

TOWN OF OCONOMOWOC BOARD OF SUPERVISORS
MEETING MINUTES
June 21, 2010

At 5:00 p.m. Chairman Robert C. Hultquist called the meeting to order. Supervisor Husak made a motion to enter closed session pursuant to State Statute 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 – (Phase II Sewer Bill) and 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 (Police Department). Supervisor Roelandts seconded the motion.

Supervisor Koepke: Aye
Supervisor Wiemer: Absent
Chairman Hultquist: Aye
Supervisor Husak: Aye
Supervisor Roelandts: Aye

Motion carried unanimously.

At 5:43 p.m. Chairman Robert C. Hultquist opened the public hearing by calling Catherine Miller-Glasier of Just Killin Time. Chairman Hultquist turned the hearing over to Town Attorney G. William Chapman. Attorney Chapman informed the audience the reason why Just Killin Time has been called to testify at the public hearing. Pursuant to State Statute 125.12(3) revocation, suspension, or refusal to renew a license. In this case there may be a refusal to renew a license as provided in subsection 2ag of the Statute. The Town adopted section 12.03 any monies owed to the Town such as taxes, Attorney Chapman asked Catherine Miller-Glasier is her specific issue was due to an invalid seller's permit. Catherine Glasier-Miller responded yea. Attorney Chapman explained that the Town Clerk will be sworn in and asked to provide information that she may have to support the case for denying the renewal of the license. You then will be given the opportunity to cross examine the Clerk. We do not have a court reporter, but we do have a tape recording the proceedings. Please talk clearly and loudly so that your voice is picked up by the tape recorder. The council members may ask questions of the Clerk to clarify what your problems are. The license holder will then be given the opportunity to present their own testimony, you may call witnesses, you may submit documentation and will mark them as exhibits. The Clerk can ask questions of the license applicant as can the Board members or myself. After the testimony is closed the Board will then make a decision on whether to renew your license or not. License is effective July 1st, so you have from now until July 1st to get things straightened out if you haven't already. Is the seller's permit the only issue? Chairman Hultquist responded in the affirmative. Attorney Chapman asked Catherine Miller-Glasier if she was dealing with the Department of Revenue? Ms. Miller-Glasier responded "Um Yes". Attorney Chapman informed Ms. Miller-Glasier that she does not need to have the seller's permit in her hand on June 30th but the Clerk needs to have a letter or phone call from the Department of Revenue indicating that the seller's permit has been issued. Attorney Chapman then proceeded to swear in Jo Ann Lesser the Town Clerk. Jo Ann Lesser responded "yes I do". Attorney Chapman asked the Clerk to state her name. The Clerk responded "Jo Ann Lesser". Attorney Chapman then asked Ms. Lesser if she was the Clerk for the Town of Oconomowoc. In which Clerk Lesser responded "yes, I am". Attorney Chapman asked if Clerk Lesser had prepared notice to Just Killin Time of their deficiencies? Clerk Lesser responded "yes". Attorney Chapman asked if the notice was sent to the licensee? Clerk Lesser responded "yes". Attorney Chapman asked if a summons and complaint was also served? Clerk Lesser responded "yes, I did". Attorney Chapman asked Clerk Lesser to explain the deficiencies detailed in the summons and complaint. Clerk Lesser responded by stating that there were delinquent real estate and personal property taxes at the time of the complaint. As of today, those delinquencies are no longer an issue and have been paid in full. The third issue was the letter received from the Wisconsin Department of Revenue revoking the seller's permit. At this time I have not received confirmation from the Department of Revenue that the seller's permit has been reinstated. Attorney Chapman asked for a copy of the letter from the Department of Revenue, and marked it exhibit #1. Attorney Chapman stated that on the complaint there was a reference to Statute 77.71(11), Clerk Lesser confirmed this. Attorney Chapman stated that this was a mistake made by his office and that the correct Statute is 77.61(11), and did the notice to her say this? Clerk Lesser responded "yes". Attorney Chapman stated that he has no other questions. Chairman Hultquist asked the Board if they had any questions. No response. Chairman

