

# VILLAGE OF OCONOMOWOC LAKE

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**OCONOMOWOC LAKE VILLAGE BOARD MEETING**  
**MINUTES OF TUESDAY, September 20, 2022;**  
**Unofficial until approved by the Village Board.**  
**Approved as written ~~( )~~ or with corrections ( ) on 10/17/22.**

A meeting of the Village Board of the Village of Oconomowoc Lake was held on Tuesday, September 20, 2022 immediately following a Public Hearing at 7:00 p.m., at the Village Hall, 35328 W. Pabst Road, Oconomowoc. Legal requirements for notification as required by law have been met. Roll call was taken with the following attendance:

Present: President Bickler and Trustees: Shult, Zimmermann, Fellows, Taylor and Fischer

Absent: Trustee Waltersdorf

Also present: Administrator/Police Chief Janicsek, Zoning Administrator Wiemer, Attorney Macy and Village Clerk, Teri Sayles

## **ATTENDANCE**

Ed Johnson (N Beach Rd); Mark & Kim Loehrer (3720 Lalumiere); Matt Weil (3810 N Lalumiere); Ann Janquart (35930 Pabst Rd); Allan & Lesley Kountz (36016 Sylvan Ln); Erin Heffner (3748 Crescent); Cory Honeyager (3729 N Lalumiere); Jeff Seymour (3740 Crescent); Jonathan Sandor (3740 N Crescent Dr); Joe Faretta (3821 N Lalumiere Rd); Jake Meyer (36013 Sylvan Ln); Nick & Brooke Bickler (36200 Lalumiere Rd); Steve Bielik (36010 Lalumiere Rd); Roy & Cindy Johnson (4651 Gifford Rd); Kristine Carey (36048 S Beach); Andy & Mary McKenna (4648 Lake Club Circle); Kathy & Kurt Kellogg (4850 Hewitts Pt Rd); Bill & Gayle Denton

## **PLEDGE of ALLEGIENCE**

## **MINUTES**

### **Discussion/action regarding approval of minutes from the August 15, 2022 Village Board meeting.**

Motion (Shult/Fischer) to approve the minutes from the August 15, 2022 Village Board meeting.  
Carried Unanimously.

### **Discussion/action regarding approval of minutes from the August 22, 2022 Special Village Board Meeting**

Motion (Fellows/Shult) to approve the minutes from the August 22, 2022 Special Village Board meeting. Carried Unanimously.

## **PUBLIC COMMENT**

Motion (Fellows/Fischer) to Open Meeting to Public Comment on Agenda items at 7:16 p.m.  
Carried Unanimously.

Andy McKenna (4648 Lake Club Cir) asked how much was spent so far on the dredging project and how much the village expects to spend. President Bickler stated that is not something the board or finance chair would be prepared to answer tonight as there is a long history. Mr. McKenna asked for the last 12 months. President Bickler's answer was the same.

Matt Weil (3810 Lalumiere) stated he and Joe Faretta will represent Lalumiere Channel residents on the task force President Bickler will appoint. He questions the utility of the task force given the recent appeal filed and unwillingness of neighbors to participate in a tour of the channel that Trustee Fischer attempted to put together. He further requests the village board to work to control the spread of dis-information. Mr. Weil shared an email request he sent to Chief Janicsek with board members asking that Mr. Wiemer file a response to the petition for review of the dredging permit. A copy of this email was added to the packet. Mr. Weil expressed appreciation on behalf of Lalumiere residents for all the time, effort and expense the board has gone to for this project and encouraged them to take any steps necessary to protect the valid permit issued.

