

VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING
MINUTES OF MONDAY, May 15, 2023,
Unofficial until approved by the Village Board.
Approved as written or with corrections () on 6/14/23.**

A meeting of the Village Board of Trustees of the Village of Oconomowoc Lake was held immediately following a Public Hearing on Monday, May 15, 2023, and commencing at 7:04 p.m., at the Oconomowoc Lake Village Hall, 35328 W Pabst Road, Oconomowoc. Legal requirements for notification of the public have been met. Roll call was taken with the following in attendance:

Present: President Bickler and Trustees: Fischer, Taylor, Waltersdorf, Zimmermann, Fellows, and Sheahan

Also present: Administrator/Police Chief Janicsek, Zoning Administrator Wiemer, Attorney Macy and Village Clerk, Teri Sayles

ATTENDANCE

Mary McKenna (4648 Lake Club Cir); Ed Johnson (N Beach Rd); Matthew Weil (3810 N Lalumiere Rd); Nick & Brooke Bickler (36200 Lalumiere Rd); S Remien (35900 Pabst Rd); Kristine McNeilly & Jef Fitch (36048 S Beach Rd); Mark & Kris Loehrer (3720 Lalumiere); Mark Mertins (N41W33326 Woodsvie Rd); Cory Honeyager (3729 N Lalumiere Rd); J Borland (4678 Lake Club Cir); John Poast (36140 Lalumiere); Mark Wershay (N48W34152 Jaeckles Dr)

MINUTES

Discussion/action regarding approval of minutes from the April 17, 2023 Information Session and Village Board meeting.

Motion (Taylor/Fellows) to approve the minutes from the April 17, 2023 Information Session and Village Board meeting. Motion carried unanimously (6-0).

PUBLIC COMMENT

Motion (Zimmermann/Taylor) to Open Meeting to Public Comment on Agenda items at 7:05 p.m. Motion carried unanimously (6-0).

No Public Comment

Motion (Waltersdorf/Zimmermann) to Close Meeting to Public Comment on Agenda items at 7:05 p.m. Motion carried unanimously (6-0).

VILLAGE PRESIDENT

Swearing in of Village Trustee, Patrick Sheahan, appointed on April 17, 2023.

Trustee Sheahan read and signed his oath of office as a Village Trustee.

PLAN COMMISSION

Discussion/action regarding an extra-territorial plat review of a Certified Survey Map (CSM) for Mark C. Wershay and Kelly A. Ott; N48W34152 Jaeckles Drive; Nashotah, WI 53058-9631; for the

property on the north side of Jaeckles Drive described Lot 43, Part of Lot 64 and the vacated 20-foot wide right of way north of Lot 64, all in Lake Park Heights, being a part of the SE ¼ of the SE ¼ of Section 36, T8N, R17E, in the Town of Oconomowoc. Tax Key OCOT0576096.

Don Wiemer stated the CSM was reviewed and approved with conditions by both the Town of Oconomowoc and Waukesha County. The Village Plan Commission also reviewed and recommends approval of the CSM to the Village Board. He further stated all conditions of the Town and County have been met.

Motion (Taylor/Fellows) to approve the extra-territorial plat review of a Certified Survey Map (CSM) for Mark C. Wershay and Kelly A. Ott; N48W34152 Jaeckles Drive; Nashotah, WI 53058-9631; for the property on the north side of Jaeckles Drive described Lot 43, Part of Lot 64 and the vacated 20-foot wide right of way north of Lot 64, all in Lake Park Heights, being a part of the SE ¼ of the SE ¼ of Section 36, T8N, R17E, in the Town of Oconomowoc. Tax Key OCOT0576096. Motion carried unanimously (7-0).

