

**City of Oconomowoc  
Common Council**

**Tuesday, October 06, 2020 - 7:30 PM  
City Hall - Council Chambers**



**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: 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 September 1, 2020
- 5. Comments/Suggestions from Citizens**
  - a. Public Swearing In of Newly Appointed Director of Public Safety (James Pfister)
- 6. Consent Agenda (Items listed under the Consent Agenda are considered in one motion - a Council member may request to remove an item):**
  - a. Licenses
  - b. Joint Powers Agreement County 911 Emergency System with Dodge County
  - c. Ordinance #20-O984 Amendng Sections 3.08(1,2,4,5 &6) of the Municipal Code Regarding Room Tax - **2nd Reading**
- 7. Committee Reports**
  - a. Personnel - Rogers, Chr; Kowieski, Secy; Zapfel
    1. Consider/act on Revision to Employee Handbook Allowing for the Hiring of Limited Term Employees
  - b. Protection & Welfare - Rosek, Chr; Rogers, Secy; Schellpeper
    1. Consider/act on Ordinance #20-O983 to Amend Section 12.04(3)(g)1. of the City of Oconomowoc Municipal Code Regarding Issuance of Operator's Licenses - **1st Reading**
- 8. Staff Reports**
  - a. Election Update - Coenen
- 9. Reports and Comments from the Aldermen**

**10. Reports and Comments from the Mayor**

**11. Adjourn**

# City of Oconomowoc Common Council Meeting Minutes September 01, 2020 - 7:30 PM



**Aldermen Present:** Matt Mulder, Charles Schellpeper, Lou Kowieski, Andy Rogers, John Zapfel, Kevin Ellis, Karen Spiegelberg  
**Absent:** Matt Rosek  
**Also Present:** Robert Magnus, Betsy Bleck, Ron Buerger, Diane Coenen, Robert Duffy, Mark Frye, Jason Gallo, Craig Hoepfner, Laurie Sullivan, Erin Vande Zande, Ivan Lam

Mayor Magnus called the Common Council Meeting to order at 7:30 PM.

## Call to Order and Confirmation of Appropriate Meeting Notice

## Pledge of Allegiance

## Roll Call

## Approval of Meeting Minutes

### a. Minutes of August 4, 2020

Motion to approve the Council minutes of August 4, 2020 as presented made by Ellis and seconded by Mulder.  
Motion carried 7-0-0.

## Comments/Suggestions from Citizens

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

Motion to approve the consent agenda made by Schellpeper and seconded by Kowieski.  
Motion carried 7-0-0.

### a. Licenses

### b. Resolution 20-R2888 Exempting the City from the Waukesha County Library Levy 2020 Tax for 2021 Purposes

### c. Release of Restriction for Certified Survey Map #9336, 2700 N. Indian Mound Road, Village of Summit

## Committee Reports

### a. Public Services - Ellis, Chr; Rosek, Secy; Mulder

#### 1. Consider/act on Resolution 20-R2886 Awarding 2021 Thackeray Trail Reconstruction Design Engineering Services

Motion to adopt Resolution 20-R2886 awarding 2021 Thackeray Trail Reconstruction Design Engineering Services made by Zapfel and seconded by Mulder.  
Motion carried 7-0-0.

#### 2. Consider/act on resolution 20-R2887 Approving Collins Parking Lot Construction Bid

Motion to adopt Resolution 20-R2887 approving Collins Parking Lot Construction Bid plus Alternate Bid #1 made by Mulder and seconded by Zapfel.  
Motion carried 7-0-0.

## **New Business**

**a. Consider/act on Developer's Agreement for Pine Ridge Estates West**

Motion to approve the Developer's Agreement for Pine Ridge Estates West with an amendment to Section XV. B. that the sum of the tree cost shall be \$28,500 made by Kowieski and seconded by Spiegelberg.  
Motion carried 7-0-0.

## **Reports and Comments from the Aldermen**

Ellis requested an update from Hoepfner on the Skateboard Park. Hoepfner stated the Leadership Group will be having a meeting in the next 2 weeks to discuss the concept plan, etc. Kowieski noted that next week support and resources will be available during the suicide week events. Zapfel noted that Rogers Behavioral Health is named incorrectly in the Proclamation.

## **Reports and Comments from the Mayor**

**a. Suicide Prevention Week Proclamation**

Magnus read the proclamation into the record.

