

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
September 15, 2014**

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by President Wolter

ROLL CALL: President Wolter, Trustees Baum, Hughes, Kaminski, Miller, Vanderheiden, Warren and Zabel. Trustee Daniels was absent and excused. Also present: Attorney Sajdak, Planner Retzlaff, DPW Director Ludwig, Engineer Bischke, Finance Director Rath, Police Communications Officer Schmidt, Fire Chief Weiss and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: Inviting all to attend the Committee of the Whole meeting on Wednesday, September 17th for discussion of 2015 Budget process.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST & COMMITTEE REPORTS: Upcoming meetings were announced as well as other items of interest by Trustees.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:
Nancy Lietzau, N116W15925 Main Street, Germantown – Decibel meter

CONSENT AGENDA:

A. Minutes – August 4, and August 25, 2014 Special Village Board Meetings, August 18, 2014 Regular Village Board

B. Accounts payable/payroll

1.	August 25, 2014	Accounts Payable	\$ 416,156.88
2.	August 26, 2014	Payroll (hourly)	\$ 251,953.83
3.	August 29, 2014	Payroll (salary)	\$ 78,136.06
4.	August 2014	Accounts Payable	\$ 238,227.99
5.	September 9, 2014	Payroll (hourly)	\$ 233,154.70

C. Operator Licenses: September 16, 2014 - June 30, 2015:

Nicholas Aldridge, Jacob Barthe, Tressa Clark, Joseph Gebauer, Daniel Marchewka, Adam Mertes, Justin Nolan, Jennifer Peterson, Debra Sporer, Courtney Vela, Maranda Kennedy and Jadawn Dean

The following items were forwarded from the Public Safety Committee with a unanimous recommendation:

D. Recommended Approval To Lease Recorder & Phone System For The Police Department through a 5-Yr Lease Agreement For: Eventide Audio Recorder – Lease Proposal Provided By General Communications, Leasing Service Eventide Nexlog Recording System, Lease Cost Of \$11,814.04 Per Year (\$984.50 Month) **AND** Avaya IP Office IP PBX Phone System - Lease Proposal Provided By Norcomm Unified Communications, Leasing Service Marlin Leasing, Lease Cost Of \$7,979.16 Per Year (\$664.93 Month) With A Total Cost Of \$19,792.20 Per Year Funded From Account# 40-521-570-8430 For The First 27 Months Of Lease Payments, Remaining Payments Will Be Included In The Operating Budget For The Remaining Term Of Agreements.

VII. CONSENT AGENDA continued:

- E. Recommended Approval of Application for Amendment of Class B Fermented Malt Beverage & Intoxicating Liquor License Outside Premises Extension for Kuhburg Junction on October 4, 2014 from 2:00 p.m. to 10:00 p.m.

The following items were forwarded from the Public Works Committee with a unanimous recommendation:

- F. Recommended Approval to Authorize and Execute Contract Amendment #1 Reducing the Scope of the Donges Bay Road STP-M Contract With R.A. Smith National
- G. Recommended Approval to Authorize Staff to Fill a Civil Engineer Position Within the Engineering Department
- H. Recommended Approval of the Developer's Agreement for Hillstone Apartments with an Amendment to Re-Word Section 1.04(4) of the Agreement to Clarify the Contractor's Responsibility for Street Cleaning With Village Assistance Only if Necessary and Billed Back to the Developer.

The following items were forwarded from the General Government and Finance Committee with a unanimous recommendation:

- I. Recommended Approval of T.E. Brennan Company Progressive Invoice on Liability Insurance RFP in the Amount of \$5,120.00

MOTION (Baum/Warren) approve Consent Agenda Items A-I, carried.

UNFINISHED BUSINESS: None.

PUBLIC HEARINGS – 7:00 P.M. OR LATER –*The purpose of said hearing(s) is to hear any and all parties, their attorneys or agents, for or against the application(s) filed by the petitioner(s).*

- A. Chaz Hastings, Agent and Applicant, for Scott McKenna, Property Owner for a CONDITIONAL USE PERMIT (CUP) to Develop and Use an "Off-Site" Parking Area to be Constructed on a Parcel Located at N116 W15987 Main Street, (Parcel #224-019 Pursuant to Section 17.45(5) of the Village of Germantown Zoning Code
Planner Retzlaff presented information regarding the request for the Conditional Use Permit for a 52-stall Off-Site Parking Area for Old Town Inn & Bier Stube employees & patrons. Plan Commission recommended and approved the plans subject to the Village Board approving the Conditional Use Permit. This is for parking use only and only by the patrons and employees of Old Town Inn & Bier Stube unless there are separate agreements for shared use with others. Site Plan approval conditionally approved by Plan Commission with 7 conditions and CUP approved by Plan Commission with 9 conditions.

