

VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING
MINUTES OF MONDAY, April 18, 2011,
Unofficial until approved by the Village Board.
Approved as written (X) or with corrections () on May 16, 2011.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on April 18, 2011, commencing at 7:03 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. Kneiser/President – present
Messrs., Bickler, Falstad (arrived 7:23 p.m.), Fischer, Owens/Trustees – present
Messrs., Birbaum, Shult/Trustees – absent
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.

MINUTES

Motion (Bickler/Owens) to approve, as printed, the minutes of the March 21, 2011 Village Board meeting, Carried Unanimously.

PUBLIC COMMENT

There was no public comment.

PRESIDENT

Discussion/action regarding appointments to the Board of Review, Plan Commission, Architectural Control Board, Board of Zoning Appeals, and Finance Committee (per Appendix A)

Motion (Bickler/Owens) to approve appointments to the Board of Review, Plan Commission, Architectural Control Board, Board of Zoning Appeals, and Finance, per Appendix A attached, Carried Unanimously.

PLAN COMMISSION

There was no report, as the Commission did not meet in April.

ATTORNEY

Discussion/action regarding Zoning Board of Appeals; Regulations Regarding Use Variances; per correspondence from Mr. Macy dated April 12, 2011

Mr. Macy's letter, which is attached, stated that one of his clients had recently requested him to research the issue of whether or not, under the current law local municipalities may, by ordinance, prohibit use variances. His letter summarizes the current law, and references two specific cases. Trustees requested Mr. Macy to report back to the Board the status of the cases referenced in the letter; whether or not the cases had been appealed to the Supreme Court.

TREASURER

Checks

Motion (Bickler/Fischer) to approve check numbers 38389 through 38452, 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.

Discussion/action regarding approval of the 2010 year-end financial audit

Motion (Bickler/Falstad) to table the matter to the May 16, 2011 meeting, in anticipation that all members of the Village Board would be in attendance, *Carried Unanimously*.

ADMINISTRATOR

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

Mr. Wiemer noted that the Remien residence is now in compliance with the zoning code. Ms. Kasten's deck has not yet been brought into compliance, and a letter will be sent to her requesting a timeline of completion. Mr. Schneider did reply to Mr. Wiemer indicating that his coach house is not being used for human habitation—only as an occasional office space for the caretaker. The pergola on the boat house has not yet been removed, nor has Mr. Schneider submitted any paperwork to request a variance to allow him to keep the pergola. It has been more than one year since Mr. Schneider was first notified that the pergola was in violation of Village zoning code. The trustees authorized Mr. Wiemer to issue citation(s) to Mr. Schneider for each day the pergola is not removed from the boat house in violation of Village zoning.

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

Discussion/action regarding proposed remodeling of the tennis shack owned by the Oconomowoc Lake Club; the property is legal nonconforming and covered by a C.U.P.

Mr. Bickler stated that he was stepping back in order to act on behalf of the Oconomowoc Lake Club (OLC) for this matter, and he would not be acting as a Trustee for this matter.

Mr. Wiemer explained that the OLC would like to rebuild its tennis shack. OLC would like to move the building to the west so that it would be 15 feet off the property line, construct a wider pass-through and add the handicapped accessible bathroom. Mr. Wiemer noted that he would like direction from the Trustees because the zoning code does not state how to handle a matter when there is a legal non-conforming use in a legal non-conforming structure with a conditional use. Mr. Wiemer suggested two possible options for the rebuilding of the tennis shack. One is a conditional use amendment and the other is a variance. Mr. Wiemer noted that when the OLC was rebuilt and enlarged after it burned down, it did not go through the Board of Zoning Appeals process; it went through the conditional use process. Mr. Macy confirmed that using the conditional use amendment process would be a permissible vehicle for the OLC to use for this project. Mr. Macy referenced the existing conditional use permit, noting that it is very clear that any modifications to the tennis shack would require an amendment to the conditional use permit.

Mr. Bickler explained the proposed size of the new tennis shack. Mr. Fischer questioned the exact location of the proposed building. Mr. Bickler stated that the proposed building would be larger than the existing building, but that it would be farther from the road, and would meet the 15-foot setback from the lot line. There will be more building on the site, but all of it will be farther away from the road. The consensus of the Trustees was to instruct the OLC to apply for an amendment to its conditional use permit in order to move forward with the proposed rebuilding of the tennis shack.

Discussion/action regarding security software for squad laptops and air cards

Mr. Wiemer explained the request from the Waukesha County Department of Administration to sign a commitment form for netmotion software 3-year agreement. The request was received after the March Trustee meeting, and the commitment was requested to be returned by April 15, 2011. Mr. Wiemer did sign and return the commitment form as requested by the County.

The purpose of the agreement is to get more security on the laptops that the police departments use to access information from the Department of Justice (DOJ). The DOJ has made the requirement for additional security. The total cost of the additional security is \$1,500 (\$300 per unit; the Village has 5 units).

Motion (Bickler/Falstad) to approve the agreement with the Waukesha County Department of Administration for a 3-year commitment for netmotion software to be used on the police laptop units owned by the Village, *Carried Unanimously*.

Discussion/action regarding Waukesha County Data Processing Services Property Tax Billing contract extension

Motion (Fischer/Owens) to approve the Waukesha County Data Processing Services Property Tax Billing Contract Extension, *Carried Unanimously*.

