

**CITY OF OCONOMOWOC
COMMON COUNCIL MEETING**

July 2, 2002

Mayor Kohlenberg called the Common Council meeting to order at approximately 7:33 p.m. and the Clerk confirmed that appropriate meeting notice had been given.

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

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

Others present: Mr. Joe Eberle, Ruekert & Mielke Engineering

Minutes of previous meeting: Regular Common Council of June 18, 2002 - Moved by Ald. Jones, seconded by Ald. Cochrane to approve the minutes of the June 18, 2002 Common Council meeting, as written. Carried unanimously.

Comments from the Audience: The following young people spoke regarding evening gatherings at the boardwalk/gazebo area: Crystal Scheid, Hartland; Kristin Marquardt, 931 York Imperial Dr.; and Rachel Wade, 905 LaBelle Ave. Their common concerns were the fact that this is a place they gather to meet and talk, sometimes after walking around the lake. These young ladies say that they are not doing anything wrong, but don't know where else to meet and hang out, and they are asked by Police to leave that area. Ms. Wade stated that there had been some drinking in that area and throwing of beer cans, and her group actually turned them in.

Ms. Maureen Stapleton, 31 S. Main St., had concerns regarding the CDA appointments, with only a partial committee scheduled for appointment this evening. She felt for the CDA Committee to do a prudent job, it is necessary to have a complete committee, and asked that a partial committee not be acted on this evening. With regard to the young people gathering in the gazebo area, she does walk around the lake a lot, and people are intimidated by groups of people. She suggested perhaps another location, such as the beach or Fowler Park, but understands that they do need a place to meet.

Mrs. Rachel Hollenbeck, 900 Duchess Ct., stated that she walks around the lake and sees the groups of young people in the gazebo area, and she does not find them scary. She stated she used to be intimidated by teenagers until she had one.

Mayor Kohlenberg stated he felt the most intimidating thing is facing this Council, and thanked everyone who shared their views. He asked the young people to stay for a short time so they could hear the Police Chief's comments.

Staff report from Public Safety Director, Hugh Martin - Chief Martin stated that he concurs with much of what was said, and it is always a few people that spoil it for the rest. He hears

from a lot of people with issues, and activities going on there with masses of young people. At times it is so full that you cannot drive a vehicle through the parking lot. Rather than issue citations, we are moving people away to prevent potential problems. The Chief stated that people will not come to the downtown because of the north parking lot. He felt we need to find a balance because a lot of people like to walk around the lake. He admitted that the Police Department makes mistakes, and sometimes there are only 3 officers to patrol the entire City, and he asks them to use discretion.

On the matter of crosswalks, Chief Martin pointed out that his department has issued 17 citations on Wisconsin Ave. and Main St., and 10 warnings, for the marked crosswalks and for the drivers. Lt. Schmidt has spent a lot of time on this matter and signs will be up very soon.

Chief Martin also called attention to Operation Vigilance which can be found on the website, pointing out that the FBI has put out several alerts as to terrorists and suspicious behavior. Chief Martin stated that everyone can participate in this program by being observant and reporting any suspicious behavior to his department. We need citizens help, with minimum manpower on second shift.

Mayor Kohlenberg stated people can respond to the Chief's office or at the next Council meeting.

Committee Reports:

A. Finance

1) Resolution re: Construction materials/Engineering services TID#3 - Moved by Ald. Jones, seconded by Ald. Gross to adopt the resolution. Carried unanimously.

Adoption of this resolution authorizes Giles Engineering to do this work for an amount between \$19,000 and \$22,000.

2) Resolution re: Pump supplier for SW Business Park TID#3 - Moved by Ald. Jones, seconded by Ald. Gross to adopt the resolution.

There was a brief discussion, and Mr. Eberle pointed out this could cost the City approximately \$5,000 per month to use, but that the City has nothing adequate to do this pumping. To purchase one would cost approximately \$75,000. Ald. Nold questioned whether this would affect the water level in Silver Lake, to which Mr. Eberle responded that it will not, as they have been monitoring it since April, working with the Department of Natural Resources. Mr. Eberle estimates the total cost to be between \$25,000 and \$30,000, depending on amount of use required.

