

VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF
MONDAY, August 17, 2009, Unofficial until approved by the Village Board.
Approved as written () or with corrections (X) on 09/21/2009.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on August 17, 2009, commencing at 7:05 p.m., 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 following the Pledge of Allegiance with the following in attendance:

Mr. Kneiser/President – present
Messrs., Bickler, Birbaum, Falstad, Fischer, Owens (arrived 7:04 p.m.), and
Shult/Trustees – present
Ms. Schlieve/ Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

Dennis Bednarski (Oconomowoc City Utilities), Brian Ewald and Craig Ewald (Ewald Automotive), Jessica Jacob (Foley & Lardner), Scott Naylor (TDI Associates, Inc.), residents Steve Koehler, Ed Johnson, Chrissy Connelly, and Debbie Kass

MINUTES

Motion (Falstad/Shult) to approve, as printed, the minutes of the July 20, 2009 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 (Birbaum/Falstad) to close the meeting to public comment, Carried Unanimously.

PRESIDENT

Mr. Kneiser requested that three matters listed under the Administrator be moved up on the agenda. Those three matters are noted below.

Discussion/action regarding the request of Deborah and Gregory Kass, owners of 4277 Buchanan Road, to extend their building permit by six months, giving them a completion date of September 26, 2009.

Mr. Wiemer explained the request. Motion (Birbaum/Falstad) to approve the request of Deborah and Gregory Kass to extend their building permit by six months, allowing for a completion date of September 26, 2009, Carried Unanimously.

Discussion/action regarding the request of James Connelly, owner of 4658 Lake Club Circle, to build a fence on Village road right-of-way.

Mr. Wiemer explained that Mr. Connelly had requested permission to locate a portion of a new picket fence along the northerly property line of his residence at 4648 Lake Club Circle in the Village right-of-way. Mr. Connelly's proposal is to locate the fence approximately three (3) feet into the right-of-way, and

by doing so will avoid killing six blue spruce pine trees, as well as other plantings along the northerly property line. The proposed fence will still be located nearly twenty (20) feet south of the Lake Club Circle roadway. Mr. Connelly's letter noted that the fence will be included on his insurance policy for the residence; that the Connelys shall be and remain responsible at all times for the on-going maintenance and repair of the fence; and if the Village should at any time in the future request that the fence be removed from the Village right-of-way, the Connelys will do so promptly and at their cost. Mr. Connelly's letter of request is attached to the minutes.

Motion (Bickler/Shult) to grant permission for the Connelly family to locate a portion of their new picket fence along the northerly property line of their residence at 4648 Lake Club Circle in the Village right-of-way, subject to the aforementioned conditions, Carried Unanimously.

Discussion/action regarding placement of transformer on West Beach Road.

Mr. Wiemer explained that Oconomowoc Utilities has requested to place a large "switch" on the Village right-of-way in the area of Earling Court and Armour Road. This large switch has been placed at the south side of Earling Court, just behind the stone wall. The placement was done without communication with the Village and without Village approval, and was met with opposition from the residents of the Brae Head Association (Earling Court). Mr. Bednarski, of the City of Oconomowoc Utilities (City), advised that the City is willing to move the switch box at the City's expense. The location that the residents of Brae Head would prefer is partially on Brae Head property, and therefore the City will need to obtain an easement from the Brae Head Association. Mr. Koehler, of 7 Earling Court, speaking on behalf of the Brae Head Association, stated that a vote had not yet been taken regarding the matter, but it was his opinion that the Association would approve an easement for the City to place the switch box partially on Brae Head property.

Motion (Shult/Owens) to approve the placement of the switch box on Village right-of-way, contingent on the approval of the Brae Head Association for an easement onto their portion of property needed for the switch box, Carried Unanimously.

PLAN COMMISSION

Discussion/action regarding the Plan Commission initiation of a zoning amendment petition to amend the current Village zoning code (Chapter 17) to change the official map of the Village of Oconomowoc Lake to include the new G-1 Government Zoning District.

Motion (Bickler/Falstad) to amend the current Village zoning code to change the official map of the Village of Oconomowoc Lake to include the new G-1 Government Zoning District, Carried Unanimously.

Discussion/action regarding the recommendation by Plan Commission for approval of the request of Ewald Chevrolet, 36833 E. Wisconsin Avenue, a Wisconsin for-profit corporation, to amend their current conditional use to allow for the construction of a showroom on the east side of the current building to include a service area, to display automobiles, specifically, KIA automobiles.

Mr. Wiemer noted that corrections to the legal name of the business had been made on the proposed amended conditional use document. When this matter was heard at the public hearing before Plan Commission several concerns were raised by Village residents. Those concerns included outdoor paging and the noise of the dryers. Mr. Wiemer noted that Ewald's has addressed those concerns by eliminating outdoor paging and will be keeping the doors closed when the dryers are in use. Action taken is noted in the next paragraph.

