

CITY OF OCONOMOWOC
COMMON COUNCIL MEETING MINUTES
November 15, 2016

Mayor Nold called the Common Council meeting to order at 7:30 PM.

Roll Call: Aldermen Herro, Miller, Rosek, Shaw, Gross, Schmidt, Zwart and Strey

Staff present: Mayor Nold, Gard, Kitsembel, Buerger, Leidel, Steinbach, Kelliher, Frye, Gallo, Bleck, Duffy, Posnik, Golz, Schuh and Coenen

Others present: Atty. Riffle

Public Hearing: The purpose of the hearing is to hear public comment regarding amendment of the Planned Development Ordinance for the project known as Village Crossing at Pabst Farms Condominiums (PD-9-06). This request is to allow for a time extension for the construction of 39 single-family residential condominiums. The project is located on the SW corner of Valley Rd & Pabst Farms Circle, Tax Key #OCOC 0630.997. If no development occurs, the approved GDP expires on 11/9/16. The 5 year extension would expire on 11/9/21.

The hearing opened at 7:30 PM. Gallo reported the applicant submitted a request for a five year extension of the Planned Development (PD) ordinance for a part of the Village Crossing project. At the time, the City zoning code required a PD to be developed within five years of the approval of the General Development Plan (GDP.) The GDP is for a ten acre site at the corner of Valley Rd and Village Ln and the plan expires on 11/9/16. Plan Commission recommends the extension until 11/9/21. No other comments were received. The hearing closed at 7:33 PM.

Public Hearing: The purpose of the hearing is to hear public comment regarding a rezoning and to create a Planned Development Overlay Ordinance for project known as Genesis Villages at Olympia at 1350 Royale Mile Rd. This request is to allow the use of the property to be changed from a hotel & convention center to a retirement village of 55 & older independent living with associated commercial uses. The site consists of 26.43 acres of which 17.65 acres will be rezoned Residential Multi-Family High. The remaining 8.78 acres will remain commercial zoning with a PD overlay.

The hearing opened at 7:33 PM. Brian Depies, manager for the project stated Olympia Resort will be converted into Genesis Villages, an independent living facility for individuals 55 and over. Amenities already in the building will be included and the ballroom will be converted into temperature controlled storage. Parking garages will be built, interior areas will be repurposed and with the new road layout, outlots are planned. The project would be done in a phased approach by converting the hotel rooms, floor by floor, to living space. It is anticipated to take approximately 1½ yrs. for the conversion once started. No other comments were received. The hearing closed at 7:40 PM.

Comments and suggestions from citizens: Paulette Traver, 1438 Eldorado asked Council what type of community do we want, overbuilt or growing/thriving with small town charm. She asked Council to reconsider height and setbacks and feels they should be reduced on Concord Rd.

Nold requested Item 11. Mayoral Appointment of City Administrator/Treasurer be moved up. Without objection Nold appointed Sarah Kitsembel as City Administrator/Treasurer and requested Council's confirmation. Motion by Miller to confirm the appointment of Kitsembel as City Administrator/Treasurer; second by Strey. Council commented that Kitsembel was very qualified and the best choice. Motion carried 8.0. Applause by everyone. Kitsembel thanked Mayor/Council for the opportunity and Gard for her leadership. She is looking forward to serving the City in her new position.

Consent agenda:

- A. Licenses
- B. Treasurer's Report

Motion by Strey to approve the Consent Agenda; second by Schmidt. Motion carried 8-0.

Finance:

1. **Consider/act on Resolution to Contract for City Assessment Services:** Nold stated this item was postponed by the Finance Committee and will be brought back on December 6th for consideration.
2. **Consider/act on Ambulance Billing Contract Extension:** Motion by Schmidt to approve extending the ambulance billing and collection services contract with 911 Pro Billing; second by Miller. Kitsemel reported that the City's contract with 911 Pro Billing for ambulance billing and collection services will expire on 12/31/16. The contract has an extension option that allows for one additional one-year period, however due to the potential of the City consolidation of fire and ambulance services, 911 Pro Billing has agreed to allow the existing extension to roll on a month-to-month basis or until the end of 2017. Motion carried 8-0.

