

VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING
MINUTES OF MONDAY, September 19, 2011,
Unofficial until approved by the Village Board.
Approved as written (X) or with corrections () on 10/17/2011.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on September 19, 2011, 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 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

Mark and Kim Loehrer, Joe Faretta, Margie Erdmann, Paul Breiwa, Maureen Hill, Rick Murry, Ed Johnson, Brian Laplander, Kari Pietsch-Wangard

PRESIDENT ANNOUNCES CLOSED SESSION

President Birbaum announces the Village Board of Trustees will: “convene into executive closed session by roll call vote, pursuant to section 19.85(1)(g), Wisconsin State Statutes, ‘conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved’, regarding Lake Country Municipal Court. Participating in the executive closed session will be the Village Board, Village Attorney, Village Administrator, and Village Clerk-Treasurer.”

MINUTES

Motion (Bickler/Shult) to approve, as printed, the minutes of the August 15, 2011 Public Hearing and Village Board meeting, Carried Unanimously.

PUBLIC COMMENT

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

The following comments were made.

Joe Faretta, 3821 LaLumiere Road, stated that he had appeared at the August meeting regarding the pass-through on Sylvan Lane, next to his house. At the August meeting Mr. Faretta was instructed to work with Mr. Wiemer to create a fencing plan for the pass-through to

control the usage of the pass-through. Mr. Faretta provided a document with 12 signatures of residents or property owners in the LaLumiere subdivision. The document requested that the pass-through on Sylvan Lane be closed to vehicular traffic and limited to pedestrian traffic only.

Kim and Mark Loehr, 3720 LaLumiere Road, stated that the pass-through was only intended for nine (9) of the residents in the subdivision whose passage to their pier was eliminated by the road closures within the subdivision. Ms. Loehr stated she did not feel that anyone not directly affected by the road closures should be included in any decision made.

Mr. Macy clarified the purpose of the pass-through for those Trustees who were not familiar with the situation. He stated that the intended use was to have access via walking or with legal motorized vehicles to the pier on the waterfront in order to avoid having to drive from LaLumiere Road out onto Pabst Road to get to the other end of LaLumiere Road. Mr. Macy asked Ms. Loehr if she could tell the Board what nine (9) residents in the subdivision were affected by the road closures and subject to use of the Sylvan Lane pass-through. Ms. Loehr provided the names of Henry Albrecht, Jeff Geier, Mark and Kim Loehrer, Kenneth Laplander, Jeff Rummel, Bob Rummel, Gloria and Doug Lehrer, John Gutschenritter, and Jeff and Terri Schoenecker. Of those nine (9) residents, five (5) are opposed to closing the pass-through to make it a pedestrian only path.

Mr. Faretta stated that the pass-through is not only being used to get to residents' boats. Mr. Loehrer stated that his family does use the pass-through in order to maintain his boat and pier at times other than when he is using his boat, or when the boat is not in the water.

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

PRESIDENT

Discussion/action regarding progress of the study group reviewing assessment procedures and methodology

Mr. Birbaum provided an update on the progress of the study group reviewing assessment procedures and methodology. The Request for Proposal (RFP) was sent to all assessors currently representing municipalities in Waukesha County. Six RFP's were returned to the Village. The study group will review those submitted on Thursday, September 29th, and will make a recommendation to the Village Board at the October 17th meeting. No action was required.

PLAN COMMISSION

Discussion/action regarding the request for a residential Conditional Use Permit (CUP) submitted by Dr. Timothy and Maureen Hill for their property located at 34625 Hartwell Place, Oconomowoc, Wisconsin, for the purpose of keeping chickens

Mr. Macy distributed and reviewed the proposed CUP for Dr. Timothy and Maureen Hill. Several corrections were made regarding grammar, clarification regarding the proper disposal of manure, and the fencing for the chickens. A public hearing was held immediately preceding the Village Board meeting; there were no negative comments regarding the proposed CUP.

Motion (Bickler/Shult) to approve the proposed Conditional Use Permit for Dr. Timothy and Maureen Hill for their property located at 34625 Hartwell Place, in the Village of Oconomowoc Lake, for the purpose of keeping chickens, and to include the changes noted above, Carried Unanimously.

