

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, November 19, 2007, Unofficial until approved by the Village Board. Approved as written (X) or with corrections () on 12/17/2007.

The regular monthly meeting of the Board of Trustees of the Village of Oconomowoc Lake was held immediately following the public hearing, commencing at 7:10 p.m. on November 19, 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 (7:16 p.m.), Schinzer, Shult/Trustees – present
Mr. Wiemer/Police Chief-Administrator – present
Mr. Macy/Attorney –present
Ms. Schlieve/ Clerk-Treasurer – present

ATTENDANCE

Pat McAdams (McAdams Realty Oconomowoc), Dan Farrell (Roundy's Inc.), Heather Turner Loth (MSI General), Walter Garlock (Silver Lake Auto Center), and Ed Johnson

MINUTES

Motion (Birbaum/Shult) to approve the minutes of the October 15, 2007 Village Board Meeting, the October 29, 2007 Public Hearing and Special Village Board Meeting as printed, Carried Unanimously.

PUBLIC COMMENT

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

Mr. Ed Johnson inquired about the percent of increase for the police salaries, and was advised the increase is three and a half percent.

Motion (Schinzer/Bickler) to close meeting to public comment, Carried Unanimously.

PRESIDENT

Update regarding recognition of the 50th anniversary of the Village of Oconomowoc Lake.

Mr. Kneiser reported that on October 30, 2007, 15 to 20 volunteers for this informal group met to discuss plans for the recognition. There were many good ideas proposed by those attending the gathering. Planning will continue, with the next gathering set for Wednesday evening, January 9, 2008 at 7:00 p.m. at the Village Hall. An article will be placed in the December newsletter welcoming additional volunteers and/or ideas for the recognition of the anniversary.

PLAN COMMISSION

Discussion/action regarding the request for renewal of the conditional use for Mr. Walter Garlock, d.b.a. Silver Lake Automotive Center Inc., 36355 East Wisconsin Avenue. The permit allows for the sales and service of motor vehicles, and 24-hour towing services, with the addition of the rental of vehicles and light trucks. The renewal period is for five (5) years.

Mr. Wiemer advised that Mr. Garlock is seeking to renew his conditional use, rather than amend it as had been previously discussed. The reasons include the number of changes that need to be made in the conditional use permit, and since it is due for renewal late in 2008, renewal at this time will save time in the future. In consulting with Attorney Macy, Mr. Wiemer was advised that there is no legal reason not to

allow renewal at this time. The conditional use document has been updated in order to eliminate all of the defunct businesses, to reflect the current uses of the property, as well as the proposed additional use of renting vehicles and light trucks. The rental trucks will be required to be parked behind the building and will have a gross vehicle weight of 26,000 pounds or less. The new parking plan presented includes 100 vehicles displayed in front of the building, 14 vehicles to be serviced allowed on the east side of the building, and 44 vehicles in the rear of the building to include towed vehicles, rental trucks, and employees' vehicles. Trustees noted that the conditional use document indicates that motors may be sold on the property; therefore the parking plan will be changed to reflect that 100 vehicles/units as defined in the conditional use document may be parked or displayed on the property. Mr. Wiemer noted that Mr. Garlock has installed a new fence to screen the vehicles in the rear of the building, and he has changed the lighting to meet our code. It was also noted that the conditional use document refers to the sale of used boats, and that the sale of motors should be added.

Motion (Birbaum/Bickler) to approve the conditional use permit for Walter Garlock, d.b.a. Silver Lake Auto Center Inc., with the above-noted amendments, Carried Unanimously.

Discussion/action regarding the request of McAdams Realty Oconomowoc LLP, for approval of a new conditional use permit for a 62,000 square foot building containing a food store, bank and pharmacy, operated by Ultra Mart Foods, LLC (known as Pick N Save). It is proposed that the current conditional use permit remain in place until the new store is ready to open for business.

