

(Revised)
CITY OF OCONOMOWOC
COMMON COUNCIL MEETING

March 18, 2003

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

The Pledge of Allegiance was recited.

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

Staff in attendance: Sugden, Tonn, Langohr, Lamp, Endl, Kitsembel, Duffy, Buerger, Leidel, LaVenture, Frye, Senfleben, Gard and Attorney Chapman

Minutes of previous meeting: Regular Common Council meeting of March 4, 2003. Moved by Ald. Cochrane, seconded by Ald. Nold to approve the minutes of the March 4, 2003 meeting, as written.

The City Clerk pointed out a correction to the minutes, as follows: Paragraph D on page 7, under Consider/act on Pabst Farms Declaration of Restrictions: toward the bottom of that paragraph, beginning with "Attorney Chapman . . ." should read: Attorney Chapman went through the document pointing out that in all cases the requirements equaled or exceeded those required in our zoning code.

Voice vote carried, with no dissenting votes, on approval of minutes.

Moved by Ald. Cochrane, seconded by Ald. Nold to approve the minutes of the March 4, 2003 meeting, as corrected. Voice vote carried, with no dissenting votes, on approval of the minutes as corrected.

Comments and suggestions from citizens - The following people spoke in opposition to the proposed condo development @ 913 Armour Rd. (Villas at Cardinal Ridge) - Ron and Jennifer Jaeger, 945 High St.; Mick VanEvery, 914 High St.; Scott Brooks, 888 High St.(plus submittal of a letter); and Nicole Klaus, 859 High St., who presented a Petition signed by 54 neighbors; Among their common concerns was the increase in traffic this development would generate; the safety of their children; the fact that this is a dead end street w/cul de sac at the end which may not accommodate emergency vehicles; it would not fit into the residential neighborhood; the fear of damage to their properties from water run-off; loss of trees; and there would be only one access to the development. They asked the Aldermen to consider their concerns.

Bob Thelen, Norwegian Rd., extended an open invitation to all to attend a function at the Band Shell on Saturday, March 22nd @ 2:00 p.m. to "Support our Troops". He hoped to see a great turn-out showing our support of our troops here at home.

Ron Tremain, 1296 Summit Ave., spoke in support of the Frontier Development which Mr.

Erdmann is proposing.

Jerry Erdmann, 1101 Christopher Ct., spoke on behalf of the property owners involved, that they are appreciative of the City's efforts in the proposed development on Summit Ave. He went on to say that during the past month he has met with the Southwood residents for extensive periods of time, and they are getting closer to final resolution. He will continue working with them to address all concerns of theirs and the Dorchester Dr. residents. He stated that the Southwood residents want a guarantee that the 4 residential properties on Beach Rd. will always remain residential. A letter from the City addressing that concern would be a big plus for them. He urged the Council to vote affirmative on the second reading of the zoning ordinance for that property.

Mayor Kohlenberg asked the people interested in the Cardinal Ridge condominium proposal remain through item 8c. to hear from the developer, and questions from the Common Council.

Consent Agenda: Licenses; Treasurer's report; and Resolution re: Statement of Intent for Expansion of Oconomowoc Historical society - Moved by Ald. Hollatz, seconded by Ald. Jones to approve the Consent Agenda. Carried unanimously.

Committee Reports:

- A. Finance - no report
- B. Personnel - no report
- C. Protection & Welfare

1) An Ordinance to Repeal and Re-Create §9.04 of the Municipal Code of the City of Oconomowoc Relating to the Sale and Discharge of Fireworks - Ald. Hollatz stated that the Committee will be further reviewing this at another meeting, so no action is necessary tonight.

2) Resolution re: Purchase of utility truck for Fire Department - Moved by Ald. Hollatz, seconded by Ald. Nold to adopt the Resolution. Carried unanimously.

Adoption of this resolution authorizes purchase of the utility truck from Bob Fish, for \$28,908.

D. Public Services

- 1) Consider/act on Contract with Coca-Cola - this item was withdrawn.
- 2) Resolution re: Annual Pavement Marking project - Moved by Ald. Larsen, seconded by Ald. Hollatz to adopt the Resolution. Carried unanimously.

