

Town of Oconomowoc

APPROVED

Board of Supervisors

August 4, 2008

Call to Order/Pledge of Allegiance:

Chairman Hultquist called the meeting to order at 5:00 p.m. with the Pledge of Allegiance. Present were Chairman Hultquist, Supervisors Janis Husak, Brian Wiemer, and John Koepke. Also present were Police Chief James Wallis, Highway Superintendent Owen Salzman, Administrator/Planner Jeff Herrmann, and Clerk/Treasurer Terry Leaman. Supervisor John Roelandts was absent and excused.

Seven Residents were in attendance.

1. Discussion of status and progress of Town of Oconomowoc Utility District #1 sewer project, including status of connections, grinder pumps and billings.

There are 61 persons in Phase II of the sewer district that have not connected. 9 people have pulled permits to connect. 52 more people need to pull permits for connection.

Attorney Tim Garrity and Engineer Peter Muth were present at the meeting. Mr. Muth indicated that the grinder pumps are being moved from storage to the warehouse for issue. At the beginning of July there were 50 grinder pumps available. Environment One charges rent of \$1,000.00 per month for storage. The Town needs to get the grinder pumps out as soon as possible. A deadline needs to be established.

Attorney Garrity mentioned that there is no option but to pick up the grinder pump. 52 people have not pulled a permit; therefore a letter needs to be crafted establishing a timeframe to get the pump. If someone is out of compliance they need to be informed. 60 days would be a reasonable period of time to pull the permit and get the grinder pump. The residents need communication that if the grinder pumps go back to the supplier that the Town will not supply them for the resident.

Chairman Hultquist mentioned that if the pumps go back to the contractor then the resident would need to acquire one on their own. Jeff Herrmann was asked to prepare a letter and send it out to those not connected.

There are three residents in Phase I that have been hooked up but have not been appropriately billed. There seems to be some communication issues with the Building Inspector. Now that we know about their connection what should be the policy. Attorney Garrity indicated that he would have to do additional research and get back to the Board.

Vacant parcels should be paying the assessment at the time when the Building Permit is pulled.

Special assessment charges sewer usage charges from closings should follow the property not the person. The previous owner is responsible for the payment through closing.

Peter Muth will review the possibility of extending the septic credits.

The meeting recessed at 5:36 p.m.

6:00 p.m.

Approximately 50 residents were in attendance.

SPECIAL ORDER

1. Discussion on 2007 Audit – Virchow-Krause.

Wendi Unger of Virchow-Krause presented the Financial Highlights from the 2007 Audit. She mentioned that Virchow-Krause is happy to provide an unqualified or clean opinion of the records of the Town of Oconomowoc.

Financially the year end fund balances are as follows:

General fund:	\$698,444.00
Debt Service fund:	0
Capital Projects Fund:	\$545,867.00
Park Fund:	\$226,164.00

The Utility District had a Change in net assets of \$1,535,341.00.

Total debt outstanding at December 31, 2007 showed that governmental activities debt was \$2,514,537.00 and business-type activities debt (including the Utility District) was \$10,958,127.00. The Town has the ability to borrow up to 5% of the equalized value or \$85,248,920.00.

Ms. Unger also mentioned that Virchow-Krause issued a report on internal control for the Board to review.

Approve minutes: July 21, 2008 Board of Supervisors meeting.

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

Correspondence: None

Comments from the floor on Agenda items or any other items:

Patty Napgezek – W348N6079 California Avenue

Mrs. Napgezek thanked the Board for their attention to the road concerns and for coming out and seeing the road after the last Board meeting. She had one more item to ask the Board to consider which is an “easement by subscription”.

Basically it is use over time. If use has been seven years or more then the use should not be abolished. Mr. Forseth purchased his property in 1993. She asked the Board to please put the road back in the location prior to the installation of the sewer.

Attorney Chapman responded to Mrs. Napgezek indicating that it’s too late for an easement discussion at this time in the process. The Town doesn’t have prescriptive easement. The neighbors would have to get a declaratory judgment in circuit court for resolution. In 1997 the road was repaired, up to then it was not enlarged. Now the 1st lift does not encroach on Mr. Forseth’s property. This was a Town project because of the sewer project. One cannot take property without providing compensation. The Town has no right to go out of the 15 foot plat. He received a letter from Mr. Forseth that indicates he will sue if the Town goes on his property.

