

VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING
MINUTES OF MONDAY, June 16, 2014,
Unofficial until approved by the Village Board.
Approved as written (X) or with corrections () on 07/21/2014.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on June 16, 2014, commencing at 7:15 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, Fischer, Owens, Shult, Waltersdorf/Trustees – present
Ms. Schlieve/Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

Ed Johnson, Amy Zea, John Zea, Jon Spheeris, Joan Brunner (arrived at 7:30 p.m.)

MINUTES

Motion (Shult/Bickler) to approve the minutes of the May 19, 2014 Public Hearing and Village Board meeting, Carried Unanimously.

PUBLIC COMMENT

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

Mr. Ed Johnson questioned whether there is a plan in place if there is a train derailment along the railroad tracks in the Village. Mr. Wiemer advised that if the derailment included hazardous materials, it would probably be considered a class 1 hazmat case and response would then be required to come from Milwaukee to handle the situation.

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

PRESIDENT

There were no comments from the President.

PLAN COMMISSION

Discussion/action regarding extraterritorial approval of the Certified Survey Map (CSM) for property located on Nickel's Point Road in the Town of Oconomowoc owned by Faye Ann Meyer and Colleen Meyer, and Florence Schneider Living Trust, per recommendation of the Plan Commission at its meeting on June 2, 2014

Mr. Wiemer reported that this CSM had been reviewed by the Town of Oconomowoc, the Waukesha County Park and Plan, and the Village of Oconomowoc Plan Commission. There are no adverse effects on the Village by the approval of this CSM

Motion (Shult/Bickler) to approve the CSM for property located on Nickel's Point Road in the Town of Oconomowoc owned by Faye Ann Meyer and Colleen Meyer, and Florence Schneider Living Trust, per recommendation of the Plan Commission, Carried Unanimously.

Discussion/action regarding approval of the Certified Survey Map (CSM) for property owned by Dwight and Karen Swanson located on Pabst Road in the Village of Oconomowoc Lake, per recommendation of the Plan Commission at its meeting on June 2, 2014

Mr. Wiemer explained that this CSM was previously approved by the Village in 2013; however, it was not filed with the Waukesha County Register of Deeds in a timely manner and must now go through the approval process again. There were no changes made to the CSM that was previously approved by the Board.

Motion (Shult/Bickler) to approve the CSM for property owned by Dwight and Karen Swanson located on Pabst Road in the Village of Oconomowoc Lake, per recommendation of the Plan Commission, Carried Unanimously.

Discussion/action regarding signage for the Lake Club's new tennis building, per recommendation of the Plan Commission at its meeting on June 2, 2014

Mr. Wiemer explained that the signage is for the new tennis building that was recently completed for the Lake Club. It was noted that the signage has already been installed and concern was expressed that proper procedure was not followed.

Motion (Shult/Owens) to accept the signage for the Lake Club's new tennis building, per recommendation of the Plan Commission, Carried Unanimously.

Discussion/action regarding the request of John and Amy Zea for a Conditional Use Permit (CUP) to allow the accessory structures to remain on a property if the main residence is removed regarding the property located at 36301 South Beach Road in the Village of Oconomowoc Lake, per recommendation of the Plan Commission at its meeting on June 2, 2014

Mr. Macy reviewed the proposed CUP with the Trustees. Several areas of concern were discussed.

- On page 2, section A.1. Operation and Use, the Trustees requested that the use of the accessory structures is limited as is stated. The phrase "The existing legal non-conforming accessory structures may be removed" was added.
- On page 2 and 3, section A.2. Condition Precedent, it was noted that a CUP is not necessary if the house is not removed from the property. Mr. Zea requested that the phrase "must be brought up to code" be revised to state that the accessory structures "must be brought up to the Village of Oconomowoc Lake Building Code and the maintenance section of the Zoning Code".
- On page 3, section A.3. Building Permits, the Trustees requested clarification on the building permits that may be issued for the accessory structures. The phrase "except the architecture, style and integrity of the legal non-conforming accessory structure must be maintained. No metal siding or buildings are allowed" was added to the end of this section.
- On page 3, section A.5., Additional Accessory Structures, was revised as follows. The title of section A.5. was revised to read "Additional Accessory Structures or Additions to the Legal Non-Conforming Accessory Structures". The section now reads: "No additional accessory structures are allowed on the Subject Property or additions to the legal non-conforming accessory structures are allowed on the Subject Property."
- On page 3, section A.9., Construction of a Single Family Home, was revised by adding the following sentences. "Any new single family home to be constructed on the Subject Property must meet all setback and offset restrictions of the Village of Oconomowoc Lake Zoning Code. No new single family home may be built in the location of the former residence located on the property on June 1, 2014."