Adoption of this resolution authorizes the work to be done by Traffic Signing & Marking, for \$15,883.50. Ald. Antonneau commented this looks like a very favorable price, when \$22,000 was budgeted for it.

- E. Utility - no report

Plan Commission recommendations

- A. Ordinance re: Proposed zoning change for property in the 300 block of S. Park

Street, from UI Urban Industrial District to UR-10 Urban Residential District (Jeffrey D. Mueller) - Moved by Ald. Gross, seconded by Ald. Nold to give the Ordinance its first reading.

Ald. Gross reported that there has been a hearing before the Plan Commission and two people spoke, one being concerned about the access and truck traffic, the other about landscaping. He stated that he lives next door to this property, and he voted for it as it will be an improvement to the property. It was pointed out that the plan is for 2 - 6 unit apartment buildings, in a U-shape configuration, with access on to Park St. Ald. Hollatz felt the concerns of those people who spoke at the public hearing could be worked out.

Motion for first reading carried unanimously.

B. Consider/act on Conditional Use Permit for Bruno Independent Living Aids (1780 Executive Drive) - Moved by Ald. Gross, seconded by Ald. Cochrane to grant the Conditional Use Permit to Bruno Independent Living Aids - Mr. Tonn, City Planner, explained that this is an addition of 4,680 sq. ft. for office space to the rear of their existing building @ 1780 Executive Drive, and the Plan Commission recommends approval with standard conditions.

Ald. Gross stated there was a public hearing before the Plan Commission and nobody spoke, and has the unanimous approval of the Plan Commission.

Motion to grant the Conditional Use Permit carried unanimously.

C. Presentation of conceptual plan by Mr. Gilmore for condo project @ 913 Armour Rd. (Villas at Cardinal Ridge) - Mr. Gilmore distributed a pamphlet to the Aldermen and interested persons in the audience reflecting the proposed site development plan. He intends to bring a public drive up High Street to serve the units. He stated that the Plan Commission recommended making the buildings more architecturally pleasing, which he has done. He wants this to be a classy condo project, with extensive landscaping so it is pleasing to everyone. Mr. Gilmore stated that he wants to hear the neighbors concerns.

Attorney Chapman stated that in earlier remarks of a concerned citizen, "fast-track" was mentioned. He made it clear that this is not on a fast-track. There was a presentation before the Plan Commission on two occasions. This is all very preliminary, a preliminary plat has not even been prepared at this point. He further stated that it is not necessary to bring a preliminary plat to the Council, but we have commenced this procedure so they know what to expect during the planning stages, as they do have to approve of the Final Plat. Tonight is just a presentation to make the Council aware and there will be no decision and no opinions tonight. This project must get Plat approval and re-zoning. Ald. Snyder felt the conceptual plan was okay, but was concerned about the neighbors feelings, and suggested that Mr. Gilmore arrange a meeting with the neighbors and address their concerns. Ald. Snyder stated he drove past the area, and has some of the same concerns as the neighbors brought up. Ald. Jones concurred.

Mayor Kohlenberg stated that he was at the Plan Commission meeting when it was presented, and said he liked everything he saw, but was concerned at what he was hearing from the

neighbors. His suggestion, too, was to meet with the neighbors to see if their concerns can be resolved. Mayor Kohlenberg commended Mr. Gilmore on his presentation to the Plan Commission. Mr. Gilmore said that the Mayor had suggested earlier that he meet with the neighbors, which he will be happy to do as he would like to work with them.

Ald. Cochrane questioned the open land in the back of the proposed buildings to which Mr. Gilmore stated that all water would be collected in a detention pond in that area and there will be a berm and 10' pine trees to screen the project from the industrial area. Ald. Antonneau cautioned to keep tree removal to a minimum, to which Mr. Gilmore responded that they will lose trees, but will heavily landscape so the neighbors will not be looking at the back of the condos. Ald. Nold referred to High Street being a sub-standard street, and wondered if this was going to cost the City a lot of money to have it upgraded, considering the additional traffic that will be involved. He wasn't sure this was a good plan, with no emergency access. Mr. Gilmore stated they intend to have a condominium association that would take care of everything. He also felt that most buyers would be 50 and over and many are back down to 1 car, so he didn't expect traffic to be a big problem. Ald. Hollatz felt that the proposed project is much too large for this property. Mr. Gilmore will set up a meeting with the surrounding property owners.

