

## Town of Oconomowoc

Board of Supervisors

June 16, 2008

### **Call to Order/Pledge of Allegiance:**

Chairman Hultquist called the meeting to order at 6:00 p.m. with the Pledge of Allegiance. Present were Chairman Hultquist, Supervisors John Roelandts, Janis Husak, Brian Wiemer, and John Koepke. Also present were Town Attorney William Chapman, Police Chief James Wallis, Highway Superintendent Owen Salzman, Administrator/Planner Jeff Herrmann, and Clerk/Treasurer Terry Leaman.

28 people were in attendance.

**Correspondence:** None

### **Comments from the Floor or any other items:**

Michelle King, agent for Joanne Haar – N48W34192 Lindy Lane – Since the new sewers they have been experiencing major water problems. The blacktop gutters are overflowing, the retaining wall is over the rim and now they have water in their basement. Highway Superintendent Salzman indicated that the work that was done was not a permanent fix. He will get Ruckert-Mielke out there to take a look at it.

Nancy West – W357N6190 Spinnaker Dr. – She is here to talk about the annexation possibilities with the City.

- 1) Do we realize that two years ago the sewerage treatment plant was at 86% capacity? That could be a good reason not to see annexation soon.
- 2) In order to stop the City the Town needs to think about becoming a Village or a Class A Township. Once the City gets control they will build anything and everything they can.

Mark Wisneski – W342N4870 Lindy Lane – They have had a water problem before the current rain. The highway department has been out to help. The water runs into the neighbor's yard. He thinks extending the blacktop will help alleviate the problem.

Spencer Hicks – N53W35816 Hillview Ct. – He is the Scoutmaster of Troop 99 here to discuss the Mapleton Community Center and what work the scouts could help with. The scouts need projects and the Community Center might be the perfect opportunity.

Patty Napgezok – W348N6079 California Avenue – The first lift was put on in November. She understands that this was a “stop gap” measure. The road is not in the same place nor is it the same size. She is hoping the Town will put the road back to where it was prior to the sewer. Fire trucks are not able to get down the road because it is so narrow and the turn is so tight. It was a major concern this winter with all the snow. Mr. Forseth has started planting along the road edge. There is supposed to be a 2 foot gravel edge to the road. If two cars meet, one of them needs to go off the road in order to pass.

She wants to know:

- 1) How much longer do the residents have to wait to get the road done properly?
- 2) Is it the Town Board’s responsibility to put back what they removed?

Jim Cox – W348N6061 California Avenue – His taxes went up \$3,500.00 last year. The road that was put in is very narrow. Cars can’t pass. There is a lot of debate and arguing among neighbors. Why can’t a decision be made?

Carol Wilson – N60W34643 Forest Bay Rd. – She is here as the Chair for the Okauchee Lake Management District along with Tom Godar – W343N6475 Bayview Rd. They want to talk about item 14 on the agenda – the proposed purchase of land by the DNR for the boat launch. The OLMD is asking the Town to request the DNR to delay making the decision to purchase the property.

Chairman Hultquist mentioned that the Town met with the DNR and had no objection to the purchase. He would be willing to contact them again and request a delay in the decision until all parties have a chance to share their information.

Tom Godar mentioned the DNR wants to purchase this property for \$660,000.00 which is 1/3 of all the money available in the state for such purchases. As Secretary of the OLMD he is asking if the process can be slowed down because the impact of the additional launch space will significantly affect residents. Right now the DNR launch can have 17 launches a day. The Golden Mast is allowed an additional 45, plus 12 more of which they are under contract with the DNR. This new proposal would increase the number of launches from 12 to 23 per day.

Chairman Hultquist mentioned that the Golden Mast’s agreement for 12 launches per day ends at the end of 2008.

Tom Godar indicated that Okauchee Lake is the most used lake in the area. He is asking the Town Board please go on record to request the DNR to delay their decision.

Sally Burdick – W348N6069 California Ave. – Waste Management will no longer back down California Avenue because it is too narrow and the curve is too sharp. This is due to a mailbox that was knocked down. This curve is a “blind corner” and it needs to be fixed.

