

VILLAGE OF OCONOMOWOC LAKE

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OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF MONDAY, February 18, 2008, Unofficial until approved by the Village Board. Approved as written () or with corrections () on _____.

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held commencing at 7:05 p.m., immediately following the public hearing, on February 18, 2008, at the Village Hall, 35328 W. Pabst Road, Oconomowoc, Wisconsin. Legal requirements for notification as required by law have been met. Roll was taken following the Pledge of Allegiance with the following in attendance:

Mr. Kneiser/President – present
Messrs., Bickler, Birbaum, Fischer, Owens (arrived 7:33 p.m.)/Trustees – present
Messrs., Schinzer, Shult/Trustees – absent
Ms. Schlieve/ Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

Pat McAdams (McAdams Realty Oconomowoc LLP), Heather Turner (MSI General), Ed Johnson

MINUTES

Motion (Fischer/Birbaum) to approve the minutes of the January 21, 2008 Village Board meeting as printed, Carried Unanimously.

PUBLIC COMMENT

Motion (Bickler/Birbaum) to open meeting to public comment on agenda items, Carried Unanimously.

There was no public comment.

Motion (Birbaum/Bickler) to close meeting to public comment, Carried Unanimously.

PRESIDENT

Update on Village 50th Anniversary Plans.

Mr. Kneiser reported that a gathering of members of the volunteer group was held on February 13, 2008. Joe and Mimi Birbaum with Mike and Sue Bickler have volunteered to co-chair the group. The group is planning to have an event on August 2, 2009 at the Oconomowoc Lake Club from 3 to 9 p.m. Tentative plans for the event include a presentation by Don Wiemer on the Village history, picnic style dining, and music from 6 to 9 p.m. The various responsibilities for the event have been divided up among the participants of the group. A tentative budget of \$40,000 was proposed. The funds are to be raised by donations or fund-raising projects. The next gathering is scheduled for 7:00 p.m. on June 18, 2008 at the Birbaum residence.

Report on the meeting of the Waukesha County Cooperation Council, held on January 28, 2008.

In his report on the meeting held on January 28, 2008, Mr. Kneiser advised that there are a variety of topics being addressed by the cooperation council, and noted special concern regarding the water supply, especially in regard to large development projects. A water supply plan is currently being prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), to be completed by the end of 2008, which will include forecast of future water supplies, consider water conservation, assess potential for shallow ground water recharge through infiltration, consider potential alternate sources of supply, and estimate costs and impacts of alternative sources of water while considering

building restraints. Mr. Kneiser also noted that a "standard" suggested mutual aid agreement is being developed by the Waukesha corporate counsel for consideration by county municipalities.

Discussion regarding the Smart Growth Plan time table.

Mr. Wiemer explained the time line for the implementation of the Smart Growth plan. On February 4th, The Plan Commission approved a resolution recommending adoption of the Village of Oconomowoc Lake Smart Growth Plan. A public information session followed by a public hearing will be held on March 17, 2008 immediately preceding the monthly Village Board Meeting. A Class 1 public notice was published at least 30 days prior to the public hearing, and village residents were mailed a letter explaining the public information session and public hearing. The adoption of the plan will be an agenda item for the March 17th Village Board Meeting. Mr. Wiemer noted that once the plan has been adopted, copies will be sent to adjacent governmental bodies, the clerk of adjacent governmental bodies, the Wisconsin Land Council, the Department of Administration, the regional Planning Commission (SEWRPC), and the Oconomowoc Public Library.

PLAN COMMISSION

The Plan Commission has initiated a zoning amendment petition to amend the current zoning code, section 17.34, entitled "Condominiums Property Restricted" subsection (3) to be repealed and be re-created to include the business district with restrictions.

A motion (Birbaum/Bickler) to adopt the zoning amendment to amend the current zoning code, section 17.34, entitled "Condominiums Property Restricted" subsection (3) to be repealed and be re-created to include the business district with restrictions as noted below, *Carried Unanimously*.

17.34(3) If the condominium is located in a district which permits residential uses, the condominium ~~The property~~ shall be subject to issuance of a Planned Unit Development conditional use permit, in accordance with all of the rules and regulations of Section 17.56 of this Code, and must fully and strictly comply with the same at all times. If the condominium is located in a business district, and no residential uses are permitted, a Planned Unit Development conditional use permit is not required, but the Condominium Declaration and condominium plat shall be subject to the approval of the Village of Oconomowoc Lake Plan Commission.

ATTORNEY

No report.

TREASURER

Checks

Motion (Bickler/Birbaum) to approve check nos. 35015 through 35090, for regular monthly payments, and all electronic tax payments, *Carried Unanimously*.

FINANCE

Discussion regarding monthly operating statement for February.

The monthly operating statement was discussed.

ADMINISTRATOR

Discussion/action regarding construction times allowed on building projects as it relates to the Business District. (Ordinance 228)

Mr. Wiemer advised that MSI General, contractor for the new Pick N Save being built, has requested lenience on adherence to the construction times in Ordinance 228. He noted that the ordinance was

created with concerns for residential construction. The ordinance allows construction to start at 7:30 a.m. Monday through Friday and at 9:00 a.m. on Saturdays. The construction must end at 5:00 p.m. Monday through Friday and at 4:00 p.m. on Saturdays. There is no construction allowed on Sundays. It was the consensus of the board members that it would be acceptable to allow work from 7:00 a.m. to 7:00 p.m. during the week and from 9:00 a.m. to 5:00 p.m. on Saturday and Sunday. There may need to be some adjustments to the times allowed, but Mr. Wiemer will consult with MSI General as those needs arise. MSI is to put their specific request in a letter to the Administrator. If complaints are received regarding the work, Mr. Wiemer will also consult with MSI General to resolve the matter. No action was required to be taken.

