

**CITY OF OCONOMOWOC
COMMON COUNCIL MEETING**

March 1, 2005

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

Ms. Sheila Oliver led in reciting the **Pledge of Allegiance**.

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

Staff in Attendance: Lamp, Sugden, Severson, Langohr, Caughran, Kitsembel, Martin, Bednarski, Frye, Steinbach, McKenna, Senfleben, Gard and Attorney Chapman

Minutes of previous meeting (February 15, 2005) – Moved by Ald. Jones, seconded by Ald. Cochrane to approve the minutes, as written. The Clerk pointed two corrections, as follows: On page 4, paragraph G. The approval referred to in that paragraph should read: . . . approved by the “Architectural” Commission on February 3rd. Also, on page 5, first line: The name Boyer, should be Boysa. Ald. Jones moved to approve the minutes, as corrected. Ald. Cochrane moved to second the motion to approve the minutes, as corrected. Voice vote carried unanimously.

Comments and Suggestions from citizens: None

Consent Agenda: A. Licenses – The Clerk read three additional operator’s licenses. Moved by Ald. Hollatz, seconded by Ald. Morgan to approve the Consent Agenda, with the three additional operator’s licenses. Voice vote carried with no dissenting votes.

Committee Reports:

A. Finance

1) Resolution re: Continuing Appropriations – Moved by Ald. Larsen, seconded by Ald. Gross to adopt the Resolution.

Motion made by Ald. Larsen, seconded by Ald. Jones to suspend the rules to alleviate the reading of the entire resolution. Carried unanimously.

Ms. Kitsembel, Finance Director, gave rationale for the continuing appropriations, most of which are projects that were budgeted in 2004, but not completed yet, therefore the funds are being carried over to be paid in 2005. In addition, the following new 2005 projects are included: Purchase of 2 defibrillators for \$5,000; Boiler replacement at City Hall for \$8,000; \$4,100 toward downtown redevelopment projects; Contribution of \$4,000 to the Oconomowoc Area Chamber Foundation; and an additional \$200,000 toward street construction. The total of continuing appropriations is \$1,340,005.00.

Motion to adopt the Resolution carried unanimously.

B. Personnel – no report

C. Protection & Welfare – no report

D. Public Services

- 1) Resolution re: 2005 Street Program - Moved by Ald. Larsen, seconded by Ald. Hollatz to adopt the Resolution. Carried unanimously.

This resolution authorizes the City Engineer to prepare specifications and proceed with the bidding process. Total re-construction and/or maintenance is scheduled on the following streets: Third St., S. Main St., South St., Concord Rd. and Poppy and Green Meadow. Alternates are Lake Bluff Dr., Worthington St. and Lincoln St., depending on budgeted funds. There is a total of \$650,000 budgeted for street work for 2005.

D. Utility

- 1) Resolution re: Sanitary sewer and watermain bids – Moved by Ald. Gross, seconded by Ald. Antonneau to adopt the Resolution. Carried unanimously.

Projects included are: Maple Terrace, South Beach Road and Green Meadow/Poppy Streets. This authorizes Underground Pipeline, Inc. to do this work for a total of \$1,046,477.65.

- 2) Resolution re: Sludge storage tank mixers – Moved by Ald. Gross, seconded by Ald. Antonneau to adopt the Resolution. Carried unanimously.

Adoption of this Resolution authorizes the purchase of two storage tank mixers from WILLO-EMU, for \$19,933.00.

- 3) Resolution re: Sludge Removal Contract – Moved by Ald. Gross, seconded by Ald. Antonneau to adopt the Resolution. Carried unanimously.

Adoption of this Resolution authorizes entering into a contract for sludge hauling by Tracy & Sons, Inc. for year 2005 – 2007.

- 4) Resolution re: Change Order for WTF generator project – Moved by Ald. Gross, seconded by Ald. Antonneau to adopt the Resolution. Carried unanimously.

Adoption of this Resolution authorizes a change order in the amount of \$8,515.85 to accommodate safe access for new replacement generator project.

Plan Commission recommendations

- A. Consider/act on Final Plat for Weston Meadows – Moved by Ald. Jones, seconded by Ald. Cochrane to approve the Final Plat for Weston Meadows subject to the Development Agreement being entered into and appropriate security bond being provided. Carried unanimously.

Mr. Mike Herro, developer, stated this is for Phase I, on Reddelien, from Marks Road south toward the railroad tracks.