VILLAGE TRUSTEES

Discussion/action regarding outstanding LaLumiere dredging project matters

Trustee Fischer met with Lalumiere residents on Saturday, April 22nd to present a draft maintenance agreement (Exhibit 1). The intent of the maintenance agreement is to protect and sustain the condition of the channel following the dredging project and includes the following proposals: the Village will convey village owned lots (outlined in green on Exhibit 4), by deed, as an undivided interest which cannot be sold separate from the original lots, to the LaLumiere subdivision property owners. LaLumiere subdivision property owners will be responsible to maintain the deeded property outlined in green on Exhibit #4 within 15 feet of the water in perpetuity. The Village will do an initial clearing of the property outlined in green on Exhibit #4 within 15 feet of the water. If the LaLumiere subdivision property owners fail to maintain the property outlined in green on Exhibit #4 within 15 feet of the water in the future, the Village is authorized to complete the work and pass the cost to all LaLumiere subdivision property owners with each LaLumiere subdivision property owner paying an equal share of the cost.

Chief Janicsek received a quote (Exhibit 2) from a contractor to do the initial clearing which would be the responsibility of the Village if the draft maintenance agreement is approved. The quote to clear the two salable lots is \$9,100. The quote to clear the channel frontage is \$16,825.

Attorney Macy drafted a Dredging Agreement. The Zoning Administrator drafted a deed restriction and all included exhibits (Exhibits 3-7) outlining the terms of the maintenance agreement including a current list of property owners; the cost allocation agreed upon by and for the Lalumiere subdivision property owners for their portion of the dredging project; a map of the lands to be conveyed outlined in green, by deed, as an undivided interest which cannot be sold separate from the original lots to the Lalumiere subdivision property owners; and a Waiver of Special Assessment to be signed by each LaLumiere subdivision property owner. This waiver simplifies the process and ensures the collection of monies. Attorney Macy is looking for board input to put this agreement into final form.

Staff met with a title company and received a quote (Exhibit 9) of \$1,609 to prepare the deed restriction documents for property owners to sign.

Exhibit 10 is a draft resolution levying special assessment against properties benefitted by dredging.

1. Maintenance proposal for the LaLumiere channel

Motion (Taylor/Fischer) to direct staff to put the maintenance agreement in final form adding an item #7 stating: "Continuing Maintenance will be required of LaLumiere subdivision property owners according to the maintenance agreement"; subject to the execution of the dredging agreement by all LaLumiere subdivision property owners. Motion carried (6-0-1, Bickler abstain).

2. Cost of original clearing to be paid for by the Village

Motion (Fischer/Waltersdorf) to approve the Village spending \$9,100 to improve village owned property for salability, including the out lots and to do the initial clearing if the maintenance agreement is approved and subject to the execution of the dredging agreement by all LaLumiere subdivision property owners. Motion carried (6-0-1, Bickler abstain).

Motion (Fischer/Waltersdorf) to approve the Village spending \$16,825 to clear 3500 feet of channel frontage per the proposal, and subject to the execution of the dredging agreement by all LaLumiere subdivision property owners. Motion carried (6-0-1, Bickler abstain).

3. The dredging agreement between the Village of Oconomowoc Lake and LaLumiere residents

Motion (Fischer/Sheahan) to authorize the staff to finalize the Dredging Agreement per board comments and direction and to strike the "# of boats" column and the "Access Type" box from Exhibit E in the recorded deed restriction. Motion carried (5-0-2, Bickler, Waltersdorf abstain).

4. Authorize the transfer of Village owned lands to LaLumiere residents

Motion (Zimmermann/Fischer) to authorize the transfer of Village owned lands to LaLumiere residents and subject to the execution of the dredging agreement by all LaLumiere subdivision property owners. Motion carried (6-0-1, Bickler abstain).

5. Approval of deed restriction language

Motion (Sheahan/Taylor) to authorize Attorney Macy and staff to finalize the deed restriction, changing the term "Conservation Area" (paragraph 2) to "Conveyed Area". Motion carried (6-0-1, Bickler abstain).

6. Approval of the LaLumiere property owner's payment plan

Motion (Taylor/Zimmermann) to approve of the LaLumiere property owner's payment plan and subject to the execution of the dredging plan by all LaLumiere subdivision property owners. Motion carried (6-0-1, Bickler abstain).

7. Approval of Special Assessment waivers

Motion (Fischer/Taylor) to direct staff to commence the special assessment procedures for the LaLumiere dredging project. Motion carried (6-0-1, Bickler abstain).