Hultquist then asked Ms. Miller-Glasier if she had any questions of the Clerk. Ms. Miller-Glasier's response was "no, we have already talked." Chairman Hultquist then informed Ms. Miller-Glasier that the Board can either grant the license based on testimony given or adopt a resolution denying the license but providing that the license be issued on or before June 30th of this year if the deficiencies were taken care of, it goes on to say that the license can be issued after June 30th if the issues are resolved. The resolution denies the renewal of the license today, but once you make peace with the Department of Revenue a license may be issued. Attorney Chapman asked Ms. Miller-Glasier if she understood the resolution denying the license after it was explained to her. Ms. Miller-Glasier responded "yes". Supervisor Roelandts made a motion to adopt the Resolution denying the issuance of the Combination Class B Retail License to Just Killin Time, Catherine Miller-Glasier Agent. Supervisor Husak seconded the motion. Motion carried unanimously.

Chairman Hultquist stated that the last hearing will be for Aliota's Hideaway Inc. Administrator/Planner Herrmann interrupted by stating that the Building Inspector Mike Sindorf has presented information to him regarding Cody Inc. Mike Sindorf stated that some issues came about recently after the Ashippun Fire Department did an inspection at the restaurant on June 9th. They received a tip from the Waukesha County Health Department that they are doing some investigating. Mr. Sindorf stated that he just received in his hands today the inspection report from John's Fire Protection out of Watertown, regarding some serious issues with the hood in the kitchen with all the appliances they have. They have some big problems up there, written on reports for several years. Chairman Hultquist asked, and that's not been resolved? Mr. Sindorf stated that "no, it's not been resolved". On top of the fact, Mr. Sindorf talked with the Ashippun Fire Chief and they are delinquent on the 6 month hood inspection, the last inspection was done on November 24, 2009, and it needs to be certified every 6 months. Attorney Chapman stated that if it doesn't get renewed they will have to be served a summons and complaint to give them the opportunity to represent their case. Attorney Chapman asked if that was the only violation, there are no monies owed? Clerk Lesser responded "no, everything has been taken care of".

Chairman Hultquist called the second hearing for Aliota's Hideaway. Attorney Chapman asked Ralph Aliota if he heard the previous reading as to why they are all here? Mr. Aliota answered in the affirmative. Attorney Chapman asked Clerk Lesser if she understands that she is still under oath? Clerk Lesser answered "yes". Attorney Chapman asked the Town Clerk to state her name for the record. The Town Clerk responded, "Jo Ann Lesser". Attorney Chapman asked if she was the Town Clerk and if she served a summons and complaint to Ralph Aliota of Aliota's Hideaway? Clerk Lesser responded, "yes". Attorney Chapman asked the Clerk to list the items of the complaint. Clerk Lesser listed that they are delinquent on personal property taxes in the amount of \$503.37, real estate taxes in the amount of \$15,509.06 and delinquent to a wholesaler in the amount of \$1,349.51. Attorney Chapman stated that he has no further questions. Chairman Hultquist asked Ralph Aliota if he would like to ask Jo Ann any questions? Mr. Aliota stated yea. Then stated that he would pay the personal tomorrow. Chairman Hultquist interrupted him by asking if he had any questions to ask. Mr. Aliota stated no. Chairman Hultquist then responded to Mr. Aliota that we can hear from him now. Mr. Aliota stated that he would take care of the one tomorrow. He was suppose to take care of the wholesale today, but he will take care of them tomorrow too. The taxes, he still (phone begins to ring, pauses, opens and closes phone) you guys remember the situation from last year, and the mortgage company just got back to him and they would be paying the taxes. We are still waiting for them to, he's not sure what they are doing. Chairman Hultquist stated that it's been a year. Mr. Aliota responded that it's been two years. He also stated that he would pay it himself if he has too. Chairman Hultquist asked if he could pay it before June 30th? Mr. Aliota stated that we could do the one month like we did last year. I can get it paid by then. I am still in talks with them about it. Chairman Hultquist asked who are they? Mr. Aliota responded Central States. They finally got the appraisal done, they were suppose to get back to me in April. They finally got back to me in February, and that they would get that done by April, they would get back to him by the end of April and now were almost July. I just heard from them the other day and they stated it was going to be a while yet. I asked them about the taxes, they said they would take care of it. I can take care of the fifteen either way. Chairman Hultquist asked the Board members if they had any questions. No response. Chairman Hultquist stated that the Board will give Ralph Aliota until July 30th to get the real estate taxes paid, if it's not, your license is history, I hope you know that. Ok, there is not anything else we can do. Supervisor Roelandts made a motion to approve the issuance of the license subject to payment of aforementioned items until 30th of July

