

# VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF MONDAY,  
February 16, 2009, 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 February 16, 2009, commencing at 7:06 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 following the Pledge of Allegiance with the following in attendance:

Mr. Kneiser/President – present  
Messrs., Birbaum, Fischer, Owens (arrived at 7:15 p.m.), and Shult/Trustees – present  
Messrs., Bickler, Schinzer/Trustees – absent  
Ms. Schlieve/ Clerk-Treasurer – present  
Mr. Wiemer/Police Chief-Administrator – present  
Mr. Paul E. Alexy/Attorney –present

## **ATTENDANCE**

Mike Theim, Bob Biebel (SEWRPC), Ed Johnson, Paige S. Meyer (Oconomowoc Focus)

## **MINUTES**

Motion (Birbaum/Shult) to approve, as printed, the minutes of the January 19, 2009 Village Board meeting, *Carried Unanimously*.

## **PRESENTATION BY MR. ROBERT BIEBEL, SPECIAL PROJECTS ENVIRONMENTAL SENIOR ENGINEER, OF SEWRPC, REGARDING THE REGIONAL WATER SUPPLY FOR WAUKESHA COUNTY AND HOW IT IMPACTS OCONOMOWOC LAKE.**

Mr. Biebel explained the regional water supply plan for Southeastern Wisconsin, referring to the report printed in December 2008, and provided a packet of material specific to Oconomowoc Lake. The trustees expressed concern about a draw down of Oconomowoc Lake if deep wells are drilled in nearby communities. Mr. Biebel stated that he did not feel there was any need for concern at this time. The trustees requested Mr. Biebel to keep the Village updated on possible legislation that deals with well permitting. If adjacent communities plan to drill deep wells in the future, Mr. Biebel recommended that the Village consider hiring a consultant to review the matter and offer advice on the best options for the Village.

## **PUBLIC COMMENT**

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

There was no public comment.

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

## **PRESIDENT**

### **Minutes of the Meeting of the Waukesha County Cooperation Council, held on January 26, 2009.**

Mr. Kneiser noted that the minutes were included in the trustees' packets for their reference and information as to the actions of the council.

## **PLAN COMMISSION**

### **Discussion/action regarding the recommendation of the Plan Commission to approve the request of Mr. Victor Raasch to amend his conditional use to allow a new business to lease the northwest portion of the lower floor of his building located at 36115 E. Wisconsin Avenue in the Village of Oconomowoc Lake business district. The proposed business is a photography studio.**

Mr. Wiemer explained the request and advised trustees that Penguin Spas is no longer located in Victor Raasch's building. That portion of the building is currently vacant. The proposed photography studio will be open by appointment only, does primarily family photography, and is owned by Kelly Smith. The only signage will be on the

windows and doors of the business. Motion (Birbaum/Shult) to approve the request of Mr. Victor Raasch to amend his conditional use to allow a photography studio owned by Kelly Smith to lease the northwest portion of the lower floor of his building located at 36115 E. Wisconsin Avenue in the Village of Oconomowoc Lake, and to reflect that Penguin Spas is no longer located in Mr. Raasch's building, Carried Unanimously.

**Discussion/action regarding the recommendation of the Plan Commission to adopt an ordinance to repeal and recreate section 17.385(5) of the Village code regarding setback and offset modifications; section 17.612(4)(b) of the Village code regarding granting of variances; and section 17.61(4)(h) of the Village code regarding granting of special exceptions by the Zoning Board of Appeals.**

Mr. Wiemer noted that the Plan Commission had recommended adoption of the ordinance. Motion (Shult/Owens) to adopt the ordinance to repeal and recreate section 17.385(5) of the Village code regarding setback and offset modifications; section 17.612(4)(b) of the Village code regarding granting of variances; and section 17.61(4)(h) of the Village code regarding granting of special exceptions by the Zoning Board of Appeals, Carried Unanimously.

**ATTORNEY**

**Discussion regarding Wisline Series on Local Land Use Planning and Zoning and Land Use and the First Amendment, per correspondence from Mr. Macy dated February 5, 2009.**

Mr. Alexy explained that Mr. Macy had attended the meeting regarding the local land use material. Mr. Macy would be happy to answer any questions trustees may have for him regarding this matter.

**Discussion regarding Smart Growth Compliance, per correspondence from Mr. Macy dated February 5, 2009.**

Mr. Alexy explained that the letter is a reminder that adopting a Smart Growth Plan is only one component in the compliance process required of the statute. The Village also must prepare a new Village map to account for some changes that were created by the Smart Growth Plan. Mr. Wiemer noted that it would be 30 to 60 days before a new map can be completed and presented for discussion and possible action.

**Update on the Binkowski zoning request in the City of Delafield.**

Mr. Macy attended the hearing that was held on January 28, 2009, at which time the Binkowski request was denied. Mr. Alexy noted that Mr. Macy anticipates the next action to take place sometime in March.

**TREASURER**

**Checks**

Motion (Birbaum/Shult) to approve check nos. 35641 through 36010, for regular monthly payments, and all electronic transfers, Carried Unanimously.

