

# VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING**  
**MINUTES OF MONDAY, August 18, 2014,**  
**Unofficial until approved by the Village Board.**  
**Approved as written ( X ) or with corrections ( ) on 09/15/2014.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on August 18, 2014, commencing at 7:05 PM, 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 followed by the Pledge of Allegiance with the following in attendance:

Mr. Birbaum/President – present  
Messrs., Bickler, Fellows, Owens, Waltersdorf/Trustees – present  
Messrs., Fischer, Shult/Trustees – absent  
Ms. Schlieve/Clerk-Treasurer – present  
Mr. Wiemer/Police Chief-Administrator – present  
Mr. Macy/Attorney –present

## **ATTENDANCE**

Ed Johnson, Nick Bickler, Brooke Bickler, Jason Johnson (Advanced Disposal Service), George Ratkovitch

## **MINUTES**

Motion (Owens/Fellows) to approve the minutes of the July 21, 2014 Village Board meeting, Carried Unanimously.

## **PUBLIC COMMENT**

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

There were no comments.

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

## **PRESIDENT**

### **Update regarding Adaptive Management Plan for phosphorus control on the Oconomowoc River**

Mr. Birbaum referenced a document titled "Oconomowoc River Watershed Water Quality and Soil Loss Improvements" which explains the plan. Mr. Birbaum noted that Oconomowoc Lake is probably the cleanest lake in the area. Mr. Wiemer noted that it appears that there is no expense required from the Village to participate in the plan. The purpose of the plan is to continue to manage the cleanness of the lake. Questions arose as to whether there was really no expense to the Village for the plan and how the Village would be involved in the project. It was determined that there should be some investigation into the matter.

Motion (Bickler/Fellows) to table the matter of participation in the Adaptive Management Plan for phosphorus control on the Oconomowoc River, Carried Unanimously.

## **PLAN COMMISSION**

### **Discussion/action regarding the extraterritorial approval of the Certified Survey Map for property located on Lakeland Road in the Town of Oconomowoc owned by George Ratkovitch, per recommendation of the Plan Commission at its August 4, 2014 meeting**

Mr. Wiemer reported that the Certified Survey Map (CSM) for this property located in the Town of Oconomowoc had been reviewed and approved by the Town of Oconomowoc and the Waukesha County Department of Parks and Land Use, and recommended by the Plan Commissioners at its meeting on August 4, 2014 for approval by the Trustees.

Motion (Owens/Waltersdorf) to approve the CSM for property located on Lakeland Road in the Town of Oconomowoc owned by George Ratkovitch, *Carried Unanimously*.

### **Discussion/action regarding the renewal of the Conditional Use Permit for a ten (10) year period to expire June 30, 2024, for Ewald Chevrolet Buick, LLC, located at 36833 E. Wisconsin Avenue, in the Business District of the Village of Oconomowoc Lake, per recommendation of the Plan Commission at its August 4, 2014 meeting**

Mr. Wiemer advised that this matter had been recommended for approval by the Plan Commission, and had a public hearing immediately prior to the Village Board meeting.

Motion (Bickler/Fellows) to approve the renewal of the Conditional Use Permit for a ten (10) year period to expire June 30, 2024, for Ewald Chevrolet Buick, LLC, located at 36833 E. Wisconsin Avenue, in the Business District of the Village of Oconomowoc Lake, *Carried Unanimously*.

### **Discussion/action regarding the renewal of the Conditional Use Permit for a ten (10) year period to expire June 30, 2024, for Ewald Motors of Oconomowoc, LLC d/b/a Ewald Chrysler Jeep Dodge of Oconomowoc (formerly known as Ewald Chrysler, LLC), located at 36833 E. Wisconsin Avenue, in the Business District of the Village of Oconomowoc Lake, per recommendation of the Plan Commission at its August 4, 2014 meeting**

Mr. Wiemer advised that this matter had been recommended for approval by the Plan Commission, and had a public hearing immediately prior to the Village Board meeting.