8. Approval of the financing plan (no exhibit)

Trustee Fischer stated the interest rate and final cost are unknown and it may be beneficial for the Village to be the lender depending on the rate available at the time of the loan. For these reasons it is not possible to have a final written financing plan at this time.

Motion (Fischer/Fellows) to direct staff to commence the process of developing a plan to finance the dredging project. Motion carried (6-0-1, Bickler abstain).

9. Authorize hiring of a title insurance company

Motion (Taylor/Sheahan) to authorize staff to hire Attorneys Title & Closing Services, LLC at a cost of \$1,609 to prepare all necessary documents for LaLumiere subdivision property owner's signatures, subject to the execution of the dredging agreement by all LaLumiere subdivision property owners. Motion carried (6-0-1, Bickler abstain).

10. Authorization to commence the special assessment process

Motion (Fellows/Zimmermann) to direct staff to initiate the process of levying special assessments against properties benefitted by the channel dredging project, subject the execution of the dredging agreement by all LaLumiere subdivision property owners. Motion carried (6-0-1, Bickler abstain).

ADMINISTRATOR

Discussion/action regarding Village communication with residents.

Chief Janicsek reviewed the many ways the village communicates with residents and shared what neighboring communities are doing. Attorney Macy confirmed we are compliant with state statute related to agendas for meetings. He also reminded board members the email list the village uses to communicate with residents is subject to open records law.

Additional options for communications were discussed and the clerk was asked to add information about dates when agendas are posted to the newsletter.

Motion (Fisher/Zimmermann) to continue to communicate with residents in the same manners we currently utilize. Motion carried unanimously (7-0).

POLICE CHIEF

Discussion/action regarding the sale of used squad.

Chief Janicsek stated the 2019 Chevy Tahoe is being taken out of service and asked the board to approve its' sale following needed repairs. He would like to place the sale on Craigslist and Facebook Marketplace. Trustee Fischer suggested a "buy it now" price of \$22,000.

Motion (Waltersdorf/Zimmermann) to sell the 2019 Chevy Tahoe for a "buy it now" price of \$22,000 for 5 business days and to authorize Chief and Trustee Fischer to accept a bid in the event the price is not met in the period allowed. Motion carried unanimously (7-0).

Police Department Monthly Report for April 2023.

Chief Janicsek reviewed the report in the packet. 60 citations were issued and there were 306 total calls. There were no major repairs or maintenance.

ZONING ADMINISTRATOR

Discussion/action regarding a building permit extension for the Pierson residence at 4345 Buchanan Road; Tax Key: OCLV579-958-008; Mark Mertens, Agent.

Don Wiemer distributed a copy of Ordinance 257 to board members. This ordinance deals with expiring building permits and fines but does not allow for a waiver of the fees if circumstances prevent a building project from being completed on time.

Mr. Wiemer asks the board to issue a waiver to Pierson's of the fee to extend their permit because of construction delays due to covid and supply chain issues. He further stated with homes getting larger it may be an ongoing problem for future builds to be completed within 2 years. The original intent of the ordinance was to deal with a lack of progress, not a lack of time to complete a project.

Motion (Waltersdorf/Zimmermann) to grant a waiver of the fee to extend their building permit for six (6) months and to direct staff to come up with a plan to extend permits beyond 6 months. Motion carried unanimously (7-0).

Discussion/action regarding an Ordinance to:

- a) **Repeal and Recreate Section 17.37 Entitled R-2 A Suburban Residential District, Subsection (4) Entitled Structure, Accessory; Subsection (c) Entitled "Off sets"; of the Village of Oconomowoc Zoning Code. More specifically, changing the offset from 25 feet to 15 feet.**

Don Wiemer stated when R2-B was created the offset was inadvertently changed against the intention of the board. He is asking the board to approve changing it back to what it has always been.

b) Amend the introductory language dealing with the accessory structure section of the R2-A and R2-B zoning districts to read as follows:

“No accessory structure can be located between the main building and any high-water mark nor in the offset areas of any such main building except as follows:”

Don Wiemer stated when the sport court ordinance was created, the above quoted sentence was removed and according to the board intention should have been left in the code. He is asking the board to approve adding the same back in the code.

