

**CITY OF OCONOMOWOC  
COMMON COUNCIL MEETING  
2-15-05**

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

The **Pledge of Allegiance** was recited.

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

**Staff in Attendance:** Sugden, Lamp, Severson, Langohr, Kitsembel, Duffy, Martin, Bednarski, Frye, Senfleben, Gard and Attorney Chapman

**Minutes of previous meeting:** Regular Common Council meeting of February 1, 2005 – Moved by Ald. Jones, seconded by Ald. Hollatz to approve the minutes, as written. Voice vote carried with no dissenting votes.

The Mayor reported that the Protection & Welfare Committee met prior to this meeting regarding a liquor license; Public Services Committee met to consider the possibility of movies and concerts in the park; and the Finance Committee met regarding the refinancing of the City's 1995 General Obligation bonds, and to approve vouchers. Several of these items will be considered later in this meeting.

**Comments from the audience:** Mr. Steve Boysa, owner of the Shorecrest apartments at Olympia, was concerned about the proposed development by Roth Homes which is contiguous to his property. Traffic going to the ski-hill now goes through his parking lot, and he asked that consideration be given to reconfiguring that road to go around his property, if this development is approved. He said his first concern is safety, and hoped future access to that development could be deviated to go around his property.

**Consent agenda:** A. Licenses B. EMS Agreement w/Village of Oconomowoc Lake, and C. Treasurer's report. Moved by Ald. Hollatz, seconded by Ald. Morgan to approve the Consent Agenda. Voice vote carried with no dissenting votes.

**Committee Reports:**

A. Finance

1) Resolution Authorizing the Issuance and Sale of \$1,545,000 General Obligation Refunding Bonds - Moved by Ald. Larsen, seconded by Ald. Jones to adopt the Resolution.

Ms. Kitsembel, Finance Director, stated that our financial advisers have advised us that these bonds are callable and recommend refinancing, as interest rates are lower now resulting in approximately \$98,000 savings over the life of the borrowing. The savings would be spread equally to our taxpayers. This resolution would lock in the lower interest rate over the term. The actual amount of the bonds is \$1,540,000.

Motion to adopt the resolution carried unanimously.

B. Personnel – no report

1) Consider/act on request for use of deck for service/consumption of alcoholic beverages at Shoreline Rathskeller, 125 N. Main St. – Moved by Ald. Hollatz, seconded by Ald. Jones to approve the request, with conditions. Carried unanimously.

Among the conditions are that there be no bar on the deck, only service from the inside; and no admittance to the deck from the outside.

D. Public Services

1) Consider/act on Movies in the Park – Our Park & Recreation Department is proposing showing movies at the bandshell on 3 Friday nights during the coming summer. (June, July and August). Moved by Ald. Larsen, seconded by Ald. Antonneau to approve the request. Carried unanimously.

2) Consider/act on Concerts in the Park – Our Park & Recreation Department is proposing presenting 7 concerts this summer at the bandshell. Moved by Ald. Larsen, seconded by Ald. Hollatz to approve the proposal.

Ald. Gross stated that 9 concerts were proposed, but the Protection & Welfare Committee recommended reducing that to 7, which he was pleased with. He further suggested that there be no give-aways, as in the past, as it causes clutter in the park and he could see no reason to give things away at a free concert. That money could be put back into the concert series.

Moved by Ald. Gross, seconded by Ald. Larsen to amend the motion to include that the practice of giving items away at the concerts be discontinued.

Vote on the amendment carried, with Ald. Jones voting “no”.

Vote on main motion, as amended, carried unanimously.

E. Utility – no report

**Plan Commission recommendations**

A. Ordinance Attaching Certain Lands of the Town of Summit to the City of Oconomowoc, Wisconsin (Advance Auto Parts property) – 1<sup>st</sup> & 2<sup>nd</sup> reading - Moved by Ald. Gross, seconded by Ald. Jones to give the ordinance its first reading. Carried unanimously.

Moved by Ald. Gross, seconded by Ald. Jones to suspend the rules to allow for the second reading this evening. Roll call vote carried unanimously.

Mayor Sullivan explained that the next 3 items relate to this property, as well. Ald. Gross pointed out this matter has been before the Plan Commission several times. It is unusual for the Council to do two readings at the same meeting, but due to complications of moving this matter along, have run into unusual time constraints.



