

# 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, April 16, 2012,  
Unofficial until approved by the Village Board.  
Approved as written ( X ) or with corrections ( ) on 05/21/2012.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on April 16, 2012, immediately following a special Plan Commission meeting, commencing at 7:00 PM, 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 – absent  
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**

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

## **APPOINTMENT OF CHAIR IN THE ABSENCE OF PRESIDENT BIRBAUM**

Ms. Schlieve called the meeting to order in the absence of the Village President. Roll was called followed by the Pledge of Allegiance. Ms. Schlieve requested nominations to act as Chairperson for the meeting. Motion (Shult/Owens) to nominate Mr. Bickler to act as Chairperson in the absence of President Birbaum, Carried Unanimously. Mr. Bickler continued as Chairperson for the remainder of the meeting.

## **MINUTES**

Motion (Falstad/Fellows) to approve the minutes of the March 19, 2012 Village Board meeting, as printed, Carried Unanimously.

## **PUBLIC COMMENT**

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

There were no comments.

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

## **PRESIDENT**

**Discussion/action regarding appointments to the Board of Review for one year terms: Joe Birbaum, Michael Bickler, Paul Fischer (alternate), Joe Owens (alternate), Cindy J. Schlieve (clerk), Michele Cannariato (alternate for clerk); appointments to the Plan Commission: Joe Owens for a three year term, and the following for one year terms: David Barquist, Flora Cameron, Bryan Waltersdorf, Ray Foster; appointments to the Architectural Control Board for three year terms: Sharon McNellis, James Perkins; appointments to the Board of Zoning Appeals for three year terms: Richard J. Kneiser, Michael Bickler, Bill Denton (first alternate); appointments to the Finance Committee for one year terms: Paul Fischer, Chris Shult, Joe Birbaum, Richard J. Kneiser, Michael Bickler**

Ms. Schlieve explained that the above-noted appointments were based on an e-mail received from Village President Birbaum in which he recommended the appointments.

Motion (Falstad/Shult) to approve all appointments as recommended by President Birbaum and noted above, Carried Unanimously.

### **PLAN COMMISSION**

**Discussion/action regarding an amendment to Ordinance No. 263 (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 April 4, 2012, and recommendation from the Plan Commissioners at their April 2, 2012 meeting and possible additional recommendation from a special Plan Commission meeting held on April 16, 2012**

Mr. Wiemer explained that the current ordinance allows for properties with a minimum of 145 feet of street frontage to have an electronic message sign. That minimum precludes one or two businesses from being allowed to have an electronic message sign. Mr. Wiemer reported that the Plan Commission at its special meeting held immediately preceding the Board of Trustees meeting, had passed a motion that recommended approval by the Trustees of an amendment that would allow businesses with a minimum of 140 feet of front footage to have an electronic message sign. Discussion followed regarding the possibility of considering a sign ordinance for signage consistency, and whether Ewald's had agreed to remove all banners from their properties since they will be able to advertise those events with their electronic message signs. After further discussion, the Trustees suggested that the ordinance be amended by eliminating any mention of front footage on E. Wisconsin Avenue, and noted that safeguards are already present in the ordinance to allow the Plan Commission to consider all matters relating to the ability of the businesses to install an electronic message sign.

Motion (Fischer/Shult) to revise Ordinance No. 263 by removing the phrase "a minimum of 140 feet of frontage on E. Wisconsin Avenue" in the first sentence of Section 1 Approval Process, so that the first sentence of Section 1 Approval Process will read: "An electronic message display sign shall only be allowed on properties wherein a Highway Orientated conditional use has been previously granted and with separate prior plan commission approval.", Carried Unanimously by Roll Call Vote. A roll call vote was required because the motion changed the Ordinance that was created and approved by the Plan Commission.

Mr. Wiemer and Mr. Macy will work together to create a letter of agreement with Ewald Automotive regarding their agreement to remove all banners and other types of temporary signage in order to allow them to have an electronic message sign.

### **ATTORNEY**

**Discussion/action regarding the proposed settlement agreement between Mart A. Olson and the Village of Oconomowoc Lake relating to property located at 36355 E. Wisconsin Avenue, in the business district of the Village of Oconomowoc Lake, with tax key number OCLV 0585-974-001**

Mr. Macy explained the settlement agreement, as previously reviewed by the Village Board of Trustees. The agreement stipulates that Mr. Olson will receive a refund of \$2,497.00 for property taxes paid on his property for the tax year 2010. The agreement additionally states that there is no admission of liability or concerning assessment or fair market value.

Motion (Shult/Falstad) to authorize the Village Clerk and Village President to sign the settlement agreement and provide the payment stipulated in the agreement, Carried Unanimously.

**Discussion/action regarding regulation of alcohol beverage licensing per 2011-2012 Wisline Series current Issues Affecting Local Government Officials, and correspondence from Mr. Macy dated April 5, 2012**

Mr. Macy noted that there have been no major changes to the alcohol beverage licensing laws that affect the Village. No action needed.

**TREASURER**

**Checks**

Ms. Schlieve noted that check number 39356 is not listed on the voucher lists provided to the Trustees; it is the check prepared for the settlement of the Mart A. Olson case, and was not included on the list in the event that the settlement was not approved. Since the settlement was approved, the motion to approve the checks should include that check.

Motion (Shult/Fellows) to approve check numbers 39284 through 39356, for regular monthly payments, and all electronic payments, *Carried Unanimously*.

**FINANCE**

**Discussion regarding monthly operating statement for April**

Mr. Fischer reviewed the monthly operating statement.

