

VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING
MINUTES OF MONDAY, October 20, 2014,
Unofficial until approved by the Village Board.
Approved as written (X) or with corrections () on 11/17/2014.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on October 20, 2014, commencing at 7:12 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, Shult, Waltersdorf/Trustees – present
Ms. Schlieve/Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

Andrew Liebelt, Ray Wollmer, Kevin Raasch, Sara Spence, David Pabst, Jr., Ed Johnson, Vic Raasch, Mark and Kim Loehrer

MINUTES

Motion (Fellows/Shult) to approve the minutes of the September 15, 2014 Public Hearing and Village Board meeting, and the September 22, 2014 Special Village Board meeting, Carried Unanimously.

PUBLIC COMMENT

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

There were no comments.

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

PRESIDENT

There were no comments.

PLAN COMMISSION

Discussion/action regarding an amendment of the Conditional Use Permit for Vic's Carpet & Flooring, located at 36105 and 36115 E. Wisconsin Avenue, in the Business District of the Village of Oconomowoc Lake, for the purpose of adding a new tenant (AK's Trading Post Inc. selling sporting goods)

Mr. Wiemer noted that the request for an amendment to the Conditional Use Permit for Vic's Carpet & Flooring had been presented at the Public Hearing held immediately prior to this Board of Trustees meeting. Mr. Bickler noted that when the matter was reviewed by the Plan Commission on October 6, 2014, the tenant was told that he could use the sign that he had proposed for a period of 90 days from its installation. After the 90-day period, a new sign should be installed that was more in keeping with the other signage on the building of Vic's Carpet & Flooring.

Motion (Shult/Owens) to approve the amendment of the Conditional Use Permit for Vic's Carpet & Flooring, located at 36105 and 36115 E. Wisconsin Avenue, in the Business District of the Village, for the purpose of adding a new tenant, AK's Trading Post Inc., to sell sporting goods, per recommendation of the Plan Commission at its October 6, 2014 meeting, Carried Unanimously.

Staff was directed to prepare the amended Conditional Use Permit documents.

Discussion/action regarding a revision to Chapter 17, Zoning Code, Sections 17.19(1)(e) and 17.19(2)(d) relating to the status of accessory structures when the residence is removed

Mr. Wiemer noted that the revision to Chapter 17 had been presented at the Public Hearing held immediately prior to this Board of Trustees meeting. Mr. Macy noted that the Plan Commissioners had made some changes to the wording of this revision as he had prepared it for their October meeting. Discussion followed regarding the change in wording relating to recreation vehicles being stored or used on the land or in the accessory structures of a property when there is not a principle structure remaining on the property. The Trustees felt that there should be a revision to the sentence "There shall be no use of motor homes, houseboats, campers, recreation vehicles or any similar vehicles on or in the accessory structure or accessory structures on the property." The revised sentence should read, "There shall be no use of motor homes, houseboats, campers, or any similar vehicles on the land or in the accessory structure or accessory structures on the property."

Motion (Waltersdorf/Shult) to approve the revision to Chapter 17, Zoning Code, Section 17.19(2) relating to the status of accessory structures when the residence is removed, with the above-noted change to the wording, Carried Unanimously.

Discussion/action regarding an ordinance to repeal and recreate Section 18.02(3)(c) and to create Section 18.14(3) of the Village of Oconomowoc Lake Subdivision and Platting Ordinance, related to the sale and exchange of parcels of land between abutting owners

Mr. Birbaum noted that this matter had been presented at the Public Hearing held immediately prior to this Board of Trustees meeting. There were no comments regarding this matter.

Motion (Bickler/Owens) to adopt the ordinance to repeal and recreate Section 18.02(3)(c) and to create Section 18.14(3) of the Village of Oconomowoc Lake Subdivision and Platting Ordinance, related to the sale and exchange of parcels of land between abutting owners, Carried. Mr. Waltersdorf abstained from the vote.

Discussion/action regarding an ordinance to create Section 18.16 of the Village of Oconomowoc Lake Subdivision and Platting Ordinance, regarding financial guarantees for required improvements

Mr. Birbaum noted that this matter had been presented at the Public Hearing held immediately prior to this Board of Trustees meeting. There were no comments regarding this matter.

Motion (Bickler/Shult) to adopt the ordinance to create Section 18.16 of the Village of Oconomowoc Lake Subdivision and Platting Ordinance, regarding financial guarantees for required improvements, Carried Unanimously.

