

**CITY OF OCONOMOWOC
COMMON COUNCIL MEETING**

December 21, 2004

Mayor Sullivan called the Common Council meeting to order at approximately 7:30 p.m. and the clerk confirmed that appropriate notice had been given.

Don Leonard led in the **Pledge of Allegiance**.

Roll Call: Aldermen present – Hollatz, Jones, Morgan, Gross, Larsen, Antonneau and
Cochrane
Aldermen absent – Snyder (a quorum was present)

Staff in Attendance: Caughran, Sugden, Tonn, Langohr, Lamp, Leonard, Kitsembel, Duffy,
Schmidt, Leidel, Frye, Benarski

Also in attendance: Judy Leonard, and several members of Don Leonard's family

Minutes of previous meeting (December 7, 2004) – Moved by Ald. Jones, seconded by Ald. Cochrane to approve the minutes of the December 7, 2004 Common Council meeting, as written. Voice vote carried with no dissenting votes.

Comments and suggestions from citizens - Mr. Langohr, Director of Public Works, stated that Mr. Don Leonard, Supervisor of the Department of Public Works, will be retiring as of January 1, 2005 after 33 years of service to the City of Oconomowoc.

Mayor Sullivan asked Don and Judy Leonard to come forward and he read a Proclamation, declaring December 21, 2004 "Don Leonard Day". He thanked Don for his commitment to the City and that we have been privileged having had his service for so many years. The Mayor mentioned there was a reception this afternoon, with gifts and prizes. He presented Don with the Proclamation and with a Street sign saying "Don Leonard Drive". A Street sign will be constructed at the drive into the Department of Public Works building, and Jefferson Street. Don was very appreciative of the recognition, and that he has enjoyed working for the City.

Consent agenda: 1) Licenses (including a "Class B" liquor license for Fiesta Cancun (formerly Garibaldi's), and two additional bartenders; 2) Treasurer's Report – Moved by Ald. Hollatz, seconded by Ald. Morgan to approve the Consent agenda. Voice vote carried with no dissenting votes.

Mayor Sullivan announced that there had been two prior committee meetings; Protection & Welfare to discuss & recommend Ambulance fees for 2005; and Finance to approve vouchers.

Committee Reports:

- A. Finance – no report
- B. Personnel – no report
- C. Protection & Welfare
 - 1) An Ordinance to Amend §5.12(3) and (4) of the Municipal Code of the City of Oconomowoc Relating to Ambulance Service Transport fees – Moved by Ald. Hollatz, seconded by Ald. Morgan to give the ordinance its first reading. Carried unanimously.
- D. Public Services – no report
- E. Utility – no report

Plan Commission recommendations

- A. Consider/act on application of Jeff Herrmann, on behalf of Bielinski Development for a Conditional Use Permit for a reduction of setback requirements within the Waukesha County Shoreland Jurisdiction on Lots 145, 146, 147, 148, 149, 150, 151, 152 and 153 - City Planner, Tonn, gave some history on this area which was annexed to the City in 1998. Any annexation in the county shoreland area which has been annexed since 1982 must meet the more restrictive setback requirements, which are the City's. The Bielinski's have applied for a reduction in setbacks to meet City requirements on the above numbered lots. The setbacks are 25' front; 25' rear and 10' side, and Mr. Dick Mace, Director of Waukesha County Park & Land Use, also recommends this reduction.

Moved by Ald. Gross, seconded by Ald. Cochrane to grant the Conditional Use Permit. Motion carried, with Aldermen Hollatz, Morgan and Antonneau voting against it.

- B. Consider/act on Final Plat of Wood Creek VI – Mr. Tonn pointed out that this area was zoned commercial, but has been changed to residential. Several neighbors appeared at the public hearing and were in support of this zoning change.

Moved by Ald. Gross, seconded by Ald. Cochrane to approve the final Plat for Wood Creek VI, including the Planner's recommendations. Motion carried, with Ald. Hollatz voting against it.

- C. Consider/act on Certified Survey Map of Wesley Overturf (on the northwest corner of Allen Rd. and River Bluff Circle) - It was pointed out that these are residential lots.

Moved by Ald. Gross, seconded by Ald. Cochrane to approve the Certified Survey Map. Carried unanimously.

Unfinished Business

- A. An Ordinance to Amend §18.03(5)(a)2.d. and §18.03(5A)(e) of the Municipal Code of the City of Oconomowoc Relating to Platting and Subdivisions, particularly the Parkland fee in lieu of Dedication and the Parkland Improvement fee – 2nd reading – Moved by Ald. Gross, seconded by Ald. Cochrane to give the ordinance its second reading by title only.

Mayor Sullivan pointed out that these ordinances have been read in their entirety at a previous meeting. These are second readings.

Motion on second reading carried unanimously.

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

- B. An Ordinance to Amend Section 13.63(3)(a) of the Municipal Code of the City of Oconomowoc Relating to Sewer Availability Charges – 2nd reading – Moved by Ald. Gross, seconded by Ald. Cochrane to give the ordinance its second reading by title only. Carried unanimously.