Motion to adopt the resolution carried unanimously.

B. Personnel - no report

C. Protection and Welfare

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

2) An Ordinance to Repeal §12.03(7)(c) and (8) of the Municipal Code of the City of Oconomowoc Relating to Vicious Dogs, to Create §12.03(7A) Relating to Wild or Vicious Animals, and to Create §12.03(7B) Relating to Regulation and confinement of wolf-Dog Hybrids currently kept or maintained within the City of Oconomowoc - Attorney Chapman read the ordinance, but pointed out that paragraph 3 on page 5 will be revised before the second reading, which regards enclosures.

Ald. Snyder commended Attorney Chapman on drafting an excellent ordinance, striking a balance addressing safety and protecting a pet. Ald. Gross took exception to the fact that Pitbulls are named in the ordinance as presumed to be vicious animals, pointing out that he has known Pitbulls as a pet and they have been great pets. Discussion followed, and Mayor Kohlenberg felt it was prudent to error on the side of safety in this case and commended Attorney Chapman for an outstanding job on creating this ordinance.

Motion to give the ordinance its first reading carried, with Ald. Gross voting against it.

- D. Public Services - no report
- E. Utility - no report

Unfinished Business

A. Cease reading resolutions and ordinances (Ald. Larsen and Snyder) - This is on the agenda to give the two aldermen who were absent at the previous meeting, an opportunity to voice their opinions on the topic of whether or not to read resolutions and ordinances at the Council meeting. Ald. Larsen stated that he would be in favor of the change, if they are available to the public prior to the meeting. It would be a time-saver at the meetings. Ald. Snyder agreed that they may be time-consuming, but felt they need to be read for the public's information. He pointed out that even though he reads them when he receives his packet, when they are read at the meeting, often he picks up on something he missed earlier. Many times, corrections are made as a result of reading them at the meeting. Ald. Gross emphasized that it is important to read them publicly as it is a responsibility for open government. Attorney Chapman stated that the League recommends at least one reading. He pointed out that when there is an entire chapter of the Code re-done, such as an impact fee ordinance, they can be done by way of codification and would not be read in its entirety. No action is necessary this evening.

Plan Commission recommendations - none

New Business

A. Consider/act on Preliminary Resolution initiating special assessment procedure for construction of sewer on South Summit Center Drive - Attorney Chapman stated this regards four (4) property owners annexed to the City. He and Joe Eberle have met with them several times, and Mr. Eberle suggested that to get the best price for them to hook up to sewer and

water, they should be included in the TIF contracts to which they agreed. Water will be run up Summit Center Drive at a TIF expense, but sanitary sewer will be paid for in full by the property owners. Attorney Chapman explained the process, and the final resolution which must be adopted by the Council will contain payment of special assessment arrangements.

Moved by Ald. Larsen, seconded by Ald. Cochrane to adopt the Preliminary Resolution. Carried unanimously.

B. Ratify Union Contract with Dispatchers - Ms. Kitsemel, Finance Director, reported that the contract has been ratified by the union. This is a 2 year contract, for 2002 & 2003 reflecting a 3% increase each year; if breaks are forfeited, comp time will be accumulated up to 40 hours per year; if a vacancy occurs, it must be first offered to the senior dispatcher; change in vacation time of 5 weeks after 20 years, rather than 23; 1 day of funeral time is added upon death of a grandparent; a dispatcher cannot work more than 14 hours, rather than 12, and minor language changes.

Moved by Ald. Larsen, seconded by Ald. Cochrane to ratify the Dispatcher's Contract. Carried unanimously.

C. Consider/act on replacing easements in Orchards @ River Bluff - Attorney Chapman explained that there was a mistake made in the office of the Register of Deeds where two documents were given the same number, which is almost unheard of. This easement and the following termination easement have been prepared by Mr. Erwin to correct the mistake.

