

VILLAGE OF OCONOMOWOC LAKE

35328 West Pabst Road, Oconomowoc, WI 53066

Phone: (262) 567-5301 Web: www.oconlake.com
Fax: (262) 567-7447 e-mail: villagehall@oconlake.com

**OCONOMOWOC LAKE VILLAGE BOARD MEETING
MINUTES OF MONDAY, September 15, 2014,
Unofficial until approved by the Village Board.
Approved as written (X) or with corrections () on 10/20/2014.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on September 15, 2014, commencing at 7:06 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, Fischer, Owens, Waltersdorf/Trustees – present
Mr., Shult/Trustee – absent
Ms. Schlieve/Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

Ed Johnson, Jon Spheeris, Mark and Kim Loehrer

MINUTES

Motion (Waltersdorf/Owens) to approve the minutes of the August 18, 2014 Public Hearing and Village Board meeting, Carried Unanimously.

PUBLIC COMMENT

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

There were no comments.

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

Discussion/action regarding the request of Dr. Michael and Mary McCormick, 4140 West Beach Road, for permission to exempt the sewer hookup on the vacant lot and grant an extension for the sewer hookup on the current residence

At the request of Mr. Wiemer, this item was moved up on the agenda from its place under the Administrator.

Mr. Wiemer reported that he had received a request from Dr. Michael and Mary McCormick who own properties located at 4140 West Beach Road and 36324 South Beach Road. The West Beach Road property has a house on it; however, the South Beach Road property is a vacant lot. Both properties are in the South Beach Road Sewer District. The rules for the Sewer District state that when a property is sold, and is not yet connected to the sewer, the seller must connect to the sewer system. Dr. and Mrs. McCormick have requested to delay the sewer connection on their West Beach Road property since the prospective buyer has not decided whether or not he will raze the existing residence to build a new residence. Additionally Dr. and Mrs. McCormick have requested that the South Beach Road property be

exempted from connecting to the sewer system since there is no house on the property. Mr. Jon Spheris was present to answer any questions from the Trustees regarding this request.

Discussion followed regarding possible actions that could be taken. Mr. Macy noted that Ordinance 268 regarding sewer connection does not allow for an exemption to the connection rules, even if the property in question does not have a house. A revision to Ordinance 268 would need to be approved in order to consider the exemption on the property with no house. The Trustees determined that the property owner should proceed to connect the sewer on the West Beach Road property prior to or at the time of its sale. Although it was suggested that it would save money for the property owners to be allowed to postpone connection until such time as a decision is made on whether or not to build a new house, the Trustees felt that the cost to move the sewer connection if needed was minimal; and therefore postponing the connection was not recommended.

Mr. Macy suggested a revision to Ordinance 268 that would allow the property owners to be exempt from connecting the South Beach Road property, which is a lot with no house on it. The suggested revision is to Section 2(4), and adds the words "other than vacant lots" to the first sentence immediately following the words "...recreation or other purposes". The Trustees agreed that the suggested revision would be appropriate.

Motion (Bickler/Fellows) to authorize Mr. Macy to draft a revision to Ordinance 268 "An Ordinance to Require Mandatory Hook Up to Public Sewers Subject to Possible Waivers in the Village of Oconomowoc Lake", as noted in the above paragraph, and to set a special meeting of the Board of Trustees on September 22, 2014 at 6:50 p.m. to address the matter, Carried Unanimously.

PRESIDENT

There were no comments.

PLAN COMMISSION

Discussion/action regarding a revision to Chapter 17.32(2)(a) and 17.32(2)(b) and 17.32(2)(c) of the Zoning Code for the Village of Oconomowoc Lake in reference to existing legal nonconforming structures located other than between the main building and the high water mark or in the offset area of the main building, per recommendation for approval by the Plan Commission at its August 4, 2014 meeting

Mr. Macy noted that the revision to the Zoning Code is a quick fix for an immediate need. The quick fix could potentially result in issues being raised in the future. Discussion followed.

Motion (Bickler/Owens) to approve the revision to Chapter 17.32(2)(a), 17.32(2)(b), and 17.32(2)(c) of the Zoning Code for the Village of Oconomowoc Lake, which allows for a change in use of a legal nonconforming structure located other than between the main building and the high water mark or in the offset area of the main building, Carried Unanimously.