**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/Falstad) 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 purchase of a replacement snowplow**

Mr. Wiemer explained that the 1984 Blazer the Village is currently using as one of its plow trucks is in need of replacement. Mr. Wiemer noted that the Blazer was purchased over ten years ago for \$3,500 which included the snow plow, and that it had previously been used as an Army vehicle. The vehicle is now continually breaking down when it is needed the most. Mr. Wiemer proposed a replacement truck and plow through the State of Wisconsin bid. Ewald Automotive has provided a quote of \$24,558 that includes a discount of \$9,632 off the sticker price. There is currently \$27,540 set aside for truck replacement with an additional \$5,000 contribution at the end of the year.

Motion (Shult/Owens) to purchase a replacement snowplow per proposal provided (\$24,558) noting that the truck will replace the 1984 Blazer, *Carried Unanimously*.

**Discussion/action regarding an update of the Village's traffic attorney status**

Mr. Wiemer reported that the Village will be able to stay within the approved budget for this year. The attorney proposed to handle the traffic matters in Municipal Court is Mr. Rick Trindl who is with the law firm of Arenz, Molter, Macy, Riffle & Larson, S.C.

Motion (Shult/Owens) to approve hiring the law firm of Arenz, Molter, Macy, Riffle & Larson, S.C. to handle the traffic matters for the Village in Municipal Court, *Carried Unanimously*.

**Discussion/action regarding 2011 residential sales**

Mr. Wiemer provided a report of sales in the Village of Oconomowoc Lake for 2011. The document was compiled by Village Assessor Megan Scherer. Trustees noted several sales that were either not included at all or were not considered an arms-length sale and requested that the Assessor be contacted and asked to review those sales. Ms. Schlieve or Mr. Wiemer will contact Ms. Scherer regarding this matter. No action taken.

**Discussion/action regarding an amendment to Ordinance No. 262, Chapter 20.15 (3.5), relating to the launching of boats at the Village public boat launch, to increase the total weight of the boat and boat launch vehicle from 12,000 pounds to 18,000 pounds**

Mr. Wiemer explained that the change was requested to accommodate vehicles that normally handle putting in piers for Village residents. The change will not cause any damage to the launch site.

Motion (Falstad/Fellow) to approve an amendment to Ordinance No. 262, Chapter 20.15 (3.5), to increase the permitted vehicle weight from 12,000 pounds to 18,000 pounds at the boat launch, *Carried Unanimously*.

**Update regarding high water meeting to be held in May**

Mr. Wiemer advised the Trustees that a meeting is tentatively scheduled for either May 10, 2012 or May 17, 2012 in the evening to be held at the Little Theater of the Oconomowoc High School in order to inform the public regarding the high water testing results. The meeting would include representatives from the Town of Oconomowoc, City of Oconomowoc, Department of Natural Resources, and the Village of Oconomowoc Lake.

**Update regarding tub grinding in wood lot**

Mr. Wiemer advised that there was an increased volume of materials to be ground up this year due to the additional dumping that occurred last year, some of which was not authorized. It took 18 hours in order to tub grind all of the materials in the wood lot. In past years it has taken between 12 and 13 hours. Mr. Wiemer stated that new locks are being installed on the gate to the wood lot, and that the people or companies who had used the lot without proper permission have been forbidden to use it anymore. Outstanding keys to the wood lot have also been retrieved. Mr. Wiemer felt that those measures would prevent further violations in the use of the wood lot.

**Administrator report**

Mr. Wiemer reported the following information.

- The Village streets have been swept by a street sweeper
- Noted that the Village does not qualify for FEMA flood insurance since it has not passed the flood plain ordinance recommended by the Department of Natural Resources. While the knowledge is not new information, a letter was recently received from FEMA reminding the Village officials of the matter.
- An invitation to a farewell gathering for retiring Judge Doug Stern that is to be held on April 27, 2012.

**POLICE CHIEF**

There was nothing to report.

**FIRE COMMISSIONER**

**Discussion/action regarding disposal of command vehicle**

Mr. Wiemer explained that the Summit Fire District owns a command vehicle that will no longer be needed. He requested permission for the District to sell or dispose of that vehicle.

Motion (Shult/Owens) to approve disposal of the command vehicle owned by the Summit Fire District, *Carried Unanimously*.

**Update on sale of fire engine**

Mr. Wiemer advised that the 1984 Ford Pierce Pumper sold for \$2,700. Additionally, he noted that the third appraisal company that the Fire District was going to use did not provide valid prices; therefore, they did not use that company.

**BOARD OF ZONING APPEALS**

There was no meeting.

**ARCHITECTURAL CONTROL BOARD (ACB)**

There was a meeting held on March 26, 2012. Matters discussed and approved were as follows.

- Mr. and Mrs. Ed Fortino regarding 4500 Hewitts Point Road, for window changes and siding replacement and architectural enhancements for the house, and for the boat house they requested siding change, re-roofing and architectural enhancements.
- Mr. Richard Layo regarding 35520 Pabst Road, for a new single family residence to replace former Jack Swanson residence.
- Mr. and Mrs. Brennan Smith regarding 35947 North Beach Road, for changes to the new single family residence and detached garage to connect the detached garage to the residence and make them one structure.

**CLERK**

There was nothing to report.

**COMMUNICATIONS**

Communications included the following:

- Focus on County Government Monthly Update from the Desk of Waukesha County Executive Daniel P. Vrakas
- Receipt of Waukesha County Recycling Program rebate for 2011 recycling
- Spring 2012 Recycling E-News from Waukesha County

**ADJOURNMENT**

With no further discussion being heard, a motion (Owens/Shult) to adjourn was made at approximately 9:05 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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Joseph L. Birbaum, President