

VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF MONDAY,
July 21, 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 immediately following a special Plan Commission meeting, commencing at 7:03 p.m., on July 21, 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, Schinzer, and Shult/Trustees – present
Mr. Owens/Trustee – absent
Ms. Schlieve/ Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

Ed and Ann Johnson, Frank and Shirley Norris, Brian Ewald, Attorney Mike Lund (Cook & Franke, Milwaukee)

MINUTES

Motion (Schinzer/Shult) to approve the minutes of the June 16, 2008 Village Board meeting as printed, Carried Unanimously.

PUBLIC COMMENT

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

Mrs. Ann Johnson commented regarding concerns relating to the Oconomowoc Lake Club Conditional Use Permit. She provided a copy of her concerns, which is attached to these minutes.

Attorney Mike Lund commented regarding possible conflict of interest in club membership and members of the village boards; concern about whether the club is public or private; a belief that an updated noise ordinance should be adopted by the village; questioned the police officers' awareness of the CUP for the club; and, concerns regarding bus and other vehicular traffic around the club.

Motion (Schinzer/Birbaum) to close meeting to public comment, Carried Unanimously.

PRESIDENT

No report.

PLAN COMMISSION

Discussion/action regarding the recommendation from the Plan Commission to approve the request of Ewald Chevrolet Buick LLC, 36883 E. Wisconsin Avenue, A Wisconsin for-profit corporation, to amend their current conditional use to allow for the construction of a 2,300 square foot showroom, to be attached to the Ewald Chevrolet building, to display automobiles, specifically, Suzuki automobiles.

Mr. Macy advised that the Plan Commission has reviewed the proposed amended Conditional Use Permit and recommended approval by the Village Board of Trustees. Motion (Schinzer/Bickler) to approve the amendment to the Conditional Use Permit for Ewald Chevrolet Buick LLC, located at 36833 East Wisconsin Avenue, a Wisconsin for-profit corporation, to allow for the construction of a 2,300 square foot showroom, to be attached to the Ewald Chevrolet building, to display automobiles, specifically, Suzuki automobiles, Carried Unanimously.

Discussion regarding Flood Plain Ordinance.

Mr. Wiemer explained that if the Village participates in the Federal Emergency Management Agency's (FEMA) flood plain program, then Village residents are eligible for flood insurance. If the Village does not update and enact a new flood plain ordinance, then Village residents are not eligible for flood insurance. A model ordinance has been provided by FEMA. There are some key differences in the new model as compared to the Village's existing flood plain ordinance. The trustees requested Mr. Macy to make recommendations on how the model ordinance can be revised so that it will allow for the Village's current practices.

Update on Oconomowoc Lake Club Conditional Use Permit (CUP) proposed amendments.

Mr. Wiemer reported that a public hearing had been held on July 7, 2008, followed by a regular Plan Commission meeting, to review the proposed amendments to the CUP for the Oconomowoc Lake Club. A revised amended CUP will be prepared by Mr. Macy and will be distributed to both plan commissioners and trustees, for their review, well in advance of the next meeting. The next meeting of the Plan Commission to discuss the matter will be on August 18, 2008, immediately followed by the regular Board of Trustees meeting. It is possible that the plan commissioners will recommend approval of the revised CUP to the board of trustees at that meeting.

ATTORNEY

No report.

TREASURER

Checks

Motion (Bickler/Shult) to approve check nos. 35396 through 35469, for regular monthly payments, and all electronic tax payments, *Carried Unanimously.*

FINANCE

Discussion regarding monthly operating statement for July.

The monthly operating statement was discussed.

ADMINISTRATOR

Discussion/action regarding proposed border agreements with Towns of Summit and Oconomowoc.

Mr. Wiemer advised that there has been no further action in regard to the proposed border agreement with the Town of Summit. In regard to the proposed border agreement with the Town of Oconomowoc, there are two businesses affected by the proposed agreement that expressed a desire to remain in the Town of Oconomowoc. It was noted that the agreement is not affected by the objections of the businesses.

Discussion/action regarding lake levels.

Mr. Wiemer advised that both Okauchee Lake and Oconomowoc Lake are almost at their summer levels. It was noted that Mr. Robert Wakeman of the Department of Natural Resources suggested that it might be beneficial to apply for a planning grant that would cover the area lakes, including Lac La Belle, Okauchee, Fowler, and Oconomowoc Lake. A newly formed group thus created could then work together to deal with issues such as potential flooding, high water, lake levels, and other matters pertaining to the lakes. Mr. Wiemer was directed to draft a letter to create such a cooperative group. Mr. Fischer offered to assist.

Discussion/action regarding blue green algae concern.

Mr. Wiemer advised that we do not currently have blue green algae in Oconomowoc Lake. Trustees requested that signs be made that would indicate when there was a blue green algae alert. The signs would be attached to stop signs in the Village as is done when a slow-no-wake order is issued.

Discussion/action regarding the property use study.

This matter was postponed by the plan commission, therefore, it will be considered at a future meeting.

Changes to Chapter 17 regarding the number of votes needed for granting of a variance.