Mr. Macy was directed to put the revision into ordinance format.

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 spoken with Attorney Batha on August 22, 2014 and relayed the questions raised by the Trustees. Mr. Macy further sent Attorney Batha a follow-up e-mail summarizing his conversation with her. There has been no contact since that time. Suggestions for what steps to take next included contacting legislators to ask for their assistance in getting the matter settled; contacting the Town of Oconomowoc again to advise them that the Village will not be mowing or plowing the road; and

contacting the state to bring the road and bridge up to code before the Village would consider accepting the jurisdictional transfer. Mr. Macy will continue to follow up on this matter.

Discussion/action regarding the possible creation of a lake district for the LaLumiere Subdivision, per correspondence from Mr. Macy dated September 10, 2014

Mr. Macy provided a personal and confidential letter to the Trustees that outlined the concerns regarding the possible creation of a lake district for the LaLumiere Subdivision. One concern noted is Court of Appeals decisions that have caused confusion as to whether a lake district can be created for only a portion of a lake. Other expert opinions would indicate that a lake district could be created for only a portion of the lake. An additional concern involves the way a district would be formed (i.e. by petition of the property owners or creation by the municipality). The issue of the cost to create and maintain a lake district if it is created by the municipality was discussed. Also, if the district is created by petition of the property owners, it would need the approval of Waukesha County, per Section 33.25 of the Wisconsin Statutes. Waukesha County would also have the discretion to choose boundaries for the district that might be different than requested by the petitioners.

Motion (Owens/Fellows) to table the matter until the October meeting and direct Mr. Macy to determine the costs involved in creating and maintaining a lake district, Carried Unanimously.

TREASURER

Checks

Motion (Bickler/Fellows) to approve check numbers 42000 through 42075, for regular monthly payments, and all electronic payments, Carried Unanimously.

Ms. Schlieve noted that the checks were now being issued from the new bank account at First Bank Financial Center, so the check numbers were started at 42000. The numbers do not follow consecutively from the checks approved in August.

FINANCE

Discussion regarding monthly operating statement for September

Mr. Fischer reviewed the monthly operating statement.

ADMINISTRATOR

Discussion/action regarding a Resolution Authorizing the Issuance and Sale of \$650,000 General Obligation Promissory Note, per correspondence from Quarles & Brady dated September 9, 2014

Mr. Fischer explained that the Resolution is a formality that the Village is required to do in order to borrow money for the proposed maintenance garage. The loan documents prepared by Quarles & Brady indicate that no money will be drawn from the loan prior to March 1, 2015. The Village will begin to draw money on the loan beginning March 1, 2015 extending to March 1, 2016. At that time, the payment schedule will be in effect.

Motion (Fischer/Bicker) to approve the Resolution Authorizing the Issuance and Sale of \$650,000 General Obligation Promissory Note, and to provide all required documents to Quarles & Brady, Carried Unanimously.

Discussion/action regarding possible support letter for the Oconomowoc River Watershed Improvement Program

Mr. Wiemer provided a sample letter of support for the Oconomowoc River Watershed Improvement Program that was prepared by Mr. Thomas Steinbach, Wastewater Operations Manager for the City of Oconomowoc. Discussion followed regarding concerns about financial support or obligations that the Village would have to provide if the letter of support is given to Mr. Steinbach.

Motion (Bickler/Owens) to provide a letter of support for the Oconomowoc River Watershed Improvement Program, using the letter provided by Mr. Steinbach, but removing the words “financial and/or technical” from the fourth paragraph, and including a cover letter that explains that the Village’s support is contingent upon the participation of other municipalities or lake districts, Carried Unanimously.

Discussion/action regarding letter soliciting funds for the annual fireworks display

Ms. Schlieve provided a sample letter for the Trustees to review in regard to soliciting funds for the 2015 fireworks display.

Motion (Owens/Fischer) to approve the letter as presented to solicit funds for the annual fireworks display for 2015, Carried Unanimously.

