

# VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING  
MINUTES OF MONDAY, February 21, 2011,  
Unofficial until approved by the Village Board.  
Approved as written ( X ) or with corrections ( ) on March 21, 2011.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on February 21, 2011, commencing at 7:06 p.m., immediately following a public hearing, at the Village Hall, 35328 W. Pabst Road, Oconomowoc, Wisconsin. Legal requirements for notification as required by law have been met. Roll was taken followed by the Pledge of Allegiance with the following in attendance:

Mr. Kneiser/President – present  
Messrs., Bickler, Falstad, Fischer, Owens, Shult/Trustees – present  
Mr., Birbaum/Trustee – absent  
Ms. Schlieve/ Clerk-Treasurer – present  
Mr. Wiemer/Police Chief-Administrator – present  
Mr. Macy/Attorney –present

## **ATTENDANCE**

Bryan Waltersdorf, Ed Johnson

## **ANNOUNCEMENT BY PRESIDENT**

President Kneiser announces that the Village Board of Trustees will: “convene into executive closed session by roll call vote, pursuant to section 19.85(1)(g), Wisconsin State Statutes, ‘conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved’, regarding the Fitch-Korosec-Whittimore Avenue dispute in process, the excessive assessment claim of Mart A. Olson in regard to his real estate property located in the Village Oconomowoc Lake with tax key number OCLV 0585-974-001, and the excessive assessment claim of Nancy Latta in regard to her real estate property located in the Village of Oconomowoc Lake with tax key number OCLV 0575-927. Participating in the executive closed session will be the Village Board, Village Attorney, Village Administrator, and Village Clerk-Treasurer.”

## **MINUTES**

Motion (Bickler/Falstad) to approve, as printed, the minutes of the January 17, 2011 Village Board meeting, and the special meeting of the Village Boards of Oconomowoc Lake, Summit, and the Summit Fire District Commission, with the addition of Attorney John Macy under Others Present, Carried Unanimously.

## **PUBLIC COMMENT**

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

There was no public comment.

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

## **PRESIDENT**

There was no report.

## **PLAN COMMISSION**

### **Discussion/action regarding an ordinance to repeal and re-create Section 17.32 entitled "Non-Conforming Uses, Structures, and Lots in the Village of Oconomowoc Lake, per recommendation of the Plan Commission at their February 7, 2011 meeting"**

Motion (Bickler/Falstad) to adopt the ordinance to repeal and re-create Section 17.32 entitled "Non-Conforming Uses, Structures, and Lots in the Village of Oconomowoc Lake, per recommendation of the Plan Commission at their February 7, 2011 meeting, *Carried Unanimously*.

### **Discussion/action regarding an ordinance to repeal and re-create Sections 18.02(2), 18.06, and 18.15 of Chapter 18 of the zoning code, the Subdivision and Platting Ordinance for the Village of Oconomowoc Lake, per recommendation of the Plan Commission at their February 7, 2011 meeting"**

Motion (Shult/Owens) to adopt the ordinance to repeal and re-create Sections 18.02(2), 18.06, and 18.15 of Chapter 18, the Subdivision and Platting Ordinance for the Village of Oconomowoc Lake, per recommendation of the Plan Commission at their February 7, 2011 meeting, *Carried Unanimously*.

## **ATTORNEY**

Mr. Macy stated that he had attended a conference of the Towns' Association recently and will be forwarding information related to ordinances that the Village may want to consider relating to wind energy regulation and livestock facility siting.

## **TREASURER**

### **Checks**

Motion (Shult/Bickler) to approve check numbers 38244 through 38320, for regular monthly payments, and all electronic payments, *Carried Unanimously*.

## **FINANCE**

### **Discussion regarding monthly operating statement for February**

Mr. Fischer reviewed the monthly operating statement.

