

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING

September 20, 2005

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 – Snyder, Morgan, Gross, Larsen, Antonneau, Cochrane, Hollatz, and Jones (all present)

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

Minutes of previous meeting: Regular Common Council meeting of September 6, 2005 – Moved by Ald. Hollatz, seconded by Ald. Jones to approve the minutes of the September 6, 2005 Council meeting, as written. Voice vote carried with no dissenting votes.

Comments and suggestions from citizens – none

Consent agenda: A. Licenses – The Clerk pointed out that the “Class B” Combination liquor/beer license for Mr. B’s Martini Bar is removed from the agenda this evening.

B. Treasurer’s Report – Motion was made by Ald. Morgan, seconded by Ald. Hollatz to approve the consent agenda, not to include the “Class B” license, as stated. Voice vote carried with no dissenting votes.

Committee Reports:

A. Finance

1) Consider/act on funding source for a Consultant for the Southwest Summit Avenue Master Planning effort – Moved by Ald. Larsen, seconded by Ald. Cochrane to select Omni corporation for this planning project for the sum of \$31,151., the funding to come from the General Fund. Carried unanimously.

2) Resolution re: Retaining a Consultant for the Southwest Summit Avenue Master planning effort – Moved by Ald. Larsen, seconded by Ald. Cochrane to adopt the resolution. Carried unanimously.

Adoption of this resolution authorizes the Omni corporation to be the consultant for this planning project for \$31,151, money to come from the general fund.

B. Personnel – no report

C. Protection & Welfare

1) An Ordinance to Amend §9.04 of the Municipal Code of the City of Oconomowoc Relating to the sale and Discharge of Fireworks – Moved by Ald. Hollatz, seconded by Ald. Antonneau to give the Ordinance its first reading. Carried unanimously.

D. Public Services – no report

E. Utility

1) Consider/act on Change Order for South Street water main – Moved by Ald. Gross, seconded by Ald. Antonneau to approve the Change Order for the South

Street water main for the cost of \$36,120. Mr. Frye, Water Operations Manager, pointed out that they have discovered a questionable section of water main on South St., between Church St. and S. Main St., and staff recommends abandoning it before all of the new street/streetscape is done. The contractor, Musson Bros., will do this for the amount of \$36,120 if this Change Order is approved.

Motion to approve the Change Order carried unanimously.

Plan Commission recommendations

A. Consider/act on Conditional Use Permit for “Nick N’ Willy’s” Restaurant (Lawrence Farrell) – Ald. Gross reported that there was a public hearing before the Plan Commission on September 14th, and they unanimously recommend granting the Conditional Use Permit to operate a restaurant @ 1370 Pabst Farms Circle, Unit C-5. Moved by Ald. Gross, seconded by Ald. Cochrane to grant the Conditional Use Permit to “Nick N’ Willy’s”. Carried unanimously.

B. Consider/act on Conditional Use Permit for Starbuck’s Coffee (Paul Schmidt) Ald. Gross reported that there was a public hearing before the Plan Commission on September 14th, and they unanimously recommend granting the Conditional Use Permit to operate a coffee house/restaurant @ 1370 Pabst Farms Circle, Suite 300. Moved by Ald. Gross, seconded by Ald. Cochrane to grant the Conditional Use Permit to Starbuck’s Coffee. Carried unanimously.

C. Consider/act on request by Stein’s Gardens & Gifts for a Special Exception from the Olympia Resort Area Moratorium – Attorney Chapman pointed out that our moratorium ordinance does provide for exemptions. He read the conditions in the ordinance which, if met, qualify for an exemption. Stein’s does meet all of the conditions, and it has been considered by the Plan Commission, therefore he recommends granting the special exception. The Mayor drew attention to the letters distributed this evening from Mr. Spellman, on behalf of Stein’s, and from Mr. Eckert, on behalf of the Olympia resort, in support of the special exception.

Moved by Ald. Gross, seconded by Ald. Cochrane to grant the Special Exception.

Ald. Morgan stated he is opposed to this, as he feels it will “choke” the area which is already a problem area. Adding this will only make it worse. They need more space, and he would like to hold off on this until they submit a plan with more space between sidewalk & road, for instance.

Motion to grant the special exception carried, with Ald. Morgan voting “no”.

D. Consider/act on Conditional Use Permit for Stein’s Gardens & Gifts (Larry Spellman) – Ald. Gross reported that there was a public hearing before the Plan Commission on September 14th, and there were two speakers, i.e. Mr. Stu Wangard and Mr. Roger Jensen, whose common concern was that it be a quality development. The Plan Commission recommends that the Conditional Use Permit be granted to Stein’s Gardens & Gifts on the northwest corner of Unity Drive and the Oconomowoc Parkway, with the minor changes regarding access and landscaping.

