

VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF MONDAY,
September 15, 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 on September 15, 2008, commencing at 7:05 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 following the Pledge of Allegiance with the following in attendance:

Mr. Kneiser/President – present
Messrs., Bickler, Birbaum, Fischer, Owens (arrived at 7:20 p.m.), and Shult/Trustees – present
Mr. Schinzer/Trustee – absent
Ms. Schlieve/ Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

There was no one in attendance, except as listed above.

MINUTES

Motion (Bickler/Shult) to approve the minutes of the August 18, 2008 Village Board meeting as printed, Carried Unanimously.

PUBLIC COMMENT

There was no public comment.

PRESIDENT

No report.

PLAN COMMISSION

Mr. Wiemer reported that the Plan Commission did not meet in September, however, will be meeting in October. One of the items on the agenda will be the flood plain ordinance update. All members of the Plan Commission have already received the documents in order to have time to review the matter.

ATTORNEY

Discussion regarding Open Meetings law, per correspondence from Mr. Macy dated September 3, 2008.

Mr. Macy explained that a recent decision by the Wisconsin Supreme Court concludes that closed session discussions are not privileged. While minutes are not required to state the content of the meeting, the members attending the closed session may be requested to report information about the meeting if there is litigation regarding a matter discussed in closed session. Mr. Macy further noted that the Court made a point of stating that its decision should not be viewed as undermining the ability of government bodies to conduct certain meetings in closed session where authorized by statute.

Discussion regarding Recent Public Records Cases, per correspondence from Mr. Macy dated August 26, 2008.

Mr. Macy noted decisions reached by the Wisconsin Supreme Court regarding the WIREdata, Inc. public records requests. He noted that municipalities need to keep communications open with requestors of records, even in circumstances where the records requested are kept by a contracted provider. Additionally, care should be taken to insure that the contracted provider of services can and will respond to the open records requests when the information pertains to their services.

TREASURER

Checks

Motion (Fischer/Bickler) to approve check nos. 35546 through 35621, for regular monthly payments, and all electronic tax payments, *Carried Unanimously*. Ms. Schlieve noted that additional electronic FICA tax payments had been made due to the disability leave of one of the police officers. All payments relating to FICA are now up-to-date.

FINANCE

Discussion regarding monthly operating statement for September.

The monthly operating statement was discussed. Discussion followed regarding whether an up-to-the-date operating statement is needed. Staff has the ability to generate a report that would be complete through the end of the month prior to the Village Board meeting. The current month's information can be seen on the voucher list. Mr. Fischer stated that this matter will be part of the finance committee's discussion during the budgeting process.

ADMINISTRATOR

Discussion/action regarding repayment plan for the road paving on Pabst Road and in the LaLumiere subdivision.

Mr. Wiemer advised that the paving project is complete. The total cost was \$220,000. Mr. Fischer noted that selling a Village-owned lot in the LaLumiere subdivision would be one way to recoup a portion of the cost of the paving project. The road paving in the LaLumiere subdivision cost \$100,000. Discussion followed regarding the timing of the sale and the expenses required for selling a lot. It was decided that the finance committee will discuss the matter during their meetings regarding the 2009 budget.

Discussion/action regarding waiver of construction start and stop times per Ordinance Numbers 173 and 228.

This proposed ordinance allows the Village Administrator or the Village Administrator's designee to authorize a waiver to the requirements of section 14.04.5 regarding start and stop times for construction work, whether the work is being done under a building permit or not. Motion (Fischer/Owens) to approve the additional language to Ordinance 14.04.5 as follows: The Village Administrator, or the Village Administrator's designee, may authorize a waiver to the requirements of this Section where, in the opinion of the Village Administrator or their designee, such a waiver is necessary due to emergency; to promote the public health and safety; or where literal compliance would cause undue hardship. A waiver granted under this Section may include such conditions as, in the opinion of the Village or the Village Administrator's designee, are necessary under the circumstances to promote the intent of this Section., *Carried Unanimously*.

Discussion/action regarding the Summary of Water Quality Data for Oconomowoc Lake for the years 2006 to 2007.

The trustees were provided a copy of the report. Mr. Wiemer noted that there have been no significant changes in the quality of the lake water. The levels of sodium and calcium in the lake were discussed.

Discussion/action regarding future expansion of the Waukesha County trunked radio system.

Mr. Wiemer explained that Waukesha County will be upgrading the county radios from analog to digital. They anticipate beginning in 2013. The preliminary budget estimate for the project is \$9.5 million. The County proposed two payment options for the County's trunked radio partners. Motion (Birbaum/Bickler) to approve payment Option 1 proposed by Waukesha County Department of Administration, *Carried Unanimously*. Option 1 reads as follows:

This option best provides for level payments over the payback period (15 years) of the digital system. For the first 5 years, (2009 – 2013) annual infrastructure payments will be treated as a down payment/prepayment. This amount will earn interest applied each year by the County based on the County's actual investment returns (averaging 4-4.5% in the last couple of years). The payments and interest will be used as a corresponding reduction against the municipality's share of their final determined infrastructure cost. In the event the County does not move forward with this project, the County will return the accumulated payments plus an interest earned to your community. If the project moves forward and your community decides not to participate, the prepaid funds will be returned without interest.

