

VILLAGE OF OCONOMOWOC LAKE

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OCONOMOWOC LAKE VILLAGE BOARD MEETING
MINUTES OF MONDAY, October 17, 2011,
Unofficial until approved by the Village Board.
Approved as written (X) or with corrections () on 11/21/2011.

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on October 17, 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, Fellows, Fischer, Owens, Shult/Trustees – present
Ms. Schlieve/ Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

Jon Spheeris, Craig Ewald, Brian Ewald, Steve Prochaska, Joe Faretta, Paul Breiwa, Karen Swanson, Jack Swanson

MINUTES

Motion (Falstad/Owens) to approve, as printed, the minutes of the September 19, 2011 Public Hearing and Village Board meeting, Carried Unanimously.

PUBLIC COMMENT

Mr. Birbaum noted that he would like to postpone any comments on the matter relating to electronic message signs until the matter is discussed later in the meeting.

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, spoke about the pass through located in the LaLumiere subdivision and the decision by the Trustees at the September meeting to gravel and fence the pass through area. He noted that the majority of the residents in the subdivision do not want the pass through to remain open, and asked the Trustees to reconsider their previous decision. Mr. Faretta also stated that he did not want the pass through surface to be gravel and that he preferred the grass that is there now.

Paul Breiwa, 36010 LaLumiere Road, stated that he also would like the Trustees to reconsider their earlier decision, and noted that the majority of the residents in the subdivision do not want the pass through to remain open.

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

PRESIDENT

Discussion/action regarding recommendation of the study group for a Village Assessor

Mr. Birbaum explained the process used in recommending a new assessor for the Village. Interviews were conducted with three of the firms that had submitted responses to the Request for Proposal. The study group recommended approval of Tyler Technologies Inc. The group's decision was based on the cost, the facts that the firm is the oldest and largest in the United States, they wrote the software that Wisconsin uses for assessment purposes, they have good web access, and they had a well-prepared presentation.

Mr. Macy's letter of October 13, 2011 noted a number of concerns regarding the proposed contract with Tyler Technologies Inc.

Motion (Bickler/Shult) to approve hiring Tyler Technologies Inc. as the Village Assessor, and to authorize President Birbaum and Mr. Wiemer to negotiate a contract that addresses the issues raised by Mr. Macy relating to contract language, Carried Unanimously.

PLAN COMMISSION

Discussion/action regarding the request for a Conditional Use Permit (CUP) for Dwight and Karen Swanson for their property located at 35520 W. Pabst Road, Oconomowoc, Wisconsin, to maintain an ice house and boat house, legal non-conforming structures in the Village of Oconomowoc Lake, per Plan Commission recommendation and correspondence from Mr. Macy dated October 4, 2011

Mr. Wiemer explained the proposed Conditional Use Permit.

Motion (Bickler/Shult) to approve the request for a Conditional Use Permit for Dwight and Karen Swanson for their property located at 35520 W. Pabst Road, Oconomowoc, to maintain an ice house and boat house, legal non-conforming structures in the Village of Oconomowoc Lake, Carried Unanimously.

Discussion/action regarding approval of three (3) Certified Survey Maps (CSM) dividing the property owned by Dwight and Karen Swanson located at 35520 W. Pabst Road in the Village of Oconomowoc Lake, per Plan Commission recommendation

A copy of the draft minutes of the October 3, 2011 Plan Commission meeting was distributed to the Trustees for their reference. Mr. Wiemer noted that Lake Country Engineering had reviewed the proposed CSM's, and all the concerns they raised had been addressed. The Plan Commission had made several recommendations at their September 12, 2011 and October 3, 2011 meetings. The minutes from those meetings are attached for reference.

Motion (Bickler/Owens) to approve the three (3) Certified Survey Maps, subject to completion of the conditions set by the Plan Commission, payment of any professional fees due the Village, and that the paving of the driveway is subject to occupancy of the residence, Carried Unanimously.

Discussion/action regarding the possible creation of an ordinance or policy regulating digital electronic message signs or boards in the Village of Oconomowoc Lake and with reference to the requests of Ewald Chevrolet Buick, LLC and Ewald KIA of Oconomowoc to install digital electronic message boards as presented to the Plan Commission on October 3, 2011

Motion (Bickler/Falstad) to open public comment regarding the above noted matter, Carried Unanimously.

