

VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF
MONDAY, May 18, 2009, Unofficial until approved by the Village Board.
Approved as written () or with corrections () on _____.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on May 18, 2009, 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, Birbaum, Fischer, Owens (arrived at 7:06 p.m.),
and Shult/Trustees – present
Mr. Schinzer/Trustee – absent
Ms. Schlieve/ Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. John Macy/Attorney –present

ATTENDANCE

Tim Lizotte (Waukesha Area Wildlife Supervisor for the Department of Natural Resources), Residents Carol Kneiser, Paul Clarkson, Andrea Clarkson, and Mimi Birbaum

MINUTES

Motion (Shult/Birbaum) to approve, as printed, the minutes of the March 16, 2009 Village Board meeting, *Carried Unanimously.*

PRESENTATION BY A DEPARTMENT OF NATURAL RESOURCES (DNR) WILDLIFE MANAGER REGARDING GEESE MANAGEMENT.

Mr. Tim Lizotte, Waukesha Area Wildlife Supervisor for the Southeast Region of the Wisconsin DNR, presented information regarding the management of geese. The particular type of goose that has become a nuisance is the Resident Canada Goose. Mr. Lizotte noted several methods to legally deter the geese from encroaching onto lakefront properties. Those methods for which a permit is not required include the following.

- A ban on feeding the birds, either by Village ordinance or peer pressure
- Creating buffer zones between the water and the lawn using plantings or by allowing the grass to grow taller along the shoreline
- Several fencing options are possible: a single wire along the shore, solid wire fencing, single strand electric fence, mesh fencing
- Applying goose repellent spray on the lawn at the shoreline
- Harassing the geese using methods such as a motion detector sprinkler system or pyrotechnics. It may be best to harass the geese during the early fall hunting season so that the geese are encouraged to leave, and may then move on to an area where hunting is permitted.
- Dogs

There are methods for which a permit is required. Those include the following.

- Nest destruction in which the eggs are sprayed with oil and shaken. The eggs and nest should be left intact; otherwise the geese will mate again and create a new nest.

- A method called a “round-up” in which the geese are removed by Department of Agriculture trained staff. When the geese molt, sometime in June or July, they become flightless. At that time they can be caught. They are then euthanised, processed, and donated to food pantries or shelters to be eaten.

Additional information is available in the clerk’s office at the Village Hall regarding goose management, as well as the application forms for the permits required. Mr. Lizotte advised that he is available for contact with any questions residents may have regarding goose management.

PUBLIC COMMENT

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

Paul Clarkson and Andrea Clarkson reported that they have received a number of negative comments regarding the proposed Village entranceway markers. The primary concerns are the large size and that the colors are too bright. Those people expressing concerns to the Clarksons suggested that the Village have smaller signs in colors that are more earth-toned.

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

PRESIDENT

Discussion/action regarding the Village 50th Anniversary Celebration Volunteer Committee’s event plans and entranceway markers.

Mr. Birbaum explained that the event is planned for August 2, 2009 to be held at the Oconomowoc Lake Club. The event will include music by the Piles of Rhythm, food and non-alcoholic beverages sold at 1959 prices, a display of antique cars, a presentation by Don Wiemer about the history of the Village using his postcard collection, a presentation by John Macy regarding his property on Hewitts Point Road, and a number of items will be for sale with logos commemorating the 50th anniversary of the Village.

Mr. Bickler reported that plans have been made to have four large markers and five small markers installed at the entrances to the Village. The markers will have the Village logo with the addition of the 1959 year of incorporation. Trustees discussed the colors of the proposed markers. The original proposal shows the colors as blue and white, similar to the current Village signs. Mr. Bickler noted that it was a simple matter to revise the color choices. He also noted that the business owner who will be making the markers stated that the blue color as shown on the flyers is much brighter than the actual blue would be. Mr. Bickler reported that the committee has received commitments from residents to fund the four large markers. At this time, there have been no commitments received for the funding of the small markers.

Motion (Birbaum/Bickler) to authorize the creation of the four major (large) markers and five minor (smaller) markers, using the colors of taupe and blue, instead of white and blue, *Carried Unanimously*. There was consensus that any further changes to the markers would require trustee approval.

Discussion/action regarding Board of Review appointments for 1-year terms.

Motion (Bickler/Birbaum) to approve the following appointments to the Board of Review for 1-year terms: Richard J. Kneiser, Cindy J. Schlieve, Michael Bickler, Jeanine Griswold (alternate for clerk), Paul Fischer (alternate), and Joseph Owens (alternate), *Carried Unanimously*.

Discussion/action regarding Plan Commission appointments.