Joe Faretta (3821 N Lalumiere) asked board members to talk about the history of Lalumiere residents coming into the village and how they were courted by the board at the time. If channel residents did not come into the village, that area would have been in the City of Oconomowoc and would now contain a public parking lot and have a public beach on the point. Lalumiere residents at the time wanted to be part of the Village of Oconomowoc Lake to preserve their way of life and to protect the lake. Residents of the channel have struggled to navigate the channel and started meeting to look for solutions. A lot of time and work has gone into the current approved permit and he is frustrated with the misinformation and false accusations being spread about dredging. Mr. Faretta disagrees there is truly concern over environmental issues with the dredging permit because no one is opposing 2 other current dredging permits on the lake. He further asked Attorney Macy to review the permit and dredging contract and asked the board to trust his advice and move forward to protect the lake.

Bill Denton (4688 Lake Club Cir) requested an update on what is going on with fire department service and proposal for a fire fee.

Motion (Shult/Fellows) to Close Meeting to Public Comment on Agenda items at 7:32 p.m. Carried Unanimously.

#### **PLAN COMMISSION**

**Discussion regarding Ordinance #316, an Ordinance to Amend Section 17.35 Entitled Establishment, Amend Section 17.22(4)(d)(1) Entitled Property Maintenance, Amend Section 17.42 Entitled Lots Which Include Multiple Zoning Districts, Subsection (2) Entitled Minimum Lot Sizes to be used in Computation, Amend Section 17.37 Entitled R-2 Suburban Residential Zoning District, and Create Section 17.37 Entitled R-2 B Suburban Residential Zoning District of the Village of Oconomowoc Zoning Code**

Motion (Shult/Fellows) to approve Ordinance #316, an Ordinance to Amend Section 17.35 Entitled Establishment, Amend Section 17.22(4)(d)(1) Entitled Property Maintenance, Amend Section 17.42 Entitled Lots Which Include Multiple Zoning Districts, Subsection (2) Entitled Minimum Lot Sizes to be used in Computation, Amend Section 17.37 Entitled R-2 Suburban Residential Zoning District, and Create Section 17.37 Entitled R-2 B Suburban Residential Zoning District of the Village of Oconomowoc Zoning Code

Carried Unanimously.

**Discussion regarding Ordinance #317, an Ordinance to Repeal and Recreate Section 17.36 Entitled R-1 General Agriculture/Rural Residential District, Subsection (4) Entitled Structure, Accessory, and Section 17.37 Entitled R-2 A Suburban Residential District, Subsection (4) Entitled Structure, Accessory of the Village of Oconomowoc Zoning Code.**

Motion (Shult/Fellows) to approve Ordinance #317, an Ordinance to Repeal and Recreate Section

17.36 Entitled R-1 General Agriculture/Rural Residential District, Subsection (4) Entitled Structure, Accessory, and Section 17.37 Entitled R-2 A Suburban Residential District, Subsection (4) Entitled Structure, Accessory of the Village of Oconomowoc Zoning Code. Carried Unanimously.

#### **VILLAGE PRESIDENT**

##### **Discussion/action regarding communicating with residents.**

President Bickler reviewed current practice with staff and currently we post agendas and notices in 3 places and on the village website. Minutes are placed on the website upon approval. Attorney Macy stated current law requires posting in one location and on the website OR in 3 locations. Mr. Taylor asked Attorney Macy how we compare to other municipalities and if there is anything we should adopt as best practice. Attorney Macy stated most municipalities are posting in one location and on the website. Email lists are common for communication and in some cases, residents can sign up online to receive any or all posted notices and agendas automatically. This requires the cost and addition of software.

Motion (Fischer/Shult) to direct staff to research options for posting locations and come back to the board with a recommendation. Carried Unanimously.

##### **Discussion/action regarding appointment of a task force to report to the Village Board concerning Lalumiere Channel dredging project.**

President Bickler stated the appointments to the Lalumiere dredging task force are as follows: Village Board members: Paul Fischer and Dave Zimmermann. Lalumiere residents: Matt Weil and Joe Faretta. Lake proper residents: Odie Remien and Tim Reynolds.

Motion (Shult/Fellows) to approve the appointment of Paul Fischer, Dave Zimmermann, Matt Weil, Joe Faretta, Odie Remien and Tim Reynolds to a task force to report to the Village Board concerning Lalumiere Channel dredging project. Carried Unanimously.

#### **TRUSTEES**

Trustee Fischer requested Village Board meetings for October and November be held at 7:30 p.m. to allow for his attendance due to a personal commitment. There were no objections.

#### **ADMINISTRATOR**

##### **Update on Lalumiere dredging project.**

Chief Janicsek stated the villages permit has been appealed. The appeal process could take months to years to resolve.

##### **Update regarding water quality report as requested by the board at the August 15 meeting.**

Chief Janicsek stated he learned there is currently a study through UWM for nitrogen in lakes; results are not available. Included in the packet are water test results for ammonia for the past 10 years for both Okauchee and Oconomowoc Lake. Results have been variable but has dropped the last 3 years.

##### **Discussion/action regarding approval of a DRAFT Intergovernmental Agreement between the Village of Oconomowoc Lake and Waukesha County Regarding the Municipal Recycling Dividend Program.**

Chief Janicsek stated the village has been a part of this program since 2014. The current agreement is in draft form but is expected to be finalized and approved by the county in October. Dividend estimate will not be available until February or March of 2023. Mr. Bickler reminded the

board the village is sharing the cost of Attorney Macy's review of the agreement with 2 other communities.

Motion (Shult/Zimmermann) to authorize the Village President to enter the Intergovernmental Agreement between the Village of Oconomowoc Lake and Waukesha County Regarding the Municipal Recycling Dividend Program once it is finalized. Carried Unanimously.

**Discussion/action regarding an offer received from Mr. Paul Bielik to purchase the village owned, buildable channel lot.**

Attorney Macy referred to Resolution 51 that sets forth procedures used by the village to dispose of property. We cannot accept the offer because we have not commenced the procedure.

Motion (Shult/Fischer) to direct the village administrator to advise Mr. Bielik know the lot is not currently on the market and the village has not commenced the procedure to put it on the market. Carried Unanimously.

**Discussion/action to enter into a jurisdictional transfer agreement with WisDOT for E. Wisconsin Avenue and Plank Road.**

Chief Janicsek stated the transfer agreement would transfer maintenance of Plank Road back to the DOT. This would mean a small reduction in yearly state highway aid but avoid major maintenance costs in the future. President Bickler credited Don Wiemer for his knowledge and documentation going back 25 years to prove the jurisdictional history.

Motion (Fischer/Shult) to enter into a jurisdictional transfer agreement with WisDOT for E. Wisconsin Avenue and Plank Road subject to the state taking Plank Road from the McAdams property line going west and north. Carried Unanimously.

**Update regarding closing date for purchase of Weissgerber lot and possible update to annexation ordinance.**

Chief Janicsek stated the closing date is set for September 29, 2022. All paperwork is complete and finances are available.

**Discussion/action regarding Resolution No. 181, A Resolution to Adopt the Waukesha County All Hazard Mitigation Plan.**

Chief Janicsek stated this is a plan that gets reviewed and updated every 5 years. Adoption of the plan is required and provides eligibility to apply for grant funds.

Motion (Shult/Fischer) to approve Resolution No. 181, A Resolution to Adopt the Waukesha County All Hazard Mitigation Plan. Carried Unanimously.

**POLICE CHIEF**

**Police Department Monthly Report for August 2022.**

Chief Janicsek reviewed the monthly report included in the packet.

**ZONING ADMINISTRATOR**

No agenda items.

**HISTORY BOARD**

The committee is working to complete a display for the Village Hall prior to the November General Election. Committee members plan to meet to discuss preservation and protection of current collection. The history presentation video will be made available through the village website.

### **ATTORNEY**

#### **Update regarding Sex Offender Ordinance.**

A recent case from federal court made a change. Attorney Macy will revise the current ordinance and bring it back to the board.

