

VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF
MONDAY, June 15, 2009, Unofficial until approved by the Village Board.
Approved as written (X) or with corrections () on July 20, 2009.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on June 15, 2009, commencing at 7:04 p.m., 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 following the Pledge of Allegiance with the following in attendance:

Mr. Kneiser/President – present
Messrs., Bickler, Birbaum, Falstad, and Shult/Trustees – present
Messrs., Fischer, Owens/Trustees – absent
Ms. Schlieve/ Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. John Macy/Attorney –present

ATTENDANCE

Residents Ed Johnson and Scott Kestly, and Kent Johnson (Johnson Design)

MINUTES

Motion (Falstad/Shult) to approve, as printed, the minutes of the May 18, 2009 Village Board meeting, and the minutes of the June 1, 2009 Special Village Board meeting, Carried Unanimously.

PUBLIC COMMENT

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

There were no comments.

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

PRESIDENT: There was no report.

PLAN COMMISSION

Discussion/action regarding the recommendation by Plan Commission to adopt an Ordinance to Create the G-1 Government Zoning District for the Village of Oconomowoc Lake.

Motion (Shult/Birbaum) to adopt An Ordinance to Create the G-1 Government Zoning District for the Village of Oconomowoc Lake, Carried Unanimously.

Discussion/action regarding recommendation by Plan Commission to approve the request of Scott and Diana Kestly for a Legal Non-Conforming Use Conditional Use Permit for the property located at 35308 W. Pabst Road, in the Village of Oconomowoc Lake, to continue the use of the existing main home and the existing caretaker's home for human occupancy on the approximately 8 acre lot.

Motion (Bickler/Shult) to approve the request of Scott and Diana Kestly for a Legal Non-Conforming Use Conditional Use Permit for the property located at 35308 W. Pabst Road, in the Village of Oconomowoc Lake, to continue the use of the existing main home and the existing caretaker's home for human occupancy on the approximately 8 acre lot, Carried Unanimously.

Discussion/action regarding the recommendation by Plan Commission to approve the renewal of the Conditional Use Permit for Oconomowoc Auto Parts Corporation, located at 35863 E. Wisconsin Avenue in the Village of Oconomowoc Lake business district.

Motion (Bickler/Shult) to approve the renewal of the Conditional Use Permit for Oconomowoc Auto Parts Corporation, located at 35863 E. Wisconsin Avenue in the Village of Oconomowoc Lake business district, *Carried Unanimously*.

Discussion/action regarding the approval of the proposed Certified Survey Map for the properties located at 4750 and 4850 Hewitts Point Road, owned by Joe and Mimi Birbaum and John Birbaum.

Mr. Birbaum excused himself from the vote on this matter. Motion (Bickler/Falstad) to approve the proposed Certified Survey Map for the properties located at 4750 and 4850 Hewitts Point Road, owned by Joe and Mimi Birbaum and John Birbaum, *Carried*. Mr. Birbaum abstained.

ATTORNEY

Discussion/action regarding 2009 Wis. Act 12, Wisconsin's Smoking Ban, per correspondence from Mr. Macy dated June 5, 2009.

Mr. Macy explained his letter regarding the 2009 Wis. Act 12, Wisconsin's Smoking Ban. Mr. Wiemer noted that the Oconomowoc Lake Club currently has a designated smoking area outside on the deck. Mr. Macy was asked to find out if the Lake Club would be allowed to continue that practice when the new law takes effect. No action was taken.

TREASURER

Checks

Motion (Birbaum/Bickler) to approve check nos. 36233 through 36320, for regular monthly payments, and all electronic transfers, *Carried Unanimously*.

FINANCE

Discussion regarding monthly operating statement for June.

Mr. Wiemer reviewed the monthly operating statement. Mr. Wiemer advised that a Finance Committee Pre-2010 Budget Workshop is scheduled for June 26, 2009 at 8:00 a.m.

ADMINISTRATOR

Update regarding high speed rail and its impact on the Village quiet zone, per correspondence received from the Office of the Commissioner of Railroads dated May 26, 2009.

Mr. Wiemer explained that the Office of the Commissioner of Railroads had requested comments from affected communities. Mr. Stan Riffle spoke at the hearing and presented the comments for the Village very well. Mr. Wiemer also noted that the engineering firm of Ruckert and Mielke has reviewed the location of the gate at the Gifford Road crossing and advised that the Village's quiet zone should be safe for the present time. Mr. Wiemer will continue to closely monitor the matter.

Discussion/action regarding the request of the Valentine Road Beach Road Bridge repair contractor to use the vacant portion of Vic's Flooring as a temporary field office during the construction project; and update on project.

Mr. Wiemer explained that the bridge repair project is expected to begin shortly after July 4, 2009, and is expected to be completed by August 21, 2009. The construction company has requested to be allowed to occupy the vacant portion of Vic's Flooring, located at 36115 E. Wisconsin Avenue, in the Village's business district. Motion (Bickler/Birbaum) to allow the use of the vacant portion of Vic's Flooring to be occupied by the bridge construction crew during the time of the project, *Carried Unanimously*.

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

Mr. Wiemer reported that project is set to start the work in the Village on June 29, 2009.

Discussion/action regarding the acceptance of donations received from Village residents designated for use toward the Village's 50th Anniversary Celebration.