Bill King – N56W39214 Lakeview Lane – He is here regarding the sidewalk issue. He sent an e-mail to all the Board members regarding some research he had done. The sidewalk could be seasonally posted. But he questions the cost/benefit analysis of the sidewalk. Why should it be put in if it's going to be closed?

Chairman Hultquist indicated he received a phone call from Bob Borkenhagen indicating he was not in favor of the sidewalk. He called it a waste of money.

Roy Innis – W379N5736 N. Lake Rd. – He is concerned with the speed limits on N. Lake Road. Drivers do not slow down when the speed limit changes. The Police were to put their radar unit on the road but that has not been done. He feels drivers are doing 50 in the 25 zone. Chief Wallis indicated that the Town was having problems with their radar machine and that they would contact the City of Oconomowoc to use theirs as well as increasing patrols in the area.

Mr. Innis also commented on his 2007 taxes that were paid under protest. He would like to get a refund. He was encouraged to participate in the Board of Review and get an objection form from the Clerk's office.

Mark May – N58W39607 Sunnyfield Dr. – He is against the sidewalk. He is concerned for the maintenance of it. It would be a nightmare to maintain in winter and he would have to mow between the sidewalk and the trees in the summer. He would need a six foot fence if the sidewalk was installed to provide privacy for his yard. He urged the Board to vote no on the proposed sidewalk.

Jean Brown-Ama – W350N7705 Norwegian Rd. – She is here for the Robinson issue and Farmland Preservation. She thanked the Board for having the recent speaker on Farmland Preservation. The Plan Commission recommended denial of the Robinson final plat as well as the planner recommended denial. She asked the Board to deny the final plat. She indicated that there are many strategies for farmland preservation and that some tools already exist. She encouraged the Town Board to not do just what the county suggests but to be aware of local food sources.

**Approve minutes:**

**June 2, 2008 Special Town Board Meeting for Mill Street Bridge/Dam**

A motion was made by Supervisor Husak and seconded by Supervisor Koepke to approve the minutes. The motion carried unanimously.

**June 2, 2008 Board of Review Meeting:**

A motion was made by Supervisor Roelandts and seconded by Supervisor Wiemer to approve the minutes. The motion carried unanimously.

**June 2, 2008 Board of Supervisors Meeting:**

A motion was made by Supervisor Husak and seconded by Supervisor Wiemer to approve the minutes. The motion carried unanimously.

**June 4, 2008 Special Town Board Meeting for Boundary Agreements:**

A motion was made by Supervisor Wiemer and seconded by Supervisor Koepke to approve the minutes. The motion carried unanimously.

**June 4, 2008 Special Town Board Meeting for Road J/Oakdale Road:**

A motion was made by Supervisor Roelandts and seconded by Supervisor Wiemer to approve the minutes. The motion carried unanimously.

**June 9, 2008 Special Town Board Meeting – Road J:**

A motion was made by Supervisor Husak and seconded by Supervisor Roelandts to approve the minutes. The motion carried unanimously.

**OLD BUSINESS:**

**1. Consider and Act on next Phase of Completion for the Mapleton Community Center:**

Administrator Herrmann mentioned that the playground improvements have been completed. The Town has an extension to June 9, 2009 for the grant of \$110,000.00. This grant money is not for improvement of the building.

Supervisor Koepke mentioned that it looks like there is a lot of work the scouts could do: picnic tables, cooking area, etc.

Scoutmaster Hicks indicated the Scout Troop has a yearly campout which honors Ike Davis. In the campout they clean an area and do things such as table maintenance. They would like to use the Community center grounds for this year's campout.

Chairman Hultquist would like to have a meeting with the scouts, Supervisor Koepke, Superintendent Salzman and Administrator Herrmann to discuss priorities.

Supervisor Roelandts would like to see a trail map on the grounds, an open air shelter and grill area with picnic tables. He would like to get this area usable so that it can be viable.

Supervisor Koepke would like to see the picnic area be the next to be completed. We also need a new sign out front on the road. No one knows that the park is there.