Discussion/action regarding use variances: An Ordinance to Repeal and Recreate Section 17.61(4)(b) Entitled "Powers" of the Village of Oconomowoc Lake Village Code, per correspondence from Mr. Macy dated August 19, 2011 and recommendation of the Plan Commission for Village Board approval

Mr. Macy reviewed the proposed ordinance.

Motion (Fischer/Shult) to adopt the ordinance regarding use variances to Repeal and Recreate Section 17.61(4)(b) Entitled "Powers" of the Village of Oconomowoc Lake Village Code, Carried Unanimously. (The ordinance is No. 258; an original signed copy of the ordinance is attached to these minutes.)

ATTORNEY

Discussion/action regarding Public Works Contracting and Prevailing Wages, per correspondence from Mr. Macy dated August 18, 2011

Mr. Macy explained that there had been recent changes to public works contracting and prevailing wages due to the Budget Bill that was passed earlier this year. No action was needed.

TREASURER

Checks

Motion (Fischer/Bickler) to approve check numbers 38721 through 38788, 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.

ADMINISTRATOR

Discussion/action regarding the pass through on Sylvan Lane in the LaLumiere subdivision

Mr. Wiemer advised that, per instructions from the Trustees at the August meeting, he and Mr. Faretta had looked into the option of installing gates at either end of the pass through. As noted in the public comment section of the minutes, Mr. Faretta circulated a petition among his neighbors asking those residents to sign if they wanted the pass through closed to vehicular traffic and used only as a pedestrian walkway. During the discussion, Mr. Wiemer noted that Gloria and Doug Lehrer had stated their opposition to the closure, though they had signed the petition. **Note:** Ms. Lehrer notified the Village the day after the meeting that Mr. Wiemer had mistakenly stated that she and her husband were opposed to closing the pass through when in fact they are in favor of closing the pass through to vehicular traffic. The confusion was due to the same pronunciation of the two differently spelled families' names within the subdivision (Mark and Kim Loehrer; Doug and Gloria Lehrer). Mark and Kim Loehrer are opposed to closing the pass through to vehicular traffic.

Discussion followed with several options suggested.

- Install a gate and mark the traffic pattern; a gate would discourage casual drivers from using the pass through, but allow use for residents to have access to their pier
- Define the driving area using fencing; do not install a gate unless violations occur
- Make the pass through one way only (east to west) and define it with a split rail fence

Motion (Bickler/Shult) to adopt a three-step process for regulating traffic on the pass through located on Sylvan Lane in the LaLumiere subdivision: step 1) define the roadway with split rail fencing and gravel; step 2) make the pass through a one-way only roadway going from east to west; step 3) install a gate. Step one is to be done first; if that does not get compliance from the residents, then go to step two and finally step three, if necessary. The motion Carried Unanimously.

The residents will be advised of the plan via a letter to be sent once implementation of the plan has been scheduled.

Discussion/action regarding Grievance Procedure for the Village of Oconomowoc Lake for non-union employees, per requirement of Act 10

Mr. Wiemer explained that the proposed Grievance Procedure is required for all non-union employees of municipalities per Act 10 adopted by the state of Wisconsin this summer. A template was provided for municipalities by the League of Wisconsin Municipalities.

Motion (Bickler/Shult) to adopt the proposed Grievance Procedure for the non-union employees of the Village of Oconomowoc Lake, Carried Unanimously.

Discussion/action regarding letter soliciting donations from Village residents for the 2012 fireworks display, in lieu of including the expense in the Village's 2012 budget

The letter sent to the Village residents in 2010 was provided for the Trustees review. Mr. Fischer will edit the letter and return to the Village Board in October for review and possible approval.

Discussion/action regarding fall burning period – proposed for 2011 is Saturday, October 8 through Sunday, November 20. (2010 dates were October 9 through November 21)

Motion (Owens/Shult) to set the fall burning period for 2011 as Saturday, October 8 through Sunday, November 20, Carried. Mr. Fischer opposed the motion.

