

# VILLAGE OF CHENEQUA

CHENEQUA VILLAGE BOARD MEETING  
MINUTES OF MONDAY, MAY 13, 2013.  
Unofficial until approved by the Village Board.  
Approved as written (  ) or with corrections (  ) on 6-10-13

The regular meeting of the Board of Trustees for the Village of Chenequa was held at 7:23 p.m. on **Monday, May 13, 2013**, at the Village Hall, 31275 W. Hwy K, Chenequa, Wisconsin. Legal requirements for notification of the news media were met. The following Village Board Members were in attendance:

Mr. Robert T. Foote, Jr. / President – absent  
Ms. Jo Ann Villavicencio / Trustee – present  
Ms. Susan Wilkey / Trustee – present  
Ms. Carol Manegold / Trustee – present  
Ms. Dwyn von Bereghy / Trustee – present  
Mr. Bronson Haase / Trustee – present  
Mr. Jack MacDonough / Trustee – absent  
Attorney Michelle Wagner Ebben / Village Attorney – present  
Mr. Robert Douglas / Administrator/Police Chief – present  
Ms. Pamela Ann Little / Clerk/Treasurer - present

- Trustee Jo Ann Villavicencio was acting Chairperson for this meeting

## Attendance

John and Marjory Yewer, Kevin Wahlgren, Sal Massa, Michael Van Dine, Rich Lartz and Attorney Kathy Gutenkunst

## Public Comment

Mr. Yewer expressed his concerns and proposal regarding the location of the garage on the Fickel property. He felt the location of the garage straddled a watershed that feeds runoff waters into Beaver Lake, and that there may be an ecological impact on the lake associated with blocking or diverting rainwater runoff away from the lake. Mr. Yewer proposed two other possible locations on the Fickel property where the garage could be built. If this was not possible and the proposed site was approved, Mr. Yewer hoped the Village Board would require that as part of the building and landscaping plan, effective engineering steps would be taken to gather the periodic runoff waters and return them to their natural path beyond the garage so they may flow unimpeded into the lake, thus protecting the Yewer home and property from possible water damage and minimizing any ecological impact on the lake. Mr. Yewer further requested that the Board delay approval of the submitted plans for a minimum of 30 days to find engineering solutions to address the water flow issues.

## Final - Review and consider plans for a detached garage submitted by Ron and Karen Fickel of 31048 Chequamegon Drive.

Trustee Wilkey reported that after lengthy discussion earlier this evening, the Plan Commission did accept the plans submitted by Ron and Karen Fickel and is recommending to the Village Board final approval. After further discussion between Mr. Yewer and Trustees -

Motion (Manegold/von Bereghy) to approve plans for a detached garage submitted by Ron and Karen Fickel of 31048 Chequamegon Drive. *Carried Unanimously.*

**Review proposed draft deed restrictions regarding Lake Country Bible Church.**

Attorney Wagner Ebben reminded Trustees that at last month's meeting, it was requested that a draft deed restrictions be prepared so it may be attached to the parcel as a condition to the detachment from the Village of Chenequa (VOC) to the Village of Nashotah (VON). A summarization of draft deed restrictions with revisions approved by the Plan Commission earlier this evening was then given.

Use: LCBC was not comfortable with the language relating to "...shall not be leased, rented or otherwise...", claiming that it is broad and limits the Church's ability to conduct religious activity on the site (i.e. allowing a church member to hold a wake after a funeral, etc.) The language is intended to prevent commercial or business use or transferring rights to a third party. The language as drafted already presupposes that "religious" use includes social activities, such as weddings or funerals. After discussion, *Members Agreed that the definition of use as proposed by the VOC be maintained.*

Setback Restrictions: LCBC provided drawings of setbacks proposed by the VOC and LCBC. LCBC felt the 150' and 75' setback requirements would render the site unbuildable. LCBC would agree to the setbacks as noted on the attached drawing showing 25' setback for impervious surfaces and 50' setbacks for buildings, with the exception to the 100' setback from the current VON line to the west. While less restrictive than the VOC code, the Board should consider accepting this change given the shape and size of the property. After discussion, *Members Agreed to amend the deed restriction to reflect the setbacks set forth in the proposal provided by LCBC (100' setback from Watertown Plank Road and 25' setback for impervious surfaces and 50' setback for buildings).*