Motion (Bickler/Shult) to approve the following appointments to the Plan Commission: Richard J. Kneiser (2-year term), Joseph Owens (1-year term), Tom Lyons (1-year term), Paul Clarkson (1-year term), Ray Foster (3-year term), Joe Birbaum (alternate) (2-year term), *Carried Unanimously*. Gery Langenbach is also a Plan Commissioner whose term expires April 30, but was unavailable to confirm his desire to continue as a Plan Commissioner. Approval of that Plan Commission position will be placed on a future

agenda once Mr. Langenbach has confirmed whether or not he would like to remain on the Plan Commission.

Discussion/action regarding Architectural Control Board appointments for 3-year terms.

Motion (Owens/Bickler) to approve the following appointments to the Architectural Control Board for 3-year terms: Sharon McNellis and James Perkins, *Carried Unanimously*.

Discussion/action regarding Board of Zoning Appeals appointments for 3-year terms.

Motion (Shult/Owens) to approve the following appointments to the Board of Zoning Appeals for 3-year terms: Gery Langenbach, John Sproule, Joe Birbaum (2nd alternate), *Carried Unanimously*.

Discussion/action regarding Finance Committee appointments for 1-year terms.

Motion (Shult/Owens) to approve the following appointments to the Finance Committee for 1-year terms: Paul Fischer, Chris Shult, Joe Birbaum, Richard J. Kneiser, and Michael Schinzer, *Carried Unanimously*.

PLAN COMMISSION

There was no report, as the Plan Commission did not meet in April. There will be a Plan Commission meeting on May 4, 2009.

ATTORNEY

Discussion regarding 2008-2009 Wisline Series relating to current issues affecting local government officials regulation of alcohol beverage licensing, per correspondence from Mr. Macy dated April 2, 2009.

Mr. Macy noted that he had attended a seminar regarding alcohol beverage licensing. There are no new regulations at the present time.

Discussion/action regarding direct legislation relating to ordinances mandating paid sick leave, per correspondence from Mr. Macy dated March 28, 2009.

Mr. Macy advised that his letter was intended to provide the Village with information regarding direct legislation, in view of the legislation that was initiated by electors in the City of Milwaukee. The letter detailed procedures that electors would have to follow if they wanted to have a particular law enacted. There are very specific criteria that must be followed. No action was taken.

TREASURER

Checks

Motion (Bickler/Birbaum) to approve check nos. 36081 through 36160, for regular monthly payments, and all electronic transfers, *Carried Unanimously*.

FINANCE

Discussion regarding monthly operating statement for April.

The monthly operating statement was discussed.

Discussion/action regarding the 2008 year-end audited financial statements.

Mr. Fischer explained the year-end audited financial statements. It was noted that pages 2 through 15 are the Management Discussion & Analysis, which was compiled by Mr. Fischer, with the oversight of the accounting firm Reilly, Penner, & Benton. The remainder of the report is the information reported by Reilly, Penner, & Benton in their audit of the Village accounts. Motion (Birbaum/Bickler) to adopt the 2008 year-end financial statement, as presented, *Carried Unanimously*. Trustees thanked Mr. Fischer for his expertise and input for the report.

ADMINISTRATOR

Discussion/action regarding the disposal of 2005 Chevy Tahoe (former squad car).

Mr. Wiemer reported that two bids had been received; \$6,500 and \$6,120. He requested that both bids be accepted, in case the highest bidder was unable to complete the sale, and also, to give authorization for the vehicle to be taken to auction, in case both bidders were unable to complete the sale of the vehicle.

Motion (Birbaum/Owens) to accept the bid of \$6,500; if that bid is not paid, to accept the bid of \$6,120 received for the sale of the 2005 Chevy Tahoe, and authorize Mr. Wiemer to take the vehicle to auction in case both bidders were unable to complete the sale of the vehicle, *Carried Unanimously*.

Discussion/action regarding legal non-conforming use as to the caretaker residence at 35308 Pabst Road.

Mr. Wiemer requested guidance regarding the property owned by Scott and Diana Kestly. In 1997, Mr. Kestly divided his 80-acre property. At that time, Mr. Kestly kept the five acres upon which his personal residence and an additional caretaker's house were located. Village zoning only allows one residence per property, unless the additional residences have been continually in use for human habitation since prior to the incorporation of the Village. Those are then considered to be grandfathered, and are legal nonconforming properties. Mr. Kestly reported to the Village Board of Trustees at that time that his caretaker's house had not been in use for a number of years. In doing so, it was concluded that he lost the ability to use that house for human habitation. Mr. Kestly opted not to proceed with a variance or a legal non-conforming conditional use to maintain two residences on one parcel and reduce the parcel from 80 acres to 5 acres; therefore the caretaker's house has been used as an accessory structure since 1997. Mr. Kestly is now considering razing the caretaker's house since it is not permitted to be used for human habitation. Mr. Wiemer would like to assist Mr. Kestly in taking the necessary steps in order to legalize having two structures used for human habitation on one parcel. Mr. Macy advised that the Kestly parcel was a legal non-conforming property. In order for Mr. Kestly to be allowed to have two structures used for human habitation on his property, he would need to apply for an after-the-fact conditional use permit to reduce the size of the mother parcel. In this case, that would be from the original 80 acres to the current 5-acre parcel, in order to legalize keeping the two structures that would be used for human habitation on the one parcel. No action was taken.