Sue Gerard - W348N6065 California Avenue

Ms. Gerard indicated that the day Mr. Forseth bought the property he knew that the road was on the property. It has always been there. We now have to go on the grass to handle garbage. Everyone knew the road was there even Mr. Forseth’s parents.

Barbara Pinter – N64W34909 Road J –

Ms. Pinter thanked the Board for making Road J a Town Road. She has two points:

- 1) The construction proposal for the road was increased. Why do we need a deluxe road? She saw McMahon Road resurfaced recently and all that was done was to mill the surface and re-lay asphalt.
- 2) She feels the Town needs to pay their fair share. The Town was responsible for the road, took the residents money and didn’t do anything to improve the road. She feels the Town should pay for some of the construction costs.

Patty Napgezok –

She felt that Attorney Chapman spoke in error. There are two issues:

- 1) Yes, it is late in the process but she had to do her own research. She felt the Town Board should have known about the easement by subscription. She stated that she was on the Town Board in 1997 and that the road repairs were paid for using funds from the Mil tax account for California Avenue and money retained from the builder who damaged the road.
- 2) In 1997 the road encroached more than in 1993.

Kathleen Tessmer – W348N6053 California Avenue –

There is a one foot encroachment on the corner. To make the road passable she asked the Board to please take 3 feet from the end of her driveway and the Forseth's driveway to alleviate the problem.

Chairman Hultquist mentioned that the road has been placed in the original plat, except for the curb and gutter on the curve. Mr. Forseth has given permission to encroach on this piece of property.

Tom Tefelske – W352N6498 Road J –

Electric lines that were in the road have been severed as part of the construction. He brought up the situation with the engineer. Mr. Tefelske would like clarification as to how this is going to be taken care of.

CONSENT AGENDA

- 1. Consider and Act on Special Event Application for Kenny's W380N8453 Mill St., Monica Fest – August 16, 2008.**
- 2. Consider and Act on Special Event Application for Holy Trinity Church Picnic, August 17, 2008 – Okauchee Lion's Park.**

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

OLD BUSINESS

- 1. Consider and Act on California Avenue – pavement location.**

Administrator Herrmann told the Board that this it is a policy decision to apply the final asphalt lift to the road. The north/south section of the road is Shorewood. At the curve the Town has agreement with Mr. Forseth for the curb and gutter.

The Chairman indicated that he spoke with Supervisor Roelandts this afternoon and he and told the Chairman he would like to leave the road where it is.

Supervisor Husak questioned if the road was put back to where the plat was. Peter Muth had an aerial photograph from 2007 of the road that showed the

location of the road and of the plat. If the road was moved to the southwest then the curve would be worse than before.

The Chairman commented that the trees cause a sight distance problem. The Town has no jurisdiction to remove the trees. This is a personal matter left up to the residents of the private road.

Supervisor Husak mentioned that it is unfortunate that all the trees cause such a problem for sight distance. Being a private road is a problem. The residents may have to sue to get remedies.

Supervisor Husak made a motion to leave the road as it is now constructed within the 15 foot right of way except for the curve. Supervisor Koepke seconded the motion.

Supervisor Koepke commented that this is a public safety issue. The residents need to cooperate with Mr. Forseth and the Town has to stay within the platted right of way.

Supervisor Wiemer mentioned that he would like to see the trees be trimmed or removed.

Chairman Hultquist commented that the Town can not get involved in the road. He indicated that the Town try's to do the best they can and sometimes they can go only so far, especially since this is a private road.

The motion to leave the road as constructed within the 15 foot right of way carried unanimously.

2. Consider and Act on Monterey Bridge/Dam.

Administrator Herrmann indicated that he had sent a letter to the Roth Family in response to the Board's direction from the last meeting.

Supervisor Koepke indicated that SWERPAC will be contacted by Mr. Herrmann to order an assessment on the impact of the wetlands and Ashippun Lake should the dam be removed.

3. Consider and Act on abandonment/vacation of a portion of Breezy Point Road.

Administrator Herrmann indicated that this portion of road has not been maintained by the Town. The Town needs to decide if they want to improve the road and to what standards they want to improve it.

Highway Superintendent Salzman mentioned that he received a bid from Wolf Paving to surface the section of roadway for \$11,465.00. He said the Town crew could overlay some asphalt for about \$4,500.00. There would be no

driveway cut backs and he would like to see “No Parking” restrictions in the winter.