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 the Town of Oconomowoc had received a communication from the Wisconsin Department of Transportation (DOT) that indicated that the Town of Oconomowoc was not released from the agreement it had made with the Town of Summit (now known as the Village of Summit). That

agreement stated that the Town of Oconomowoc was responsible for the maintenance of the disputed section of E. Wisconsin Avenue. DOT further stated that the matter must be resolved between the Town of Oconomowoc and the Village of Oconomowoc Lake. DOT stated that the matter is no longer in its hands. Mr. Wiemer noted that DOT pays \$3,000 in transportation aids to the Village of Summit for the road; the Village of Summit then pays one half of those aids to the Town of Oconomowoc. Mr. Wiemer also noted that the transportation aids also cover police protection. The Town of Oconomowoc is responsible for the plowing and maintenance of the road and the bridge. No action taken.

Discussion/action regarding collection contract process; draft recycling agreement; legal review per communication from Mr. Macy dated October 13, 2014

Mr. Macy explained his letter of October 13, 2014 in which he detailed concerns regarding the proposed recycling agreement with Waukesha County. Waukesha County will be changing over its recycling system from dual stream to single stream beginning in January 2015. The changeover includes Waukesha County contracting with Milwaukee County to share a recycling center that Milwaukee County owns in order to have the space needed for the new equipment for a single stream process of recycling. Concerns include payments that are to be paid to municipalities by Waukesha County, obligations of the municipalities that participate in the recycling program, dividend payments to the participants, what will happen to the existing recycling facility that will no longer be needed by Waukesha County, and the 10 year term length of the agreement. Discussion followed.

Motion (Shult/Owens) to table the matter and direct the Village Administrator to look into the matter to obtain additional information regarding the proposed agreement, Carried Unanimously.

TREASURER

Checks

Motion (Bickler/Shult) to approve check numbers 42076 through 42142, for regular monthly payments, and all electronic payments, Carried Unanimously.

FINANCE

Discussion regarding monthly operating statement for October

Mr. Fischer reviewed the monthly operating statement.

Discussion/action regarding the approval of the proposed three (3) year contract for the police officers of the Village of Oconomowoc Lake

Mr. Fischer reviewed the proposed three (3) year contract for the police officers noting the following items: a 2% increase in wages for each of the three years; the Village will cover the deductible cost for the single or family health and/or dental plan through a health reimbursement account 125 plan; if dental insurance is not offered through the least expensive, qualified, single or family deductible plan offered by the Wisconsin Employee Trust Funds, the Village will contribute 88% of the cost of a single or family dental plan.

Motion (Shult/Owens) to approve the proposed three (3) year contract for the police officers of the Village of Oconomowoc Lake, Carried Unanimously.

ADMINISTRATOR

Discussion/action regarding acceptance of donations received from Village residents, as noted on Exhibit A, designated for use toward the fireworks display in July of 2015

Motion (Fischer/Shult) to accept the donations received from Village residents, as noted on Exhibit A, designated for use toward the fireworks display in July of 2015, Carried Unanimously.

Discussion/action regarding Tax Collection Agreement with the Waukesha County Treasurer's Office

Mr. Wiemer noted that the agreement covers the collection of property taxes for the Village of Oconomowoc Lake properties by Waukesha County Treasurer's office.

Motion (Bickler/Shult) to approve the Tax Collection Agreement with the Waukesha Treasurer's Office, *Carried Unanimously.*

Discussion/action regarding the U.S. Department of the Interior, U.S. Geological Survey, Joint Funding Agreement for water-quality monitoring of Oconomowoc Lake in water year 2015

Mr. Wiemer explained that the water-quality monitoring has been done for many years now, and the water is tested three to four times each year. The water quality of Oconomowoc Lake is very good.

Motion (Bickler/Waltersdorf) to approve the Joint Funding Agreement for water-quality monitoring, *Carried Unanimously.*

Discussion/action regarding the purchase of property with tax key OCLV 0585-970, located just each of Vic's Carpet & Flooring on E. Wisconsin Avenue in the Business District of the Village, for the purchase price of \$232.54 (this property was foreclosed by Waukesha County for nonpayment of property taxes)

Mr. Wiemer explained that this piece of property was discovered by the Register of Deeds several years ago when researching the lands along the railroad tracks for the purpose of allowing the businesses to purchase land from the State of Wisconsin. The research done by the Register of Deeds found that the owner of the property was no longer in existence; however, the property was put in that name, and a property tax bill generated each year. Since the taxes were not paid, the Village was offered first rights to purchase the land for the amount of back taxes owed.