This matter will be heard at a public hearing on August 18, 2008 and will also be included on the Village Board agenda for that night for discussion and possible action.

Change to Chapter 17 regarding the zoning code in regard to windmills.

This matter will be heard at a public hearing on August 18, 2008 and will also be included on the Village Board agenda for that night for discussion and possible action.

Discussion/action regarding the Binkowski development on Sawyer Road, east of our woodlot.

The Delafield Plan Commission met on June 25, 2008 and heard a presentation from MLG and Binkowski on their combined proposed development. Mr. Wiemer was advised that the Village was treated in a non-complimentary manner during that meeting in regard to the Village's denial of the use of a 66 foot strip of land (located in the Village) to access Sawyer Road. The strip is owned by the Binkowski family. A copy of the tape of that meeting has been obtained and will be available to members of the Village Board for their review. The Village will receive notification from the City of Delafield when the next public hearing on this matter is set. Mr. Wiemer expressed the desire that there be a strong presence by the Village at that public hearing, and requested that Mr. Macy be authorized to attend the next meeting. Trustees agreed and requested Mr. Macy to work with Mr. Wiemer in creating the presentation.

FEMA disaster update on February 5 snow storm and June flooding.

Staff is continuing to work with FEMA representatives regarding the June flooding, and hopefully the Village will receive some reimbursements for expenses incurred during the flooding. A check was received from FEMA for expenses incurred during the snow storm in February.

Update on the tree removal on Pabst Road.

The removal of the trees has been completed. Discussion continued regarding how to handle cutting trees on private property without owners consent. Trustees felt that trees could be removed by the Village staff, or a contractor hired by the Village, if it was deemed necessary in order to maintain emergency access, as has been done in past instances. There may also be consideration given to creating a safe passage ordinance or revising the existing diseased tree ordinance. Mr. Macy was directed to draft a recommendation in this regard.

Discussion/action regarding tree trimming and tree replacement on Fairview Road.

Mr. Wiemer advised that he had been contacted by two residents on Fairview Road regarding the dead and dying trees along the road on Village right-of-way, and the trimming of those trees that are still alive. Mr. Wiemer was advised that the residents along Fairview Road will fund the trimming and replacement of the trees. They would like to make a donation to the Village designated for that specific purpose. Then all payments will be made by the Village for costs incurred in replacing and trimming the trees. The donations must be formally accepted by the Village Board, as is our normal procedure.

Motion (Bickler/Shult) to allow the residents of Fairview Road to fund the tree trimming and replacement of trees along their road through donations made to the Village of Oconomowoc, with the understanding that the specific donations will be accepted by the Trustees when they have been received, *Carried Unanimously*.

Update on road paving for Pabst Road and discussion/action regarding repairs above stone wall culverts.

Mr. Wiemer advised that the binder layer of asphalt has been completed for all roadways. There were some bad soils in the roadway that had to be dug out and replaced with different material to fix the soft spots. The top layer of asphalt will be installed within the next week, subject to weather. Mr. Wiemer further advised that he has been advised that there are loose stones above the two concrete culverts located in the LaLumiere subdivision that may be a safety hazard. Some of the stones have come loose because of the trees that have grown between the roadway and the stone walls on top of the culverts. A few years ago all the trees and brush in that area were removed in order to prevent the stones from falling into the channel; however, the freezing and thawing that occurs each year has caused some of the stones to come loose and fall into the channel below. Each of the two culverts has two stone walls, one on each side of the concrete culverts. A contractor will need to be hired who can obtain a piece of equipment that can reach down over the side of the culvert to mortar the stones in place. Mr. Wiemer estimates the cost of repairs at between \$2,000 and \$5,000.

Motion (Birbaum/Shult) to authorize up to \$5,000 in order to repair the stone walls on top of the culverts in the LaLumiere subdivision, *Carried Unanimously*.

POLICE CHIEF

No report.

FIRE COMMISSIONER

Mr. Wiemer advised that it is expected that the City of Oconomowoc will be approving the design for the new fire station soon. Additionally, work has begun on the road along which the fire station will be built.

BOARD OF ZONING APPEALS

The board did not meet.

ARCHITECTURAL CONTROL BOARD (ACB)

The ACB met 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. Both requests were approved.

CLERK

Discussion/action regarding the request from Leadership Menomonee Falls 2008 to make a donation to the Waukesha County Humane Animal Welfare Society to aid them in paying for expenses incurred in the recent bacterial outbreak, per correspondence dated May 15, 2008.

Ms. Schlieve explained the request. Mr. Kneiser noted that it has been the policy of the trustees not to make donations. The trustees agreed that the policy in existence should be maintained. No donation will be made by the Village of Oconomowoc Lake. As always, individuals are welcome to make a donation to causes of their choice.

COMMUNICATIONS

There were no communications.

With no further discussion being heard, motion (Birbaum/Shult) to adjourn was made at approximately 8:30 p.m., and Carried Unanimously.

Respectfully submitted by:

Cindy J. Schlieve, Clerk-Treasurer

Approved and Ordered Posted by:

Richard J. Kneiser, President