

# VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF MONDAY, October 18, 2010, Unofficial until approved by the Village Board. Approved as written ( X ) or with corrections ( ) on 11/15/2010.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on October 18, 2010, 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, Shult/Trustees – present  
Mr. Owens/ Trustee – absent  
Ms. Schlieve/ Clerk-Treasurer – present  
Mr. Wiemer/Police Chief-Administrator – present  
Mr. Macy/Attorney –present

## **ATTENDANCE**

There was no one in attendance other than those noted above.

## **MINUTES**

Motion (Fischer/Birbaum) to approve, as printed, the minutes of the September 20, 2010 Public Hearing and Village Board meeting, Carried Unanimously.

## **PUBLIC COMMENT**

There was no public comment.

## **PRESIDENT**

### **Report on Board of Review**

Mr. Kneiser reported that the Board of Review had met and heard cases on September 23<sup>rd</sup>, September 28<sup>th</sup>, and October 18<sup>th</sup>. The Board of Review includes Mr. Kneiser, Mr. Bickler, and Ms. Schlieve as regular members and alternates Mr. Owens and Mr. Fischer. Mr. Macy was the legal advisor for the Board. A total of 16 cases were heard, followed by the deliberations and decisions on those cases. The Board sustained the Assessor on 6 cases; the Assessor agreed to revisions on 6 cases; and the Assessor was overturned on 4 cases. The assessment roll was reviewed and accepted, to include adjustments made from the hearings, on October 18, 2010. Mr. Falstad commended all the members of the Board of Review for their diligent work.

### **Discussion/action regarding Village policy for parades (rides, walks, runs, etc.) in the Village, including concerns regarding safety, noise, route markings, and congestion**

Mr. Kneiser explained his concerns regarding the increase of bicycle rides, motorcycle rides, walks, etc. that are going through the Village. In addition to the quantities of vehicles and people, the event coordinators have begun putting up signs indicating the routes and painting markings on the pavement. The putting up of signs and painting of the pavement have been done without ever consulting the Village in order to receive permission. Mr. Kneiser noted that the Village currently has an ordinance that includes parade regulations (Ordinance 99.11.08). Per section 11.08(1)(a), the definition of a parade is "any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the Village." Discussion followed regarding exactly what

constitutes a parade, what safety concerns should be considered, including noise from the motorcycles and cars, and how regulation could be implemented. Trustees expressed particular concern regarding direction signs being put up by the groups and marking up the pavement. Mr. Wiemer noted that Mr. Macy had created an ordinance for another municipality that dealt with the marking of pavement.

Motion (Shult/Birbaum) to table the matter to the November 15, 2010 Village Board meeting, giving the trustees time to consider possible solutions, including revising the ordinance to cover sign placement and the painting/marketing of pavement, Carried Unanimously.

#### **Discussion/action regarding posting specific trespass advisory message at the boat launch**

Mr. Kneiser explained his concerns regarding fishermen on the lake who cast their fishing lines under or near piers, then retrieve the hooks and lures that get stuck, or alternately, are unable to retrieve the hooks and lures making them a hazard to the property owner. Trespass to property was discussed in relation to the fishermen climbing on property owners' piers, boats, shorelines, in order to retrieve their hooks and lures. Mr. Macy advised that there are various rules as to what constitutes trespass along the water front. Discussion followed. Suggestions included:

- Revising the current signage at the boat launch to discourage the fishermen from trespassing and noting proper conduct while on the lake
- Creating an information sheet detailing proper conduct and explaining the trespass rules that would be given to each person who purchased an annual boat launch pass, and requesting the purchaser sign that he/she has read the information

Motion (Birbaum/Shult) to postpone the matter to the November 15, 2010 Village Board meeting, with the direction to Mr. Wiemer and Mr. Macy to create an information sheet and possible sign revisions, Carried Unanimously.

#### **PLAN COMMISSION**

There was no meeting.

#### **ATTORNEY**

There was no report.

#### **TREASURER**

##### **Checks**

Ms. Schlieve advised that check numbers 37946 through 37950 were voided due to printing error.

Motion (Owens/Bickler) to approve check numbers 37951 through 38014, for regular monthly payments, and all electronic payments, Carried Unanimously.

#### **FINANCE**

##### **Discussion regarding monthly operating statement for October.**

Mr. Fischer reviewed the monthly operating statement. Mr. Fischer's review of the monthly operating statement included mention of the costs incurred in the recent Board of Zoning Appeals case. He indicated that the board has revised the fees for a zoning variance, and perhaps there are other alternatives that could alleviate expenses in future cases.

Motion (Bickler/Fischer) to include discussion regarding the Board of Zoning Appeals on the agenda for the November 15, 2010 Village Board meeting, Carried Unanimously.

**Discussion/action regarding the proposed two-year police contract**

Mr. Fischer explained that the proposed contract is for two years, which differs from the recent contracts that were three-year contracts. The changes to the contract include switching the health insurance to a deductible plan and increased holidays from 10 to 11. In lieu of wage increases, the officers will be reimbursed for the \$1,000 deductible amount of their new health insurance. The administration of the reimbursements will either be handled in-house, or via an outside company who handles Plan 105 Health Reimbursement Accounts (HRA). The decision on who handles the administration will be based on the cost of the service. Since there are not many Village employees to be dealt with, the administration could be handled in-house.