Utility:

1. **Consider/act on Dedication and Easement Agreement for Pine Terrace:** Motion by Herro to approve the Dedication and Easement Agreement for Pine Terrace; second by Strey. Riffle reported that the property owner wants to dedicate their water and sewer lines to the City which have always been privately maintained. In addition, Pine Terrace Condominium Assoc. will convey a perpetual easement and right-of-way as part of the dedication. Utility personnel have inspected the infrastructure and are in agreement to take over the lines. In addition, Pine Terrace has met all the requirements the Water and Wastewater staff had proposed. Motion carried 8-0.

Plan Commission:

- A. **Consider/act on Ordinance to Amend the Planned Development Overlay Ordinance 9-06 for the Village Crossing at Pabst Farms Condominiums – 1st Reading:** Motion by Shaw to give the ordinance its first reading; second by Schmidt. Gallo reported a request was submitted for a five year extension of the PD ordinance for Pabst Farms Condominiums because there was a downturn in the economy when the PD was entered into and no development has started. With an increase in housing demand, the applicant is requesting to extend the expiration five years (11/9/21.) The next step would be a Condo Plat, which will require Plan Commission and Council action. Council questioned if the City would be asked to take over the private roads and Bill Niemann responded saying Pabst Farms is now partnered with Kingsway Homes who is looking to develop single family homes on cul de sacs. There are no plans for these cul de sacs to become public roads because they cannot meet the standards for a public road. Motion carried 8-0.
- B. **Consider/act on Ordinance to Rezone and Create a Planned Development Overlay District for Genesis Villages at Olympia, 1350 Royale Mile Rd – 1st Reading:** Motion by Gross to give the ordinance its first reading; second by Shaw. Council had lengthy discussion on the timeline of the conversion, the PD being limited to a five year completion, the project being a good fit for the site, current 4th floor apartments, parking, liquor license, percentage of tenants 55+, amenities, proposed storage, types and number of interior uses, interior layout, apartment layout, zoning compliance, ownership, what parts of the development will come back to Council and the overall feel that there are too many unanswered questions. Coenen addressed the liquor license questions stating that currently Olympia has a hotel exception license and once converted, that exception would go away, however they may qualify for the restaurant with 300 seating exception. Next Rick Eckert, owner stated the apartment rent would include meals and amenities would be by membership. Some of the features would be opened to the public but only through a membership. The 4th floor occupants are currently short-term (30 days) and those apartments will become senior living. The ballroom will no longer be needed (can accommodate 600 people) therefore it will be converted into 195 storage units. The interior uses are anticipated to be bars/lounges, a spa, storage, exercise room and restaurant which will not be open to the public. He also stated Olympia will honor its hotel commitments for the next year or more before any changes

take place. Gallo stated this is Step 3 of the process and exterior changes will go to Plan Commission. Council considerations will be for the CSM, public road or utilities and a developer agreement if necessary. Interior changes will be approved by staff if code compliant. Motion by Rosek to refer this item back to Plan Commission and requesting more detail be provided by the owner; second by Miller. Motion carried 8-0.

Herro left Council chambers at 8:32 PM due to conflicts with the next three items.

