

# VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF MONDAY,  
November 17, 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 November 17, 2008, immediately following a public hearing, commencing at 7:10 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, Birbaum, Fischer, and Shult/Trustees – present  
Messrs. Owens, Schinzer/Trustees – absent  
Ms. Schlieve/ Clerk-Treasurer – present  
Mr. Wiemer/Police Chief-Administrator – present  
Mr. Macy/Attorney –present

## **ATTENDANCE**

Police Chief David Beguhn (Oconomowoc Police Department), Wendy Schmit, Jerry McNellis, Jean Neal, Hilton Neal, Peter M. Hirt, Gloria Lehrer, and David S. Falstad

## **MINUTES**

Motion (Fischer/Shult) to approve the minutes of the October 20, 2008 Village Board meeting as printed, Carried Unanimously.

## **PUBLIC COMMENT**

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

Ms. Wendy Schmit of 36016 Sylvan expressed concern regarding the need for a railing along LaLumiere Road. Mr. Kneiser advised that the concern will be looked into, as well as financing alternatives needed to possibly provide the railings in two locations on LaLumiere Road. Mr. Wiemer will report his findings at a future meeting. Ms. Schmit provided enlarged photographs of the area of concern, and those will be kept with the meeting minutes.

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

## **PRESIDENT**

### **Update on the Village 50<sup>th</sup> anniversary plans.**

Mr. Birbaum reported that the volunteer group met on November 13, 2008. Work is continuing on the preparations. The next gathering is tentatively set for January 8, 2009 at the residence of Mike and Sue Bickler.

### **Discussion/action regarding water supply.**

Mr. Kneiser explained that a number of communities have had some problems with deep wells being drilled for subdivisions or large projects, where those wells have the potential to impact levels of the nearby lakes. He would like to have Mr. Wiemer and Mr. Macy look into possible future problems if neighboring communities allow deep wells to be drilled including the roster of various pending litigation in this regard. The trustees agreed that this matter should be researched and requested that Mr. Wiemer and Mr. Macy do so.

## **POLICE CHIEF**

At this time the trustees agreed to move the following matter up on the agenda.

### **Discussion/action regarding the City of Oconomowoc Police Department use of the Village shooting range.**

Chief David Beguhn, City of Oconomowoc Police Department, explained that he would like permission for his department to use the Village shooting range two days per year to conduct firearms qualification and training. The use of the Village range would allow the Oconomowoc Police Department to practice and train with rifles and hand-

guns. Chief Beguhn offered to include the Village of Oconomowoc Police Department in a joint simunitions training (training using paint ball equipment).

Motion (Bickler/Birbaum) to grant permission for the City of Oconomowoc Police Department to use the Village shooting range in accordance with the related standard agreements, Carried Unanimously.

#### **PLAN COMMISSION**

##### **Discussion/action regarding An Ordinance to Adopt a Flood Damage Prevention Code for the Village of Oconomowoc Lake.**

Motion (Birbaum/Shult) that the Village does not adopt the proposed Department of Natural Resources floodplain zoning ordinance, Carried. Mr. Fischer abstained from the vote.

#### **ATTORNEY**

##### **Update regarding the 2008 Department of Justice Open Meetings/Public Records Seminar, per correspondence from Mr. Macy dated November 4, 2008.**

Mr. Macy reported that he had attended the Department of Justice Open Meetings/Public Records Seminar that was held on October 28, 2008. Mr. Macy highlighted three specific items from his letter, dated November 4, 2008.

1. Under the purpose test of what constitutes a meeting, conducting government business includes discussion and information gathering but does not require discussion or any action. Mr. Macy suggested caution was needed when any trustees or committee members met so as not to violate the open meetings laws.
2. A voicemail converted to an e-mail under the new software programs would constitute a record, and must be retained.
3. Although the Attorney General's Office has felt for several years now that personal e-mails did not constitute public records, that question is currently in litigation, and we are awaiting a court decision in that regard.

#### **TREASURER**

##### **Checks**

Motion (Bickler/Shult) to approve check nos. 35698 through 35772, for regular monthly payments, and all electronic tax payments, Carried Unanimously.

#### **FINANCE**

##### **Discussion regarding monthly operating statement for November.**

The monthly operating statement was discussed. There will be a special Village Board meeting on December 1, 2008 for discussion and possible adoption of the proposed budget for 2009.

