

VILLAGE OF OCONOMOWOC LAKE

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OCONOMOWOC LAKE VILLAGE BOARD MEETING
MINUTES OF MONDAY, June 19, 2023,
Unofficial until approved by the Village Board.
Approved as written () or with corrections (X) on 7/17/23.

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A meeting of the Village Board of the Village of Oconomowoc Lake was held immediately following a Public Hearing on Monday, June 19, 2023, commencing at 7:00 p.m., at the Village Hall, 35328 W. Pabst Road, Oconomowoc. Legal requirements for notification as required by law have been met. Roll call was taken with the following in attendance:

Present: President Bickler and Trustees: Taylor, Zimmermann, Sheahan and Waltersdorf; Fischer by phone

Absent: Fellows

Also present: Administrator/Police Chief Janicsek, Zoning Administrator Wiemer, Attorney Macy and Village Clerk, Teri Sayles

ATTENDANCE

Gail Goodchild (Wauk Co Emergency Management); Chris Shult (4734 Hewitts Pt Rd); Ed Johnson (N Beach Rd); Ray Wall (36007 Sylvan Ln); Paul, Peggy & Buck Bielik (4 Earling Ct); Joe Faretta (3821 Lalumiere Rd); Dan Farrell (Roundy's); Matt Johnson & Lisa Reynolds (4509 Deer Park Rd); Michael Kuhnen & Se Schneider (35926 Ravinia Dr); Brandon Rasmussen (621 N Reddelien Rd); John Poast (36140 Lalumiere Rd); Nick & Brooke Bickler (36200 Lalumiere Rd); Horacio Sanchez (36211 Lalumiere); Matthew Weil (3810 N Lalumiere Rd); Margie Erdman (3821 Lalumiere Rd); Corey Honeyager (3729 N Lalumiere Rd); Kristine McNeilly (36048 S Beach Rd); Mark & Kris Loehrer (3720 Lalumiere)

Presentation of Honorary Plaques to Chris Shult and James Perkins.

President Bickler presented Chris Shult with an honorary plaque and thanked him for his service to the Village as a Board Trustee and on the Finance Committee.

President Bickler presented James Perkins with an honorary plaque and thanked him for his service to the Village on the Architectural Control Board.

MINUTES

Discussion/action regarding approval of minutes from the May 15, 2023 Public Hearing and Village Board meeting.

Motion (Waltersdorf/Taylor) to approve the minutes from the May 15, 2023 Public Hearing and Village Board meeting. *Motion carried unanimously.*

PUBLIC COMMENT

Motion (Taylor/Zimmermann) to Open Meeting to Public Comment on Agenda items at 7:16 p.m. *Motion carried unanimously.*

Motion (Waltersdorf/Taylor) to Close Meeting to Public Comment on Agenda items at 7:16 p.m. *Motion carried unanimously.*

FIRE DEPARTMENT

Discussion/action regarding an Amendment to the Lake Country Fire & Rescue Agreement

Chief Fennig stated the Town of Genesee prepared an amendment to remove the CPI +2% cap for one year (2024). All seven municipalities need to approve this amendment to make the change. The purpose is to allow the implementation of the board approved staffing plan.

President Bickler would like the board to approve this amendment and show support of the fire department efforts.

Motion(Waltersdorf/Sheahan) to approve an Amendment to the Lake Country Fire & Rescue Agreement. *Motion carried unanimously.*

Update regarding Emergency Preparedness

In response to a request from Village Board members for information regarding train derailment, Chief Fennig asked Gail Goodchild from Waukesha County Emergency Management to present the County Comprehensive Emergency Response Plan. The county works closely with rail companies and supports municipal fire and police efforts during train derailment emergencies. Their plan was successfully implemented recently in Pewaukee. In answer to board member questions, Ms. Goodchild and Chief Fennig shared their plan for the specific area of Gifford and Hewitts Point Roads, in the event they would be blocked in an emergency situation.

Update regarding recent fire on Hewitt's Point Road

Chief Fennig reported a call came in at 2:37 a.m. on June for a structure fire at 4626 Hewitts Point Road. The roof caved in and the structure was a complete loss when the fire department arrived. A neighbors Nest camera showed high flames at 2:07 a.m. Mutual aid from the City of Oconomowoc was on scene within 5 minutes. This structure was a detached garage with no alarm system in place.

