

Village of Chenequa

CHENEQUA VILLAGE BOARD MEETING
MINUTES OF MONDAY, DECEMBER 11, 2006
Unofficial until approved by the Village Board
Approved as written () or with corrections () on _____

The regular meeting of the Board of Trustees of the Village of Chenequa was held at 7:30 p.m. on Monday, December 11, 2006, at the Village Hall, 31275 W. Hwy K, Chenequa. Legal requirements for notification of the news media were met. Following is the attendance list:

Mr. Styza / President – present
Ms. Wilkey / Trustee – present
Ms. Seidel / Trustee – present
Mr. Gehl / Trustee – present
Mr. Foote / Trustee – present
Ms. Villavicencio / Trustee – present
Dr. Tyre / Trustee – present
Attorney David Krutz / Village Attorney – present
Mr. Douglas / Administrator -Police Chief – present
Ms. Zimdars / Clerk-Treasurer – present

Attendance

Matt Colby – Lake Country Reporter
Tim Michels
Paul Schultz
Tom Dalum

Public comment period.

None.

Review and consider submitted plans for a new residence by Tim and Barbara Michels for property located at 6831 N Hwy 83. Review and consider Certified Survey Map submitted by Tim and Barbara Michels for land combination of 6855 N Hwy 83 and 6831 N Hwy 83.

President Styza explained that the Plan Commission reviewed the proposed CSM, saying under consideration were 2 parcels and 2 homes. These 2 properties would become one home site and a house would be built on one of the lots and a swimming pool would be built on the second lot. President Styza said the Plan Commission recommended approval subject to the square footage being resolved with actual distance and setbacks determined, and a CSM combining lots. Trustee Seidel questioned the swimming pool plans. President Styza explained there was a pool in the house and another pool on the footprint of the house to come down. He also said where the pool and house are being constructed is 75' setback from the lake, and that the house is set back beyond the crest of the hill. Trustee Seidel said she had a problem with the pool. She said the Board was currently considering a restriction disallowing in-ground pools between the lake and a residence, and until the pool ordinance has been resolved she would be reluctant to give approval. President Styza noted this was a steep grade, and entirely wooded. He said the pool would be sitting on the plateau where the house previously sat. He also noted that if the pool were to be moved back, many trees would have to be taken down. Trustee Seidel said she felt this becomes capricious and arbitrary. President Styza said the owners made the application based on the rules at the time. Trustee Wilkey questioned whether they would be able to build a pool if the lots were not combined, and Administrator/Police Chief Douglas told her they would, saying then the pool would be considered an accessory structure. Trustee Tyre said the purchase was made in good faith, was not an outrageous request and that this submittal meets the current code. Motion (Foote, Tyre) to approve the Plan Commission's recommendation for approval of the building permit subject to square footage being resolved with actual distance and set backs

determined, and a CSM combining lots 6855 N Hwy 83 and 6831 N Hwy 83, aye: Wilkey, Villavicencio, Gehl, Styza, Tyre, Foote, no: Seidel, Motion Carried.

Approve minutes of the November 13, 2006, Board Meeting.

Motion (Wilkey, Villavicencio) approve minutes of the November 13, 2006 Board Meeting, Carried Unanimously.

Clerk/Treasurer

Present invoices for approval.

Motion (Wilkey, Tyre) to approve bills as presented, Carried Unanimously.

Report on investment activity.

Investment activity was reviewed by the Board, and no action was required.

Review and consider Certified Survey Map submitted by Richard Grunke and Bill Grasc (Mayer Trust) for land division, property located at 31982 Treasure Island Drive.

President Styza explained that the Plan Commission met and reviewed these plans previously. Administrator/Police Chief Douglas explained that there were certain conditions to be met in the approval process. Lot 2 has a guest house/garage in which the plumbing would need to be disabled in order to meet the code. Also, the driveway shows a 55' easement. Due to sightlines and grade, it was recommended that the easement be established on lot 3 for access rather than the presented lot 2. This would then have the driveway wrapping around the Gallun property as an alternative to a lot of grading. Additionally the deed was to be checked to be sure there were no deed restrictions on dividing the property.

Motion(Wilkey, Gehl) approve Certified Survey Map submitted by Richard Grunke and Bill Grasc (Mayer Trust) for land division, property located at 31982 Treasure Island Drive subject to conditions as outlined by the Plan Commission, Carried Unanimously.

