

# VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE SPECIAL VILLAGE BOARD MEETING MINUTES OF MONDAY, March 22, 2010, Unofficial until approved by the Village Board. Approved as written ( X ) or with corrections ( ) on 04/19/2010.**

A special meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on March 22, 2010, 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 following the Pledge of Allegiance with the following in attendance:

Mr. Kneiser/President – present  
Messrs., Bickler, Owens, Shult /Trustees – present  
Messrs., Birbaum, Falstad, Fischer/Trustees – not present due to their possible conflict of interest as members of the Board of Zoning Appeals  
Ms. Schlieve/ Clerk-Treasurer – present  
Mr. Wiemer/Police Chief-Administrator – present  
Mr. Macy/Attorney –present

## **ATTENDANCE**

There was no one in attendance other than those listed above.

## **PRESIDENT KNEISER ANNOUNCES CLOSED SESSION.**

Mr. Kneiser announced 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 litigation on the property located at 36016 South Beach Road, owned by Patrick and Jana Eilers. Participating in the executive closed session will be the Village Board, Village Attorney, Village Administrator, and Village Clerk-Treasurer.”

Motion (Shult/Owens) to convene into executive closed session as announced by the Village President, Carried Unanimously, via roll call vote, all voting in favor.

Executive closed session began at 7:05 p.m.

Motion (Shult/Owens) to reconvene into open session, Carried Unanimously, via roll call vote, all voting in favor.

## **RECONVENING INTO OPEN SESSION**

The reconvened open session began at 7:50 p.m.

## **Discussion/action regarding special counsel to represent the Board of Zoning Appeals in the matter of the upcoming request of Pat and Jana Eilers for zoning variances for their property located at 36016 South Beach Road, in the Village of Oconomowoc Lake.**

Motion (Bickler/Owens) to hire Attorney John Fuchs as special counsel to represent the Board of Zoning Appeals in the matter of the upcoming request of Pat and Jana Eilers for zoning variances, and possible appeal of the Zoning Administrator’s interpretation, for their property located at 36016 South Beach Road, in the Village of Oconomowoc Lake, Carried Unanimously.

**Discussion/action to direct the Village Attorney to work in coordination with the Zoning Administrator to take a position in regard to the request of Pat and Jana Eilers for zoning variances, as noted above.**

Motion (Owens/Shult) to direct the Village Attorney to work in coordination with the Zoning Administrator to oppose the requests by Pat and Jana Eilers for zoning variances and for overturning the Zoning Administrator's interpretations, regarding structures on or proposed for their property located at 36016 South Beach Road, in the Village of Oconomowoc Lake, Carried Unanimously.

Trustees directed that the following matters be taken into account in relation to the above motion:

- Review the legalities of the requests filed by counsel for the Eilers in conformity with the Village ordinances
- Explain the underlying purposes of the zoning code
- Defend and uphold the zoning ordinances
- Work with expert consultants to test the veracity and accuracy of both the stated and expert opinions submitted by counsel for the Eilers
- Consider any new information that may be found

**Discussion/action to authorize hiring engineering services to assist the Zoning Administrator in regard to the request of Pat and Jana Eilers for zoning variances, as noted above.**

Motion (Bickler/Shult) to authorize hiring engineering services, and any other experts as deemed necessary, to assist the Zoning Administrator in regard to the request of Pat and Jana Eilers for zoning variances, as noted previously, Carried Unanimously.

**ADJOURNMENT**

A motion (Shult/Owens) was made to adjourn at approximately 8:12 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