Mr. Wiemer explained that the matter of signs is usually handled at the Plan Commission level only; however, in this case the Commissioners requested direction on the matter of electronic message boards or signs. Mr. Craig Ewald and Mr. Brian Ewald, representing Ewald properties, and Mr. Steve Prochaska of Michaels Sign, were present to address the electronic message boards as it pertains to the Ewald properties. Mr. Prochaska presented renderings of the proposed signs for both Ewald properties (Chevrolet Buick and KIA). Mr. Craig Ewald explained their request and noted that in the current economic times, they needed to use every means available to them to promote their businesses. He felt that the electronic message boards were a better venue for their businesses to show the public the products they have to offer, and also that they are more attractive than their existing message board, which is an old-style message board that uses plastic letters and numbers and must be changed manually.

Motion (Bickler/Falstad) to close public comment regarding the electronic message boards, Carried Unanimously.

Motion (Bickler/Fischer) to recommend to the Plan Commission that they work with Attorney Macy to create an ordinance regarding digital electronic message signs in the Village of Oconomowoc Lake, Carried Unanimously.

ATTORNEY

There was nothing to report.

TREASURER

Checks

Motion (Fischer/Bickler) to approve check numbers 38789 through 38888, for regular monthly payments, check numbers 1021 and 1022 from the building fund account for flooring in the clerk's office and the storage room, and all electronic payments, Carried Unanimously.

FINANCE

Discussion regarding monthly operating statement for October

Mr. Fischer reviewed the monthly operating statement.

ADMINISTRATOR

Re-Discussion/action regarding the pass through located in the LaLumiere subdivision

Mr. Wiemer noted that during the discussion at the September Village Board meeting he had stated that Gloria Lehrer wanted the pass through open, when actually she and her husband signed the petition to close the pass through. The confusion was caused by there being two different families in the subdivision with a last name that sounds the same but is spelled differently. The other family is Mark and Kim Loehrer; that family wants the pass through open. Mr. Wiemer apologized for the confusion. Mr. Wiemer further explained that this matter was

brought back to the Trustees for their review because the majority of the residents in the LaLumiere subdivision were opposed to leaving the pass through open. They do not want to have it graveled or fenced, as was decided by the Trustees in September. Mr. Bickler suggested that the residents in the LaLumiere subdivision create a homeowners association in order to handle decisions on matter like this. Since the Village owns properties in the subdivision, it would also be part of any association that is created. Discussion followed. The staff was directed to research options for homeowners associations. Also, a letter is to be sent to the LaLumiere residents to explain that no action is being taken at the present time and that options for the subdivision will be researched.

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

Mr. Fischer explained that he had revised the letter that had been used for the past two years. The Trustees asked for an addition on the return portion of the letter. Otherwise, they thought the letter was acceptable. Staff will make the requested change, and the letter will be mailed by the first week of December.

Discussion/action regarding the 2011 Tax Collection Agreement between Waukesha County and the Village of Oconomowoc Lake

Motion (Bickler/Fellows) to approve the 2011 Tax Collection Agreement between Waukesha County and the Village of Oconomowoc Lake, *Carried Unanimously*.

Discussion/action regarding approval of the Bartolotta Fireworks Company, Inc. contract for the 2012 fireworks display in the Village of Oconomowoc Lake

Trustees noted that for the 2011 fireworks display, the barge that discharged the fireworks did not have the proper navigation lights. Bartolotta will be advised to have the proper lighting for 2012.

Motion (Bickler/Shult) to approve the Bartolotta Fireworks Company, Inc. contract for the 2012 fireworks display in the Village of Oconomowoc Lake, *Carried Unanimously*.

Discussion/action regarding the approval of the U.S. Department of the Interior, U.S. Geological Survey, Joint Funding Agreement for water-quality monitoring of Oconomowoc Lake in the water year 2012

Mr. Wiemer explained that the water-quality monitoring is valuable in tracking lake conditions, especially if a problem is noted. Any problems can be dealt with in a timely manner.

Motion (Bickler/Fellows) to approve the U.S. Department of the Interior, U.S. Geological Survey, Joint funding Agreement for water-quality monitoring of Oconomowoc Lake in the water year 2012, *Carried Unanimously*.