Discussion/action regarding an amendment to Ordinance No. 178 entitled “An Ordinance to Regulate Outdoor Luminaires”.

Mr. Wiemer noted that this ordinance amendment requires lighting for recreational activities to be off after 11:00 p.m. Under Section 4(b)(iii) the ordinance previously allowed lighting to be left on after 11:00 p.m. as long as there was a recreational activity occurring. A motion (Birbaum/Bickler) to accept the amendment, which removes the exception for recreational activities, by repealing and recreating Sections 1(c) and 4(b)(iii) of the ordinance, *Carried Unanimously*.

Discussion/action regarding a resolution waiving conflict of interest in the matter of the Town of Summit’s pursuit of incorporation.

Mr. Wiemer advised that a letter has been received from Mr. Stanley Riffle, attorney for the Town of Summit, which requests the Village of Oconomowoc Lake to begin discussion about a border agreement. Previously, the Village was asked to waive conflict of interest in the matter of the Town’s pursuit of incorporation, but a resolution waiving conflict of interest was already approved on July 17, 2006. It was also noted that a boundary agreement is in effect, but the Town of Summit is requesting that it be updated due to changes in state law that govern its proposed incorporation. Revisiting the boundary agreement gives the Village the opportunity to amend the previous agreement in order to address some issues the Village has, and also to indicate whether the Village does or does not oppose the incorporation of the Town of Summit. Mr. Kneiser noted that Mr. Macy cannot act as our legal representative during any boundary agreement discussions, but may act as scrivener. Mr. Macy also noted that if the Village were to rescind the existing waiver, then he would not be able to act as legal representative or as scrivener. It was concluded that the Village will need special legal counsel to advise them on the boundary agreement issues. Mr. Macy stated that the purpose of the special counsel is to advise the Village on the completeness of the proposed boundary agreement and represent its interests. There was additional discussion regarding the costs incurred for this matter and who would pay for them. A motion (Fischer/Birbaum) to table the matter to the March 17, 2008 Village Board Meeting, *Carried Unanimously*. The trustees agreed to have a special meeting on March 3, 2008, just prior to the Plan Commission meeting, in order to discuss, with possible action, the resolution proposed by the Town of Summit which authorizes consideration of a cooperative boundary plan with the Town of Summit.

Discussion/action regarding the sewer agreement for current Utility District.

Mr. Wiemer reported that Mr. Macy has drafted an agreement, and Mr. Wiemer will be meeting with City of Oconomowoc representatives to review the proposed agreement. No action taken.

Discussion/action regarding the maintenance and possible protection of the stone walls located in the Village along road right-of-way.

Mr. Wiemer reported that the resident whose wall was damaged in a vehicle accident will be repairing the damage in the spring. Discussion followed regarding maintaining existing stone walls on West Beach Road. The administrator was directed to research the ownership of the stone walls and report back to the board for further discussion and possible action.

Report on Valentine Road Bridge public information meeting, which was held on January 30, 2008.

Mr. Wiemer reported that 6 people attended the meeting.

Discussion/action regarding Resolution to Renew Promissory Note for the Village Hall mortgage with ISB Community Bank in the amount of \$535,000, with an interest rate of three and one-half percent.

Mr. Wiemer explained the promissory note. A motion (Fischer/Birbaum) to approve the resolution to renew promissory note for the Village Hall mortgage with ISB Community Bank in the amount of \$535,000, with an interest rate of three and one-half percent, with the understanding that there are no closing costs, *Carried Unanimously*.

POLICE CHIEF

No report.

FIRE COMMISSIONER

No report.

PUBLIC HEALTH AND SAFETY

No report.

BOARD OF ZONING APPEALS

The board did not meet.

ARCHITECTURAL CONTROL BOARD (ACB)

The ACB met in January and approved the horse barn expansion plans of Ken and Terri Ullman.

CLERK

The clerk explained that the trustees had received an excerpt from a League of Wisconsin Municipalities newsletter referring to the passage of a charter towns bill that would prohibit municipalities from exercising extraterritorial zoning or subdivision approval powers within neighboring charter towns. The newsletter encourages municipal officials to contact their legislators and urge them to oppose AB 79. Mr. Macy noted that various versions of this bill have been presented to the legislature for years and had not passed, but did still encourage trustees to express their opinions to legislators.

COMMUNICATIONS

Mr. Wiemer reported that a letter had been received from the City of Delafield regarding a hearing for property owned by the Bradley Binkowski family and the William Knoff family. The Village-owned woodlot and shooting range are both located adjacent to the proposed project. A letter will be sent to the City of Delafield expressing the concerns the Village has regarding this development and related safety issues of trespass into the woodlot and shooting range.

CLOSED SESSION

Mr. Kneiser read the following notice:

Convene into executive closed session by roll call vote, pursuant to section 19.a85(1)(e), Wis. Statutes, conducting public business which, for strategies and negotiations, require a closed executive session regarding negotiations with the Town of Summit in connection with the possible amendment of the Village's boundary agreement with said Town. Participating in the executive closed session will be the Village board, Village Attorney, Village Administrator, and Village Clerk-Treasurer.

A motion (Bickler/Owens) to go into closed was *Carried Unanimously with a roll call vote*.

Closed session began at 8:07 p.m.

A motion (Birbaum/Bickler) to end the closed session was Carried Unanimously with a roll call vote.

Closed session ended at 9:50 p.m.

With no further discussion being heard, motion (Birbaum/Bickler) to adjourn was made at approximately 9:50 p.m., and Carried Unanimously.

Respectfully submitted by:

Cindy J. Schlieve, Clerk-Treasurer

Approved and Ordered Posted by:

Richard J. Kneiser, President