Moved by Ald. Jones, seconded by Ald. Cochrane to approve the Easement Superseding Watermain Easement at Orchards @ River Bluff. Carried unanimously.

D. Consider/act on terminating easement in Orchards @ River Bluff - Moved by Ald. Jones, seconded by Ald. Cochrane to approve the Termination of Easements at Orchards @ River Bluff. Carried unanimously.

E. Mayoral appointment of member to the Park & Recreation Board, with confirmation - Mayor Kohlenberg appointed Andrew Hollenbeck to the Park & Recreation Board, and asked Mr. Hollenbeck to say something about himself. Mr. Hollenbeck stated he is 15 years old, a sophomore at Oconomowoc High School and is involved in many activities there, including theatre and sports and is a good student. He would represent a group who have not previously had a voice in Parks and Recreation, and feels he could bring a new aspect to the meetings. Mr. Hollenbeck stated he is comfortable with people of all ages, and understands he would be working with people with extensive experience, but that he could stand up for what he believes.

Moved by Ald. Gross, seconded by Ald. Jones to confirm Andrew Hollenbeck to the Park and Recreation Board.

Several of the Aldermen stated that they were impressed with Mr. Hollenbeck and hoped he had

what it takes to defend his opinions. Parks and Recreation Director, Scott Endl, was asked for his opinion. He responded that he felt diversity is important for a Board by providing different perspectives and that this will be a positive situation. Aldermen had concern as to his ability to attend evening meetings, to which he stated that is not a problem and he looks forward to it. Mayor Kohlenberg stated this is a departure from the norm, but he campaigned to have youth in government. He stated to Mr. Hollenbeck "You are a test balloon - I hope you fly high."

Motion to confirm Andrew Hollenbeck to the Park & Rec board carried unanimously.

Mr. Endl reminded the new Park & Recreation Board member of the meeting @ 7:00 p.m. on Monday night.

F. Mayoral appointment of member to Architectural Commission, with confirmation - Mayor Kohlenberg appointed George Piche' to the Architectural Commission, and asked Mr. Piche' to say something about himself. Mr. Piche' has lived in the City for approximately 4 years, at 234 Maple Terrace; has been involved in construction of a home and re-construction of others. He stated he is a business owner, so has dealt with many issues, and looks forward to serving in this capacity.

Moved by Ald. Snyder, seconded by Ald. Cochrane to confirm George Piche' as a member of the Architectural Commission. Carried unanimously.

G. Mayoral appointment of member to the Bureau of Economic Development, with confirmation - The Mayor appointed Jalane Sauer as a member to the Bureau of Economic Development. Mayor Kohlenberg stated that Ms. Sauer could not be present tonight, but she is the Executive Director of the Chamber of Commerce in the City.

Moved by Ald. Hollatz, seconded by Ald. Nold to confirm the Mayoral appointment of Jalane Sauer to the Bureau of Economic Development. Carried unanimously.

H. Mayoral appointment of members to the Community Development Authority (CDA) - The Mayor appointed Michael Day as a member to the CDA, and asked him to say something about himself. Mr. Day stated that he has lived on Maple Terrace here in the City for approximately 3 1/2 years; has been married for 32 years with 3 children, the youngest now in college; he served on the Plan Commission in Delafield for several years; is a licensed architect, licensed in 29 states, and exceeds the annual continued education points each year. He is presently employed by the Hammes Company since 1997 which has 4 divisions, and is assigned by health care, and Aurora is one of them and his participation is on the back side. He serves on the City's Architectural Commission and would be happy to continue. He stated he would like to serve on the CDA if Council determines it appropriate.