This topic was tabled to the next meeting.

**2. Consider and Act on Sidewalk along STH 16/Wisconsin Ave:**

The Chairman mentioned that he couldn't recall a positive statement from a resident that wants the sidewalk.

Administrator Herrmann indicated that the sidewalk can be beneficial to allow pedestrians to walk downtown. The sidewalk on North Lake Road is being used and he felt this sidewalk will be used as well. Some day down the road a sidewalk will be there.

Supervisor Roelandts made a motion to deny the approval of the sidewalk on STH 16/Wisconsin Avenue. Supervisor Husak seconded the motion.

Supervisors Roelandts mentioned that he has talked to residents and no one is excited about the sidewalk. He does not like the idea of closing the sidewalk in the winter. He feels the south side of the road is the only way to go. Possibly the DOT could build a bike path and wider shoulder to accommodate pedestrians. The sidewalk is a waste of time and money.

Supervisor Koepke agreed with Supervisor Roelandts. He said the Board was elected to represent the people and the people have spoken.

Supervisor Husak mentioned that if we build the sidewalk the people might come and use it. However it could be a maintenance nightmare. We need to listen to the people.

Supervisor Wiemer indicated that while he agrees with the sentiment to not have a sidewalk that it is probably inevitable that a sidewalk will be built at some time.

Chairman Hultquist called for a roll call vote:

Koepke: Aye    Wiemer: Aye        Hultquist:    Aye  
Husak:    Aye    Roelandts:    Aye

The motion carried unanimously and the proposed sidewalk was defeated.

**NEW BUSINESS:**

**1. Consider and Act on Final Plat for Tall Pines Conservancy – David Robinson:**

Administrator Herrmann indicated that the Plan Commission denied the final plat at their last meeting. The denial is based on the Planner's report of 4/25/08 recommending denial and Waukesha County's 6/2/08 denial of the final plat. The plat needs to be resubmitted.

Supervisor Husak made a motion to deny the final plat of the Tall Pines Conservancy based on the Town Planner's report of 4/25/08 and Waukesha County's denial dated 6/2/2008. Supervisor Roelandts seconded the motion. The motion carried unanimously.

**2. Consider and Act on Special Event Application for Tranquility Day Spa Customer Appreciation, July 31, 2008 – 6-9 p.m.**

A motion was made by Supervisor Husak to approve the application as presented. The motion was seconded by Supervisor Wiemer. The motion carried unanimously.

**3. Consider and Act on Resolution for 2008 Road Projects Bids:**

A motion was made by Supervisor Wiemer to adopt the Resolution for the 2008 Road Projects Bids. The motion was seconded by Supervisor Husak.

Administrator Herrmann indicated that the budget for 2008 road project was \$220,000.00. The low bid is \$244,199.50. The increase is due to the increased oil costs. The Town's auditor indicates that the Town can exceed budget but a budget amendment would have to be completed. The roads to be covered by the 2008 road projects bid are ½ of McMahan Road (the other half will be done in 2009), part of Bayview Road and part of Road Q near the entrance.

The motion carried unanimously and the Resolution was adopted.

**4. Consider and Act on Resolution for 2008 Seal Coating Bids:**

A motion was made by Supervisor Roelandts to adopt the Resolution for the 2008 seal coatings bids. Supervisor Husak seconded the motion.

Scott Construction was the lowest responsible bidder at \$37,945.66. Superintendent Salzman indicated he has been satisfied with Scott's performance in the past.

The motion carried unanimously.

**5. Consider and Act on Request from Steve St. Thomas for Plantings in the Right of Way Road I:**

Administrator Herrmann referred the Board to the plans from Mr. St. Thomas. The plantings will be trees and shrubs that should not cause any visibility issues. The police Chief concurred with the assessment. Highway Superintendent Salzman was concerned of the possible killing of the trees and shrubs with snow and ice removal. Administrator Herrmann mentioned he already talked with Mr. St. Thomas regarding the snow and ice removal.

