

**CITY OF OCONOMOWOC
COMMON COUNCIL MEETING**

July 15, 2003

Mayor Kohlenberg called the meeting to order at approximately 7:40 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, Nold, Gross and Larsen
Aldermen absent - Snyder (a quorum was present)

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

Minutes of previous meeting: Regular Common Council meeting of July 1, 2003. The City Clerk pointed out a correction, as follows: On page 3, in the first full paragraph, the sentence beginning with "It would give the Zoning Board the latitude to grant one, (then add) "as practical difficulty or unnecessary hardship need not be shown.". Also, the next sentence should be replaced with the following sentence: "He referred to a Supreme Court case which held, in effect, that a variance may not be granted unless one could show that in the absence of a variance you could make no reasonable use of the property". Moved by Ald. Hollatz, seconded by Ald. Cochrane to approve the minutes of the July 1, 2003 Common Council meeting, as corrected. Carried unanimously.

Comments and suggestions from citizens: none

Consent Agenda: 1) Licenses and 2) Treasurer's Report - Moved by Ald. Hollatz, seconded by Ald. Nold to approve the consent agenda. Carried unanimously.

Mayor Kohlenberg asked to change the order of the agenda to consider his appointments at this time, for the convenience of the new appointees, to which there was no opposition.

10) New Business

A. Mayoral appointments, with Council confirmation - Mayor Kohlenberg appointed Therese L. Fuszard as an alternate on the Zoning Board of Appeals.

Ms. Fuszard introduced herself and was pleased about her appointment and hoped to be confirmed in this position.

Moved by Ald. Larsen, seconded by Ald. Cochrane to confirm the Mayor's appointment of Ms. Fuszard as an alternate on the Zoning Board of Appeals. Carried unanimously.

Mayor Kohlenberg appointed Mr. Gene Coffield as a member of the Assessment Board of Review. Mr. Coffield introduced himself and was pleased that he was being considered for this

position and hoped for Council confirmation.

Moved by Ald. Larsen, seconded by Ald. Cochrane to confirm the Mayor's appointment of Mr. Coffield as a member of the Assessment Board of Review. Carried unanimously.

Mayor Kohlenberg appointed Dr. Kevin Bahr as a member of the Plan Commission. Dr. Bahr introduced himself and was pleased to be considered for this position and looked forward to serving the City in this capacity..

Moved by Ald. Gross, seconded by Ald. Cochrane to confirm the Mayor's appointment of Dr. Bahr as a member of the Plan Commission. Carried unanimously.

The Mayor pointed out there was one more appointment to be made, and that is a full time member on the Zoning Board of Appeals and he hoped to have that in the very near future.

(back to the agenda)

Committee Reports:

A. Finance

1) Consider/act on requesting proposals for professional services - Ald. Jones reported that the Committee did not act on this item. It will be before Council at a later date.

B. Personnel - no report

C. Protection and Welfare

1) Consider/act on Rules for Dog Exercise area - Moved by Ald. Hollatz, seconded by Ald. Nold to adopt the Rules as recommended by the Park & Recreation Board. Carried unanimously.

D. Public Services

1) Resolution re: Construction of permanent stage @ Fowler Park - Ald. Larsen reported that this item has been withdrawn at this time.

2) Consider/act on purchase of audio equipment - Ald. Larsen reported that the Committee took no action on this item. It may be considered at a future date.

E. Utility - no report

Plan Commission recommendations

A. Consider/act on application of Kevin Weiss, on behalf of Wilkinson Woods V, LLC for a Conditional Use Permit to construct a 1,032 sq. ft. dining room addition and remodel a kitchen in the existing building at 999 E. Summit Ave. - Mr. Tonn, City Planner, stated that there was a public hearing before the Plan Commission, after which they recommend that the Conditional Use Permit be granted. The conditions contained in the permit are standard, and pointed out that this is an amendment to the Conditional Use Permit that was granted to Wilkinson Woods back in 1996.

Ald. Gross commented that nobody spoke at the public hearing, and that no units are being

added to the facility.

Moved by Ald. Gross, seconded by Ald. Cochrane to grant the Conditional Use Permit. Carried unanimously.

B. Endorsement by Common Council of Plan Commission Resolution to amend the City of Oconomowoc Comprehensive Plan to change and alter the proposed land use of the property at 3836 N. Summit Ave. - Mr. Tonn reported that the Plan Commission has amended the City's Comprehensive Plan for the property at Beach Rd. and N. Summit Ave., presently zoned SR (suburban residential). He pointed out that Dr. Marsh's property has already been changed to SC (suburban commercial) and he felt this property is not suited for residential. Mr. Erdmann has an offer on that piece of property for a commercial development, which Mr. Tonn felt would be more appropriate. It would have less density, and less use with SO (suburban office) zoning.

Ald. Gross stated that there was one person from the Southwood subdivision who spoke at the public hearing, and some people still want to see that as single family residential.

Moved by Ald. Gross, seconded by Ald. Cochrane to endorse the Plan Commission resolution to change the comprehensive plan. Carried unanimously.

Unfinished Business

A. An Ordinance to Create the definition of Special Exception in §17.0343 and to Create §17.910(A) and §17.935(1)(j) of the City of Oconomowoc Zoning Ordinance to Provide for the Granting of Special Exceptions by the Zoning Board of Appeals and to Revise the Fee Schedule - 2nd reading.

Moved by Ald. Gross, seconded by Ald. Cochrane to give the ordinance its second reading by title only.

