

**City of Oconomowoc
Common Council**

**Tuesday, September 06, 2022 - 7:30 PM
City Hall - Council Chambers
174 E. Wisconsin Ave. Oconomowoc, WI 53066**



Notice: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Clerk's office at least 48 hours in advance to request adequate accommodations. Tel: (262) 569-2186

- 1. Call to Order and Confirmation of Appropriate Meeting Notice**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of Meeting Minutes**
 - a. Minutes of August 16, 2022
- 5. Comments/Suggestions from Citizens**
- 6. Consent Agenda (Items listed under the Consent Agenda are considered in one motion - a Council member may request to remove an item):**
 - a. Final Release of Letter of Credit for Pine Ridge Estates West
- 7. Committee Reports**
 - a. Public Services - Kowieski, Chr; Ellis, Secy; Mulder
 1. Consider/act on Resolution 22-R3058 Awarding the 2022 Peacock Dam Maintenance Grant Support and Construction Management Services Contract
- 8. Staff Reports**
- 9. Reports and Comments from the Aldermen**
- 10. Reports and Comments from the Mayor**
 - a. Retirement Declaration for Curt Wintynski & Gail Sumi - League of Wisconsin Municipalities
- 11. Adjourn**

**City of Oconomowoc
Common Council Meeting Minutes
August 16, 2022 - 7:30 PM**



Aldermen Present: Jennifer Aultman Kloth, Kevin Ellis, Karen Spiegelberg, Matt Mulder, Charles Schellpeper, Lou Kowieski, Chris Douglas, Matt Rosek

Also Present: Robert Magnus, Diane Coenen, Mark Frye, Jason Gallo, Craig Hoepfner, Rachel Oelsner, James Pfister, Laurie Sullivan-Murray, Ivan Lam, Stan Riffle

Mayor Magnus called the Common Council Meeting to order at 7:38 PM.

Call to Order and Confirmation of Appropriate Meeting Notice

Pledge of Allegiance

Roll Call

Public Hearing

a. Wetland Text Amendment

The purpose is to hear public comment on the proposed Zoning Ordinance text amendment that creates Section 17.116 pertaining to wetland regulations. The text amendment creates wetland regulations, including a 10 ft. no disturbance setback from all wetlands. The ordinance discusses both permitted and prohibited uses within these areas. Section 17.904–Definitions is also being amended to add definitions for ‘wetland’ and ‘land disturbing activity’.

The hearing opened at 7:39 PM. Rachel Oelsner, Planning Intern gave a PowerPoint presentation.

No other comments were received. The hearing closed at 7:51 PM.

Approval of Meeting Minutes

a. Minutes of August 2, 2022

Motion to approve the Council minutes of August 2, 2022 made by Rosek and seconded by Kowieski.

Motion carried 8-0-0.

Comments/Suggestions from Citizens

Jill Baillargeon, 675 S. Worthington St. shared concerns with the proprietary drinking water treatment products the City uses from Caras Chemical Co. and asked for an opportunity to meet with staff to discuss. She also referenced an email she sent to elected officials and staff regarding this concern and is asking the Mayor to get these treatment products into the hands of those that can determine what chemicals are in the proprietary drinking water in order to protect citizens and monitor these intentionally added products.

Without objection Item 10.d. was moved up on the agenda

d. Presentation on First Year of Operation from Bethany Recovery Center for the Group Living Use

Jennifer Schmeichel, Executive Director reported on the first year of operation stating they just became fully operational in January 2022. She noted the parking

lot has never exceeded capacity and there have been 20 emergency response calls made from the Center. Bethany does not own the land or building and property taxes are being paid by the owner. Currently, they have 20 residents and can accommodate up to 30 adults. Since January they have had 86 admissions.

Council recommended another review after a full year of operation and asked Gallo to write a letter stating an additional review is required in 2023. Council also requested Bethany provide information on where their admissions come from. Pfister noted the Police have received no complaints. Schmeichel stated Hope Church and White Stone Church are very supportive of the Center as well as numerous private individuals. They have posted no trespassing signs on the property and are very vigilante on who enters the Center due to the nature of operation.

Consent Agenda (Items listed under the Consent Agenda are considered in one motion - a Council member may request to remove an item):

a. Treasurer's Report

1. Treasurer's Report & Financials - July 2022

Motion to approve the Consent Agenda made by Kowieski and seconded by Schellpeper.

Motion carried 8-0-0.

Committee Reports

a. Public Services - Kowieski, Chr; Ellis, Secy; Mulder

1. Consider/act on Resolution 22-R3057 Awarding the Contract for the Peacock Dam Maintenance Project

Motion to adopt Resolution 22-R3057 awarding the contract for the Peacock Dam Maintenance Project made by Ellis and seconded by Mulder.

Motion carried 8-0-0.

