

VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF MONDAY,
October 20, 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 October 20, 2008, commencing at 7:00 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, Fischer, Owens, Schinzer, and Shult/Trustees – present
Mr. Birbaum/Trustee – absent
Ms. Schlieve/ Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

Mr. Ed Johnson

MINUTES

Motion (Shult/Bickler) to approve the minutes of the September 15, 2008 Village Board meeting as printed, *Carried Unanimously*.

PUBLIC COMMENT

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

There was no public comment.

Motion (Bickler/Schinzer) to close the meeting to public comment, *Carried Unanimously*.

PRESIDENT

No report.

PLAN COMMISSION

Discussion/action regarding Section 17.31(1)(e) of the Village Zoning Code pertaining to agricultural structures, including windmills, and the Plan Commission's recommendation to leave the current ordinance unchanged.

Mr. Kneiser explained that concerns had been raised regarding the installation of windmills in the Village; however, state law does not allow municipalities to forbid windmills. Therefore, the Plan Commission has recommended that the current ordinance remain unchanged. If requests to install windmills are received, the windmill will be handled as an accessory structure with a maximum height of 16 feet. No action was taken.

Update regarding An Ordinance to Create 17.61(5) of the Village Code Regarding Use Variances within the Village of Oconomowoc Lake.

Mr. Wiemer advised that he and Mr. Macy reviewed all of the properties in the Village. There was only one property for which they were unable to determine a use. Mr. Macy advised that he thought the use study could be adopted leaving the one property without a use. Once the Plan Commission has finished revisions to the document, a recommendation will then be submitted to the Board of Trustees.

Update regarding An Ordinance to Adopt a Flood Damage Prevention Code for the Village of Oconomowoc Lake.

Mr. Wiemer advised the Trustees that there are several areas of concern in the model ordinance the Department of Natural Resources (DNR) has requested municipalities adopt. One significant concern is in the nonconforming use section regarding structures. The section would affect boathouses in the Village. Current Village zoning allows existing boathouses to remain, and allows repairs to be made to those boathouses up to fifty percent of the value of

the boathouse. It appears that the proposed model ordinance would not allow those boathouses to exist. Mr. Macy advised that he has been in contact with legal counsel of the DNR to request permission to change the suggested wording. He was advised that the wording may not be changed. If the wording is changed, the DNR will not accept the new ordinance. If the Village does not update its ordinance or if the DNR does not accept an ordinance that is adopted by the Village, then Village residents would not be able to buy flood insurance from FEMA. The insurance that home owners are offered by FEMA gives them up to \$250,000 of coverage for flood damage claims. It was the consensus of the plan commissioners to leave our current flood damage ordinance unchanged and not to adopt the model ordinance proposed by the DNR. Mr. Macy suggested that a public hearing be held before the Village Board of Trustees on November 17, 2008, in order for Village residents to hear the pros and cons of the adoption of the flood damage prevention code. A letter will be mailed to all the residents and property owners of the Village to explain the matter in advance of the hearing.

ATTORNEY

Discussion/action regarding Certificates of Insurance, Liability Coverage Requirements, and Subrogation Waiver Requests, per correspondence from Mr. Macy dated October 6, 2008.

Mr. Macy explained that the ACORD proof of insurance form is the standard form in industry. However, sometimes the information on the forms does not protect the municipality in the event of a claim being filed. Mr. Macy's recommendation is that the Village revisit the standard insurance terms that it requires for municipal contracts. The review should include consideration of whether we will accept the industry standard ("ACORD") insurance certificate, an update of standard coverages as recommended by our insurance consultant, and consideration of subrogation concerns. No action taken.

Discussion regarding Open Meetings law, per correspondence from Mr. Macy dated October 13, 2008.

Mr. Macy reviewed portions of Wisconsin open meetings law, per his correspondence of October 13, 2008. Mr. Kneiser expressed concern about the rules regarding e-mail between trustees with regard to open meetings law and public records law. Mr. Macy advised caution in using e-mail for discussion of matters among trustees or other Village officials. If a quorum of trustees discuss a matter via e-mail, it would be considered a quorum, and therefore a violation of the law. In addition, the municipal clerk is supposed to be copied on all e-mail among trustees or other Village officials, and is then responsible for keeping copies for the required retention period. Mr. Macy noted that the law has not kept up with the technology. He also suggested that a document retention policy should be created by the Village.

Discussion/action regarding prevailing wage rate determinations, per correspondence from Mr. Macy dated October 14, 2008.

