

**CITY OF OCONOMOWOC  
COMMON COUNCIL MEETING**

**November 2, 2004**

**7:30 p.m. – Public Hearing** re: Proposed Notice of Special Charge for Garbage and Refuse Collection and Disposal – Mayor Sullivan declared the public hearing open at approximately 7:43 p.m. Finance Director, Sarah Kitsembel, gave an overview pointing out that the Finance Committee has reviewed this item and it is necessary to increase the fee for 2005 by 2.7%, an increase from \$146.00 to \$150.00. With the proposed increase, there would be a balance in that fund of approximately \$16,000 at the end of 2005.

There being no public input, or comments, the public hearing adjourned at 7:45 p.m.

**Public Hearing** re: 2005 Budget hearing – Mayor Sullivan declared the public hearing open at approximately 7:45 p.m. Ms. Kitsembel gave an overview of the 2005 budget, again pointing out that the Finance Committee and Committee of the Whole have reviewed it, and recommend its adoption. The equalized value property tax rate for 2005 will be \$5.05 per thousand, as compared to \$5.24 last year, a 3.6% decrease. Based on a \$150,000 home, the City tax portion of the 2005 tax bill would be \$758.00, \$28.00 less than last year. The City has had a 16.8% overall growth in our total equalized value, of which half is due to new construction within the City. The City's equalized value growth, excluding our TIF districts, was 12.1%. The new growth value has allowed the City to include some new initiatives within this budget as well as to continue to fund current operations and staffing levels. New initiatives include an additional \$200,000 for streets, for a total of \$450,000. The additional \$200,000 will be paid for with general fund reserves; an additional full-time firerighter position (\$70,000) which would be funded by the implementation of a new fee for fire inspections done in the city; a new part-time planning position (\$45,500) which would be funded by the implementation of a new fee for planning review time; a new part-time maintenance position (\$16,000).

The City's proposed levy for 2005 is \$6,550,336, which is an increase of \$487,735. Two large increases include salary/benefits and debt service fund levy increase. Salary and benefits account for 65% of the City's total general fund expenditures, reflecting an increase of approximately \$287,000 for 2005. The debt service fund levy includes the City's payment on outstanding debt issues. The levy for 2005 is increasing about \$243,000 which is due mainly to an acceleration of principal payments on one outstanding debt issue.

The Council is proposing a budget that decreases the City's equalized tax rate by 3.6%, maintains the level of services provided to the citizens of Oconomowoc, and makes accommodations for a few new initiatives.

There being no questions or input from the public, the public hearing adjourned at 7:50 p.m.

**Public Hearing** re: Impact fee for clarification for purposes of creating provisions for impact fees for redevelopment property and creating a procedure for calculating fees for redevelopment. Mayor Sullivan declared the public hearing open at approximately 7:51 p.m. Ms. Kitsembel stated that this is mainly a housekeeping ordinance, changing language and updating statutory references with the correct numbers, and a procedure for calculating fees for redevelopment of property.

There being no public comment or input, the hearing adjourned at 7:52 p.m.

**Public Hearing** re: Changes to Chapter 18 of the City of Oconomowoc's Subdivision Ordinance, by removing the Park Improvement Fee and updating the wording for the Park Dedication Fee. Mayor Sullivan declared the public hearing open at approximately 7:53 p.m. Ms. Kitsembel also addressed this item, pointing out that it is taking the Park Improvement fee and dedication fees out of Chapter 18, the Subdivision ordinance, and put it in Chapter 27. It also updates the language in Chapter 18 for flexibility to accept land in lieu of a fee, from a developer. The Plan Commission has recommended this change.

Mr. Don Wood, 1380 W. Wisconsin Ave., was of the understanding that the City already had the flexibility of accepting land in lieu of a fee, to which Ms. Kitsembel responded that that is true, and this will not change that.

There being no public comment or input, the hearing adjourned at 7:54 p.m.

**Mayor Sullivan** called the regular Common Council meeting to order at approximately 7:54 p.m. and the Clerk confirmed that appropriate meeting notice had been given.

Library Director, Ray McKenna, led in the **Pledge of Allegiance**

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

**Minutes of previous meeting:** Regular Common Council meeting of October 19, 2004. Moved by Ald. Cochrane, seconded by Ald. Snyder, to approve the minutes of the October 19, 2004 Common Council meeting, as written. Voice vote carried with no dissenting votes.

The Mayor commented that the Council had met as the Committee of the Whole to discuss library service and fire service with Delafield. There was a Public Service Committee to discuss streets.