Motion (Zimmermann/Fellows) to approve the changes, by ordinance, to reflect the original intent of the Village Board. *Motion carried unanimously (7-0).*

HISTORY BOARD

No agenda items.

ATTORNEY

No agenda items.

TREASURER

Discussion/action regarding approval of checks 48199 through 49263 and all electronic payments.

Motion (Fellows/Taylor) to approve checks 48199 through 49263 and all electronic payments. *Motion carried unanimously (7-0).*

Discussion/action regarding acceptance of donations received from Village residents, as noted on Exhibit A, designated for use toward the fireworks display in July of 2023.

Motion (Taylor/Fellows) to accept donations received from Village residents, as noted on Exhibit A, designated for use toward the fireworks display in July of 2023. *Motion carried unanimously (7-0).*

FINANCE COMMITTEE

Discussion regarding the monthly operating statement for May 2023.

Trustee Fischer stated earning on investments is up due to interest on tax revenue; legal expense is over what was expected; Village rent is up; Insurance Settlement represents a class action settlement received that should be moved to Miscellaneous Revenue; and snow removal expense is at 72% of budget but should be okay through the end of the year.

Discussion/action to amend the 2023 Budget to accept a settlement of \$17,414.03 from the Monsanto class action PCB Monitoring Fund, by super majority vote.

Attorney Macy stated the village was recognized as having the potential to be impacted by PCBs getting in the lake. Acceptance of the monitoring settlement would not allow the Village to hold Monsanto liable for any possible future damages.

Motion (Fischer/Sheahan) to amend the 2023 Budget to accept a settlement of \$17,414.03 from the Monsanto class action PCB Monitoring Fund.

Motion carried unanimously (7-0).

Discussion/action regarding approval of the 2022 Financial Audit.

Trustee Fischer highlighted the annual audit stating Total Assets are up 9.96% over 2021 and Liabilities are down 7.99% over 2021, giving us a Total Net Position increase of 3.63%. Our Current Assets and Liabilities (p.9) are up 13.59% over last year.

Our change in net position over last year is up \$154,331 (p.12). Our net change in fund balance (p.14) is a decrease of \$150,728. These are explained on page 14 as due to both Capital Asset and Debt activity. The Comparison of Budget and Actual for 2022 shows us in the hole \$77,904 but that is only \$9 different than what was anticipated with the purchase of the Wisconsin Avenue property.

Motion (Fischer/Taylor) to approve the 2022 Financial Audit. Motion carried unanimously (7-0).

Discussion/action to close the Special Assessment Fund and transfer the balance to the Undesignated General Fund.

Trustee Fischer explained there is \$30,725 left in the Special Assessment Fund because the South Beach Road revenue was not recorded in one year and was not noticed until the books were closed. With agreement of the auditors, he would like to move it out to Undesignated General Fund Balance as a correction in this year.

Motion (Fischer/Zimmermann) to close the Special Assessment Fund and transfer the balance of \$30,725 to the Undesignated General Fund. Motion carried unanimously (7-0).

FIRE DEPARTMENT

No agenda items.

BOARD OF ZONING APPEALS

No agenda items.

ARCHITECTURAL CONTROL BOARD (ACB)

Minutes of the April 24, 2023 meeting are in the packet.

CLERK

No agenda items.

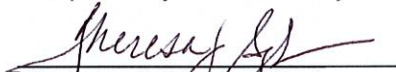
COMMUNICATIONS

A letter from the City of Delafield for a Public Hearing re: Planned Unit Development Conditional Use at the former St. John's golf course is in the packet.

ADJOURNMENT

With no further discussion being heard, a motion (Fellows/Taylor) to adjourn was made at 9:08 p.m. Motion carried unanimously (7-0).

Respectfully submitted by:


Theresa J Sayles, Clerk

Approved and ordered posted by:


Michael J Bickler Sr, President