

# VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING  
MINUTES OF MONDAY, July 15, 2013,  
Unofficial until approved by the Village Board.  
Approved as written ( X ) or with corrections ( ) on 08/19/2013.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on July 15, 2013, commencing at 7:00 PM, 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 – present  
Messrs. Bickler, Fellows, Fischer, Waltersdorf/Trustees – present  
Messrs. Owens, Shult/Trustees – absent  
Ms. Schlieve/ Clerk-Treasurer – present  
Mr. Wiemer/Police Chief-Administrator – present  
Mr. Macy/Attorney –present

## **ATTENDANCE**

Ed Johnson (arrived 7:10 p.m.), Jon Spheeris (arrived 7:15 p.m.)

## **MINUTES**

Motion (Fellows/Waltersdorf) to approve, as printed, the minutes of the June 17, 2013 Village Board meeting, *Carried Unanimously.*

## **PUBLIC COMMENT**

Since there was no public present at this time, public comment was waived.

## **PRESIDENT**

### **Discussion regarding floating lanterns**

President Birbaum commented that he noticed lanterns floating above the lake on July 4, 2013, during the fireworks display. He noted that while they appeared to be very pretty, he was concerned that these lanterns, which are paper bags kept afloat by the heat from candles inside the bags, could be dangerous if they were to land somewhere before the candle had extinguished itself. After some discussion, it was determined that Mr. Macy would look into the Village's current ordinances to see if this type of item was prohibited, or whether existing ordinances could be revised to prohibit the floating lanterns. Mr. Macy will report back at a future meeting.

## **PLAN COMMISSION**

### **Discussion/action regarding approval of a proposed Certified Survey Map for the property located at 36802 W. Armour Road, Oconomowoc, Wisconsin, owned by Michael J. Bickler, Jr. and Melissa A. Bickler, tax key OCLV 0586-991-001, per recommendation of the Plan Commission at its meeting held on July 1, 2013**

Mr. Wiemer reported that the Certified Survey Map (CSM) had been reviewed by the Plan Commission on July 1, 2013. Mr. Mark Powers, Village Engineer, had recommended several changes to the CSM that was originally submitted for approval. All of those changes were completed. The Plan Commission recommended that the Trustees approve the revised CSM.

Motion (Fischer/Waltersdorf) to approve the CSM for the property located at 36802 W. Armour Road, Oconomowoc, Wisconsin, owned by Michael J. Bickler, Jr. and Melissa A. Bickler, tax key OCLV 0586-991-001, per recommendation of the Plan Commission at its meeting held on July 1, 2013, Carried. Mr. Michael J. Bickler, Sr. abstained from the vote.

#### **ATTORNEY**

##### **Discussion/action regarding an Ordinance Related to Filing with the Board of Review in the Village of Oconomowoc Lake, per correspondence from Mr. Macy dated July 5, 2013**

Mr. Macy reviewed the proposed ordinance that provides specific timelines for property owners to file their objection forms in order to appear at the Board of Review. Specifically, the ordinance addresses the matter of property owners submitting their forms via e-mail or fax, and notes when those e-mails or faxes are to be considered accepted or read.

Motion (Fischer/Bickler) to adopt An Ordinance Related to Filing with the Board of Review in the Village of Oconomowoc Lake, Carried Unanimously.

##### **Discussion/action regarding Sex Offender Residency Ordinance, per correspondence from Mr. Macy dated July 5, 2013, including sample ordinance**

The documents relating to this matter were accidentally omitted from the Trustees' packets. Mr. Macy explained that the Village currently has an ordinance that indicates where the child safety locations are in the Village (all properties on the lake and the Oconomowoc Lake Club). Currently, sex offenders would then be allowed to live in the areas that are not child safety locations. The sample ordinance provides a more complete explanation of where and when a sexual offender may reside in the Village. For example, if the person resided in the Village at the time he/she was convicted of a sexual offense, he/she may return to the Village. If the person never lived in the Village, he/she may not reside in the Village upon his/her release from prison. Additionally, if a convicted sex offender has family members that live in the Village, but he/she never lived with them, he/she cannot live with them when released.