**Comments and suggestions from citizens** – none

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

**Committee Reports**

- A. Finance Committee – no report
- B. Personnel Committee – no report
- C. Protection and Welfare Committee – no report
- D. Public Services Committee
  - 1) Consider/act on Relocation Order – Ald. Larsen reported that the Public Services Committee reviewed the Relocation Order. Ald. Larsen moved to disapprove the Relocation Order, seconded by Ald. Gross.

Attorney Chapman gave the history of this situation, pointing out that a frontage road has been designated for that area to alleviate the necessity of going out on Highway 67 for a very short

distance (approx. ¼ mile) to get to Whitman Park Shopping Center. To accomplish this, the City would either have to purchase land, or condemn property. In order to condemn property, a Relocation Order must be filed with the County Clerk.

Ald. Antonneau felt by having a frontage road there would be a big safety factor, while Ald. Larsen felt it was developer driven, and was not in favor of it.

Vote on motion failed, as follows: Voting aye: Ald. Larsen. Voting nay: Ald. Antonneau, Cochrane, Hollatz, Jones, Snyder, Morgan and Gross

Motion was made by Ald. Cochrane, seconded by Ald. Hollatz to approve the Relocation Order and carried, with Ald. Larsen voting nay, and Ald. Morgan abstaining.

**E. Utility**

- 1) Resolution re: 2005 Wastewater treatment rate increase – Moved by Ald. Gross, seconded by Ald. Jones to adopt the resolution. Carried unanimously.

Adoption of this resolution authorizes a 2.98% increase for the City in 2005 Wastewater treatment rates.

- 2) Resolution re: Bids for subdivision electric power installation (Thurow Golden View Estates Subdivision – Moved by Ald. Gross, seconded by Ald. Snyder to adopt the resolution. Carried unanimously.

Adoption of this resolution authorizes Pieperline to install primary and secondary electric distribution within the Thurow subdivision, for \$76,365.45.

- 3) Resolution re: East Standpipe Storm Sewer change Order – Moved by Ald. Gross, seconded by Ald. Antonneau to adopt the resolution. Carried unanimously.

Adoption of this resolution authorizes a change order to increase the storm sewer pipe from 8” to 12”, for an amount of \$36,898.65.

- 4) An Ordinance to Amend §13.31 of the Municipal Code of the City of Oconomowoc Relating to Private Well Abandonment and to Create §13.33 Relating to Private Well Maintenance. Moved by Ald. Gross, seconded by Ald. Antonneau to give the ordinance its first reading.

Mr. Frye, Water Operations Manager, stated that the DNR is requiring minor changes to our ordinance, mainly it changes the word “fill” to “abandonment” regarding abandoned private wells.

Motion for first reading carried unanimously.

**Plan Commission recommendations – none**

**Unfinished Business**

- A. An Ordinance to Amend the Boundaries of the IP Institutional and Public District as shown on the District Map, City of Oconomowoc, Wisconsin (former YMCA property) – 2<sup>nd</sup> reading. Moved by Ald. Snyder, seconded by Ald. Cochrane to give the Ordinance its second reading by title only. Carried unanimously.

Moved by Ald. Snyder, seconded by Ald. Cochrane that the Ordinance become law. Roll call vote carried unanimously.

- A. An Ordinance to Amend the Boundaries of the SR-3 Suburban Residential District as shown on the District Map, City of Oconomowoc, Wisconsin (Bielinski Development Property) – 2<sup>nd</sup> reading. Moved by Ald. Snyder, seconded by Ald. Cochrane to give the Ordinance its second reading by title only. Carried unanimously.

Moved by Ald. Snyder, seconded by Ald. Jones that the Ordinance become law. Roll call vote carried unanimously.

- B. An Ordinance to Create §27.09(5),(6),(7), and (8) and §27.10(5),(6),(7), and (8) of the Municipal Code of the City of Oconomowoc Relating to Impact Fees for Law Enforcement Facilities; Fire Protection and Emergency Medical Facilities; Parks, Playgrounds and other Recreational Facilities, and Highways and other Transportation Facilities – 2<sup>nd</sup> reading.

Mayor Sullivan asked the Council to postpone action on this, as there are some questions regarding portions in the transportation area and user fees for transportation.

Moved by Ald. Jones, seconded by Ald. Cochrane to postpone this item until the next Council meeting, November 16, 2004. Carried unanimously.