Motion (Bickler/Fellows) to approve the renewal of the Conditional Use Permit for a ten (10) year period to expire June 30, 2024, for Ewald Motors of Oconomowoc, LLC d/b/a Ewald Chrysler Jeep Dodge of Oconomowoc, located at 36833 E. Wisconsin Avenue, in the Business District of the Village of Oconomowoc Lake, *Carried Unanimously*.

## **ATTORNEY**

### **Update regarding proposed jurisdictional transfer to the Village of Oconomowoc Lake from the Town of Oconomowoc of Wisconsin Avenue from Gifford Road up to Pick N Save, and the four (4) lanes from McDonald's east to the first set of stop lights**

Mr. Macy reported that he had received an e-mail from Attorney Kathleen M. Batha, Assistant General Counsel for the Wisconsin DOT. Ms. Batha's e-mail stated that according to documents in the DOT files, copies of which she provided to Mr. Macy, the Village of Oconomowoc Lake has jurisdictional responsibility for that portion of Wisconsin Avenue from Gifford Road up to Pick N Save, and the four lanes from McDonald's east to the first set of stop lights. The Trustees suggested that Mr. Macy contact Ms. Batha by phone first, and then by letter if necessary, to explain the position of the Village and that the Village disagrees with her determination.

Motion (Bickler/Fellows) to authorize Mr. Macy to contact Attorney Batha to discuss the matter of the jurisdictional transfer in order to explain the position of the Village and its disagreement with Ms. Batha's determination, *Carried Unanimously*.

**Discussion/action regarding 2013 Act 280 Developer's Option to Provide Surety Bond or Letter of Credit Surety Bond Form, per correspondence from Mr. Macy dated July 28, 2014**

Mr. Macy noted that he had informed the Village Board of Trustees regarding this matter in May of 2014. In this letter Mr. Macy provided a bond form that would address development issues and could be used if needed. No action was taken.

**TREASURER**

**Checks**

Motion (Bickler/Owens) to approve check numbers 41278 through 41338, for regular monthly payments, and all electronic payments, *Carried Unanimously*.

**FINANCE**

**Discussion regarding monthly operating statement for August**

Mr. Birbaum reviewed the monthly operating statement. Mr. Wiemer noted that there will need to be some transfers made to account for the expenses incurred in the sale of the LaLumiere lot.

**ADMINISTRATOR**

**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 2015**

Motion (Owens/Fellows) to accept the donations received from Village residents, as noted on Exhibit A, designated for use toward the fireworks display in July of 2015, *Carried Unanimously*.

**Discussion/action regarding contract for trash hauler beginning January 1, 2015**

Mr. Wiemer reported that he had been in contact with Advanced Disposal Services (ADS) to discuss the renewal of the trash hauling contract between the Village of Oconomowoc Lake and ADS, and a renewal agreement had been reached. Mr. Wiemer advised that Mr. Jason Johnson, representative of Advanced Disposal Services, was present at the meeting to address any questions regarding a new contract for trash hauling. Mr. Johnson did advise that Waukesha County will be converting its recycling center to a single stream beginning in 2015. It is currently a dual stream operation. The change to single stream will mean that municipalities could use 95 gallon recycling bins if they have curbside pick up for their trash hauler. However, curbside pick up will not work for the Village, so we can retain the type of pick up that we currently use, up-the-drive, and ADS will allow us to use the existing blue bins for recycling. There will not be a need to purchase a new style of container. If the Village was required to purchase the new style containers (32 gallon for up-the-drive pick-up), the County would pay a portion, but the Village would be required to pay a portion as well. Because ADS is willing to allow the Village to continue using the current recycling bins and property owners' garbage cans, the Village will save some money. Additional changes include the discontinuation of the fuel surcharge and additional plastics may be recycled (numbers 1 – 7) because of the County's change to single stream recycling. There was discussion as to whether the annual rate increase in the contract should be calculated using the CPI as published in July of each year, or to choose a flat increase rate of 3%. The Trustees decided that it would be best to choose the flat 3% rate increase in order to have a known value each year. The proposed contract renewal is for five (5) years, expiring December 31, 2019.

