

CITY OF OCONOMOWOC  
COMMON COUNCIL MEETING MINUTES  
April 16, 2019

Mayor Nold called the Ceremonial Common Council Meeting to order at 7:50 PM.

Pledge of Allegiance

Roll Call: Aldermen Kowieski, Miller, Rosek, Shaw, Ellis, Spiegelberg, Zwart and Strey

Staff Present: Mayor Nold, Kitsembel, Freber, Pickart, Gallo, Kelliher, Buerger, Duffy, Osborn, Frye, Bleck, Radder, Sullivan, Lam and Coenen

Others present: Atty. Riffle

No business was discussed nor was action taken.

Council thanked Miller for his hard work and years of service, stated it was a pleasure to serve with him and appreciated his leadership and all he has done for the City.

Miller thanked District #3 residents for all their support, and thanked City staff and Council for their support.

Nold thanked Miller for his service and appreciated all he has done for the City.

Adjourn sine die – Motion by Miller to adjourn sine die; second by Rosek. Motion carried 8-0. The Ceremonial Meeting adjourned at 7:55 PM.

Public Swearing in of newly elected Officials: Coenen gave the Oath of Office to the reelected Aldermen: Spiegelberg – District #1, Kowieski – District #2 and Ellis – District #4, and to newly elected Alderman Rogers – District #3.

---

Diane Coenen, City Clerk

**City of Oconomowoc  
Common Council  
April 16, 2019 - 7:30 PM  
City Hall - Council Chambers**

Present and responding to roll call were the following:

Council: Lou Kowieski  
Andy Rogers  
Matt Rosek  
Charlie Shaw  
Kevin Ellis  
Karen Spiegelberg  
Derek Zwart  
Tom Strey

Also Present:

Staff: David Nold  
Sarah Kitsembel  
Stan Riffle  
Betsy Bleck  
Ron Buerger  
Diane Coenen  
Robert Duffy  
Kevin Freber  
Mark Frye  
Jason Gallo  
John Kelliher  
Joe Pickart  
Laurie Sullivan  
Ivan Lam  
Scott Osborn  
Lissa Radder

Call to Order and Confirmation of Appropriate Meeting Notice

Roll Call

Public Hearing

- a. Public Hearing to Amend Impact Fees  
The purpose of the hearing is to hear Public Comment on the proposed amendment to Chapter 27 - Impact Fee Ordinance to increase residential impact fees and commercial and institutional development impact fees for law enforcement &

highways and other transportation facilities; decrease law enforcement impact fees and increase highways & other transportation facilities impact fees for industrial development; and repeal the water facilities impact fee. The hearing opened at 7:59 PM. Christine De Master, Trilogy Consulting gave a PowerPoint presentation on impact fees for law enforcement, transportation and water facilities. She stated Trilogy conducted a thorough analysis of the City's current facilities and future facility needs (2018-2040) and they propose we implement updated impact fees for both transportation and law enforcement facilities. The proposed fees will pay a portion of the new Police Station. They also recommend the City repeal the Water Impact Fee because the well that was planned for Pabst Farms is no longer needed to serve new growth. With elimination of the Water Impact Fee and with the proposed increases to the other two fees the total fee for a single family home would increase by \$125 per unit. No other comments were received. The hearing closed at 8:13 PM.

#### Approval of Meeting Minutes

- a. Minutes of March 19, 2019  
Motion to approve the minutes of March 19, 2019 meeting as presented made by Strey and seconded by Shaw.  
Motion carried 8-0-0. Voted no: (None).