VILLAGE PRESIDENT

Discussion/action regarding the appointment of Tim Reynolds to the Architectural Control Board

President Bickler requests Board of Trustee approval of Tim Reynolds to the Architectural Control Board. Mr. Sheahan stated he highly recommends Mr. Reynolds; he is a retired Colonel of the Air Force and a great citizen.

Motion (Waltersdorf/Sheahan) to appoint Tim Reynolds to the Architectural Control Board. *Motion carried unanimously.*

Discussion/action regarding the appointment of Michael Bickler, JR to chair the Architectural Control Board

President Bickler requests Board of Trustee approval of Michael Bickler, JR to Chair of the Architectural Control Board. He has a long background in construction and will be an asset to the Board.

Motion (Sheahan/Zimmermann) to appoint Michael Bickler, JR to Chair the Architectural Control Board. *Motion carried unanimously.*

Update regarding Village banking accounts

President Bickler stated Village funds invested at Bank Five Nine earn 4.54% and at Ixonia Bank earn 4.62%.

PLAN COMMISSION

Discussion/action regarding an application to renew a conditional use permit for Genuine Parts Company – Oconomowoc (NAPA); Dan Browne, Agent; at 36863 E Wisconsin Ave, Oconomowoc, WI 53066; Tax Key OCLV0586996004.

As stated in the Public Hearing, this is a regular review to renew the conditional use, there are no changes proposed and there have been no problems with the business. The Plan Commission recommends approval for a period of 7 years to align with expiration of other Conditional Uses and then follow a 5-year schedule.

Motion (Zimmermann/Taylor) to approve the renewal of the Conditional Use Permit for Genuine Parts Company – Oconomowoc (NAPA) at 36863 E Wisconsin Ave., Oconomowoc, WI 53066; Tax Key OCLV0586996004 for 7 years and return to a 5-year renewal in the future as recommended by the Plan Commission. *Motion carried unanimously.*

Discussion/action regarding an extra-territorial plat review of a Certified Survey Map (CSM) for Integrity Investments – Smoke on the Water, LLC; Brandon Rasmussen, Agent; for the property located N50W35016 Wisconsin Avenue, Okauchee, WI 53069; described as all of Lot 43 and parts of Lots 44 and 45, Maplewood Continuation, part of the NE ¼ of the SE ¼ of Section 35, T8N, R17E; Town of Oconomowoc. Tax Key OCOT0569145

Mr. Wiemer stated the CSM combines 3 lots into one and the Town of Oconomowoc and Waukesha County have reviewed the request and approved of the same with conditions.

Motion (Waltersdorf/Sheahan) to approve the Certified Survey Map (CSM) for Integrity Investments – Smoke on the Water, LLC; Brandon Rasmussen, Agent; for the property located N50W35016 Wisconsin Avenue, Okauchee, WI 53069; described as all of Lot 43 and parts of Lots 44 and 45, Maplewood Continuation, part of the NE ¼ of the SE ¼ of Section 35, T8N, R17E; Town of Oconomowoc; Tax Key OCOT0569145; as submitted and subject to the conditions of the Town and County. *Motion carried Unanimously.*

Discussion/action regarding a request by Roundy's Supermarkets, Inc. for a Conditional Use Amendment located at 36903 E Wisconsin Ave., Oconomowoc, WI 53066; Exchangeright Net Leased Portfolio 28 DST, Owner; Daniel Farrell, Agent; Tax Key OCLV0586994003.

As stated in the Public Hearing, this amendment is simply to separate the two condo units on the property so they have their own conditional use agreement. There are no changes to the current conditional use application for Roundy's.

Motion (Taylor/Zimmermann) to approve the Conditional Use Amendment for Roundy's Supermarkets, located at 36903 E Wisconsin Ave., Oconomowoc, WI 53066; Exchangeright Net Leased Portfolio 28 DST, Owner; Tax Key OCLV0586994003. *Motion carried Unanimously.*

Discussion/action regarding an Ordinance to Repeal and Recreate Section 17.36 Entitled R1 General Agricultural/Rural Residential District, Subsection (4) Entitled Structure, Accessory of the Village of Oconomowoc Lake Zoning Code.

Mr. Wiemer stated this is to correct an omission in the R1 zoning district. The Plan Commission recommends Village Board approval to add back the following sentence to the zoning code:

"No accessory structure shall be located between the main building and the high-water mark nor in the offset area of the main building, except as follows:".....