Motion (Shult/Bickler) to accept the two-year police contract as presented, *Carried Unanimously*.

Mr. Bickler extended his thanks, on behalf of the Board, to the police officers for accepting the contract.

**ADMINISTRATOR**

**Discussion/action regarding West Beach Road flooding, per correspondence from the Mortonson and Mizerak families dated July 25, 2010, and carried forward from the August 16, 2010 and September 20, 2010 meetings.**

Mr. Wiemer stated that Lake Country Engineering had prepared a report that detailed a solution to the flooding problem. A six-inch pipe could be installed that would allow for the drainage. An easement is needed from the Mork family who own the property where the ditch would be dug and the pipe placed. The cost for the project would be approximately \$5,000. The Village has designated funds set aside for road projects that could be used for the project. Mr. Wiemer requested the matter be tabled until November in order to allow the Village engineer to get a firm estimate for the project. Mr. Wiemer will contact the Mork family to request an easement for the project.

Motion (Bickler/Fischer) to table the matter to the November 15, 2010 meeting when a firm estimate for the project will be available, *Carried Unanimously*.

**Discussion/action regarding restriction of creating wake**

Mr. Wiemer explained that, per DNR, a particular type of boat may possibly not be prohibited. Discussion followed regarding other communities with waterways that had prohibited a particular type of boat and its wake generation and the impact of resultant wakes on shorelines. Mr. Fischer will look into the method used by Milwaukee to prohibit boats that create excessive wakes on the Milwaukee River.

Motion (Birbaum/Shult) to table the matter to the November 15, 2010 meeting, *Carried Unanimously*.

**Discussion/action regarding the Joint Funding Agreement with the United States Department of the Interior, U.S. Geological Survey, for water-quality monitoring of Oconomowoc Lake in 2011.**

Motion (Fischer/Birbaum) to adopt the agreement for water-quality monitoring of Oconomowoc Lake in 2011 as presented, *Carried Unanimously*.

**Discussion/action regarding 2010 Tax Collection Agreement with Waukesha County**

Motion (Fischer/Birbaum) to adopt the 2010 Tax Collection Agreement with Waukesha County as presented, *Carried Unanimously*.

**Discussion/action regarding Plan 105 HRA administrator**

Mr. Wiemer recommended that the Village retain Diversified Benefits, Inc., of Hartland, as the Plan 105 HRA administrator for the Village. Motion (Fischer/Shult) to retain Diversified Benefits, Inc., 625 Walnut Ridge Drive, Suite 190, Hartland, WI, as the Plan 105 HRA administrator for the Village, *Carried Unanimously*.

**Discussion/action regarding rummage sales and other sales in the Village**

Mr. Wiemer explained that rummage sales or other sales in the Village are prohibited in the zoning code. There have been a number of instances where a property owner has had sales that were termed craft sales or rummage sales. In the past one property owner has had sales several weekends out of each month. Mr. Wiemer instructed them that they had to cease and desist, which they did, but the matter has been brought up again by the property owner. Discussion followed regarding the safety matters involved in holding the sales in the Village, whether the sales were truly "rummage sales" or were actually a business, whether an ordinance should be adopted that would allow rummage or estate sales with specific rules noted (to include a two-day limit for sales, 8 hours per day, no more than one sale every two years) and fees assessed.

Motion (Bickler/Fischer) to table the matter to the November 15, 2010 meeting, and to direct Mr. Macy to craft an ordinance to regulate sales, Carried Unanimously.

**POLICE CHIEF**

Mr. Wiemer reported that the resignation agreement approved by the Village Board in October had been completed.

**FIRE COMMISSIONER**

Mr. Wiemer reported that a meeting regarding the proposed merger study was held. He requested some guidance from the Trustees when discussing the proposed merger. There will be a savings on the merger. There are two options to consider: a savings that would impact the Village's tax levy with nothing set aside for capital equipment; or, a smaller savings with money set aside for capital equipment. The consensus of the Trustees was for the second option, a smaller savings with money set aside for capital equipment.

**BOARD OF ZONING APPEALS**

There was no meeting.

**ARCHITECTURAL CONTROL BOARD (ACB)**

There was no meeting.

**CLERK**

**Discussion/action regarding the Memorandum of Understanding between Waukesha County and the Village of Oconomowoc Lake for the Statewide Voter Registration System.**

Motion (Birbaum/Bickler) to accept the Memorandum of Understanding between Waukesha County and the Village of Oconomowoc Lake for the Statewide Voter Registration System as presented, Carried Unanimously.

**COMMUNICATIONS**

Ms. Schlieve advised the Trustees that they had received a copy of the "Focus on County Government" monthly update from the desk of Waukesha County Executive Daniel P. Vrakas.

**ADJOURNMENT**

With no further discussion being heard, a motion (Shult/Bickler) to adjourn was made at approximately 9:03 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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Richard J. Kneiser, President