

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING

April 4, 2006

Mayor Sullivan called the meeting to order at approximately 7:30 p.m. and the Clerk confirmed that appropriate meeting notice had been given.

Mike Barry led in the **Pledge of Allegiance**.

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

Staff in Attendance: Lamp, Sugden, Gallo, Langohr, Maurer, Duffy, Martin, Bednarski, Frye, Kisembel, Senfleben, Gard and Attorney Chapman

Minutes of previous meetings: Regular Common Council meeting of March 21, 2006 and Committee of the Whole meeting of March 21, 2006 – Moved by Ald. Jones, seconded by Ald. Cochrane to approve the minutes of the Common Council meeting and the Committee of the Whole meeting of March 21, 2006, as written. Voice vote carried with no dissenting votes.

Comments and suggestions from citizens: Presentation on tennis court facility project – The Mayor pointed out that the City and School District have been working jointly with the tennis association regarding replacing tennis courts at the high school. This has been approved subject to the conditions that the Plan Commission requires the addition of lighting which must be approved by both entities.

Ms. Pat Neudecker, Superintendent of the Oconomowoc Area School District, stated, on behalf of the School Board, that they are pleased with the City's cooperation in making this tennis court project a reality. She felt that students will gain a lot because of it and was pleased that we can share resources. She then introduced Mr. Mike Barry, Assistant Superintendent, and Matt Newman, Manager of building and grounds. She said that Mike Barry will make a brief presentation.

Mr. Barry stated that they are planning a new 10 tennis court facility at the high school, replacing the present 8 courts that are no longer serviceable. The area is much larger than a football field, which is a lot of space to maintain. Two courts will have lights, with up to 5 more to be lighted in the future. The cost of the project is projected to be \$452,000, with funding from 3 sources, i.e. \$200,000 from the School District; \$100,000 from the City; and \$155,000 from private donations. Of the projected \$155,000, \$80,000 has already been collected. The School Board has awarded the contract to Munson. This will be before the Plan Commission for consideration on April 12th, and they hope to be completed by August when the WIAA seasons starts for the high school. He pointed out there is a sharing agreement for use of these courts between the School District, and Park & Recreation department and the Community. Each year they will get together and map out a calendar for the outdoor season, and there will no longer be charges back and forth between the City and the School District for use of each others facilities. This is a much more efficient and neighborly method. He further pointed out that maintenance is the responsibility of the School District. He thanked City staff and MSI for their input and cooperation.

There was a question as to fees for use of the courts. Ms. Gard, City Administrator, responded that there is no fee for an individual just wants to play tennis. The Park & Recreation department will coordinate community use. Mr. Barry stated that there will be a schedule for use and hours of use and the courts will be secured late at night.

Mayor Sullivan stated he feels this is a positive step for the community, to work on joint issues and good relationships.

Ms. Florence Whalen, 406 W . Third St., referred to the Resolution on this evenings agenda regarding the Taxpayer's Protection Amendment, which would be an amendment to the State's Constitution. She felt this was an extraordinarily dangerous amendment to the Constitution and she urged the Council to vote in favor of this resolution opposing the proposed amendment.

Consent agenda: A. Licenses – two additional operator's licenses were included in the resolution. Motion to approve the Consent agenda was moved by Ald. Hollatz, seconded by Ald. Antonneau, and carried.

Committee Reports:

- A. Finance – no report
- B. Personnel – no report
- C. Protection & Welfare – no report
- D. Public Services
 - 1) Consider/act on 2006 Concerts and Movies at City Beach – Motion was made by Ald. Larsen, seconded by Ald. Hollatz to approve the Concerts and Movies at City Beach.

At the committee meeting the suggestion was made to allow the concerts and movies to continue to the next year without coming before the Council each time, if there is no change. He stated he would like this to come back to the Council at least next year because of the change regarding revenues in the Coca Cola contract.

Ald. Antonneau moved to amend the motion so this matter will come back one more year for review by Council, before action. Seconded by Ald. Snyder, and carried unanimously.

Vote on main motion, as amended, carried unanimously.

- 2) Consider/act on Professional Services Agreement for engineering services to realign Silver Lake and Walnut Streets – Moved by Ald. Larsen, seconded by Ald. Jones to approve the Agreement.

Mr. Duffy, Director of Economic Development, pointed out that aligning local streets are not part of the design contract with the Department of Transportation. This contract with MSA would cover the design services for Silver Lake and Walnut Streets. The Mayor pointed out that neither this item nor the next item were brought to the Council by the Committee.

There was a brief discussion, both Alderman Larsen and Antonneau having concern about requisition costs to allow for the intersection. This alignment and the next one regarding Cross St. and St. Paul St., are being done presuming that the round-about will be constructed.

Mayor Sullivan asked President Gross to take the Chair. (7:58 p.m.)

The Mayor stated that he has some concerns about the diagonal street to be put in. We would need to acquire property with homes on, it would go through our parking lot and we would need to purchase the oil station. He stated that the owner of the oil station has high expectations of its value, having heard that he had turned down an offer for \$800,000. He felt that if we didn't do the diagonal (St. Paul/Cross Streets) at this time, but do a right in and right out for St. Paul Street may be a temporary solution. At some point, the cost of the oil station property may become more affordable, relative to the properties near the round-about. In his opinion, the round-about is a higher priority than realigning St. Paul/Cross Streets. If we are going to change our downtown, there are a number of things we must do, such as traffic flow, and he felt most people would conclude that the round-about has a greater importance, knowing the money is scarce. There are properties that must be purchased in preparation for the roundabout.