Motion (Bickler/Owens) to approve the renewal of the contract for trash hauling services with Advanced Disposal Services for a five (5) year period, expiring December 31, 2019, *Carried Unanimously*.

**Discussion/action regarding the resolution of all outside issues relating to Oliver Construction Company; rescinding the approval of the contract between owner and architect; rescinding the approval of the contract between owner and construction manager; and the rejection of all bids received on the maintenance building**

Mr. Wiemer reported that the bids that were received to build the proposed maintenance building did not cover all aspects of the project. Since all aspects were not bid upon, the project cannot go forward using

any of the bids that were received. All bids received must be rejected. Mr. Wiemer further advised the Trustees that expenses were incurred in the work Oliver Construction did to facilitate the bidding process which must be paid, even though the project cannot move forward at this time. Mr. Macy advised that several motions need to be made in order to close out the project. The Board needs to rescind the approval of the contract between the owner (Village) and the architect (Oliver Construction); rescind the approval of the contract between owner and construction manager (Oliver Construction); and reject all of the bids received on the maintenance building.

Motion (Bickler/Owens) to rescind the approval of the contract between owner (Village) and architect (Oliver Construction), Carried Unanimously.

Motion (Owens/Fellows) to rescind the approval of the contract between the owner (Village) and construction manager (Oliver Construction), Carried Unanimously.

Motion (Owens/Bickler) to reject all bids received on the maintenance building project, Carried Unanimously.

**Discussion/action regarding authorizing the Village Administrator to complete a bid package for the maintenance building to be put out for spring construction; approval to pay the costs-do-date to Oliver Construction Company; approval to pay the costs for additional engineering services needed to finalize the bid documents**

Mr. Wiemer referred to a letter from Oliver Construction Company dated August 13, 2014, which detailed the expenses incurred by Oliver Construction for the work it performed relating to the maintenance building. The cost to finish architectural and structural design services for a publicly bid general construction project is \$14,982.00. The cost to complete plumbing, mechanical, electrical design services for a publicly bid general construction project is \$4,400.00. The cost for Oliver Construction Company design services and construction management fees for work completed to date is \$34,874.00.

Mr. Wiemer explained that the plan going forward is to put together a bid packet to obtain a contractor to build the maintenance building. Oliver Construction will prepare the information to be included in the bid packets that will include the mechanical, plumbing, and electrical plans needed for the maintenance building.

Motion (Bickler/Owens) to authorize the payment to Oliver Construction Company of \$34,874.00 for work completed to date; to authorize the future payment to Oliver Construction Company of \$14,982.00 for costs required to finish architectural and structural design services for a publicly bid general construction project; to authorize the future payment to Oliver Construction Company of \$4,400.00 for costs required to complete plumbing, mechanical, electrical design services for a publicly bid general construction project; and to authorize the re-issue of a new agreement between the Village and Oliver Construction Company for a standard contract between an owner and architect, Carried Unanimously.

**Update regarding proposed funding plan for the proposed DPW garage (maintenance building)**

Mr. Wiemer reviewed the memo provided to the Trustees by Mr. Fischer. The memo provides for a project that would cost \$600,000; the amount borrowed would be \$527,598 using a single 10-year loan in which the Village would draw on the loan for the first year and pay it off over the 9 remaining years at a payment level of \$62,598 including principle and interest. The proposed plan keeps the payment level very close to the current mortgage payments. Mr. Fischer's memo also noted that if the project costs are more than planned and the amount borrowed was \$650,000, he proposed to hold the payments at the same level with a balance owing of \$138,596 after the ninth payment. The Village would then have to refinance that amount or use Village surplus to pay off the balance.

