

# VILLAGE OF OCONOMOWOC LAKE

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OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF MONDAY,  
September 18, 2006. Unofficial until approved by the Village Board. Approved  
as written (X) or with corrections ( ) on 10-16-06.

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held September 18, 2006, 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. Foster/President – present  
Messrs. Fischer, Kneiser, Owens, Birbaum, Schinzer,  
and Steinbach/Trustees – present  
Ms. Kreuser/ Clerk-Treasurer – present  
Mr. Wiemer/Police Chief - Administrator – present  
Mr. Macy/Attorney –present

## **ATTENDANCE**

Kathleen Moore, Village Consultant for Smart Growth, Pat McAdams, representing McAdams Realty Oconomowoc, LLP, and Ed Johnson.

## **MINUTES**

Motion (Birbaum/Kneiser) to approve the August 21, 2006, Village Board public hearing and Village Board meeting minutes, Carried Unanimously.

## **PUBLIC COMMENT**

Motion (Kneiser/Birbaum) to open the Public comment, Carried Unanimously.

There was no public comment.

Motion (Steinbach/ Kneiser) to close the Public comment, Carried Unanimously.

## **PRESIDENT**

President Foster announced that the Village Board may convene into executive closed session by roll call vote, pursuant to section 19.85(1)(e), Wisconsin Statutes, conducting public business which, for strategies and negotiations, require a closed executive session regarding potential litigation with Village Counsel concerning the Binkowski Land Division. Participating in the executive closed session will be the Village Board, Village Attorney, Village Administrator, and Village Clerk-Treasurer.

## **PLAN COMMISSION**

**Discussion/action regarding the renewal of the Conditional Use Permit for McAdams Realty Oconomowoc, LLP.**

Mr. Kneiser stated the Plan Commission recommended approval of the conditional use permit renewal subject to the resolution of the unpaid personal property tax bill paid for Oconomowoc for a two (2) year term as the terms set by the Plan Commission.

Motion (Steinbach/Birbaum) to approve the renewal of the conditional use permit for McAdams Realty Oconomowoc LLP, for a two (2) year term expiring on September 15, 2008, as set by the terms of the Plan Commission. Mr. Wiemer explained that the delinquent personal property taxes for Oconomowoc had now been paid, Carried Unanimously.

**Discussion/action regarding Resolution #2006-10 of Southeastern Wisconsin Regional Planning Commission adopting a design year 2035 regional land use plan for Southeastern Wisconsin.**

Mr. Wiemer stated the Plan Commission reviewed and discussed SEWRPC's request for the Village to adopt Resolution #2006-10 and it was their recommendation to table the request.

Motion (Steinbach/Birbaum) to table the request from SEWRPC to adopt Resolution #2006-10 as recommended by the Plan Commission, Carried Unanimously.

**ATTORNEY**

No report.

**TREASURER**

**Checks**

Motion (Birbaum/Steinbach) to approve check nos. 33686 through 33753, for regular monthly and all electronic tax payments, Carried Unanimously.

**FINANCE**

**Discussion regarding monthly operating statement for September.**

Monthly operating statement discussed.

**ADMINISTRATOR**

**Update on employee worker's compensation status.**

Item (10a) moved from Police Chief to precede item a under Administrator.

Mr. Wiemer stated the Village received a decision from the Administrative Law Judge favorable to the Village and the Town of Oconomowoc regarding Officer Wagner's disability claim. Mr. Wiemer stated the Officer Wagner has twenty one (21) days to appeal the decision. Discussion followed.

**Discussion/action regarding hiring Officer Chris Marks as a full-time officer.**

Mr. Wiemer stated he has checked with the Labor Counsel and was advised that the Village could hire a replacement officer with the understanding that if Officer Wagner resumed his position with the Village, Officer Marks would have to be laid off. Discussion followed.

Motion (Kneiser/Steinbach) to approve promoting Officer Marks from a part time to a full time position unless Officer Wagner would be reinstated to his full time position with the Village. Officer Marks would then have to be laid off, Carried Unanimously.