- On page 4, section E, it was decided to remove the phrase “or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding areas”
- On page 5, section I, regarding the term of the CUP, the draft has a 5-year term which is the common term for CUP’s in the Village. Mr. Zea requested a 15-year term. After discussion, the Trustees agreed upon a 10-year term ending on June 30, 2024 for the CUP.

Motion (Fischer/Owens) to approve the CUP for John and Amy Zea to allow the accessory structures to remain on a property if the main residence is removed regarding the property located at 36301 South Beach Road, with the provisions that the CUP has a 10-year term expiring on June 30, 2014, the existing buildings can be restored to original architecture, no metal siding or roofing on the existing structures, and the existing structures may be removed, and per discussion of the Trustees as noted previously in the minutes, Carried Unanimously.

Discussion/action regarding a petition from the Plan Commission of the Village of Oconomowoc Lake to amend the Zoning Code to clarify what can occur below grade on a legal non-conforming structure, regarding Chapter 17, Zoning Code, Section 17.32(2)(a)

Mr. Wiemer read Chapter 17, Zoning Code, Section 17.32(2)(a) and referred to sections during the discussion that followed. It was noted that the zoning allows a house to be rebuilt in the same footprint, but the new house could not be built any larger than the original structure. When the ordinance was written, there was no discussion regarding what could or could not be done below grade. The question that has been asked is whether a partial basement could be made into a full basement on a legal non-conforming property. The proposed revision to the Zoning Code would specifically allow below grade portions to be rebuilt differently than the original structure as long as the portion of the structure below grade does not in any way exceed the existing footprint of the legal non-conforming structure. In regard to past practice, Mr. Bickler noted several properties in the Village where the property owners had been allowed to change the size of the basement (below grade level) of the house. It was also noted that the Plan Commission was unanimous in its recommendation for approval of the ordinance amendment.

Motion (Shult/Owens) to approve the amendment to the Zoning Code to clarify what can occur below grade on a leg non-conforming structure, regarding Chapter 17, Section 17.32(2)(a), Carried. Mr. Fellows abstained from voting on the motion.

Discussion/action regarding Chapter 17, Zoning Code, Sections 17.19(1)(e) and 17.19(2)(d) relating to the status of accessory structures when the residence is removed, per recommendation for further review from the Plan Commission at its meeting on June 2, 2014

Mr. Wiemer explained that this matter had been referred to the Plan Commission by the Trustees at its May meeting. Plan Commission reviewed the matter at its June 2, 2014 meeting. The Commissioners created a list of restrictions for accessory structures/buildings that are on a property when the main residence was removed. Those restrictions are as follows.

- No home office or professional space
- No animals may be kept in the structures/buildings
- No human habitation is allowed
- The property owners must comply with section 17.32 of the Zoning Code, Nonconforming uses, Structures and Lots
- No temporary or minor structures may be built on the property
- No additional accessory structures/buildings may be built on the property

The Commissioners favored allowing accessory structures to remain on a property when the residence is removed with the conditions cited above, but felt that the Village Trustees should have an opportunity to comment before a draft ordinance is prepared.

Mr. Wiemer noted that it has been past practice to allow accessory structures to remain if the main residence is removed. Mr. Fischer suggested that the revision to the ordinance use the language that was used in preparing the CUP for John and Amy Zea. That matter was discussed earlier in the meeting. The suggested language, in part, would be that existing legal non-conforming accessory structures without a residence would be allowed to remain, but could only be used for storage of personal property and maintenance of the personal property.

The Trustees agreed that the matter be sent back to the Plan Commission for them to prepare a revision to the ordinance, using the comments made during the meeting as a guideline for the revision. The matter will be brought to the next Plan Commission meeting.

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 he has been working with the staff of the Department of Transportation (DOT) in order to settle this matter. Mr. Frank Furdek of the DOT has passed the matter on to an attorney within the department, but phone calls have not been returned. The Trustees will be kept informed of any progress made on this matter.

Discussion/action regarding 2013 Wisconsin Act 280, Limitations on Financial Security Regarding Land Divisions, Update and Recommendations, per communication from Mr. Macy dated May 15, 2014

Mr. Macy's letter of May 15, 2014 explained that new laws took effect pursuant to 2013 Wisconsin Act 280 which dramatically affects the ability of municipalities to protect themselves with regard to land divisions. Though the legislation was opposed by the League of Wisconsin Municipalities and widely criticized by the municipal bar, it was adopted and is now the law. There are several areas of concern with the legislation which may require a rewrite of the Village's current land division code.

Motion (Bickler/Owens) to commence a petition to amend the land division code and to direct the Village Attorney to prepare a draft for the Plan Commission to review, *Carried Unanimously*.