Discussion/action regarding water flow study meeting

Mr. Wiemer stated that Mr. Paul Carpenter from the Lac LaBelle Lake Management group wanted to proceed with setting up a meeting between the various lake management groups and municipalities. Plans are to schedule something in the next month.

POLICE CHIEF

Discussion regarding boating activity on the lake this summer

Mr. Fellows explained that he had requested this matter to be placed on agenda due to concerns for the safety of children who are on the lake when boats are present. He noted several occasions when his son was almost struck by a boat that had followed too closely or was going too fast. Discussion followed. The clerk will include a reminder about the safety issues in the spring quarterly newsletter to the residents.

Discussion/action regarding the purchase of new squad car in 2012

Mr. Wiemer provided a quote for a new squad car for 2012, and explained that if the Village places its order before November 10, 2011, it will get the squad at 2010 pricing.

Motion (Shult/Owens) to authorize the purchase of a new squad car for 2012, with the order being placed by November 10, 2011 in order to receive 2010 pricing, Carried Unanimously.

Discussion/action regarding commercial use of the Village boat launch

Mr. Wiemer advised the Trustees that Summerset Marine had recently used the Village boat launch to load 12 tons of stone rip rap onto their barge for use at a resident's property. Mr. Wiemer expressed his concern that the launch was not built for such use and that the weight of the stone and the delivery truck could seriously damage the launch area. Trustees agreed that the purpose of the boat launch is for use by pleasure craft only, and requested that the ordinance detailing the boat launch usage be revised to clarify the matter. Mr. Macy will work with Mr. Wiemer to make the revision.

Motion (Bickler/Shult) to revise the current ordinance dealing with the usage of the boat launch to clarify that the launch is only to be used for the purpose of launching pleasure craft, Carried Unanimously.

Discussion/action regarding police personnel

Mr. Wiemer explained that one of the Village's probationary police officers had submitted his resignation. Messrs. Birbaum, Bickler, Wiemer, and Lt. Helwig interviewed Officer Randy Nell, currently employed by the Town of Oconomowoc Police Department, and previously a part-time police officer for the Village. Mr. Wiemer stated the interview went well, and recommended that the Village hire Officer Nell to replace the probationary officer who resigned. Discussion followed regarding start salary, Wisconsin Retirement and health insurance payments required by new employees. Staff will research the requirements of the law. The starting salary is anticipated to be between \$62,000 and \$67,000 per year.

Motion (Shult/Fellows) to approve hiring Randy Nell as a police officer for the Village of Oconomowoc Lake Police Department, Carried. Mr. Fischer recused himself from the vote as he is a friend of Officer Nell's family.

FIRE COMMISSIONER

Discussion/action regarding merger options/direction

Mr. Wiemer reported on the meeting the merger sub-committee had regarding the possible merger of fire departments. Discussion followed regarding the various merger options for fire and ambulance service for the Village of Oconomowoc and the Village of Summit. The Summit Fire District will meet on October 19, 2011 to further discuss the available options. A joint meeting of the Village of Oconomowoc Lake and the Village of Summit will then be scheduled. A full report will be provided to the Trustees at the November 21, 2011 Village Board meeting.

BOARD OF ZONING APPEALS

There was no meeting.

ARCHITECTURAL CONTROL BOARD (ACB)

There was no meeting in September. There will be a meeting in October.

CLERK

Discussion/action regarding the approval of an Operator's License Applicant for the Oconomowoc Lake Club

Ms. Schlieve advised that she had received an application for operator's license from James J. Ferschinger for employment at the Oconomowoc Lake Club. The required criminal history check had been completed and showed no violations.

Motion (Bickler/Owens) to approve the Operator's License for James J. Ferschinger for employment at the Oconomowoc Lake Club, Carried Unanimously.

COMMUNICATIONS

Communications included the following:

- Public Hearing Notices from the City of Oconomowoc and the Town of Oconomowoc regarding amendments to their comprehensive land use plans
- Summons served on the Village Board of Review by Delta Trust regarding the property located at 34907 Fairview Road, Village of Oconomowoc Lake Tax Key No. OCLV 0575-927
- Recycling News Fall 2011

ADJOURNMENT

With no further discussion being heard, a motion (Bickler/Owens) to adjourn was made at approximately 9:55 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Michael J. Bickler, Sr., Trustee