Discussion regarding Oconomowoc Utilities plan for underground work on Beach, Gifford, Armour, Valentine, and Deer Park roads.

Mr. Wiemer explained that this summer Oconomowoc Utilities will be working along Beach, Gifford, Armour, Valentine, and Deer Park roads, in order to bury the electric lines. The new lines will also have increased output. A letter will be mailed by Oconomowoc Utilities to all residents affected by the work to advise them of the upcoming project. Restoration of the area is to immediately follow the project work.

Discussion/action regarding the purchase of a new copier.

Ms. Schlieve explained the two quotes received for a new copier. Konica Minolta provided the lowest bid; however the machine quoted was much slower than the machine quoted by the James Imaging Systems. Motion (Birbaum/Owens) to purchase a Toshiba e-Studio 353 Digital Copier, at the price of \$5,996.00, from the James Imaging Systems, *Carried Unanimously*.

Discussion/action regarding re-submission of Flood Plain Ordinance with Village recommended changes to the Department of Natural Resources (DNR).

Mr. Wiemer advised that he had been contacted by a representative of the DNR regarding the flood plain ordinance that the Village did not adopt. The DNR has now requested that we re-submit the ordinance, with the Village approved changes, for the DNR to review. The trustees agreed that Mr. Wiemer should re-submit the flood plain ordinance, with the changes the Village Board of Trustees had previously approved. Mr. Wiemer submitted the ordinance to Mr. Gary Heinrichs of the DNR for their review. No action was taken.

Discussion/action regarding installation of entrance monument at Pabst and Sawyer roads.

The matter of the entrance markers was discussed earlier in the meeting, and action taken. No additional action is needed at this time.

Discussion/action regarding high speed rail and its impact on the Village quiet zone.

Mr. Wiemer reported that he had received a notice from the State of Wisconsin Office of the Commissioner of Railroads. The notice was for a hearing of investigation and assessment of costs regarding the Department of Transportation's request for alteration of eighteen public crossings of the Soo Line Railroad Co. The hearing is scheduled for April 28, 2009, at 10:00 a.m., at the Hartland Municipal Building. The requested alterations are due to the proposed high speed rail, and would affect the Village's quiet zone. Mr. Wiemer advised that he has contacted the engineering firm of Ruckert and Mielke and requested them to run the quiet zone risk calculations to determine the effect of the high speed rail on the quiet zone. Additionally, he requested permission to work with Mr. Macy to prepare a presentation to be made at the April 28, 2009 hearing regarding maintaining the Village's quiet zone. Motion (Bickler/Owens) to permit Mr. Wiemer to work with Mr. Macy to prepare a presentation to be made at the April 28, 2009 hearing before the Office of the Commissioner of Railroads of the State of Wisconsin regarding maintaining the Village's quiet zone, *Carried Unanimously*.

Update regarding Valentine Road bridge repair.

Mr. Wiemer reported that the project agreement had been signed and returned to the Department of Transportation (DOT) for the Valentine Road bridge repair. DOT will begin letting bids for the project on April 28, 2009. All funding should be provided by the Federal and State government.

Discussion/action regarding fire tower grant.

Mr. Wiemer reviewed the request from the City of Oconomowoc regarding the fire tower grant. Motion (Bickler/Shult) to approve the fire tower project, with the following stipulations: a ten-year lease with an annual rental of \$1,000 for each of the 12 departments listed as participants; the paving of road into the wood lot; the addition of a new gate with key pad instead of padlock, *Defeated*. The vote was as follows: Messrs. Bickler and Shult, yes; Messrs. Owens, Birbaum, Fischer, and Kneiser, no.

Discussion/action regarding proposal for the identification and tagging of all oaks infected with Oak Wilt Disease in 2009, as proposed by Farina Tree Care, Inc.

Mr. Wiemer explained the proposal received from Mr. Farina. Motion (Fischer/Owens) to accept the proposal from Farina Tree Care, Inc. for the identification and tagging of all oaks infected with Oak Wilt Disease in the Village of Oconomowoc Lake in 2009, at a maximum cost of \$2,430.00, *Carried Unanimously*.

POLICE CHIEF: There was no report.

FIRE COMMISSIONER

Mr. Wiemer advised that the next Summit Fire Commission meeting will be on April 21, 2009.

BOARD OF ZONING APPEALS: The board did not meet.

ARCHITECTURAL CONTROL BOARD (ACB): The ACB did not meet. There will be a meeting on April 27, 2009.

CLERK: There was no report.

COMMUNICATIONS: There were no communications to report.

Village Board of Trustee Minutes
April 20, 2009

With no further discussion being heard, motion (Owens/Bickler) to adjourn was made at approximately 9:40 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Richard J. Kneiser, President