

# VILLAGE OF OCONOMOWOC LAKE

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OCONOMOWOC LAKE VILLAGE BOARD MEETING MINUTES OF MONDAY, September 17, 2007, Unofficial until approved by the Village Board. Approved as written (X) or with corrections ( ) on 10-15-07.

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held commencing at 7:00 p.m. on September 17, 2007, 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, Fischer, Owens, Schinzer, Shult/Trustees – present  
Ms. Schlieve/ Clerk-Treasurer – present  
Mr. Wiemer/Police Chief-Administrator – present  
Mr. Macy/Attorney –present

## **ATTENDANCE**

Heather Turner Loth (MSI General), Pat McAdams (McAdams Realty Oconomowoc LLP), Ed Johnson.

## **MINUTES**

Motion (Schinzer/Bickler) to approve the August 20, 2007, Village Board meeting minutes as printed, Carried Unanimously.

## **PUBLIC COMMENT**

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

Ms. Turner Loth advised that they are continuing to pursue all areas of the McAdams proposed project. The appraisals done by the Department of Transportation (DOT) are expected very soon. Mr. Kneiser noted that there have been changes to the proposed project. The proposal no longer includes a retail mall attached to the Roundy's store. In addition, they are proposing a drive-through lane on the north side of the building that would be used by the in-store pharmacy. Ms. Turner Loth advised that they are working on the design so that the drive-through lane will be screened, architecturally and/or by landscaping. When asked about the location of the driveways, Ms. Turner Loth advised that they have received approvals from the Town of Oconomowoc for placement of the driveways. Trustees expressed concerns about the traffic flow depending upon where the driveways were located and requested to receive copies of the site plan and description of the proposed driveways. Ms. Turner Loth will provide them for the board members.

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

## **PRESIDENT**

### **Update on proposed city park along Pabst Road**

President Kneiser explained that the proposed park is located alongside the pond known as "Aunt Polly's Washtub". The access to the park will be from an extension of Oconomowoc Parkway, not from Pabst Road. Discussion regarding the ability of the Village to prohibit curb cuts followed. There is currently no ordinance on file that would allow prohibition. Mr. Macy advised that several years ago his firm had prepared an ordinance that could assist in controlling the curb cuts allowed by the Village. The ordinance was not approved at that time. The trustees requested that the ordinance be reviewed for possible approval. Mr. Bickler noted that the current proposal for the Oconomowoc Parkway is not beneficial to the Village as it veers away from some of the proposed buildable properties within the development that would then need driveway curb cuts on Pabst Road. It was suggested that a sketch should be created that would show the City of Oconomowoc the benefits of extending the Oconomowoc Parkway within the development. Mr. Wiemer will work on creating that document.

**Discussion/action regarding the consideration of a voluntary "no-wake day".**

Mr. Kneiser expressed the idea to have a voluntary "no-wake day", suggesting that it be held one day a month during the boating season. There would be no citations issued for anyone who chose not to observe the "no-wake day". The president's letter in the quarterly newsletter proposes the idea to the residents of the Village and requests them to contact the clerk with their thoughts on the proposal. No decisions will be made until the responses have been reviewed.

**Discussion/action regarding the 50<sup>th</sup> anniversary of the Village.**

Mr. Kneiser noted that in September of 2009 the Village of Oconomowoc Lake will celebrate its 50<sup>th</sup> anniversary. He suggested that some formal recognition of that anniversary would be appropriate. Members discussed recruiting an informal committee of some volunteers to brainstorm on the possible ideas (events, brochures, publicity, etc.) and possibly raise funds so that no funds are used from the Village budget. Trustees were asked to bring their ideas to the next meeting.