Review and consider submitted plans for a new residence by Terrence and Victoria Gaynor for property located at tax key # CHQV0402993, Esker Lane.

President Styza explained this was a home site on Esker and Oakland Hills and not on a lake. Administrator/Police Chief Douglas stated the plans met all zoning requirements.

Motion (Tyre, Villavicencio) to approve submitted plans for a new residence by Terrence and Victoria Gaynor for property located at tax key # CHQV0402993, Esker Lane, Carried Unanimously.

Review and consider proposed ordinance 5.20, Swimming Pool Regulations.

President Styza said this ordinance comes to the Board from the Building-Zoning Ad- Hoc Committee, saying this committee had spent many hours reviewing changes. Trustee Foote asked for clarification of the ordinance and said the ordinance needed to define "between". Attorney Krutz said the Board needed to consider a situation where 2 lots meet at a wedge, whereby a 3rd lot would have no lake frontage, but could put a pool on a lot with no lake frontage and the pool would be seen from the lake. He said this was a policy issue, and the Board could create the ordinance to be as exact as they wanted it to be, but pointed out there is an inconsistency as he stated in his previous example. Trustee Foote asked what the intent was of the Ad-Hoc Committee. Trustee Seidel said the intent was not to be able to see a pool from the lake. Attorney Krutz asked if the ordinance should say the pool could not be any closer to the lake than the house. Trustee Tyre said he had issues with this ordinance, specifically he thought there already was a consensus under 2E, saying he thought the Board arrived at a consensus, and now it was coming back. He also said he felt the Board had no business saying what could and couldn't be done in this area, because this was getting at personal rights. He questioned the Board saying, "What business do we have telling people where they can put a pool?" President Styza said this swimming pool ordinance has been tinkered with and he now needed a motion to approve or deny it. If approved, he said there would need to be a definition of "between" as "in *between* a single family residence and a lake", saying he felt the ordinance would be better if there was a definition. Trustee Wilkey said if this were to be approved the Board would not be able to approve pools like

the Michels in the future. Trustee Seidel said disallowing above ground pools was the change made 3 meetings ago, and that now the ordinance says no above ground between lake and dwelling. Also, for lots with lake frontage pools should be located no closer to the lake than the lake side structure set back of the house. Motion (Seidel, Gehl) to approve the final version of 5.20, Swimming Pool Regulations, with a modification to the definition – specifically defining “between” in the phrase “*between* a single family residence and a lake”, aye: Gehl, Seidel, Wilkey, Villavicencio, Foote, Styza, no: Tyre, Motion Carried.

Motion (Foote, Wilkey) to make the effective date of the swimming pool ordinance, 5.20, to be January 1, 2007, Carried Unanimously.

Review and consider adoption/approval of the Lake Country Municipal Court Budget for 2007.

Administrator/Police Chief Douglas gave a brief overview of the Municipal Court at President Styza's request. He said he believed the creation date to be in 1979, and that the court was set up so it wouldn't be necessary to go through Waukesha County. For many years the Court was in a deficit mode, and instead of being an asset, it was a liability. Then in late 1990s a new judge and clerk were elected, and other changes in the executive board were made. Today there are a total of thirteen communities involved, yet the court started with only five. The current fund balance is \$324,568 with over \$73,000 surplus for 2006. The court is outgrowing their current facility, and looking for a new home. It is thought that Hartland will house the court in the basement of their city hall. Administrator/Police Chief Douglas said he would support that move saying this would make the court more centrally located. He said that Chief Weimer of Oconomowoc Lake was the man behind the budget, and that this budget had the recommendation of the entire operating committee, to be approved as presented. Trustee Foote questioned why total expenditures rose by 7% - asking if more people would account for costs going up. He also cited an 8% perceived wage increase. Administrator/Police Chief Douglas said the 8% included not only salary but social security and retirement as well. Trustee Foote said in principal he was not in favor of an 8% increase in a court budget. Trustee Gehl then pointed out that the wages quoted also included health insurance.

Motion (Wilkey, Villavicencio) to approve adoption of the Lake Country Municipal Court Budget for 2007, Carried Unanimously.

Consider appointments to Lake Country Fire Board and Commission for 2007.

