

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 17, 2012,
Unofficial until approved by the Village Board.
Approved as written (X) or with corrections () on 10/15/2012.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on September 17, 2012, commencing at 7:00 PM, 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, Falstad, Fischer, Owens, Shult/Trustees – present
Mr. Fellows/Trustee – absent
Ms. Schlieve/ Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

There was no one else in attendance other than those stated above.

MINUTES

Motion (Bickler/Shult) to approve, as printed, the minutes of the August 16, 2012 Joint Village of Oconomowoc Lake/Village of Summit/Summit Fire District Commission meeting, the August 20, 2012 Public Hearing, and, with additions noted below, the August 20, 2012 Village Board meeting, *Carried Unanimously.*

The corrections to the August 20, 2012 Village Board meeting are as follows.

- Under Plan Commission, add the subheading of “President’s Comments Regarding Chapter 17, specific to the definition of structure and the section that allows one structure to be connected to another by above ground elements”, with the President’s comments printed below the heading.
- Under Fire Commissioner, add the subheading “Update regarding Okauchee Fire Department Contract”, with Mr. Wiemer’s comments printed below the heading.

PUBLIC COMMENT

The public comment was waived since no public was present.

PRESIDENT

There was no report.

PLAN COMMISSION

There was no report.

ATTORNEY

Comments regarding liability to the Village if tickets are not issued to violators of the fireworks ordinance

Mr. Macy stated that in August he had given the opinion that the Village was not liable if someone used fireworks illegally, but was not ticketed by the Village Police Department. In checking with other attorneys in his law firm, Mr. Macy stated that they all agreed with his assessment of the matter.

TREASURER

Checks

Motion (Bickler/Shult) to approve check numbers 39639 through 39709, for regular monthly payments, and all electronic payments, *Carried Unanimously*.

FINANCE

Discussion regarding monthly operating statement for September

Mr. Fischer reviewed the monthly operating statement. Mr. Fischer noted that the 2012 budget will need to be amended regarding the debt service due to fees collected for the South Beach Road Sewer. However, the amended budget will not have to be published.

ADMINISTRATOR

Discussion/action regarding acceptance of the donation by Stonewood Companies for web hosting and e-mail services for the Village

Mr. Wiemer stated that Stonewood Companies has offered to donate web hosting and e-mail services for the Village. Previously, those services were provided, at no cost to the Village, by another Village resident. That resident is no longer able to provide the services.

Motion (Shult/Falstad) to accept the donation by Stonewood Companies for web hosting and e-mail services for the Village, *Carried*. Mr. Bickler abstained from voting on the motion due to his ownership of Stonewood Companies.

Discussion/action regarding approval of the Joint Funding Agreement for water-quality monitoring of Oconomowoc Lake in water year 2013

Motion (Shult/Bickler) to approve the joint funding agreement with the United States Department of the Interior, U.S. Geological Survey, for water-quality monitoring of Oconomowoc Lake in water year 2013, *Carried Unanimously*.

Discussion/action regarding fall burning period – proposed for 2012 is Saturday, October 6 through Sunday, November 18 (2011 dates were October 8 through November 20)

Mr. Wiemer requested approval of the proposed fall burning period. Mr. Fischer suggested that the Village consider having residents rake and pile their leaves at the edge of their property and then, for a fee, the Village would haul the leaves to the wood lot. Discussion followed. Trustees agreed that residents who request a burning permit would receive an information sheet that would provide alternatives to burning leaves. Mr. Macy will work on the information sheet.

Motion (Shult/Bickler) to approve the fall burning period of October 6, 2012 through November 18, 2012, *Carried*. Mr. Fischer opposed the motion.

Discussion/action/update regarding the assessment/board of review matter currently in litigation

Mr. Macy provided a review of the current litigation involving the property owned by Delta Trust located at 34907 W. Fairview Road, tax key number OCLV 0575-927. The court has ruled consistent with what was anticipated by the Board of Review (BOR) members. Additionally, Mr. Macy explained that there are motions pending in the Delta Trust matter that request costs (\$1,200), which the insurance company does not pay; the Village must pay any court ordered costs. The insurance company only covers the cost of the legal fees incurred for defending the Village.

