

# VILLAGE OF OCONOMOWOC LAKE

35328 West Pabst Road, Oconomowoc, WI 53066

Phone: (262) 567-5301 Web: www.oconlake.com  
Fax: (262) 567-7447 e-mail: villagehall@oconlake.com

**OCONOMOWOC LAKE VILLAGE BOARD MEETING  
MINUTES OF MONDAY, November 19, 2012,  
Unofficial until approved by the Village Board.  
Approved as written ( X ) or with corrections ( ) on 12/17/2012.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on November 19, 2012, commencing at 7:25 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 – absent  
Messrs., Bickler, Falstad, Fischer, Owens, Shult (arrived 7:30 PM)/Trustees – present  
Mr. Fellows/Trustee – absent  
Ms. Schlieve/ Clerk-Treasurer – present  
Mr. Wiemer/Police Chief-Administrator – present  
Mr. Macy/Attorney –present

## **ATTENDANCE**

Ed Johnson, Tim Schuetz (Oconomowoc Auto Parts), Pat McAdams (McAdams Realty Oconomowoc, LLP)

## **APPOINTMENT OF ACTING CHAIRPERSON IN THE ABSENCE OF THE PRESIDENT**

Mr. Bickler continued as Acting Chairperson in the absence of the President, per appointment made at the Public Hearing immediately preceding the Village Board meeting.

## **CLOSED SESSION ANNOUNCEMENT**

Acting Chairman Bickler announced that the Village Board of Trustees will: “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 Delta Trust vs. the Board of Review of the Village of Oconomowoc Lake in regard to Delta Trust’s real estate property located in the Village of Oconomowoc Lake with tax key number OCLV 0575-927. Participating in the executive session will be the Village Board, Village Attorney, Village Administrator, and Village Clerk-Treasurer.

## **MINUTES**

Motion (Falstad/Owens) to approve, as printed, the minutes of the October 15, 2012 Village Board meeting, Carried Unanimously.

## **PUBLIC COMMENT**

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

There were no comments from those in attendance.

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

**PRESIDENT**

There was no report.

**PLAN COMMISSION**

**Discussion/action regarding an amendment to the Conditional Use Permit for Oconomowoc Auto Parts, located at 36863 E. Wisconsin Avenue, Oconomowoc, Wisconsin, in the business district of the Village of Oconomowoc Lake, to change the name of the owner/agent, per recommendation of the Plan Commission at its November 5, 2012 meeting**

Mr. Wiemer explained that Mr. Thomas Schuetz, currently recorded as the owner/agent for Oconomowoc Auto Parts, is retiring; therefore, Mr. Terry Schuetz will take over as owner/agent.

Motion (Falstad/Owens) to approve the amendment to the Conditional Use Permit (CUP) for Oconomowoc Auto Parts, located at 36863 E. Wisconsin Avenue, Oconomowoc, Wisconsin, in the business district of the Village of Oconomowoc Lake, to change the name of the owner/agent, as recommended by the Plan Commission, and to authorize Mr. Wiemer to make any minor changes required within the CUP document, *Carried Unanimously*.

**Discussion/action regarding renewal of the Conditional Use Permit for McAdams Realty Oconomowoc, LLP, which includes the Roundy's Supermarkets, Inc. d/b/a Pick N Save, located at 36903 E. Wisconsin Avenue, Oconomowoc, Wisconsin, in the business district of the Village of Oconomowoc Lake, per recommendation of the Plan Commission at its November 5, 2012 meeting**

Mr. Wiemer referred to comments made by Mr. Macy at the Public Hearing immediately preceding the Board meeting. Mr. Macy had stated that he reviewed the existing Conditional Use Permit (CUP), and noted there were several areas in which reference was made to ongoing construction or when a portion of the project was completed. All of those things have since been completed; therefore, Mr. Macy removed them from the CUP in order to keep the document current and accurate. Mr. Macy noted that approval of the document should include authorization for Mr. Wiemer to make minor changes within the document that may need to be made for accuracy.