#### **ADMINISTRATOR**

##### **Discussion/action regarding 2009 fireworks contract with Bartolotta Fireworks Co., Inc.**

Motion (Birbaum/Shult) to approve the 2009 fireworks contract with Bartolotta Fireworks Co., Inc., Carried Unanimously.

##### **Discussion/action regarding acceptance of bid for boat motor.**

One bid was received for the boat motor from Mr. Allan Heinrich for the amount of \$2,155.00. The trustees requested that a bill of sale be provided to the buyer indicating that the sale of the motor is "as is". Motion (Fischer/Birbaum) to accept the bid for the boat motor of \$2,155.00 from Mr. Allan Heinrich, Carried Unanimously.

##### **Discussion regarding oak wilt survey results, including properties affected and notices sent.**

Mr. Wiemer explained that the Village Arborist, Mr. David Farina, had completed his fall surveys of the Village of Oconomowoc trees for the purpose of identifying and tagging infected trees. Mr. Farina provided a letter indicating the properties with infected trees and the number of trees on those properties. Each property owner received a letter from the Village advising them of the findings and that the infected trees on their property must be removed by March 31, 2009 and completely hauled away to a proper site to be buried, debarked or burned. There were eight properties with infected trees.

**Update on boundary agreement with the Town of Summit.**

Mr. Wiemer reported that he had been in contact with Attorney John St. Peter regarding some matters of concern with respect to the Town of Summit's proposed incorporation into a Village. Those concerns included whether any boundary agreement made with the Town of Summit will be valid and in force if the Town is successful in its bid to become a Village. Mr. St. Peter referenced two Wisconsin State Statutes that indicate that the agreement may be binding; however, he advised that he is waiting to hear from the Town's attorney, Mr. Stan Riffle, as to how the parties can best secure the enforceability of the agreement with the new Village of Summit.

**Status of presentation by Pabst Farms on their development.**

Mr. Wiemer advised that an update presentation is planned for the December 15, 2008 Village Board meeting.

**Discussion/action regarding joining the Waukesha County Natural Hazards Preparedness and Mitigation Plan Grant.**

Mr. Wiemer explained that Waukesha County municipalities have been asked to join in the Waukesha County Natural Hazards Preparedness and Mitigation Plan Grant application. If we agree to participate in the plan, our costs will be "in kind", which means that the time the Village spends working with Waukesha County on the project will constitute our contribution to the plan. Mr. Wiemer advised that if we proceed with this project, Lt. Helwig will be our representative on the project. Motion (Bickler/Shult) to approve participation by the Village of Oconomowoc Lake in the Waukesha County Natural Hazards Preparedness and Mitigation Plan Grant, Carried Unanimously.

**Discussion/action regarding the Countywide Mutual Aid Agreement.**

Mr. Wiemer explained the countywide mutual aid agreement. Motion (Birbaum/Bickler) to approve the countywide mutual aid agreement, Carried Unanimously.

**FIRE COMMISSIONER**

Mr. Wiemer advised that Okauchee Fire Department and the Summit Fire District are having difficulty in finalizing their 2009 budgets as they are still waiting for the assessment ratios, which are based on equalized values. The Town of Summit is proposing a flat two percent levy increase using last year's numbers. Mr. Wiemer advised that he is going to recommend to Okauchee Fire Department that they use that same plan for their budget.

**BOARD OF ZONING APPEALS**

The board did not meet.

**ARCHITECTURAL CONTROL BOARD (ACB)**

The ACB met in October to discuss, for the second time, the request of Mr. & Mrs. Richard Latta, of 34907 Fairview Road, for a new accessory structure (garage). The plans for Mr. & Mrs. Latta were approved with conditions. There will be a November meeting to discuss several requests.

**CLERK**

No report.

**COMMUNICATIONS**

Ms. Schlieve advised trustees that a public hearing notice for the Waukesha County Park and Plan was included in their packets.

With no further discussion being heard, motion (Shult/Bickler) to adjourn was made at approximately 8:07 p.m., and Carried Unanimously.

Respectfully submitted by:

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Cindy J. Schlieve, Clerk-Treasurer

Approved and Ordered Posted by:

\_\_\_\_\_  
Richard J. Kneiser, President