

VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING
MINUTES OF MONDAY, June 20, 2011,
Unofficial until approved by the Village Board.
Approved as written (X) or with corrections () on 07-18-2011.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on June 20, 2011, commencing at 7:00 p.m., 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, Falstad, Fellows, Fischer, Owens (7:10 p.m.), Shult/Trustees – present
Ms. Schlieve/ Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

Rob Davy (Lake Country Engineering), Ed Johnson, Joe Faretta, Paul Carpenter (Lac LaBelle Lake Management District)

MINUTES

Motion (Falstad/Shult) to approve, as printed, the minutes of the May 12, 2011 special joint meeting of the Village Boards of Oconomowoc Lake and Summit and the Summit Fire District Commission, and the May 16, 2011 Village Board meeting, Carried Unanimously.

PUBLIC COMMENT

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

There was no public comment.

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

Discussion/action regarding water flow study with input from Robb Davy of Lake Country Engineering

With consent of the trustees, this matter was moved up on the agenda to accommodate those present specifically for this matter. Mr. Wiemer reviewed the discussion from the May meeting at which time Mr. Davy was asked to research the Road T dam that was used in 1945 as a model for the water flow regulations set by the Public Service Commission and later adopted by the Department of Natural Resources (DNR) (the current regulatory body). The purpose of the research was to determine if the water flow over the original Road T dam, no longer in use, allowed a different quantity of water to flow over it than the current dam allows. Mr. Davy's research revealed that the current dam is at the same elevation as the original Road T dam; however, its configuration allows a lot more water to flow through than the old dam.

Mr. Wiemer advised that the City of Oconomowoc has requested to meet with the Villages of Oconomowoc Lake and Lac LaBelle, the Town of Oconomowoc, and the DNR to discuss lake level management. Mr. Wiemer asked that Robb Davy also attend that meeting to aid in explaining the studies

he has completed relating to water flow between the lakes. Trustees agreed that Mr. Davy should attend the meeting, and Mr. Davy stated that he could do so.

Mr. Macy made several suggestions that could help prepare for the proposed meeting with the City of Oconomowoc.

- Determine whether or not the Town of Oconomowoc has filed an application to revise their management of the Town's dam
- Meet with the City of Oconomowoc and Village of Lac LaBelle before including the Town of Oconomowoc and the DNR
- Send a letter to the various entities involved asking where they stand on the water flow issues and also what studies have been done for each individual entity
- Contact the Southeastern Wisconsin Regional Planning Commission and obtain any related data they have acquired for their regional water supply plan

Mr. Carpenter agreed to make contact with the Mary Lane and Black Hawk Drive sewer districts to see what studies or information they may have regarding the water flow. Both of those districts are affected when there is high water. He will also discuss this matter with the Lac LaBelle Lake Management District to get their feedback and direction as to the next steps they want to take in this matter.

PRESIDENT

Discussion/action regarding a study group to review assessment procedures, methodology and recommend to the Village Board changes, if needed

Mr. Birbaum stated that a small group has been formed to review the Village's assessment procedures and methodology, and to recommend to the Village Board any changes they feel should be made. The small group consists of Trustees Mike Bickler and Paul Fischer, President Joe Birbaum, and Village citizens John Macy and Gordon Steinbach. Information will be provided to the Village Board as it becomes available.

PLAN COMMISSION

There was no report, as the Commission did not meet in June. The next anticipated meeting will be on August 1, 2011.

ATTORNEY

Discussion/action regarding Zoning Board of Appeals; Conditional Use Permits; Recent Case Law; per correspondence from Mr. Macy dated May 26, 2011

Mr. Macy summarized his letter of May 26, 2011 in which he stated that Plan Commissions are not required to issue a Conditional Use Permit to every petitioner that applies for a permit. The Plan Commission may deny a permit based on the municipality's zoning code. Mr. Macy noted that petitioners and petitioner's legal counsel often have incorrect assertions about conditional use authority, believing that they are entitled to a Conditional Use Permit, whether they meet all the conditions in the zoning code or not. No action was taken.

Discussion/action regarding Resolution No. 148, Village Oconomowoc Lake Acknowledges Receipt of the Regional Water Supply Plan for Southeastern Wisconsin provided by the Southeastern Wisconsin Regional Planning Commission (SEWRPC)

SEWRPC had previously provided a template for the adoption or endorsement of its Regional Water Supply Plan for Southeastern Wisconsin. The Trustees requested that Mr. Macy revise the template in such a way that the Village does not commit itself to adopting or endorsing the proposed SEWRPC plan. The concern was that an endorsement could mean that the Village would have to adhere to some codes that are not consistent with the Village's current zoning codes or ordinances. Mr. Macy provided a document that acknowledges receipt of the water supply plan, and that the Village reserves its right to object to specifics of the same if so inclined.

Motion (Shult/Falstad) to adopt Resolution No. 148, Village of Oconomowoc Lake Acknowledges Receipt of the Regional Water Supply Plan for Southeastern Wisconsin provided by the SEWRPC, Carried Unanimously.

TREASURER

Checks

Motion (Fischer/Bickler) to approve check numbers 38514 through 38586, 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 update on the progress of two remaining notices of zoning violations letters

Mr. Wiemer stated that the two remaining notices of zoning violations (Schneider located at 34947 Fairview Road and Kasten located at 4654 Lake Club Circle) had been brought into compliance. No further actions need to be taken.

