

# VILLAGE OF OCONOMOWOC LAKE

35328 West Pabst Road, Oconomowoc, WI 53066

Phone: (262) 567-5301 Web: www.oconlake.com  
Fax: (262) 567-7447 e-mail: villagehall@oconlake.com

**OCONOMOWOC LAKE VILLAGE BOARD MEETING  
MINUTES OF MONDAY, March 19, 2012,  
Unofficial until approved by the Village Board.  
Approved as written ( X ) or with corrections ( ) on 04/16/2012.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on March 19, 2012, commencing at 7:00 p.m., 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. Birbaum/President – present  
Messrs., Bickler, Falstad, Fellows, Fischer, Owens, Shult/Trustees – present  
Ms. Schlieve/ Clerk-Treasurer – present  
Mr. Wiemer/Police Chief-Administrator – present  
Mr. Macy/Attorney –present

## **ATTENDANCE**

Ed Johnson, Brian Ewald, Steve Prochaska (Michael Sign), Brian Laplander, Mark and Kim Loehrer, Peter Wolff, Jeff Rummel

## **PRESIDENT ANNOUNCES CLOSED SESSION**

President Birbaum announced that the Village Board of Trustees will: “convene into executive closed session by roll call vote, pursuant to Section 19.85(1)(e), Wisconsin State Statutes, ‘deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session’, regarding the potential purchase of property. 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 the minutes of the February 20, 2012 Village Board meeting, as printed, Carried Unanimously.

## **PUBLIC COMMENT**

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

Kim Loehrer of 3720 LaLumiere Road, Oconomowoc, read a letter she had written to Mr. Birbaum and submitted for his review on March 19, 2012 regarding the road closures in the LaLumiere Subdivision.

Jeff Rummel of 3748 Crescent Drive, Oconomowoc, spoke against the road closure referenced in a letter to the residents of the LaLumiere Subdivision dated November 8, 2002.

Brian Laplander of 3730 N. LaLumiere Road, Oconomowoc, spoke against the road closure.

Peter Wolff of W286 N991 Shepherds Way, Waukesha, introduced himself as a candidate running for the position of Lake Country Municipal Court Judge in the election to be held on April 3, 2012.

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

## **PRESIDENT**

### **Discussion/action regarding the pass through on Sylvan Lane in the LaLumiere Subdivision**

After a brief discussion, the Trustees noted that they had just received the letter from Ms. Loehrer and had not had time to review it. Additionally, they wanted time to review the letter referenced by Mr. Rummel that was sent to the residents in 2002.

Motion (Bickler/Falstad) to table the matter to a future Village Board meeting, *Carried Unanimously*.

## **PLAN COMMISSION**

### **Discussion/action regarding an ordinance to establish procedures for the approval of electronic message display signs and to establish standards for the use of electronic message display signs in the Village of Oconomowoc lake, per correspondence from Mr. Macy dated March 7, 2012, and recommendation from the Plan Commissioners at their March 5, 2012 meeting**

Motion (Bickler/Shult) to open the meeting to public comment regarding the matter of the electronic message sign only, *Carried Unanimously*.

Mr. Ewald spoke to the matter of electronic signs for his businesses, and questioned the lack of exact front footage allowable for electronic message signs in the proposed ordinance.

Mr. Macy explained that the Plan Commission intentionally excluded an exact measure of front footage for the placement of electronic message signs, preferring to handle the matter on a case-by-case basis.

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

Mr. Birbaum noted that on page 2 of the proposed ordinance, under "Brightness" the word abundant should be changed to ambient. Mr. Macy will make that change.

A motion (Owens/Shult) was made to adopt the ordinance to establish procedures for the approval of electronic message display signs and to establish standards for the use of electronic message display signs in the Village of Oconomowoc Lake.

Discussion followed regarding the need to state a specific amount of front footage allowed for the placement of electronic message signs. An amendment to the motion was made (Bickler/Shult) to add the phrase "with a minimum of 500 feet of frontage on E. Wisconsin Avenue" under number 1, Approval Process, *Carried*. Mr. Fischer abstained from the vote.