#### Comments/Suggestions from Citizens

The following all spoke in opposition to the extension of Thackeray Trail citing safety, foot traffic, no sidewalks, destroying wetlands, wildlife, drainage, flooding, parking, accidents, neighborhood integrity and decreasing property values: John Collins, 1054 Keats Cir; Mike Ganos, W367N6298 Brookhill Rd; Joy Gascon, 741 Thackeray Trl; Tom Depies, 805 Thackeray Trl; Shirley Depies, 805 Thackeray Trl; Heather Harris, 992 Keats Cir; Joseph Warren, 1129 Emerson Dr; Diane Marshall, 1112 Longfellow; Sara Benes, 756 Thackeray Trl; Erik Benes, 756 Thackeray Trl; Tyler Killmon, 744 Thackeray Trl; Melanie Stratman, 744 Thackeray Trl; Tony Gascon, 741 Thackeray Trl; Melissa Krahn, 833 Thackeray Trl; Franz Michels, 763 Thackeray Trl; Brian Paulson, 815 Dante Dr; Chris Boguszewski, 839 Thackeray Trl; and John Schroeder, 1051 Summer Creek Rd.

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

Rosek asked if Item C, (underpass) will be constructed this summer. Frye stated the County intends to bid the project in May with construction starting this summer. The temporary easement allows Waukesha County to be within the existing easements the City already has.

- a. Licenses
- b. Resolution Proclaiming April 26, 2019 as International Migratory Bird Day

- c. Temporary Construction Easement for Pedestrian Underpass Between the City of Oconomowoc and Waukesha County
- d. Treasurer's Report
  - 1. Treasurer's Report - March 2019  
Motion to approve the Consent Agenda made by Ellis and seconded by Kowieski.  
Motion carried 8-0-0. Voted no: (None).

Committee Reports

- a. Finance - Zwart, Chr; Spiegelberg; Rosek, Secy
  - 1. Consider/act on Ordinance to Amend §27.09(1)(a)(Table 1); (3); (9)(b) & (c)(Table); and (10)(b) & (c)(Table) of the Municipal Code Relating to Impact Fee Schedules/Calculations  
Motion to give the ordinance its first reading made by Strey and seconded by Zwart.  
Motion carried 6-0-2. Voted no: Rosek, Ellis.  
Sullivan stated this ordinance amends the impact fee amounts identified in the study by Trilogy Consulting. In addition, staff recommends the complete ordinance be reviewed by our Attorney for revisions due to recent law changes. Council comments included opposition to fee increases, increases being cost prohibitive for people to live in Oconomowoc, and supporting the increases because the developers should pay for the growth and not the taxpayers.  
Motion to waive the second reading made by Strey and seconded by Kowieski.  
Motion carried 6-0-2. Voted no: Rosek, Ellis.
- b. Protection & Welfare - Rosek, Chr; Shaw; Miller, Secy
  - 1. Consider/act on Resolution Granting a New 2019 "Class C" Wine License to Cuban with a Twist, LLC (Fresh Baked) at 114 W. Wisconsin Avenue  
Motion to adopt the resolution granting a new 2019 "Class C" Wine license to Cuban with a Twist, LLC at 114 W. Wisconsin Ave made by Rosek and seconded by Shaw.  
Motion carried 8-0-0. Voted no: (None).  
Coenen reported the City received an application for a "Class C" Wine License for a new restaurant called Fresh Baked, which will occupy the former J C's restaurant space. The City has no quotas for "Class C" Wine licenses and the licensee meets all Chapter 12 and State requirements.
- c. Public Services - Miller, Chr; Strey; Zwart, Secy
  - 1. Consider/act on Jurisdictional Offer to Purchase a Portion of Land at 1335 S. Silver Lake St. for Thackeray Trail Extension  
Riffle stated Council gave direction previously to start the process to acquire 7,117

sq ft (triangle piece of land) needed for the eventual extension of Thackeray Trail. The City provided the owner with an appraisal which valued the land at \$6,600. The owners attorney stated the owners are in court to decide who is in control of the land and he does not have the authority to accept the offer. By law, once we provide the owner their rights and appraisal, they have the right to get their own appraisal at our cost and we must wait 60 days to negotiate, which has passed. Because the owners attorney cannot negotiate, Council must decide whether or not to acquire the 7,117 sq ft piece of property through the Jurisdictional Offer. Riffle recommends Council authorize him to issue a Jurisdictional Offer in the amount of \$10,000 and in the event the owners do not accept the offer within 20 days, the City will own the property.

