

# VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING**  
**MINUTES OF MONDAY, August 20, 2012,**  
**Unofficial until approved by the Village Board.**  
**Approved as written ( ) or with corrections ( X ) on 09/17/2012.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on August 20, 2012, commencing at 7:01 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 – present  
Messrs., Bickler, Falstad, Fellows, Fischer, Owens, Shult/Trustees – present  
Ms. Schlieve/ Clerk-Treasurer – present  
Mr. Wiemer/Police Chief-Administrator – present  
Mr. Macy/Attorney –present

## **ATTENDANCE**

Ed Johnson (arrived after public comment portion of the meeting)

## **MINUTES**

Motion (Bickler/Shult) to approve, as printed, the minutes of the July 16, 2012 Village Board meeting, *Carried Unanimously.*

## **PUBLIC COMMENT**

The public comment was waived since no public was present at the time.

## **PRESIDENT**

Mr. Birbaum reported that the assessment study group had met with Alan Land of the Wisconsin Department of Revenue (DOR), who had reviewed the assessments as prepared by the Village Assessor. The Assessor decreased the values in the Village by sixteen percent. The study group was aware that the DOR would not agree to that same decrease, but hoped that they would agree to a ten percent decrease in equalized value. Mr. Land advised that the DOR gave the Village a seven percent decrease in equalized value. The Village does have the right to protest the value assigned by the DOR; however, Mr. Land advised that the best path for the Village to take at this time is to wait until 2013 when the sales from 2012 will be available to support current value estimates. Mr. Birbaum felt a protest to the DOR at this time would not be beneficial for the Village. Mr. Birbaum also noted that the equalized values for the Town of Oconomowoc, City of Oconomowoc, the Village of Summit, and the Village of Lac LaBelle decreased by approximately nine percent, seven percent, five percent, and six percent, respectively.

## **PLAN COMMISSION**

**Discussion/action regarding an ordinance to repeal and re-create Section 18.14 entitled “All Land Divisions Regulated within the Village of Oconomowoc Lake” subdivision and platting code, per Plan Commission recommendation and correspondence from Mr. Macy dated August 13, 2012**

Mr. Wiemer explained that Chapter 18 was rewritten to allow adjoining neighbors to transfer land among themselves. Mr. Fischer questioned the wording and qualifications for “adjoining”. He suggested it should perhaps state a percentage of connection. Discussion followed regarding the moving of property lines,

the concern that property owners would be able to trade a nonconforming structure to an adjoining property, and concern about creating odd-shaped lots.

Motion (Bickler/Shult) to approve the Ordinance to Repeal and Re-create Section 18.14 Entitled All Land Divisions Regulated within the Village of Oconomowoc Lake Subdivision and Platting Code, with the provision that the editing notes be removed, Carried. Mr. Fischer opposed the motion.

**President's Comments Regarding Chapter 17, specific to the definition of structure and the section that allows one structure to be connected to another by above ground elements**

Mr. Birbaum noted that the Plan Commission had reviewed the request made by the Village Board of Trustees to consider revising the Zoning Code with respect to the definition of structure, specifically the section that allows one structure to be connected to another by above ground elements, and therefore is considered one structure. The Plan Commissioners felt that the Zoning Code, as it stands, is sufficient to control the type of connections that were brought up as a concern by the Board of Trustees.

**ATTORNEY**

**Discussion/action regarding recent case law update, per correspondence from Mr. Macy dated July 11, 2012**

Mr. Macy reviewed some recent case laws that affect municipalities. The first matter Mr. Macy noted was that some regulatory issues may be handled through an ordinance using general police power authority, instead of adopting a zoning ordinance to regulate a particular matter. The second matter involved public record requests and the fees charged to the requesters. Recent case law states that municipalities may not charge requesters for the costs incurred in redacting confidential information from the records. The third matter regards alcohol beverage licensing in relation to the description of the premises for which the license has been issued. Mr. Macy noted that municipalities cannot unilaterally modify the premises description on renewal of the license, without following the revocation, suspension or non-renewal process described in Wisconsin Statute Section 125.12 based upon violations occurring on the premises.

**Discussion/action regarding legislative update 2012, per correspondence from Mr. Macy dated August 3, 2012**

Mr. Macy provided a summary of the legislative acts adopted during the 2012 legislative sessions. Eight newly adopted acts were summarized along with recommendations for action that the Village could take. The document is attached for reference.

**TREASURER**

**Checks**

Motion (Falstad/Bickler) to approve check numbers 39573 through 39638, for regular monthly payments, and all electronic payments, Carried Unanimously.