Footprint / Impervious Surfaces: LCBC claims that requirement that the footprint of all structures, buildings, improvements and other impervious surfaces shall not exceed 30% of the total area of the property is more restrictive than the Village code and would like to commit to a 40% "open space" requirement, as that term is defined by the VON. After discussion, *Members Agreed to Amend the deed restriction to use the term "green space" instead of "open space" and accept the 40/60 ration as proposed by LCBC.*

Screening: LCBC states that it will not agree to the 50% screening requirements as provided in the Village code and included in the deed restriction. After discussion, *Members Agreed and will let remove this restriction.*

Height: LCBC is requesting a 45' height limitation of any building on the property; the draft deed restriction has a 35' height limitation. The Village code allows for 45' in height *if* the side yard setback is increased by one and one-half feet for each additional one foot of height above 35'. After discussion, *Members Agreed to amend the height restrictions from 35' to the requested 45' limitation.*

Maintenance: LCBC indicates that they feel it would be appropriate to only restrict the property to the maintained in accordance with the VON code. After discussion, *Members Agreed to remove this restriction.*

Lighting: LCBC is requesting that the reference to Watertown Plank Road be deleted. After discussion, Members *Agreed to amend the restriction by deleting the reference "Watertown Plank Road"*.

Signs: LCBC is requesting that the section regarding signage be deleted and this issue dealt with by the VON. The VON has a fairly comprehensive signage requirement. The current VON code addresses this issue. After discussion, Members *Agreed to remove this restriction*.

Motion (von Bereghy/Wilkey) to approve the revised deed restrictions as recommended by the Plan Commission for the Lake Country Bible Church property. *Carried Unanimously*.

**Review and consider Petition for Detachment of Property from the Village of Chenequa to the Village of Nashotah, and review and consider adopting Ordinance regarding the Detachment of Property, pursuant to the requirements set forth in Wisconsin Statutes Section 66.0227. The legal description for the property in question is: PT NE¼ SEC 5 T7N R18E N OF RR & S OF HWY 16 13.64 AC EX VOL 281/367 DEEDS DOC# 3268530; Chenequa Village Tax Key #CHQV 07370998.**

Chairperson Villavicencio requested a motion be made to accept and adopt the ordinance as prepared to detach the Village of Chenequa property to the Village of Nashotah.

Motion (Haase/von Bereghy) pending the above deed restrictions be entered into to accept the Detachment of Property from the Village of Chenequa to the Village of Nashotah and adopt said Ordinance pursuant to the requirements set forth in Wisconsin Statutes Section 66.0227. The legal description for the property in question is PT NE¼ Sec 5 T7N R18E N OF RR & S of Hwy 16 13.64 AC Ex Vol 281/367 Deeds Doc# 3268530; Chenequa Village Tax Key #CHQV 07370998 ordinance. *Carried Unanimously*.

Three-quarters majority requirement met, the Ordinance passed.

**Presentation of 2012 Financial Statements by Carrie Gindt of Reilly, Penner & Benton LLP.**

Financial statements were presented by Carrie Gindt of Reilly, Penner & Benton LLP and reviewed by Trustees.

RPB recommended the Board write up a formal policy for the level of fund balance to be maintained and to include an order of spending policy. The spending policy should indicate whether the Village considers restricted or unrestricted amounts to have been set when expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available. The spending policy should also indicate whether committed, assigned or unassigned amounts are considered to have been spent when expenditure is incurred for purposes for which amounts in any of those unrestricted fund balance classifications could be used.

Administrator Douglas did advise the Board that all requests made by Ms. Gindt through the years have been satisfied.

**Review and consider approval of Resolution No. 2013-05-13-01 Approving the Receipt of the Audit Conducted by Reilly, Penner & Benton LLP of the Village of Chenequa's Financial Statements for the Year Ending December 31, 2012.**

Motion (Wilkey/von Bereghy) to approve the receipt of the 2012 audit. *Carried Unanimously.*

**Approve minutes of the April 8, 2013 Village Board meeting.**

Motion (von Bereghy/Wilkey) to approve Village Board minutes of April 8, 2013 meeting. *Carried Unanimously.*

**Clerk / Treasurer**

**Presentation of Invoices for Approval.**

Administrator Douglas advised the Board of an expense to Attalus Communications. Our AT&T telephone contract expired and we looked at some different options. We decided to go with a T1 high capacity phone line system. An upgrade was needed at a cost of \$1000. This will easily be paid back within the year. By going forward with this upgrade, there will be substantial savings of about 1/3 of our current cost.

