

**CITY OF OCONOMOWOC  
CEREMONIAL COMMON COUNCIL MEETING  
and  
REGULAR COMMON COUNCIL MEETING**

**April 19, 2005**

**Mayor Sullivan** called the Ceremonial Common Council meeting to order at approximately 7:33 p.m. and the Clerk confirmed that appropriate meeting notice had been given.

Mr. Bob Duffy led in the **Pledge of Allegiance**.

**Roll Call:** Aldermen present – Hollatz, Jones, Foti, Morgan, Gross, Larsen, Antonneau and Cochrane

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

**Comments and suggestions from citizens:** None

**Staff Reports:** None

**Reports and Comments from the Mayor –** none

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

There being no further business to properly come before this body, a motion to adjourn sine die was made by Ald. Cochrane, seconded by Ald. Jones, and roll call vote carried unanimously.

**Public swearing in of newly elected Officials & presentation of Certificates of Election**

At this point, the Clerk publicly swore in the newly elected Aldermen: Ald. Jay Larsen, District #1; Ald. Edwin Hollatz, District #2; Ald. Lindsay Jones, District #3; and Ald. John Gross, District #4. They were then presented with Certificates of Election.

**Mayor Sullivan** called the regular Common Council meeting to order at approximately 7:37 p.m. and the Clerk confirmed that appropriate meeting notice had been given.

**Roll Call:** Aldermen present – Hollatz, Jones, Foti, Morgan, Gross, Larsen, Antonneau and Cochrane

**Minutes of previous meeting (April 5, 2005) –** Moved by Ald. Cochrane, seconded by Ald. Jones to approve the April 5, 2005 Common Council minutes, as written. Voice vote carried with no dissenting votes.

**Comments and suggestions from citizens – A.** Impact fees – Mayor Sullivan asked Ms. Gard, City Administrator, to give some background on this matter. Ms. Gard stated that in 2003 the Council asked the staff to look into this. We will be needing additional facilities and will need to look at alternative funding, as we are looking at \$21 million in future capital costs. The Council expressed concerns. In November 2004 Impact Fee ordinances were proposed, and had a first reading. Council felt the impact fees proposed were too high and wanted to have them lowered. Since that time, she has had numerous meetings with the Mayor and with the Common Council, and reported the results: \$431 per single residential unit; \$302 per multiple residential unit; .69 per s.f. for commercial; .32 per s.f. for Industrial. These would all be payable upon issuance of the building permit.

It was pointed out this does not include any Library impact fees, but that will be coming to Council in the near future.

The Mayor commented that we and Pabst have been working on this, and we recommend that we repeat the first reading of the ordinance, and also have the second reading this evening, due to the passage of time since the first reading. He stated that we have some philosophical differences with Pabst that will have to be worked out later. With this proposal there will be no additional costs or liabilities for our taxpayers.

Ms. Whalen, 406 W. Third St., referred to the State Legislature wanting to make decisions on how the City spends its money, but they haven't gotten to impact fees yet. She urged that the impact fee ordinances be adopted so the City can have some control. She commented that it would be unfair for the taxpayers to pay for the new growth.

**Consent Agenda:**

- A. Licenses
- B. Treasurer's Report
- C. Fire Contract with the Village of Lac LaBelle for 2005
- D. Resolution Combining Wards

The Mayor stated that he has had a request to separate number A. from numbers B.C. and D. so as to vote on the licenses separately.

Moved by Ald. Hollatz, seconded by Ald. Antonneau to approve numbers B., C., & D., on the consent agenda. Voice vote carried with no dissenting votes.

Moved by Ald. Gross, seconded by Ald. Antonneau to approve number A. Licenses on the consent agenda, but that the dates for July and August for both the Legion and Five-O's be removed from this approval.

Ald. Gross explained that they could re-apply for those July and August dates in June. His rationale for this is that there have been a lot of problems with the baseball games in the last couple of years. There are a few people who are abusing the privilege of using the park. He stated that he has met with them, as well as other City staff, in attempt to accommodate them. He felt this action may get their attention that we cannot condone unacceptable behavior, and the lack of ability to sell beer at their games may help to correct the problems. There was discussion, and at times in the past the police were

asked to be present at their games, the cost of which has to be paid by the ball club. The comment was made that this is not a good use of our police, and unfair to the rest of the City. The question was asked that who will monitor these games, to which Ms. Gard stated that Ms. Caughran will report back to the Council, as she has been working with them.