## **Adjourn**

Motion to adjourn made by Kowieski and seconded by Ellis.  
Motion carried 7-0-0.  
The meeting adjourned at 8:12 PM.

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Diane Coenen, City Clerk  
City of Oconomowoc

## LICENSE APPROVALS

Honorable Mayor and Common Council:

October 6, 2020

The following license applications have been received by the City Clerk, accompanied by the proper fee:

### Bartender (Operator) License Requests: (October 7, 2020 through June 30, 2021)

#### **BP - Oconomowoc**

*Lauren N. Hoster*

*Karl N. Tostengard*

#### **Herr's Mobil**

*Casey A. Herr*

#### **Maxim's**

*Michelle L. Thomas*

#### **Speedway**

*Cynthia J. Livingston*

*Elvis D. Williams*

#### **SteelTank Brewing**

*Nicole M. Gettelman*

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### Taxi Cab Drivers:

#### **Oconomowoc Silver Streak**

*Robert R. Diderrich*

*Robert D. Johnson*



# DODGE COUNTY SHERIFF'S OFFICE

September 10, 2020

**TO:** City Mayors, Village Presidents, Town Chairpersons  
**FROM:** Lieutenant Christine Churchill  
**RE:** **911 Joint Powers Agreement**

Enclosed please find the 911 Joint Powers Agreement. Per the Wisconsin Attorney General's Office a 911 Joint Powers Agreement needs to be executed and filed on a yearly basis. The agreement is effective January 1, 2021 through December 31, 2021.

To comply with Sec. 256.35(9), Wisconsin statutes, please sign the enclosed agreement and return to:

Shawn Rogers  
Dodge County Sheriff's Office  
124 West Street  
Juneau, WI 53039

Upon your request, with returned agreement, a final copy will be mailed to you. If you have any questions, please feel free to call me at (920)386-3224. Thank you.

**JOINT POWERS AGREEMENT  
COUNTY 911 EMERGENCY SYSTEM**

WHEREAS, Dodge County and the municipalities located within the boundaries of Dodge County have implemented an Emergency 911 System for the purposes of providing emergency services to residents and visitors of these municipalities, including fire fighting, law enforcement, ambulance, medical and other emergency services; and

WHEREAS, Sec. 256.35(9), Wis. Stats., "Joint Powers Agreement," requires that in implementing a 911 system as has been done in Dodge County, municipalities shall annually enter into a Joint Powers Agreement, which Agreement shall be applicable on a daily basis and which shall provide that if an emergency services vehicle is dispatched in response to a request through the Dodge County 911 System, such vehicle shall render its services to the persons needing the services, regardless of whether the vehicle is operating outside the vehicle's normal jurisdictional boundaries.

THEREFORE, in consideration of the mutual promises, agreements, and conditions contained herein, it is hereby jointly agreed between Dodge County and the City of Oconomowoc, "municipality," as follows:

1. That effective January 1, 2021, this Agreement shall, thereafter, be applicable on a daily basis from said date through December 31, 2021.
2. That if an emergency services vehicle operated by the municipality, or operated by an agency with which the municipality contracts for that particular emergency service, is dispatched in response to a request through the Dodge County Emergency 911 System, such vehicle (whether owned and operated by the municipality or by the agency) shall render its services to the persons needing the services, regardless of whether the vehicle is operating outside the vehicle's normal jurisdictional (or as defined by contract) boundaries.
3. That a copy of this Agreement shall be filed with the State Department of Justice, as required by Sec. 256.35(9)(c), Wis. Stats.

**DODGE COUNTY**  
(dispatching agency)

By: \_\_\_\_\_  
(County Clerk)

**City of Oconomowoc**  
(participating agency)

By: \_\_\_\_\_  
(Chairman/Mayor/President/Clerk)



# MEMORANDUM

## DEPARTMENT

Date: 8-12-2020

To: Tourism Commission  
Finance Committee  
City Council

From: Bob Duffy, Economic Development & Tourism

Re: Accommodations Tax Ordinance Amendment

## RELATES TO THE STRATEGIC PLAN

Strategic Goal- III D Create Tourism Destination Initiatives

## BACKGROUND

Since 1998, the City has had an Accommodations tax on lodging room nights. The current ordinance is at 6%, with a 1% credit for prompt reporting and tax payments to the City. These revenues are used by the City (46%), and to fund tourism promotion and development initiatives.