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 2011

Motion (Shult/Falstad) to accept the donations received from Village residents, as noted on Appendix A, designated for use toward the fireworks display in July of 2011, Carried Unanimously.

Discussion regarding improvements to private roads in the Village

Mr. Fischer presented the idea of using a financing vehicle similar to that used by the property owners on South Beach Road when they created the sewer district. The Village would then be able to maintain the private roads and either bill the residents or add a special assessment to their property tax bills. Discussion followed. It was determined that Mr. Fischer must obtain signed chargeback forms from each of the South Beach Road property owners before the Village commences any additional investigation into this matter. No action was taken.

Discussion/action regarding the proposed use of the property located next to the Kiltie on E. Wisconsin Avenue in the Town of Oconomowoc, owned by Drew Howie

Mr. Wiemer stated that he had spoken with Jeff Herrmann, Town Planner; there has been no further action on the proposed miniature golf course project at this time. Mr. Wiemer was asked by Trustees to contact Mr. Herrmann again and explain the Village's concerns about noise, lighting, and tastefulness of the proposed project. No action was taken.

Update regarding the proposed Wisconsin State Budget Bill

Mr. Wiemer noted that the newly passed Wisconsin State Budget Bill excludes administration from the Wisconsin Retirement Fund pay-in; however, administration will be required to pay 12% of health insurance premiums. Any police officers hired after the effective date of the bill, expected to be July 1, 2011, will be required to pay into the Wisconsin Retirement Fund and 12% toward health insurance premiums, whether they are in a union or not. Mr. Wiemer asked if the hire date for Officers Foat and Heckendorf could be changed from August 1 to June 27. Mr. Macy advised that the matter could not be acted upon at this time since it was not specifically noted on the agenda. Mr. Bickler suggested that a special meeting of the Village Board be held on Monday night, June 27, 2011 at 6:45 p.m. immediately preceding the Architectural Control Board meeting. Trustees agreed to the special meeting date.

Discussion/action regarding digitizing the footprint of buildings on lots in the Village of Oconomowoc Lake

Mr. Wiemer reported that there is a state law requiring municipalities to digitize the footprint of buildings on lots within their municipalities. Jud Schultz of the Schultz Appraisal Agency provided a contract for the work that would need to be done. Mr. Wiemer noted that currently the law states that the work must be completed by December 31, 2012; however, there is a possibility that the state will extend the deadline because many municipalities cannot complete the work by that date, or do not have the funds available to complete the work. It was decided to postpone signing the contract until more information on the deadline is available.

POLICE CHIEF

There was nothing to report.

FIRE COMMISSIONER

Update regarding joint meeting held on June 14, 2011 between the Villages of Oconomowoc Lake and Summit and the Summit Fire District regarding fire service

Mr. Wiemer recapped the joint meeting held on June 14, 2011. The small group formed from the Villages of Oconomowoc Lake and Summit and the Summit Fire District have also met and prepared a list of wants and needs for a merger. The small group plans to meet with the three departments with which a merger is possible (Dousman Fire Department, Okauchee Fire Department, and the Lake Country Fire Department). The purpose of those meetings is to determine the receptivity of those departments to a merger, and what their requirements would be in order to complete a merger. The Village Board will be updated at its September 19th meeting as to the information received from the three departments.

Discussion/action regarding the Summit Fire District 2009 Audit Report

Mr. Wiemer provided the 2009 Summit Fire District Audit Report for the information of the Trustees. No action was taken.

BOARD OF ZONING APPEALS

There was no meeting.

ARCHITECTURAL CONTROL BOARD (ACB)

Update regarding meeting held on May 23, 2011

There was a meeting on May 23, 2011 at which plans were presented by Mr. and Mrs. Michael Altschaefl of 36010 South Beach Road for fencing around a swimming pool; and by Mr. and Mrs. John Sproule of 36020 North Beach Road to rebuild the attached garage at their residence. The plans were approved.

CLERK

Discussion/action regarding the approval of the June 2011 quarterly newsletter

Ms. Schlieve presented the proposed quarterly newsletter for June 2011. Motion (Bickler/Shult) to approve the newsletter as presented, *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)

Ms. Schlieve presented the proposed licenses for approval. Motion (Bickler/Shult) to approve the licenses for Class A and B Beer and Liquor; Operator/Bartender; Soda Water; and Cigarette, as noted 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: OCLV 0586-994 or OCLV 0586-995-001, or their successor tax key numbers (See Exhibit B)

Motion (Bickler/Falstad) to approval 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 0586-995-001, or their successor tax key number, as noted on Exhibit B attached, Carried Unanimously.

COMMUNICATIONS

Communications included the following:

- Focus on County Government from the County Executive’s Office
- Wisconsin DOR Property Assessments Information and Living Lake Country Reporter articles entitled “Economy might not lower property taxes” and “Lisbon Board of Review denies some appeals” (All articles provided by Jud Schultz of Schultz Appraisal with a request that Trustees receive copies)

ADJOURNMENT

With no further discussion being heard, a motion (Bickler/Shult) to adjourn was made at approximately 8:50 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Joseph L. Birbaum, President