**PLAN COMMISSION**

**Update on McAdams redevelopment project.**

Mr. Wiemer reported that there will be a public hearing prior to the October 1, 2007 Plan Commission meeting to review a proposed ordinance that would allow for a special exception process for main buildings in the B-1 zoning district to exceed the 25 foot maximum height for certain applications. The second proposed change under the special exception process would allow for the height of accessory structures to exceed the maximum height of 16 feet when it pertains to agricultural structures. Mr. Wiemer explained that a special exception will be needed for the height of the McAdams Development and possibly a proposed barn extension for the horse farm on Pabst Road. The building height that is being proposed for McAdams is 25 feet, but that would not include the mechanicals that will need to be housed on top of the building. Those mechanicals must be enclosed in order to protect the neighboring properties from noise and for aesthetic purposes as well. Discussion followed regarding the approval process (i.e. what boards would hear the request and in what order), why the board of zoning appeals was not part of the proposed process, and some history of variance rules and board approval processes.

Questions were raised regarding the conditional use for the proposed development. Mr. Wiemer noted that the next conditional use that will be created for the Roundy's Pick N Save store will

not include the separate mall that is proposed for the future. A new conditional use will need to be created when McAdams Realty is ready to build that mall.

## **ATTORNEY**

### **Discussion/action regarding open meetings law.**

In a letter to the board members dated September 7, 2007, Mr. Macy explained that there has been a recent decision by the Wisconsin Supreme Court that changes the factors to consider when municipalities prepare meeting notices. He advised that the agenda items must be more detailed. The factors to look at when creating agenda items include who will have an interest in the item, if the item gives enough information for residents to determine if they wish to attend the meeting, and whether it is a routine or novel item. It was decided that the clerk will forward proposed agendas to Mr. Macy for preliminary review prior to finalizing them each month.

### **Discussion/action regarding recommendations regarding conditional approvals, standard language, contact information requirement.**

In a letter to the board members dated September 12, 2007, Mr. Macy noted that many times conditional use orders and other conditional approvals will be granted subject to certain standard conditions. He suggests that the following standard language be added to conditional approvals: "The petitioner is obligated to file with the municipal clerk a current mailing address and a current phone number at which the petitioner can be reach, which must be continually updated by the petitioner if such contact information should change, for the duration of the conditional approval. If the petitioner fails to maintain such current contact information, the petitioner thereby automatically waives notice of any proceedings that may be commenced under this conditional approval, including proceedings to terminate this conditional approval." Motion (Birbaum/Owens) to add the suggested language to our conditional approval documents, Carried Unanimously.

## **TREASURER**

### **Checks**

Motion (Bickler/Birbaum) to approve check nos. 34634 through 34703, for regular monthly payments and all electronic tax payments, Carried Unanimously.

## **FINANCE**

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

The monthly operating statement was discussed.

## **ADMINISTRATOR**

### **Discussion/action regarding the 2008 Joint Funding Agreement for water-quality monitoring of Oconomowoc Lake by U.S. Geological Survey.**

Motion (Schinzer/Birbaum) to approve the 2008 Joint Funding Agreement with U.S. Geological survey, Carried Unanimously.

### **Discussion/action regarding fall burning period.**

Motion (Bickler/Birbaum) to approve the fall burning period of October 13, 2007 through November 25, 2007, Carried. Messrs. Bickler, Birbaum, Kneiser, Owens, Schinzer and Shult voted in favor; Mr. Fischer voted against.



**Discussion/action regarding tiling the floor of the police department.**

Mr. Wiemer explained that the carpet in the police department is deteriorating, and he would like to replace it with ceramic tile. Two bids have been received: \$7,800 and \$6,400. The funds for this project would come from the building fund. This designated fund is not tax levy funds. Currently, the balance of that fund is \$14,739.00. Motion (Schinzer/Shult) to accept the bid of \$6,400 (or a lower one if possible) to remove the carpet and install ceramic tile in the police department, *Carried Unanimously*.

**Discussion/action regarding the replacement of the Chief's squad car.**

Mr. Wiemer reported that a bid from Ewald Automotive for the replacement of the Chief's plow-squad truck has been received for \$32,637. The current truck, when sold through bids, should bring between \$12,000 and \$15,000. The designated truck fund will cover the net cost; therefore there will be no impact on the current budget other than a budget amendment that will be needed at year's end. Motion (Birbaum/Shult) to accept the bid to purchase a replacement plow-squad truck at a cost of \$32,637, *Carried Unanimously*.

