

# 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 21, 2011,**  
**Unofficial until approved by the Village Board.**  
**Approved as written ( X ) or with corrections ( ) on 12/17/2011.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on November 21, 2011, commencing at 7:01 p.m., 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/Trustees – present  
Mr. Fellows/Trustee – absent  
Ms. Schlieve/ Clerk-Treasurer – present  
Mr. Wiemer/Police Chief-Administrator – present  
Mr. Macy/Attorney –present

## **ATTENDANCE**

Ed Johnson

## **CLERK ACCEPTS NOMINATIONS FOR CHAIRPERSON OF THE MEETING IN PRESIDENT BIRBAUM'S ABSENCE**

Mr. Bickler continues as chair, per motion approved at the public hearing held immediately prior to the Village Board meeting.

## **CLOSED SESSION**

Chairperson announces 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 Lake Country Municipal Court. Participating in the executive Closed Session will be the Village Board, Village Attorney, Village Administrator, and Village Clerk-Treasurer."

## **MINUTES**

Motion (Falstad/Shult) to approve, as printed, the minutes of the October 17, 2011 Public Hearing and Village Board meeting, and the November 7, 2011 Joint Meeting of the Village Boards of Summit and Oconomowoc Lake, Carried Unanimously.

## **PUBLIC COMMENT**

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

There were no public comments.

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

### **PRESIDENT**

There was no report.

### **PLAN COMMISSION**

#### **Discussion/action regarding an Ordinance to Repeal and Re-Create the Definition of "Lot Width, Minimum" within the Village of Oconomowoc Lake Zoning Code, per correspondence from Mr. Macy and recommendation for approval from the Plan Commissioners at their November 7, 2011 meeting**

Mr. Wiemer explained that the proposed ordinance was created to clarify the definition of lot width, minimum in order to better define the building envelope and the figure of the lot. Trustees noted two corrections to be made to the draft ordinance, as follows.

Item #2, the second time the word "figure" appears, should be replaced with the word "envelope"  
Item #4, add an (s) to the word "side"

Motion (Shult/Falstad) to approve the proposed Ordinance to Repeal and Re-Create the Definition of "Lot Width, Minimum" within the Village of Oconomowoc Lake Zoning Code, with the above noted corrections, Carried Unanimously.

### **ATTORNEY**

#### **Discussion/action regarding political protest issues, per correspondence from Mr. Macy dated November 1, 2011**

Mr. Macy stated that several of his clients had requested guidelines on how to handle political protest matters. While the Village is not normally the focus of such protests, Mr. Macy felt that he should share the information in case such an incident should occur.

### **TREASURER**

#### **Checks**

Motion (Shult/Falstad) to approve check numbers 38889 through 38960, 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/action regarding repayment of Village loans**

Mr. Fischer stated that the Village currently has a fund balance exceeding six hundred thousand dollars, and suggested that some of that balance could be used to pay off the Village Hall mortgage or the South Beach Road Sewer Project loan. The current loan balances are as follows: mortgage \$392,025; sewer loan \$159,336. Mr. Fischer noted that if the mortgage were paid off, it would be viewed as depleting the fund balance, and in order to build it back up the Village would be overtaxing the property owners. That would not be an acceptable practice for the Village to use. However, the sewer loan was taken out for that specific project; therefore, the

property owners affected have a special assessment added to their property tax bills each year (some of the property owners paid their portion of the loan off in full when the loan was originally taken out). There would be no disadvantage to the rest of the property owners in the Village if the sewer loan were paid off. The Village would then act as the bank to collect the remainder of the loan payments due from the affected property owners. Mr. Fischer stated he had spoken to the Village accountants, Reilly Penner and Benton, in order to ascertain that the proposed plan was an acceptable accounting practice for a municipality. He was advised, via phone conversation, that it was acceptable.

Motion (Fischer/Shult) to use a portion of the fund balance to pay off the South Beach Road Sewer Loan, current balance of \$159,336, owed to the First Bank Financial Centre, subject to receiving a letter stating approval of the plan from Reilly Penner and Benton, the Village accountants, Carried Unanimously.

### **Discussion/action regarding the proposed 2012 Village Budget**

The Trustees were provided a copy of the proposed 2012 Village Budget. Mr. Fischer reviewed the details of the proposed budget. The public hearing and vote on the budget will take place on December 5, 2011, at a special Village Board of Trustees meeting.

### **ADMINISTRATOR**

#### **Discussion/action regarding merger options with Okauchee Fire Department and/or Dousman Fire Department**

Mr. Wiemer reviewed the fire department merger options for the Village. Mr. Wiemer distributed a document that Lake Country Fire & Rescue (LCFR) had submitted with revised merger costs. He noted that LCFR still comes in with a more expensive merger plan than either Dousman Fire Department (DFD) or the Okauchee Fire Department (OKFD). The Village of Summit Board of Trustees has decided to work with DFD in merging their portion of the Summit Fire District. Mr. Wiemer explained that OKFD has agreed to include the Village's name on the department's truck titles; the Village will have a seat on the governing board of the department; future increases for service would be tied to inflation rates (the CPI). If the Village Board approves seeking a merger with the OKFD, the subcommittee will meet with the leadership of OKFD on November 30th, to work out a letter of understanding on all matters pertaining to a merger. Mr. Fischer requested that the subcommittee verify that all of the accounts of OKFD have been audited.

Motion (Shult/Falstad) that the Village of Oconomowoc Lake move forward with plans to merge with the Okauchee Fire Department for fire protection coverage of the entire Village, Carried Unanimously.

