

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, May 19, 2014,
Unofficial until approved by the Village Board.
Approved as written (X) or with corrections () on 06/16/2014.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on May 19, 2014, commencing at 7:12 PM, immediately following a Public Hearing, 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 – present
Messrs., Bickler, Fellows, Owens, Shult, Waltersdorf/Trustees – present
Mr. Fischer/Trustee – absent
Ms. Schlieve/Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

Tim Schuetz (Automotive Parts & Equipment), Carol Zeutzius, Kim Sneller, Candice Strong, Thomas Dierbeck, Keith Farley (Oliver Construction), Bobbie Dierbeck, Ed Johnson

MINUTES

Motion (Bickler/Owens) to approve the minutes of the April 21, 2014 Village Board meeting, Carried Unanimously.

Ms. Schlieve provided a revised copy of page 3 of the minutes. Revisions were made under the heading of "Discussion/action regarding digital radio loan from Waukesha County and laptop computers for the squads". Paragraph 3, the fourth sentence was revised to read "A complete set-up is priced at \$2,230 for each unit."

PUBLIC COMMENT

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

There were no comments from those present.

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

PRESIDENT

Discussion/action regarding the appointment of Russ Kohl as a regular member of the Architectural Control Board (ACB) for a three (3) year term that will expire on the 3rd Monday of April 2017, and Jeff Fellows as an alternate member to the ACB to continue his current term that will expire on the 3rd Monday of April 2016

Mr. Birbaum explained that Mr. Fellows had been approved as a regular of the ACB in April; however, he would prefer to remain an alternate member. Therefore, Mr. Birbaum would like to appoint Mr. Kohl as the regular member and leave Mr. Fellows as the alternate member of the ACB.

Motion (Bickler/Shult) to approve the appointment of Russ Kohl as a regular member to the ACB for a three-year term to expire on the 3rd Monday of April 2017, and to appoint Jeff Fellows as an alternate member to the ACB to continue his current term that will expire on the 3rd Monday of April 2016, Carried Unanimously.

Update/action regarding bidding for the new village garage

At this time Mr. Wiemer requested that the update/action regarding the new village garage be moved up in the meeting since Mr. Keith Farley of Oliver Construction was present to provide information for the Trustees.

Mr. Farley provided the Trustees with a "Proposal for Design & Construction Management Services" dated May 16, 2014. A copy of the proposal will be included in the Minutes Binder. Mr. Farley explained the proposed services including the design services, construction management services, contract administration, the design schedule, the construction manager schedule, and the proposed fees for design services and construction management. He also noted the Certificate of Liability Insurance that is held by Oliver Construction, and the references from other projects the firm has done in the Oconomowoc and nearby areas. Mr. Farley also reviewed the site plans for the existing garage and the proposed garage including the floor plan and elevations as proposed.

The Trustees questioned the costs and reviewed the proposal. It was suggested that the Village residents be made aware of the proposed plan to build a garage and the reason that it is needed. Mr. Macy noted that the Trustees needed to make a policy decision on which way they want to get the bids for the proposed garage. Oliver Construction's proposal has a lower cost initially because they would prepare spec sheets for each portion of the project, but would require the firms to handle more of the preparation work in order to submit their bids. Other firms would prepare a more complete bid package for the bidding firms to use in preparing their project bids and would cover the entire project, not just individual portions of the project. The cost for the other firms to prepare the bid packages is higher than the plan proposed by Oliver Construction.

Motion (Bickler/Shult) to authorize the Village President, with the use of Village staff, to negotiate a contract with Oliver Construction for design services and construction management services per proposal of May 16, 2014, Carried Unanimously.

PLAN COMMISSION

Discussion/action regarding the renewal of the Conditional Use Permit for Automotive Parts & Equipment (formerly known as Oconomowoc Auto Parts), located in the Business District of the Village of Oconomowoc Lake at 36863 E. Wisconsin Avenue, Oconomowoc, Wisconsin per recommendation for approval by the Plan Commission at its May 5, 2014 meeting

Motion (Bickler/Shult) to approve the renewal of the Conditional Use Permit (CUP) for Automotive Parts & Equipment, located at 36863 E. Wisconsin Avenue, Oconomowoc, Wisconsin, per Plan Commission recommendation, Carried Unanimously.

Discussion/action regarding the revision of the R-4 Low Density Residential District Zoning Code, per recommendation for adoption by the Plan Commission at its May 5, 2014 meeting

The discussion from the Public Hearing is as follows.

Mr. Wiemer advised those present that when the LaLumiere Subdivision was annexed into the Village in 2004, the Village was required by State Law to enforce the existing Waukesha County Shoreland Ordinance, which is different than the zoning for the rest of the Village. The R-4 Low Density Residential District Zoning Code (R-4 Zoning) was then created to accommodate both the Waukesha County Shoreland Ordinance and the smaller lots that existed within the Subdivision. A new State Law has been

enacted that allows the Village to revise the zoning code so that it more closely reflects the zoning of the rest of the Village.

The changes made to the R-4 Zoning include, but are not limited to, the following items.

- Changing the wetland setback from 75 feet to 25 feet
- Allowing a 25 foot setback from the road right-of-way
- New building envelopes for the lots reflecting the revised setbacks
- Floor Area Ratio (F.A.R.) that states that the maximum first floor F.A.R. is 2,000 sq. ft. or 15% of that lot used for construction whichever is greater

Mr. Birbaum noted that the Department of Natural Resources has reviewed and accepted the proposed R-4 Zoning with respect to the shoreland zoning.