Mr. Macy explained the case law as it currently exists regarding upholding or changing an assessed value made by the Village Assessor. The court has ruled that the BOR must be reconvened and the case heard again.

Discussion followed regarding what options the Village has in this case. Mr. Macy stated that the Village has 90 days from the date of the Judge's order, which was made on August 16, 2012, in which to file an appeal to the Court of Appeals. Prior to appealing the decision, the Village Board could call a special meeting at which time they would direct the council representing the Village in this case to negotiate a settlement. If a settlement could not be reached, then an appeal could be filed with the Court of Appeals; or, the BOR could adhere to the court order and rehear the case.

Mr. Macy explained the procedure if the decision is to remand the case back to the BOR. The case would be remanded to the Board of Review of 2011, meaning the regular BOR members, not the alternate members. It is up to the BOR to decide who is going to sit on the case. Mr. Macy's procedure that he has followed in the past is that the BOR of 2011 (in this case, Joe Birbaum, Mike Bickler, and Cindy Schlieve) would be present on the date of the reconvened BOR. Mr. Latta would make the motion when he appears before the Board to have Mr. Bickler removed, since he requested that at the first hearing. Mr. Macy, as the Village Attorney, will have to rule whether Mr. Latta has the right to have Mr. Bickler removed by right or not. If Mr. Macy rules that Mr. Bickler is not removed by right, then Mr. Bickler would be asked whether or not he can hear the case. Mr. Bickler then decides, individually, whether he can hear the case. Mr. Macy would then ask the other Board members if someone wants to remove Mr. Bickler because they feel he cannot hear the case. A motion is made and seconded as to whether Mr. Bickler should be removed or not. Each individual person on the Board would be treated the same way if Mr. Latta asks for their removal.

Mr. Macy suggested that a settlement proposal could be made to Mr. Latta. A proposal could be created by looking at the values and working up an analysis, and then making an offer to Mr. Latta based on the information obtained for the analysis. If Mr. Latta does not accept the proposal, the BOR would then reconvene and hear the case. The Trustees determined that Mr. Fischer, Mr. Wiemer, and Ms. Scherer (current Village Assessor) would create an analysis, and Mr. Macy would then make the proposal to Mr. Latta.

This matter will be updated at the October Village Board meeting.

Discussion/action regarding setting the value for the sale of the Village's 1984 Chevy Blazer

Mr. Wiemer requested that the Board set a minimum value for sale of the 1984 Chevy Blazer. Motion (Bickler/Falstad) to set the minimum value to sell the 1984 Chevy Blazer at \$1,000, Carried Unanimously.

POLICE CHIEF

There was nothing to report.

FIRE COMMISSIONER

Mr. Wiemer advised that there was currently no activity with the Summit Fire District. It is possible that the Town of Oconomowoc will approve its contract with the Okauchee Fire Department at the Town Board meeting being held on September 17, 2012.

BOARD OF ZONING APPEALS

There was no meeting.

ARCHITECTURAL CONTROL BOARD (ACB)

There was no meeting. There will be a meeting on September 24, 2012 to review the request for a new home on Fairview Road, and an extensive remodel on another property in the Village.

CLERK

Discussion/action regarding the approval of the quarterly newsletter for September 2012

Ms. Schlieve explained the proposed newsletter. Three changes were made to the proposed newsletter.

- In the President's letter, add wording that states that e-mail addresses are public records
- In the Boat Storage article, consolidate several of the items listed
- In the election article, remove reference to the ballot being attached and do not include a sample ballot

Motion (Shult/Bickler) to approve the quarterly newsletter for September 2012, with the changes noted above, Carried Unanimously.

COMMUNICATIONS

Communications included the following:

- Focus on County Government Monthly Update from the Desk of Waukesha County Executive Daniel P. Vrakas
- SEWISC E-News: the quarterly electronic newsletter of the Southeastern Wisconsin Invasive Species Consortium

ADJOURNMENT

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

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Joseph L. Birbaum, President