Mr. Wiemer noted that the existing mortgage balance is \$233,082. In order to pay off that mortgage, the Village would use \$150,000 of the funds received from the Summit Fire District dissolution and \$100,000 from the sale of the Village-owned lot in the LaLumiere Subdivision. The proposed loan from First Bank Financial Centre is at an interest rate of 1.35%. By law, an opinion letter prepared by a law firm must be done in order to finalize the loan. Quarles and Brady has been contacted and will prepare the required letter at the time it is needed.

**Discussion/action regarding acceptance of the bid received for the sale of the Village Squad**

Mr. Wiemer reported that the highest bid received was \$7,300.

Motion (Owens/Bickler) to accept the bid of \$7,300 for the sale of the 2012 Chevy Impala former Village squad car, *Carried Unanimously*.

**Discussion/action regarding acceptance of the bid received for the sale of the Village-owned lot in the LaLumiere Subdivision**

Mr. Michael Bickler recused himself from this matter and stepped away from the table. Mr. Wiemer reviewed the offer to purchase received from Nicholas and Brooke Bickler for the Village-owned lot in the LaLumiere Subdivision.

Motion (Waltersdorf/Fellows) to authorize the Village of Oconomowoc Lake to enter into a contract for sale of the Village-owned lot in the LaLumiere Subdivision described a Lot 1-A CSM 9916 and Outlot 1-B CSM 9916, and to authorize the Village Administrator to retain title service to facilitate the closing and allow assignability of the contract, *Carried*. Messrs. Owens Fellows, Waltersdorf, and Birbaum voted yes. Mr. Bickler abstained from the vote.

Mr. Bickler returned to the Board table after the above matter was completed.

**Discussion/action regarding the possibility of forming a lake management district for the LaLumiere Subdivision**

No one was prepared to discuss this matter. Motion (Owens/Bickler) to table the matter to the September Board of Trustees meeting, *Carried Unanimously*.

**Discussion/action regarding the process to terminate the Conditional Use Permit issued to “The Carowoods Corporation, Richard J. and Caroline I. Kneiser and Ronald V. Kneiser Revocable Living Trust, Ronald V. Kneiser, Trustee”**

Mr. Wiemer reported that the properties formerly owned by Richard J. and Caroline Kneiser, Carowoods Corporation, Ronald V. Kneiser, and Dr. & Mrs. Vikramjit S. Chhokar were now owned by Odie Remien. Mr. Remien is contemplating creating a new CSM that would combine all the lots that he owns along Pabst Road. The above noted CUP exists with no expiration, so Mr. Wiemer wanted a recommendation from the Board as to how to proceed in this matter. It was the consensus of the Trustees that the approval of a new CSM for the property will void the CUP and no other action will need to be taken. Mr. Wiemer will continue discussions with Mr. Remien and will keep the board up to date on the matter.

**POLICE CHIEF**

There was no report.

**BOARD OF ZONING APPEALS**

There was no meeting.

**ARCHITECTURAL CONTROL BOARD (ACB)**

**Update regarding the ACB meetings held on July 28, 2014 and July 31, 2014**

The following matters were presented and approved by the ACB.

- Mr. and Mrs. Hans Scott, 4525 Hewitts Point Road, for changes to the addition to the residence
- Mr. and Mrs. Ulrich Jentsch, 34829 Fairview Road, for a new single family residence, garage and landscape plans (heard and postponed at the July 28 meeting; heard and approved at the July 31 meeting)

**CLERK**

There was no report.

**COMMUNICATIONS**

- Press Release from the Waukesha County Recycling re: an event to be held on 08/22/14 and 08/23/14
- Update from Waukesha County Executive Dan Vrakas
- Town of Oconomowoc Amendment to the Comprehensive Plan 2035

**ADJOURNMENT**

With no further discussion being heard, a motion (Fellows/Bickler) to adjourn was made at approximately 8:41 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