**Discussion/action regarding fall burning period – Dates last year were October 8<sup>th</sup> through November 20<sup>th</sup> after the fall burning ban was lifted. Corresponding dates this year would be October 7<sup>th</sup> through November 18<sup>th</sup>.**

Mr. Wiemer stated the burning dates started the first weekend in October and ended the third Saturday in November.

Mr. Steinbach stated the dates should be moved to the second Saturday in October and end the fourth weekend in November. Discussion followed.

The Board proposed to set the burning dates from October 14<sup>th</sup> through November 26<sup>th</sup>.

Motion (Birbaum/Steinbach) to approve setting the burning dates from October 14<sup>th</sup> through November 26, 2006, *Carried with Mr. Fischer and Mr. Kneiser opposing.*

**Discussion/action regarding the sale of the Village's one-ton truck.**

Mr. Wiemer requested the Board's permission to sell the Village's one-ton truck for a minimum bid of twenty five (25) thousand dollars or greater or sell the vehicle to the Village of Lac La Belle for twenty six (26) thousand dollars. Mr. Wiemer stated If the Village of Lac La Belle decided not to purchase the vehicle he would advertise the one-ton truck in the local newspaper for a minimum bid of twenty five (25) thousand dollars. The Village Ordinance allows the sale of the one-ton truck without receiving any other bids. Discussion followed.

Motion (Kneiser/Steinbach) to authorize the Village Administrator to sell the Village's one-ton truck for twenty six (26) thousand dollars to the Village of Lac La Belle. If the Village of Lac La Belle does not purchase the vehicle, it would be advertised in the newspaper for a minimum bid of twenty five (25) thousand dollars, *Carried Unanimously.*

**POLICE CHIEF**

Item 10a - update on employee worker's compensation status was moved under Administrator.

**FIRE COMMISSIONER**

Mr. Wiemer updated the Board on the discussions regarding the new fire house with the City of Oconomowoc.

**PUBLIC HEALTH AND SAFETY**

Did not meet.

**BOARD OF ZONING APPEALS**

Did not meet.

**ARCHITECTURAL CONTROL BOARD (ACB)**

Did not meet.

**CLERK**

**Approval of September newsletter.**

Motion (Birbaum/Kneiser) to approve the newsletter with the following revisions, Carried Unanimously:

1. To revise the newsletter articles for the "Village Dumpster Location and Hours", "Farina Tree Care, Inc." and "Recent Ordinances".

**EXECUTIVE CLOSED SESSION**

Motion (Birbaum/Owens) to convene into executive closed session as set forth in the announcement by the Village President at 8:00 p.m. by roll call vote: Owens, aye, Steinbach, aye, Birbaum, aye, Kneiser, aye, Schinzer, aye, Foster, aye, Fischer, aye;  
Motion Carried.

Discussion occurred on the matter for which the closed session was called.

**RECONVENE INTO OPEN SESSION**

Motion (Kneiser/Owens) to reconvene into open session at 9:00 p.m. by roll call vote: Owens, aye, Steinbach, aye, Birbaum, aye, Kneiser, aye, Schinzer, aye, Foster, aye, Fischer, aye; Motion Carried.

The Board took no action. The Board directed staff to place an Executive Closed Session on the agenda for the October 16, 2006, Village Board meeting regarding the status of the Binkowski Development.

**COMMUNICATIONS**

Trustee Fischer stated he would like an Ordinance to be adopted for the preservation of Oak trees. The Board discussed the issues regarding the preservation of Oak trees.

The Board took no action.

Trustee Fischer stated another concern was non-residents mooring their boats on Oconomowoc Lake.

The Board directed Village Staff to place "non-residents mooring boats on Oconomowoc Lake" on the agenda for the October 16, 2006, Village Board meeting and contact the Department of Natural Resources regarding their position on the same.

With no further discussion being heard, motion (Birbaum/Owens) to adjourn was made at approximately 9:10 PM, and Carried Unanimously.

Respectfully submitted by:

  
Kathy Kreuser, Clerk-Treasurer

Approved and Ordered Posted by:

  
Raymond O. Foster, Jr., President