Ald. Antonneau questioned the storage of chemicals, hoping that if there was ever a chemical spill it would not be near a drain area and get into the sanitary system. Mr. Severson, City Planner, assured him that where the Plan of Operation indicates where the chemicals are to be stored inside the facility, that type of problem could not occur.

Moved by Ald. Gross, seconded by Ald. Hollatz to grant the Conditional Use Permit to Stein's Garden and Gifts. Motion carried, with Ald. Morgan voting "no".

- E. Consider/act on Conditional Use Permit for First Congregational United Church of Christ (Paul Schmitter) – Ald. Gross reported that there was a public hearing before the Plan Commission on September 14th and there was no opposition to this proposal. The Plan Commission recommends granting of the Amendment to the Conditional Use Permit for First Congregational United Church of Christ, at their location, 815 S. Concord Rd.

Moved by Ald. Gross, seconded by Ald. Cochrane to grant the Amendment to the Conditional Use Permit for the First Congregational United Church of Christ. Carried unanimously.

- F. Consider/act on Agreement w/Olympia Resort concerning Certified Survey Map – Ald. Gross pointed out that the Plan Commission spent a lot of time on this item. Attorney Chapman stated that this is a Memorandum of Understanding (Agreement) for a land split only. Land splits are not affected by the moratorium, only developments are. Approval of this agreement in no way gives any approvals for future development that may take place. Mayor Sullivan stated that this is presented to you and hopefully you will support it in order to get us to considering the Certified Survey Map.

Moved by Ald. Gross, seconded by Ald. Cochrane to approve the Memorandum of Understanding (Agreement), as presented.

Attorney Chapman read the entire document into the record.. Motion to approve carried unanimously.

Attorney Chapman again stressed that a special exception is not necessary in order to approve a Certified Survey Map within a moratorium area, as it is only a land split and not a development. The moratorium only applies to developments. The following motion was made.

Moved by Ald. Larsen, seconded by Ald. Jones that the proposed land division does not require a special exception from the moratorium ordinance. Carried unanimously.

- G. Consider/act on Certified Survey Map (CSM) in Olympia Resort area (Rudolf Eckert) – Moved by Ald. Gross, seconded by Ald. Cochrane to approve the Certified Survey Map. Carried unanimously.

Unfinished Business

A. An Ordinance to Repeal and Re-Creat §1.42 of the Municipal Code of the City of Oconomowoc Relating to the Organization and the Powers and Duties and other provisions

Relating to the Board of Zoning Appeals – 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.

Mayoral appointments to Boards and/or Commissions, with Council confirmation – The Mayor appointed Mr. Mike Miller as an alternate to serve on the Zoning Board of Appeals, to replace Virginia Holahan, whose term will expire in 2008. He pointed out that Mr. Miller has served the City in several capacities over the years.

Moved by Ald. Cochrane, seconded by Ald. Hollatz to confirm Mike Miller to serve on the Zoning Board of Appeals. Carried unanimously.

Staff Reports A. Administrator – no report

- B. Other – Ms. Caughran, Director of Parks & Recreation, invited the aldermen and public to attend “LeTour de Bypass”, the ribbon cutting at the intersection of Lisbon Rd. and the bypass, to celebrate the opening of the bypass from Hwy. 16 to Hwy. 67. Everyone is invited to bike, jog or walk on this new bypass before it opens to traffic. This will take place on Sunday, October 2nd @ 2:00 p.m. The Mayor will speak and representatives from the Department of Transportation will be present. Refreshments will be served.

Announcements and Communications – The City Clerk announced the annual League Conference which will be in Green Bay this year, from October 26 – 28th, and urged anyone wanting to attend to let her know within the week so registrations can be made.

Reports and Comments from the Mayor – none

Reports and comments from the Aldermen – Ald. Antonneau reported a call he received from an irate citizen complaining about the lack of attention to the care of landscaping in the area of City Hall, and suggested it should be looked at. Complainant stated that property owners in the City keep their yards better.

There being no further business to properly come before this body, a motion to go into closed session, per Wis. Stats. 19.85(1)(c) “Considering employment . . . data of a public employee over which the governmental body has jurisdiction or exercises responsibility.”, was made by Ald. Jones, seconded by Ald. Snyder, and roll call vote carried unanimously.

Motion to adjourn was made by Ald. Antonneau, seconded by Ald. Jones, and carried. (8:13 p.m.)

Ardyce Senfleben, City Clerk