Discussion/action regarding the fall burning period – proposed for 2014 is Saturday, October 4 through Sunday, November 16 (2013 dates were October 5 through November 17)

Mr. Wiemer presented the matter. Discussion followed regarding how residents dispose of the ashes created when burning their leaves in the fall. It was noted that some property owners push the ashes into the lake. Mr. Fischer expressed his opposition to burning.

Motion (Owens/Bickler) to approve the fall burning period for 2014 of October 4 through November 16, Carried. Messrs. Owens, Bickler, Waltersdorf, and Birbaum voted in favor. Messrs. Fellows and Fischer voted against.

Discussion/action regarding the proposed plan for the former Pabst Farms offices located at 35303 W. Pabst Road directly across from the Village Hall

Mr. Wiemer provided a site plan for the proposed new Pabst Farms offices across the street from the Village Hall. Mr. Wiemer advised that the Village has a cooperative border agreement with the Village of Summit, and per that agreement, if there is any change in use for properties that border the Village, then the Village has to sign off on it. Mr. Henry Elling, Village of Summit Administrator, has advised that there is no change in use for the property. Pabst Farms is just relocating the new office in front of the old office and tearing down the old office. Mr. Wiemer asked the Trustees to advise him whether or not they concurred with his assessment that there is no change in use. If the Trustees agree that there is no change in use, then the Village can advise the Village of Summit that we have no objections to the proposed new office. Mr. Wiemer also stated that Mr. Elling advised him that the project may need a legal nonconforming conditional use permit in order to build the new office. It is possible that the Village may want the Village of Summit to address some issues in regard to the maintenance of the property. It was suggested that the building that is directly across from the Village Hall is in poor condition and that when the Village of Summit considers the conditional use permit, they also consider requesting that the property be repaired and maintained.

Motion (Bickler/Fellows) to authorize the Village President or Village Administrator to advise the Village of Summit that we have no objection to the issuance of a legal nonconforming conditional use permit for removal and replacement of the office building located at 35303 W. Pabst Road with the condition that the deferred maintenance on the other buildings be done, Carried Unanimously.

Discussion/action regarding the request from the Village of Summit to use the Village of Oconomowoc Lake wood lot

Mr. Wiemer explained that he had received a request from the Village of Summit that we allow their residents to use our wood lot on Saturdays for their leaves and brush. Discussion followed regarding the expense to the Village for the additional brush to be chipped and disposal of those chips; the concern that opening our wood lot to other municipalities might leave the Village open to receiving complaints from the neighbors due to increased usage, and we could ultimately lose the ability to use the wood lot for our own residents. Mr. Wiemer advised that the Village of Summit would pay the Village for use of the

wood lot; however, how do we determine what the cost to the Village of Summit should be. Mr. Birbaum polled the Trustees and the majority of the Trustees were not in favor of opening our wood lot to another community. No further action was taken.

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 August 25, 2014 and September 8, 2014

The following matter was presented at the August meeting and tabled; and then presented with changes at the September meeting, and approved by the ACB.

- Mr. and Mrs. Jason White, 4623 Hewitts Point Road, for a new single family residence and reconstruction of the existing garage with a reduction in size

CLERK

Discussion/action regarding approval of the September quarterly newsletter

Ms. Schlieve advised the Trustees that a revised page regarding election information had been provided to them. The revision had to be done due to a legal ruling that the requirement of providing a photo ID before voters can vote has been reinstated.

Motion (Waltersdorf/Owens) to approve the September quarterly newsletter with the revised election information page, Carried Unanimously.

Clerk Announcement

Ms. Schlieve advised the Trustees that she will be retiring as Clerk-Treasurer for the Village of Oconomowoc Lake on June 30, 2015.

COMMUNICATIONS

- Update from Waukesha County Executive Dan Vrakas
- Turn Over a New Leaf Flyer from the Waukesha County Parks and Land Use
- Public Service Commission of Wisconsin Notice of Hearing for Authority to Adjust Electric, Natural Gas, and Steam Rates

ADJOURNMENT

With no further discussion being heard, a motion (Bickler/Fellows) to adjourn was made at approximately 9:20 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Joseph L. Birbaum, President