

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING

January 15, 2002

Mayor Foti 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.

Roll Call: Aldermen present - Snyder, Nold, Gross, Larsen, Erdmann, Cochrane, Hollatz and Jones (all present)

Staff in Attendance: Tonn, Sugden, Langohr, Lamp, Kitsembel, Duffy, Martin, Frye, Scharfenberg Senfleben, Gard and Attorney Chapman

Minutes of previous meeting: Regular Common Council meeting of January 2, 2002 - Moved by Ald. Jones, seconded by Ald. Cochrane to approve the minutes of the January 2, 2002 Common Council meeting, as written. Carried unanimously.

Treasurer's Report: Moved by Ald. Nold, seconded by Ald. Cochrane to accept the Treasurer's Report. Carried unanimously.

Comments from the Audience: none

Committee Reports

- A. Finance - no report
- B. Personnel - no report
- C. Protection & Welfare
 - 1) Licenses - Moved by Ald. Erdmann, seconded by Ald. Hollatz to grant the licenses. Carried unanimously.
- D. Public Services - no report
- E. Utility - no report

Unfinished Business - none

Plan Commission recommendations

A. Consider/act on Extraterritorial (ETZ) approval of a 5-parcel Certified Survey Map (CSM) (15 acre lots +/-) owned by James Bartelme in Section 7, T7N, R17E, Town of Summit - Moved by Ald. Gross, seconded by Ald. Cochrane to approve the CSM.

City Planner, Roland Tonn, reported that this area is located on Valley Rd. east of the County Line, and consists of 75.83 acres. It is Urban Reserve, and conforms to the Land Use Plan, and is in our 20 year plan with the Border Agreement we have with the Town of Summit. The Town of Summit has already approved this, and the Plan Commission recommends that it be approved by the Common Council.

Carried unanimously.

New Business

A. An Ordinance to Amend §9.161.01 to §9.990.01 Titled Offenses Against State Laws Subject to Forfeiture to Provide for a Forfeiture for Violating §943.34, Receiving Stolen Property; §943.37, Alteration of Property Identification Marks; §943.45, Theft of Telecommunications Service; and §943.46, Theft of Cable Television Service - Moved by Ald. Erdmann, seconded by Ald. Cochrane that the ordinance be given its first reading.

Attorney Chapman stated that by this ordinance we are adopting the State law by reference. When stolen property is reported to the District Attorney's office, for instance, it is returned to our Police Department, because it is a minor offense. By the adoption of this ordinance, we would be able to prosecute ourselves, which we were not able to do up until now. The Police Department has recommended that we adopt this ordinance, perhaps some of these misdemeanors can be stopped. The forfeiture for each of these offenses is \$410 for a first offense, and \$534 for a second offense.

Motion for first reading carried unanimously.

B. An Ordinance Creating Chapter 19 of the Municipal Code of the City of Oconomowoc, which is the construction Site Erosion Control and Stormwater Management Ordinance of the City of Oconomowoc, Waukesha County, Wisconsin (by way of codification) - Moved by Ald. Gross, seconded by Ald. Cochrane that the ordinance (by way of codification) be given its first reading.

City Engineer, Stan Sugden, pointed out that Chapter 19 is for large developments, such as whole subdivision, commercial and industrial, etc. developments, whereas the Erosion Control ordinance in Chapter 17 governs the 1 and 2 family residences. He stated this is patterned after Waukesha County's ordinance, and we have already been practicing it for quite some time.

Motion for first reading carried unanimously.

C. Amended Resolution Combining Wards - Moved by ald. Gross, seconded by Ald. Cochrane to adopt the resolution.

The City Clerk explained that this is identical to the Resolution that was adopted on December 18, except that Ward 14 is moved from District 1 to District 2, where it was mistakenly put in that resolution. Ward 14 is the Tangeman property and will probably never have an elector, but this correction needed to be made anyway. This amended resolution will correct that error.

Motion to adopt the resolution carried unanimously.

D. Resolution Accepting Annexation Petition of Wangard/Maticsek and refer to Plan Commission - Moved by Ald. Erdmann, seconded by Ald. Cochrane to adopt the resolution.

Attorney Chapman emphasized this is merely referring the petition to the Plan Commission, we are not acting on the annexation itself tonight.