Motion (Shult/Falstad) to approve the renewal of the Conditional Use Permit (CUP) for McAdams Realty Oconomowoc, LLP, which includes the Roundy's Supermarkets, Inc. d/b/a Pick N Save, located at 36903 E. Wisconsin Avenue, Oconomowoc, Wisconsin, in the business district of the Village of Oconomowoc Lake, per recommendation of the Plan Commission, and to authorize Mr. Wiemer to make any minor changes required within the CUP document, *Carried Unanimously*.

**Discussion/action regarding an amendment to the Village Zoning Code, Chapter 17.36(3)(g), in regard to the main building width on Village properties, per recommendation of the Plan Commission at its November 5, 2012 meeting**

Mr. Wiemer explained that the current zoning states that the main building cannot exceed sixty percent (60%) of lot width when measured at the high water mark of the property. The original thinking in creating that portion of the law was so that if most of the houses on the waterfront were built at the 75 foot setback, then there would be an appreciable amount of green space between the properties. Mr. Wiemer reviewed the waterfront setback of the houses in the Village, and found that very few houses are at the 75 foot setback limit; most of the houses are set back much farther. The proposed amendment would suspend the rule that requires that the main building be no more than 60% wide when measured at the high water mark, if any portion of the main building is located within 150 feet of the high water mark. Discussion followed regarding the setback distance from the water and at what point the 60% building width should be measured.

Motion (Shult/Falstad) to approve the amendment as proposed to the Village Zoning Code, Chapter 17.36(3)(g), in regard to the main building width on Village properties, *Carried Unanimously*.

## **ATTORNEY**

### **Discussion/action regarding Wisconsin Attorney General 2012 Open Meeting and Public Records Seminar, per correspondence from Mr. Macy dated October 25, 2012**

Mr. Macy stated that the seminar is available to view on the internet if the Trustees would like. No action needed.

### **Discussion/action regarding Legal Nonconforming Uses, Structures, and Lots; Statutory Changes; Current Status of the Law, per correspondence from Mr. Macy dated November 6, 2012**

Mr. Macy reviewed the changes in laws regarding legal nonconforming uses, structures, and lots and the current status of the law. Mr. Wiemer noted that the Wisconsin Department of Natural Resources (DNR) allowed the rebuild of the boathouse on the former Wes Todd property, and has recently considered and allowed other changes to boathouses. No action was needed.

## **TREASURER**

### **Checks**

Motion (Bickler/Fellows) to approve check numbers 39785 through 39850, 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.

### **Discussion regarding the proposed 2013 Budget for the Village of Oconomowoc Lake**

Mr. Fischer reviewed the proposed budget for 2013. A Public Hearing and special meeting of the Village Board of Trustees will be held on December 3, 2012 in order to discuss and act upon the adoption of the proposed budget for 2013.

## **ADMINISTRATOR**

### **Discussion/action regarding Resolution Approving the 2013 Budget for the Lake Country Municipal Court**

Mr. Wiemer reviewed the proposed budget for the Municipal Court, noting that the court is operating at a deficit because the court cost fees that are added to citations are not enough to cover the expenses. The fees that can be added to citations are controlled by state law. Municipal courts throughout Wisconsin are working with state lawmakers to increase those fees.

Motion (Falstad/Shult) to approve the 2013 Budget for the Lake Country Municipal Court, *Carried Unanimously*.

### **Discussion/action regarding the 2013 Okauchee Fire Department Contract**

Mr. Wiemer reviewed the proposed contract with the Okauchee Fire Department.

Motion (Fischer/Shult) to approve the proposed contract with the Okauchee Fire Department for 2013, *Carried Unanimously*.

### **Discussion/action regarding the replacement squad for 2013**

Mr. Fischer provided a comparison between the Chevy Impala and the Tahoe, comparing the purchase cost, resale values, depreciation, years of use, fuel cost and usage. Discussion followed.

Motion (Shult/Falstad) to purchase a Chevy Tahoe as the replacement squad in 2013, *Carried Unanimously*.