A motion was made by Supervisor Wiemer to approve the request from Mr. St. Thomas. Supervisor Roelandts seconded the motion. The motion carried unanimously.

**6. Consider and Act on Amendment to 2007 Roads Budget:**

The 2007 roads expenses were over budget by \$41,000.00 due to the amount of salt and sand purchased.

Supervisor Husak made a motion to adopt the Resolution amending the 2007 roads budget. Supervisor Wiemer seconded the motion.

Highway Superintendent Salzman mentioned that he has already ordered 1200 tons of salt for 2009.

The motion carried unanimously.

**7. Consider and Act on Community Insurance Request for Workman's Compensation Audit Adjustment:**

Administrator Herrmann mentioned that our insurance representative indicted the Town would be charged about \$25,000.00 for workman's compensation insurance for 2008. We now are being charged an additional \$3,900.00 after the audit. Therefore we will be over budget in this category.

Supervisor Roelandts made a motion to approve and pay the extra workman's compensation expense of \$3,900.00. The motion was seconded by Supervisor Wiemer. The motion carried unanimously.

**8. Consider and Act on Request of the City of Oconomowoc Water Utility to extend the city Water Utility System northerly from Lisbon Road along the east side of the bypass to CTH "Z":**

This request is a result of the previous annexation request from the city.

A motion was made by Supervisor Roelandts to approve the request as presented. The motion was seconded by Supervisor Husak. The motion carried unanimously.

**9. Consider and act on Resolution for 2007 Tax Refund for Steven and Anne Nelson:**

Chairman Hultquist read the Resolution into the record. The Nelson's were assessed in 2007 for a garage that was not on their property.

Supervisor Husak made a motion to adopt the Resolution as presented and pay the Nelson's \$370.23. The motion was seconded by Supervisor Wiemer. The motion carried unanimously.

**10. Consider and Act on Resolution for 2007 Tax Refund for Ralph Caviani, Highlands of Lake Country:**

A motion was made by Supervisor Husak to adopt the Resolution as presented and to pay Highland's of Land Country \$2,120.00. The motion was seconded by Supervisor Wiemer.

Attorney Chapman indicated that in this case the marketability of the lots is what's assessed. On 1/1/07 these lots were not marketable. Each lot was impacted \$7,500.00 for a total tax refund of \$2,120.00.

The motion carried unanimously.

**11. Consider and Act on California Avenue Road Location:**

Administrator Herrmann indicated that the width of the road is the right of way – 15 feet. It is a platted private road. The 1<sup>st</sup> lift was placed within the 15 foot right of way. The road was moved from its previous location. It is wider in some locations. Mr. Forseth is willing to give an easement to make the corner safer at California and Shorewood. Once the corner curb is in then the final lift can be placed.

The question for the Board is whether the Town wants to move the location of the road. He suggested the Board take a look at the road.

The Chairman suggested this topic be tabled to a future meeting.

Supervisor Roelandts indicated that the Board should met as a group at California Avenue along with Mark Mikkleson of Yaggy-Colby.

**12. Consider and Act on Approval for Restoration Fellowship, Inc. for a porch to be rebuilt/remodeled within the Town right-of-way:**

Administrator Herrmann mentioned that the right of way dead ends at the Runyard property. This request would be further off the road than the sign that they presently have.

A motion was made by Supervisor Husak to approve the request subject to deed restrictions; that if the road is widened it would be at the expense of Restoration Fellowship and at the direction of the Town of Oconomowoc. The motion was seconded by Supervisor Koepke. The motion carried unanimously.

**13. Consider and Act on Health Insurance for Police Department:**

Administrator Herrmann mentioned that the Health Savings Account (HSA) is not taxed by the IRS but is taxed by the State of Wisconsin. The cost for a family is \$260.00 and for an individual is \$130.00. Attorney Dan Vliet indicated that there is nothing in the contract to pay the taxes on the HSA.

Supervisor Roelandts said that the union was advised at the time of union negotiations that the contributions would be tax free. He feels the Town has some responsibility. The Town received bad information from our insurance representative. Supervisor Roelandts made a motion to split the cost with the Police Department. One year cost paid by the employee and the Town would pay the other year. Supervisor Husak seconded the motion.