Discussion/action regarding the recommendation by Plan Commission for approval of the request of Ewald Chrysler, Inc., 36833 E. Wisconsin Avenue, a Wisconsin for-profit corporation, to amend their current conditional use to allow for the construction of an addition to the current service department, change to the north elevation of the showroom, and the addition of the Jeep and Dodge franchises.

Motion (Shult/Bickler) to approve the requests of Ewald Chevrolet and Ewald Chrysler, Inc. to amend their current conditional use permits to allow for the construction of a showroom on the east side of the current Ewald Chevrolet building to include a service area and to display automobiles, and to allow for an addition to the current service department, change to the north elevation of the showroom, and the addition of the Jeep and Dodge franchises for Ewald Chrysler, Inc., Carried Unanimously.

Discussion/action regarding the recommendation by Plan Commission for approval of the proposed Certified Survey Map (CSM) for Ewald Real Estate for properties located at 36833 E. Wisconsin Avenue in the Village of Oconomowoc Lake business district. The proposed CSM is a combination of lots 1 and 2, which are currently shown on two separate CSM's.

Mr. Wiemer explained that the request for a new CSM was due to the vacation of Plank Road, which caused changes to the properties located along Plank Road. Trustees noted that the proposed CSM shows that State Trunk Highway 16 is immediately north of Ewald's property. The road immediately north of the property is actually E. Wisconsin Avenue, and the CSM should be revised accordingly. Additionally, the proposed CSM was reviewed by the engineering firm of Yaggy Colby Associates, and their recommendation was that the heading should be changed to read "A combination of Lots 1 and 2" instead of stating that it is a "Re-division".

Motion (Birbaum/Falstad) to approve the proposed Certified Survey Map for Ewald Real Estate property located at 36833 E. Wisconsin Avenue in the Village of Oconomowoc Lake business district, contingent upon completion of the above-noted corrections, Carried Unanimously.

ATTORNEY

Discussion/action regarding compliance with Wisconsin State Statute 19.65, and possible adoption of employee policy.

Mr. Wiemer provided trustees with proposed Policy No. 08/17/2009, stating that all records containing personally identifiable information will be maintained in secure files at the Village Hall, and that all employees have been made aware of state and federal laws regarding the security of personally identifiable information. Motion (Bickler/Shult) to approve Policy No. 08/17/2009 regarding the handling of personally identifiable information by employees of the Village, Carried Unanimously.

Discussion/action regarding the state budget bill effects on local budgets, per correspondence from Mr. Macy dated July 28, 2009.

Mr. Macy explained that his firm is continuing to review the adopted state budget bill for 2010 and 2011. There are a number of items hidden within the budget that affect local municipalities. As those items are found, he will keep the trustees apprised. Information will be forwarded to the Finance Committee as it applies to budget preparation and ongoing finance decisions. No action taken.

Discussion/action regarding Wisconsin's budget bill prevailing wage rate and hour law changes, per correspondence from Mr. Macy dated August 4, 2009.

Mr. Macy advised that the prevailing wage rate and hour law changes are a problem for developers if they use non-union subcontractors. The law affects the Village in projects that are over \$25,000 in cost. There are two laws that have to be considered when planning public projects; the prevailing wage laws and the public construction laws. They must both be followed. No action taken.

TREASURER

Checks

Motion (Bickler/Birbaum) to approve check nos. 36395 through 36469, for regular monthly payments, and all electronic transfers, Carried Unanimously.

FINANCE

Discussion regarding monthly operating statement for August.

Mr. Fischer reviewed the monthly operating statement.

Discussion/action regarding changing the Village banking institution.

Mr. Kneiser explained that he had contacted ISB Community Bank regarding the possibility of lowering the interest rate on the Village Hall mortgage. ISB Community Bank has offered the Village an interest rate of 2.75%, down from the present rate of 3.50%, with the provision that the bank accounts for the Village be moved to ISB Community Bank. Information provided by ISB Community Bank showed that the interest rates for the Village's interest-bearing accounts would be increased from their current levels at First Bank Financial Centre. When combined with the lower interest rate on the mortgage, it would be to the Village's advantage to change its banking institution to ISB Community Bank. Motion (Fischer/Shult) to authorize the change of banking institutions from First Bank Financial Centre to ISB Community Bank, *Carried Unanimously*.

ADMINISTRATOR

Update on the Valentine/Beach Road Bridge repair project.

Mr. Wiemer reported that there will be a delay of up to two weeks on completion of the bridge repair project. The delay is caused by the discovery that the waterproof membrane at the top of the arch needs to be replaced due to age, and the concrete header the curb was located on was wider than the plans indicated. The additional width requires longer galvanized bolts and tie rods to be ordered to complete the installation of the new bridge railing. As soon as the materials needed are available, work on the project will continue, with completion as soon as possible thereafter.