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

- C. An Ordinance to Amend §27.09(4)(b) of the Municipal Code of the City of Oconomowoc Relating to the Impact fee for the North Water Tower – 2nd reading – Moved by Ald. Gross, seconded by Ald. Cochrane to give the ordinance its second reading by title only. Carried unanimously.

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

- D. An Ordinance to Amend §27.09(3)(b) of the Municipal Code of the City of Oconomowoc Relating to the North Interceptor Impact Fee – 2nd reading – Moved by Ald. Gross, seconded by Ald. Cochrane to give the ordinance its second reading by title only. Carried unanimously.

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

New Business

- A. Resolution re: 2005 Salaries for non-represented personnel – Ms. Gard, City Administrator, commented that the Personnel Committee and Council have met and gone over the performance evaluations of staff, and recommend a 3% general increase which is commensurate with what the bargaining units are offering.

Moved by Ald. Jones, seconded by Ald. Cochrane to adopt the resolution. Carried unanimously.

- B. Release of easements across the Pioneer Ridge condominium development property. Attorney Chapman pointed out that these are very old easements which have been replaced in that area, and no longer needed. He stated that this release will not be recorded until we have new easements.

Moved by Ald. Gross, seconded by Ald. Cochrane to approve the Release of Easements. Carried unanimously.

- C. Resolution denying claim of Thomas and Florence Gruenwald – Moved by Ald. Gross, seconded by Ald. Cochrane to adopt the Resolution. Carried unanimously.

- D. Resolution appointing Election Inspectors for 2005-2006 – The City Clerk explained that the Council must appoint Election Inspectors for the coming two year period in December of even-numbered years. She presented the names for their consideration.

Moved by Ald. Gross, seconded by Ald. Cochrane to adopt the resolution. Carried unanimously.

- E. Preliminary Resolution re; sewer & water (southwest area) – Ms. Kitsembel, Finance

Director, pointed out this is the first resolution regarding sewer and water for the southwest area with reference to the Recapture Agreement the city entered into for that work. The City has contracted to do the work and it will be charged back to the two developers. The benefited properties will be special assessed, and as we collect the assessments, we will pay it back to the two developers of the Recapture Agreement.

Moved by Ald. Gross, seconded by Ald. Cochrane to adopt the Preliminary Resolution. Carried unanimously

F. Consider/act on Certified Survey Map (CSM) for Roundy's site (ratify previously approved CSM) - Attorney Chapman pointed out that this was previously approved by the Council, but was not signed or recorded, therefore it must be re-approved. It must then be recorded within 6 months.

Moved by Ald. Jones, seconded by Ald. Cochrane to re-approve the CSM for Roundy's. Motion carried with Ald. Larsen voting against it.

G. Resolution re: new name for City Street – Prairie Creek Boulevard (formerly referred to as "Street B" on CSM 9741, Prairie Creek Shopping Center) – Mr. Tonn stated that new streets are typically referred to as streets A or B on CSM's, until development takes place. The neighbors, Bielinski's, do not object to the name.

Moved by Ald. Gross, seconded by Ald. Cochrane to approve the new street name of Prairie Creek Boulevard. Carried unanimously.

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

Staff Reports A. Administrator – Ms. Gard congratulated Mr. Leonard on his retirement and wished him well. She also announced that this is Mr. Tonn's last Council meeting, having been with the City for 8 years, but said that he had 25 more years to put in before he caught up with Mr. Leonard. Mr. Tonn has had evening meetings many times 3 weeks out of 4, so she hoped he would enjoy some long vacations with his family. She thanked him for his years of service.

B. Other – none

Announcements and Communications – none

Reports and Comments from the Mayor – Mayor Sullivan wished the citizens of Oconomowoc, and staff, pleasant holidays.

Reports and Comments from the Aldermen – Ald. Gross thanked Mr. Tonn and Mr. Leonard for their service to the City, and wished them well. Ald. Gross also pointed out that by adopting the City setbacks for the Bielinski lots, that they are further removed from the wetlands, and felt it was the right thing to do.

Ald. Antonneau thanked the City for the concern for his wife when she was hospitalized and for the beautiful flowers that were sent. She is doing well now.

There being no further business to properly come before this body, Mayor Sullivan announced that a Committee of the Whole meeting that was scheduled for 6:50 p.m. this evening was cancelled, and we will go into closed session instead, as follows: Moved by Ald. Gross, seconded by Ald. Cochrane to go into closed session, per Wis. Stats. 19.85(1)(g) "Conferring with legal counsel for the governmental body who is rendering oral . . . advice concerning strategy to be adopted by the body with respect to litigation in which it is . . . likely to become involved." And per Wis. Stats. 19.85(1)(e) "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. (Park Studios LLC re: zoning land in southeast area of the City where confidentiality is required.) Roll call vote carried unanimously.

Mayor Sullivan stated that the Council will not re-convene into open session this evening.

Motion to adjourn was made by Ald. Jones, seconded by Ald. Antonneau, and carried. (8:22 p.m.)

Ardyce Senfleben, City Clerk