Motion (Sheahan/Zimmermann) to approve Ordinance 326 to Repeal and Recreate Section 17.36 Entitled R1 General Agricultural/Rural Residential District, Subsection (4) to add the above language back in. *Motion carried Unanimously.*

Discussion/action regarding an Ordinance to Repeal and Recreate Section 17.16(4) of the Village of Oconomowoc Lake Zoning Code Related to the Expiration of Building Permits in the Village of Oconomowoc Lake.

As stated in the Public Hearing, the proposed change is to allow permits for structures over 10,000 sq ft 30 months to complete; under 10,000 sq ft is still 24 months. Applicants may request an additional 6 months for a fee of 25% of the original building permit fee.

Motion (Zimmermann/Waltersdorf) to approve Ordinance 327 to Repeal and Recreate Section 17.16(4) of the Village of Oconomowoc Lake Zoning Code Related to the Expiration of Building Permits of building permits for construction projects over 10,000 sq ft for 30 months, under 10,000 sq ft for 24 months and to keep paragraphs (B) and (C) as they currently read. *Motion carried Unanimously.*

VILLAGE TRUSTEES

Discussion/action regarding an amendment to Ordinance 282 dealing with the discharge of firearms in the Village to allow private indoor firearm ranges.

Attorney Macy stated the current ordinance allows for 6 exceptions to the general rule; this amendment would add a 7th exception to allow residents the right to ask the board for a permit ~~mer for~~ an indoor firearm range. This would not be done as a Conditional Use.

Trustee Waltersdorf added the Village Board would have the discretion as to who and how it is allowed. Board members had questions related to noise levels and monitoring such a permit. Attorney Macy stated the permit may be given with conditions on a case-by-case basis.

Motion (Zimmermann/Waltersdorf) to approve the amendment to Ordinance 282 to allow residents to apply to the Village Board of Trustees for a permit for an indoor firearm range. *Motion carried Unanimously.*

Discussion/action regarding an Ordinance 308 permit for work in road right of way. (This item moved up in the agenda out of respect for the applicant's time.)

The Reynolds family trust, pursuant to Ordinance 308 is requesting approval to remove pillars on the village wall during a construction project on their property as well as removal of trees in the road right of way and to rebuild the pillars, repair the wall and move the driveway to the south following construction as shown in the packet.

Motion (Sheahan/Taylor) to approve the Administrator issuing a permit for work in the right of way at 4325 W Beach Road as shown and described in the permit application. *Motion carried Unanimously.*

Discussion/action regarding outstanding LaLumiere dredging project matters:

1. CHANNEL DREDGING

- a. **LaLumiere Dredging Contract**
- b. **LaLumiere dredging project financing agreement**
- c. **LaLumiere borrowing**
- d. **LaLumiere Special Assessment procedure**

Chief Janicsek shared that Attorney Macy drafted a dredging contract and a finance agreement taking out the maintenance portion, making is a property owner agreement as to payment of their portion of the dredging cost. Trustee Fischer estimates the effective interest rate to be around 4.2% (less than 5%) depending on administrative costs and the number of property owners that finance their portion. The board will discuss the details of these documents in the closed session.

2. CHANNEL MAINTENANCE

- a. **The ownership of undeveloped Village owned lands**
- b. **Maintenance of Village owned lands**
- c. **Maintenance of private lands**

Four (4) LaLumiere property owners notified the Village they do not want a 1/24 interest in lands that were proposed to be deeded over by the Village. The details of the ownership of the undeveloped land as well as the maintenance plan will be discussed in the closed session.

No action taken.

ADMINISTRATOR

Discussion/action regarding an Ordinance 308 permit for work in road right of way. (see above)

Discussion/action regarding the fireworks contract with Wolverine Fireworks Display, Inc.

Chief Janicsek asked the board to approve he sign the contract with Wolverine Fireworks Display, Inc. for the fireworks display and July 4, 2023.

Motion (Fischer/Waltersdorf) to approve the Village Administrator to sign the contract with Wolverine Fireworks Display, Inc. *Motion carried Unanimously.*

POLICE CHIEF

Police Department Monthly Report for May 2023.

Chief Janicsek reviewed his report for May stating there were 45 citations, 345 calls handled and 5566 miles patrolled. The new 2023 squad is on the road; the 2019 squad will be ready for sale soon.

ZONING ADMINISTRATOR

No agenda items.

HISTORY BOARD

Mr. Macy state the ad-hoc history committee met and continues to catalogue historical materials. The Chester/Read family is planning to do the next display in the village hall, they are also planning the next historical presentation to be held at the Lake Club.

ATTORNEY

No agenda items.