Discussion followed. Since the Trustees did not have the documents to review, it was decided that this matter will be brought back to the Trustees at their August meeting. Mr. Macy will provide a draft ordinance specific to the Village for the Trustees to review at that time.

#### **TREASURER**

##### **Checks**

Motion (Bickler/Fellows) to approve check numbers 40371 through 40439, for regular monthly payments, and all electronic payments, Carried Unanimously.

#### **FINANCE**

##### **Discussion regarding monthly operating statement for July**

Mr. Fischer reviewed the monthly operating statement.

#### **ADMINISTRATOR**

##### **Discussion/action regarding acceptance of donations received from Village residents, as noted on Exhibit A, designated for use toward the fireworks display in July of 2013**

Mr. Wiemer advised that to date, the Village had received \$6,615.00 in donations designated for use toward the fireworks display in July of 2013. Motion (Fischer/Waltersdorf) to accept the donations received to date designated for use toward the 2013 fireworks display, Carried Unanimously.

Staff will acknowledge by letter the donations received for use toward the fireworks display.

Discussion followed regarding how the Village could raise more funds for the fireworks display. Mr. Waltersdorf had some ideas, and will bring those ideas back to a future board meeting to discuss.

**Discussion/action regarding an ordinance to permit neighborhood electric vehicles, low speed vehicles, and golf carts to use Village roadways**

Mr. Wiemer explained that Act 20 of 2013 which became law recently allows for municipalities to authorize Golf Carts (GC), neighborhood electric vehicles (NEV), and Low Speed Vehicles (LSV) to use Village roads where the speed limit is 25 MPH or less. Mr. Wiemer noted that many of the Village residents have been operating their golf carts on Village roadways in violation of the law. This ordinance will allow those residents to legally operate their GC's, NEV's, and LSV's on certain Village roads. Mr. Wiemer noted that signage would be posted to make drivers aware that those vehicles may be operating on the roadways.

Mr. Macy reviewed the draft ordinance that he had prepared for the Trustees. The NEV's and LSV's are required to be registered and licensed by the Wisconsin Department of Transportation (DOT); however, DOT will not register or license GC's. Per the proposed ordinance, the Village would register and license the GC's for residents in the Village. Other requirements for the GC's include a slow moving vehicle sign installed on the rear of the vehicle and reflectors on the sides and rear of the vehicle. All three vehicles must have a licensed driver operating them.

The draft ordinance provided by Mr. Macy included a requirement for the LSV's and NEV's to have a slow moving vehicle sign on the rear; and that LSV's could only be operated between the hours of sunrise and sunset; and that GC operators must have a valid regular and probationary driver's license. Those provisions were changed as follows. LSV's and NEV's do not need to have a slow moving vehicle sign on the rear; the operation of LSV's between sunrise and sunset was removed; and the GC operators must have a valid regular or probationary driver's license. It is not necessary to have both types of licenses.

Motion (Bickler/Fischer) to adopt the Ordinance Authorizing the Use of Low Speed Vehicles, Neighborhood Electric Vehicles and Golf Carts on Certain Roads in the Village of Oconomowoc Lake, with the changes noted in the above paragraph, Carried Unanimously.

**Discussion/action regarding a revision to Ordinance 176 "An Ordinance to Impose Construction and Maintenance Requirements upon Public Street, Private Roads, and Private Driveways"**

Mr. Wiemer explained that Ordinance No. 176 requires a minimum paved asphalt width for private roads of 16 feet. He noted that a problem has arisen on the former Swanson property that is planned to be paved this summer. The 16 foot width can be met for most of the driveway except for a short portion that requires reduction of the paved width down to about 13 feet. The reduction is caused by the very large healthy trees and a portion of wetlands. Mr. Wiemer requested the Trustees to consider amending the ordinance and create a section which would allow for the Village Board to grant waivers to the minimum width for private roads and private streets.