D. Presentation of conceptual plan for Eastlake Village on the Pabst Farm - Mr. Bill Niemann, Executive Vice President of Pabst Farms Development referred to the site plan that was attached to the Council agenda packet, pointing out that this is the first residential development at Pabst Farms. He stated it has been discussed at many City meetings, including a presentation to the Plan Commission. This site plan is the same as was at the Milwaukee Builder's Expo and is still on display in the lobby at Olympia Resort for viewing. In soliciting builders and residents, there has been an initial overwhelmingly favorable response. Mr. Niemann pointed out that this zoning area accommodates 3 lots per acre, resulting in a possible 294 lots, and they indicate only 170 lots, decreasing the density considerably and allowing for more open space for inter-connecting trails. The proposed lots are 12,000 sq. ft., each with 110' width at the road which should allow for a side-entry garage, resulting in a more aesthetically pleasing streetscape. Minimum building requirements will be in the area of 1800 sq. ft. for a ranch and 2200 sq. ft. for a 2-story, with a price range from \$275,000 to \$400,000. Mr. Niemann stated that engineering is underway on the project, and that it was well received at the Plan Commission. As the project progresses, he stated he would bring in colored renderings.

Ald. Antonneau commended the developers on the generous open space projected, as did Ald. Larsen. He also liked the buffering around the perimeter. Ald. Jones agreed, commenting that we don't see plans that exceed the open space requirements, and felt that the prices he quoted seemed very good. Ald. Gross was concerned about sidewalks and pedestrian paths. He wants to see sidewalks throughout the development, on both sides of the streets. Although he is not fond of cul-de-sacs, he likes the layout and looks like a very nice development. Mr. Niemann pointed out that just east of this development is the Town of Summit, and they are making every attempt to make the transition gradual, so things flow together. He thanked the Council for their input.

Unfinished Business

A. An Ordinance to Zone SC Suburban Commercial Lands Recently Attached to the City of Oconomowoc, Waukesha County, Wisconsin (Frontier Development/Summit Center Drive properties) - 2nd reading. Moved by Ald. Nold, seconded by Ald. Cochrane to give the Ordinance 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.

Ald. Larsen wondered if there would be a threat of litigation, to which Attorney Chapman responded that he doubted that very much. Mr. Erdmann has met with the people at length and Summit has given us their resolution approving of the attachment.

Attorney Chapman referred to Mr. Erdmann's earlier comment about the 4 residential properties, between Beach Rd. and the east boundary of the property. That will be heavily bermed. The Southwood residents want assurance that those properties will never be rezoned to something other than residential. You, of course, can never say it will never be changed, but Mr. Tonn, our City Planner, states that from a planning standpoint, it should remain residential. The Border Agreement also states that those properties will stay residential.

B. An Ordinance Repealing the Ordinance which Attached Certain Lands of the Town of Summit to the City of Oconomowoc, Wisconsin (Central Railroad Properties LLC property (Counsell) - 2nd reading. Moved by Ald. Nold, 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.

New Business

A. Consider Wangard Petition for Annexation and refer to Plan Commission - Attorney Chapman pointed out that this is a 12 1/2 acre parcel @ P & Z, which has been the subject of negotiations between the City and Town of Oconomowoc. All that is necessary tonight is to refer to the Plan Commission for review and temporary zoning.

Moved by Ald. Gross, seconded by Ald. Cochrane to accept the annexation petition and refer it to the Plan Commission. Carried unanimously.

Ald. Antonneau questioned what is the plan for that land, to which Attorney Chapman responded there will be a grocery store, and Mr. Tonn added, also a shopping center.

B. An Ordinance Creating a Planned Development Overlay District for The Meadows at Rosenow Creek - Moved by Ald. Gross, seconded by Ald. Nold to give the Ordinance to Create a Planned Development for the Meadows at Rosenow Creek its first reading.