Update regarding Ewald Automotive Conditional Use Permit.

Mr. Wiemer reported that Ewald Automotive has decided not to proceed with building a new showroom, and therefore the CUP that was in effect prior to the August meeting will remain in effect.

Discussion/action regarding regulation of nuisance trees, per correspondence from Mr. Macy dated August 26, 2008.

Mr. Macy advised that it is his recommendation that Village staff, or contractor hired by the Village, may not remove trees or tree limbs on private property and bill the property owner for the work done. An emergency situation would be an exception. No action was taken.

Discussion/action regarding fall burning period – Dates last year were October 13th through November 25th. Corresponding dates this year would be October 11th through November 23rd.

Mr. Fischer noted his objection to burning. Motion (Birbaum/Shult) to set the burning dates of October 11th through November 23rd this year, Carried. Ayes: Messrs. Owens, Shult, Birbaum, Bickler, and Kneiser; Nays: Mr. Fischer

Discussion/action regarding the disposal of the old patrol boat.

Mr. Wiemer explained that the old boat was in poor condition and the current market for scrap material is very good. He recommended selling the boat and trailer to a scrap dealer. The motor could then be advertised for sale. Motion (Shult/Birbaum) to scrap the old boat and trailer, and then sell the motor, Carried Unanimously.

POLICE CHIEF

Chief Wiemer reported that insurance payment has been received for the damage to his police truck. Additionally, Chief Wiemer commended Officer Chris Wizner on his excellent work in the investigation of theft from a village resident. Following his investigation, Officer Wizner arrested the person responsible for the theft and recovered the jewelry that was stolen. The jewelry stolen was valued at \$42,000, and has been returned to its owner.

FIRE COMMISSIONER

Mr. Wiemer advised that the Summit Fire District met regarding their 2009 budget. There will be a two percent increase from the 2008 budget. Zimmermann Design has been hired to design the new fire station. The goal for completion of the fire station is December 2009.

BOARD OF ZONING APPEALS

The board did not meet.

ARCHITECTURAL CONTROL BOARD (ACB)

The ACB met in August to discuss the final landscape plans of Mr. & Mrs. Chris Shult, of 4735 Hewitts Point Road. Some modifications to the plan were recommended, and the plan will be reviewed at the September 22, 2008 meeting. Ms. Ronaee Hussey, of 36208 South Beach Road, presented plans to add a dormer. Her plan was approved. The September meeting will include the revised final landscape plans for Mr. & Mrs. Chris Shult and the request of Mr. & Mrs. Richard Latta, of 34907 Fairview Road, to build a new accessory structure (garage).

CLERK

Discussion/action regarding the approval of the September 2008 newsletter.

Ms. Schlieve presented an additional page for the newsletter. The addition related to recycling matters. Motion (Shult/Birbaum) to approve the proposed newsletter, including the additional recycling information page, Carried Unanimously.

COMMUNICATIONS

Ms. Schlieve noted communication that was included in the trustees' packets from Lieutenant Governor Barbara Lawton regarding the Climate Change Summit: Wisconsin Communities Take Action. The summit will take place on December 12, 2008 in Stevens Point.

Mr. Wiemer presented a first draft of a resolution opposing the relocation of State Trunk Highway 83. He asked the trustees to review the draft and contact him with any recommendations for changes. The resolution will then be placed on the agenda for the October Village Board Meeting for possible action. Mr. Wiemer noted that the Town of Oconomowoc is also preparing documents objecting to the proposed highway change.

Mr. Kneiser suggested that Fiberesin Industries, located at 37031 E. Wisconsin Avenue, should be contacted in order to review the progress on recommended improvements to their property. Mr. Wiemer and Mr. Kneiser met with representatives of Fiberesin in July of 2007 to discuss improvements to their property. The improvements recommended included painting the front of the building, landscaping various sections of the property, general clean-up and screening of several areas of the property, and reviewing the equipment on the roof with a goal of removing unneeded items.

Mr. Kneiser would like to invite a representative from Pabst Farms Development to a Village Board meeting sometime this year in order to provide an update on the development. The Mayor of Oconomowoc has reported on several stores that may be included in the development. The stores mentioned conflict with prior reports of the type of stores planned for the development. Staff will make contact with the Pabst Farms Development office to extend the invitation.

With no further discussion being heard, motion (Owens/Birbaum) to adjourn was made at approximately 8:20 p.m., and Carried Unanimously.

Respectfully submitted by:

Cindy J. Schlieve, Clerk-Treasurer

Approved and Ordered Posted by:

Richard J. Kneiser, President