## **ADMINISTRATOR**

### **Discussion/action regarding update on the progress of the three notices of zoning violations**

Mr. Wiemer reported that Ms. Kasten has removed the arches on her property between the residence and the lake. There is an oversized deck that also must be decreased in size, but will have to be done in the spring after the ground thaws. Mr. Remien has agreed to move the container structure away from the accessory structure as soon as weather permits. If he wants to do any building projects in the future, he will need to get an updated Certified Survey Map and have it approved by the Plan Commission and Village Board. In regard to the Schneider property, Mr. Wiemer advised that Mr. Schneider responded to the letter he received in regard to use of his coach house for human habitation, which is not legally allowed. (A copy of the letter is attached to the minutes.) Trustees expressed concern with the wording of Mr. Schneider's letter, stating they felt that it indicated someone would continue to occasionally use the house (an accessory structure) for human habitation. Mr. Wiemer was instructed to send another letter to Mr. Schneider advising him of the Village Ordinance that prohibits human habitation in the accessory structure. Mr. Wiemer noted that Mr. Schneider's letter also states that he is in the process of completing the paperwork to apply for a variance to allow him to keep the pergola that was built on top of his accessory structure between the main residence and the lake.

Mr. Kneiser requested that the Trustees continue to receive a monthly update on the progress of these three properties' zoning violations until everything is in compliance, including copies of all related correspondence.

**Discussion/action regarding acceptance of donations received from Village residents, as noted on Appendix A, designated for use toward the fireworks display in July of 2011**

Mr. Wiemer reported that, to date, the Village has received \$6,175 in donations toward the 2011 fireworks display. The amount received since the last Village Board meeting is \$550.

Motion (Owens/Bickler) to accept the aforementioned \$550 of donations received designated for the 2011 fireworks display, as noted on Appendix A attached, *Carried Unanimously*. Staff will send letters of acknowledgement to the donors.

**Update on wake enhancement ordinance draft**

Mr. Wiemer advised that he had received a letter from Kyle Drake, Recreational Safety Warden of the DNR, that indicates that the DNR feels the ordinance proposed by the Village appears to be inconsistent with DNR regulations. He has requested clarification on several points of the proposed ordinance. Discussion followed. Mr. Wiemer advised the trustees that the Village could enforce existing hazardous wake statutes in order to protect boaters on the lake. The existing hazardous wake statutes do not appear to apply to any property erosion that may be caused by the boats that create an enhanced wake. Mr. Wiemer was instructed to enforce current statutes in addition to placing an article in the Village Newsletter informing residents about the dangers of the enhanced wake and the Village's plan for enforcement.

**Update on Heinrich extension**

Mr. Wiemer reported that Mr. Heinrich will be applying for a new building permit for the unfinished portions of his remodeling project at his house located at 4255 West Beach Road. The new permit will give him an additional two years to complete the project. The matter will be reviewed again at the March Village Board meeting.

**Discussion/action regarding the Southeastern Wisconsin Regional Planning Commission (SEWRPC) Report No. 52, A Regional Water Supply Plan for Southeastern Wisconsin**

SEWRPC has provided the Village with a copy of the Report No. 52, *A Regional Water Supply Plan for Southeastern Wisconsin*, and have requested that the Village endorse the plan. The report is an 831-page book. The Trustees requested that the clerk invite a representative from SEWRPC to attend the April 18<sup>th</sup> meeting of the Village Board to present a summary of the proposed plan and its particular impact on the Village.

**Update on February 17, 2011 lake level control meeting with the City of Oconomowoc, Villages of Summit and Lac La Belle, Town of Oconomowoc, and representatives of the DNR**

Mr. Kneiser summarized the meeting for the Trustees. Per the DNR, the Public Service Commission (PSC) order of 1945 is the plan that the Town of Oconomowoc (Town) must follow in regulating the dam; however, the plan gives conflicting direction, and is confusing for the DNR to discern the meaning. Ultimately, the DNR stated that they feel that the Town is doing a great job of regulating the dam in accordance with the 1945 order. The Town does plan to submit a new plan for the DNR to approve, but that process may take several years. The Village is continuing to track lake levels on a daily basis, and posting the information on the Village's website. Discussion followed regarding procedures for controlling the dam and dam flow capacity. Mr. Fischer suggested that it would be helpful to find out the dam flow capacity in order to make a decision on whether to pursue the matter further—specifically, the impact of gate adjustments on outflow and, hence our lake level. Mr. Wiemer will obtain that information and report back to the Trustees.

