

VILLAGE OF OCONOMOWOC LAKE

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OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF MONDAY, November 15, 2010, Unofficial until approved by the Village Board. Approved as written () or with corrections () on 12/20/2010.

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on November 15, 2010, 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 followed by the Pledge of Allegiance with the following in attendance:

Mr. Kneiser/President – present
Messrs., Bickler, Birbaum, Falstad, Fischer, Owens, Shult/Trustees – present
Ms. Schlieve/ Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

Ed Johnson

MINUTES

Motion (Bickler/Falstad) to approve, as printed, the minutes of the October 18, 2010 Village Board meeting, Carried Unanimously.

PUBLIC COMMENT

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

There was no public comment.

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

PRESIDENT

Discussion regarding Village progress and succession planning

Mr. Kneiser noted some of the accomplishments of the Village Board of Trustees in the past three to four years, to include: Smart Growth/Master Plan adoption, Town of Summit Border Agreement, successful 50th anniversary celebration for the Village at no cost to the Village, zoning variances opposed, survival of floods, lake level protocols put in place, improvement to the appearance of the business district, treatment of the milfoil on the lake, taxes were kept low, and the mortgage for the Village Hall was refinanced with a lower interest rate. Mr. Kneiser noted that the Village is one of two communities in Waukesha County whose elected officials serve without pay, and congratulated the members of the Board of Trustees on their dedication and diligence on behalf of the Village.

Mr. Kneiser announced that he will not be running for re-election as Village President. His current term will end in April, 2011.

PLAN COMMISSION

There was no meeting in November. The next meeting of the Plan Commission will be held on December 6, 2010.

ATTORNEY

Discussion/action regarding sex offender residency regulation, State preemption update, per correspondence from Mr. Macy dated October 21, 2010.

Mr. Macy explained that many communities have adopted sex offender residency ordinances that specify where in that community a sex offender may live. Legislation was proposed in the recent State legislative session known as Senate Bill 548, which would have given the State sole authority to regulate the residency of sex offenders. The bill was not adopted, so for now, the attempt by some in the State legislature to remove local authority on this issue is dead.

Discussion followed regarding whether the Village should pursue adopting an ordinance that would detail where in the Village sex offenders could or could not reside. Motion (Birbaum/Shult) to instruct Mr. Macy to draft an ordinance that would detail where in the Village sex offenders could or could not reside, *Carried Unanimously*.

Discussion/action regarding well permit authority, Lake Beulah Management District v. Department of Natural Resources, Wisconsin Court of Appeals decision, per correspondence from Mr. Macy dated October 26, 2010.

Mr. Macy stated that the Wisconsin Court of Appeals had made a decision in regard to two separate cases involving the Village of East Troy, the Lake Beulah Management District, and the Department of Natural Resources (DNR). Mr. Macy stated that the decisions are likely to affect the DNR's involvement with well permit applications in the future. A copy of the letter, with a summary of the decisions is attached to these minutes.

Discussion/action regarding municipal budget, attorneys' fees, per correspondence from Mr. Macy dated November 4, 2010.

Per Mr. Macy's correspondence, the rates charged to the Village for legal services from the law firm of Arenz, Molter, Macy & Riffle, S.C. will not increase for 2011.

TREASURER

Checks

Motion (Bickler/Birbaum) to approve check numbers 38015 through 38089, for regular monthly payments, and all electronic payments, *Carried Unanimously*.

FINANCE

Discussion regarding monthly operating statement for November.

Mr. Fischer reviewed the monthly operating statement.

Review of proposed 2011 budget for the Village

Mr. Fischer briefly reviewed the proposed 2011 budget for the Village. The public hearing and special meeting of the Village Board to approve the proposed budget is scheduled for December 6, 2010.

ADMINISTRATOR

Update regarding the storm water drainage on West Beach Road

Mr. Wiemer stated that the approval had been received from the property owner on West Beach Road to allow the Village to dig a ditch that will help alleviate the water drainage issues.

Discussion/action regarding wake enhancement ordinance, per correspondence from Mr. Macy dated November 1, 2010.

Mr. Macy reviewed the proposed wake enhancement ordinance. Mr. Wiemer noted that the proposed ordinance needs to be reviewed by the DNR before it is adopted by the Village. Discussion followed in regard to the specific content of the ordinance. Motion (Fischer/Shult) to send the draft, as presented, to the DNR for their review and recommendations, *Carried Unanimously*.

Discussion/action regarding expansion of ordinance regulating parades, per correspondence from Mr. Macy dated November 3, 2010.

Mr. Macy explained the proposed ordinance regulating parades. The ordinance deals with the prohibition of signs and markings on the roadways, and does not require a permit to be issued for events such as bicycle and motorcycle rides or walks for particular causes—only for an actual parade. Section (3)(d) of the proposed ordinance sets the revised fee for a parade. The trustees input \$250 as the fee for a parade.