President Wolter opened the public hearing at 7:18 p.m.

Ron Mihm, N116 W16009 Main Street - spoke regarding fencing requirements.

Jeff Theise, Gehl Foods, N116 W15970 Main Street – spoke regarding concerns of storm water runoff, erosion of railway spur, snow removal and turn around for tractor trailers.

Nancy Lietzau, N116 W15925 Main Street – question regarding ownership.

President Wolter closed the public hearing at 7:23 p.m.

PUBLIC HEARINGS continued:

- B. MD Development & Moore Designs Inc., Property Owner/Operator and Applicant for a CONDITIONAL USE PERMIT (CUP) to Allow Development Within a 25' Wetland Setback on the Property Located at W193 N10975 & W193 N10980 Kleinmann Drive (Portions of Parcel ID#291-961 & 291-964)
- C. MD Development & Moore Designs Inc., Property Owner/Operator and Applicant for a CONDITIONAL USE PERMIT (CUP) for the Operation of a Construction Services/Contractor Shop Business on the Property Located at W193 N10980 Kleinmann Drive (Parcel ID#291-964)

MD Development & Moore Designs Inc., public hearings of Items B & C were combined into one public hearing:

Planner Retzlaff presented information regarding the applications for the two Conditional Use Permits for consideration for an office building and a construction services/contractor shop.

President Wolter opened the public hearing at 7:30 p.m.

David Moore, property owner – looking forward to building in Germantown.

President Wolter closed the public hearing at 7:31 p.m.

- D. Proposed Amendments to Chapter 18, Subdivision and Platting, Village of Germantown Municipal Code (Relating to the Number of Lots or Parcels That Can Be Created with Certified Survey Maps).

Planner Retzlaff presented information regarding the Proposed Amendments to Chapter 18, Subdivision and Platting. WI Act 272 passed April 2014 amended CSM provisions in WI Stats. Ch. 236.

President Wolter opened the public hearing at 7:36 p.m.

No one spoke regarding the public hearing.

President Wolter closed the public hearing at 7:37 p.m.

NEW BUSINESS:

- A. Chaz Hastings, Agent for Scott McKenna, Property Owner/Operator, N116 W15987 Main Street, Parcel ID#224-09, Conditional Use Permit (CUP) to Develop and Use an "Off-Site" Parking Area to be Constructed on Said Parcel

MOTION (Baum/Kaminski to approve as presented. Discussion of development of entire area regarding parking, storm water runoff, MMSD requirements and drainage issues. Planner Retzlaff stated there were no additional MMSD requirements. Question to Attorney Sajdak about placing a moratorium in effect until plans for development are complete. Attorney Sajdak responded it could be considered but cannot apply to any existing applications pending and this application has been made and complies with current requirements. Further discussion on previous conversations regarding planned development in the area.

MOTION (Vanderheiden/Zabel) to amend the motion and add a fence on the western parking line to the extent of the new parking lot. Discussion of additional fencing and length and existing buildings. **Two in favor (Vanderheiden & Zabel), 6 opposed, motion to amend fails.**

All in favor of motion to approve the CUP, carried.

NEW BUSINESS continued:

