

**CITY OF OCONOMOWOC
COMMON COUNCIL MEETING**

April 5, 2005

Public Hearing – 7:30 p.m. re: Vacate a portion of Pabst Farms Boulevard

Mayor Sullivan declared the public hearing open at approximately 7:30 p.m. and the Clerk confirmed that appropriate notice had been given. Attorney Chapman pointed out this is at the entrance of Pabst Farms, and it has been determined that for this size commercial development, additional lanes were necessary. The developer did that, and when that was completed, there was a small parcel of land on Pabst Farm Boulevard right-of-way that was not needed. It runs east/west and is approximately 1262 sq. ft. on the north side of the boulevard, near Pabst Farms Circle. Staff has reviewed this, however, when a street is vacated, it is necessary that there be a public hearing. He further pointed out that the Resolution vacating that portion of street was introduced by the Common Council in excess of 40 days ago, as required by Wis. Stats.

There was no public input, therefore the hearing was closed at 7:33 p.m.

Mayor Sullivan called the regular Common Council meeting to order at approximately 7:34 p.m. and the Clerk confirmed that appropriate meeting notice had been given.

Mr. Stan Sugden led in the **Pledge of Allegiance**.

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

Aldermen absent – Snyder (a quorum was present)

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

Minutes of previous meeting (March 15, 2005) – Moved by Ald. Jones, seconded by Ald. Cochrane to approve the minutes of the March 15, 2005 Common Council meeting, as written. Voice vote carried with no dissenting votes.

Comments and suggestions from citizens

- A. Annual update by Judge Stern regarding the Municipal Court – Judge Stern thanked the Mayor and Aldermen for giving him the privilege of speaking. He supplied written material reflecting the dollar amounts returned by the Court to the various communities involved. The Court is made up of 8 Towns, 6 Villages and 1 City. Oconomowoc being the City, is the largest participant in the Court. The Court returns \$700,000 to the communities, and he explained the formula. Over the last 4 years the service area has been increased considerably. He was proud to announce that they are self-supporting. He stated they would like to continue using this beautiful room at this time, but looking to the future, the Court could be a player in the downtown redevelopment.

He referred to Bill AB 264 which would increase Court Costs by \$5.00. The last increase was in 1996. He stated he would appreciate any support for bill AB 264, as costs are rising, like they are everywhere else. He handed out a list of contacts, representatives and senators, to contact in support of the bill. He stated he appreciates the help the City provides to the Court.

Mr. Gary Kohlenberg, 604 LaBelle Ave., wished Alderman Snyder a speedy recovery and thanked him for his years of service. He stated that it had been a privilege to serve with him.

Ms. Floss Whalen, 406 W. Third St., encouraged the Council to adopt the ordinances for impact fees, as it is something we do have control over.

The Mayor announced that there had been several committee meetings prior to this meeting; The Protection & Welfare Committee discussed purchasing new radio equipment and an ordinance regarding sale of cigarettes to minors; the Public Services Committee discussed island restoration; the Utility Committee discussed the watermain extension on Lisbon Rd; and the Committee of the Whole interviewed the two candidates who submitted letters of interest to serve on a temporary basis in District #3, until June 7, 2005. These items are scheduled for action tonight.

Consent agenda: A. Licenses (including a Class "A" Fermented Malt beverage license for Mercadito Gonzales) and B. EMS Agreements with the Town of Summit and the Village of Lac LaBelle – Moved by Ald. Hollatz, seconded by Ald. Antonneau to approve the Consent Agenda. Voice vote carried with no dissenting votes.

Committee Reports:

- A. Finance – no report
- B. Personnel – no report
- C. Protection & Welfare
 - 1) Resolution re: Purchase of radio equipment for the Fire Department – Moved by Ald. Hollatz, seconded by Ald. Morgan to adopt the resolution. Carried unanimously.

Deputy Fire Chief Leidel explained that the City has been successful in receiving a FEMA grant for \$48,381, our cost is 10% of that, so less than \$5,000.

- 2) 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 – Moved by Ald. Hollatz, seconded by Ald. Morgan to give the ordinance its first reading. Carried unanimously.

Chief Martin explained that Waukesha County has asked us to participate in this effort to keep minors off of tobacco products and by adopting the State statutes, our Police Department will be able to write citations in these cases.

- D. Public Services

1) Resolution requesting Lake Planning Grant and appointing Representative to file application – Moved by Ald. Larsen, seconded by Ald. Antonneau to adopt the Resolution. Carried unanimously.

This gives the Director of Parks & Recreation authority to apply for a grant for restoration of the island in Lac LaBelle.

- E. Resolution re: Lisbon Road water main extension – Moved by Ald. Gross, seconded by Ald. Antonneau to adopt the resolution. Carried unanimously.

This awards the contract for this work to DF Tomasini for the sum of \$329,668.00, which was the low bid.

Unfinished Business

- A. An Ordinance to Establish a Development Moratorium in the City of Oconomowoc – 2nd 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.