Motion (Birbaum/Bickler) to adopt the ordinance to regulate parades on public roads and other public land in the Village of Oconomowoc Lake and to repeal Ordinance No. 58 entitled “Parade Permit Ordinance”, as presented, with the addition of \$250 as the parade fee, *Carried Unanimously*.

Discussion/action regarding sample trespass warning for posting at the boat launch

Mr. Macy explained the proposed signage for the boat launch regarding trespass and consideration of property owners’ personal property at the shoreline. A copy is attached. Discussion followed. Trustees requested removal of the phrase in the middle of the notice “Please be warned your conduct is being carefully monitored”. Bullet points two and three will be combined as one point in two paragraphs.

Motion (Falstad/Shult) to approve the trespass warning for posting at the boat launch, with the revisions noted above, *Carried*. Mr. Fischer opposed the motion.

Discussion/action regarding rummage sale and estate sale permit ordinance, per correspondence from Mr. Macy dated November 1, 2010.

Mr. Macy explained the proposed ordinance to amend Ordinance 99, “Licensing and Permits” for the Village of Oconomowoc Lake by the creation of Section 11.105, entitled “Rummage and Estate Sale Permits”. In addition to the proposed ordinance, there is a resolution to establish fees for rummage sale and sale permits issued under section 11.105, “Rummage and Estate Sale Permits”, of the Village of Oconomowoc Lake Ordinances. Discussion followed. The Trustees requested the following revisions.

- In Section (3)(a) of the proposed ordinance, delete the second sentence
- In Section (6)(a) of the proposed ordinance, change “twenty four month period” to “twelve month period”
- In Section 1(a) of the proposed resolution, the fee for rummage sale permits shall be \$25.00
- In Section 1(b) of the proposed resolution, the fee for estate sale permits shall be \$250.00

Motion (Fischer/Bickler) to adopt the proposed ordinance to amend ordinance 99, “Licensing and Permits” for the Village of Oconomowoc Lake by the creation of Section 11.105, entitled “Rummage and Estate Sale Permits”, and the proposed resolution to establish fees for rummage sale and estate sale permits issued under Section 11.105, “Rummage and Estate Sale Permits”, of the Village of Oconomowoc Lake ordinances, with the above-noted revisions, *Carried Unanimously*.

Discussion/action regarding violation enforcement procedure, first draft, per correspondence from Mr. Macy dated November 3, 2010

Motion (Owens/Bickler) to table the matter until after the closed session portion of the meeting, *Carried Unanimously*.

Discussion followed after the closed session. Motion (Bickler/Shult) to approve the draft violation enforcement procedure (copy attached) and to refer this matter to the Plan Commission at their next meeting, *Carried Unanimously*.

Discussion regarding an ordinance to repeal and re-create Section 17.81 entitled penalties of the Village of Oconomowoc Lake Zoning Code, first draft, per correspondence from Mr. Macy dated November 3, 2010

Motion (Bickler/Birbaum) to table the matter until after the closed session portion of the meeting, Carried Unanimously.

Discussion/action regarding delinquent 2009 personal property tax bill for Pepino's Restaurant

Mr. Wiemer explained that the former Pepino's Restaurant has delinquent personal property taxes. The owners of Pepino's Restaurant have since sold the restaurant property, and gone into bankruptcy. Mr. Wiemer advised that collection of those personal property taxes, which total \$785.19, would be very unlikely, and suggested that the Village write off the bill. Mr. Macy noted that there is a procedure explained in state law that allows the Village to charge back the portions of the personal property tax bill that are not directly due the Village (i.e. school tax \$432.19, technical college tax \$65.65, county tax \$119.17, and state tax \$9.63). Ms. Schlieve will follow those procedures.

Motion (Bickler/Birbaum) to write off the personal property tax bill owed to the Village by Pepino's Restaurant, with the provision that the clerk proceed with charging back specific portions of the delinquent taxes to those entities noted above, Carried Unanimously.

Discussion/action regarding acceptance of donation to the Village of Oconomowoc Lake

Mr. Wiemer stated that Mr. Richard Johnston had donated the shell of an old nickel slot machine to the Village and requested acceptance of the donation. Motion (Bickler/Birbaum) to accept the donation from Mr. Johnston of the shell of an old nickel slot machine to the Village, Carried Unanimously. Staff will send a letter of acceptance to Mr. Johnston.