### **New Business**

- A. Resolution increasing Special Charge for garbage/refuse collection , per public hearing. Moved by Ald. Antonneau, seconded by Ald. Cochrane to adopt the resolution. Carried unanimously.
- B. Consider/act on 2005 Budget, per public hearing. Moved by Ald. Jones, seconded by Ald. Cochrane to adopt the 2005 budget, per public hearing. Carried unanimously.
- C. Set tax levy for 2005 – Moved by Ald. Gross, seconded by Ald. Cochrane to set the tax levy for 2005 at \$6,550,336.00. Carried unanimously.
- D. An Ordinance Amending certain sections of Ch. 27 of the Municipal Code of the City of Oconomowoc Relating to Impact Fees for clarification purposes, creating §27.09(3)(d) and (4)(d) Relating to the North interceptor impact fee and the North water tower impact fee, and creating provisions for impact fees for Redevelopment property and creating a procedure for calculating fees for Redevelopments, per public hearing. Moved by Ald. Larsen, seconded by Ald. Cochrane to give the ordinance its first reading. Upon discussion, motion withdrawn by mover and seconder.

Moved by Ald. Cochrane, seconded by Ald. Larsen to suspend the reading of the ordinance. Carried unanimously.

Moved by Ald. Larsen, seconded by Ald. Jones to have the 1<sup>st</sup> reading, by summary.

Attorney Chapman pointed out there was only a change in the title and it proposes no increases or any other type of change.

Motion on first reading carried unanimously.

- E. Ordinance re: Changes to Chapter 18 of the City of Oconomowoc Subdivision Ordinance, by removing the Park Improvement fee and updating the wording for the Park Dedication fee, per public hearing. Moved by Ald. Gross, seconded by Ald. Cochrane to give the ordinance its first reading. Carried unanimously.
- F. Resolution re: Change Order for the McGuire, Inc. contract (TEA Grant Project) – Moved by Ald. Gross, seconded by Ald. Cochrane to adopt the Resolution.

City Engineer, Stan Sugden, pointed out this is the area near Roundy's, and poor soil was discovered. No soil borings were taken before the construction. The soil must be replaced or the road would fail, and would have to be replaced. The cost for this Change Order is \$34,917.85.

Motion to adopt the resolution carried unanimously.

- G. Consider/act on Development Agreement for Rosenow Creek LLC – Attorney Chapman stated that the developer is in the process of obtaining the Letters of Credit for the County Highway improvements. He is comfortable recommending that the Council approve it this evening. Moved by Ald. Gross, seconded by Ald. Cochrane to approve the Development Agreement for Rosenow Creek LLC. Carried unanimously
- H. Consider/act on Development Agreement for Berkshire – Attorney Chapman pointed out that the City is contributing \$400,000 of TID#4 funds to be used for acquisition, demolition, abatement, and site work and streetscape construction, and \$50,000 of TID#4 funds as a contribution to the project for construction of the pocket park on the southwest corner of second and Main St., all of which will be reimbursed, per this agreement. He pointed out the obligations of the developer. The closing is this Thursday, and the development must be complete by April 1, 2006, however, it is anticipated to be completed by the end of 2005. The developer guarantees that the equalized value of the completed project will be at least \$4,500,000 resulting in \$80,000 per year that will go toward that amount. He pointed out that we are a 3<sup>rd</sup> mortgagee, and if the project is ever sold to a non-taxable entity, the balance will be immediately due and payable. The balance of the agreement is the typical language the City uses includes in all development agreements.

Moved by Ald. Gross, seconded by Ald. Cochrane to approve the Development Agreement for Berkshire. Motion carried, with Ald. Larsen voting "no".

Ald. Gross commented that he is happy to have the Senior Center become a reality, and suggested it would be nice if surrounding communities would give some support.

Consider/act on approval of easement for southwest sewer service area - This is an easement from the Herro-Woodland Trust for the area west on Concord Rd. to the east of the Riverline subdivision, and he recommends that the City accept it.

Moved by Ald. Cochrane, seconded by Ald. Jones to accept the Easement. Carried unanimously.

**Mayoral appointments to Boards and Commissions, with Council confirmation** - Mayor Sullivan appointed Mr. Bill Mielke to the Zoning Board of Appeals, to fill the unexpired term of Mr. Bob Becker, to April 30, 2006.

Moved by Ald. Gross, seconded by Ald. Cochrane to confirm the appointment of Bill Mielke to the Zoning Board of Appeals. Voice vote carried with no dissenting votes.

**Staff Reports**

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

**Announcements and Communication – none**

**Reports and comments from the Aldermen** - Ald. Gross mentioned going to the polls to vote today, and wanted to recognize all of the poll workers who work such long hours and do such a great job. They are greatly appreciated.

Ald. Antonneau stated he had a good experience at the polling place, with only a 30 minute wait. It was such a great turnout, but too bad it takes something like this to get people to vote.

**Reports and comments from the Mayor** – Mayor Sullivan thanked the staff for their development of the budget, as well as the Finance Committee and Committee of the Whole for their review. He felt it was a very workable budget, reflecting a tax rate decrease for the 3<sup>rd</sup> year and still meeting the services and needs of the City.

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. (9:05 p.m.)

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Ardyce Senfleben, City Clerk