Mr. Macy reviewed the draft ordinance he had prepared for the Trustees. Section 1H(3) stated "the modification of the minimum width requirements has been requested by all current property owners having the legal right to use the private road and/or private driveway, whether they actually use the same or not, and who have acknowledged that they are fully aware of the request and consequences of the modification of the minimum width requirement" Discussion followed regarding whether or not neighboring property owners should have to give their approval to such a request. The Trustees decided that Section 1H(3) should be deleted.

Motion (Bickler/Fellows) to approve the proposed "Ordinance to Amend Ordinance #176 Entitled an Ordinance to Impose Construction and Maintenance Requirements upon Public Streets, Private Roads and Private Driveways to Create Section 1H to Allow for the Village Board to Grant Waivers to the Minimum Width for Private Roads and Private Streets", with the above-noted deletion, Carried Unanimously.

**Discussion/action regarding private road width for the properties owned by Richard Layo, 35520 W. Pabst Road, in the Village of Oconomowoc Lake, tax keys OCLV 0618-980-006, OCLV 618-980-007, and OCLV 0618-980-011**

This matter must first be brought to the Plan Commission, receive a recommendation of approval from them, and then come before the Village Board of Trustees for discussion, action, and possible approval. The matter will be postponed until the August Plan Commission and Trustee meetings. No action taken.

**Discussion/action regarding the request from the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to endorse the "Year 2035 Regional Housing Plan for Southeastern Wisconsin", per correspondence from SEWRPC dated May 30, 2013, along with a sample Resolution for the endorsement**

Mr. Wiemer explained the request received from SEWRPC, and noted that the report for which they requested acceptance consisted of 932 pages. Mr. Macy noted that he does not recommend endorsing the report due to the possibility of endorsing something that in the future would not be in the best interest of the Village. It would be easy to miss something in such a large report. All Trustees agreed that Mr. Wiemer should not respond to the request for endorsement. No action taken.

**POLICE CHIEF**

There was nothing to report.

**BOARD OF ZONING APPEALS**

There was no meeting.

**ARCHITECTURAL CONTROL BOARD (ACB)**

**Update regarding ACB meeting held on June 24, 2013**

Mr. Wiemer reported that the following five requests were presented to the ACB members, with all matters approved. Several of the approved matters were subject to other approvals or discussions.

- Mr. & Mrs. Michael Altschaefl, 36010 South Beach Road, for a new single family residence
- Mr. & Mrs. Robert Garbutt, 35933 North Beach Road, for a fence and deck
- Mr. & Mrs. Brennan Smith, 35947 North Beach Road, for design changes to the pass-through connecting the residence and the garage
- Mr. & Mrs. John Tracy, 12 White Tail Lane, for a deck
- Dr. and Dr. Anil Doniparthi, 35308 W. Pabst Road, for an addition to the residence

**CLERK**

**Discussion/action regarding the Agreement with Waukesha County for Data Processing Services for Property Tax Assessment and Billing Services, for services commencing January 1, 2014 and expiring on December 31, 2015**

Ms. Schlieve requested approval of the agreement with Waukesha County. Mr. Macy noted that there are portions of the proposed agreement that the County is required by law to provide without assessing cost. Ms. Schlieve advised that they do provide those services without cost.

Motion (Bickler/Fellows) to approve the proposed Agreement with Waukesha County for Data Processing Services for Property Tax Assessment and Billing Services, for services commencing January 1, 2014 and expiring on December 31, 2015, *Carried Unanimously*.

**COMMUNICATIONS**

Communications included the following:

- League of Wisconsin Municipalities List of Good and Bad Changes in the 2013-2015 State Budget
- Lake Country Municipal Court Annual Letter in Review

- Time Warner Cable letter regarding changes to their programming with digital only format

**ADJOURNMENT**

With no further discussion being heard, a motion (Bickler/Fellows) to adjourn was made at approximately 8:35 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

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Cindy J. Schlieve, Clerk-Treasurer

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Joseph L. Birbaum, President