simply be a transfer of fees, a hidden tax, and residents will be paying one way or the other. He said it's too bad it was let go so long, but do not create the Transportation Utility District, we have to do it the hard way.

Mr. David Guckenberger, W1456 Hwy. O, said he has been hearing about the Transportation Utility District for some time, but details were not available until the last minute. There hasn't been an impact statement regarding economic development, and he feels it would have a terrible effect on businesses. He was concerned that there was no sunset clause, and if implemented, would the district be dissolved after you got the \$4 Million. The State supplies aid to the City of \$2.5 Million. How much is spent on street maintenance?

Mr. Bob Thelen, 9529 Norwegian Rd., agreed with previous concerns about a Transportation Utility District and would want to see a sunset clause of 2009, if the district is implemented. He questioned what the City did with the \$450,000 in the '05 budget. He suggested doing an impact study and get the facts and figures out to the public and have a public hearing in January or February.

Mr. Ed Krelwitz, 924 Oconomowoc Parkway, also opposed the Transportation Utility District. He felt the money should be in the budget so residents can plan ahead and you would have money for the roads.

### **Consent Agenda**

- A. Licenses
- B. Treasurer's Report
- C. Consider/act on 911 Joint Powers Agreement w/Dodge County'
- D. Resolution Denying Claim of James Schumacher
- E. Resolution Combining Wards for voting purposes

Moved by Ald. Hollatz, seconded by Ald. Morgan to approve the Consent Agenda. Voice vote carried with no dissenting votes.

### **Committee Reports**

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

### **Plan Commission recommendations**

A. Consider/act on Conditional Use Permit for Theatre of Oconomowoc 23-25 S. Main St. (Ralph Garcia) – Ald. Gross reported that there was a public hearing before the Plan

Commission, after which the Commission unanimously recommended approval of the Conditional Use Permit.

Motion was made by Ald. Gross, seconded by Ald. Cochrane to grant the Conditional Use Permit. Carried unanimously.

B. Consider/act on Amendment to Conditional Use Permit for Wangard Partners (1300 Brown St.) – Ald. Gross reported that there was a public hearing before the Plan Commission and the Commission unanimously recommends approval of the Amendment to the Conditional Use Permit.

There was a brief discussion regarding the placement of the propane tanks. Ald. Larsen stated he does not like to see any outdoor storage, and hoped this could be addressed in the upcoming ordinance changes. Ald. Gross pointed out that propane must be stored outside in a locked enclosure and would be placed behind the pillars. Planner Severson pointed out that the small brat stand has been approved by the Architectural Commission, and will provide a good community service.

Motion was made by Ald. Gross, seconded by Ald. Cochrane to grant the Amendment to the Conditional Use Permit. Motion carried, with Ald. Larsen voting “no”.

C. An Ordinance to Amend the Planned Development Ordinance Relating to the Lutheran Homes of Oconomowoc, Inc., property at 1305 and 1306 West Wisconsin Ave., City of Oconomowoc, Waukesha County, Wisconsin, Designated the Lutheran Homes of Oconomowoc, Inc., Planned Development (PD-5-03), and the Precise Implementation Plan, per public hearing (Tim Thiele) - Ald. Gross reported there was a public hearing before the Plan Commission, and they unanimously recommend approval of the Amendment to the PD Ordinance and Precise Implementation Plan, as requested.

Moved by Ald. Gross, seconded by Ald. Cochrane to waive the rules to allow the City Attorney to summarize the amendments in lieu of reading the full ordinance. Voice vote carried with no dissenting votes.

Moved by Ald. Gross, seconded by Ald. Cochrane that the first reading of the ordinance be done by summarization by the City Attorney.

Attorney Chapman pointed out that there is a waiver for the 10' setback from Industrial Drive, and room for the utilities. Ald. Larsen questioned whether there would be additional landscaping around the new garage. Mr. Thiele stated that the landscaping would not be changing, but may include some around the garage. Ald. Larsen was also concerned about the asphalt in the front of the building taking away from the green space. Mr. Thiele pointed out there are 11 existing spots and 4 additional are proposed, and they must be parallel to and facing Hwy. 16. The patio area will be moved under the canopy and there will be landscaping around that area.