2010, if not paid by then the license is history. Supervisor Husak seconds the motion. Motion carried unanimously.

Chairman Hultquist called the meeting to order at 6:05 PM. Those present included Supervisor Husak, Supervisor Wiemer, Supervisor Koepke, Supervisor Roelandts, Attorney Chapman, Administrator/Planner Herrmann, Chief Wallis, Highway Superintendent Salzman, and Clerk/Treasurer Lesser.

All those present stood to recite the Pledge of Allegiance.

Supervisor Roelandts made a motion to approve the June 7, 2010 meeting minutes. Supervisor Koepke seconded the motion. Motion carried unanimously.

Correspondence: Chairman Hultquist read a letter of Stipulation and Order for Dismissal for Lake Drive LLC.

Comments from the Floor on Agenda items or any other items: None

OLD BUSINESS:

- 1. Consider and Act on Additional Sewer Billing from Ruckert & Mielke for Phase II Sewer Installation:** Chairman Hultquist stated that Administrator/Planner Herrmann and himself will be meeting with Ruckert and Mielke to discuss a settlement. Supervisor Husak made a motion to offer \$40,000 to Ruckert and Mielke as a settlement and that the Town requests files, maps, and any other documentation for the curb stops. Supervisor Roelandts seconded the motion. Motion carried unanimously.

NEW BUSINESS:

- 1. Consider and Act on Refinancing Bonds for Utility District No. 1:** Phil Cosson of Ehlers & Associates stated that part of their job is to watch interest rates and to look at clients debt. When the rates drop they offer their clients the opportunity to refinance. Mr. Cosson was looking at the 1.9 million sewer revenue bond that was created in 2001. By refinancing the debt under a general obligation bond, it offers a lower interest rate, and it also allows you to use the reserved funds to pay down the debt. Phil Cosson stated that the Town has a substantial amount of borrowing capacity. His suggestion is that the Town should go with a general obligation bond, investors see it as a benefit because the payback is derived from taxes. Supervisor Roelandts made a motion to authorize Ehlers & Associates to issue a general obligation bond to refinance the some of the sewer debt. Supervisor Husak seconded the motion. Motion carried unanimously.
- 2. Consider and act on Ordinance to Transfer Property from the Town of Summit to the Town of Oconomowoc on July 1, 2010:** Administrator/Planner Herrmann informed the Board that at 12:01 AM on July 1st the Town will officially take over the 25 properties from the Town of Summit, which comes with 28 REC's. The Town has a 3-party agreement for the REC's. Supervisor Roelandts made a motion to approve the ordinance transferring the Town of Summit properties to the Town of Oconomowoc. Supervisor Koepke seconded the motion. Motion carried unanimously.
- 3. Consider and Act on reducing the Speed Limit on North Lake Road from 55 mph to 45 mph:** Chairman Hultquist, Supervisor Koepke, Highway Superintendent Salzman and Administrator/Planner Herrmann met with residents with concerns about the recycling center's new location. It was noted that the speed limit of 55 starts back at Lac La Belle Drive and continues north past the by-pass and into Dodge County. Residents had requested that the speed limit be reduced to 45 mph to Lang Road. It was noted that once the road becomes a state highway at the by-pass there may be some resistance from the State to reduce the speed limit. Supervisor Husak made a motion to reduce the speed limit on North Lake Drive to 45 mph from Lac La Belle Drive to Lang Road with State approval for Hwy 67, or to the by-pass without. Supervisor Koepke seconded the motion. Motion carried unanimously.
- 4. Consider and Act on Neighboring Property requests for the Recycling Center:** Residents want to see a turn lane on the south bound side of North Lake Drive, want a nicer building than a