Motion to approve the Jurisdictional Offer to purchase a portion of land at 1335 S. Silver Lake Street for Thackeray Trail extension for \$10K made by Kowieski and seconded by Zwart.

Motion failed 3-0-5. Voted no: Rogers, Rosek, Shaw, Ellis, Strey.

2. Consider/act on Resolution Awarding Contract for the Extension of Thackeray Trail

No action taken.

#### New Business

a. Consider/act on Resolution Authorizing Purchase of Wizard of Oz Characters and Pursuit of Downtown Yellow Brick Road Plaza Enhancement

Motion to adopt the resolution authorizing purchase of Wizard of Oz characters and pursuit of downtown Yellow Brick Road Plaza enhancement made by Ellis and seconded by Kowieski.

Duffy stated August 15, 2019 is the 80th Anniversary of the World Premiere showing of the Wizard of Oz in Oconomowoc. The Strategic Plan and the downtown revitalization initiative both address creating opportunities for our community to continue to be a destination. Through the support of the Tourism Commission, staff has been fund raising to permanently display 6 Oz characters in City Hall Plaza to recognize this historical event and our goal is to have them in place by August 15th to coincide with the showing of the movie in the downtown. Staff contacted Fast Corp, who has molds of the characters and received pricing and delivery dates. The recommendation from the C-O-T-W was to order 4 of the 6 characters (not the witch or Oz) and the City would contribute \$15K to do Yellow Brick Road concrete in City Hall Plaza. Council stated they appreciate all the work staff has done gathering funds to help support this project; desire to order all 6 characters; purchasing the witch and Oz at a later date; having funds available to cover the cost of 4; the potential to receive more donations to order all 6; the importance of having the witch and Oz as part of the project; and placing the 4 main characters in the plaza while putting the other 2 elsewhere. Ellis and Kowieski withdrew their motion and second.

Motion to purchase all 6 characters for placement in the Plaza made by Shaw and seconded by Strey.

Motion failed 2-0-6. Voted no: Kowieski, Rogers, Rosek, Ellis, Spiegelberg, Zwart.

Council noted that the funds raised so far will not cover the cost of 6 characters as well as the concrete work and in order to purchase the witch and Oz, it would add \$6K to the \$15K worth of cement work the City is funding for a total of approx. \$21K. Nold noted that potentially the cement work for the platform to hold 4 characters would cost less if it is not built to hold 6 characters. Council discussed authorizing a specific amount for the total expenditure and Duffy stated the characters would have to be anchored in concrete. Council asked if additional funding was possible and Duffy stated challenge taken.  
Motion to amend to buy all 6 and determine the location of the final 2 at a later date made by Zwart and seconded by Ellis.  
Motion carried 6-0-2. Voted no: Shaw, Spiegelberg.

#### Election of Council President by Aldermen

This is a one-year term. Motion by Rosek to nominate Kowieski as Council President. Motion by Strey to nominate Shaw as Council President. No other nominations were received. Council voted by ballot. Votes tallied by Coenen = Shaw 4 and Kowieski 4. After discussion by Council, Shaw respectfully declined the nomination. Motion carried unanimously. Kowieski was elected as Council President.

#### Election of Council Vice-President by Aldermen

This is a one-year term. Motion by Speigelberg to nominate Shaw as Council Vice-President; second by Kowieski. No other nominations were received. Motion carried unanimously. Shaw was elected as Council Vice-President.

#### Selection of Council Representative to Plan Commission by Aldermen

This is a one-year term. Motion by Rosek to nominate Zwart as Council Representative to Plan Commission; second by Strey. No other nominations were received. Motion carried unanimously. Zwart was elected as Council Representative to Plan Commission.