Mr. Erdmann pointed out there may be a change, as the Department of Natural Resources (DNR) may require them to take the culvert out, and if that happens they would put a boardwalk over it. Mr. Tonn stated that PD zoning would cover that. Mr. Erdmann estimated that the cost of single family residences would range from \$169,000 to \$190,000, and duplexes would range from \$249,000 and up. There was general discussion and it was pointed out that a 100' buffer is proposed between the creek and the development, and there is a lot of green space. With the PD zoning, Mr. Erdmann felt he was complying by providing a variety of housing and going above and beyond with landscaping and streetscape. The proposed bike path also will enhance the Rosenow Creek area by planting prairie grass, etc. working with the DNR.

Motion for first reading carried unanimously.

Staff Reports

A. Administrator - no report

B. Other - Mr. Mark Frye, Utility Coordinator, pointed out that the lights that were requested to be mounted on the poles at the beach area have been installed, and the labor and materials were donated by the Utility. They intend to do the same at the Bender beach location. The two crossings on N. Main Street and Wisconsin Ave. have been upgraded, as well, through the Department of Public Works budget. These lights will be flashing constantly. The lights at both beach areas are push button activated.

Announcements and Communications - The City Clerk announced the annual League dinner, which will be held at the Holiday Inn, Waukesha, on May 1st beginning at 5:30 p.m. The speaker this year is David Riemer, Director of the State Budget Office. She asked anyone wishing to attend to let her know by April 18th.

Reports and Comments from the Mayor - Mayor Kohlenberg took this opportunity to speak out on many issues which he had added to the agenda the evening before. He spoke for 35 minutes on various issues contained in the addendum to the agenda. Among the 28 items were: his dismay with not allowing his speeches on the City's website; possibility of a special Council meeting before a new Council is seated for the purpose of "stuffing" last minute policy through should the election not go their way; accusations of poor fiscal management; the Coke contract; issues regarding the April 16, 2002 Council meeting; reaction to internet voting; the Council's decision against purchase of upgrade in video equipment; reimbursement policy; appointments to boards and commission, criticizing Ald. Nold for criticizing him for the length of time it took him to make 24 new appointments; he criticized Ald. Nold for nominating and voting for his father-in-law for a commission appointment; purchasing of professional services, questioning the way the City conducts its purchase of professional services; he expressed his criticism of Ald. Gross for questioning his inquiries about financial matters and focusing on spending rather than creating City wealth; consolidated dispatch, accusing the Council of being fiscally irresponsible in not joining; no Primary election, stating the decision of the Council was so offensive to the concept of a fair election, it should have been illegal; TIF expenses, asked for payment of Attorney Marcuvitz's outstanding bill; Growth management, expressed his opposition to a cap on building permits, per

subdivision per year; Zoning Board decisions,

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variances vs. special exceptions; suggestion to abolish office of Comptroller; Teen Center, stating that the Aldermen had done nothing regarding that project, and questioned how long we will let our Aldermen prevent us from helping our children; He stated that anytime he had an idea the aldermen would stonewall him, just because it was his idea.

Reports and Comments from the Aldermen - Ald. Snyder responded to many of the Mayor's comments, remarking that this is "better than the Jerry Springer show". He was quite adamant in responding to the accusation that he, and other the aldermen did not care about this City, nor about our youth. He told the Mayor directly that he has offended a lot of people, and does not have good people skills. Ald. Snyder referred to the Mayor advocating open government, when he has never seen the Mayor's door locked, like it is since he is in office. He said the Aldermen and staff should know what is happening before they read it in the newspaper. He responded that the fiscal management, pointing out that the City doesn't have the bond rating we have by reason of poor fiscal management. He remarked about the April 16, 2002 Common Council meeting - what a way to start working with the Council. As far as a teen center is concerned, that has been discussed for years, and pointed out that a nationally renowned speaker, Milton Creighton, has stated that teen centers generally don't work. Regarding Attorney Marcuwitz's bill for work on TIF, the Council set a maximum fee and it was exceeded, and Council stands by their decision. The decision not to participate in the Consolidated Dispatch was based on the recommendation of the Police Department and Fire Department for safety concerns. Ald. Snyder stated that it is obvious the Mayor is using all of this as a campaign issue for his candidates, and what the Mayor has done tonight is the worst he has ever seen. This can't be good for the City. Ald. Snyder said that he would like to speak with the candidates, but they have not showed up at any meetings, other than Mr. Watson a couple of times, and Mr. Glorioso this evening for part of the meeting. Ald. Snyder said he is extremely offended by the Mayor's tirade which took everybody's time, for his own personal satisfaction and before "his" camera.