**FINANCE**

**Discussion regarding monthly operating statement for February.**

The monthly operating statement was discussed.

**Discussion/action on adjustments to the 2008 transfers.**

Mr. Fischer noted that the 2008 transfer that was made in regard to the road work that was done in the Village needs to be revised. Motion (Shult/Owens) to change the 2008 road paving transfer from \$225,000 to \$199,205, in order to be consistent with the audit report, Carried Unanimously.

**Update on the 2008 audit.**

Mr. Fischer reported that the audit report should be ready for approval at the March or April meeting. Mr. Kneiser noted that the trustees wish to express their thanks for the assistance Mr. Fischer gave to the auditors in preparing the annual report and especially for preparing the MD&A letter.

**ADMINISTRATOR**

**Discussion/action regarding the approval of the Trunked Radio System Contract Addendum.**

Mr. Wiemer explained the request by Waukesha County to approve the Trunked Radio System Contract Addendum. The addendum states that participating communities will pre-pay for anticipated infrastructure costs relating to digital radios. The current contract was fulfilled in 2008. The proposal would have the Village continuing to make payments to the County for the future costs. In the event the County does not initiate the project, the County will return the accumulated payments plus any interest earned to the member municipalities. Motion (Birbaum/Shult) to approve the Trunked Radio System Contract Addendum, Option 1, Carried Unanimously.

**Discussion/action regarding the preliminary draft of "A Lake Management Plan for Oconomowoc Lake" prepared by SEWRPC.**

Mr. Wiemer reported that he and Mr. Kneiser had reviewed the document, and made comments regarding errors or changes that need to be made to the plan. Mr. Kneiser requested that the trustees review the plan, make comments, and bring them to the meeting on March 16, 2009. Then all comments will be combined and forwarded to SEWRPC for their information.

**Discussion/action regarding the request of Michael and Jennifer Theim for approval of Certified Survey Map. The property is located in the Town of Oconomowoc; this is an extraterritorial plat review.**

Mr. Wiemer advised the trustees that the property is located in Okauchee, across from the fire station. Motion (Shult/Owens) to approve the Certified Survey Map for Michael and Jennifer Theim, for property located in the Town of Oconomowoc, *Carried Unanimously.*

**Discussion/action regarding the creation of a local government storm water group. Initial membership in the group costs \$100 for a community with a population below 10,000.**

Mr. Wiemer advised that it appears that this group would have an annual membership, and that the Village is currently exempted from MS4 process. It may be to the Village's advantage to be a member of this group in order to keep updated on changes in the laws or policies made by the group. Motion (Birbaum/Shult) to approve the cost of \$100 to join the local government storm water group, *Carried Unanimously.*

**Discussion regarding the Federal Stimulus Local Project Solicitation, per correspondence from Wisconsin Department of Transportation Secretary Frank J. Busalacchi, dated February 6, 2009.**

Mr. Wiemer advised that there was a possibility of funds available for work on roads and bridges. The projects submitted for approval must be ones that have already been in the planning stages, and are ready for final approvals. It is possible that the Village will be able to get 100% funding on the Valentine Road Bridge, instead of the previous funding plan of 80% State - 20% Village. Since the Village has already got the initial approvals, we meet the qualifications. Mr. Wiemer will pursue this matter.

Mr. Wiemer additionally reported that he had received a call from the Oconomowoc City Utilities. They want to put primary electric lines underground on Beach, Gifford, Armour, and Valentine Roads. Restoration of the landscape, which is in the road right-of-way, would be completed immediately following the completion of the underground work. The work would begin this summer.

Mr. Fischer reported that he had been investigating the possibility of creating power from the dam located at the Village Boat Launch. Both WE Energies and Oconomowoc City Utilities are interested in the possibility of buying power. Mr. Fischer will pursue information on costs and payback feasibility. It is a lengthy permitting process and the Department of Natural Resources is opposed to dams, so the process may be more difficult. Mr. Fischer will return to the Board with further details at a future meeting.

**POLICE CHIEF**

Mr. Wiemer advised that delivery of the new squad is expected soon.

**FIRE COMMISSIONER**

There was nothing to report.

**BOARD OF ZONING APPEALS**

The board did not meet.

**ARCHITECTURAL CONTROL BOARD (ACB)**

The ACB met in January to discuss two requests.

1. Steve and Kristie Macaione, 34620 Springbank Road, request for a new accessory structure was approved, with the addition of windows and landscaping.
2. Ken and Karen Yontz, 4425 Sawyer Road, request to remodel an attached garage and add windows, was approved.

**CLERK**

No report.

**COMMUNICATIONS**

Mr. Wiemer advised that he had received a letter from Dave Farina regarding the Emerald Ash Borer. No action at this time.

With no further discussion being heard, motion (Owens/Birbaum) to adjourn was made at approximately 8:23 p.m., and Carried Unanimously.

Respectfully submitted by:

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Cindy J. Schlieve, Clerk-Treasurer

Approved and Ordered Posted by:

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Richard J. Kneiser, President