

VILLAGE OF OCONOMOWOC LAKE

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OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF MONDAY, September 21, 2009, Unofficial until approved by the Village Board. Approved as written (X) or with corrections () on 10/19/2009.

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on September 21, 2009, commencing at 7:00 p.m., 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., Bickler, Birbaum, Falstad, Fischer, and
Owens (arrived 7:20 p.m.)/Trustees – present
Mr. Shult/Trustee – absent
Ms. Schlieve/ Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present

ATTENDANCE

Ed Johnson and Michael Schinzer

MINUTES

Motion (Falstad/Bickler) to approve, as printed, the minutes of the August 17, 2009 Public Hearing minutes, and the August 17, 2009 Village Board meeting minutes, with the addition of the phrase “subject to the afore-mentioned conditions” on page 2 in the motion regarding the permission for the Connelly family fence, Carried Unanimously.

PUBLIC COMMENT

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

There was no public comment.

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

PRESIDENT

Discussion/action regarding Resolution No. 143, “Resolution of Appreciation of Service” for Michael H. Schinzer.

Mr. Kneiser read the Resolution of Appreciation of Service for Michael H. Schinzer. Motion (Birbaum/Falstad) to adopt Resolution No. 143, “Resolution of Appreciation of Service” for Michael H. Schinzer, Carried Unanimously. Mr. Schinzer was presented a plaque with an original copy of the resolution. An original copy will be kept as a permanent record in the Village Resolution Book at the Village Hall.

PLAN COMMISSION

There was no Plan Commission meeting in September. The October meeting will be held on the second Monday of the month, October 12, 2009, to allow Mr. Wiemer time to recover from surgery.

ATTORNEY

Discussion/action regarding recent case law affecting wind energy system regulation, per correspondence from Mr. Macy dated August 18, 2009.

Mr. Macy explained the recent case law regarding wind energy system regulation. The Court of Appeals determined that a "case-by-case" method must be utilized in regulation of wind energy systems. No action needed.

Discussion/action regarding an ordinance to repeal and recreate Ordinance No. 143 entitled "An Ordinance to Utilize Section 66.60(16), Wis. Stats., to Charge Back Engineering, Attorney and Other Fees to Landowners Benefiting" and Ordinance No. 185 entitled "An Ordinance to Utilize Section 66.60(16), Wis. Stats., to Charge Back Engineering, Attorney and Other Fees to Landowners Benefiting to Provide an Appeal Procedure in the Village of Oconomowoc Lake", to provide for assessment of costs and fees for fire, rescue, and ambulance fees provided in the Village of Oconomowoc Lake.

Mr. Macy explained the proposed ordinance. Trustees had several suggestions regarding item 2 of section 1. Mr. Macy revised item 2 to read as follows:

FEES FOR AMBULANCE, FIRE, AND RESCUE SERVICES CHANGED BACK.

Whenever any fire or ambulance/rescue service provided to any person in the Village of Oconomowoc Lake results in a charge to the Village of Oconomowoc Lake for that service and said service is not a service supplied to the Village of Oconomowoc Lake as a whole, then in that event the Village Clerk shall, pursuant to the provisions of Sections 61.64 and 66.0627 Wis. Statutes, charge the cost of that service to the property where the service was provided for the fees incurred by the Village. The cost assessed shall be the actual amounts billed to the Village of Oconomowoc Lake by any contractors or agents called to incident(s) having occurred in the Village of Oconomowoc Lake. For purposes of this ordinance, the term "ambulance/rescue services" shall include, but not be limited to, technical rescue services, such as for example, trench rescue, confined space rescue, emergency building shoring, and helicopter rescue, along with ordinary ambulance and/or rescue services.

Motion (Bickler/Birbaum) to adopt the ordinance as proposed, with the above-noted revised item 2 of section 1, Carried Unanimously.

TREASURER

Checks

Motion (Fischer/Birbaum) to approve check nos. 36470 through 36477 (written on checks from First Bank Financial Centre), and check nos. 37001 through 37073 (written on checks from ISB Community Bank) for regular monthly payments, and all electronic transfers, Carried Unanimously.

FINANCE

Discussion regarding monthly operating statement for September.

Mr. Fischer reviewed the monthly operating statement. He noted that interest received on Village accounts is down, as is expected due to the economy. Mr. Birbaum noted that the members of the Village 50th Anniversary Group will make a recommendation for the use of the remaining funds received for the event after all bills have been paid.

ADMINISTRATOR

Discussion/action regarding the Joint Funding Agreement for water-quality monitoring of Oconomowoc Lake in water year 2010 by the United States Department of the Interior, U.S. Geological Survey.

Motion (Fischer/Falstad) to approve the Joint Funding Agreement for water-quality monitoring of Oconomowoc Lake for water year 2010 (October 1, 2009 to September 30, 2010), Carried Unanimously.

Discussion/action regarding the proposed five-year contract with Veolia Environmental Services for garbage collection, effective January 1, 2010 through December 31, 2014, with an option to renew the contract for an additional two years.

Mr. Wiemer explained that the current contract with Veolia Environmental Services (Veolia) expires on December 31, 2009. Trustees expressed concern over several of the charges listed on Exhibit A of the proposed contract; specifically carpeting, tires, riding mowers and snow blowers. Other matters of concern included items 10 and 10b, regarding rates and rate adjustments, and item 11 regarding fuel surcharge. Mr. Wiemer will discuss those matters with Veolia. Mr. Macy expressed concern that the proposed contract was heavily weighted in favor of Veolia, and that he had not had the opportunity to fully review the proposed contract and make recommendations regarding same. Motion (Bickler/Birbaum) to table the matter until the October 19, 2009 Village Board meeting; and that Mr. Macy be instructed to review and provide his comments regarding the proposed contract, *Carried Unanimously*.