Motion (Haase/Wilkey) to approve the bills as presented. *Carried Unanimously.*

**Report on Investment Activity.**

Investments were reviewed. No changes since our last meeting.

**Review and consider preliminary plans for a 2851 s.f. addition to the existing dwelling and plans for a 1080 s.f. addition to the garage of the Gordon and Grace Gunnaugsson residence located at 31842 W Muscovy Road.**

Trustee Wilkey reported that the Plan Commission reviewed the plans submitted by the Gordon and Grace Gunnaugsson. Everything was in order except the final building plans, lighting and landscape plans. The Plan Commission did give final approval but asked that the final plans be brought for information only for the Members to see. Building Inspector Tising and Administrator Douglas were given permission to give final approval of said plans.

Motion (Manegold/Haase) to approve plans for a 2,851 s.f. addition to the existing dwelling and a 1,080 s.f. addition to the garage of the Gordon and Grace Gunnaugsson residence located at 31824 W Muscovy Road with the exception that final plans must be approved by Administrator Douglas and BI Tising. *Carried Unanimously.*

**Review and consider amendments of Village Ordinance 1.09(4) and (7), which would eliminate a set time for the first meeting of the Board of Review and updating per State Statute requiring the notice of intent to file an objection by a taxpayer with the BOR at least 48 hours before the first meeting of the BOR instead of 24 hours.**

Chairperson Villavicencio advised Trustees that we were updating the ordinance per State Statute requirements.

Motion (von Bereghy/Haase) to approve revisions made to Village Ordinance 1.09(4) and (7) which would eliminate a set time for the first meeting of the Board of Review and updating per State Statute requiring the notice of intent to file an objection by a taxpayer with the BOR at least 48 hours before the first meeting of the BOR instead of 24 hours. *Carried Unanimously.*

**Review and consider revisions to Village Ordinance 2.01(3)(a) and (b) Alcohol Beverages which would eliminate any references to actual dollar amounts of license fees and advise per fee schedule instead.**

Chairperson Villavicencio advised Trustees that again we were updating our ordinance to remove any dollar amounts and replace with 'per fee schedule'.

Motion (Manegold/von Bereghy) to approve revisions made to Village Ordinance 2.01(3)(a) and (b) Alcohol Beverages which would eliminate any references to actual dollar amounts of license fees and advise per fee schedule. *Carried Unanimously.*

**Committee Reports**

**Public Safety** – no report

**Operations** – no report

**Plan Commission** – reported above

**Open Space** – no report

**Board of Appeals** – no report

**Personnel Committee** – no report

**Hwy 83 Task Force** – no report

**Emergency Government Committee** – no report

**Lake Management Committee** – meeting Thursday, May 16, 2013

**Police Commission** – no report

**Lake Country Fire and Rescue Board** – Trustee Wilkey reported that they are still meeting regarding the merger with the City of Oconomowoc. LCF&R has an opportunity to purchase a Pink Heals fire truck which would then be housed in our firehouse.

**Report of the Village Administrator**

Administrator Douglas requested the Board meet next week for a special meeting regarding the proposed new building and an update on the sale of 5595 STH 83 property.

**Report of Village President**

None

**Report of Village Attorney**

Attorney Wagner Ebben updated the Board on the sale of 5595 STH 83 property. Phase II report has been completed. An environmental attorney with the law firm of Michael Best & Friedrich reviewed the report and advised that it was a generally clean report but would require a report to the DNR of the condition of the property. We are hoping to still close on the property after working out the clean-up requirement. The Board recommended an escrowed amount be held in order to move the sale forward.

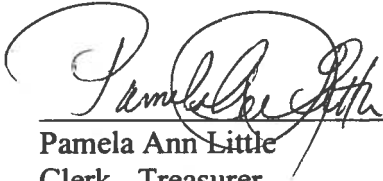
**Agenda items to be considered for future meetings of the Village Board.**

None

**Adjournment**

Motion (von Bereghy/Haase) to adjourn the May 13<sup>th</sup> meeting of the Village Board at 8:33 p.m. Carried Unanimously.

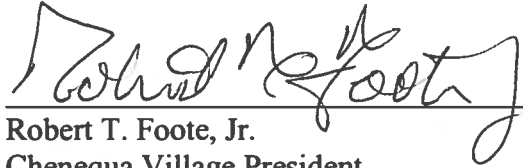
Respectfully submitted by:



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Pamela Ann Little  
Clerk - Treasurer  
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Approved and Ordered Posted by:



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Robert T. Foote, Jr.  
Chenequa Village President