Mr. Wiemer referred to a new site plan that is subject to the Town of Oconomowoc's traffic review. The plan includes a single lane, in-only entrance at the stop lights from the north. The Department of Transportation has given their approval of the plan. The site plan must be returned to the Plan Commission for their final approval. The Plan Commission must also approve a Plan of Operation that will be submitted by Roundy's, the signage plan, the lighting plan for the building, and amendments to the phasing plan. Ms. Turner Loth noted that the lighting in the parking lot will be down-lighting, with the exception of the lighting on the flag and flower boxes. The sewer agreement is still awaiting final approval and is to be finalized prior to issuance of a building permit.

Motion (Birbaum/Owens) to approve the conditional use permit as presented, Carried Unanimously.

Discussion/action regarding the proposed Certified Survey Map (CSM) for the McAdams Realty Oconomowoc LLP property located at 36903 and 36933 East Wisconsin Avenue.

Mr. Wiemer noted that the map shows the water easement. Motion (Bickler/Owens) to approve the Certified Survey Map subject to Mr. McAdams' closing on the purchase of land from the Department of Transportation, which land is included on this CSM, Carried Unanimously.

Discussion/action regarding the proposed Certified Survey Map for Mrs. Irene Boschuetz for the properties located at 35921 and 35933 North Beach Road, and 4645 Lake Club Circle.

Mr. Wiemer noted that when this came before the Plan Commission, there were concerns regarding whether there were any gaps in the property lines when compared to previous Certified Survey Maps done for the surrounding properties. The map was reviewed by Mr. Mark Powers (Lake Country Engineering), and he found that the only overlap, of about five (5) inches, is on the Michael and Susan Bickler north property line. Mr. Bickler noted that he had no objection to the overlap.

Motion (Birbaum/Shult) to approve the Certified Survey Map, with the condition that the conflict of the five (5) inches be resolved, Carried. Mr. Bickler abstained from the vote.

Update on the McAdams redevelopment project.

Mr. Wiemer advised that work on the sewer agreement is ongoing. Mr. McAdams advised that the deed to the property to be purchased from the Department of Transportation is in Madison awaiting the necessary signatures.

ATTORNEY

Discussion/action regarding contract review, per correspondence from Mr. Macy dated October 10, 2007.

Mr. Macy explained that his firm had reviewed standard practices for review of contracts for another of its clients. A sample contract review cover sheet has been provided for the village staff to use as it deems appropriate. The cover sheet provides a checklist that may be used when reviewing contracts that the municipality holds, and includes such information as the cost of the contract, the history of the contract, public bidding compliance, and approvals from various bodies of the municipality.

Discussion/action regarding an Ordinance to Repeal and Recreate Section 20.12 of Chapter 20 of the Village Ordinances Concerning Races, Regattas, Sporting Events and Exhibitions on Oconomowoc Lake in the Village of Oconomowoc Lake. This matter was tabled to November 19, 2007 at the October 15, 2007 Village Board meeting.

Motion (Birbaum/Shult) to approve the ordinance, subject to Department of Natural Resources approval, and with the understanding that a fee resolution will be brought to the December 17, 2007 Village Board meeting for approval, *Carried Unanimously.*

Discussion/action regarding sales to municipal employees, per correspondence from Mr. Macy dated November 2, 2007.

Mr. Macy explained that this matter was addressed because of questions raised at a recent municipal clerks' seminar. The letter recommends caution regarding sales to municipal employees. The case law on this issue is very old, and Mr. Macy feels that it should not be relied upon. It was determined that the Village should be able to sell items to its employees if laws regarding sealed bids for the sale of municipal property are carefully followed.

Discussion/action regarding an Ordinance to Repeal Ordinance Number 125, Regarding the Designation of Pedestrian Mall for Watertown Plank Road.