- B. MD Development & Moore Designs Inc., Property Owner, Conditional Use Permit (CUP) to Allow Development Within a 25' Wetland Setback on the Property Located at W193 N10975 & W193 N10980 Kleinmann Drive (Portions of Parcel ID#291-961 & 291-964)
MOTION (Baum/Zabel) to approve as presented, carried.
- C. MD Development & Moore Designs Inc., Property Owner/Operator, Conditional Use Permit (CUP) for the Operation of a Construction Services/Contractor Shop Business on the Property Located at W193 N10980 Kleinmann Drive (Parcel ID#291-964)
MOTION (Baum/Zabel) to approve as presented, by roll call vote, carried.
- D. Proposed Amendments to Chapter 18, Subdivision and Platting, Village of Germantown Municipal Code (Relating to the Number of Lots or Parcels That Can Be Created with Certified Survey Maps). (Ordinance)
MOTION (Baum/Miller) to approve as presented. Discussion of number of parcels allowed. **Carried.**
- E. Resolution Awarding the Sale of \$5,685,000 General Obligation Community Development Bonds, Series 2014B; Providing the Form of the Bonds; And Levying A Tax In Connection Therewith (Resolution)
Maureen Schiel of Ehlers presented information on the Village's General Obligation Community Development bonds to pay the cost of TID #6 Community Development projects which qualify for tax exempt borrowing. There were 8 bidders with the lowest being Wells Fargo out of North Carolina with an interest of 3.0458%. Difference between high and low bidder is a savings of \$278,970 in interest. Discussion. 8:18 p.m. *Trustee Hughes stepped out and returned at 8:21 p.m.*
MOTION (Baum/Vanderheiden) to approve the borrowing of \$5,405,000 as presented, by roll call vote, carried.
- F. Request for Approval to Award Contract for TID #6 Neu-NMMR Grading & Erosion Control
Engineer Bischke presented information on the request. **MOTION (Baum/Hughes) to award the contract for TID #6 Neu-NMMR Grading & Erosion Control to Super Western, Inc. with a bid of \$1,497,194.49.** Discussion. **Roll call vote, carried.**
- G. Request for Approval to Award Contract for TID #6 Neu-NMMR Geotechnical Inspection Services
Engineer Bischke presented information on the request. **MOTION (Baum/Warren) to award the contract for TID #6 Neu-NMMR Geotechnical Inspection Services to Himalayan Consultants, LLC, by roll call vote, carried.**
- H. Request for Authorization Regarding TID #6 Utilities Easement thru W190N9950 Appleton Ave, Germantown WI. The Village Board may enter into closed session per WI ss. 19.85 (1)(e) for the purpose of deliberating or negotiating the purchase of

NEW BUSINESS continued:

public properties, the investing of public funds, or conducting other specified public business, when competitive or bargaining reasons require a closed session and then may re-enter open session to take such action as it deems appropriate.

MOTION (Hughes/Kaminski) to go to the next item and move Item 'H' to the end of New Business, carried.

I. Request for Adoption of Donges Bay Rd., Country Aire Dr. N., and River Crest Dr. into Year 2015 Local Road Improvement Projects

Engineer Bischke presented information on the request. \$1,570,000 cost.

MOTION (Kaminski/Warren) to approve the 2015 Local Road Improvement Projects as presented. MOTION (Zabel/Hughes) to amend the motion for the projects listed by doing Concord Road instead of Country Aire Drive.

Discussion. **Vote for the Amendment, 2 in favor (Zabel & Hughes), 6 opposed, amendment fails. Motion to approve as presented, 7 in favor, 1 opposed (Zabel), carried.**

J. Recommendation to Eliminate Village of Germantown Municipal Code Chapter 22-Cable Communications (Ordinance)

MOTION (Zabel/Baum) to approve Eliminating Village of Germantown Municipal Code Chapter 22-Cable Communications Ordinance as presented.

Attorney Sajdak presented information on the ordinance and need for elimination. No reason to keep Chapter 22 as the Village does not have franchising authority. **Carried.**

K. Recommendation to Approve Funding for Fire Department to Continue Weekend Staffing Through 12/31/2014 Not to Exceed \$140,000

MOTION (Baum/Miller) to approve funding for Fire Department to continue weekend staffing through 12/31/2014 not to exceed \$140,000. Discussion. Originally put in place to give Chief more time to come forward with plan to the Village Board, a temporary and short term fix to give them more time to find additional employees to go back to the way it was. President Wolter stated he is looking forward to a solution coming forward so this can be resolved and these proposals to extend do not continue to come forward. **Roll call vote, carried.**

L. A Resolution Amending Resolution No. 01A-14 Relating to Salaries and Compensation for Exempt Salaried and Other Non-Represented Support Staff, Calendar Year 2014, to Provide Compensation For Additional Police And Fire Commission Meetings (Resolution)

MOTION (Baum/Kaminski) to approve the Resolution Amending Resolution No. 01A-14 Relating to Salaries and Compensation for Exempt Salaried and Other Non-Represented Support Staff, Calendar Year 2014, to Provide Compensation For Additional Police & Fire Commission Meetings.

Discussion. **Roll call vote, carried.**

NEW BUSINESS continued:

- H. Request for Authorization Regarding TID #6 Utilities Easement thru W190N9950 Appleton Ave, Germantown WI. **MOTION (Baum/Zabel) to go into closed session at 9:05 p.m., per WI ss. 19.85 (1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, when competitive or bargaining reasons require a closed session and then may re-enter open session to take such action as it deems appropriate, by roll call vote, carried.**

MOTION (Baum/Kaminski) to go into open session at 9:35 p.m., carried.

MOTION (Baum/Hughes) to authorize Village Staff to make an offer consistent with the discussion in closed session, by roll call vote, carried.

ADJOURNMENT

There being no other business, the meeting adjourned at 9:37 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk