

VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING
MINUTES OF MONDAY, July 21, 2014,
Unofficial until approved by the Village Board.
Approved as written (X) or with corrections () on 08/18/2014.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on July 21, 2014, 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, Owens (arrived 7:08 p.m.),
Shult, Waltersdorf/Trustees – present
Ms. Schlieve/Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

Ed Johnson

MINUTES

Motion (Shult/Bickler) to approve the minutes of the June 16, 2014 Public Hearing and Village Board meeting, Carried Unanimously.

PUBLIC COMMENT

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

There were no comments.

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

PRESIDENT

Mr. Birbaum commented on the large quantity of geese now living in the Village. Discussion followed regarding solutions to the problem. Mr. Waltersdorf is going to investigate possible solutions.

PLAN COMMISSION

There was no Plan Commission meeting in July.

ATTORNEY

Update regarding proposed jurisdictional transfer to the Village of Oconomowoc Lake from the Town of Oconomowoc of Wisconsin Avenue from Gifford Road up to Pick N Save, and the four (4) lanes from McDonald's east to the first set of stop lights

Mr. Macy reported that he had asked Mr. Wiemer to attempt to make contact with the representative from the DOT. Mr. Macy stated that he had made several attempts to further the discussion along, but had received no response. Mr. Wiemer left a stern message with the DOT and is awaiting a response.

TREASURER

Checks

Motion (Bickler/Fellows) to approve check numbers 41203 through 41277, 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 2014

Motion (Fischer/Shult) to accept the donations received from Village residents, as noted on Exhibit A, designated for use toward the fireworks display in July of 2014, *Carried Unanimously*.

The Trustees noted that the fireworks display had been very nice and was enjoyed by those watching. Mr. Fischer suggested that next year they consider including the barge portion of the fireworks cost in the Village budget instead of it being paid for with donations. The Finance Committee will consider that matter when it works on the budget for 2015.

Additionally, it was suggested that in the September newsletter Mr. Birbaum include a thank you to all those who donated toward the fireworks display.

Discussion/action regarding new village garage contract documents

Mr. Wiemer advised that Mr. Macy had reviewed and provided his opinion on the revised proposed contract documents from Oliver Construction regarding the new village garage. The final changes should be completed soon and will be reviewed by Mr. Wiemer and Mr. Macy. The sealed bids on building the garage are due July 29, 2014 at 10:00 a.m.

Mr. Fischer asked for a clarification of the role of Oliver Construction in this project. Mr. Wiemer advised him that Oliver Construction is the construction manager, and will not be bidding on the project.

Discussion/action regarding loan for the proposed new village garage and payoff of the current Village Hall mortgage

Mr. Wiemer explained that First Bank Financial Centre presented the best option for the Village regarding the loan for the proposed new village garage. Discussion followed noting the following points.

- Pursue refinancing of the village hall mortgage and roll that into the garage loan to avoid double payments
- Consider using a portion of the funds received from the dissolution of the Summit Fire District and using a portion of the funds when the property in the LaLumiere Subdivision is sold to pay down the mortgage before refinancing
- Mr. Wiemer and Mr. Fischer will meet to review the money owed for the village mortgage and the amount of money needed for the proposed village garage in order to determine how much money to borrow
- Once the dollar amount is determined, Mr. Wiemer can contact Quarles & Brady to prepare the legal documents needed in order for a municipality to borrow the money for the project

Motion (Bickler/Shult) to authorize Mr. Fischer and Mr. Wiemer to determine how much is needed to pay off the village hall mortgage and to build the proposed village garage, then to contact Quarles & Brady to prepare the required documents in order to obtain the loan, Carried Unanimously.

Update regarding the change in the banking institution for the village

Mr. Wiemer advised that the change-over from Ixonia Bank to First Bank Financial Centre (FBFC) is in process. It may take a couple months before everything is able to be changed over and the old accounts closed. FBFC has agreed to pay two-thirds of the cost of new checks for the general account.

Update on the Village-owned lot in the LaLumiere Subdivision

Mr. Wiemer reported an ad has been placed in the newspaper for the sale of the village-owned lot in the LaLumiere Subdivision. The lot has been cleaned up and looks very good. The sealed bids are due by August 8, 2014 at 10:00 a.m. There have been no offers received yet. If offers are received, they will be brought to the Village Board next month for discussion/action regarding acceptance of an offer.