Motion (Fischer/Birbaum) to approve the ordinance, *Carried Unanimously.*

TREASURER

Checks

Motion (Bickler/Schinzer) to approve check nos. 34772 through 34844, for regular monthly payments and all electronic tax payments, *Carried Unanimously.*

FINANCE

Discussion regarding monthly operating statement for November.

The monthly operating statement was discussed.

Discussion/action regarding approval of 2008 budget.

Motion (Bickler/Schinzer) to approve the 2008 budget as presented, with a Village tax levy of \$1,092,849, *Carried Unanimously.*

ADMINISTRATOR

Discussion/action regarding the approval of the 2008 – 2010 Police Contract.

Mr. Wiemer noted changes in the contract as per the attached memorandum. There is a 7.5 percent increase in health insurance rates for 2008. Motion (Birbaum/Bickler) to approve the 2008 – 2010 Police Contract, *Carried Unanimously.*

Discussion/action regarding the approval of the Lake Country Municipal Court Budget for 2008.

Mr. Wiemer reported that the Lake Country Municipal Court is a very well run court. The projected revenue for 2008 reflects a decrease due to the court's discontinuation of some previously charged fees. Motion (Bickler/Shult) to approve the 2008 budget for the Lake Country Municipal Court, *Carried Unanimously.*

Discussion/action regarding sale price for truck formerly used by police chief.

Motion (Bickler/Shult) to set a minimum sale price of \$15,000 for the truck, *Carried Unanimously*.

Discussion/action regarding assessor agreement for 2008.

Motion (Schinzer/Bickler) to approve the proposed compensation of \$8,500 for assessment services in 2008 provided by Schultz Appraisal Agency LLC, *Carried Unanimously*.

Discussion/action regarding A Resolution Waiving Conflict of Interest in the matter of the Town of Summit's pursuit of incorporation.

Mr. Macy was excused and left the meeting room at this time. Discussion followed regarding the Village being properly represented, and receiving the necessary legal advice, during any negotiations that may occur with the Town of Summit regarding possible amendments to the border agreement and regarding the Town's proposed incorporation. Mr. Macy returned to the meeting room and answered questions regarding how he may be able to represent the village in this matter. He advised that he may be able to act as scrivener, but the village would need to hire an outside legal advisor for representation in matters relating to the Town of Summit's incorporation and the border agreement. Mr. Macy will research the conflict of interest laws, and advise the village at the December meeting whether his firm may act as scrivener, while we use an outside legal advisor for any matters relating to Town of Summit's incorporation. Mr. Macy recommended that the village obtain copies of border agreements from other municipalities in Wisconsin to use as reference in considering amendments to the present border agreement.

POLICE CHIEF

No report.

FIRE COMMISSIONER

Discussion/action regarding the Summit Fire District budget for 2008.

Mr. Wiemer explained the proposed budget for the Summit Fire District. Motion (Bickler/Owens) to approve the 2008 budget for the Summit Fire District, *Carried Unanimously*.

PUBLIC HEALTH AND SAFETY

No report.

BOARD OF ZONING APPEALS

The board did not meet.

ARCHITECTURAL CONTROL BOARD (ACB)

The board met in October regarding the request of Mr. Pat McAdams, d.b.a. McAdams Realty Oconomowoc LLP, for the redevelopment of the property at 36909 and 36933 East Wisconsin Avenue for the construction of a new 61,000 square foot building to include a grocery store, drive-through pharmacy, and bank. The matter was approved by the board.

CLERK

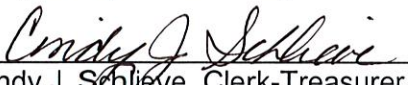
No report

COMMUNICATIONS

No communications.

With no further discussion being heard, motion (Owens/Shult) to adjourn was made at approximately 9:07 p.m., and Carried Unanimously.

Respectfully submitted by:


Cindy J. Schlieve, Clerk-Treasurer

Approved and Ordered Posted by:


Richard J. Kneiser, President