Discussion/action regarding replacement of carpet/flooring in the Clerk's office and the storage closet

Mr. Wiemer explained that the existing carpet in the Clerk's office and the flooring in the storage closet are in need of replacement. The cost for the replacement is \$3,600. There are funds left in the building fund created when the Village Hall was built. Those funds would be used for the replacement of flooring.

Motion (Bickler/Shult) to approve the replacement of the carpet and flooring in the Clerk's office and the storage closet, Carried Unanimously.

Discussion/action regarding water flow study

Mr. Wiemer noted that Mr. Davy of Lake Country Engineering had completed his study on the water flow for Lac LaBelle. The study shows that Lac LaBelle takes in over 1600 cfs and only 250 cfs are able to leave the lake. Mr. Falstad noted that it would be beneficial for a meeting to

be planned between the Department of Natural Resources (DNR), the Village of Lac LaBelle, the City of Oconomowoc, the Town of Oconomowoc, and the Village of Oconomowoc Lake. Rob Davy could be invited to explain the data and inform the DNR of the facts found. A public hearing could be held after the organizational meeting to discuss options for the water flow issues. Mr. Wiemer was directed to proceed with scheduling such a meeting and also to ask Mr. Davy to prepare a power point presentation for the meeting. It was suggested that a courtesy letter to Senator Kedzie might be appropriate.

POLICE CHIEF

Discussion regarding boating activity on the lake this summer

Mr. Wiemer stated that Trustee Fellows had requested this item for the agenda. Since Mr. Fellows was absent, it was suggested that the matter be tabled until the October meeting.

Motion (Bickler/Falstad) to table the discussion regarding boating activity on the lake this summer until the October 17th meeting, Carried Unanimously.

FIRE COMMISSIONER

Mr. Wiemer reviewed the discussions that have been held to date regarding the possible merger of fire departments. Information was provided from the Lake Country Fire Department that is very promising. Discussion followed.

BOARD OF ZONING APPEALS

There was no meeting.

ARCHITECTURAL CONTROL BOARD (ACB)

Update regarding meeting held on August 22, 2011

Mr. Wiemer noted that the minutes from the August 22, 2011 meeting were included in the packets for the Trustees' information. There will not be a September meeting.

CLERK

Discussion/action regarding the approval of the quarterly newsletter for September 2011

Trustees noted two minor changes to the proposed newsletter. Motion (Bickler/Shult) to approve the quarterly newsletter as corrected, Carried Unanimously.

Discussion/action regarding change of agent for the Pick 'n Save store in the Village of Oconomowoc Lake

Ms. Schlieve advised that the Pick 'n Save store in the Village of Oconomowoc Lake had filed the required paperwork for a change of agent for their store. The proposed new agent is Scott Hopkins. All criminal records checks have been satisfactorily completed.

Motion (Shult/Owens) to approve the change of agent for the Pick 'n Save store in the Village of Oconomowoc Lake, with the new agent being Scott Hopkins, Carried Unanimously.

COMMUNICATIONS

Communications included the following:

- Focus on County Government from the County Executive's Office
- SEWISC E-News: the quarterly electronic newsletter of the Southeastern Wisconsin Invasive Species Consortium

CLOSED SESSION

Motion (Bickler/Falstad) to go into closed session by roll call vote pursuant to section 19.85(1)(g), Wisconsin State Statutes, "conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved", regarding Lake Country Municipal Court, *Carried Unanimously*. Members voting in favor of the motion: Messrs. Owens, Shult, Bickler, Falstad, Birbaum, and Fischer. Mr. Fellows was absent.

The meeting went into closed session at 8:53 p.m.

RECONVENE INTO OPEN SESSION TO ACT UPON ANY MOTION(S) REQUIRED FROM THE CLOSED SESSION DISCUSSION

Motion (Bickler/Shult) to reconvene into open session, *Carried Unanimously*. Members voting in favor of the motion: Messrs. Owens, Shult, Bickler, Falstad, Birbaum, and Fischer. Mr. Fellows was absent.

There were no motions that required action from the closed session discussion.

ADJOURNMENT

With no further discussion being heard, a motion (Bickler/Shult) to adjourn was made at approximately 9:43 p.m., and *Carried Unanimously*.

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Joseph L. Birbaum, President