**Mayor Sullivan left the Chair, and asked Vice-President Cochrane to assume the Chair. (7:56 p.m.)** The Mayor stated that this issue was brought to his attention last June. There were a series of complaints, consequently discussions with Park & Recreation, the Police Department and the City Administrator. There have been on-going disputes between players, and non-players (parents/siblings). One particular individual has had things happen to him, to his wife, his house and his car. This lead to have a police officer, with the cost being paid by the baseball groups. There has been subsequent conversation with the baseball committee, and they have made some modifications, i.e. they have moved from the 3<sup>rd</sup> base dugout to the 1<sup>st</sup> base dugout. One issue is the hitting of balls over the stands and hitting this house, resulting in people coming into their yard. He reported that the Park & Recreation Department are preparing options for netting over the 3<sup>rd</sup> base side at a cost of approximately \$11,000., and there is an agreement between the Park & Recreation Department and the baseball committee. They are also aware that if there is a dispute, there will be police and they would be responsible for the cost. There was discussion about removing their beer license, but it was already approved. Ald. Gross is trying to install some responsibility for their own behavior.

**The Mayor resumed the Chair @ 8:00p.m.**

Motion on approving licenses under the consent agenda, less July and August dates, carried unanimously.

**Committee Reports:**

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

1) Resolution re: Annual pavement marking – Moved by Ald. Larsen, seconded by Ald. Hollatz to adopt the resolution. Carried unanimously.

Adoption of this resolution authorizes Crowley Construction to do the pavement marking for 2005 and 2006, for \$24,002 and \$24,687, respectively.

2) Resolution re: Purchase of 4 WD Tractor-mower for Parks Dept. – Moved by Ald. Larsen, seconded by Ald. Hollatz to adopt the resolution. Carried unanimously.

Adoption of this resolution authorizes the purchase of a Toro 4000-D Demo for \$40,297, from Reinders, Inc.

- E. Utility – no report

**Plan Commission recommendations**

A. Ordinance to zone Bielinski property SR-3 – Moved by Ald. Gross, seconded by Ald. Cochrane that the ordinance be given its first reading.

The SR-3 zoning was questioned, and given the fact that this will be green space, would it allow another use. It would allow another use, but it would have to come back to the Council with a plan for review/approval. Any other zoning would be less restrictive, and due to the long-narrow configuration of this land, it is not conducive to a development.

Motion on first reading carried unanimously.

**Unfinished Business**

A. An Ordinance to Create §27.09(5), (6), (7), and (8) and §27.10(50), (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 –1<sup>st</sup> & 2<sup>nd</sup> reading – Mayor Sullivan stated that on a recommendation, since the 1<sup>st</sup> reading of this Ordinance was back in November, it should be read again to refresh our memories, unless there is a motion to suspend the rules. You are being asked to address the impact fees, based on the earlier explanation by Ms. Gard.

Moved by Ald. Gross, seconded by Ald. Cochrane to suspend the rules to give the ordinance its first reading by title only. Roll call vote carried unanimously.

Moved by Ald. Gross, seconded by Ald. Cochrane to give the ordinance its 1<sup>st</sup> reading by title only.

Attorney Chapman summarized the changes that have occurred since the 1<sup>st</sup> reading. On page 2, (d) Wisconsin Local Government Investment Pool (LGIP rate), is replaced with Engineering News Record Construction Cost Index, 20 City Coverage. This change is repeated again on page 2 (d) (under Nonresidential development), on page 3 (d) and on page 4 (e). He also went through the various dollar amounts in the different areas, none of which had changed from the first reading.

Motion for 1<sup>st</sup> reading carried unanimously.

Moved by Ald. Gross, seconded by Ald. Cochrane to suspend the rules to have the 2<sup>nd</sup> reading of the ordinance this evening. Roll call vote carried unanimously.

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. Antonneau that the ordinance become law. Roll call vote carried unanimously.

B. 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 – 1<sup>st</sup> & 2<sup>nd</sup> reading

Attorney Chapman stated that this takes the Parkland Improvement Fees and Park fees in lieu of dedication out of Chapter 18 and moves it to Chapter 27.

Moved by Ald. Gross, seconded by Ald. Cochrane to give the ordinance its first reading. Carried unanimously.

Moved by Ald. Gross, seconded by Ald. Cochrane to suspend the rules to give the ordinance its second reading this evening. Roll call vote carried unanimously.

