

**CITY OF OCONOMOWOC  
COMMON COUNCIL MEETING**

**March 5, 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 - Larsen, Erdmann, Cochrane, Hollatz, Jones, Snyder, Nold and Gross (all present)

**Staff in Attendance:** Tonn, Sugden, Langohr, Lamp, Endl, Kitsembel, Duffy, Martin, Leidel, Frye, Jarocki, Steinbach, Senfleben, Gard and Attorney Chapman

**Minutes of previous meeting:** Regular Common Council meeting of February 19, 2002. Moved by Ald. Cochrane, seconded by Ald. Jones to approve the minutes of the February 19, 2002 Council meeting, as written. Carried unanimously.

**Comments from the audience:** Mayor Foti stated before opening it up for comments, he would like to read two Proclamations that have been requested. He read the Proclamation proclaiming March 2002 "National Middle Level Education Month". Ms. Chris Maas, Principal, thanked the Mayor for reading the proclamation and for allowing it to be done in the beginning of the meeting. She stated she had four 8th grade students with her who would like to invite City officials to attend student events during the month of March. Dan Schick, Ana Johnson, Meg Fransee and Andy Buth extended invitations to join them for lunch any day and discuss books they have read; share in an all school read-in on March 20th; attend the 7th grade Folk Fair on March 15th; and attend music concerts scheduled for March 19 @ 7:30 p.m., March 21, @ 7:00 p.m. or March 26, @ 7:30 p.m.

Mayor Foti thanked them for their presentation and extended an invitation to stay for the meeting, if they wished.

The Mayor read another Proclamation proclaiming the month of March "Wizard of Oz Month", pointing out that our high school students are presenting this play at this time.

Mr. Steve Folkman, of Bobcat Plus and L. F. George Co., alluded to the Skid Steer item on tonight's agenda. He pointed out that they have been in business in our City for 48 years, and stated that even though their quote is less than \$50.00 higher than the low quote, theirs is a better value for the City because of the 5 year warranty they supply.

Mr. Steve Wartinbee, Brooks Tractor Inc., pointed out that he submitted the lowest quote, and their quote meets all the criteria for the Skid Steer, whereas Mr. Folkman's does not. He also pointed out that the 5 year warranty supplied by Bobcat Plus was submitted after the quotes were opened. He felt the City should follow past standard quote/bid procedures or it may affect its integrity for future quotes/bids. Since they have the low bid and meet all criteria, they should be awarded the sale.

Ms. Clarice Lang, South St., referred to a letter she received from our City Planner advising her of our ordinance as to the number of cats a household may have. She stated she is aware of that ordinance, but she does have many cats, of all ages, and takes good care of them. They are all neutered, and never go outside. She asked that she be grandfathered in, as she has had most of them before the ordinance was adopted in 1996, or the City should change the ordinance.

### **Committee Reports**

#### A. Finance

1) Resolution Approving Amendments to the 2002 Budget for Continuing Appropriations - Moved by Ald. Jones, seconded by Ald. Cochrane to adopt the resolution. Carried unanimously.

#### B. Personnel - no report

#### C. Protection and Welfare

1) Licenses - Moved by Ald. Erdmann, seconded by Ald. Hollatz to grant the licenses. Carried unanimously.

#### D. Public Services - no report

#### E. Utility

1) Resolution re: Purchase of Skid Steer - Moved by Ald. Larsen to adopt the resolution. Motion failed for lack of second.

There was considerable discussion, Ald. Erdmann stating that this back and forth shouldn't be happening at the Council level, and suggested that this matter go back to the Committee. Ald. Gross stated that at Committee level he moved to recommend the resolution, which gave it to Brooks for the John Deer skid steer. He said he misunderstood about the 5 yr. warranty from Bobcat Plus, understanding now that it was offered several hours prior to the opening of the quotes. He therefore feels the quote ought to be awarded to Bobcat Plus, not based on cost or the fact that it is a local business, but a better value for the City because of the better warranty. Ald. Snyder felt we should give it to the local business, as the difference in cost is under \$50.00, and the warranty is a big issue.

Moved by Ald. Snyder, seconded by Ald. Cochrane to accept the quote of Bobcat Plus, for a cost of \$18,537.85, contingent upon our City Attorney being satisfied with the 5 year warranty.

Attorney Chapman stated he has not seen the 5 year warranty, and was concerned about the integrity of our process. He referred to an earlier quote where purchase of a skid steer was awarded to L. F. George, even though they were \$900 higher, because they are a City business. He felt we could not look at that alone, but must go for the best value for the City to preserve the integrity of the quote/bid process.

Motion to accept the quote of Bobcat Plus carried, with Aldermen Larsen and Erdmann voting "no".

2) Resolution re: Purchase of Pickup Truck - Moved by Ald. Cochrane, seconded by Ald. Gross to adopt the resolution. Carried unanimously.

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This authorizes our Utility to purchase a 2002 Chevrolet Silverado from Emil Ewald for \$18,734. This is a budgeted item.