Discussion/action regarding the acceptance of donations received from Village residents designated for use toward the Village's 50th Anniversary Celebration.

Motion (Birbaum/Bickler) to accept the donations received since the July 20th meeting designated for use toward the Village's 50th Anniversary Celebration, totaling \$2,150.00 in cash donations, and additionally to accept the donation by building inspector Tom Marks, who waived his fee for a required electrical inspection for the anniversary event, *Carried Unanimously*. Staff was directed to notify the donors that the Village Board has acknowledged and accepted their gifts.

Discussion/action regarding hiring an attorney to represent the Village Board of Zoning Appeals (BZA) at the BZA meeting scheduled for August 31, 2009.

Mr. Wiemer explained that there is a matter coming before the BZA on August 31, 2009. The purpose of the BZA meeting is for the board members to make a determination as to whether a decision made by the zoning administrator, Don Wiemer, should be upheld. The matter has been ongoing for the past two years, and during that time Mr. Wiemer has required the legal advice of Village attorney, John Macy. Because Mr. Macy has been the advisor for Mr. Wiemer, it would be a conflict of interest for him to also represent the BZA for this matter. Mr. Wiemer requested that the trustees approve hiring a separate attorney to represent the BZA for this matter. The recommended attorney is Mr. John F. Fuchs of Fuchs & Boyle, S.C. Mr. Fuchs has represented many municipalities in such matters, and would be able to give the necessary advice to the members of the BZA. Motion (Bickler/Shult) to hire Mr. John F. Fuchs to represent the BZA in the matter to be heard on August 31, 2009, and any additional dates that relate to this specific matter, *Carried Unanimously*.

Discussion/action regarding the appointment of Yaggy Colby Associates as the Village Engineer.

Mr. Wiemer advised the trustees that the current Village Engineer is Lake Country Engineering. That firm will be closing soon, therefore a new firm must be appointed as the Village Engineer. Mr. Wiemer recommended the firm of Yaggy Colby Associates (formerly known as Welch Hanson). The Village has had a good working relationship with this firm in the past, and the firm is familiar with Village zoning and requirements. Yaggy Colby Associates has provided the Village with a proposal for providing professional consulting engineering and survey services, which is attached to the minutes. Motion (Birbaum/Bickler) to appoint Yaggy Colby Associates as the Village Engineer, *Carried Unanimously*.

Discussion/action regarding the Service Agreement with the Humane Animal Welfare Society of Waukesha County, Inc. (HAWS) HAWS has proposed a 3-year contract with an annual fee of \$83.00, which is the same as the current contract.

Mr. Wiemer explained that the proposed contract would be in effect from January 1, 2010 through December 31, 2012. The annual fee for the services provided by HAWS is \$83.00, which is the same as the current contract. Motion (Bickler/Birbaum) to approve the proposed contract with HAWS for a 3-year term at a cost of \$83.00 per year, *Carried Unanimously*.

Discussion/action regarding the current boat launch agreement with the Department of Transportation.

Mr. Wiemer provided the trustees with a copy of the existing boat launch agreement with the Department of Transportation (DOT). Trustees had expressed their concern at a previous meeting that the agreement with DOT does not prevent the building of a new launch site for access onto Oconomowoc Lake. Mr. Wiemer noted that the current agreement does not prevent another launch site on the lake, but it allows for the Village to remove one parking stall for each stall created at another Oconomowoc Lake launch site. There is currently no indication that the DOT or the DNR has an interest in building a new launch site. No action taken.

Discussion/action regarding user fees for the wood lot.

Mr. Wiemer reported that the wood lot had been cleared of any discarded materials that had been dumped. Previously, it had been suggested that perhaps the police officers could oversee the wood lot during the week for specific hours of operation and collect fees from the residents or contractors. Mr. Wiemer stated that he did not feel this was a good use of his officers' time, and would not be in favor of such a plan. It was suggested that a possibility would be to have the wood lot attendant who handles Saturday mornings could be hired for some week day hours, and then the wood lot would only be available to residents and contractors when an attendant was present. Motion (Birbaum/Shult) to postpone further discussion on this matter until the September 21, 2009 Village Board of Trustees meeting, *Carried Unanimously*.

Discussion/action regarding fees for the use of the police shooting range.

Mr. Wiemer requested that no fees be charged to the police departments for using the police shooting range. He would rather negotiate with the departments from time to time for services or assistance that can benefit the Village. No action taken.

Discussion/action regarding the use of Waukesha County Collections for collection of unpaid ambulance fees.

