

# VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING  
MINUTES OF MONDAY, June 17, 2013,  
Unofficial until approved by the Village Board.  
Approved as written ( X ) or with corrections ( ) on 07/15/2013.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on June 17, 2013, commencing at 7:00 PM, 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, Shult, Waltersdorf/Trustees – present  
Mr. Owens/Trustee – absent  
Ms. Schlieve/ Clerk-Treasurer – present  
Mr. Wiemer/Police Chief-Administrator – present  
Mr. Macy/Attorney –present

## **ATTENDANCE**

Ed Johnson

## **MINUTES**

Motion (Shult/Bickler) to approve, as printed, the minutes of the May 20, 2013 Village Board meeting, Carried Unanimously.

## **PUBLIC COMMENT**

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

There was no public comment.

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

## **PRESIDENT**

### **Discussion/action regarding assessment matters**

Mr. Birbaum reported that the gross value of the Village will most probably be reduced by 14% by the Wisconsin Department of Revenue (DOR). If other municipalities within the Oconomowoc Area School District do not also have a reduction of similar size, the reduction will help to lower the school tax portion of property tax bills.

Mr. Birbaum suggested an assessment policy regarding properties that are sold between January 1 and the date of Open Book in any particular year. The suggested policy is that the Assessor would not make any adjustments on those properties sold between January 1 and Open Book, and would advise the property owner to take the matter to the Board of Review (BOR) and allow the BOR to make the determination. The reason for the suggested policy is that the percentages on the property values set by the DOR are affected differently based upon when a change in value is submitted to them. If the change in property value is submitted prior to the DOR setting the property values of the Village, then the percentages could be adversely affected. If presented after the DOR has set the property values, the percentages will not be affected until the following year. Mr. Macy noted that the suggested policy is not

contrary to the policy that most assessors follow when presented with a request to set the assessed value at sale price when the property is sold between January 1 and the Open Book.

Further discussion followed regarding whether or not the Assessor (Ms. Bezanson) is adhering to contract specifications. It was determined that Mr. Birbaum, with the assistance of Mr. Macy, will write a letter to Mark Link, who is the supervisor for Ms. Bezanson, expressing concerns that the Village has regarding adherence to the contract.

#### **Discussion/action regarding the Pabst Farms development**

Mr. Birbaum asked the Trustees for comments regarding the recently released plans for the Pabst Farms development in relation to the proposed mall. Pabst Farms personnel have recently stated that they are considering Walmart and Sam's Club as anchor stores for the development. Comments included the following.

- City of Oconomowoc (City) is violating its own Master Plan for the property
- The Village should have the right to express to the City that they are violating the Master Plan that communities reviewed and approved
- The Master Plan called for retail, and even though Walmart and Sam's Club are not the upscale store originally proposed, they are retail
- Make no comment at this time until further details have been made available

Based upon the comments made and discussion that followed, the Trustees determined that no comment would be made at the present time until further details of the Pabst Farms development plans are made available.

#### **PLAN COMMISSION**

There was no Plan Commission meeting held in June.

#### **ATTORNEY**

#### **Discussion/action regarding the recommendation from Attorney Macy to consider drafting an ordinance to clarify the time of filing for Board of Review objections, per correspondence from Mr. Macy dated June 13, 2013, along with a sample ordinance as reference**

Mr. Macy's letter notes that State and local laws have not stayed current with ever changing technologies. One such case is related to filing with the Board of Review (BOR). BOR proceedings are particularly time sensitive. Notice of objections must be provided 48 hours prior to the first meeting of the BOR. The objection must be presented in writing no later than during the first two hours of the BOR meeting. If these deadlines are missed, a taxpayer can seek to have the deadlines waived under certain circumstances, and the taxpayer must meet either a "good cause" standard or a higher "extraordinary circumstances" standard, depending upon how late in the proceedings they make their request. Because of the strict deadlines and escalating consequences, it is essential that clerk know when documents are deemed to be filed with the BOR.

As an example, another municipality received no objections during the first two hours of its meeting, and only after the first two hours were over encountered a taxpayer who claimed that they filed the objection during the first two hours by email. There is no way for the BOR to know that such a filing has been made during its proceedings, however, because they are in session and are not reading their email at the time. This gives rise to a possible ambiguity that the law does not address, and Mr. Macy recommends that the Village clarify how it will address these matters, by ordinance. A sample was included with the correspondence, which offers the possibility that matters are not deemed to be filed with the BOR until the Clerk actually receives the documents in hand, and in the case of email, the Clerk actually opens the email message. This clarification will allow for greater certainty in the BOR proceedings, and will minimize the risk of being challenged on this basis.