### **TREASURER**

#### **Discussion/action regarding approval of checks 48647 through 48718 and all electronic payments.**

Motion (Shult/Fellows) to approve checks 48647 through 48718 and all electronic payments.  
*Carried Unanimously.*

### **FINANCE COMMITTEE**

#### **Monthly operating statement for September 2022.**

Mr. Fischer stated line 81 should actually be \$1,878,532. An audit journal entry is made to move all tax revenue to this line. This extends to line 259 which would then be \$436,936. That is the current surplus that needs to cover next 3 months expenses.

Snow removal is in excess of the budget due to a major repair (\$8,500) on plow truck. It is possible the amount for the repair be moved to capital expenditures later in the year.

### **FIRE DEPARTMENT**

#### **Update on recent Fire Board meeting**

Chief Janicsek stated on September 15, 2022 Municipal Administrators met to discuss solutions to the Fire Department shortfall of \$924,000. 5 of 7 would consider using a fire fee, 2 would like a referendum. Legal guidance is needed to decide on a plan. Attorney Macy stated each municipality can decide how they would like to pay for their portion. What all municipalities must agree on is an amendment to the current fire agreement. Chief Janicsek stated there is not an agreement to the amendment at this time. Mr. Bickler stated an agreement is needed soon for the fire department to be funded appropriately to maintain service to all communities. There will be further discussion in closed session later as to how we may help that along.

### **BOARD OF ZONING APPEALS**

No agenda items.

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

Minutes of the August 22, 2022 meeting were included in the packet.

### **CLERK**

#### **Discussion/action regarding the October Village News.**

Motion (Zimmerman/Shult) to approve the October 2022 Village News with format and verbiage changes as noted on the packet copy. *Carried Unanimously.*

### **COMMUNICATIONS**

#### **City of Delafield Public Hearing Notice – 2030 Comprehensive Plan – Land Use Plan Map**

The notice was included in the packet.

#### **After the appropriate announcement by the Meeting Chairman, the Board will enter, by roll call vote, into Closed Session pursuant to:**

- a. Wis. Stats. 19.85(1)(g) "Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect



to litigation in which it is or is likely to become involved.” Specifically, the appeal of the DNR dredging permit.

- b. Wis. Stats. 19.85(1)(e) “Deliberating or negotiating the purchasing of public properties, investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.” Specifically, negotiations under contract of LCFR agreement.

President Bickler announced the closed session.

President Bickler further stated he and Trustee Taylor would recuse themselves for discussion regarding the appeal of the DNR dredging permit and asked for the board to discuss item (b) first.

Motion (Shult/Fellows) to enter into Closed Session. On a roll call vote, all members present (6) voted Aye. Carried unanimously.

At 9:05 p.m. President Bickler and Trustee Taylor recused themselves from the closed session.

At 9:54 p.m. President Bickler and Trustee Taylor returned to the closed session.

**The Board will reconvene, by roll call vote, into Open Session for discussion and possible action on closed session item.**

Motion (Zimmermann/Shult) to return to open session at 9:55 p.m. On a roll call vote, all members present (6) voted Aye. Carried unanimously.

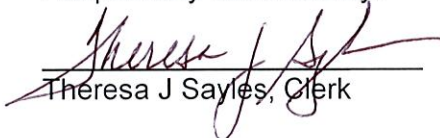
No further discussion or action taken regarding the Lalumiere channel dredging project.

Motion (Shult/Zimmermann) to direct President Bickler and Chief Janicsek to work with Attorney Macy to help advise the 7 communities in the Lake Country Fire & Rescue district regarding any legal opinions that may be needed and to meet with those same communities to work toward an amendment to the LCFR Fire Agreement. Carried unanimously.

**ADJOURNMENT**

With no further discussion being heard, a motion (Shult/Fellows) to adjourn was made at 9:57 p.m. Carried Unanimously.

Respectfully submitted by:

  
Theresa J Sayles, Clerk

Approved and ordered posted by:

  
Michael J Bickler Sr, President