- B. An Ordinance Annexing Certain Lands of the Town of Oconomowoc to the City of Oconomowoc, Wisconsin (Bielinski Development, Inc. property) – 2nd 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. Antonneau that the ordinance become law. Roll call vote carried unanimously.

- C. Resolution re: Vacating part of Pabst Farms Boulevard, per public hearing – Moved by Ald. Gross, seconded by Ald. Cochrane to adopt the resolution. Carried unanimously.

New Business

- A. Consider/act on temporary replacement of Alderman for 3rd Aldermanic District, including swearing in – Mayor Sullivan reported that the Council had granted Ald. Snyder a leave of absence until June 7th, due to his health issues. A notice was published soliciting interested persons to fill the temporary vacancy. That person must live in the 3rd District. Two candidates responded, Laurel Whelan and Tom Foti. He stated that he has high regard for both of these candidates and was sure they would bring talent to the Council. He thanked both people for coming forward and their willingness to serve the citizens of Oconomowoc, as it takes time and commitment. The Aldermen and staff are very appreciative. He went on to say that the Committee of the Whole interviewed both candidates prior to this meeting, but make no recommendation. The appointment must be made by the Council. He read the procedure: Vote will be by printed ballot; each alderman will vote for one candidate; ballots will be given to the City Clerk, and tallied by her; she will announce the results. A candidate must receive at least 4 votes, after which a motion will be made to appoint that candidate with at least 4

votes. The Clerk announced that there were 6 votes for Tom Foti and 1 vote for Laurel Whelan.

Motion was made by Ald. Gross, seconded by Ald. Hollatz to appoint Tom Foti to act as temporary alderman for District #3 until June 7, 2005. Voice vote carried with no dissenting votes.

- B. Consider/act on Agreement for Sanitary Sewer and Water Extension (CTH "DR") – Attorney Chapman pointed out that the sanitary sewer and water needed to be extended to the east to serve the triangle, Pabst Farms Development LLC, TKLW (Nimrod property) and Pabst Farms-RDC, LLC. (Roundy's). Pabst Farms Development will make a payment on their share; Pabst Farms RDC will pay within 5 years; and TKLW will not pay until the County has approved zoning. He pointed out that this agreement has been signed by all other parties. Interest from February 1, 2005 will be applied until payment is made. He pointed out there is an Addendum regarding TKLW, and Attorney Chapman recommended approval of the Agreement, including the Addendum.

Moved by Ald. Gross, seconded by Ald. Cochrane to approve the Agreement, including the Addendum. Carried unanimously.

- C. Consider/act on Repair Agreement for Life Station (NE/Bielinski development) – Mr. Tom Steinbach, Wastewater Operations Manager, explained that the lift station construction on Hwy. Z (Wood Creek area) 2 years ago, has been settling. It has been determined it is due to the fact that the soil was not impacted properly. This agreement is necessary as the work is quite extensive. Bielinski will be doing the repair and will give the City a 3 year warranty, which he felt was adequate.

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

- D. Consider/act on Contract for Fire Protection for Town of Oconomowoc for 2005 – Deputy Fire Chief Leidel commented that the contract is the same as last year, except that the right to collect inspection fees has been added in #4. They are working on an inspection fee schedule which should be completed shortly.

Moved by Ald. Hollatz, seconded by Ald. Cochrane to approve the Contract. Carried unanimously.

- E. Resolution re: Adoption of Comprehensive Development Plan Public Participation Plan – Mr. Rob Severson, City Planner, commented that by participating in the multi-jurisdictional comprehensive planning process, we are entitled to \$33,000 while working on our Comprehensive plan. This also states that we will adhere to the methods of public information as prescribed by SEWRPC. He further pointed out that this is State money going to the County for implementing the Smart Growth Plan, by 2010.

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

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

- Staff Reports**
- A. Administrator – no report
 - B. Other – Mr. Mark Frye, Water Operations Manager, reported that the Lisbon Rd. project, from N. Lapham St. to Indian Head, will take place soon. They are notifying property owners by letter and in the newspaper of the proposed detour.

Announcements and Communications – The City Clerk announced the Annual League Dinner is scheduled for May 5th, at the Rodeway Inn in Waukesha, and asked that anyone planning to attend to let her know by the 25th of April.

Reports and Comments from the Aldermen – Ald. Gross thanked both Ms. Whelan and Mr. Foti for applying to fill the temporary vacancy. Ald. Foti thanked everyone for this opportunity of becoming part of the Council for this interim time.

Reports and Comments from the Mayor - Mayor Sullivan read a Proclamation re: Knights of Columbus Days to Aid Citizens with Mental Handicaps, declaring April 15. 16 & 17th Knights of Columbus Days in Oconomowoc to Aid Citizens with Mental Handicaps.

There being no further business to properly come before this body, a motion to adjourn was made by Ald. Jones, seconded by Ald. Cochrane, and carried. (8:46 p.m.)

Ardyce Senfleben, City Clerk