During the 2020 budget process, it was suggested to review and consider increasing the tax to the maximum amount allowed by Wisconsin Statutes. Staff has drafted the attached red line version of a proposed amendment to the accommodations tax (municipal code section 3.08) ordinance. It appears all the WI statute references are still valid. Given recent changes have also added short term rental and lodging marketplace which are now defined in the statute. Increased late penalty fee as recommended by finance. In addition, the tax would be increased to 8%, and elimination of the 1% credit for monthly reporting.

It is my intent to obtain a recommendation from the the Tourism Commission at their meeting on August 17<sup>th</sup>. The ordinance amendment, could then proceed to the finance committee either individually or in conjunction with the budget process. Have proposed an effective date of January 1st, consistent with the 2021 budget.

3.08 - ROOM TAX. (Cr. #86-0170)

- (1) Pursuant to §66.0615, Wis. Stats., for the privilege of furnishing at retail rooms or lodging to transients by hotel keepers, motel operators or other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations, a tax is hereby imposed upon the retailers at the rate of ~~6~~ **8** percent of the gross receipts for the lease or rental of such accommodations, rooms or lodging within the City effective ~~April 1, 2007. (Am. #07-O689)~~ **January 1, 2021**.
- (2) In this section "hotel," "motel" **"short term rental"**, **"lodging marketplace"**, and "transient" have the meaning set forth in §77.52(2)(a)1., Wis. Stats.
- (3) Any tax so imposed shall not be subject to the selective sales tax imposed by §77.52(2)(a)1., Wis. Stats.
- (4) Each retailer, **short term rental, and/or lodging marketplace** engaged in furnishing such accommodations, rooms or lodging as defined in this section shall submit a monthly report to the City Treasurer's office showing the gross receipts from furnishing such accommodations, rooms or lodging, along with a copy of his/her State sales tax report for such business and the effective percentage tax for the gross receipts as reported by not later than the tenth of each month for the receipts of the preceding month.
- (5) ~~For collecting and reporting the room tax imposed on the retailer and the accounting connected therewith, retailers may deduct one percent of the total room tax payable each reporting period as administrative expenses if the payment of the taxes is not delinquent.~~
- (6) All unpaid taxes shall bear interest at the legal rate from the due date of the return. Failure to pay the tax or delinquent payment of such taxes shall be subject to a ~~\$40.00~~ **25.00** late filing penalty in addition to the interest imposed herein.
- (7) If a false or fraudulent return is filed with the intent in either case to defeat or evade the tax imposed by this section, a penalty of 50 percent of the tax due shall be paid in addition to the tax interest and late filing penalty.
- (8) As a means of enforcing the collection of any room tax imposed under subsection (1), the City may:
  - (a) Whenever it has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, inspect and audit the financial records of any person subject to subsection (1) pertaining to the furnishing of accommodations to determine whether or not the correct amount of room tax is assessed and whether or not any room tax return is correct.
  - (b) Any person subject to subsection (1) who fails to comply with a request to inspect and audit the person's financial records under par. (a) shall be subject to a forfeiture of 5 percent of the tax determined under subsection (1) or par. (c).
  - (c) Determine the tax under subsection (1) according to its best judgment if any person required to make a return fails, neglects or refuses to do so for the amount in the manner and form and within the time prescribed by the City.
  - (d) Require each person who is subject to par. (c) to pay an amount of taxes the City determines to be due under par. (c), plus interest at the rate of one percent per month on the unpaid balance. No refund or modification of the payment determined may be granted until the person files a correct room tax return and permits the City to inspect and audit his/her financial records under par. (a).
  - (e) There is hereby imposed a forfeiture of 25 percent of the room tax due for the previous year under subsection (1), par. (c) or \$5,000.00, whichever is less, for failure to pay the tax under subsection (1).
- (9) The information obtained under subsection (8) shall be kept in confidence by those inspecting and auditing the financial records, unless such information is being used in the discharge of duties

imposed by law or of the duties of their office or by order of the court. Any person violating this subsection shall forfeit not less than \$100.00 nor more than \$500.00.