Chief Douglas explained that he checked with current members of the Fire Board, and that the board consists of 5 members. He said the number of members from each community rotates every other year, and in 2006 the members from Chenequa were Robert Manegold, Russ Witt, and Tom Oswald, saying Tom Oswald is happy to serve as an alternate and the other 2 members were contacted and said they would serve again. Chief Douglas said the Lake Country Fire Commission currently had Dr. Berk, Richard Seaman Jr., and Dr. Tyre serving, but that Mr. Seaman had asked to be removed. Chief said Gordy Gunnlaugson agreed to take his place. Motion (Styza, Foote) to approve Robert Manegold and Russ Witt to the Lake Country Fire Board for 2007, with Tom Oswald as alternate; and Gordy Gunnlaugson, Dr. Burk, and Dr. Tyre as members of the Lake Country Fire Commission for 2007, Carried Unanimously.

Committee Reports

Public Safety No report.

Plan Commission Met today. President Styza restated his comment made to the Plan Commission earlier that when a CSM is approved the Board needed to make sure they have access.

Open Space No report.

Board of Appeals No report.

Personnel Committee No report.

Hwy 83 Task Force No report. A letter from the DOT was included in Board packets.

Emergency Government Committee No report.

Building Zoning Ad Hoc Committee No report. Sections 5.16 & 5.17 forwarded to committee members by Chairman Biersach had been reviewed, so Attorney Krutz said those would be brought to the Plan Commission in January.

Lake Management Ad Hoc Committee Two of four grants have been approved.

Report of Village Administrator.

Update on Village Dump Site: Administrator/Police Chief Douglas said he was working with Attorney Krutz to get the closure letter out.

Update on Pine Lake Boat Launch: The launch repairs are done, and everything went well. The final bill has not yet been received. Verified that both the edge of the concrete slab and the spot where the creek runs out of the lake will need more rip rap.

Update on Highway 83 Project: Letter giving update included in packets.

Trustee Foote said it seems like the utility poles are closer to the road than the trees. President Styza said this would be an issue. The DOT is asking for 10 feet on either side, and all the utility poles are within 10 feet.

Report of Village President.

Goose Fence Ordinance. President Styza said that the goose fences cannot be left up during the winter, but rather have to be put up and taken down like a dock so they are not considered permanent structures. Trustee Foote said he would like to see permanent goose fence structures, saying it is impracticable to take the fences down. Administrator/Police Chief Douglas said the goose fence ordinance is in effect April 1st to November 30th. Attorney Krutz said it was created to intend to allow semi-permanent structures. President Styza said he would look into this issue and report back.

Report of Village Attorney.

No report.

Any new Business.

Trustee Seidel reported that police had responded promptly to an animal issue she had, and that she had appreciated their help.

President Styza asked Chief /Administrator Douglas how the big snowfall went in the village recently and if there were any problems. Chief/Administrator Douglas stated it was a difficult storm to work and that the operation took quite some time as the trucks became stuck in the steep drives. He stated that Jeff Kante had informed him the first 2 ½ hours were lost due to trucks being stuck and others trying to free the disabled plows on the steep drives. Chief Administrator Douglas then indicated this pushed back the plowing operations on all the other drives. He stated per his conversations with Jeff Kante, Jeff advised he decided to leave the steep drives to later on and to proceed with plowing all other drives and later return to the steep drives when all others have been opened up. This decision did not sit well with some residents according to Jeff.

Chief/Administrator Douglas further stated that he had concerns of the village staff's safety in attempting these drives at times as the steepness does not allow the operator to maintain control of the trucks. He further stated that often times the streets are blocked off in plowing these drives to protect the traffic passing by from possible snowplow vehicles unable to stop upon descent. After discussion ensued, it was the full consensus of the village board to support the discretion of village staff to plow drives in the order they deem appropriate for safety and to provide service first to the majority of property owners than that of the few with steep drives if such conditions exist. President Styza again verified with all Trustees that they would support such measures and that a letter be sent to the residents defined by Bob and Jeff that there may be delays in servicing their drives under certain conditions and they may wish to consider private services to provide plowing services.

Trustee Foote said the equipment being used for plowing is too big for driveway circles.

Administrator/ Police Chief Douglas said a letter would be sent to steep grade driveway owners. The letter would outline the fact that they are difficult and dangerous to clear, and that there is a new code, so they will no longer be a priority, but secondary instead; and if they need more than that they would need to contract with a private service for snow removal. President Styza said he and all other trustees would support that change.

Adjournment.

President Styza adjourned the meeting at 8:43 p.m.

Respectfully submitted by:

Approved and Ordered Posted by:

Bonita Zimdars
Clerk/Treasurer

Bryce Styza
Chenequa Village President