Mayor Sullivan resumed the Chair (7:03 p.m.)

Motion to approve the Agreement for engineering services to realign Silver Lake and Walnut Streets carried, with Ald. Larsen voting "nay".

- 3) Consider/act on Professional Services Agreement for engineering services to realign St. Paul and Cross Streets – Moved by Ald. Larsen, seconded by Ald. Antonneau to approve the Agreement. Motion failed, with Aldermen Cochrane and Hollatz voting "aye".
- 4) Resolution re: WI Department of Transportation Statewide Multi-modal Improvement Program – Local Transportation Enhancements Grant application for downtown bike/pedestrian amenities – Moved by Ald. Larsen, seconded by Ald. Antonneau to adopt the resolution. Carried unanimously.

E. Utility

- 1) Resolution re: Automatic Transfer Switch Upgrade – Ald. Gross reported that the Committee has unanimously recommended this purchase. Carried unanimously.

Adoption of this resolution authorizes the purchase of the subject switch from Weldy-Lamont for \$12,904.00.

Plan Commission recommendations – none

Unfinished Business

A. An Ordinance to Amend §1.37 of the Municipal Code of the City of Oconomowoc Relating to the Composition of the Police & Fire Commission – 2nd reading. Moved by Ald. Gross, seconded by Ald. Antonneau to give the ordinance its second reading by title only. Motion carried unanimously.

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

New Business

- A. An Ordinance to Amend §9.24(3)(c) of the Municipal Code of the City of Oconomowoc Relating to Smoking Prohibited on Certain premises, the Amendment being limited to statutory reference – Moved by Ald. Larsen, seconded by Ald. Hollatz to give the ordinance its first reading. Carried unanimously.

Attorney Chapman explained that the only change to this ordinance is the Statute number.

- B. Consider/act on Agreement to extend Advertising Agreement (Coca Cola) – Mr. Ray Maurer, Director of Parks, Recreation & Forestry, stated that staff and the Board have recommended to extend the agreement w/Coca Cola. The term of the agreement was 1 year beginning in May. The recommendation is now for the term to begin on April 30th and end on December 30, 2006, and not commit more than one year. Sales have dropped, and Coca Cola has reduced our revenues from \$5,000 to \$2,500. Coke has requested 45 days in which to cut the check , but we will have it well in advance of our first concert.

Moved by Ald. Larsen, seconded by Ald. Antonneau to approve the Agreement, as presented. Carried unanimously

- C. Consider/act on Concession Contract w/Sweet Dreams Concession for City Beach – Mr. Maurer stated that this, too, has been recommended by staff and the Board to extend this agreement for 1 year for the concessions at City Beach. The term of the Agreement has gone from a 3 year term to a 1 year term, at the request of the owner of Sweet Dreams. Gross receipts have gone from 15% to 10%.

Moved by Ald. Antonneau, seconded by Ald. Jones to approve the Contract, as presented. Carried unanimously.

- C. Resolution re: Taxpayer's Protection Amendment – The Mayor stated that there was a Committee of the Whole meeting where Ms. Kitsemel, Finance Director, gave a brief overview of the proposed (TPA) amendment. There has been a lot of publicity in the papers both about the concept and parts of the amendment. He stated there is a resolution if you wish to act on it.

Ms. Kitsemel went over some of the major issues in the amendment. It is a Constitutional amendment, and our representative leaders would like to take it to the floor toward the end of April. The first year it would be effective for the City would be 2009. What this amendment would do is to limit revenues governments can raise, not only in property taxes, but all other revenues, including TIF increments and investments on earnings. We would also be limited to 60% of new construction growth. This could be exceeded by taxpayer's referendum, and would have to be returned to taxpayers the following year. She pointed out that we go to market to borrow, and this would make our debt less marketable.

The effect on the 2006 budget. Judging by the higher than average growth we had in 2006, we would have had to cut \$1.7 million from our 2006 budget. This amendment would severely limit our economic development. She felt that not enough thought has been given to this amendment and changes will have to be made. The Mayor stated that if we want to be heard we should get to our legislators.

Motion was made by Ald. Gross, seconded by Ald. Antonneau to adopt the Resolution. Carried unanimously.

Some of the aldermen stated they would be willing to go to Madison to lobby, if it would help. Ald. Gross felt it was appropriately called the TPAmdendment. The Mayor felt we need to get with our legislators before it goes to the floor, we need to have a meeting.

Mayoral appointments to Boards and/or commissions, with Council confirmation

Staff Reports A. City Administrator – none

B. Other – none

Announcements and communications – The City Clerk stated that the annual League dinner is right here at Olympia this year and is scheduled for May 25th. Anyone interested in attending should let her know within the next couple of weeks.

Reports and comments from the Mayor – none

Reports and comments from the Aldermen – Ald. Snyder commented that the lights on South St. and S. Main Street look very nice. Others agreed.

There being no further business to properly come before this body, a motion to go into closed session, re: Union negotiations, per Wis. Stats. 19.82(1) was moved by Ald. Larsen, seconded by Ald. Cochrane and roll call vote carried unanimously.

Motion to adjourn was made by Ald. Jones, seconded by Ald. Antonneau, and carried. (8:40 p.m.)

Ardyce Senfleben, City Clerk