portable one so that it blends in, trees planted to block noise and the view, to ensure water quality by catching sediment especially salt, limit chipping especially on Saturday mornings. Administrator/Planner Herrmann stated that he would bring back a tree plan for approval before purchasing any trees.

5. **Consider and Act on Plugged Culvert – Stiemke Property – N60 W39677 Mary Lane:** Administrator/Planner Herrmann stated that a letter was sent to the Steimke's giving them 30 days to correct the problem, no response and no action was taken. The Board majority was that the Town go ahead to remedy the problem and assess the costs to the property owners. Supervisor Roelandts made a motion to proceed with replacing the culvert by an outside vendor and the cost to be placed on the tax roll. Supervisor Koepke seconded the motion. Motion carried unanimously.
6. **Consider and Act on Vacating Road Right-of-Way east of Oconomowoc Landscape Supply Center (old Esser Property):** Terry Van Lare is requesting that the road right-of-way be vacated at the current location of the recycling center. Attorney Chapman stated that it's a class III notice and 40 days is the normal time period for the notification. Abutting property owners need to be notified. August 2, 2010 is the date for the public hearing.
7. **Consider and Act on Ordinance Prohibiting Parking on West Lake Drive, Road B and Road C:** No action was taken by the Board. It was mentioned that signs will be erected on West Lake Drive only.
8. **Consider and Act on Resolution Disallowing a Claim Against the Town of Oconomowoc by James Forseth:** Attorney Chapman stated that by the Board disallowing the claim it shortens the statutes of limitations. Supervisor Koepke made a motion to adopt the resolution disallowing a claim against the Town of Oconomowoc by James Forseth. Supervisor Husak seconded the motion. Motion carried unanimously.
9. **Consider and Act on Park Rental for Okauchee Lions Club:** Administrator/Planner Herrmann submitted a list of events to be held at the Lion's Park in 2010. He noted that the conditional use permit was amended from 10 to 15 events in a year when they are over 100 attendees and they are allowed 15 events for under 100 attendees and no permission by the board is required. Supervisor Roelandts asked that a letter be sent to the Lions Club requesting that the list be submitted to the Town before the first event of the year.
10. **Consider and Act on Replacement agreement for Highway Improvement Project-Mill Street Bridge/Dam:** Total cost to the Town is \$171,000, but there are reductions to be made. Administrator/Planner Herrmann requested that the Board grant him permission to approve the contract subject to his and Highway Superintendent Salzman go through the contract. Supervisor Roelandts made a motion to approve the contract for the replacement agreement for highway improvement project-Mill Street Bridge and Dam subject to Administrator/Planner Herrmann's and Highway Superintendent Salzman's review and approval. Supervisor Koepke seconded the motion. Motion carried unanimously.
11. **Consider and Act on Request to Exceed Slow No Wake Ordinance on Lac La Belle from Warrick Bell; N56W39312 Wisconsin Ave:** Mr. Bell indicated that he has already applied to the City of Oconomowoc for approval to exceed the slow no wake, and that he was coming to the Town then to the Village of Lac La Belle. The reason for this request is that he wants to make it into the Guinness Book of World Records for wake boarding. He plans to complete this task on June 28th starting at 6 PM and finishing on June 29th at 6 PM. There is no record currently, he would be the first. Supervisor Roelandts made a motion to approve removing the slow no wake for Warrick Bell to accomplish the wake boarding record subject to his discussing safety with Chief Wallis and he gets approval from the City of Oconomowoc as well as from the Village of Lac La Belle. Supervisor Husak seconded the motion. Motion carried unanimously.
12. **Consider and Act on New Resident Welcome Packet:** Chairman Hultquist stated that he was very impressed with the work of the packet. Supervisor Koepke questioned the reasoning behind what churches in the area were chosen and should the churches be limited to just what is in the Town. It was noted that the Clerk's office tried to pick enough to allow someone to choose from the large selection that is offered. Supervisor Husak made a motion to approve the welcome packet for new residents. Supervisor Roelandts seconded the motion. Motion carried unanimously.
13. **Consider and Act on Fireworks Permit Application from Bill Noser; N72W39482 Lang Rd for July 4, 2010:** Supervisor Roelandts made a motion to approve the fireworks application