- F. Consider/act on Conditional Use Permit for Kevin Stumm (coffee kiosk @ 900 E. Wisconsin Ave.) - Moved by Ald. Gross, seconded by Ald. Larsen to deny the Conditional Use Permit.

Ald. Gross reported that there was a public hearing before the Plan Commission in December and there was no public input. The motion of the Plan Commission was to deny the request, 5-2. He stated we are trying to upgrade our City and this type of temporary business is not what we want to invite. Ald. Larsen agreed, pointing out it would set a precedent for others to come in.

Motion to deny carried unanimously.

- G. Consider/act on endorsing changes to Conditional Use Permit of Market Place at Pabst Farms - Attorney Chapman pointed out that this Conditional Use Permit was amended once, back in November. They are now represented by MSI General. The developer is proposing a change in the site plan and also in materials. The changes, such as signs, light poles, planters, banners, were approved by the Architectural Commission on February 3<sup>rd</sup>. He pointed out all of the changes, including the upgrade to building materials came at a substantial additional cost to the developer in an effort to have the most quality development. Attorney Chapman explained that, by the terms of the Conditional Use Permit, the Plan Commission can make changes without a public hearing if they are not substantive changes, and they certify their action to the Common Council for endorsement.

Mayor Sullivan reiterated that these are additional improvements resulting in extensive upgrades.

Moved by Ald. Gross, seconded by Ald. Hollatz to endorse the changes to the Conditional Use Permit for Market Place at Pabst Farms, as presented by Attorney Chapman. Carried unanimously.

- H. Consider/act on approving Declaration of Restrictions for Market Place at Pabst Farms – Attorney Chapman stated that this Declaration was approved by the Plan Commission some time ago and does not normally come to the Council, however it is a condition of our TID #3 Development Agreement. Attorney Chapman stated that this is a high class declaration, and he recommends approval.

Moved by Ald. Gross, seconded by Ald. Hollatz to approve the Declaration of Restrictions for Market Place at Pabst Farms. Carried unanimously.

- I. Consider/act on Final plat for Weston Meadows – This matter was removed and will be considered at a future meeting.
- J. Review/discuss the proposal of Roth Homes, LLC, requesting a preliminary favorable opinion to construct condominiums on the Park Studios, LLC property in the southwest one-quarter of Section 3, the northeast one-quarter of Section 10, and the

northwest one-quarter of Section 10, all in Township 7 North, Range 17 East, City of Oconomowoc

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Ald. Gross stated that this regards the issue that Mr. Boyosa spoke about earlier. The Mayor pointed out this is for the development of the 24 acres and the road plan is different from the one originally approved, and they are asking for preliminary favorable opinion so they can go ahead. The Plan Commission heard this, but takes no position. They are being asked for a general opinion by the aldermen. Their new plan increases density to 156, and cuts the purchase price almost in half. Mr. Sugden, City Engineer, stated that the developer has addressed the concerns the City had regarding roads.

Some of the concerns aldermen raised were density is too high; buildings are too close to each other; not in favor of density or pricing, may result in lower-quality development; and lack of adequate green space. Ald. Gross pointed out that because of the irregular shape of the land, there will be some problems, as nothing will be uniform.

Mr. Todd Schultz, developer, stated that a lot of criteria has been provided to them, among them the road consideration that Mr. Boyosa eluded to. They have conducted a market study and based on the survey, the conclusion was that one-half million dollar condos would not be very successful, given the location. The project maintains a lot of architectural integrity, and landscaping would be just as thorough. Square footage of the units would be comparable, and the quality of construction would not be any cheaper. They are at 8 units per acre in the UR-10 District, which is under what is allowed. There would be 2 underground parking spaces per unit, plus 1 handicap space.

Ald. Gross felt if apartments were proposed here, it would not have gotten this far, but since they are condos, people have more commitment in maintaining their properties when they own it. The price is being achieved through the density that is proposed. He felt less desirable things could have been proposed for this unusually shaped parcel.