Motion (Bickler/Fellows) to adopt the revised R-4 Low Density Residential District Zoning Code, Carried Unanimously.

ATTORNEY

Update regarding proposed jurisdictional transfer to the Village of Oconomowoc Lake from the Town of Oconomowoc of Wisconsin Avenue from Gifford Road up to Pick N Save, and the four (4) lanes from McDonald's east to the first set of stop lights

Mr. Macy advised the Trustees that there have been 2 telephone conferences (May 7, 2014 and May 15, 2014) with Mr. Frank Furdek and Ms. Kelly Schieldt, representatives from the Department of Transportation (DOT), to include Village Administrator Wiemer, Village President Birbaum (May 15, 2014), Village Trustee Bickler, and Village Attorney Macy. Mr. Macy provided a memorandum for the Trustees that reviewed the teleconferences. Mr. Macy pointed out that ultimately the Village has never acted to accept the jurisdictional transfer or maintenance of the road. This matter will be placed on a future agenda when more information is available.

Discussion/action regarding prior review of sales or exchanges of parcels between adjoining landowners, per communication from Mr. Macy dated May 7, 2014

Mr. Macy reviewed a recent opinion of the Wisconsin Attorney General regarding the matter of sales or exchanges of parcels between adjoining landowners. Mr. Macy also noted that municipalities could adopt an ordinance to require prior review of sales or exchanges of parcels between adjoining landowners based on the Attorney General's opinion. A sample ordinance for reference was included in Mr. Macy's communication.

Motion (Shult/Bickler) to refer the matter of prior review of sales or exchanges of parcels between adjoining landowners to the Plan Commission for its review to determine if an ordinance should be created to address this matter, Carried Unanimously.

TREASURER

Checks

Motion (Shult/Bickler) to approve check numbers 41067 through 41133, for regular monthly payments, and all electronic payments, Carried Unanimously.

FINANCE

Discussion regarding monthly operating statement for May

Mr. Wiemer reviewed the monthly operating statement.

ADMINISTRATOR

Discussion/action regarding Section 17.32(2)(a) of the Village Zoning Code regarding the size of the structure in dealing with the basement area of the residence

Mr. Wiemer provided a memo for the Trustees which asked several questions in regard to rebuilding of a house that was considered an existing nonconforming structure. The specific questions are as follows.

- Can a property owner rebuild his house as stated in the ordinance and change his crawl space to a full height basement?
- Can the owner add basement within the footprint of the residence when there wasn't basement there before?
- Does expanding the basement conflict with the ordinance by increasing the size of the structure or does it only apply to what is above grade?
- Was section 17.32(2)(a) written to only apply to what is above grade?

Mr. Wiemer asked that the Village Board allow this to proceed to the Plan Commission for further discussion with a possible rewrite of this section of the zoning code.

Motion (Shult/Owens) to send this matter to the Plan Commission for its review and recommendation, *Carried Unanimously.*

Discussion/action regarding Section 17.19(1)(e) and 17.19(2)(d) of the Village Zoning Code regarding the status of accessory structures when the residence is removed

Mr. Wiemer provided a memo for the Trustees which asked several questions in regard to the status of accessory structures when the main residence is removed. The specific questions are as follows:

- What happens to the accessory structure when the residence is removed and not replaced by another residence?
- Can the accessory structure remain, or does it have to be removed, or can the owner obtain a conditional use to allow the accessory structure to stay?
- In the past, homes have been removed with the accessory structure remaining; others have been issued legal-nonconforming conditional use permits to allow accessory structures to stand. What should the policy be and does our current zoning support that policy?

Mr. Wiemer asked that the Village Board allow this to proceed to the Plan Commission for further discussion with a possible rewrite of these sections of the zoning code if so needed.

Motion (Bickler/Owens) to send this matter to the Plan Commission for its review and recommendation, *Carried Unanimously.*

Update on digital radios

Mr. Wiemer stated that Waukesha County had been able to negotiate an additional reduction for the radios, which brought the cost for the radios to about \$40,000. Also, Mr. Wiemer advised that two (2) laptops and three (3) docking stations have been purchased and are in the process of being installed in the squads. The third docking station will be used to move one of the two laptops back and forth as needed until such time as additional laptops are purchased.

Update on the Village-owned lot in the LaLumiere Subdivision

Mr. Wiemer advised that clean up on the lot to be sold was started; however, the conditions are too muddy to complete the clean up at the present time. The work will be done when conditions improve. Also, Mr. Wiemer advised that the next-door renter had removed her debris from the Village-owned lot immediately upon request from the Village.

POLICE CHIEF

There was no report.

BOARD OF ZONING APPEALS

There was no meeting.

ARCHITECTURAL CONTROL BOARD (ACB)

Update regarding the April 28, 2014 ACB Meeting

Mr. Wiemer reported that a meeting had been held on April 28, 2014. The following matter was approved.

- Mr. and Mrs. Nick Papanicholas, 4539 N. Sawyer Road, for patio and landscaping

CLERK

There was no report.

COMMUNICATIONS

- League of Wisconsin Municipalities Capitol Buzz dated April 24, 2014 detailing the many bills affecting municipalities recently signed into law
- SEWRPC Newsletter: Interim Review and Update of the Year 2035 Regional Transportation System Plan

ADJOURNMENT

With no further discussion being heard, a motion (Owens/Shult) to adjourn was made at approximately 9:00 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Joseph L. Birbaum, President