**Discussion/action regarding the sale price for the retired patrol boat, motor and trailer.**

Mr. Wiemer reported that the blue book value on the 2001 Mercury 125 hp motor is approximately \$2,800, and therefore a minimum bid for the boat, motor, and trailer should be in the area of \$2,800 to \$3,500. That does not include repairing the hole in the bow of the boat. Motion (Shult/Birbaum) to set the minimum bid at \$3,500, *Carried Unanimously*.

**Discussion/action regarding three-party design engineering services contract between the Village of Oconomowoc Lake, the State of Wisconsin Department of Transportation, and Graef, Anhalt, Schloemer & Associates for I.D. 2714-03-00, Valentine Road Bridge over Oconomowoc River, Waukesha County.**

Mr. Wiemer advised that the State of Wisconsin has submitted a contract between the Department of Transportation (DOT), Graef, Anhalt, Schloemer & Associates (GAS), and the Village on how GAS will be paid through the rebuild process. The legal counsel for the Village has not reviewed the contract as it is the State's contract, they are paying 80% of the repairs, and the legal review would not be reimbursable through the DOT. Therefore, he suggested that there is no legal review needed. Mr. Wiemer also noted that the State has requested that the bridge repair be put off for 2 or 3 more years as they have over-extended their projects for the current cycle. An opinion has been requested from the bridge engineers (GAS) as to whether the project can be postponed. If we request the project not be postponed, we will need to justify why it should not be postponed. Mr. Wiemer advised that he believes the project can be postponed without any serious additional deterioration of the bridge. Motion (Shult/Fischer) to approve the three-party design engineering services contract, *Carried Unanimously*.

**Discussion/action regarding introduction of a resolution for the discontinuance of a portion of Watertown Plank Road in the Village of Oconomowoc Lake.**

Motion (Schinzer/Bickler) to introduce the resolution for the discontinuance of a portion of Watertown Plank Road in the Village of Oconomowoc Lake and to set a public hearing per the schedule (copy attached) set forth by Attorney Macy, *Carried Unanimously*.

**POLICE CHIEF**

No report.



### **FIRE COMMISSIONER**

Mr. Wiemer reported that the Summit Fire District has asked to be kept in the loop regarding any developments with the Pabst Farms Development. They are still awaiting the Certified Survey Map (CSM) for the Aurora Hospital & Clinic so that funds can be released to proceed with the new fire house; therefore a decision on the architects is on hold.

### **PUBLIC HEALTH AND SAFETY**

No report. Mr. Macy asked if weeds had been treated in Oconomowoc Lake this year. Mr. Wiemer advised that there has been no weed treatment this year. In regard to the treatment that took place last year, we are still waiting for a report on the results of that treatment.

### **BOARD OF ZONING APPEALS**

Did not meet.

### **ARCHITECTURAL CONTROL BOARD (ACB)**

The following requests were approved at the August 27, 2007 ACB meeting:

1. Request of Mr. & Mrs. Peter Roehl, 34615 Spring Bank Road, addition to residence
2. Request of Mr. Jerry Holz, 4567 Sawyer Road, remodel accessory structure
3. Request of Joe & Barb Elles, 4249 West Beach Road, new window to residence and inside remodeling

### **CLERK**

#### **Approval of September newsletter.**

Motion (Birbaum/Shult) to approve the newsletter with several modifications, Carried Unanimously.

### **COMMUNICATIONS**

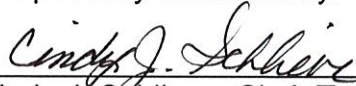
There were no communications.

### **OTHER**


Mr. Wiemer advised that all 10 chapters of the Smart Growth plan are complete and are now on the Village's website.

With no further discussion being heard, motion (Birbaum/Shult) to adjourn was made at approximately 9:12 p.m., and Carried Unanimously.

Respectfully submitted by:

  
Cindy J. Schlieve, Clerk-Treasurer

Approved and Ordered Posted by:

  
Richard J. Kneiser, President