

VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF MONDAY,
June 16, 2008, 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 commencing at 7:00 p.m., on June 16, 2008, 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, Schinzer, and Shult/Trustees – present
Ms. Schlieve/ Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

Linda Wainstock (Waukesha County Recycling Specialist), Pat McAdams (McAdams Realty of Oconomowoc), Ed Johnson, and John Sproule

MINUTES

Motion (Birbaum/Shult) to approve the minutes of the May 19, 2008 Village Board meeting as printed, *Carried Unanimously*.

PUBLIC COMMENT

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

Mr. Shult commended Mr. Wiemer on the work that was done over the weekend regarding the high water and flooding in the Village. Mr. Fischer noted that perhaps the Board should look into organizing a committee to set policies for emergency high water situations and coordination with other communities.

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

PRESENTATION TO MR. & MRS. JOHN SPROULE BY RECYCLING SPECIALIST LINDA WAINSTOCK OF THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, LAND RESOURCES DIVISION.

Ms. Wainstock explained that for several years the County's Residential Recycling Rewards program has been recognizing residents who recycle the correct way by putting only acceptable items in their recycling bin. Twice a year, recycling staff inspect randomly selected streets in several municipalities for the "perfect bin". Residents who properly prepare their recyclables help decrease the cost of the program and increase the efficiency of the sorters at the facility. Ms. Wainstock then presented a check for \$100 to Mr. and Mrs. John Sproule as their incentive reward for properly recycling at their residence. Mr. Sproule accepted the check and advised that he and his wife have been long-time recyclers and have always tried to abide by the rules.

PRESIDENT

No report.

PLAN COMMISSION

Discussion/action regarding the recommendation from the Plan Commission to approve the request by Pat McAdams for McAdams Realty, located at 36903 and 36933 East Wisconsin Avenue, Village of Oconomowoc Lake, to amend the current Conditional Use Permit for the redevelopment of certain properties approved on November 19, 2007, to allow for the redevelopment project to be developed as a commercial condominium and condominium plat in the B-1 zoning district and authorizing such Condominium Declaration and condominium plat for the above named properties.

Mr. Wiemer advised that the Plan Commission has reviewed the proposed amended Conditional Use Permit and recommended approval by the Village Board of Trustees. Motion (Bickler/Schinzer) to approve the amendment to the Conditional Use Permit for McAdams Realty for properties located at 36903 and 36933 East Wisconsin Avenue, Village of Oconomowoc Lake, for the redevelopment of certain properties approved on November 19, 2007, to allow for the redevelopment project to be developed as a commercial condominium and condominium plat in the B-1 zoning district and authorizing such Condominium Declaration and condominium plat for the above named properties, Carried Unanimously.

Discussion/action regarding the Plan Commission recommendation that no further action needs to be taken regarding the proposed ordinance for the definition of single-family dwelling use.

Mr. Kneiser reported that the members of the Plan Commission had discussed the matter and came to the conclusion that the Village's current zoning code contains the necessary ordinances to enforce the single-family dwelling use. It was noted that the weekly rental of single-family residences in the Village would be considered a business, and residential businesses are covered by an existing ordinance.

Update on use variance ordinance.

Mr. Wiemer advised that there are a number of properties in the Village for which uses must be established. The Plan Commission will continue its discussions regarding the matter before a final plan is brought to the Board of Trustees for consideration.

ATTORNEY

Discussion regarding seminar materials, per correspondence from Mr. Macy dated May 22, 2008.

Mr. Macy advised that his firm has presented a number of seminars on various topics pertinent to municipalities, and that those materials are available for review if the trustees have an interest.

Discussion regarding boilerplate conditional use conditions, per correspondence from Mr. Macy dated June 12, 2008.

Mr. Macy advised that many communities use a boilerplate conditional use document, however, there was a misinterpretation by Waukesha County; therefore his office revised the boilerplate document. It is available if the Village wants to use it when preparing conditional use permits.

Discussion regarding board of review changes per Wisconsin Acts 86 and 210, per correspondence from Mr. Macy dated June 4, 2008.

Mr. Macy reviewed new laws relating to the board of review.

TREASURER

Checks

Motion (Birbaum/Bickler) to approve check nos. 35332 through 35394, for regular monthly payments, and all electronic tax payments, Carried Unanimously.

FINANCE

Discussion regarding monthly operating statement for June.

The monthly operating statement was discussed.

ADMINISTRATOR

Discussion/action regarding windmills as referenced in the Village zoning code.

Mr. Wiemer requested the Board's input regarding how to treat windmills in the Village. The current zoning states that agricultural structures (i.e. barns, silos, and windmills) shall not exceed in height twice (2) their distance from the nearest lot line. Trustees recommended that this matter be referred to the Plan Commission, with the request that the pertinent section be removed from the zoning code. Once the revision is made, the matter may be returned to the Village Board of Trustees for discussion and possible approval.

Update of FEMA re-mapping of Flood Plain and request to update Flood Plain Ordinance.

Mr. Wiemer advised that the existing flood plain ordinance, with mapping, was created in the 1970's. New flood plain mapping has now been completed; therefore the ordinance must be updated to include the new mapping. The Department of Natural Resources (DNR) must receive the proposed ordinance 30 days prior to a public hearing and the adoption of the ordinance. Waukesha County will be providing the Village with an overlay of the flood plain for all the Village lot lines. The matter was referred to the Plan Commission to prepare the ordinance update, and

when completed to return same to the Village Board of Trustees for discussion, a public hearing, and possible approval.

Discussion/action regarding the approval of the legal description of the total boundaries for the Village of Oconomowoc Lake as of June 1, 2008.