Supervisor Husak asked if the Town has any recourse with the insurance company.

Administrator Herrmann indicated that the only recourse is not to pay.

Supervisor Koepke mentioned that it's not the Town's fault or the union's fault.

Supervisor Husak indicated that if the town doesn't pay then the police union will grieve the issue.

Chairman Hultquist called for a roll call vote on the motion:

Koepke: Nay Wiemer: Nay Hultquist: Nay  
Husak: Nay Roelandts: Aye

The motion was defeated.

A motion was made by Supervisor Husak to not make a payment to the police department to cover the State tax payments for their HSA. The motion was seconded by Supervisor Koepke. The Chairman called for a roll call vote:

Koepke: Aye Wiemer: Aye Hultquist: Aye  
Husak: Aye Roelandts: Nay

The motion carried.

#### **14. Discussion on proposed DNR Public Access Site Expansion for the Road T Boat Launch:**

Chairman Hultquist mentioned that he intends to contact the DNR to request them to delay the process.

Supervisor Wiemer asked about the tax money that's generated from this residence.

Administrator Herrmann mentioned that the DNR may continue to pay the taxes. The Golden Mast will be losing 12 spots for launches so the DNR needs to make up for those spots.

Supervisor Koepke indicated that the numbers of launches per day are inconsistent and need clarification.

Supervisor Roelandts indicated that he needs more information before he can support it or not. This would include the formula used to determine the number of boat launches in comparison to the size of the lake. He also objects to where the hearing is going to be held and asked if it could be closer to Okauchee Lake so residents can attend.

This topic was tabled to a later meeting.

15. **Chairman Hultquist:** Nothing

16. **Supervisor Reports:**

a. **John Koepke:** With the high water the Monterey Dam is still intact. This is a great time to see how the full pond looks.

b. **Brian Wiemer:** Nothing

c. **Janis Husak:** Nothing

d. **John Roelandts:** He has been receiving calls regarding the dam situation. There is flooding on South Shore Drive because the dam is still there. He complimented Chief Wallis, the police department and Superintendent Salzman and the highway department for the way in which they handled the recent high water.

17. **Attorney Chapman:** Nothing

18. **Highway Superintendent Salzman:** Nothing

19. **Police Chief Wallis:** Nothing

20. **Administrator/Planner Herrmann:** Nothing

21. **Clerk/Treasurer**

a. **Approve Operator's licenses per list**

A motion was made by Supervisor Husak to approve the Operator's licenses pending the Chief's approval. The motion was seconded by Supervisor Wiemer. The motion carried unanimously.

b. **Approve liquor license renewals per list**

A motion was made by Supervisor Husak to approve the renewal of liquor licenses per list and approval of a new liquor license for Ground Zero, Inc. The motion was seconded by Supervisor Wiemer.

Supervisor Roelandts asked the police chief if there are any issues with the establishments seeking licenses. The chief indicated that any issues have been dealt with.

The motion carried unanimously.

22. **Approve Vouchers and Checks**

A motion was made by Supervisor Wiemer to approve the Vouchers and Checks pending the review of the Administrator. The motion was seconded by Supervisor Koepke. The motion carried unanimously.

**Closed Session**

A motion was made by Supervisor Husak to enter, by roll call vote, into Closed Session, pursuant to State Statute 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility and pursuant to State Statute 19.82 to engage in Union negotiations.

The motion was seconded by Supervisor Koepke. The Chairman called for a roll call vote:

Koepke:     Aye   Wiemer:     Aye   Hultquist:   Aye  
Husak:     Aye   Roelandts:  Aye

The motion was unanimous.

23. **Adjourn**

Following the closed session the Board reconvened the meeting. A motion was made by Supervisor Roelandts to adjourn the meeting. The motion was seconded by Supervisor Husak. The motion carried unanimously. The meeting adjourned at 8:05 p.m.

Respectfully submitted,

\_\_\_\_\_  
Terry A. Leaman  
Clerk/Treasurer