

VILLAGE OF OCONOMOWOC LAKE

35328 West Pabst Road, Oconomowoc, WI 53066

Phone: (262) 567-5301 Web: www.oconlake.com
Fax: (262) 567-7447 e-mail: villagehall@oconlake.com

**OCONOMOWOC LAKE VILLAGE BOARD MEETING
MINUTES OF MONDAY, December 17, 2012,
Unofficial until approved by the Village Board.
Approved as written (X) or with corrections () on 01/21/2013.**

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held on December 17, 2012, commencing at 7:02 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, Fellows, Falstad, Fischer, Owens,
Shult (arrived 7:30 PM)/Trustees – present
Ms. Schlieve/ Clerk-Treasurer – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Larsen/Attorney –present (alternate for Mr. Macy)

ATTENDANCE

Wally Garlock (Silver Lake Automotive Center), Ed Johnson (arrived at 7:30 p.m.)

MINUTES

Motion (Fischer/Bickler) to approve, as printed, the minutes of the November 19, 2012 Public Hearing and Village Board meeting, and the December 3, 2012 Public Hearing and Special Village Board meeting, Carried Unanimously.

PUBLIC COMMENT

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

There were no comments from those in attendance.

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

PRESIDENT

Renewal of professional, yearly appointments for a one-year term through December 2013 as noted on Appendix A and the appointment of Panny Bongardt as an election inspector for a one-year term through December 2013

Motion (Bickler/Fellows) to approve the professional, yearly appointments for a one-year term through December 2013, as noted on Appendix A, and the appointment of Panny Bongardt as an election inspector for a one-year term through December 2013, Carried Unanimously.

PLAN COMMISSION

Discussion/action regarding renewal of the Conditional Use Permit (CUP) for Silver Lake Automotive Center (now known as 36355 LLC for CUP purposes), located at 36355 E. Wisconsin Avenue, Oconomowoc, Wisconsin, in the business district of the Village of Oconomowoc Lake, per recommendation of the Plan Commission at its December 3, 2012 meeting

Motion (Bickler/Owens) to approve the renewal of the Conditional Use Permit (CUP) for Silver Lake Automotive Center (known as 36355 LLC for CUP purposes), located at 36355 E. Wisconsin Avenue, Oconomowoc, Wisconsin, in the business district of the Village of Oconomowoc Lake, as recommended by the Plan Commission at its December 3, 2012 meeting, *Carried Unanimously*.

Discussion/action regarding approval of a Certified Survey Map for the property located at 4542 North Sawyer Road, Oconomowoc, Wisconsin, owned by Gary and Jonna Pestka, per recommendation of the Plan Commission at its December 3, 2012 meeting

Mr. Wiemer explained that Mr. Pestka has been building a tree house on his property which exceeds the limits for play equipment to be built without a building permit; therefore, in order to obtain a building permit, Mr. Pestka needs to have an approved Certified Survey Map (CSM) for his property on file with the Waukesha County Register of Deeds and the Village of Oconomowoc Lake. Mr. Wiemer also noted that Mr. Pestka's property was originally part of the Town of Summit and was annexed by the Village several years ago. The Town of Summit did not require CSM's.

Motion (Falstad/Bickler) to approve the Certified Survey Map for the property owned by Gary and Jonna Pestka located at 4542 North Sawyer Road in the Village of Oconomowoc Lake, per recommendation of the Plan Commission at its December 3, 2012 meeting, *Carried Unanimously*.

Discussion/action regarding an ordinance to repeal and re-create Section 18.05 entitled Certified Survey Map and Section 18.14 entitled All Land Divisions Regulated within the Village of Oconomowoc Lake Subdivision and Platting Code per recommendation of the Plan Commission at its December 3, 2012 meeting

Mr. Wiemer explained that the proposed ordinance revises the criteria for land divisions in order to allow two non-conforming lots to be divided, and that it would be possible that both lots would be non-conforming. The current zoning only allows for a division if all properties involved become or stay conforming, but does not allow for two non-conforming properties to divide and still remain non-conforming properties.

Motion (Bickler/Fellows) to approve an ordinance to repeal and re-create Section 18.05 entitled Certified Survey Map and Section 18.14 entitled All Land Divisions Regulated within the Village of Oconomowoc Lake Subdivision and Platting Code, per recommendation of the Plan Commission at its December 3, 2012 meeting, *Carried Unanimously*.

ATTORNEY

Discussion/action regarding incidental alcohol sales in unlicensed businesses prohibited, per correspondence from Mr. Macy dated December 11, 2012

Mr. Larsen noted that state law does not allow for unlicensed businesses to serve alcohol at their businesses. An example is a hair or nail salon offering an alcoholic beverage to its clients while they are in the salon. No action needed.

Update regarding the conclusion of the matter of Delta Trust vs. the Board of Review of the Village of Oconomowoc Lake

Mr. Larsen noted that the matter has been completed; payment has been made and the official Satisfaction of Judgment and the Stipulation and Order for Dismissal will be forwarded to the Village Clerk for the record as soon as they are available.

TREASURER

Checks

Motion (Bickler/Fellows) to approve check numbers 39851 through 39936, for regular monthly payments, and all electronic payments, *Carried Unanimously*.

FINANCE

Discussion regarding monthly operating statement for December

Mr. Fischer reviewed the monthly operating statement.

Discussion regarding end of year fund transfers

Mr. Fischer reviewed the transfers to/from encumbered funds, as detailed on page 2 of the December 2012 monthly operating statement. The monthly operating statement will be included in the binder with the Village Board minutes.

Motion (Fischer/Bickler) to approve the transfers to/from encumbered funds, as detailed on page 2 of the December 2012 monthly operating statement, *Carried Unanimously*.