Motion (Shult/Fischer) to approve the purchase of the property from Waukesha County with tax key OCLV 0585-970 for the purchase price of \$232.54, *Carried Unanimously.*

Discussion/action regarding the approval to purchase a new plow truck, a 2015 Ford F-550 with snow fighter body and equipment, for a cost of \$77,845.50

Mr. Wiemer described the truck he proposed to purchase as having a 10'8" plow, carries 10,000 pounds, and has a galvanized body. Mr. Fischer reported that there has been no money set aside for this purchase, so the Village will have to borrow from itself and repay it each year.

Motion (Shult/Bickler) to approve the purchase of a new 2015 Ford F-550 truck to be used for plowing roads at a cost of \$77,845.50, *Carried Unanimously.*

Discussion/action regarding setting a minimum price for the sale of the 2001 International plow truck that is being retired

Mr. Wiemer requested that a minimum bid of \$8,000 be set for the sale of the 2001 International plow truck that is being retired.

Motion (Waltersdorf/Shult) to set the minimum bid for the sale of the 2001 International plow truck at \$8,000, *Carried Unanimously.*

Discussion/action regarding approval of the Certified Survey Map for property owned by Sharon Gold-Johnson located at 4728 N. Lake Club Circle, Oconomowoc, Wisconsin, which was recorded with the Waukesha County Register of Deeds in 1978, but not previously signed by the Village

Mr. Wiemer explained that a Certified Survey Map (CSM) was prepared and recorded for the property owned by Sharon Gold-Johnson; however, the Village ordinances at that time did not require the CSM to

be reviewed and approved by the Village Plan Commission and Village Board of Trustees. Mrs. Gold-Johnson would now like to have an accessory structure built on her property, but in order to get a building permit to build the structure she needs to have an approved CSM. The original documents for the property, which includes a vacant lot and the lot upon which the main residence is located, indicated that the two properties were to be combined by the Register of Deeds and have only one tax key number. That was overlooked by the Register of Deeds and never done. Mr. Wiemer suggested that the CSM should be recorded with the Register of Deeds in the manner in which it was originally intended as one lot with only one tax key number. Mr. Macy expressed concern that the Trustees consider that they will be setting precedent by giving approval to this CSM in a manner not strictly in adherence to Village Zoning Code. Discussion followed.

Motion (Bickler/Shult) to retroactively approve the Certified Survey Map for the properties located at 4728 N. Lake Club Circle, owned by Sharon Gold-Johnson, tax key numbers OCLV 0582-998 and OCLV 0582-998-002, subject to the property owner combining the two properties within 60 days so that they cannot be sold separately, Carried Unanimously.

POLICE CHIEF

There was no report.

BOARD OF ZONING APPEALS

There was no meeting.

ARCHITECTURAL CONTROL BOARD (ACB)

Update regarding the ACB meeting held on September 22, 2014

The following matters were presented and approved by the ACB.

- Mr. John Macy and Ms. Sandy Brandt, 4829 Hewitts Point Road, for an addition to the residence and for retaining walls greater than 2 feet in height
- Mr. and Mrs. Jason White, 4623 Hewitts Point Road, for reconstruction of the existing garage
- Mr. and Mrs. Gery Langenbach, 34625 Hartwell Place, addition to residence, screened porch

CLERK

Discussion/action regarding approval of two (2) Operator's Licenses (Guy W. Reeves and Abigail Sandy Tiedtke) employed by Pick N Save

Ms. Schlieve reported that the required background checks had been completed for the two applicants, and there were no violations.

Motion (Bickler/Waltersdorf) to approve the two Operator's Licenses as presented, Carried Unanimously.

COMMUNICATIONS

- Public Hearing Notice for the Village of Summit in regard to an amendment to the Village of Summit Master Plan 2020 to be held on Thursday, November 6, 2014 beginning at 6:00 p.m.
- Update from Waukesha County Executive Dan Vrakas

ADJOURNMENT

With no further discussion being heard, a motion (Shult/Bickler) to adjourn was made at approximately 8:32 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Joseph L. Birbaum, President