2. Consider/act on Resolution 22-R3053 Awarding John and Lavinia Rockwell Park Phase 2 Design/Engineering Services Contract

Motion to adopt Resolution 22-R3053 awarding John and Lavinia Rockwell Park Phase 2 Design/Engineering Services Contract made by Mulder and seconded by Spiegelberg.

Council discussed cost of Phase 1 and 2, and a potential grant.

Motion to table this item until the City hears on the grant made by Ellis. Motion died due to a lack of a second.

Motion failed 2-0-6. Voted no: Aultman Kloth, Ellis, Schellpeper, Kowieski, Douglas, Rosek.

Plan Commission

a. Consider/act on Extraterritorial Certified Survey Map to Divide One Lot into Two at N7121 Ski Slide Road, Town of Concord

Motion to approve the ETZ CSM to divide one lot into two at N7121 Ski Slide Road, Town of Concord made by Ellis and seconded by Aultman Kloth.

Motion carried 8-0-0.

b. Consider/act on Ordinance 22-O1038 Creating Section 17.116 Wetland Regulations & Amending Section 17.904 Definitions of the City Zoning

Ordinance

Gallo reported this is a text amendment which creates a wetland setback and two definitions. He noted Plan Commission had a lengthy discussion and made these amendments; to allow stormwater management facilities in the wetland setback and that invasive vegetations such as buckhorn can be cut. He also stated a wetland setback is noted in the City's Comprehensive Plan. Council discussed appropriate size of wetlands to be regulated, allowable uses such as a dog park within the wetland and fences, allowing variances, the ordinance language being too broad and postponing this item to work on the language. Gallo will work with Rosek on language cleanup. Motion to postpone action until language is updated and Council reviews made by Kowieski and seconded by Rosek. Motion carried 8-0-0.

c. Presentation/discussion on the Planning Department's Updated Housing Study for the City of Oconomowoc

Rachel Oelsner, Planning Intern gave a PowerPoint presentation on the City's Housing Study 2022.

New Business

a. Consider/act on Preliminary Resolution 22-R3056 Declaring Intent to Exercise Police Power Authority for Special Assessment for Northeast Lift Station Improvements

Motion to adopt Preliminary Resolution 22-R3056 declaring intent to exercise Police Power Authority for Special Assessment for Northeast Lift Station improvements made by Mulder and seconded by Kowieski. Motion carried 8-0-0.

b. Consider/act on Final Resolution 22-R3055 Levying the Special Assessments for the Northeast Region Infrastructure Project under Section 66.0703, Wisconsin Statutes

Motion to adopt Final Resolution 22-R3055 levying the Special Assessments for the Northeast Region Infrastructure Project under Section 66.0703, Wisconsin Statutes made by Rosek and seconded by Kowieski. Motion carried 8-0-0.

c. Consider/act on Potential Relocation of Public Restroom Within the Rockwell Building

Frye displayed a picture on the screen of the Rockwell Partners Project showing a potential relocation of the restroom from the lake (east) side of the building to the street (west) side of the parking ramp. Council was not in favor of the relocation. No action taken.

Staff Reports

Frye reported on the sanitary lawsuit for the sanitary district stating Judge Maxwell ruled for the City and that an appeal of that ruling can be filed.

Reports and Comments from the Aldermen

Mulder Expressed his disappointment on the failed motion for Phase 2 of the Rockwell Park Project and asked staff for regular updates on where donations/funding is at.

Reports and Comments from the Mayor

Magnus asked the Aldermen to let him know if they would like any topics investigated as he is

attending the League of Wisconsin Municipalities Chief Executives Workshop later this week.

Adjourn

Motion to adjourn made by Schellpeper and seconded by Spiegelberg.

Motion carried 8-0-0.

The meeting adjourned at 9:36 PM.

Minutes taken by Diane Coenen, City Clerk



MEMORANDUM

DEPARTMENT

Date: August 23, 2022
To: Mayor Magnus, City Council, and Mark Frye City Administrator
From: Laurie Sullivan-Murray, Finance Director
Re: Financial Security Release-Pine Ridge Estates West

RELATES TO THE STRATEGIC PLAN

N/A

BACKGROUND

The City has received a request from the Pine Ridge Estates West developers to release the financial security the City holds for their project (currently \$81,048.28). The City Engineer has reviewed the project and concludes that all of the work has been completed satisfactorily. The one-year warranty period on all improvements has expired and no punch list items remain. Staff recommends the release of the financial security.

ADDITIONAL ANALYSIS

N/A

FINANCIAL IMPACT

N/A

RECOMMENDATION

Staff recommends approval of the release of letter of credit.

SUGGESTED MOTION

Consent Agenda Item: Move to approve the consent agenda.