Unfinished Business

- A. An Ordinance to Create §21.04(3)(c) of the Municipal Code of the City of Oconomowoc Relating to Excepting Parks, Recreation and Forestry Department Events from the Hourly Limit – 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.

Attorney Chapman explained this would apply to public events at City Park that may go past the curfew of 9:00 p.m., and extends the time to 10:30 p.m.

B. An Ordinance to Zone SO suburban Office Lands recently Attached to the City of Oconomowoc, Waukesha County, Wisconsin (Frontier Development (former Howie property) – 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 Amending Certain Sections of Chapter 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 – 2nd reading – Moved by Ald. Gross, seconded by Ald. Cochrane, that the Ordinance be given its second reading by title only. Carried unanimously.

Motion made by Ald. Gross, seconded by Ald. Cochrane that the Ordinance become law. Roll call vote carried unanimously.

This Ordinance is referred to as a “housekeeping” ordinance regarding changes necessary in Chapter 27 as a result of new impact fees. It also includes a procedure for calculating impact fees for redevelopment.

D. 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 – 2nd reading.

Ald. Jones commented that he would be in favor of deferring action on this tonight, as there has been considerable literature on this subject in the last few days, and he wants time to weigh things out so he makes the right decision. Ald. Antonneau fully agreed, having received information from Pabst, and from staff. He suggested that perhaps a separate meeting could be set up to hear both sides within the next two weeks. Ald. Larsen, on the other hand, stated that we have had the public hearing and we should be ready to vote on this tonight. Ald. Gross stated that he is in favor of impact fees, but felt it would be beneficial to hold this over for two weeks, in an effort to make the right decision.

Moved by Ald. Jones, seconded by Ald. Antonneau to table this matter for two weeks. Motion carried, with Ald. Larsen voting "no".

E. An Ordinance to Repeal §18.03(5A) of the Municipal Code of the City of Oconomowoc Relating to Parkland Improvement Fees and to Amend §18.03(5)(a)2.d. and f. Relating to the Park Fee in Lieu of dedication – 2nd reading.

Attorney Chapman pointed out that this ordinance and the previous one tie together therefore suggested that this ordinance also be tabled for two weeks.

Moved by Ald. Antonneau, seconded by Ald. Jones to table this matter for two weeks. Carried unanimously.

New Business

A. Consider/act on Development Agreement for Advance Auto Parts – Attorney Chapman stated this is our basic agreement, with additional conditions as reflected in the January 13th submittal which includes that Advance will deed Lot 2 to the City in exchange for the City demolishing two buildings on the property.

Ald. Morgan questioned whether the soil has been checked for pollution, since there was an oil company there at one time. Mr. Jim Lamp, Engineering, stated that the former owner had an environmental examination, and to his knowledge, it was clean. Mr. Sugden, City Engineer, added that the developer is having the property looked over in this regard before closing.

Moved by Ald. Gross, seconded by Ald. Cochrane to approve the Development Agreement for Advance Auto Parts. Carried unanimously.

B. Consider/act on Development Agreement for the Commercial Development of Market Place at Pabst Farms – Attorney Chapman pointed out that our TIF #3 Agreement requires this. He stated that the plans filed with the Plan Commission dated January 12, 2005, have been incorporated in the Conditional Use Permit and have now been incorporated in this Development Agreement.

Moved by Ald. Gross, seconded by Ald. Jones to approve the Development Agreement for the Commercial Development of Market Place at Pabst Farms. Carried unanimously.

C. Resolution Adopting a City of Oconomowoc Sanitary Sewer Service Area Amendment – Moved by Ald. Gross, seconded by Ald. Cochrane to adopt the Resolution.

Mr. Steinbach, Wastewater Treatment Plant Operations Manager, stated this amendment is required by SEWRPC, as a result of the Rustic Inn in Mapleton expanding and needing to convey in excess of 3,000 gallons of wastewater per day. SEWRPC requires that whenever a facility exceeds 3,000 gallons of wastewater per day, that it be part of the sewer service area and must be hauled from their holding tank to our treatment plant for disposal. It will be hauled by a licensed hauler.

Motion to adopt the resolution carried unanimously.

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 Aldermen – none

Reports and comments from the Mayor – 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)(e) “Deliberating or negotiating . . . or conducting other specified public business, whenever . . . bargaining reasons require a closed session.”, was made by Ald. Cochrane, seconded by Ald. Antonneau, and roll call vote carried unanimously. (Lakewood Estates)

Motion to adjourn was made by Ald. Jones, seconded by Ald. Antonneau and carried. (8:24 p.m.)

Ardyce Senfleben, City Clerk