Ald. Snyder stated that in light of different opinions and discussions he would like to suggest that we hold off on confirming any CDA members until we have all 7 to look at, then confirm them on an individual basis. He would like to see even more than 7 to choose from. Mayor

Kohlenberg reminded the aldermen that the CDA can do nothing without the Council's approval. The Mayor stated that 4 members would be a quorum and they could begin meeting. The consensus of the aldermen was that business should not be conducted by a mini-quorum, but by a full committee of 7. Ald. Nold also stated that since two of the members the Mayor wants to appoint to the CDA are serving on other City committees, and he would like to see more people on boards/commissions to give more diversity. There are a lot of people out there who are interested in serving. He felt Mr. Day and Ms. Whalen are both very qualified, but that it is not appropriate for them to serve on multiple committees.

Ald. Jones asked what would be the time-frame for the rest of the appointments. The Mayor stated that he is on it, but must be very prudent in his appointments because this will shape the blueprint of the City for the next 40+ years. He mentioned that he has talked with 7 of the 8 aldermen and offered the position to two of them, who have declined to serve on the CDA.

Moved by Ald. Larsen, seconded by Ald. Hollatz to confirm Michael Day to the CDA Committee.

Ald. Larsen felt that the prospective appointees to the CDA who are present this evening should be heard so it won't be necessary for them to come again when the selections are made. The Mayor felt that Mr. Day will not be confirmed this evening or any other, so it may be appropriate for Ald. Larsen to withdraw his motion, and vote later when the rest of the Council is more comfortable with it.

Ald. Larsen, therefore, withdrew his motion, Ald. Hollatz withdrew his second. Mayor Kohlenberg stated that he will not ask for confirmations of the balance of candidates tonight, but would like to have Mr. Schwabe and Ms. Whalen give their backgrounds, and answer questions.

Mr. Peter Schwabe, 506 W. Wisconsin Ave., stated he has lived here for 7 years and is in a partnership with 3 individuals called "Big Bend Development", dealing in commercial/shopping center developments. He has 14 years of experience. He was invited to be on the dream team and was honored to get a call from the Mayor to be on the CDA. He would work diligently in that capacity to bring this community to a higher level, if confirmed.

Ms. Floss Whalen, 406 Third St., stated that most people in the Community know her background, having been Mayor of this City for 16 years and having served under four (4) Governors on various state boards; a member of the Insurance Trust for 8 years; involvement with the League of Women Voters, among others, but the thing she was most proud of is the Growth Management that was accomplished under her direction. She stated that planning is her favorite thing to do, and stated that Pabst and our downtown will enhance each other but it will take a lot of good will to make that happen. She stated that the prospective CDA members will act reasonably, responsibly and fairly, but what the Council says and does will set the tone. Ms. Whalen stated that she does not intend to continue serving on the Library Board if she is confirmed for the CDA, and would look forward to the challenge. She stated that Mayor Kohlenberg does things differently, but this is a new time and we must work together

enthusiastically and with trust.

Mayor Gary Kohlenberg gave his educational background, including two (2) Masters degrees in business, and business background, having been involved in a consulting business, printing business and leasing business, being the President in each case. His experience in these businesses include sales, accounting, computers, collections, finance and management. He has authored a management book on how to create and manage quality within an organization. He sets long-term goals for himself and consistently achieves them. He asks to be judged for who he is, pointing out his unique methodology in problem solving. He stated that he is considered a member of the Common Council and as such, is an appropriate member to be on the CDA, and named several surrounding municipalities whose mayors are on their CDA. The CDA is the tool by which our downtown can be revitalized, however, it includes the entire city. We can take one section at a time and "breathe new life into sleepy old Oconomowoc."