# MEMORANDUM

## HUMAN RESOURCES OFFICE

Date: September 2, 2020  
To: Personnel Committee  
From: Mayor Bob Magnus  
Tony Posnik  
Re: Consider and Recommend a Revision to the Employee Handbook Allowing for the Hiring of Limited Term Employees.

### RELATES TO THE STRATEGIC PLAN

Strategic Goal: N/A

### BACKGROUND

In the workplace, Limited Term Employees (LTE) are commonly utilized to fill short-term temporary staffing needs (ex. FMLA, leave of absences, resignations, projects, etc.) When temporary short-term staffing is needed and the current staff is unable to complete the work, Departments need the ability to hire an LTE. The City’s Employee Handbook is currently missing language allowing for the hiring of LTEs. To allow for the hiring of LTEs, below is proposed wording to include in the Employee Handbook:

***Limited Term Employee (LTE) - If current staffing is limited, not qualified, and/or unable to serve as interim or perform the work during a temporary short-term staffing need, an LTE may be utilized up to six months when needed with Human Resources and City Administrator approval. The LTE pay rate will be based upon the vacant position’s assigned pay grade or established seasonal hourly rate when appropriate. LTEs are temporary and non-benefited employees.***

### ADDITIONAL ANALYSIS

Not applicable.

### FINANCIAL IMPACT

The financial impact will be based on the position’s pay rate and duration of the LTE.

### RECOMMENDATION

Recommend revising the Employee Handbook to include the ability to hire LTEs.

### SUGGESTED MOTION

Motion to recommend to Council revision of the Employee Handbook to include the ability to hire LTEs.



# MEMORANDUM

## CLERKS

Date: September 30, 2020  
To: Mayor Magnus  
Common Council  
From: Diane Coenen, City Clerk  
Re: Issuance of Operator's (Bartenders) Licenses

## RELATES TO THE STRATEGIC PLAN

Strategic Goal – N/A

## BACKGROUND

In 2017/18 Wisconsin State Statute 125.17(1) was amended to read: "Every municipal governing body shall issue an operator's license to any applicant who is qualified except that the municipal governing body may by ordinance authorize a designated municipal official to issue operator's licenses." In order to make the process more efficient for the applicant, by reducing the amount of wait time to receive their license (approx. two weeks), I am requesting an ordinance change to allow the City Clerk the authority to issue Operator's Licenses.

## ADDITIONAL ANALYSIS

The process to review the application and conduct a background check will remain the same. The Clerk's Dept. will review the application and obtain a copy of the applicant's Responsible Beverage Training Certificate and the Police Dept. will conduct the background check and sign-off for approval or denial of the license. If the license is denied by the Police Dept., the application will be brought forward to Council for a final determination.

If the license is approved by the Police Dept., the Clerk would issue the license to the applicant and continue to provide the Police Dept. with an updated monthly list of all licensed bartenders in the City. The only difference in procedure is that Operator's Licenses currently listed under the Consent Agenda for Council's consideration will no longer be listed. Only Operator denials, Picnic, Taxi/Quadricycle and Amusement Licenses, and Agent changes would be listed under the Consent Agenda for Council consideration.

## FINANCIAL IMPACT

N/A

## RECOMMENDATION

I recommend giving Ordinance No. 20-O983 it's first reading and waive the second reading.

## SUGGESTED MOTION

Motion to adopt Ordinance #20-O983 and waive the second reading.

**ORDINANCE NO. 20-0983**

**ORDINANCE TO AMEND SECTION 12.04(3)(g)1.  
OF THE CITY OF OCONOMOWOC MUNICIPAL CODE  
REGARDING ISSUANCE OF OPERATOR'S LICENSES**

The Common Council, City of Oconomowoc, Waukesha County, Wisconsin, do ordain as follows:

Section 1. INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES 12.04(3)(gf)1. of the Municipal Code is amended to read:

(3) CLASSES OF LICENSES AND FEES

(g) Operator's License.

1. Operator's licenses may be granted to individuals by the **City Clerk** for the purposes of complying with Sections 125.32(2) and 125.68(2), Wis. Stats.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective upon passage and publication as required by law.

Dated: \_\_\_\_\_

CITY OF OCONOMOWOC

By: \_\_\_\_\_  
Robert P. Magnus

ATTEST:

\_\_\_\_\_  
Diane Coenen, City Clerk

Date Adopted: \_\_\_\_\_

Date Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_