Mr. Macy explained that the State of Wisconsin Department of Workforce Development (DWD) has taken the position, and has instituted actions, that challenge a standard practice of municipal governments. The practice involves the development of property in a municipality where the municipality requires the developer to construct the public improvements. After the improvements are constructed, the developer then must dedicate the constructed improvements, (whether it be roads, sewer or water mains, or other public improvement) to the municipality. The DWD has recently accused numerous municipalities throughout the State of violating State wage rates, regarding these projects that are constructed by developers. Public projects over certain dollar amounts are required to pay prevailing wages, as determined by the DWD, but this has never been applied to projects constructed by developers in the past. Municipalities who have received this notification from the DWD are preparing to contest the position that the State has taken. The League of Wisconsin Municipalities is also joining in this challenge. There are currently no development projects in the Village, therefore no action is needed at this time.

TREASURER

Checks

Motion (Bickler/Schinzer) to approve check nos. 35622 through 35697, for regular monthly payments, and all electronic tax payments, *Carried Unanimously*.

FINANCE

Discussion regarding monthly operating statement for October.

The monthly operating statement was discussed. It was noted that revenues were down in several areas.

ADMINISTRATOR

Discussion/action regarding approval of a Joint Funding Agreement with the United States Department of the Interior, U.S. Geological Survey, for water-quality monitoring of Oconomowoc Lake from October 1, 2008 through September 30, 2009.

Mr. Wiemer explained the annual agreement. The Village share of the water-quality monitoring is \$5,299. Motion (Schinzer/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 from October 1, 2008 through September 30, 2009, *Carried Unanimously*.

Discussion/action regarding the proposed resolution to oppose the relocation of State Trunk Highway 83.

Mr. Wiemer presented a proposed resolution. Mr. Kneiser suggested one additional "Whereas" that would state that the relocation of the highway would result in increased traffic on local roads in the Village of Oconomowoc Lake, including West Beach Road, North Beach Road, and Gifford Road, which are substandard lake roads with a 15 mph speed zone, through residential areas with an above average amount of pedestrian traffic and that said increase in traffic on these roads would therefore create a serious safety hazard. Motion (Bickler/Shult) to approve the resolution to oppose the relocation of State Trunk Highway 83, with the addition noted above, *Carried Unanimously*.

Discussion/action regarding the 2009 Municipal Court Budget.

Mr. Wiemer requested approval of the proposed 2009 Municipal Court Budget and the forthcoming resolution. Motion (Bickler/Schinzer) to approve the 2009 Municipal Court Budget and the forthcoming Resolution, *Carried Unanimously*.

Update regarding a possible stream flow study.

Mr. Wiemer advised that a stream flow study is cost prohibitive and did not advise that the Village undertake the project. However, plans to form an organization that would study the area waterways and make decisions regarding such a study or related matters are ongoing.

POLICE CHIEF

Discussion/action regarding the sale of the boat motor.

Motion (Fischer/Bickler) to set the minimum bid for the boat motor at \$2,000, *Carried Unanimously*. If no bids are received at the minimum or better, the matter will be brought back to the Village Board of Trustees. Mr. Wiemer advised that the Village received \$500 for the old boat as scrap metal.

Discussion/action regarding Village hall security.

Mr. Wiemer explained that recently someone had placed homemade tire deflators under three squad tires while the officer was at the police department doing paper work. The squad was parked outside at the overhead garage doors. In addition, it is Mr. Wiemer's belief that the same person flattened numerous tires last year using the same method. Surveillance cameras were placed in the areas where the tires were flattened, but the perpetrator was not caught. Mr. Wiemer requested \$4,000 in order to purchase and install video cameras and a recorder to cover the Village Hall and Police Department. The funds would be obtained from the Village Hall Building Fund. Motion (Shult/Schinzer) to approve purchase of surveillance equipment for the Village Hall and Police Department, *Carried Unanimously*.

FIRE COMMISSIONER

Mr. Wiemer reported that plans are still being revised for the new joint fire station. The size must be reduced to stay within budget.

BOARD OF ZONING APPEALS

The board did not meet.

ARCHITECTURAL CONTROL BOARD (ACB)

The ACB met in September to discuss the request of Mr. & Mrs. Chris Shult, of 4735 Hewitts Point Road, for driveway entrance pillars; and the request of Mr. & Mrs. Richard Latta, of 34907 Fairview Road, for a new accessory structure (garage). The plans for Mr. & Mrs. Shult were approved. The plans for Mr. & Mrs. Latta were tabled for 30 days, and will be heard at the October 27, 2008 meeting.

CLERK

Discussion/action regarding approval of the 2008 Tax Collection Agreement.

Motion (Fischer/Bickler) to approve the 2008 Tax Collection Agreement, Carried Unanimously.

COMMUNICATIONS

Ms. Schlieve reported that the 2007 Annual Report by the SEWRPC is available for review at the Village Hall.

With no further discussion being heard, motion (Fischer/Bickler) to adjourn was made at approximately 8:43 p.m., and Carried Unanimously.

Respectfully submitted by:

Cindy J. Schlieve, Clerk-Treasurer

Approved and Ordered Posted by:

Richard J. Kneiser, President