**Discussion/action regarding the Village-owned fence in the LaLumiere Subdivision**

Mr. Wiemer advised the Trustees that the split rail fence that runs from LaLumiere Road, down the hill towards the lake front is in disrepair. The fence was installed by the Village about 15 years ago when the Village settled a lawsuit with the subdivision owners. The fence needs to be replaced or removed. The purpose of the fence was to delineate the walk path down to the lake for the residents of the subdivision. The fence is about 300 feet long. Discussion followed.

Motion (Shult/Owens) to keep the fence at the top portion of the property and define the rest of the area with wood chips, and to authorize the Village Administrator to repair the area as necessary, Carried Unanimously.

**POLICE CHIEF**

**Discussion/action regarding letter of appreciation for Village Police Officer**

Chief Wiemer reported that a letter of thanks had been received from former Governor Tommy Thompson. Officer Heckendorf assisted Mr. Thompson in repairing a tire on his car.

Motion (Fischer/Shult) to frame the letter for Officer Heckendorf and the record should reflect the Trustees' appreciation for Officer Heckendorf's actions, Carried Unanimously.

**FIRE COMMISSIONER**

**Update on the Summit Fire District dissolution**

Mr. Wiemer provided a summary of the progress of the dissolution. A copy of the summary is included in the minutes' binder. The Village of Oconomowoc Lake will keep personnel records relating to the Summit Fire District in the basement storage area. There is one more meeting for the Fire District Commission.

**BOARD OF ZONING APPEALS**

There was no meeting.

**ARCHITECTURAL CONTROL BOARD (ACB)**

There was a meeting held on October 22, 2012. Plans presented and approved include the following.

- The request of Phoenix Investments, LLC, regarding 4503 West Beach Road, for a new single family residence
- The request of Mr. Richard Layo regarding 35520 Pabst Road, for modification to the exterior material on his new single family residence

**CLERK**

There was no report.

**COMMUNICATIONS**

Communications included the following:

- Focus on County Government Monthly Update from the Desk of Waukesha County Executive Daniel P. Vrakas

**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 Delta Trust vs. the Board of Review of the Village of Oconomowoc Lake in regard to Delta Trust's real estate property located in the Village of Oconomowoc Lake with tax key number OCLV 0575-927. Participating in the executive closed session will be the Village Board, Village Attorney, Village Administrator, and Village Clerk-Treasurer."**

Motion (Falstad/Shult) to convene into closed session, Carried Unanimously. The roll call vote was as follows: Messrs. Birbaum and Fellows, absent; Messrs. Owens, Shult, Bickler, Falstad, and Fischer voted yes.

The meeting convened into closed session at 8:35 p.m.

**RECONVENE INTO OPEN SESSION FOR DISCUSSION AND POSSIBLE ACTION REGARDING THE APPROVAL OF THE SETTLEMENT AGREEMENT IN THE DELTA TRUST VS. THE BOARD OF REVIEW OF THE VILLAGE OF OCONOMOWOC LAKE MATTER**

Motion (Shult/Falstad) to reconvene into open session, Carried Unanimously. The roll call vote was as follows: Messrs. Birbaum and Fellows, absent; Messrs. Owens, Shult, Bickler, Falstad, and Fischer voted yes.

Motion (Owens/Shult) to approve Version 2 of the settlement agreement (copy included in minutes' binder) in the matter of Delta Trust vs. the Board of Review of the Village of Oconomowoc Lake, Carried Unanimously.

**DISCUSSION/ACTION TO ACT UPON ANY OTHER MOTION(S) REQUIRED FROM THE CLOSED SESSION DISCUSSION**

Motion (Owens/Falstad) to authorize payment of the court ordered costs (\$1,261.71) and the tax refund (\$4,648.28) in the matter of Delta Trust vs. the Board of Review of the Village of Oconomowoc Lake, Carried Unanimously.

**ADJOURNMENT**

With no further discussion being heard, a motion (Owens/Shult) to adjourn was made at approximately 8:58 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

\_\_\_\_\_  
Cindy J. Schlieve, Clerk-Treasurer

\_\_\_\_\_  
Joseph L. Birbaum, President