Update on the Valentine Road/Beach Road Bridge repair project.

Mr. Wiemer advised that the bridge has been completed. There was \$20,000 in change orders that were incurred during the project. He has been advised that the Village may be responsible for 20% of the \$20,000. Trustees stated that they did not feel the Village should have to be held responsible for the change orders since the contract was to be fully funded by the Federal Stimulus Funds and the State of Wisconsin. Mr. Wiemer will continue to work on this, and will report back to the Trustees at a future meeting.

Update on the stop signs at the intersection of Pabst and Sawyer Roads.

Mr. Wiemer reported that the Waukesha County Highway Department had advised him that the intersection of Pabst and Sawyer roads falls under its jurisdiction, and therefore, the Village may not put up any traffic signs. The County further advised that they will be reviewing the matter within the next few months. There are currently car counters on the roads, so it would appear that the County has begun its investigation into the intersection.

Discussion/action regarding disposal of old Village entrance signs.

Mr. Wiemer requested permission to dispose of the remainder of the old Village entrance signs to people interested in making a contribution to the Village in exchange for the signs. Motion (Birbaum/Owens) to allow the disposal of old Village entrance signs in exchange for a contribution of \$100 per sign to the Village, *Carried Unanimously*.

Discussion/action regarding fall burning period – Dates last year were October 11th through November 23rd. Corresponding dates this year would be October 10th through November 22nd.

Mr. Kneiser suggested that residents be advised that if the current drought conditions continue, burning will be prohibited, and that Mr. Wiemer will be the person charged with monitoring the conditions. Motion (Birbaum/Bickler) to set the fall burning period for October 11, 2009 through November 23, 2009, with the understanding that if drought conditions exist, burning will not be allowed, *Carried*. The vote was Messrs. Bickler, Birbaum, Falstad, Kneiser, and Owens in favor; Mr. Fischer against.

Discussion/action regarding appraisals for Village-owned properties in the LaLumiere Subdivision.

Mr. Wiemer explained that the appraisals had been received. An assumption was made in the appraisals that the Village will allow 25 foot setbacks from wetlands, where the County's setback requirement is 75 feet. The appraisals are to be an information resource for use in the 2010 budgeting process for the Village. No action was taken.

POLICE CHIEF

There was no report.

FIRE COMMISSIONER

Mr. Wiemer updated trustees on the status of the proposed new fire station. It is possible that work will begin on the new fire station in October 2009.

BOARD OF ZONING APPEALS

Report on meeting held on August 31, 2009 and upcoming meeting set for September 28, 2009.

Mr. Wiemer explained that Mr. Patrick Eilers, 36016 South Beach Road, had submitted a request to convert the existing house on his property into a storage facility in addition to building a new house on the property. Mr. Wiemer, as Zoning Administrator, had ruled that the request violated the Village's zoning code by changing the use of the existing residence. The Board of Zoning Appeals unanimously upheld Mr. Wiemer's ruling at the August 31, 2009 meeting. Special counsel for the Board of Zoning Appeals and a court reporter were also present at the meeting. A meeting of the Board of Zoning Appeals will be held on September 28, 2009 to hear the variance request of Mr. Eilers. Special counsel and the court reporter will also be in attendance at that meeting.

ARCHITECTURAL CONTROL BOARD (ACB)

There were meetings held on August 24, 2009 and September 17, 2009. Mr. Paul Schultz (Sunarc Design Studio) presented plans for Mr. & Mrs. Frank Marek for a new single family residence at 4001 Sawyer Road at the August 24, 2009 meeting. The ACB requested additional information; therefore the request was tabled until September 17, 2009. At that time, the Marek's plans, with the clarifications requested by the ACB, were approved for a new single family residence.

CLERK

Discussion/action regarding the change of Agent for the Oconomowoc Lake Club, as it relates to their liquor license.

Ms. Schlieve explained that the agent listed on the Class B license for the Oconomowoc Lake Club (The Club) is James Davis, the club manager. Mr. Davis has since left The Club, and Wisconsin Stats. Require an agent to be assigned. The Club has completed the necessary paperwork, listing their new agent as Susan White. Motion (Bickler/Birbaum) to approve the change of agent request at the Oconomowoc Lake Club, *Carried Unanimously*.

Discussion/action regarding the approval of the September 2009 newsletter.

Trustees requested several changes and additions to the proposed newsletter. Information on the proper storage of boats and piers will be added to the newsletter. The fall burning section will include a notation that burning will be dependent upon the weather conditions, specifically whether there are still drought conditions at that time. The information about Village 50th memorabilia for sale will be included on an insert page, instead of being incorporated into the newsletter. The posting locations and zebra mussel warning sections will be removed to allow space for the requested additions. Motion (Birbaum/Bickler) to approve the September 2009 newsletter, with the above-noted changes, *Carried Unanimously*.

COMMUNICATIONS

There were no communications.

With no further discussion being heard, motion (Bickler/Falstad) to adjourn was made at approximately 8:07 p.m., and *Carried Unanimously*.

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Richard J. Kneiser, President