The Mayor stated that the Developer's Agreement for Pabst Farm was the first and foremost order of business for him when he became Mayor. Now that that has been accomplished, appointing the CDA members is next and he has received many applicants and suggestions, but is choosing those members very carefully, and asks the Common Council to support him in his efforts to make the CDA the very best it can possibly be. He will continue to interview members. He stated he had a meeting with a planning firm who is expert in CDA matters, and has received a proposal from them which he will share with the members of the CDA during their first meeting. In addition he has met with Dr. Charles Law from the UWExtension regarding proper protocol for seeing a CDA from beginning through implementation, and he is interested to speaking to our committee. He went in to what needs to be fixed or replaced in our Community, at length, suggesting many ideas of what we could be. He felt the Council must change its views of what defines the future of Oconomowoc, pointing out that this is not a criticism, but an observation. He concluded by saying that we must exceed our greatest expectations in design; let us be critical of the partners we choose, the materials utilized, the sites selected and the designs followed. "Let's make Oconomowoc great, again."

I. Discussion re: stop light at City beach - reference was made to action taken in 1997 when the caution light was installed, which minutes were distributed to the aldermen prior to this meeting. Mayor Kohlenberg suggested a traffic light that would stay green, except when a pedestrian pushes a button, when it would turn red. Some of the aldermen re-called that back in 1997 there was an attempt made to have a traffic signal light there, but that the DOT (Department of Transportation) would not allow it because it was too close to the one at the 4 corners, it being a State highway. The aldermen all agreed that something must be done there, as it is a very dangerous situation. The idea that the State will transfer ownership of Hwy. 16 to the City upon completion of the by-pass was discussed, at which time we would have control of what is installed there. Ald. Gross felt that an automobile activated signal should also be attempted because it is so hard to get on to Wisconsin Ave. from Worthington St. The Mayor felt we should start talking to the State now, and asked Attorney Chapman to explore the idea with the DOT. Other areas were brought up also, such as Concord Rd., and Elm St. A suggestion was made to approach one of our State Representatives, and the Mayor suggested that

any correspondence with the State should be copied to Rep. Foti. In the meantime, Ald. Nold felt that at least a sign could be installed stating the "pedestrian crossing ahead" both at City Beach, and on Silver Lake Street, near the YMCA. Mr. Langohr, Director of Public Works, was asked to look into it. The Mayor also stated that he will advance these ideas at the next DOT meeting.

J. Consider/act on ordinance amending the order of business of Council meetings and procedure for considering resolutions - Moved by Ald. Gross, seconded by Ald. Nold to give the ordinance its first reading. Attorney Chapman stated this ordinance accomplishes two things - 1) the possibility of suspending the rules so that the entire resolution does not have to be read, and 2) allows for a consent agenda.

Motion for the first reading carried unanimously.

K. Consider/act on Amendment to Offer to Purchase - Lakewood Estates/Crystal Lake property - Attorney Chapman gave some background, and because of a pond, it had to be re-zoned. Lake Bluff Drive is to be extended to Hwy. 67, but there is some difficulty with the County. We cannot complete Lake Bluff Dr. until we sell the lots, as that is the money we will use to complete that extension. He referred to the Inter-Municipal Agreement he recommended, but the County doesn't like it, relating to the Street and Highway width map. We accepted jurisdiction, but nothing can be done until we have money from the sale of the lots. As a result, the County has objected to the Final Plat for Lakewood Estates and the developer is dealing with the Department of Natural Resources (DNR). This amendment would extend the time for conditions to be waived from one week to October 31, 2002 and the closing should be done 20 days after that for all approvals.

Moved by Ald. Nold, seconded by Ald. Cochrane to approve the Amendment to the Offer to Purchase to change the date to October 31, 2002. Carried unanimously.

Announcements and Communications - none

Staff Reports - A. Administrator - Ms. Gard announced that last Thursday at the Municipal Electric Utilities Annual Conference, our former Mayor Foti was awarded the Philip F. LaFollette Public Official Award for his support of public power and promotion of our electric utility. Mr. Mark Frye, Water Operations Manager, accepted the award on Mayor Foti's behalf. She congratulated former Mayor Foti on this recognition.