#### Mayoral Appointment of Emergency Government Director, with Council Confirmation

- a. Mayoral Appointment of Emergency Government Director, with Council Confirmation  
Nold appointed Ron Buerger as Emergency Government Director for a one year term. Motion by Shaw to confirm the appointment of Buerger as Emergency Government Director; second by Rosek. Motion carried 8-0.

Mayoral Appointments to Pabst Farms Joint Stormwater District  
Nold appointed Frye and Nold to the Pabst Farms Joint Stormwater District. No confirmation necessary.

Mayoral Appointments to WPPI Board  
Nold appointed Pickart and Kitsembel (Alternate) to serve on the WPPI Board. No confirmation necessary.

## Staff Reports

- a. Strategic Plan - 1st Quarter 2019 Update - Kitsembel  
Kitsembel gave a PowerPoint presentation outlining the quarterly update for the Strategic Plan. She went over Strategic Plan initiatives and their status, gave an update on action items, what's changed, what's new, looking ahead and the Strategic Plan schedule. The City has 5 major goal areas and we are about 15% complete on the items that were identified in the original plan with over half in progress. She highlighted 2 new items for the 2nd Qtr; the addition of identifying parking options in the downtown and the 2020 Census. The next quarterly update will be at the 2nd meeting in July. Council asked about the progress on the online dashboard and Kitsembel stated we are not to the public portion yet. because we are still finalizing our internal reporting capabilities. The 2nd phase of the Strategic Plan is for public officials and the 3rd phase is for the public, which will not be ready this year.
- b. Train vs. Semi 4/22/19 Incident Presentation - Buerger  
Buerger gave a PowerPoint presentation on the train vs semi crash that occurred on March 22nd at the S Main St and W Second St crossing. He showed pictures of the damage that was done to the semi, train, railroad crossing and windows at Maxims, the sheet metal from the semi spread about the area, rock damage, a vehicle that sustained rock damage, and curb and gutter damage. Council thanked staff for doing an outstanding job.
- c. Library Update in Honor of National Library Week - Bleck  
Bleck gave a PowerPoint presentation on the Library in recognition of National Library Week. She stated circulation is up 8%, visits are at a 4% increase, librarians have answered 3,787 reference questions (a 5% increase from last year) and they were awarded Hulafrogs Most Loved Library award. She also stated the Library offers the following programs; 1000 Books before Kindergarten; Library Memory Project; Gale Courses; Cypress Resume; and coming soon is Home Service.

## Reports and Comments from the Mayor

Nold welcomed new Alderman Andy Rogers to Council.

- a. Arbor Day Proclamation  
Nold read the proclamation into the record.
- b. Knights of Columbus Days Proclamation  
Nold read the proclamation into the record.

## Reports and Comments from the Aldermen

Ellis asked if staff has taken a look at the drainage issue at the corner of Whittier and Thackeray. Frye stated staff goes out during rain events but have not done so recently. He is aware of the drainage issue which will need to be addressed with a future project. Ellis stated he would like to have an open discussion on RFP's.

Strey invited everyone to the Centennial American Legion Open House on April 24th from 1-4 pm. Council welcomed Ald. Rogers. Kowieski stated he had the opportunity to look at the Ladder's Facility and they have done a great job with getting the building ready. He reminded everyone of the Jump for Archie event on May 15th at the Community Center. Rosek asked that staff look into our Inspection Services. Kitsembel stated that initiative is in the Strategic Plan. Zwart stated if the Thackeray Trail extension comes back, it needs to come back as one project with the reconstruction of the existing Thackeray Trail. Also, he would like to discuss during a public forum engineering services, how much money we spend on those services and the information that Frye has provided over the last few months.

#### Adjourn

Motion to adjourn the Common Council meeting made by Strey and seconded by Kowieski.

Motion carried 8-0-0. Voted no: (None).

The meeting adjourned at 10:02 PM. Diane Coenen, City Clerk