TREASURER

Discussion/action regarding approval of checks 49266 through 49334 and all electronic payments.

Motion (Waltersdorf/Taylor) to approve check 49266 through 49334 and all electronic payments. *Motion carried Unanimously.*

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 2023.

Motion (Zimmermann/Sheahan) to accept donations received from village residents, as noted on Exhibit A, designated for use toward the fireworks display in July of 2023. *Motion Carried Unanimously.*

Discussion/action regarding a Resolution for Appointment of Village Investor Repealing Resolution #100.

Resolution #100 needs to be updated to include the current Village Treasurer and a current Trustee as the investors for the Village.

Motion (Waltersdorf/Sheahan) to approve Resolution 185 to Appoint Village Investor and Repeal Resolution #100.

FINANCE COMMITTEE

Discussion regarding the monthly operating statement for June 2023.

Trustee Fischer highlighted that halfway through the year our earning on investments is exceeding the budgeted amount, police fines are at 57%, legal fees are at 77% due to services necessary and squad repairs exceed the budget.

BOARD OF ZONING APPEALS

No agenda items.

ARCHITECTURAL CONTROL BOARD (ACB)

Minutes of the May 22, 2023 meeting are in the packet.

CLERK

Discussion/action regarding approval of 2023-2024 Licenses for the following: Class A and B Beer and Liquor, Operator/Bartender and Cigarette as shown on Exhibit B.

Clerk Sayles stated Patrick McAdams sold his lot and relinquished his Class B Beer and Liquor License to the Village. There is now just one Class B (Oconomowoc Lake Club) and one Class A (Pick n Save) license request. Background checks were run on Liquor License Agents and Operator License applicants.

Motion (Sheahan/Zimmermann) to approve of 2023-2024 Class A and B Beer and Liquor, Operator/Bartender and Cigarette Licenses as shown on Exhibit B. *Motion carried Unanimously.*

Discussion/action regarding the June 2023 Village Newsletter.

Motion (Sheahan/Taylor) to approve the June 2023 Village Newsletter as submitted to the board.

COMMUNICATIONS

Village of Summit Public Hearing on 2045 Comprehensive Plan.

City of Delafield Public Hearing on a Conditional Use amendment and Zoning Code text amendments.

Both above notices are part of the Village Board Packet.

After the appropriate announcement by the Meeting Chairman, the Board will enter, by roll call vote, into Closed Session pursuant to Wis. Stats. 19.85(1)(e) "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session." Specifically, the following:

1. **LaLumiere dredging project**
2. **Potential boundary change**

President Bickler announced the closed session.

Motion (Waltersdorf/Sheahan) to enter into Closed Session at 8:59 p.m. *On a roll call vote, all members present (6) voted Aye. Motion carried Unanimously.*

The Board will reconvene, by roll call vote, into Open Session for discussion and possible action on items discussed in Closed Session.

Motion (Waltersdorf/Taylor) to reconvene into Open Session at 10:19 p.m. for discussion and possible action on items discussed in Closed Session. *On a roll call vote, all members (6) voted Aye. Carried unanimously.*

The Village Board of Trustees made the following motions:

Motion (Waltersdorf/Sheahan) to authorize the Administrator sign a dredging contract pursuant to discussion in closed session. Motion carried Unanimously.

Motion (Fischer/Taylor) to approve the Finance Agreement as discussed in closed session. Motion carried Unanimously.

Motion (Fischer/Taylor) to authorize the Administrator to sign the bank documents to commence the borrowing process as discussed in closed session. Motion carried Unanimously.

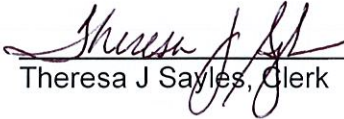
Motion (Taylor/Sheahan) to TABLE the Special Assessment Procedure. Motion carried Unanimously.

Motion (Fischer/Waltersdorf) to authorize the Administrator to advise LaLumiere residents as to the Village's position regarding maintenance of the channel. As discussed in closed session, the Village will maintain both sides of the hotel lot to the shoreline. Additionally, the Village is does not intend to sell or give away any of its property on the channel. Motion carried Unanimously.

ADJOURNMENT


With no further discussion being heard, a motion (Waltersdorf/Zimmermann) to adjourn was made at 10:27 p.m., Motion carried unanimously.

Respectfully submitted by:



Theresa J Sayles, Clerk

Approved and ordered posted by:



Michael J Bickler Sr, President