Motion (Birbaum/Bickler) to accept the donations received to date designated for use toward the Village's 50th Anniversary Celebration, totaling \$42,335.00 in cash donations, and additionally to accept products or services that will be donated by Brennan's Market, Ewald Automotive, and Pick N Save, Carried Unanimously. Staff was directed to notify the donors that the Village Board has acknowledged and accepted their gift.

Discussion/action regarding the building permit application for a house proposed on the property located at 36016 South Beach Road.

Mr. Wiemer explained that plans have been submitted to the Village by Attorney Dean Richards, on behalf of Mr. and Mrs. Pat Eilers. The property owned by Mr. and Mrs. Eilers is located at 36016 South Beach Road. In previous submissions, the plans included a studio that was detached from the main residence. As zoning administrator, Mr. Wiemer ruled that the studio could not be built as an accessory structure because of the Village's Zoning Code which does not allow any structures between the house and the water. The Eilers' property has water on two sides (the front and the rear) of the property, which would prohibit any accessory structure from being built. In the newly proposed plans, the studio has been attached to the house via an underground basement area. Mr. Wiemer advised that the Eilers have created a plan that complies with the Village's Zoning Code.

Another matter that will need future consideration is the Eilers' request to retain the basement area of the existing lakeside house. They plan to use it for storage. Since this would not comply with Village Zoning, they would need to apply for a variance. Mr. Wiemer's interpretation as Zoning Administrator is that the Eilers cannot keep the basement of the existing lakeside house because it is a use change, and the current structure is considered legal non-conforming. A change in the use of a legal non-conforming structure is not permitted by Village Zoning Code. Further, there can be no accessory structure between the new residence and the lake.

The Village Trustees requested that connecting structures via underground basements be placed on the next Plan Commission agenda for their review in dealing with future issues of this nature.

POLICE CHIEF

Discussion/action regarding authorization to purchase a used squad car.

Mr. Wiemer reported that Mr. Fischer would like the Board of Trustees to authorize the Village to purchase a demo-police Impala if one comes up at auction. When the demo-police vehicles are sold at auction, they are equipped with light bar, cage, radio console, and possibly with siren. The current Impala squad has over 18,000 miles in three months of service. Fuel mileage on the Impala is approximately 14 miles per gallon. The fuel mileage on the Tahoe squad is 10.6 miles per gallon. The Impala puts on approximately 185 miles per day. Purchased new, an Impala is approximately \$20,000 without any of the equipment installed. It is Mr. Fischer's opinion that if a vehicle could be purchased at a good price at auction, it would make fiscal sense to purchase another Impala.

Motion (Bickler/Shult) to authorize up to \$18,000 for a used Impala squad vehicle, Carried Unanimously. The consensus of the Trustees was to also send the matter to the Finance Committee, which will be meeting on June 26th, for its further review.

FIRE COMMISSIONER

Mr. Wiemer updated trustees on the status of the proposed new fire station. The City of Oconomowoc and Mr. Peter Bell went into mediation to resolve the issues so that the documents could be signed to authorize the fire station and release the funds that have been set aside to build it.

Mr. Wiemer also advised trustees that he and Mr. Kneiser had attended a Town of Summit Board meeting in order to explain the status of the Summit Fire District to the Summit Town Board Members.

The Town of Summit would like to proceed with a resolution to consolidate the Summit and Oconomowoc fire departments.

BOARD OF ZONING APPEALS: The board did not meet. Mr. Wiemer noted that Mr. Macy will lead a primer for the Board of Zoning Appeals members before the next meeting is held.

ARCHITECTURAL CONTROL BOARD (ACB)

There was no meeting in May. There is a meeting scheduled for June.

CLERK

Discussion/action regarding the approval of the draft June 2009 quarterly newsletter.

Mr. Kneiser noted one correction in the President's Letter. Mr. Wiemer noted that the Village's website has been revised and has a lot of new and updated information on it. The section in the newsletter about swimmer's itch will be removed so that information about the website can be included in the newsletter. The section advising residents that the new pier laws were noted in the March newsletter will be revised to include a note stating that copies of the pier laws are available at the Village Hall and via a link on the Village website.

Motion (Birbaum/Shult) to approve the June 2009 quarterly newsletter, with the above noted additions and corrections, Carried Unanimously.

Discussion/action regarding approval of Licenses for the following: Class A and B Beer and Liquor; Operator/Bartender; Soda Water; and Cigarette. (See Exhibit B)

Motion (Shult/Birbaum) to approve all licenses as shown on Exhibit B (attached), Carried Unanimously.

Discussion/action regarding the renewal of the Class B Liquor and Class B Intoxicating Liquor and Fermented Malt Beverage License for Patrick McAdams for a building to be constructed on tax key numbers: 0586-994 or 0586-995-001, or their successor tax key numbers (See Exhibit B).

Motion (Shult/Bickler) to renew the Class B Liquor and Class B Intoxicating Liquor and Fermented Malt Beverage License for Patrick McAdams for a building to be constructed on tax key numbers: 0586-994 or 0586-995-001, or their successor tax key numbers and the Village Clerk is authorized to issue said license upon satisfaction of the following conditions with the additional condition ad stated below:

- Subject to an occupancy permit being issued for the to-be constructed building.
- Subject to a seller's permit number being filed with the Village Clerk.
- Subject to obtaining a conditional use permit for the premises.

Carried Unanimously.

COMMUNICATIONS: There were no communications to report.

With no further discussion being heard, motion (Birbaum/Shult) to adjourn was made at approximately 8:20 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Richard J. Kneiser, President