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 §12.07 of the Municipal Code of the City of Oconomowoc Relating to the Licensing and Sale of Cigarettes to minors – 2<sup>nd</sup> reading. Moved by Ald. Gross, seconded by Ald. Cochrane that the ordinance be given 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. Consider/act on 4<sup>th</sup> Amendment to TIF #3 Agreement – Mr. Gard stated there are several provisions covered in this amendment, and asked Mr. Bill Mielke, of Ruekert & Mielke Engineering, to go over those paragraphs. Mr. Mielke pointed out in paragraph 2, on page 2, there is a provision that impact fees for transportation for police and fire protection may not be increased between tonight (if adopted) and 2016, except for cost-of-living adjustments already in place as evidenced by the Engineering News Record construction Cost Index, 20 City Average, or for City improvements to public sewer and water systems, or for public improvements or amenities required by the Developer for development within the Real Estate.

In paragraph 3. The city and developer agree that all remaining unexpended funds for the City's share of the project costs allocatable to real estate shall be utilized to pay for public improvements in the TIF plan (Exhibit B and C), except that the City shall retain the share of budgeted project costs allocated for construction of the School site road and identified related public improvements until the City's commitment is up. Everything after that point will be covered by the developer. He pointed out that the former plan was for infrastructure north and south. Those have been taken off and are made the developer's responsibilities. They will enter into a development agreement when they are ready to develop those areas, and cost will be totally covered by the developer.

Paragraph 4. He pointed out that Exhibit H has been revised, and referred to as Exhibit H-1, and in part states that the remaining portions of the real estate will be taken out of agriculture production as the infrastructure is completed and will go on the tax rolls.

Paragraph 5. The developer will dedicate to the City a portion of land that may be required for construction of a public road running north from Valley Rd. on the east side to the northeast corner of the former school site, provided it is installed pursuant to a master plan approved by the City. The developer and owner of the former school site shall submit a proposed master plan to the City no later than 9 months from execution of this amendment. If their plan is accepted, the road will be dedicated to the City, and TIF would pay for a portion of it.

Paragraph 6. Based on development that has occurred to date, the City agrees to reduce the amount of real estate subject to the mortgage to approximately \$1.5 million and the City will execute a satisfaction/partial release to that effect. We will take 19 acres to have as a mortgage for that part of the security.

Paragraph 7. Within 24 months of the effective date of this amendment, the developer and City will identify a site, up to 2 acres, for a police and fire station, which will be given to the City. The developer will be credited for it against his park dedication fee. If an additional acre is needed, the City would purchase it, or it could be given by the developer and credit given against parkland dedication fees.

Mr. Mielke stated that all other portions of the TIF #3 Agreement remain the same. All agreements are in place, and no additional dollars will be paid to the developer. Mayor Sullivan emphasized there is no change in the TIF dollar amount that has been established, no increase being absorbed by the City and no increase in transfer of risk. He asked Mr. Mielke if the City still able to select the master plan proposal, to which Mr. Mielke replied that the city has the ultimate approval of the plan, and has the rite to do master planning in the City.

Ald. Gross questioned who the owner of the school site is, and Attorney Chapman stated that Pabst has spoken with the property owner and they are willing to work on the master plan.

Moved by Ald. Gross, seconded by Ald. Cochrane to approve the 4<sup>th</sup> Amendment to the TIF #3 Agreement. Motion carried, with Ald. Morgan voting "no".

**Staff Reports** A. Administrator – no report  
B. Other – none

**Announcements and Communications** – The Clerk reminded the aldermen of the League Regional Dinner on May 5<sup>th</sup>, and asked them to reserve with her by April 25<sup>th</sup>.

Proclamation re: Arbor Day - April 29<sup>th</sup>. Mayor Sullivan read a Proclamation proclaiming Friday, April 29<sup>th</sup>, Arbor Day in Oconomowoc.

**Reports and comments from the Mayor** – The Mayor will be making committee appointments at the first meeting in May, and asked that if anybody had a preference as to committees, to please let him know.

**Reports and comments from the Aldermen** – Ald. Antonneau questioned why the Library was not included in the impact fees, to which Ms. Gard stated they will be in the near future.

Ald. Gross suggested considering increasing the term for Mayor to 3 years. With a 2 year term, citizens don't have an opportunity to have a re-call, as one cannot be commenced until after a person is in office for a year. A 3 year term would not increase election cost, and he felt it may add interest. Also, there is an unfair advantage running in odd years, i.e. if an alderman wanted to run for mayor, and lost, he would not have to give up his alderman's seat. The Mayor responded that it will be on a future agenda for discussion.

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 the purchasing of public properties . . . whenever competitive or bargaining reasons require a closed session, was made by Ald. Cochrane, seconded by Ald. Antonneau and roll call vote carried unanimously.

Motion to adjourn was made by Ald. Antonneau, seconded by Ald. Cochrane, and carried. (8:56 p.m.)

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Ardyce Senfleben, City Clerk