POLICE CHIEF

Discussion/action regarding the change of date for the annual fireworks display

Mr. Wiemer explained that for safety reasons the fireworks should be displayed from barges on the lake for the 2011 fireworks display. The 2010 fireworks display was done from Beach Road as in previous years; however, the marsh caught fire because of fireworks landing there. Bartolotta Fireworks Company, Inc. is scheduled to do the 2011 fireworks display for the Village; however, they do not have barges available on July 4, 2011. Mr. Wiemer requested that the display date be set for July 2nd, with a rain date of July 3rd. Barges are available for both of those dates. Mr. Wiemer also noted that the barges will add approximately \$1,000 to the cost of the fireworks display, and that the additional expense should be explained in the request for donations letter that will be sent to the Village residents.

Motion (Shult/Birbaum) to authorize a contract with the Bartolotta Fireworks Company, Inc. for the 2011 fireworks display, at a cost of \$5,000 plus the cost of the barges, and that one half of the contract will be paid in December of 2010, and to set the date for the 2011 fireworks display as July 2nd, with a rain date of July 3rd, Carried Unanimously. Mr. Wiemer was directed to send a letter to Village residents requesting donations and explaining the funding policy of the Board.

FIRE COMMISSIONER

Mr. Wiemer reported that discussion has been ongoing regarding the proposed merger of the Oconomowoc Fire Department and the Summit Fire Department. The financial study that has been compiled to date indicates that the proposed merger would mean additional costs to the City of Oconomowoc. Mr. Wiemer noted that the City is not taking into consideration the equipment that they would gain if a merger takes place. Further discussion is planned, and Mr. Wiemer will report back to the Trustees at the December meeting.

BOARD OF ZONING APPEALS

Discussion/action regarding training for Board of Zoning Appeals members

Mr. Wiemer explained that the consensus of the Trustees at the October meeting was that the Board of Zoning Appeals members should have a training session immediately preceding the next case to be heard.

Motion (Bickler/Owens) to provide training for the Board of Zoning Appeals members immediately preceding the next case to be heard, with such training to be presented by Attorneys Macy and Fuchs using the most recent zoning appeals case, Carried Unanimously.

ARCHITECTURAL CONTROL BOARD (ACB)

There was no meeting.

CLERK

There was nothing to report.

COMMUNICATIONS

Ms. Schlieve advised the Trustees that they had received copies of the following matters in their packets.

- The "Focus on County Government" monthly update from the desk of Waukesha County Executive Daniel P. Vrakas
- Recycling E-News from Waukesha County Recycling
- Meeting minutes from the Waukesha County Cooperation Council for the meeting held on October 25, 2010
- Notice of Hearing Request for Comments before the Public Service Commission of Wisconsin regarding the Strategic Energy Assessment for the years January 1, 2010 through December 31, 2016
- Year 2035 Regional Housing Plan for Southeastern Wisconsin prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC)

CLOSED SESSION

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 zoning violations at 4654 Lake Club Circle, 35900 Pabst Road, and 34947 Fairview Road in the Village of Oconomowoc Lake. Participating in the executive closed session will be the Village Board, Village Attorney, Village Administrator, and Village Clerk-Treasurer.

Motion (Birbaum/Bickler) to convene into executive closed session by roll call vote, as noted above, Carried Unanimously. The following Trustees were present and voted yes: Messrs. Owens, Shult, Birbaum, Bickler, Falstad, Kneiser, and Fischer. Closed session was convened at 9:00 p.m.

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

Motion, (Bickler/Falstad) to reconvene into open session, Carried Unanimously. The following Trustees were present and voted yes: Messrs. Owens, Shult, Birbaum, Bickler, Falstad, Kneiser, and Fischer. Open session was reconvened at 10:00 p.m.

Motion (Shult/Bickler) to refer to the Plan Commission an ordinance to repeal and re-create Section 17.81 entitled penalties of the Village of Oconomowoc Lake Zoning Code, Carried Unanimously.

Discussion/action regarding zoning violations at 4654 Lake Club Circle, 35900 Pabst Road, and 34947 Fairview Road in the Village of Oconomowoc Lake.

Motion (Birbaum/Falstad) to authorize the Village Administrator to issue citations for zoning violations to Robert Remien, owner of 35900 Pabst Road, Carried. Mr. Kneiser abstained from the vote.

Motion (Birbaum/Falstad) to authorize the Village Administrator to issue citations for zoning violations to Marie Kasten, owner of 4654 Lake Club Circle, and to James Schneider, owner of 34947 Fairview Road, Carried Unanimously.

Mr. Wiemer noted that he would like to send letters to the above-mentioned property owners advising them of the violations and offering them time to remedy the violations prior to the citations being issued. Trustees agreed to that suggestion.

ADJOURNMENT

With no further discussion being heard, a motion (Bickler/Shult) to adjourn was made at approximately 10:23 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Richard J. Kneiser, President