Mr. Wiemer explained that there was a discrepancy in the legal description that was adopted in 2004. An affidavit of correction was filed with the Waukesha County Register of Deeds. The next step is for the Board of Trustees to re-approve the Village of Oconomowoc Lake boundaries. Motion (Bickler/Owens) to re-approve the boundaries of the Village of Oconomowoc as described in the document dated June 16, 2008, Carried Unanimously.

Discussion/action regarding tree removal at 35900 Pabst Road.

Mr. Kneiser and Mr. Bickler advised the members of the Board of Trustees that they had a possible conflict of interest in this matter. Both trustees left the room prior to any discussion of this matter, and abstained from any vote taken. Motion (Birbaum/Shult) to appoint Mr. Schinzer chair of the meeting during the discussion and possible action of this matter, Carried Unanimously. Trustees voting were Messrs. Owens, Shult, Birbaum, Schinzer, and Fischer.

Mr. Wiemer explained that a tree had fallen over the driveway that Mr. Kneiser uses to access his property. The tree was on Ponds of Pabst Farms property, owned jointly by all property owners in that development. Mr. Pat Cannon is the association president, and was contacted regarding the tree removal. After several discussions between Mr. Cannon and Mr. Wiemer, Mr. Cannon agreed that the association would pay the cost of cutting the tree off the private road, and also the additional cost of removing the downed tree. Discussion of the matter focused on Mr. Wiemer's authority to order a tree removed from private property. The trustees present felt that Mr. Wiemer, as Village Administrator and Police Chief, should have the authority to request tree removal from private property if the tree(s) in question caused a hazard, or prevented ingress and egress to the property by emergency vehicles. Mr. Macy suggested that it would be helpful to look at the existing tree ordinance and also to look at ordinances of other communities regarding tree removal. Mr. Wiemer's concerns were that he did not have the right to trespass on private property to remove or order removal of trees; and, if he ordered the removal of trees, would the Village be liable to pay the costs of the tree removal. Trustees instructed Mr. Wiemer to follow Mr. Macy's advice and look into our existing ordinance and those of other municipalities to determine how we could handle situations like this without incurring too much expense or leaving the Village open to a lawsuit.

Motion (Birbaum/Owens) to relieve Mr. Schinzer as chair of this portion of the meeting, Carried Unanimously. Trustees voting were Messrs. Owens, Shult, Birbaum, Schinzer, and Fischer.

Mr. Kneiser and Mr. Bickler returned to the meeting room immediately following the foregoing discussion.

Update on road paving for Pabst Road and the roads in the LaLumiere Subdivision.

Mr. Wiemer advised that both the Town of Summit and the City of Oconomowoc had agreed to the plan proposed to them for paying their share of paving Pabst Road. The total cost of their portion of Pabst Road is approximately \$30,000. They will each pay half of the total cost by January 31, 2009. The project is scheduled to begin on June 23, 2008.

Update on Village flooding.

Mr. Wiemer explained what steps had been taken during the recent, and ongoing high water and flooding in the Village. Sandbagging was done at the dam, the houses closest to the dam and at the Oconomowoc Lake Club. Barricades were not available for rent, therefore new ones were purchased to use for this event and then be available for future needs as well. The City of Oconomowoc loaned some barricades to the Village to help out during the high water and flooding. Mr. Wiemer questioned whether residents should be charged for the bags and sand. It was decided that any decision on charges would be made after FEMA makes its determination on funds available to the Village to cover expenses during the high water and flooding. The notification of Slow-No Wake was made by paper-box stuffers, U.S. Mail, signs attached to traffic signs at the entrances of the Village, and the Village website. Those will continue to be the methods of notification when a Slow-No-Wake order is issued for the lake. Mr. Wiemer noted that the police do not retrieve floating piers or pier parts on the lake due to concerns for the officers' safety. Mr. Wiemer was instructed to use his judgment as Village Administrator when deciding if officers should retrieve floating items in the lake. Mr. Wiemer also provided a pictorial review of the high water and flooding in the Village.

POLICE CHIEF

Mr. Wiemer advised that Officer Chris Marks is on leave of absence for an injury. He is expected to be on leave for approximately 12 weeks. Part time police officers are covering Officer Marks' shifts.

FIRE COMMISSIONER

There was no report.

BOARD OF ZONING APPEALS

The board did not meet.

ARCHITECTURAL CONTROL BOARD (ACB)

The ACB will meet in June to discuss the request of Marie Kasten of 4654 Lake Club Circle, to build a screen porch addition to the residence, and the request of Gene Stoiber of 36050 Orchard Lane, to build an addition to the detached garage.

CLERK

Discussion/action regarding the approval of the June 2008 newsletter.

Motion (Schinzer/Birbaum) to approve the proposed newsletter, with the addition of e-mail solicitation information for the Village resident, 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 (Birbaum/Shult) to approve all licenses as shown on Exhibit B (attached) except for McAdams as approved below, Carried Unanimously.

Motion (Schinzer/Bickler) to renew the Class B Liquor and Class B Intoxicating Liquor and Fermented Malt Beverage License to Patrick McAdams for a building to 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 added as stated below:

- Subject to an occupancy permit being issued for the to-be constructed building.
- Subject to the current license issued to the premises located at 36863 E. Wisconsin Avenue being released to the Village Clerk or in the alternative expiration of the same.
- 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.

With no further discussion being heard, motion (Shult/Owens) to adjourn was made at approximately 9:12 p.m., and Carried Unanimously.

Respectfully submitted by:

Cindy J. Schlieve, Clerk-Treasurer

Approved and Ordered Posted by:

Richard J. Kneiser, President