A motion was made by Supervisor Husak and seconded by Supervisor Wiemer to continue to maintain this portion of Breezy Point Road by having the Town of Oconomowoc Highway crew overlay asphalt for a cost of \$4,500.00. The motion also requested that Attorney Chapman draft an Ordinance for the “No Parking” restrictions.

Supervisor Koepke asked how thick the overlay would be. The answer would be about two inches. The motion carried unanimously.

NEW BUSINESS

1. Consider and Act on Environment One Corporation Utility District invoice #4 for \$8,000.00.

A motion was made by Supervisor Husak and seconded by Supervisor Wiemer to approve the invoice from Environment One Corporation. The motion carried unanimously.

2. Consider and Act on Resolution for Acceptance of Quit Claim Deed for Wiesner property on Snyder Lane.

Administrator Herrmann requested to remove this item from the agenda.

3. Consider and Act on Change order for Road J Reconstruction.

Mark Mickelson of Yaggy Colby commented that the sub soils of the road are saturated. In October when they did the soil tests they found the sub soils not to be saturated. The clay is very wet. The choices to rectify the problem are either to let the soils dry out or to excavate and undercut the soil and add stone to stabilize the ground. Since letting dry out is so dependent on the weather the suggested way to go would be to excavate and undercut the soil.

This will add about \$50,000.00 in costs to the project. This will be an addition of \$600.00 to \$800.00 per property. The gas laterals on the road are too shallow to use fly ash which is an easier and more cost effective method. The contractor will have to excavate about an additional foot and then add soil reinforcement fabric. They will keep costs as low as possible. The costs that are being presented are estimates.

Supervisor Koepke asked how frequently is silty clay used for road beds?

Mr. Mickelson indicated that it's not unusual to have this type of soil. The problem with Road J is that there is no drainage system on the road.

Supervisor Husak made a motion and it was seconded by Supervisor Koepke to accept the change order for Road J reconstruction for a total of \$50,000.00.

Mr. Mickelson was asked to bring the unit cost of undercutting the soil to the next Board meeting.

Supervisor Koepke asked when the weather clears if the contractor could add additional equipment to make the process faster.

Mr. Mickelson indicated that due to the configuration of Road J that additional equipment would not speed up the process.

Jim Capadona – N64W34933 Road J –

He questioned the extra costs for undercutting. He indicated that the costs seem to be excessive for the amount of work that will be done.

Supervisor Husak asked Mark about the electric lines that were cut when the road was milled.

Jim Doxtater – W352N6492 Road J –

He mentioned that the contractor told him that the private lines going across the road were the responsibility of the land owner. Mark Mickelson indicated that the contractor would take care of them.

The motion to approve the change order was approved unanimously.

4. Discussion on Fence Ordinance.

Administrator Herrmann mentioned that the original changes to the fence Ordinance was to change the height of a fence from four feet to six feet. The Plan Commission would prefer four foot heights. They want to look at any fence permit application. He asked the Board to review the Ordinance so it can be discussed at the next meeting.

- 5. Chairman Hultquist:** The Chairman read a letter into the record regarding Sgt. Bautz. He also read a letter he typed in response. He asked the Board members if they had any objections to him sending the letter. There were no objections.

6. Supervisor Reports:

a. John Koepke: Nothing

b. Brian Wiemer: Supervisor Wiemer wanted to thank Chief Wallis and his team for their efficient manor of handling the annual tie-up on Okauchee Lake.

c. Janis Husak: Nothing

d. John Roelandts: Absent and excused

- 7. Attorney Chapman:** Nothing

- 8. Highway Superintendent Salzman:** He wanted to know how the Board felt about the new sign for the Community Center. The Board thought the new sign looked nice.

9. Police Chief Wallis: He wanted to thank Supervisor Wiemer for coming out the day of the Tie-up. Chief Wallis said that there were boats from the DNR, Town of Merton, Waukesha County Sheriff and the Town of Oconomowoc. All jurisdictions worked well together. He also wanted to thank Pro-Health for providing technicians for O.W.I. blood work. It saved the officer's a lot of time from going to the hospital.

10. Administrator/Planner Herrmann: Nothing

11. Clerk/Treasurer

a. Approve Operator's licenses per list.

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

12. Approve Vouchers and Checks:

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

13. Adjourn:

A motion was made by Supervisor Husak and seconded by Supervisor Koepke to adjourn the meeting. The motion carried unanimously. The meeting adjourned at 7:21 p.m.

Respectfully submitted,

Terry A. Leaman
Clerk/Treasurer