Attorney Chapman stated that in discussion at the previous meeting the idea of removing "shoreland setback" from the ordinance seemed to be a possibility. If you have the second reading of this ordinance, as is, you would not be removing "shoreland" from it. Therefore, through misunderstanding, Ald. Gross asked to remove his motion for second reading, Ald. Cochrane removed her second. After a brief discussion, Attorney Chapman stated that he re-wrote the ordinance to reflect the removal of "shoreland". He read the Ordinance as re-written without reference to "shoreland".

Moved by Ald. Larsen, seconded by Ald. Gross to amend the Ordinance to eliminate the sections referring the shoreland setback. Carried unanimously.

Moved by Ald. Larsen, seconded by Ald. Gross that the Ordinance, as amended, 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

call vote carried unanimously.

The Mayor announced that we are the only community in Waukesha County to adopt this type of ordinance. This gives the Zoning Board of Appeals latitude and the ability to use their good judgment. He stated there are some citizens who do not benefit from this and he will be pursuing this ordinance to address those people whom this doesn't serve. He stated he will bring it up at the next Plan Commission meeting.

B. Consider/act on Developer's Agreement for St. Jerome Congregation property - Attorney Chapman pointed out that many of his suggestions have now been incorporated into the Agreement, and referred to in the accompanying letter in the packets. There is total agreement since the street light issue has been compromised. The developer will be responsible for \$2,557.22 for street lighting, and the City will be responsible for \$724.86. The Developer's share represents the cost for a typical City street. The City pays the balance due to the requirement that there be a boulevard. Ald. Nold questioned sidewalks, to which City Engineer, Stan Sugden, stated they will be extended to the Thackeray Trail intersection now which is the end of their property. He also pointed out that they have asked St. Jerome's to move their sidewalk back a greater distance from the road to allow for future expansion of the road, and to be able to connect the future sidewalk. Attorney Chapman stated that the blanks regarding dates and acreage in the Agreement will be filled in at such time as the County permit is issued.

Moved by Ald. Jones, seconded by Ald. Gross to approve the Developer's Agreement for St. Jerome's Congregation, subject to the completion of the dates. Carried unanimously.

The Mayor thanked staff, in particular Mr. Sugden and Attorney Chapman, for moving this along very expeditiously. He also thanked the church for their cooperation.

New Business

B. Common Council appointment of City representative to the Joint Review Board - Mayor Kohlenberg suggested that the council appoint him as the City representative on the Joint Review Board, as has been past practice.

Moved by Ald. Gross, seconded by Ald. Larsen to appoint Mayor Kohlenberg as City Representative on the Joint Review Board. Carried unanimously.

The Mayor thanked the Council and pledged to represent the City well.

C. Discussion of a proposal by the Mayor for a new recreation center at City Beach - The Mayor stated that he was contacted about a year ago about making our Community Center into something different. He recalled seeing drawings proposed for renovation by a former Recreation Director back in 1995 and in a Journal-Sentinel article that dated back 42 years. He had in mind something very creative of building a new facility on the island, but which is not allowed according to the Department of Natural Resources (DNR). The Mayor has been in touch

touch with Mr. Bob Keck, who had several renderings that he did back in 1961 of a new Community Center building, which he displayed. Mayor Kohlenberg pointed out that this is not a specific proposal, but an idea of what could be done with that property which could in the future extend to the four corners, and further west and perhaps across the street. His point is that this is not something new, and all solutions should be looked at as to what would best serve our City. He mentioned that there could be a concession area and an area to rent out for special occasions and a fine dining area, for instance. He stated that he would like to see parking moved to another area in order to make better use of our lakefront and have picnic tables on the island. He stated that he has an unconventional way of paying for this project, which he intends to present in 30 days. He felt this would be something everyone should contribute to, and a Task Force should be formed to move this project ahead, as it has been 42 years.

Ald. Nold disagreed with the comment that it has been 42 years, as this has been looked at in 1995, but he agreed that something does have to be done. He also agreed that this is not something new and if it works this time, he felt it would be great but will take time to get it developed. Ald. Larsen stated that funding and parking would be his main concerns, and suggested that the present building could be renovated and used for a senior center and a warming house. Many other programs could be moved to the YMCA. If the present building is removed from that location, he would envision additional parking and green space there. Ald. Hollatz stated that we have to work on the YMCA to bring it up to par before we spend money on anything else. The Mayor asked members of the community for feedback on this idea in order to move this forward.

Staff Reports - A. Administrator - no report

B. Other - Mr. Jim Lamp, Engineering, reported that they are surfacing the parking lot on South Street, west of the underpass, and it should be done next week. Everyone involved has been contacted to that effect.

Announcements and Communications - none

Reports and Comments from the Mayor - The Mayor heard that our video was not on cable last week. Ald. Nold said that he watched part of it, so knew that it was on. Ms. Gard pointed out that it is only on for 7 days following each Council meeting, and stated that there was considerable improvement in the picture.

Reports and Comments from the Aldermen - Ald. Jones encouraged the aldermen to participate in the Forum that is scheduled for Thursday @ 6:30 p.m. at the Community Center.

Ald. Nold commented that he would like the City to petition the County to have a pedestrian crossing put in at the St. Jerome's location on Silver Lake St., as it is a County highway. Ald. Gross agreed.

Ald. Antonneau reported that he had many positive comments about our July 4th fireworks

celebration, having it on the lake made it even more spectacular.

There being no further business to properly come before this body, a motion to adjourn was made by Ald. Nold, seconded by Ald. Jones, and carried. (8:59 p.m.)

Ardyce Senfleben, City Clerk