**Discussion/action regarding Time Warner Cable's letter of February 10, 2011 notifying the Village that they wish to terminate their conditional use permit**

Mr. Wiemer explained that Time Warner Cable has requested to terminate their conditional use permit (CUP) since they no longer have any equipment in the Village's wood lot. Motion (Shult/Bickler) to terminate the CUP for Time Warner Cable, Carried Unanimously.

### **POLICE CHIEF**

Mr. Wiemer reported that on February 17, 2011 there was a robbery at the Guaranty Bank located in the Pick 'N Save store in the Village's business district. The investigation is on-going.

### **FIRE COMMISSIONER**

Mr. Wiemer stated that, after numerous attempts at contact, there has been no response from the City of Oconomowoc (City) to try to set up a meeting to discuss possible consolidation of the Summit fire department with that of the City. The outcome of the joint meeting between the Village Boards of Oconomowoc Lake and Summit and the Summit Fire District Commission held on January 12, 2011 was that the three boards would meet again on March 23, 2011 at 7:00 p.m. Mr. Kneiser provided a summary of the boards' and commission's positions that was agreed to at the January 12<sup>th</sup> meeting; a copy is attached as Exhibit B. Mr. Wiemer feels that since the City has not responded, other options should be considered at the joint board meeting on March 23<sup>rd</sup>. The Trustees agreed with Mr. Wiemer's assessment.

### **BOARD OF ZONING APPEALS**

There was no meeting.

### **ARCHITECTURAL CONTROL BOARD (ACB)**

There was a meeting on January 24, 2011 at which plans were presented by Mr. Bryan Waltersdorf, 4508 Hewitts Point Road, for a reconstruction, remodel, and style change to the garage/apartment structure. The plans were approved pending adoption of a revision to Chapter 17, the Village Zoning Code. The next ACB meeting will be held on February 28, 2011, and it is possible that there will be a meeting on March 28, 2011 also.

### **CLERK**

#### **Discussion/action regarding the "prize" for Village residents due to the Village having the highest percentage of recycling in Waukesha County for 2010**

Ms. Schlieve explained that in all of Waukesha County the Village had the highest percentage of recycling in 2010, and the Waukesha County Department of Parks & Land Use, Recycling Division, offers a "prize" to communities in recognition of the good job residents did in recycling. One of the options for the Village's prize is a bike rack that could be installed at the Village Hall.

Motion (Shult/Bickler) to request a bike rack to be installed at the Village Hall as the recycling prize, Carried Unanimously. Mr. Wiemer is to choose a bike rack from those suggested by Waukesha County.

### **COMMUNICATIONS**

There were no communications.

### **CLOSED SESSION**

President Kneiser announced that the Village Board of Trustees would: "Convene into executive closed session by roll call vote, pursuant to section 19.85(1)(g), Wisconsin State Statutes, 'conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved', regarding the Fitch-Korosec-Whittimore Avenue dispute in process, the excessive assessment claim of Mart A. Olson in regard to his real estate property located in the Village of Oconomowoc Lake with tax key number OCLV 0585-974-001, and the excessive assessment claim of Nancy Latta in regard to her real estate property located in the Village of Oconomowoc Lake with tax key number OCLV 0575-927. Participating in the executive closed session will be the Village Board, Village Attorney, Village Administrator, and Village Clerk-Treasurer."

Motion (Shult/Falstad) to go into closed session as noted above, Carried Unanimously. The roll call vote was as follows: Messrs. Owens, Shult, Bickler, Falstad, Kneiser, and Fischer voted in favor. There were no votes against the motion.

The Trustees convened into closed session at approximately 8:37 p.m.

**RECONVENE INTO OPEN SESSION TO ACT UPON ANY MOTION(S) REQUIRED FROM THE CLOSED SESSION DISCUSSION**

Motion (Shult/Bickler) to reconvene into open session, Carried Unanimously. The roll call vote was as follows: Messrs. Owens, Shult, Bickler, Falstad, Kneiser, and Fischer voted in favor. There were no votes against the motion.

There were no motions to act upon from the closed session discussion.

**ADJOURNMENT**

With no further discussion being heard, a motion (Shult/Bickler) to adjourn was made at approximately 9:27 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

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Cindy J. Schlieve, Clerk-Treasurer

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Richard J. Kneiser, President