**Mayor Sullivan** left the Chair, and Ald. Gross took the Chair @ 8:29 p.m. – The Mayor stated that there have been many discussions with the developer, and when it initially came to staff, they were discouraged, then responded by coming in with the duplex plan you saw. I reacted very favorably to the plan, as did staff and the Plan Commission. The issue of sewer and roads is linked to the rest of the parcels in that area. There have been questions regarding some possible development of the golf course, but the City would prefer to retain the green space. He stated that his concerns have been addressed. He went on to stress that it is a very difficult parcel, as well as other difficult parcels in the area. We have to consider what is the best development we can get on this parcel under the difficult circumstances that exist. We have to think about approval vs. not having a development of that area in a positive way. The developer has responded to the City and the demands that were raised and he has maximized what he can do with the parcel.

The Mayor returned to the Chair @ 8:33 p.m.

Ald. Larsen felt it was not the City's job to make sure a developer can make a certain amount of

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money on a certain parcel. Mr. Schultz responded that he is not asking the City to compromise their position. He stated he has shared numbers with city officials regarding this concern. They are asking to put the best development that they can on this parcel. He assured the Council that he has shared the numbers with the City and they will attest it was not to enhance their profitability . . . it is the reverse.

**New Business**

- A. An Ordinance to Create §21.04(3)© of the Municipal Code of the City of Oconomowoc Relating to Excepting Parks, Recreation and Forestry Department Events from the hourly limit – Moved by Ald. Gross, seconded by Ald. Jones to give the Ordinance its first reading. Carried unanimously.
- B. Resolution Disallowing Claim (Wilson) –Moved by Ald. Gross, seconded by Ald. Jones to adopt the Resolution. Carried unanimously.
- C. Consider/act on Improvement Agreement for Access Drive @ Roundy's Distribution Center – Attorney Chapman reported that the DOT frowned on a traffic signal at the access road into Roundy's Distribution Center because it was a private road. It has now been dedicated to the City (approximately 200'). It is now a public street, but through this agreement with Roundy's, they will maintain it. He recommended approval of this agreement.

Moved by Ald. Gross, seconded by Ald. Jones to approve the Improvement Agreement. Carried unanimously.

- D. Introduction of Resolution vacating part of a Street in Pabst Farms – This is simply an introduction of the resolution, there will be no action on it this evening. Attorney Chapman stated that, per Wis. Stats., the City can propose the vacation of a street. We need to set a date for a public hearing, which may not be held for at least 40 days from the date of this introduction. Hence, it is scheduled for April 5, 2005 @ 7:30 p.m. for a public hearing. He pointed out this is a remnant piece, and no longer needed for City street purposes.
- E. Resolution Accepting Annexation Petition (Bielinski Development) – Attorney Chapman pointed out that Bielinski has purchased a strip of land contiguous to Wood Creek V, and the By-pass. They have now applied to annex it. This Resolution accepts the annexation, and an ordinance will be before you at a later date. It was pointed out that there would be no additional lots, and Mr. Lamp pointed out that they have conveyed another piece of land for a future fire station by getting title to this.

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

- F. Consider/act on Development Agreement for Weston Meadows – This item was taken off the agenda and will be on a future agenda.

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

**Staff Reports**

- A. Administrator – Ms. Gard announced that our Utility is beginning to trim trees around the overhead lines, and this will continue for approximately 3 weeks.

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The Administrator then welcomed our new City Planner/Zoning Administrator to his new position. Mr. Rob Severson gave some background of his professional experience and stated that he was very happy to be here and looks forward to working with staff and Council.

- B. Other – none

**Announcements and Communicatons – none**

**Reports and Comments from the Mayor** – The Mayor stated that he has presented a proposal that attempts to focus on the development approval process. He feels the process needs to be tightened up with all approvals in sequence, so when a developer comes to the Common Council, they have all the pieces to make a decision. Each entity that must review plans has signed off, i.e. staff; Architectural; Plan Commission, or whatever is necessary in each individual situation. This way, we won't have to wonder if everything has been done. Ald. Antonneau suggested that Council should be made aware when a developer is proposing to develop a certain area. If Council is against it, that developer should not be encouraged to go ahead with the project. The Mayor stated he would give that some thought, and he invited comments as we go through the process.

**Reports and comments from the Aldermen** – Ald. Antonneau questioned whether the Agreement we entered into with Aurora has been fulfilled, so that they have dropped the law suit against the City. Attorney responded that the County must act on it before that happens.

There being no further business to properly come before this body, a motion to adjourn was made by Ald. Jones, seconded by Ald. Gross, and carried. (8:58 p.m.)

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Ardyce Senfleben, City Clerk