B. Other - Ms. Kitsemel, Finance Director, reported that she, Ms. Gard and Mr. Jim Miller have met with Moody's regarding the City's short-term and long-term borrowing and we should have a bond rating back by July 15th. She also stated that the Mayor inquired about restructuring any current outstanding debt and we are looking into that. Ms. Kitsemel announced there will be a Committee of the Whole meeting following the regular Common Council meeting on July 16th, so staff and Council can have input before we get too far into the budget process.

Mr. Jim Lamp, Engineering Operations Administrator, reported that Wolf Paving will begin work on State Street on July 8th. August 30th is the completion date for our street program.

Reports and Comments from the Aldermen - Ald. Gross stated that he got a call from a resident on Shady Lane who said they were not advised of the street name change, and wondered what can be done about it. Ald. Nold said he got the same call.

Ald. Snyder commented that he felt it took a lot of courage for the young people to get up and talk about their problem in the gazebo area, and he knew how they felt because he used to hang out with friends like that, too. He suggested that they police their own groups, no littering, etc., but on the other hand groups of people do intimidate other people, who may be walking alone. Ald. Snyder again reiterated that he is in favor of the CDA, but wants to see all of the names of appointees before confirming. He pointed out that some committee meetings have had to be canceled due to lack of a quorum.

Reports and comments from the Mayor - Mayor Kohlenberg announced that we have received the first cash contribution for the skateboard park, in the amount of \$5,000, and thanked the anonymous donor. The Mayor mentioned a letter received from Jeff at Olde Highlander regarding the sport of "mountain boarding", encouraging participation. The Mayor announced there may be a low altitude fly-over of a squadron of C130's on July 4th at 11:58 a.m., and thanked Mr. Jim Gehrman for his attempt to make this happen. He announced that the City's new website is up, thanks to Jeanne Henry. The website is: oconomowocusa.com - he stated tonight's agenda and minutes will be on there; there will be links to staff and another e-mail address will be available. More is coming.

Mayor Kohlenberg announced he has scheduled a time to "Meet the Mayor", the first meeting will be Tuesday, July 9th @ 7:30 p.m. He suggested that he would like all Committee meetings that are scheduled prior to a Council meeting to be held in the Council Chambers, rather than Rm. #3. He also announced that we are checking on getting our Municipal Code on the internet. The cost would be approximately what we now pay, and there are many advantages. He stated he is proposing an ordinance regarding reading of ordinances at Council meetings, which would allow for the suspension of rules so that the ordinance can be read by title only, or summarized.

Mayor Kohlenberg announced that he has recently changed his telephone number, to 569-1111, to make it easier for people to remember. He also pointed out that he asked for a change of locks on his office door; securing his computer with a password; and elimination of reading of ordinances and resolutions at Council meetings. As a result, he has had comments from an Alderman who had great concern regarding the Mayor proceeding on these matters without informing the Council. The Mayor felt it was within his discretion/domain to do these things without Council's prior knowledge. He stated that he had checked with the City Attorney as to his authority in changing his phone number, as he was doing it to "foster open government", who stated that the Council does not have authority to deny him that. The Mayor also stated he followed procedure in this instance by contacting the City Administrator prior to the change over

and her concern was cost, which was approximately \$20.00. Regardless of her concern, he maintains he had the authority, as the City Administrator reports to the Mayor. The Mayor questioned whether the Council is exceeding their authority. He went on to say that he will not bow down to the whims of the Council where they have no authority just to keep the peace. He stated that he is independent and always will be, pointing out that the community elected a leader, not a puppet of the Council and he will continue making decisions independent of the Council.

Regarding his suggestion that resolutions and ordinances not be read at Council meetings, is because those documents are available to the public in advance at City Hall, and the aldermen have them at least 4 days in advance for their review. Mayor Kohlenberg stated that he had received calls from constituents on this subject and comments were made that perhaps the aldermen wanted them read because they had not read the contents of their packets before they get to the meeting.

There being no further business to properly come before this body, a motion to adjourn was made by Ald. Larsen, seconded by Ald. Nold, and carried. (10:55 p.m.)

Ardyce Senfleben, City Clerk