Discussion/action regarding audit proposal from Reilly, Penner & Benton LLP for the 2012 year end audit

Motion (Fischer/Bickler) to approve the audit proposal from Reilly, Penner & Benton LLP for the 2012 year end audit, *Carried Unanimously*.

Update on 2012 property tax bills

Mr. Fischer presented a letter he had prepared to explain the 2013 property tax bills to the residents. Discussion followed. It was determined that the letter would not be mailed to the residents, but instead would be made available for residents if they had questions about how their tax bills had changed.

Motion (Bickler/Owens) to have the letter of explanation prepared by Mr. Fischer available at the Village Hall for Village property owners if they had questions about their property taxes, *Carried Unanimously*.

ADMINISTRATOR

Discussion/action regarding Ordinance 220, an ordinance to require mandatory hook up to public sewers

Mr. Wiemer explained that the question has arisen regarding whether or not a new owner of a property on South Beach Road (formerly owned by the Haertle family) that is within the Sanitary District but not currently hooked up to the sewer, must hook up to the city sewer due to the new ownership. Mr. Wiemer further explained that in researching the existing ordinance which was approved in September of 2004, he found that a paragraph was omitted under Section 3 of the ordinance. The omitted paragraph states "...that the subject property must hook up to the public sewer, at the petitioner's expense, before the property is sold, inherited, assigned, or otherwise conveyed in fee interest from the Petitioner to a new owner; and ..."

Mr. Wiemer asked the Trustees for direction on this matter of whether to revise Ordinance 220 to include the omitted paragraph, or other revisions they may desire. Additionally, Mr. Wiemer questioned how the board would like to handle the sale of the former Haertle property. As it stands now, Ordinance 220 does not require hook up to the sewer by new property owners. Mr. Wiemer's memo to the Trustees noted that there are nine (9) properties located within the Sanitary District that are not currently connected to the sewer. There are eight (8) properties within the District that are connected to the sewer. Discussion followed.

Motion (Shult/Bickler) to revise Ordinance 220 to state that property owners within the South Beach Road Sanitary District must hook up to the public sewer, at the owner's expense, before the property is sold, inherited, assigned, or otherwise conveyed, and they must connect to the public sewer if their existing septic system fails; and that the current waiver procedure (Section 3 of Ordinance 220) will be discontinued and an automatic waiver will be granted to private sewage systems that are working properly on January 1, 2013, for which public sanitary sewer is available on January 1, 2013, and title conveyed prior to Jan 13, 2013, Carried Unanimously.

Discussion/action regarding approval of the Bartolotta Fireworks Company, Inc. contract for the 2013 fireworks display in the Village of Oconomowoc Lake

Mr. Wiemer reviewed the proposed contract with the Bartolotta Fireworks Company for the 2013 fireworks display.

Motion (Shult/Falstad) to approve the proposed contract with the Bartolotta Fireworks Company, Inc. for the 2013 fireworks display, Carried Unanimously.

Discussion/action regarding letter soliciting donations from Village residents for the 2013 fireworks display

Mr. Wiemer presented the proposed letter soliciting donations for the 2013 fireworks display. Discussion followed and several updates and changes were made to the proposed letter.

Motion (Shult/Owens) to approve the letter soliciting donations for the 2013 fireworks display as modified, Carried Unanimously.

Staff will update the letter as directed and mail it to Village residents within the next day or two.

Discussion/action regarding acceptance of donations to the Village from Mr. Richard J. Kneiser and from Mr. Richard Bickler

Mr. Wiemer advised the Trustees that donations of two framed maps and a swim buoy had been received from Mr. Kneiser, and Mr. Richard Bickler had donated gardening equipment, an antique telephone, and furniture.

Motion (Shult/Fellows) to accept the donations received from Mr. Richard J. Kneiser and Mr. Richard Bickler, as noted above, Carried Unanimously.

Letters of acknowledgement will be sent to Mr. Kneiser and Mr. Bickler.

POLICE CHIEF

There was no report.

FIRE COMMISSIONER

Update on the Summit Fire District dissolution

Mr. Wiemer reported that the final meeting of the Summit Fire District Commission would be held on Thursday, December 20, 2012. An inventory of equipment and supplies will have to be done and payment of any outstanding bills before final closing of the Summit Fire District books.

BOARD OF ZONING APPEALS

There was no meeting.

ARCHITECTURAL CONTROL BOARD (ACB)

There was a meeting held on November 26, 2012. Plans presented and approved include the following.

- The request of Mr. and Mrs. Gary Pestka, of 4542 N. Sawyer Road, for a play house in the back yard

- The request of property owner 35933 LLC, regarding 35933 North Beach Road, for a new single family residence

There will be a meeting on December 19, 2012 regarding properties located at 4600 Hewitts Point Road, 3943 N. Sawyer Road, and 35933 North Beach Road, formerly owned by James Steinhafel, Mary Pollock, and Irene Boschuetz, respectively.

CLERK

Discussion/action regarding approval of the December quarterly newsletter

Motion (Shult/Falstad) to approve the proposed December quarterly newsletter, Carried Unanimously.

COMMUNICATIONS

Communications included the following:

- Focus on County Government Monthly Update from the Desk of Waukesha County Executive Daniel P. Vrakas
- Letter of resignation from Village Committees received from Mr. Richard J. Kneiser

ADJOURNMENT

With no further discussion being heard, a motion (Bickler/Shult) to adjourn was made at approximately 8:12 p.m., and Carried Unanimously.

Respectfully submitted by:

Approved and ordered posted by:

Cindy J. Schlieve, Clerk-Treasurer

Joseph L. Birbaum, President