- C. **Consider/act on Final Plat for Pine Ridge Estates III Subdivision Located on the North Side of Lisbon Road, South of Pine Ridge Estates II:** Motion by Strey to approve the Final Plat for Pine Ridge Estates III; second by Shaw. Gallo reported this is the final plat for the south half of Pine Ridge Estates to be known as Pine Ridge Estates III subdivision. The only change from the Preliminary Plat is that Lots 82 & 83 were added as part of the CSM due to annexation. These lots must comply with all codes as well as the Home Owner's Assoc. conditions. Council questioned the stormwater and Gallo stated it was addressed in the Developer's Agreement, specifically the ditch/channel that expands over six lots. Motion carried 7-0.
- D. **Consider/act on Resolution Authorizing the Transfer of City Property Identified as Lot 5 CSM 5928 and Outlot 1 CSM 7079 to Weston Meadows, Inc.:** Motion by Gross to adopt the resolution authorizing the transfer of City property to Weston Meadows, Inc.; second by Rosek. Zwart reported that the transfer of land is for the Weston Meadows II subdivision for a secondary access point onto Capitol Dr to improve public safety. The cost of the road will be approx. \$200K and the sewer and water mains are already within the parcels being transferred. The developer would pay for the road and related infrastructure improvements. This is the only water feed in the area and the City's vision was to have a road extend to Capital Dr. The lot is zoned Institutional Public and will need to be rezoned as well as the land use plan will need to be updated. Motion carried 7-0.
- E. **Consider/act on Preliminary Plat for Weston Meadows II Subdivision Located East of Reddelien Road, South of Weston Meadows Subdivision:** Motion by Miller to approve the Preliminary Plat for Weston Meadows II Subdivision; second by Shaw. Zwart reported that the Preliminary Plat for the Weston Meadows II subdivision will create 34 single family lots, 10 Duplex lots (20 units) and an outlot for a future multi-family development. In 2015 the applicant provided concept plans, and after feedback made changes to its layout. Council discussed Reddelien Rd having potential issues at the intersection and that the renovations may create issues with traffic on the Town roads. Motion carried 6-1. Schmidt voted no. *Herro returned to Council chambers at 8:45 PM.*

Unfinished Business:

- A. **Consider/act on Ordinance Amending §18.08(14)(b) & (e) of the Municipal Zoning Code Relating to Development Improvement Fees – 2nd Reading:** Motion by Miller to adopt the ordinance amending §18.08(14)(b) & (e) relating to Development Improvement Fees; second by Shaw. Motion carried 7-1. Herro voted no.

New Business:

- A. **Consider/act on WPPA Police Union Contract:** Motion by Schmidt to approve the WPPA Police Union Contract for 2017-2018; second by Strey. Gard reported that the tentative agreement is for two years, 2017 & 2018. It is a very simple agreement that covers an increase in wages of 2% on 1/1/17 and 1% on 7/1/17, which would be repeated in 2018. The City's officer wages are falling behind surrounding communities and the proposal adjusts for the market and is the same as other City employees received in 2016. Additionally, \$100 of the clothing allowance could be used to purchase ammunition for personal training. The rest of the contract relates to language cleanup. Motion carried 8-0.
- B. **Consider/act on Proposed 2017 Budget:** Motion by Shaw to approve the 2017 City budget as presented; second by Schmidt. Kitsemel reported that a revised 2017 Budget Summary page was placed at Council stations that included all amendments approved at the 11/1/16 Council meeting. The amendments reduced the budget by \$39,321 which gives us a final tax levy of \$10,505,315. The levy went up 2.2% and the tax rate went up 1.3%. Motion carried 8-0.

- C. **Set Property Tax Levy for 2016:** Motion by Shaw to set the 2016 property tax levy at \$5.44; second by Strey. Motion carried 8-0.
- D. **Consider/act on Offer to Sell From Property Owner of 109 N. Main Street:** Motion by Schmidt to accept the offer to sell 109 N. Main St. from Mr. & Mrs. Lin, property owners; second by Zwart. Riffle reported that the property at 109 N. Main St has a long history as part of the City's plan for the Village Green. He has received an offer to sell from Atty. Alan Marcuvitz, representing the property owners of Fongs Restaurant at 109 N. Main St. Council reviewed the offer's terms in Closed Session that sets closing on 1/1/17 and vacating the property including all personal property by 3/31/17. After that time, the City can demolish the building. Council discussed the cost to purchase (\$1.25M), finishing Village Green in conjunction with the Fowler Lake waterfront improvements, the time spent on this issue, public support and non-support, condemnation and how we move forward from here. Motion carried 5-3. Herro, Shaw and Strey voted no.

Reports and comments from the Mayor: Nold stated Council approved a good budget. He agrees with Council that we need to look for ways to recover from the Village Green property purchase issue. He also stated that Kitsembel was a good choice for City Administrator/Treasurer.

Reports and comments from the Aldermen: Gross and Miller congratulated Kitsembel and feels she will do a good job.

Motion by Strey to adjourn the Common Council meeting; second by Schmidt. Motion carried 8-0. The meeting adjourned at 9:00 PM.

Diane Coenen, City Clerk