Motion to adopt the resolution carried unanimously.

E. Consider/act on Agreement & Promissory Note with International Bioflavors re: Sewer fees - Attorney Chapman stated that International Bioflavors under-estimated their REC'S. Upon review of their Conditional Use our Utilities found that they owed \$11,738 for additional REC'S in 1999; and additional REC's through 2001, an additional \$107,816, for a total of \$119,554. Staff and Bioflavors have agreed to allow for a payment program, as follows: \$11,738 will be paid before January 31, 2002, and \$10,000 thereafter each month beginning with February 28, until paid. The final payment will be December 31, 2002, of \$7,816.00. This is unsecured and without interest, however, if they default there would be 12% interest until paid. Mr. Mark Frye stated he has been working with them on this for 6 months, and explained that a certain machine they intended to install to re-use water, was never installed, which is why they ended up much higher than they anticipated. He pointed out this is all impact fee.

Moved by Ald. Erdmann, seconded by Ald. Nold to approve the Agreement and Promissory Note with International Bioflavors. Carried unanimously.

F. Consider/act on Subordination Agreement with International Bioflavors Bank - Attorney Chapman explained that International Bioflavors has a mortgage and their bank, and they require this which subordinates their payment of \$10,000 per month to their mortgage.

Moved by Ald. Erdmann, seconded by Ald. Jones to approve the Subordination Agreement. Carried unanimously.

Announcements and Communications - none

Staff Reports A. Administrator - no report

B. Other - Attorney Chapman reported that we will receive a settlement check from the State for \$39,394.70, in the underground storage tanks matter at the Community Center. He stated the State had refused to pay damages because we could not, up until now, prove that there was ever fuel oil stored in them. We were very fortunate to talk to the former owner, Bob Hornburg who had photographs with 3 gas pumps on the property. We now have a settlement agreement, and a check for \$39,394.70.

Mayor Foti thanked all who worked on this and brought it to a successful finish.

Mr. Mark Frye, reported that over the week-end, a private citizen took it upon himself to change the street light deflectors on 29 light poles from our clear glass, to black deflectors, in the Orchards at River Bluff, the Orchards and Apple Grove subdivisions. He has admitted doing this and is willing to pay whatever the cost is of replacing them.

Chief Martin recognized Det. Chris Harnisch on obtaining the highest grade in the Nation, in a forensic certification program which was recently held at Olympia. The Chief stated that this group has been here before and were very pleased with the accommodations at Olympia, and with

the City of Oconomowoc. They want to make this the annual location for their group. He pointed out that Police personnel as well as others from all over the U.S. attend this certification training, and he was very pleased to hear their good comments.

Mr. Bob Duffy, Director of Economic Development, reminded everyone of the informational meeting with citizens interested in re-developing the downtown tomorrow evening at 7:00 p.m.

Reports and Comments from the Aldermen - Ald. Larsen thanked Attorney Chapman, and all other instrumental in finally receiving the PECFA funds; also Mr. Endl and Ms. Scharfenberg in successfully obtaining grant monies for Roosevelt Park.

Ald. Nold asked Mr. Frye if the utilities is using more chlorine in our water, to which he replied that we are, due to the recent negative tests. We have now tested four rounds of samplings and they are all coming back fine.

Ald. Snyder asked if there was a water break on Armour Rd., to which Mr. Frye replied yes, that was our first this winter, and it was repaired on Sunday.

Reports and Comments from the Mayor - Mayor Foti stated that he receives copies of commendations from the Police Chief on officers who perform outstanding, and doesn't always mention it, but he wished to congratulate Det. Harnisch and Officer Caviani. Officer Caviani was instrumental in recovering a stolen car recently, which had not yet even been reported. He asked Chief Martin to convey his congratulations to these two, and felt our Police Department is doing a great job, and he thanked the Chief for the commendations.

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 competitive or bargaining reasons require a closed session. (Town of Oconomowoc Border Agreement), was made by Ald. Larsen, seconded by Ald. Nold, and roll call vote carried unanimously.

Motion to adjourn was made by Ald. Jones, seconded by Ald. Cochrane, & carried. (8:14 p.m.)

Ardyce Senfleben, City Clerk