MEMORANDUM

PUBLIC WORKS

Date: September 6, 2022
To: Common Council
From: Mark Frye, City Administrator/Director of Public Works
Re: Peacock Dam Rehabilitation Grant Support and Construction Management

RELATES TO THE STRATEGIC PLAN

Strategic Plan:
Section II: Improve and Maintain Our Infrastructure and Facilities
Dam Maintenance

BACKGROUND

The Peacock Dam was approved for maintenance on August 16, 2022. The 84-year-old, 1938 wood construction of the downstream side of the dam has deteriorated. A new front wall for the structure is needed to maintain the structural integrity of the dam. Collins Engineering was the selected engineering firm for the design and specifications. We also used them to provide the information needed for our grant application and had them work with the DNR on the proposed method to repair the dam. The cost of the added grant and DNR work is \$8,750.00.

ADDITIONAL ANALYSIS

For the construction management portion of the project, we followed our Procurement Policy and prepared an RFP for the required services. Proposals were due on Thursday, August 25 and none were received.

As part of the Design Engineering Services, estimated hours and tasks are provided to the City to complete the Construction Management RFP. On June 20, 2022, Collins Engineering provided this information along with their cost for the work. They have verified their willingness to hold to the Not to Exceed cost of \$18,500.00 to provide the construction management services.

FINANCIAL IMPACT

Grant support and working with the DNR \$8,750.00
Construction Management Not to Exceed \$18,500.00
Total Cost: \$27,250.00

Our approved grant application included \$25,025.00 for this so 50% of this amount will be reimbursed. Our total construction project cost is calculated to be \$165,602.00, minus an \$82,801.00 grant reimbursement for a net cost of \$82,801.00. We budgeted \$165,000 for the dam repairs.

RECOMMENDATION

Suggested Recommendation: Motion to recommend to the Common Council approval of Collins Engineering for Grant Support Services \$8,750.00 and Construction Management Services Not to Exceed \$18,500.00. Project costs will be charged to 408-505-5410-820 project account 422507.

SUGGESTED MOTION

Motion to approve Resolution 22-R3058 for Peacock Dam Construction Management Service from Collins Engineering.

RESOLUTION NO. 22-R3058

RESOLUTION AWARDING THE 2022 PEACOCK DAM MAINTENANCE GRANT SUPPORT AND CONSTRUCTION MANAGEMENT SERVICES CONTRACT

WHEREAS, the City of Oconomowoc 2022 budget provides for maintenance of the Peacock Dam; and

WHEREAS, City Staff prepared, advertised and sent out a Request for Proposal for the Construction Management Services for the aforementioned dam repair project with none received by the August 25, 2022 deadline; and

WHEREAS, Collins Engineering, the project design engineer, as part of their scope of work on June 20, 2022, provided the hours and tasks needed for the Construction Management Services along with a cost for the work; and

WHEREAS, their Not to Exceed cost for Construction Management Services was \$18,500.00; and

WHEREAS, Collins Engineering also provided grant support services and worked with the DNR for the approved repair design at an added cost of \$8,750.00; and

WHEREAS, Department of Public Works staff and the Public Services Committee recommend the proposal from Collins Engineering in the amount of \$18,500.00 for Construction Management Services and \$8,750.00, net \$27,250.00 be accepted.

NOW THEREFORE, BE IT HEREBY RESOLVED the \$27,250.00 for grant support and construction management services proposal from Collins Engineering is hereby accepted, and appropriate City officials are authorized to enter into a contract with them for said project.

BE IT FURTHER RESOLVED that this is a unit price Not to Exceed contract with estimated quantities, and accordingly the actual quantities and therefore the final contract price may vary with any cost exceeding the \$27,250.00 needing Council approval.

BE IT FURTHER RESOLVED that all project costs be charged to the following accounts:

408.505.5410.820 422507, Peacock Dam	\$27,250.00
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DATED: _____

CITY OF OCONOMOWOC

By: _____
Robert P. Magnus, Mayor

ATTEST:

Diane Coenen, Clerk



DECLARATION

WHEREAS, since 1987, Curt Witynski has been providing leadership, guidance, and advocacy to benefit the cities and villages of Wisconsin; and

WHEREAS, since 2011, Gail Sumi has given voice to, and enlightened and informed Wisconsin's local leaders through her direction and coordination of the League of Wisconsin Municipalities' multiple channels of communication, including editing and production of *The Municipality*; and

WHEREAS, Curt and Gail have been thoughtful leaders and trusted advisors for local officials, both elected and appointed; and

WHEREAS, Curt and Gail have contributed in countless ways to the prosperity and success of local government in Wisconsin; and

WHEREAS, in addition to their tireless efforts on behalf of municipal government, Curt and Gail have been role models for thousands of local leaders; and

WHEREAS, Curt and Gail will be retiring from daily service to local government at the end of calendar year 2022.

NOW, THEREFORE, BE IT RESOLVED, I, Mayor Robert P. Magnus, along with the Common Council of the City of Oconomowoc expresses its profound gratitude to Curt Witynski and Gail Sumi for their service and congratulates them both on their careers of leadership and wishes them well in future endeavors.

Dated this 6th day of September 2022.

CITY OF OCONOMOWOC

By: _____
Robert P. Magnus, Mayor