TREASURER

Checks

Motion (Shult/Fellows) to approve check numbers 41134 through 41202, for regular monthly payments, and all electronic payments, *Carried Unanimously*.

FINANCE

Discussion regarding monthly operating statement for June

Mr. Fischer reviewed the monthly operating statement.

ADMINISTRATOR

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 2014

Motion (Shult/Fellows) to accept the donations received from Village residents, as noted on Exhibit A, designated for use toward the fireworks display in July of 2014, *Carried Unanimously*.

Discussion/action regarding new village garage contract documents

Mr. Wiemer advised that Mr. Macy had reviewed and provided his opinion on the proposed contract documents from Oliver Construction regarding the new village garage. Mr. Macy, Mr. Wiemer and Mr. Birbaum met with representatives of Oliver Construction to review the concerns with the proposed contract. A revised contract was just received and will be reviewed by Mr. Macy. No action was taken.

Discussion/action regarding obtaining a loan for the proposed new village garage, and the possible change in the banking institution for the village

Mr. Wiemer reported that he had requested proposals from Ixonia Bank and First Bank Financial Centre (FBFC) in order to obtain a loan for the proposed village garage. FBFC responded to the request and provided a proposal for the loan, which would also require moving the village's bank accounts to FBFC. The offer from FBFC was very favorable, for both the loan and for moving the village's accounts to their institution. There was no response from Ixonia Bank. Discussion followed regarding whether or not additional banking institutions should be contacted since only one had replied to the request.

Motion (Bickler/Fischer) to authorize the Village President to contact Associated Bank and Waukesha State Bank and request a proposal from them; if there is no interest or not a favorable proposal, then the Village President or Village Administrator is authorized to accept the proposal from First Bank Financial Centre, *Carried Unanimously*.

Update on the Village-owned lot in the LaLumiere Subdivision

Mr. Wiemer reported that the lot in the LaLumiere Subdivision that the Village has decided to put up for sale has been cleared of all debris. The lot is now in good condition to put on the market. An ad will be placed in the newspaper to accept bids for the property.

Discussion/action regarding sale of squad and setting minimum bid amount

Mr. Wiemer advised that the 2012 Chevrolet Impala will soon be out of service as a police squad car and ready for sale. The vehicle has accumulated 90,000 miles. Mr. Wiemer requested the Trustees set a minimum bid for the sale of the vehicle.

Motion (Fischer/Bickler) to set the minimum bid for the 2012 Chevrolet Impala at \$7,000, *Carried Unanimously*.

Discussion/action regarding purchase of roadside mower

Mr. Wiemer advised the Trustees that the village is in need of a new roadside mower. A quote from John Deere for the purchase of a John Deere 1445 Series II Commercial Front Mower and deck was provided for review. The base mower has a retail cost of \$25,183. With the municipal discount provided by John Deere, the net cost to the village for the mower is \$17,356, which is a 30% discount. The cost of the mower deck is \$4,787 with a net cost to the village of \$3,800.07. The total cost for the mower and deck is \$21,156; the 2014 budget amount is \$20,000. Mr. Wiemer noted that with the purchase price from John Deere lower than the dealer cost, this may give the village the opportunity to replace this mower yearly or bi-yearly at a minimal cost.

Motion (Fellows/Fischer) to accept the quote from John Deere for a new roadside mower for a total cost of \$21,156, *Carried Unanimously*.

POLICE CHIEF

Chief Wiemer reported that 20 boaters had graduated from this year's boater safety class held earlier in June.

BOARD OF ZONING APPEALS

There was no meeting.

ARCHITECTURAL CONTROL BOARD (ACB)

There was no meeting in May. There will be a meeting on June 23, 2014.

CLERK

Discussion/action regarding the approval of the June 2014 quarterly newsletter

Motion (Fischer/Shult) to approve the June 2014 quarterly newsletter as presented to the Trustees, 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/Fellows) to approve the licenses for Class A and B Beer and Liquor; Operator/Bartender; Soda Water; and Cigarette as noted on Exhibit B included with the minutes, 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 number OCLV 0586-994 or OCLV 0586-996-001, or their successor tax key numbers (See Exhibit B)

Motion (Shult/Fellows) to approve 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 number OCLV 0586-994 or OCLV 0586-996-001, or their successor tax key numbers, Carried Unanimously.

COMMUNICATIONS

- Update from Waukesha County Executive Dan Vrakas
- Invitation to participate in the City of Oconomowoc Independence Day Parade on Saturday, July 5, 2014

ADJOURNMENT

With no further discussion being heard, a motion (Shult/Bickler) to adjourn was made at approximately 9:30 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Joseph L. Birbaum, President