Motion to adopt the proposed ordinance, as amended above, *Carried*. Mr. Fischer abstained from the vote.

The Plan Commission agenda for April will include discussion/action regarding the possible amendment to the ordinance just adopted regarding the number and placement of electronic message signs.

## **ATTORNEY**

### **Discussion/action regarding Wisconsin open meetings law, per correspondence from Mr. Macy dated February 23, 2012**

Mr. Macy reviewed his letter regarding the open meetings law relating to e-mails. A number of years ago Mr. Macy recommended that municipalities begin using disclaimer statements on e-mail transmissions sent by government officials and employees. He again cautioned against choosing "Reply to All" when responding to e-mails sent by municipal officials, trustees, committee members, etc. where doing so could constitute a quorum of any particular body of the government, which could constitute an illegal meeting. No action was necessary.

## **TREASURER**

### **Checks**

Motion (Owens/Falstad) to approve check numbers 39202 through 39283, for regular monthly payments, and all electronic payments, Carried Unanimously.

## **FINANCE**

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

Mr. Fischer reviewed the monthly operating statement.

### **Discussion/action regarding the 2011 year-end financial audit**

Mr. Fischer reviewed the year-end financial audit for 2011, referencing the Management Discussion and Analysis (M D & A) that he prepared. One matter that Mr. Fischer noted was in regard to the South Beach Road Sewer Loan, and the manner in which the principal and interest had been recorded by the accounting firm. The method used showed the residents owed an incorrect amount. Mr. Fischer advised the Trustees that the procedure has been corrected and the loan balances are now shown correctly. No one was harmed and there were no misrepresentations made to the residents by Village staff or the accountants. Everything is now good to go forward.

In his explanation of the year-end report, Mr. Fischer noted differences in the way the Village thinks about the budget numbers when preparing the annual budget, and the formal fund balances as audited.

Motion (Shult/Owens) to accept the 2011 year-end financial audit prepared by Reilly, Penner & Benton LLP, to include the M D & A prepared by Mr. Fischer, Carried Unanimously.

## **ADMINISTRATOR**

### **Discussion/action regarding acceptance of donations received from Village residents, as noted on Appendix A (attached), designated for use toward the fireworks display in July of 2012**

Motion (Shult/Owens) to accept the donations received from Village residents, as noted on Appendix A, designated for use toward the fireworks display in July of 2012, Carried Unanimously.

### **Discussion/action regarding the memorandum of understanding between Waukesha County and the Village of Oconomowoc Lake for the Statewide Voter Registration System (SVRS)**

Motion (Shult/Falstad) to accept the memorandum of understanding between Waukesha County and the Village of Oconomowoc Lake for the Statewide Voter Registration System (SVRS), Carried Unanimously.

### **Discussion/action regarding setting the spring 2012 burning dates for the Village. (Burning dates for 2011 were 04/09/11 through 05/08/11; proposed for 2012 is 04/07/12 through 05/06/12)**

Mr. Wiemer suggested that the start date for burning be set at March 30, 2012 due the unusually early spring. Discussion followed regarding opposition to allowing burning in the Village at any time. The majority of Trustees felt that due to the limited time of the burning periods, they did not object.

Motion (Bickler/Shult) to set the spring 2012 burning dates to start on March 30, 2012 and end on May 6, 2012, Carried. Mr. Fischer opposed the motion.

### **Discussion/action regarding permission to replace the Village's traffic attorney, if needed**

Mr. Wiemer requested the authority to hire a new traffic attorney if Tim Kay is elected to the position of judge for the Lake Country Municipal Court.

Motion (Bickler/Shult) to authorize the Village President and Village Administrator to hire a new traffic attorney if necessary, Carried Unanimously.