#### **Discussion/action regarding ambulance service contract for 2012**

Mr. Wiemer reported that two contracts for ambulance service had been received for consideration by the Village Board; one from the City of Oconomowoc Fire Department and one from Lake Country Fire & Rescue. LCFR provides advantages due to the availability of paramedics as well as EMT's, the department does not charge the municipality for any unpaid ambulance fees, and does not charge call-off fees. The City of Oconomowoc Fire Department does charge the municipality for unpaid ambulance fees, may charge call-off fees, and does not have paramedics on staff at all, only EMT's.

Motion (Shult/Falstad) to contract with the Lake Country Fire & Rescue for ambulance for the Village of Oconomowoc Lake for 2012, Carried Unanimously.

**Discussion/action regarding the Resolution to approve the 2012 budget for the Lake Country Municipal Court**

Mr. Wiemer reviewed the proposed 2012 budget for the Lake Country Municipal Court, noting that the court was using some of its fund balance to offset the proposed budget for 2012. The need has occurred, in part, because of the economy and violators not paying their fines. The alternatives to gain compliance do not always give the court the money due for the violation since violators may take the option of serving their time in jail. No money is then received from the violator.

Motion (Shult/Owens) to approve the Resolution Approving Municipal Court Budget for 2012, Carried Unanimously.

**Discussion/action regarding water flow study meeting**

Mr. Wiemer reported that a meeting had been held with Chief Wallis of the Town of Oconomowoc, Mr. Stumpf of the Village of Lac LaBelle, Mr. Birbaum of the Village of Oconomowoc Lake, Mr. Frye of the Oconomowoc City Utilities, three representatives from the Department of Natural Resources (DNR), and Mr. Wiemer. The meeting clarified that Lake LaBelle takes in more water than it can release downstream during high-water events. There is no way to fix that; however, there still may be some ways to ease the flow into Lake LaBelle if the DNR revises its rules for regulating water flow through the dam on Okauchee Lake in the Town of Oconomowoc. A public meeting is being proposed to be held on May 10 or 17, 2012, to explain the results of all the research done on the water flow issues. The Trustees requested this matter be reviewed again at its January or February 2012 meeting. No action was needed.

**Update regarding hazard rating for the Oconomowoc Lake dam**

Mr. Wiemer advised that he had received a letter from the Wisconsin Department of Natural Resources (DNR) that revised the hazard rating for the Oconomowoc Lake dam. Previously, the DNR had given the dam a high-hazard rating. Mr. Wiemer submitted data to the DNR to show that the dam should not be given a high-hazard rating. The high-hazard rating requires more frequent safety tests, at Village expense. The DNR accepted the supporting data provided to it, and has changed the rating to low hazard.

**POLICE CHIEF**

There was no report.

**FIRE COMMISSIONER**

**Discussion/action regarding Resolution No. 149 to Terminate the 66.0301 Agreement between the Village of Summit and the Village of Oconomowoc Lake to Terminate Fire Services Provided by the Summit Fire District**

Mr. Wiemer explained that the 66.0301 agreement currently in effect requires a one-year notification in order to terminate fire services. It is anticipated that the Village of Summit will pass a similar motion at their December Village Board meeting. The resolution can be rescinded if the circumstances should change.

Motion (Shult/Owens) to approve Resolution No. 149 to Terminate the 66.0301 Agreement between the Village of Summit and the Village of Oconomowoc Lake to Terminate Fire Services Provided by the Summit District, effective December 31, 2012, Carried Unanimously.

**Discussion/action regarding disposal of the oldest fire engine owned by the Summit Fire District**

Mr. Wiemer explained that the Summit Fire District would like to sell its oldest fire engine, a 1984 Pierce vehicle, due to space needs. The estimated worth of the vehicle is between \$10,000 and \$20,000.

Motion (Shult/Owens) to approve the request of the Summit Fire District to sell its oldest fire engine, a 1984 Pierce vehicle, in orderly fashion, for the best price possible, Carried Unanimously.

**BOARD OF ZONING APPEALS**

There was no meeting.

**ARCHITECTURAL CONTROL BOARD (ACB)**

**Update regarding October 24, 2011 meeting**

A meeting was held on October 24, 2011 with the following matters receiving approval.

- Mr. & Mrs. Craig Schiefelbein for a pool and fence revision
- Mr. & Mrs. Patrick Lawton for an elevator addition and porch change for the residence

There will be a meeting on November 28, 2011.

**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
- WI Department of Revenue sales and use tax exemption for wind, solar and certain gas powered products Administrative Rule open for public comment

**CLOSED SESSION**

**Mr. Bickler announced that the meeting would convene into 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 Lake Country Municipal Court. Participating in the executive session will be the Village Board, Village Attorney, Village Administrator, and Village Clerk-Treasurer.**

Motion (Shult/Falstad) to convene into Closed Session by roll call vote was Carried Unanimously, with the vote as follows: Messrs. Owens, Shult, Bickler, Falstad, and Fischer, Yes; there were no negative votes.

The meeting was convened into Closed Session at 8:30 p.m.

**RECONVENE INTO OPEN SESSION**

Motion (Falstad/Shult) to reconvene into Open Session by roll call vote was Carried Unanimously, with the vote as follows: Messrs. Owens, Shult, Bickler, Falstad, and Fischer, Yes; there were no negative votes.

There were no motions required from the Closed Session discussion.

**ADJOURNMENT**

With no further discussion being heard, a motion (Shult/Owens) to adjourn was made at approximately 8:40 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

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

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