

VILLAGE OF OCONOMOWOC LAKE

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OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF MONDAY,
September 20, 2004. Unofficial until approved by the Village Board. Approved
as written (X) or with corrections () on 10-18-04.

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held September 20, 2004, at the Village Hall, 35328 W. Pabst Road, Oconomowoc, Wisconsin. Legal requirements for notification of the news media have been met. Roll was taken following the Pledge of Allegiance with the following in attendance:

Mr. Foster/President – present
Messrs. Birbaum, Fischer, Kneiser, Schinzer,
Steinbach and Owens /Trustees – present
Ms. Kreuser/ Clerk-Treasurer – present
Mr. Wiemer/Police Chief - Administrator – present
Mr. Macy/Attorney – present

ATTENDANCE

Gary Bingman, Roundy's, Pat McAdams, McAdams Pick 'N Save

MINUTES

Motion (Kneiser/Schinzer) to approve the August 16, 2004 Village Board meeting minutes, Carried Unanimously with the following revision:

Under Amendment to Ordinance 196 for Fines & Forfeitures

Motion should read - a fine of up to \$1,000 will be determined by the size of the infraction for exploding fireworks plus the cost of Village fire and police services if utilized.

PUBLIC COMMENT

There were no comments.

Plan Commission

Discussion/action regarding Amending the Conditional Use Permit for McAdams Realty Inc.

The item for Plan Commission regarding amending the conditional use permit was moved under public comment.

The Village Trustees discussed the hours of operation for the individual businesses and felt they should be listed on the conditional use permit and kept on file with the Village Police Chief. Discussion followed.

Motion (Fischer/Birbaum) to approve amending McAdam's conditional use permit subject to Village Attorney modifying paragraph 14 on page 4 to allow each business to be open from 6:00 AM to midnight, with the specific hours of operation to be kept on file at all times with the Village Administrator/Police Chief, Carried Unanimously.

Approval of Licenses for the following: Class A Beer and Liquor; Cigarette and Soda Water for Ultra Mart Foods, d/b/a Pick N Save, See Exhibit B.

Item c under Clerk regarding approval of licenses was moved under Plan Commission.

Motion (Fischer/Birbaum) to approve the Class A beer and liquor, cigarette and soda water licenses for Ultra Mart Foods, d/b/a Pick 'N Save, subject to restricting the use of the licenses issued to a one story block building containing the grocery store, Carried Unanimously.

Mr. Kneiser requested clarification on the name of Ultra Mart Foods, Inc. listed on the beverage licenses because it was not listed on the conditional use permits. Discussion followed.

PRESIDENT

Discussion Regarding Deer Population Control.

Mr. Foster advised that an informal meeting with DNR Warden Mitch Groenier, Mr. Foster, Mr. Wiemer, Mr. Kneiser, Mr. Birbaum and Mr. Toonen had been held to discuss controlling the excess deer population.

Mr. Kneiser updated the Board members regarding the issues discussed during the informal meeting held with regard to controlling the deer population. Discussion followed.

Discussion/Action to Amend Ordinance No. 204 Entitled "An Ordinance to Prohibit Disorderly Conduct".

Mr. Macy asked for the Village Board input regarding amending Ordinance No. 204 to Prohibit Disorderly Conduct. Discussion followed.

The Village Board directed the Village Attorney to amend Ordinance No. 204 to Prohibit Disorderly Conduct. There could be additional changes to the Ordinance after the informational meeting in October. Discussion followed.

ATTORNEY

Gifford Road Railroad Crossing.

Mr. Macy reported that the Railroad Commissioner contacted the Village Administrator and Attorney Stan Rifle to give an update on the order.

Mr. Macy summarized the update of the Railroad Commissioner concerning the quiet zone petition. Discussion followed.

Discussion/action regarding Fireworks Ordinance Penalties Provisions.

Mr. Macy amended the drafted Ordinance regarding Fireworks Penalties Provisions.

Mr. Steinbach stated the intent of the Board was not to fine someone \$1,000 for the first minor offense. Mr. Steinbach would like to see a fine of up to \$1,000 for the first offense.

Mr. Macy explained that fireworks displays could be challenged in court. Discussion followed.

Mr. Fischer suggested that the fine to be levied should be \$5,000 for fireworks displays as defined in the Fireworks Ordinance. Discussion followed.

Motion (Kneiser/Steinbach) to table approval of the Ordinance until the Village Attorney could research and amend the Ordinance, Carried Unanimously.

Discussion/action Mandatory Hook Up Amendment to Allow for Waivers.

Mr. Macy updated the Board on the current Ordinance for mandatory hookup to sewers.