Mr. Wiemer explained that ambulance fees that are not paid by the recipient of the ambulance service provided within the Village of Oconomowoc Lake by the Oconomowoc Fire Department are billed to the Village. The Village is then responsible to pay the fees to the Oconomowoc Fire Department. If the recipient is a Village resident, they are sent a notice to pay the Village for the services they received. In the past, any unpaid bill has been added to the resident's tax bill as a special assessment. However, the current zoning code does not actually include ambulance fees in the list of fees that can be charged back to the resident. Additionally, if the service was provided to someone who is not a resident, but was just provided the service while in the Village, there is no way to recover an unpaid fee. Waukesha County Collections could assist the Village in recovering those fees. There is currently an outstanding fee of \$1,000.00 that would immediately be referred to Waukesha County Collections, if approved.

Motion (Bickler/Fischer) to enter into an agreement with Waukesha County Collections to recover fees for the Village, *Carried Unanimously*. Macy was directed to prepare an amendment to the current charge back ordinance to include ambulance fees.

Discussion/action regarding acceptance of the bid for the sale of the Power King tractor.

Mr. Wiemer reported that several bids had been received for the Power King tractor. The highest bid was \$1,200.00. Mr. Wiemer requested that the trustees give approval to accept the highest bid, as well as the next two lower bids in case the high bidder chooses not to purchase the tractor. Motion (Shult/Birbaum) to approve the high bid of \$1,200.00, and the next two lower bids, for the sale of the Power King tractor owned by the Village, *Carried Unanimously*.

Update on the stop signs at the intersection of Pabst and Sawyer Roads.

Mr. Wiemer reported that the Waukesha County Highway Department had advised him that the intersection of Pabst and Sawyer roads falls under its jurisdiction, and therefore, the Village cannot put up any traffic signs. The County further advised that they will be reviewing the matter within the next few months. Mr. Wiemer requested that Mr. Falstad, as a County Supervisor, intercede for the Village. Mr. Falstad agreed to do so and will report back at a future meeting.

Discussion/action regarding the garbage contract with Veolia Environmental Services.

Mr. Wiemer reported that the garbage contract the Village currently has with Veolia ends on December 31, 2009. Veolia is currently the only garbage hauler that complies with County requirements regarding recycling and garbage disposal. Mr. Wiemer requested authority to negotiate with Veolia for a new contract. Motion (Shult/Bickler) to authorize Don Wiemer to negotiate a new garbage contract with Veolia Environmental Services, *Carried Unanimously*.

POLICE CHIEF

Discussion/action regarding the request by Mr. Timothy T. Kay of Kay and Kay Attorneys at Law, for an increase in fees charged to the Village for his services as traffic attorney.

Chief Wiemer provided a letter of request from Mr. Kay regarding the increase of his fees. A copy of that letter is included with the minutes. Mr. Kay's requested fee increases equaled a 40 percent increase for a portion of his services and 25 percent for other portions of his services. Following discussion, the trustees agreed that a 25 percent increase would be appropriate for all services provided. Motion (Fischer/Owens) to approve a 25 percent increase in fees paid to Mr. Timothy Kay, for his services as traffic attorney, effective January 1, 2010, *Carried Unanimously*.

FIRE COMMISSIONER

Mr. Wiemer updated trustees on the status of the proposed new fire station. The funds have been released to the City of Oconomowoc, and groundbreaking is expected to take place in September or October. The proposed fire station will be 14,000 square feet at a cost of 2.5 million dollars. The expected completion is September of 2010.

BOARD OF ZONING APPEALS

There will be a Board of Zoning Appeals meeting on August 31, 2009.

ARCHITECTURAL CONTROL BOARD (ACB)

There was a meeting held on July 27, 2009. The matters heard were as follows.

- The request of Ewald Chrysler and Ewald Chevrolet, located at 36833 E. Wisconsin Avenue, for an addition to the service department and changes to the north elevation of the showroom of Ewald Chrysler, and for an addition to the Ewald Chevrolet building for a KIA showroom and service bays.
- The request of Mr. & Mrs. Richard Heinrich, 4255 West Beach Road, for an addition to the garage.
- The request of James & Christine Connelly, 4648 Lake Club Circle, to install fencing, a gate and pillars.
- The request of Geoff & Debbie Clouthier, 4634 Lake Club Circle, for driveway pillars.

There will be a meeting in August.

CLERK

No report.

COMMUNICATIONS

Ms. Schlieve reported the receipt of several thank-you notes from Village residents regarding the 50th anniversary event.

Mr. Kneiser provided a newspaper article regarding the recovery of a dog using microchip technology.

Mr. Wiemer noted that the Wisconsin Department of Revenue had released its annual report indicating the value of municipalities. The Village valuation declined by 11 percent from the prior year as a result of a request made to the Department by our Village assessor.

With no further discussion being heard, motion (Bickler/Birbaum) to adjourn was made at approximately 8:47 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Richard J. Kneiser, President