**FINANCE**

**Discussion regarding monthly operating statement for August**

Mr. Fischer reviewed the monthly operating statement.

**ADMINISTRATOR**

**Discussion/action regarding fireworks regulations for the Village of Oconomowoc Lake**

Mr. Wiemer stated that Mr. Macy had provided the Trustees with a copy of the Wisconsin Statute regulating fireworks. Mr. Macy advised that the Village could create an ordinance that stated a permit could be issued per state statute only. Currently, the Village's ordinance does not allow any permits to be issued, except to the authorized company that provides the Fourth of July fireworks on behalf of the Village. Discussion followed regarding whether the Village could be held liable if someone in the Village lit fireworks and was not ticketed, and an injury or property damage occurred due to the negligence of the person lighting the fireworks. Mr. Macy did not feel there were any liability issues for the Village in those circumstances. No action was taken.

**Update regarding the Sylvan Lane pass through in the LaLumiere Subdivision**

Mr. Wiemer advised that the split rail fence had been installed; however, the owner of the adjacent property did not feel it was done properly. That property owner has indicated that he will re-install the fence himself. Mr. Wiemer got prices for various types of gates to install between the split rail fences. The gates are very expensive, and not within the Village's current budget. A chain will be used for now.

**POLICE CHIEF**

**Discussion/action regarding an ordinance to amend Ordinance No. 115, by repealing and recreating Section 25.04(1), and creating Section 25.04(5), regarding penalties and bond amounts for violations of Village Ordinances, and to repeal Village Ordinances Nos. 136 and 149 relating to penalties, per correspondence from Mr. Macy dated August 17, 2012, and per requirement of Wisconsin S.S. 800.037, as stated in correspondence from the Lake Country Municipal Court dated August 2, 2012**

Mr. Wiemer explained the proposed ordinance amendment.

Motion (Bickler/Shult) to adopt the ordinance to amend Ordinance No. 115, by repealing and recreating Section 25.04(1), and creating Section 25.04(5), regarding penalties and bond amounts for violations of Village Ordinances, and to repeal Village Ordinances No. 136 and 149 relating to penalties, *Carried Unanimously*.

**FIRE COMMISSIONER**

**Discussion/action/update regarding joint meeting with the Village of Summit and the Summit Fire District Commission regarding fire equipment and the final dissolution of the Summit Fire District**

Mr. Wiemer reviewed the motion that was approved on August 16, 2012 by the Village of Oconomowoc Lake Trustees and also by the Village of Summit Trustees regarding the value of the fire department equipment and the dissolution of the Summit Fire District. The Village of Summit will take ownership of the equipment and will accept a check from the Summit Fire Commission for the cash assets after a final audit at the end of 2012. The Village of Summit will then give a check to the Village of Oconomowoc Lake for approximately 22% of the value of the equipment and the cash assets. The amount will be approximately \$200,000. Mr. Wiemer suggested that the Trustees set the funds aside and designate them toward future fire department needs to give the Village some leverage if it would become necessary to join with a new fire department in the future. Mr. Birbaum noted that Mr. Wiemer had done a very good job in getting the equipment appraisals as high as possible.

**Update regarding the Okauchee Fire Department Contract**

Regarding the Okauchee Fire Department, Mr. Wiemer stated that he had met with Town of Oconomowoc (Town) Chairman Hultquist and Town Administrator Herrmann recently. They expressed concern that the Village was receiving a deal from the Okauchee Fire Department, but the Town of Oconomowoc was not receiving that same deal. Mr. Wiemer explained to them that the Town had previously stated that they didn't care about what the Village paid, as long as the Town's cost didn't increase. That ended the concerns expressed by the Town Chairman and Administrator.

**BOARD OF ZONING APPEALS**

There was no meeting.

**ARCHITECTURAL CONTROL BOARD (ACB)**

A meeting was held on July 23, 2012. Three matters were heard and plans approved.

- Mr. Richard Layo 35520 Pabst Road, for a new single family residence to replace the former Swanson residence
- Mr. & Mrs. Druml, 3943 Sawyer road, for an addition to the single family residence
- Mr. & Mrs. Brennan Smith, 35947 North Beach Road, design changes to the pass-through connecting the residence and the garage

**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
- Waukesha County Recycling and Solid Waste Division Press Release regarding educational activities on August 25, 2012

**ADJOURNMENT**

With no further discussion being heard, a motion (Bickler/Shult) to adjourn was made at approximately 8:17 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