

Village of Chenequa

CHENEQUA VILLAGE BOARD MEETING
MINUTES OF THURSDAY, JULY 3, 2008
Unofficial until approved by the Village Board
Approved as written or with corrections () on 7-14-2008

The emergency meeting of the Board of Trustees of the Village of Chenequa was held at 10:00 a.m. on Thursday, July 3, 2008, at the Village Hall, 31275 W. Hwy K, Chenequa. Notification was posted on Wednesday, July 2, 2008 at 3:15 p.m. Following is the attendance list:

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

Attendance

Judy Hansen, Sandy Seidel

Review and consider amending the high water mark for the no-wake ordinance for Pine Lake.

President Styza asked the Trustees to briefly look over the portion of the June 9th Village Board minutes that narrates the action taken that established the temporary slow no-wake order. Trustee Villavicencio then read that portion of the minutes aloud. President Styza pointed out that Jeff Kante had passed around photos and historical lake readings for the consideration of the trustees. Jeff pointed their attention to the last page of the printout, saying that was where last month's events were displayed. President Styza then asked Attorney Krutz to explain the proposed ordinance that would be considered at the July 14th regular Village Board meeting. Attorney Krutz summarized the ordinance saying the slow, no-wake order would be in effect if any one of the following three conditions were met:

(1) An elevation of 903 (objective) (2) When wave action will damage piers and cause erosion (subjective); and (3) when the Village President determines slow, no-wake is necessary (subjective).

President Styza said he had been receiving e-mails and phone calls, much like the other trustees, asking that the slow, no-wake order be removed. Trustee Gehl offered to speak first to the issue. He began by saying that he felt that a level of 903.0 is appropriate. He went on to say that a week ago he would have said not to remove the slow, no-wake order; but this is predicted to be a dry weekend, and the lake could be at that 903 level by Monday, potentially. He said the policy is good, but there should be room for exceptions. Based on the following two facts he said he felt the order should be lifted: (1) close to the July 4th holiday, and (2) the lake level is close to 903.0.

Next Trustee Seidel spoke saying she had been getting many comments that the Board had no benchmark. She said an exception could be made for the weekend. She said that the water is still high enough to cause shoreline damage, not just pier damage. She reported that there are no boats on Pewaukee Lake. She then asked if the Board should take the quick fix at this point. She said sometimes the Board needs to stick to guidelines.

Trustee Wilkey told Board members that this morning's Lake Country Reporter reported that Pine Lake was open. She pointed out that the temporary slow, no-wake order was invoked in order to preserve the shoreline. She went on to say she didn't think that the figure of 903.0 should be in concrete, and that there should be some leeway. Trustee Wilkey said she felt badly for the people that can't use the lake for the 4th of July. She also said she had received a very fair-minded e-mail from Paul Villavicencio.

President Styza then reminded Board members that they were not to be e-mailing among themselves, as this would be in violation of the open meeting law.

Trustee Foote said he thought the Village should stick to the benchmark, and that in the future the benchmark should be higher than 903.0. He said an alternative would be to suspend the slow, no-wake order through the weekend and if the lake doesn't come down by Monday to reinstitute the order. He said he felt that the level should be revisited at the July 14 regular meeting of the Village Board, and that discretion should be taken out of the process. He also pointed out that there will always be people on both sides of the argument. Trustee Foote repeated he thought 903.0 was a little low, and said he would favor a suspension of the order.

Trustee Villavicencio told Board members that the Village does not set the benchmark, but instead that the USGS were the ones to set the high water mark. She said when that mark was determined, it was the USGS who set the mark at 902.72, and the Village then raised it to 903.0. She told the other Trustees that the majority of the residents do not have problems with the current water level, but that a few do. There are problems with boathouses, and she was concerned with lifting the slow, no-wake order, saying structure could be compromised for some property owners. She said that others said they have water on their lawns and this is different from compromising a boathouse; but was also taken into consideration. She then questioned Attorney Krutz if the Village would be liable if it could be determined that structural damage occurred to a resident's boat house as a result of lifting the slow, no-wake order. Attorney Krutz told her the Village would have immunity. He said the likelihood of being party to a law suit would increase if the Village chose to ignore the slow, no-wake order and failed to enforce the order. He said an affirmative decision would be the appropriate thing to do, but it would not be appropriate to simply choose to not enforce the order. Trustee Villavicencio went on to say the only way Pine Lake loses water is through Mud Lake or evaporation so it may take longer to reach the 903.0 level. She repeated that her concern was with liability for any potential damage that would occur as a result of lifting the order.

Next Jeff Kante spoke saying the actual high water mark is established by the Department of Natural Resources, and not by the United States Geological Society. He said that biological indicators were used and a point was staked for the high water mark. He went on to say an engineering firm then established the elevation. He said a particular point on the shoreline was used and it is a seasonal mark.

President Styza said a permanent ordinance would be considered at the July 14th meeting of the Village Board, and that he felt that the Board had not yet made a case for instituting a slow, no-wake policy. He pointed out that a public hearing would be held prior to the meeting. He said that right now there are too many questions, and that the case hasn't been made. President Styza said he would be in favor of suspending the order until an ordinance had been established.

Trustee Foote pointed out that the worst violators of the temporary slow, no-wake order were the ones that professed to be most in favor of it when it was being considered. President Styza said that the Village is checking water benchmarks, monitoring the lake's clarity and temperature, and the Village has a Lake Management committee established, all showing the Village cares very much for the condition of the lake.

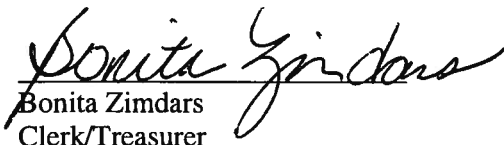
Motion (Foote, Seidel) to suspend the temporary slow, no-wake ordinance.
Trustee Wilkey then clarified that the order could be reinvoked, if needed.
Carried Unanimously.

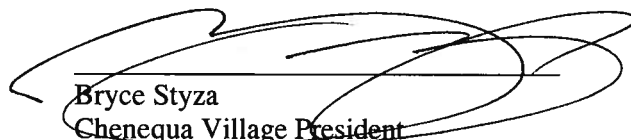
Adjournment.

Motion (Foote, Villavicencio) to adjourn the emergency July 3rd meeting of the Village Board at 10:20 a.m.,
Carried Unanimously.

Respectfully submitted by:

Approved and Ordered Posted by:


Bonita Zimdars
Clerk/Treasurer


Bryce Styza
Chenequa Village President