### **Discussion/action regarding the draft of 2013 Okauchee Fire Department contract**

Mr. Wiemer presented the proposed Fire Protection Agreement between the Okauchee Fire Department and the Village of Oconomowoc Lake, to begin January 1, 2013 for a term of one year. Several changes were suggested.

- In the first paragraph titled PURPOSE; add the word “all” in front of residents to make the paragraph read as follows. “The purpose of this Agreement is to provide fire protection service to all residents of the VILLAGE OF OCONOMOWOC LAKE.”
- Rename the footnotes (The footnote titled “Section 6 Footnote” would be Footnote 1 which applies to Section 6; the footnote titled “Section 7(d) Footnote” would be Footnote 2 which applies to Section 7(d))
- Rename the “Reserve Fund” in section 7, and throughout the document, to “Capital Equipment Fund”
- In section 7(b), the last sentence should be revised by changing the word “fund” to “contribution” to make the sentence read as follows. “The aggregate amount of the contribution shall be maintained between \$65,000 and \$100,000 and shall be payable at the same time as the VILLAGE’S payment under paragraph 6 of this Agreement.”
- The whole Village map must be included in the service area, since Okauchee Fire Department will be covering the entire Village once the contract is in effect, not just the half they currently service

Motion (Falstad/Shult) to approve the 2013 Okauchee Fire Department contract, as amended above, Carried Unanimously.

### **POLICE CHIEF**

#### **Discussion/action regarding the request of Oconomowoc Police Department to use the Village shooting range**

Mr. Wiemer explained that the Oconomowoc Police Department has requested permission to use the Village shooting range for training purposes for their department.

Motion (Owens/Bickler) to approve the request by the Oconomowoc Police Department to use the Village shooting range for training purposes, Carried Unanimously.

Mr. Wiemer also reported to the Trustees that there have been some issues regarding the use of the Village’s wood lot; specifically, contractors using the wood lot for properties not in the Village and having keys they were not authorized to use. To date, three keys have been recovered that were being used by contractors for dumping materials that were not from Village residences. The locks will be changed, so going forward the matter may be resolved.

### **FIRE COMMISSIONER**

Mr. Wiemer reported that the Summit Fire District Commission will be meeting on March 28, 2012. They have gotten two estimates on the value of the fire equipment. Both were very low, so the Fire Commission has requested a third firm to appraise the equipment at a cost of approximately \$6,000.

### **BOARD OF ZONING APPEALS**

There was no meeting.

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

There was no meeting.

### **CLERK**

#### **Discussion/action regarding the March 2012 Village Newsletter**

Motion (Shult/Bickler) to approve the March 2012 Village Newsletter, as printed, Carried Unanimously.

### **COMMUNICATIONS**

Communications included the following:

- Focus on County Government Monthly Update from the Desk of Waukesha County Executive Daniel P. Vrakas

### **CLOSED SESSION**

Mr. Birbaum announced that the Board would convene into executive closed session by roll call vote, pursuant to Section 19.85(1)(e), Wisconsin State Statutes, "deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session", regarding the potential purchase of property. Participating in the executive closed session will be the Village Board, Village Attorney, Village Administrator, and Village Clerk-Treasurer.

Motion (Bickler/Falstad) to adjourn the meeting to closed session, Carried Unanimously. The roll call vote was as follows: Messrs. Owens, Shult, Fellows, Bickler, Falstad, Birbaum, and Fischer voted yes. There were no nay votes.

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

Motion (Shult/Falstad) to reconvene into open session, Carried Unanimously. The roll call vote was as follows: Messrs. Owens, Shult, Fellows, Bickler, Falstad, Birbaum, and Fischer voted yes. There were no nay votes.

There were no motions required from the closed session discussion.

### **ADJOURNMENT**

With no further discussion being heard, a motion (Bickler/Shult) to adjourn was made at approximately 9:30 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

\_\_\_\_\_  
Cindy J. Schlieve, Clerk-Treasurer

\_\_\_\_\_  
Joseph L. Birbaum, President