Discussion/action regarding the request of Mr. & Mrs. Jason White, 4623 N. Hewitts Point Road, to convert the existing garage/apartment to a garage during construction of the new residence

Mr. Wiemer advised the Trustees that Mr. & Mrs. White purchased the property at 4623 N. Hewitts Point Road. The property currently has a cottage with attached garage on it. The Whites are planning to build a new single family residence and would like to decommission the existing cottage and garage so that its use would be only garage; no human habitation would be allowed. They do plan to remodel or completely replace the existing building once their new residence is built on their property. Prior to purchasing the property, the Whites consulted with Mr. Wiemer in his capacity as the Village Administrator, to determine whether or not they would be allowed to proceed with their plans. Mr. Wiemer reviewed the request, and after consulting the Zoning Code and reviewing past practice for such requests, he determined that the Whites could proceed. The Whites purchased the property with the knowledge of that determination.

Since that time, Attorney Macy advised Mr. Wiemer that the Whites could not legally proceed with their plans based on his interpretation of the Zoning Code, noting that the Zoning Code does not allow for a change in use of a legal nonconforming structure. Mr. Wiemer reviewed the Zoning Code again and concurred that it may not be allowed per the Code; however, noted that past practice should take precedence in this situation. Mr. Wiemer noted several instances of similar situations where the property owners were allowed to change the use of a legal nonconforming structure. Mr. Wiemer also requested that the Board authorize him to allow the Whites to proceed with their proposed plans and that the Zoning Code (Chapter 17.32) be revised to conform to past practice. Discussion followed. During the discussion, it was noted that the garage/apartment in question is not located between what will be the main residence and the lake. The Zoning Code does not allow structures to be built between the residence and lake or in the side yards.

Motion (Bickler/Shult) to authorize Mr. Wiemer to allow Mr. & Mrs. Jason White, 4623 N. Hewitts Point Road, to proceed with their plans to convert the existing legal nonconforming garage/apartment to a garage only during the construction of their new single family residence, and to remodel or replace the garage once the residence is completed, and to direct Mr. Macy to prepare a revision to Chapter 17.32 of the Zoning Code to reflect past practice, Carried Unanimously.

Discussion/action regarding the Village share of the LaLumiere pier replacement

Mr. Wiemer advised the Trustees that the shared pier in the LaLumiere Subdivision is in need of replacement. Since the Village owns three (3) lots in the subdivision, the Village should share in the cost of the replacement. Mr. Wiemer stated that the cost is estimated to be \$500 per property for the pier replacement. Discussion followed regarding which pier was to be replaced. It was determined that the pier to be replaced is the pier onto the main lake.

Motion (Shult/Owens) to pay the Village's share (3/17) of the replacement of the pier on the main lake in the LaLumiere Subdivision, Carried Unanimously.

Mr. Bickler expressed concern that the property owners in the subdivision do not have a homeowners association and that not all of the property owners are willing to participate in this project, nor have they all participated in past projects. He suggested that perhaps a lake management district should be created which would have taxing authority in order to maintain the lake front for the subdivision. Discussion followed. The matter will be placed on next month's agenda for further discussion and possible action regarding what options the Village might have in this matter.

POLICE CHIEF

Chief Wiemer reported that there was a drowning on July 5, 2014. The drowning is considered a boating accident by the DNR because, while the boat was not in operation, it was not anchored. Investigation is being handled by the DNR.

BOARD OF ZONING APPEALS

There was no meeting.

ARCHITECTURAL CONTROL BOARD (ACB)

Update regarding the ACB meeting held on June 23, 2014

The matter of the request of Mr. and Mrs. Ulrich Jentzsch, 34829 Fairview Road, to construct a new single family residence, garage, and landscape plan approval was heard with no decision rendered. It will be brought to the next ACB meeting.

Additionally, the following matters were presented and approved by the ACB.

- Mr. and Mrs. Patrick Sheahan, 34737 Fairview Road, for repair, window change, and style modification
- Mr. and Mrs. Ken Schweitz, 14 White Tail Lane, for a new single family residence
- Drs. Anil and Padma Doniparthi, 35308 Pabst Road, for an addition to residence
- Mr. Joe Faretta, 3821 LaLumiere Road, for a deck and pergola
- Mr. and Mrs. Jeremy Cardenas, 9 White Tail Lane, for driveway pillars
- Village of Oconomowoc Lake, 35328 W. Pabst Road, for replacement DPW garage and future salt/sand storage facility

CLERK

There was no report.

COMMUNICATIONS

- Update from Waukesha County Executive Dan Vrakas
- SEWRPC Regional Planning News

TRAIN ACCIDENT CONCERNS

The matter of how train accidents are handled was mentioned in the public comment section of the June meeting. Mr. Fischer expressed renewed concern regarding what happens if a train accident occurs in the Village in light of the train accident that occurred recently in Slinger. The question was asked whether or not the Village can restrict hazard materials from traveling through the Village. Attorney Macy responded that we did not have the ability to restrict the loads carried by the trains. No further discussion or action was taken since this item was not on the agenda.

ADJOURNMENT

With no further discussion being heard, a motion (Shult/Bickler) to adjourn was made at approximately 8:20 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Joseph L. Birbaum, President