Motion for first reading of the ordinance carried unanimously.

D. Resolution Ordering Correction of Zoning Map – Attorney Chapman explained that the Zoning Map was adopted in 1996. It has recently been discovered that 3 lots, just east of the City Beach, were erroneously placed in the Estate Office zoning district. The Zoning Map clearly indicates that those lots are in the Central Commercial zoning district. Attorney Chapman stated that meeting minutes support the fact that this is an error. The subject lots are 210, 216 and 222 W. Wisconsin Ave., on the north side of the street. This was presented to the Plan Commission for consideration and they have unanimously recommended this correction.

Moved by Ald. Gross, seconded by Ald. Cochrane to adopt the resolution. Motion carried with Ald. Larsen and Ald. Snyder abstaining.

**Unfinished Business – none**

**New Business**

A. An Ordinance Creating a Section of Chapter 13 of the Municipal Code of the City of Oconomowoc Titled “Transportation Utility Regulations” which establishes a Transportation Utility and sets Transportation Utility Fee Amounts – Moved by Ald. Gross, seconded by Ald. Cochrane to give the Ordinance its first reading.

Attorney Chapman read the ordinance, pointing out minor changes. There was discussion, Ald. Antonneau’s biggest concern being the amount of money and the impact it will have on downtown businesses, particularly in view of the scheduled reconstruction of Wisconsin Ave. which will impact the merchants. He stated he would be willing to support the Transportation Utility District (TUD) if it were a smaller amount of money. Ald. Morgan felt this may be the most fair way, as the cost for road maintenance is shared by residents and businesses. Ald. Snyder pointed out that if we were to put the additional \$500,000 on the tax levy, we would be over the levy limits and would have to cut something else in the budget, and the tax rate would increase dramatically.

Ald. Gross stated that it is not like we haven’t wanted to fix the streets and each year we have been building up the money to spend on streets. Every year decisions must be made by the Common Council, and we have to make the best decisions. At present, the property owners are paying most of the cost for road maintenance and that is not fair.

Motion on first reading of the ordinance passed, as follows: Voting aye: Gross, Larsen, Cochrane, Snyder and Morgan; Voting nay: Antonneau, Hollatz and Jones

B. Consider/act on extending Lease for the Lutheran High School for an additional year – Attorney Chapman commented that the timeframe for the high school changed and they have requested to extend their lease for another year, until August of 2007. They would agree to a modification of the lease and Council may grant the extension of the lease by motion, and send a copy of the minutes to them.

Moved by Ald. Antonneau, seconded by Ald. Hollatz to approve extension of the Lease for the Lutheran High School. Carried unanimously.

C. Resolution Accepting Petition for Annexation of Biellinski parcel (T/Oconomowoc) – Attorney Chapman stated this merely accepts the Petition and refers it to the Plan Commission

for review and temporary zoning. Ald. Larsen said he would not vote for this, as his constituents want development to slow down.

Motion carried, with Aldermen Larsen and Antonneau voting against it.

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

**Staff Reports**

- A. Administrator – none
- B. Other – Mr. Mark Frye, Water Operations Manager, announced the annual MEUW Dinner on November 3, and asked anyone wishing to attend to let him know.

Mr. Stan Sugden, City Engineer, updated the Council on the street project. Curb & gutter is in place on Main, Third and South Streets, except driveways. Asphalt base course will be on all 3 streets next week and will be completed in early November. Utilities have been installed, sidewalks are in and brick pavers and sod will be completed in early Spring.

**Announcements and Communications – none**

**Reports and comments from the Aldermen – none**

**Reports and comments from the Mayor** - The Mayor read a Proclamation recognizing our Electrical Staff who went to Stoughton to aid in their utility work as a result of the recent tornado damage. All individuals were named in the Proclamation, and he gave a copy of the Proclamation to each person with his congratulations.

There being no further business to properly come before this body, a motion to adjourn was made by Ald. Cochrane, seconded by Ald. Jones, and carried. (9:55 p.m.)

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Ardyce Senfleben, City Clerk