Ald. Gross stated this is a personal attack on himself in many respects, and particularly as City Comptroller and as such he does check vouchers and felt some of the Mayor's reimbursements were excessive. He questions any/all questionable vouchers. This is a government by the people and he tries to work with the people, and felt it was a shame that the Mayor doesn't take that very well. Ald. Gross stated there were so many mistakes and outright lies in his speech, and quoted President Lincoln "Nearly all men can stand adversity, but if you want to test a man's character, give him power."

Ald. Nold tossed the Addendum to the agenda aside stating it wasn't anything and that this time on the agenda is to talk about City business, and was concerned about a lot of projects that have come up in recent months that need to be done to facilitate development. He suggested that the City do a Request For Proposal (RFP) to look at impact fees for developers and put the costs on the user. Perhaps a committee should be set up to see how impact fees may be able to do some of these improvements without taxing our residents.

Ald. Antonneau agreed with Ald. Nold's comments. He brought up the road issue, and he had an idea to address roads, but found that it would not work. He also commented that there are

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rumors that the Silver Streak may be going out of business. Although this is not a City function, perhaps we should take a look at it, as it performs a great service for the City.

Ald. Nold expanded on impact fees, in addition to roads, we could look at such as Police, Fire, Library, etc. and we should do it as soon as possible.

Ald. Hollatz commented that he has had calls from retired and handicapped people who want to launch their boats on Fowler Lake. He wondered if the Park Board could consider a procedure for waiving a launching fee for these people.

Attorney Chapman asked to speak, and Mayor Kohlenberg stated he would like to stick to the agenda. Attorney Chapman then asked the aldermen if he could speak, to which Ald. Nold asked that the Attorney be allowed to speak. Attorney Chapman proceeded to apologize for the late notice requiring items to be agendaed under "Reports and Comments from the Mayor". He pointed out that he had talked with the Mayor about this situation numerous times in response to the Mayor's questions about what could be said under "Comments . . ." He went on to say that comments such as those made by Ald. Nold, Ald. Antonneau and Ald. Hollatz are appropriate. Attorney Chapman recalled that in the letter he sent to the Aldermen, it is the public who suffer by not knowing what is on the agenda. The open meeting law is for the public to be notified in the event there will be something on the agenda that is of interest to them. If either the Mayor or the Aldermen know that they will be talking about a subject, it must be an agendaed item, not covered under "Comments . . ." Tonight, the District Attorney had recommended that it be handled as separate items under "Comments . ..". In the future Attorney Chapman stated he will be much more strict as to what falls under "Comments . . .", preferring that items that need to be agendaed be listed as separate agenda items, not under "Comments".

Regarding the Mayor's comments about the aldermen wanting a last minute special Council meeting to "stuff" something through, he wanted the record clear that it was he who suggested that a special meeting may be appropriate between the election and the April 15th meeting that would require some action, or change order. He stated he doesn't want us to run into the same problems we did last year, therefore still recommends a special Council meeting between the two April Council meetings, but not for the purposes of what the Mayor stated.

As far as the question of allotments of building permits, it is most likely driven by the Pabst Farms development, and must be re-visited in the near future.

There being no further business to properly come before this body, a motion to go into closed session for an update on the AFSCME Union negotiations was moved by Ald. Nold, seconded by Ald. Larsen, and roll call vote carried unanimously.

Motion to adjourn made by Ald. Jones, seconded by Ald. Nold and carried. (10:17 p.m.)

Ardyce Senfleben, City Clerk