3) Resolution re: Compliance Maintenance Annual Report (CMAR) - Moved by Ald. Cochrane, seconded by Ald. Gross to adopt the resolution.

Mr. Steinbach, Wastewater Treatment Plant Operations Manager, explained this is the annual report required by the Department of Natural Resources (DNR) to evaluate the operation of our plant. He went through the various categories, ending up with 29 points. Last year we had 23. The increase is largely due to the age of our plant. He commended his staff for their dedication throughout the year, monitoring all of the details, stating "they're not perfect . . . but close."

Mayor Foti congratulated Mr. Steinbach and his staff for a fine job and a very good report once again. Ald. Gross added that it is very unusual to have such low points.

4) Resolution re: 2002 Cable Injection project - Moved by Ald. Cochrane, seconded by Ald. Gross to adopt the resolution. Carried unanimously.

This authorizes our Utility to contract with UTILX to do the on-going underground cable rejuvenation. This year it will be in the Olympia area, at an estimated total cost of \$115,892.10. This is a budgeted item.

5) Resolution re: Mapping proposal for Electric Infrastructure - Moved by Ald. Cochrane, seconded by Ald. Gross to adopt the resolution. Carried unanimously.

This authorizes our Utility to contract with R & R Syntec to inventory and map our electrical inventory throughout the City, at a cost of \$59,891.55. This is a budgeted item.

6) Resolution re: Engineering services for meter point - Moved by Ald. Cochrane, seconded by Ald. Gross to adopt the resolution. Carried unanimously.

This authorizes our Utility to proceed with the engineering firm of Arnold and O'Sheridan to complete design and bidding documents for the construction of an electrical metering point within the Pabst Farm development, for a cost of \$24,860.00. This cost is included in the TIF project plan.

### **Unfinished Business**

A. An Ordinance to Zone SR-3 Suburban Residential Lands Recently annexed to the City of Oconomowoc, Wisconsin (WEPCO Substation 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. Nold, seconded by Ald. Cochrane that the ordinance become law. Roll call vote carried unanimously.

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B. An Ordinance to Zone UC Urban Commercial Lands Recently Attached to the City of Oconomowoc, Wisconsin (Lyons Trust 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. Cochrane that the ordinance become law. Roll call vote carried unanimously.

C. An Ordinance Annexing Certain Lands of the Town of Oconomowoc to the City of Oconomowoc (Wangard property) - 2nd reading. Moved by Ald. Gross, seconded by Ald. Cochrane that the ordinance be given its second reading by title only. Motion carried with Ald. Erdmann abstaining.

Moved by Ald. Gross, seconded by Ald. Cochrane that the ordinance become law. Roll call vote carried, with Ald. Erdmann abstaining.

**Plan Commission recommendations - none**

### **New Business**

A. Resolution Designating Finance Director to Declare Official Intent under Federal Reimbursement Bond Regulations - Moved by Ald. Cochrane, seconded by Ald. Jones to adopt the resolution.

Ms. Kitsembel, Finance Director, explained this resolution has been requested by our Bond Counsel, and is a Federal requirement whenever a municipality expects to reimburse itself later on out of tax exempt borrowing. With TIF #3 coming up, this resolution is necessary for us. The resolution is general in nature, therefore would cover us for other future projects where we would expect to reimburse ourselves out of tax exempt borrowing.

Motion to adopt the resolution carried unanimously.

**Announcements and Communications** - The City Clerk announced that she has received the annual letter from WEPCO reminding us that no snowmobiles or other motorized vehicles are allowed on their right-of-way.

### **Staff Reports**

A. Administrator - no report

B. Other - Ms. Kitsembel informed the Council that as of April 1st, dental coverage will no longer be available through WPPI because we have fallen below their required percentage of eligible participants. She is looking at quotes and has some preliminary options, and will keep Council informed. Mayor Foti explained that the City offers a group dental plan for whomever wishes to participate, but it is at employee's expense.

Mr. Bob Duffy, Director of Economic Development, announced that PDS has been awarded

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"Manufacturer of the Year" for a medium size business. This is a State award, and the only one awarded in southeast Wisconsin for their size company. Mayor Foti stated the City is very proud of

them.

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

**Reports and Comments from the Aldermen** - Ald. Snyder recalled that another City business was awarded this prestigious award, the Bruno Co., a couple of years ago. We should be very proud of them. The Mayor added these businesses are not only local, but "homegrown".

There being no further business to properly come before this body, a motion to go into closed session was made by Ald. Larsen, seconded by Ald. Gross, per Wis. Stats. 19.85(1)(g) "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is involved. (Aurora law suit), and Wis. Stats. 19.85(1)(e) "Deliberating or negotiating . . . or conducting other specified public business, whenever competitive or bargaining reasons require a closed session." (Developer's Agreement - Lakewood Estates). Roll call vote carried unanimously.

Motion to adjourn was made by Ald. Nold, seconded by Ald. Jones, and carried. (8:50 p.m.)

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Ardyce Senfleben, City Clerk