subject to the approval of the Police Chief and Fire Chief. Chairman Hultquist seconded the motion. Motion carried unanimously.

- 14. Consider and Act on Keeping Remote Deposit Capture System:** There was questions concerning if the cost was budgeted for in 2010. It was noted that it was not. Supervisor Husak questioned if the bank would be willing to the Town to pay the monthly service fee but have that reduce the purchase price and in 2011 purchase the machine for the remaining balance. Clerk/Treasurer Lesser stated that she would contact the bank for that information. Item was tabled to the next meeting.
- 15. Chairman Hultquist-Nothing**
- 16. Supervisor Reports**
 - a. **John Koepke**-Thanked the Town for approving the AEA, the Town of Oconomowoc and Ashippun have been awarded the distinction.
 - b. **Brian Wiemer**-Excused and absent.
 - c. **Janis Husak**-Nothing
 - d. **John Roelandts**-Nothing
- 17. Attorney Chapman**-Special meeting to be held on June 29th at 7:30 AM for the public hearing on the health violations for Cody Inc.
- 18. Highway Superintendent Salzman**-Nothing
- 19. Police Chief Wallis**-Nothing
- 20. Administrator/Planner Herrmann**
 - a. **Consider and Act on July Board Meeting:** Administrator/Planner Herrmann informed the Board that the July 5th meeting date is the observed holiday and the offices will be closed. Chairman Hultquist stated that the meeting will be cancelled and that since there will be a special meeting on June 29th whatever needs to be taken care of on the 5th can be done on the 29th instead.
- 21. Clerk/Treasurer Lesser**
 - a. **Consider and Act on New and Renewal Operator License Applications Per the List:** Supervisor Husak made a motion to approve the new and renewal operator license applications per the list submitted and noted that Chief Wallis has initialed each application. Supervisor Roelandts seconded the motion. Motion carried unanimously.
 - b. **Consider and Act on New and Renewal Applications for Combination Class B & Class A Beer Retail Licenses Per the List:** Supervisor Husak made a motion to approve Retail license applications per the list submitted. Supervisor Roelandts seconded the motion. Motion carried unanimously.
 - c. **Consider and Act on Request from Clerk/Treasurer Lesser and Deputy Clerk/Treasurer Binney to Attend 30th Annual Wisconsin Municipal Clerks Association Conference in Green Bay on August 18th 19th & 20th 2010:** Supervisor Husak made a motion to approve Clerk/Treasurer Lesser to attend the 30th Annual Clerk's conference in August to include lodging. Supervisor Koepke seconded the motion. Motion carried unanimously.
- 22. Approve Vouchers and Checks:** Supervisor Koepke made a motion to approve vouchers and checks subject to Administrator/Planner Herrmann's approval. Supervisor Husak seconded the motion. Motion carried unanimously.
- 23. Adjourn:** Supervisor Roelandts made a motion to adjourn at 7:14 PM. Supervisor Husak seconded the motion. Motion carried unanimously.

Respectfully submitted,

Jo Ann Lesser, WCMC
Clerk/Treasurer