Mr. Kneiser inquired about the requirement of permits for repair of existing septic systems. Discussion followed.

The Board determined that if a private septic system fails or the property owner needs to obtain a county permit to repair the existing septic system the property owner would be required to hook up to the public sewer system. Also a modification to the Ordinance stating the Village must be considering installation of public sewers that will abut the Petitioner's property or the Petitioner's property must be located in a Village approved service area. Discussion followed.

The Village Board directed the Village Attorney to modify the Ordinance.

Motion (Birbaum/Fischer) to approve the Ordinance for Mandatory Hook Up Amendment to Allow for Waivers subject to the modifications made by the Village Attorney, Carried Unanimously.

Update Open Meetings Law Meeting Notice Requirements.

Mr. Macy updated the Board on the open meetings law meeting notice requirements.

Mr. Macy stated that the Village Administrator and Village Clerk should revise the agenda's for future Plan Commission and Village Board meetings.

Update Alcohol Beverage Licensing Issues-Use of License.

Mr. Macy updated the Board on alcohol beverage licensing issues.

Mr. Macy stated that the Village needs to revise the current Ordinance regarding issuing of alcohol beverage licensing.

The Village Board directed the Village Attorney to amend the Ordinance for Alcohol Beverage Licenses.

**Update Holmen Concrete Products Co. v. Hardy Construction Co.
Construction Performance & Payment Bond Requirements.**

Mr. Macy updated the Board on construction performance and payment bond requirements.

TREASURER

Checks

Motion (Birbaum/Kneiser) to approve check nos. 31746 through 31832, for regular monthly bills, and all electronic tax payments, Carried Unanimously.

FINANCE

Monthly Operating Statement

Discussed.

ADMINISTRATOR

Discussion/Action on Accounting Engagement Letter for 2004.

Mr. Wiemer explained the accounting engagement letter for 2004.

Discussion followed.

Motion (Fischer/Birbaum) to authorize the Village Administrator to sign the accounting engagement letter for 2004, Carried Unanimously.

Approval of a Resolution supporting the Comprehensive Planning Project & Obtaining a Planning Grant.

Mr. Wiemer explained that the Village Board needs to approve a resolution to receive a multi-jurisdictional comprehensive planning grant in the amount of \$10,000 stating support for the Smart Growth plan.

Motion (Fischer/Birbaum) to authorize the Village Administrator to apply for a \$10,000 grant stating support for the Smart Growth plan, Carried Unanimously.

Discussion/action regarding fall burning period.

The Board set the fall burning session to be October 9th through November 19th.

Motion (Birbaum/Steinbach) to approve the fall burning session to be October 9th through November 19th, Carried with Mr. Fischer and Mr. Foster opposing and Mr. Kneiser abstaining.

Update on South Beach Road Sewer Project.

Mr. Wiemer explained that the City of Oconomowoc received bids for the South Beach Road sewer project. The South Beach Road sewer project came in at \$197,000 and it was originally projected to be \$130,000. The city has rejected the bid and will accept new bids for the South Beach Road sewer project this winter. Discussion followed.

POLICE CHIEF

Mr. Wiemer gave an update on Officer Steve Wagner's disability leave. Discussion followed.

FIRE COMMISSIONER

Mr. Wiemer updated the Board on the Aurora Hospital situation regarding the fire equipment.

PUBLIC HEALTH AND SAFETY

No report

BOARD OF ZONING APPEALS

No report.

ARCHITECTURAL CONTROL BOARD (ACB)

No report.

CLERK

Approval of September Newsletter

Motion (Fischer/Steinbach) to approve the newsletter with the following revisions,
Carried Unanimously:

1. Take out the article about driveway access and put in an article about absentee voting.
2. Put police squad phone numbers and times under Village phone numbers.
3. Burning period to be October 9th through November 19th.
4. President's letter revised.

Approval of Tax Collection Agreement with Waukesha County

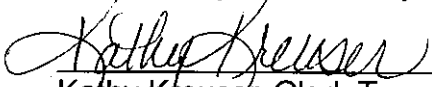
Motion (Kneiser/Steinbach) to approve tax agreement with Waukesha County,
Carried Unanimously.

COMMUNICATIONS

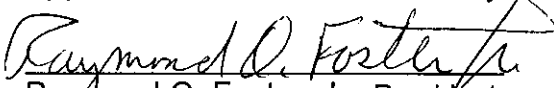
No report.

With no further discussion being heard, motion (Schinzer/Kneiser) to adjourn was made at approximately 9:15 PM, and Carried Unanimously.

Respectfully submitted by:


Kathy Kfeuser, Clerk-Treasurer

Approved and Ordered Posted by:


Raymond O. Foster, Jr., President