Discussion/action regarding extra-territorial approval of Certified Survey Map for property located in the Town of Oconomowoc

Mr. Wiemer explained that the location of the property detailed on the Certified Survey Map (CSM) is where the Old Mill or Tom Foolery's was in Okauchee. In response to Trustees' inquiry, Mr. Macy stated that no approval is required by the Village of Oconomowoc Lake for this CSM. The CSM can be accepted by the Register of Deeds after 90 days have passed from the date of presentation to the Village Board.

Motion (Bickler/Owens) to take no action regarding the extra-territorial approval of the Certified Survey Map for a property located in the Town of Oconomowoc, *Carried Unanimously*.

Discussion/action regarding the proposed use of the property located next to the Kiltie restaurant on E. Wisconsin Avenue in the Town of Oconomowoc, owned by Drew Howie

Mr. Wiemer reported that he had information indicating that Mr. Howie has proposed a miniature golf course for the eastern portion of his property on E. Wisconsin Avenue, next to the Kiltie restaurant, in the Town of Oconomowoc. Waukesha County has stated that the miniature golf course is a permissible use for the property. Trustees expressed concerns regarding the noise and lighting that would be generated by a facility of that type. Trustees request Mr. Wiemer to review the matter with President-elect Joe Birbaum when possible. No action needed at this time.

Discussion/action regarding the dam inspection contract

Mr. Wiemer explained that he had received a quote for dam inspections from Ayres Associates of \$2,300. The bridge engineering firm the Village has used in the past has presented a quote of \$5,000. Trustees requested that Mr. Wiemer review the water flow of the dam in order to determine the quantity of water that can be released through the Village's dam gates.

Motion (Bickler/Owens) to accept the quote for dam inspections of \$2,300 from Ayres Associates for 2011 inspections, *Carried Unanimously*.

Discussion/action regarding recognition for Bob Wuerl, retired police officer

Mr. Wiemer stated that Mr. Wuerl has not indicated what type of recognition he would like, if any. Mr. Wiemer will contact Mr. Wuerl again to determine whether some type of recognition party or dinner should be planned for Mr. Wuerl.

POLICE CHIEF

There was nothing to report.

FIRE COMMISSIONER

Mr. Wiemer stated that the monthly meeting of the Summit Fire District had been held on April 14, 2011. There was nothing new to report.

BOARD OF ZONING APPEALS

There was no meeting.

ARCHITECTURAL CONTROL BOARD (ACB)

Update regarding meeting held on March 28, 2011

There was a meeting on March 28, 2011 at which revisions for Mr. & Mrs. Patrick Eilers' property, located at 36016 South Beach Road, were presented. The revisions included changes and addition to basement garage, change front porch to interior living space, window changes, and veneer stone change. All changes were approved.

CLERK

Discussion/action regarding setting a meeting date to discuss the City of Oconomowoc fire department proposal with the Villages of Summit and Oconomowoc Lake and the Summit Fire District; proposed dates are Wednesday, May 11th; Thursday, May 12th; or Wednesday, May 18th

Mr. Kneiser explained that a meeting between the Village of Summit, Village of Oconomowoc Lake, and the City of Oconomowoc Mayor and his staff had been held on April 7, 2011. The purpose of the joint meeting had been to discuss the possible merger of the Summit Fire District and the Oconomowoc Fire Department. The City Mayor informed those present that the City only wanted to discuss a contract with the two Villages; they were not interested in a merger. Mr. Kneiser provided documents that detailed the City's proposed contract and what those numbers mean to the Village of Oconomowoc Lake.

With knowledge of the aforementioned information, Mr. Henry Elling, Village of Summit Administrator, had sent a request to Mr. Wiemer to set a joint meeting between the two Villages and the Summit Fire District. The suggested dates are May 11th, May 12th, or May 18th.

Motion (Bickler/Owens) to set the joint meeting date for the Villages of Summit and Oconomowoc Lake and the Summit Fire District for Thursday, May 12, 2011 at 7:00 p.m. at the Oconomowoc Lake Village Hall, Carried Unanimously.

Staff will make the necessary notifications to the Village of Summit, the Summit Fire District, and the absent members of the Village of Oconomowoc Lake Board of Trustees.

Update regarding chargebacks for 2009 uncollectible personal property taxes

Ms. Schlieve reported that the Village has received the State, County, and school district portions of the uncollectible personal property tax bill from 2009. The total amount received was \$642.67.

Discussion/action regarding Resolution No. 147, Recognition for outgoing President Richard J. Kneiser

Mr. Bickler read Resolution No. 147, recognition for outgoing President Richard J. Kneiser.

Motion (Bickler/Falstad) to adopt Resolution No. 147, Carried Unanimously.

Once all the signatures have been obtained, Mr. Kneiser will receive a framed original of the Resolution; and an original will be placed in the Resolution binder and kept in the Village Hall. A copy is attached to the minutes.

COMMUNICATIONS

Communications included the following:

- Focus on County Government from the County Executive's Office
- Receipt of Waukesha County Recycling Program rebate for 2010 recycling

ADJOURNMENT

With no further discussion being heard, a motion (Bickler/Falstad) to adjourn was made at approximately 8:33 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Joseph L. Birbaum, President