The Trustees authorized Mr. Macy to proceed with the proposed ordinance to clarify procedures for the Board of Review. Mr. Macy will present a draft ordinance at a future meeting for the Trustees to review.

## **TREASURER**

### **Checks**

Motion (Shult/Fellows) to approve check numbers 40300 through 40370, 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 Appendix A, designated for use toward the fireworks display in July of 2013**

Mr. Wiemer advised that to date, the Village had received \$6,515.00 in donations designated for use toward the fireworks display in July of 2013. Motion (Shult/Waltersdorf) to accept the donations received to date designated for use toward the 2013 fireworks display, *Carried Unanimously*.

Staff will acknowledge by letter the donations received for use toward the fireworks display.

### **Update on jurisdictional transfer of E. Wisconsin Avenue from the Town of Oconomowoc to the Village of Oconomowoc Lake**

Mr. Wiemer reported that he and Mr. Birbaum attended a meeting on May 23, 2013 at the Town of Oconomowoc's Town Hall regarding the possible jurisdictional transfer of E. Wisconsin Avenue from the Town of Oconomowoc (Town) to the Village of Oconomowoc Lake (Village). The meeting was held at the request of the Town and included representatives from the Town, the City of Oconomowoc (City), the Village, and the Wisconsin Department of Transportation (DOT).

Mr. Wiemer reported that they were not able to determine what section of the highway is covered by the agreements made previously. The DOT was going to research that and get back to Mr. Wiemer. It was also determined that the revenue that could be gained by accepting the transfer is very minimal. Further research into this matter is necessary. Mr. Wiemer will report any progress or information at a future meeting.

### **Update on the sale of the former Village squad car**

Mr. Wiemer reported that the former squad car had been sold for \$4,200 to an Oconomowoc resident.

## **POLICE CHIEF**

There was nothing to report.

## **FIRE COMMISSIONER**

### **Update regarding the dissolution of the Summit Fire District**

Mr. Wiemer reported that the Summit Fire District is very close to closing the bank account. There is currently approximately \$250,000 to \$280,000 in the account, of which \$10,000 will be held in reserve to handle any unemployment compensation claims. Then the Village of Summit will provide the Village of Oconomowoc Lake with a check for its share of the dissolved Summit Fire District.

## **BOARD OF ZONING APPEALS**

There was no meeting.

**ARCHITECTURAL CONTROL BOARD (ACB)**  
**Update regarding ACB meeting held on May 22, 2013**

Mr. Wiemer reported that the following two requests were presented to the ACB members, with both matters approved.

- Mr. Russ Kohl, 34675 W. Fairview Road, for deck stairs
- Mr. & Mrs. Andrew Naumann, 4249 West Beach Road, for changes to their previously approved attached garage

**CLERK**

**Discussion/action regarding the approval of the June 2013 quarterly newsletter**

Ms. Schlieve presented the newsletter with two changes; the first to the Board of Review article, and the second was the addition of an article about recycling of electronics.

Motion (Bickler/Shult) to approve the June 2013 quarterly newsletter with the changes noted above, Carried Unanimously.

**Discussion/action regarding approval of licenses for the following: Class A and B Beer and Liquor; Operator/Bartender; Soda Water; and Cigarette; and 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: OCLV 0586-994 or OCLV 0586-996-001, or their successor tax key numbers (See Exhibit B)**

Motion (Bickler/Shult) to approve the licenses for Class A and B Beer and Liquor; Operator/Bartender; Soda Water; and Cigarette; and 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: OCLV 0586-994 or OCLV 0586-996-001, or their successor tax key numbers per Exhibit B which is located in the minutes binder, Carried Unanimously.

**COMMUNICATIONS**

Communications included the following:

- Focus on County government monthly update from the desk of Waukesha County Executive Daniel P. Vrakas
- Town Hall Meetings to discuss the 2014 budget for Waukesha County
- League of Wisconsin Municipalities Legislative Bulletin that includes the League's "Top Seven List of Non-Fiscal Policy Items added to the 2013-2015 State Budget, AB40, Negatively Affecting Cities and Villages"
- Waukesha County Recycling Press Release
- Senator Ron Johnson announces staff mobile office hours

**ADJOURNMENT**

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

Respectfully submitted by:

Approved and ordered posted by:

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Cindy J. Schlieve, Clerk-Treasurer

\_\_\_\_\_  
Joseph L. Birbaum, President