

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
November 17, 2014**

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

ROLL CALL: President Wolter, Trustees Baum, Daniels, Hughes, Miller, Vanderheiden, Warren and Zabel. Trustee Kaminski was absent and excused. Also present: Attorney Sajdak, Planner Retzlaff, DPW Director Ludwig, Water Spt. Driver, Sewer Spt. Zimmerman, Hwy Spt. Olszewski, Police Chief Hoell, Finance Director Rath, Fire Chief Weiss, Librarian Olson and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter thanked the many people involved in the Germantown Christmas parade which was very successful. He also noted taking part in signing of documents with Korean officials from Nova-Kem, LLC.

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

A. Report by Village Clerk on Elections

Clerk Goeckner reported an average 79% voter turnout for the Village, with a high turnout in District 4 of 82%. There was also a high Election Day Registration Turn out of nearly 900, as well as a high turnout of 20% of voters voting by Absentee Ballot in the November 4, 2014 General Election.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:

Fire Chief Weiss commented on several calls in the Village on Saturday November 15th and commended staff on their quick response.

Chris Yatchak – N116W15041 Brownstone Court, Germantown, Stephanie Litzow Erdman - N105W10121 Oak Lane Germantown, Pat Peterson of Krenz & Company and Rod Peterson of Krenz & Company, all spoke in favor of allowing the Fire Department request for referendum.

CONSENT AGENDA:

A. Minutes –October 15, 2014 Special Village Board Meeting and October 20, 2014 Regular Village Board Meeting

B. Accounts payable/payroll

1.	10/21/2014	Payroll (hourly)	\$211,519.76
2.	10/25/2014	Accounts Payable	\$116,994.71
3.	10/31/2014	Payroll (salary)	\$ 78,983.22
4.	10/2014	Accounts Payable	\$ 25,452.85
5.	11/4/2014	Payroll (hourly)	\$226,573.49

C. Operator Licenses: November 18, 2014 - June 30, 2015:

Stephanie Bessler, Casey Doleschy, Michelle Ehrlich, Tara Geissler, Jonathan Haugen, Melissa Lalk, Tina Nelson, Chad Nickerson, Christopher Reason, Kirsten Schirpke, Tara Smith, and Kia Vang

CONSENT AGENDA continued:

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

- D. Recommended Approval For Payment Of Invoice Of Joe De Belek Plumbing In The Amount Of \$7,149.50 For Emergency Water Lateral Repair At W171N11392 Division Road With Funds To Be Allocated From Acct. #50-742-530-6730
- E. Recommended Approval For Payment Of Invoice Of Xylem Flyght In The Amount Of \$7,746.90 For The Replacement Pump At Lift Station #3 With Funds To Be Allocated From Acct. #60-180-184-3230
- F. Recommended Approval To Purchase One Asphalt Cutter/Router From CRAFCO In The Amount Not To Exceed \$15,752 With Funds To Be Allocated From Acct. #10-542-570-8100
- G. Recommended Approval Of Written Proposal From ABCO For The Replacement Of Four Sets Of Doors And Frames At The Police Department For A Cost Not To Exceed \$10,500 With Funds To Be Allocated From Acct. #10-519-530-8221
- H. Recommended Authorization For Continuation Of The Shallow Well Exploration Test Boring Phase With Foth Infrastructure At A Cost Not To Exceed \$46,300

MOTION (Baum/Hughes) to approve Consent Agenda Items A-H, carried.

UNFINISHED BUSINESS:

- A. Fire Department Request to Proceed with Preparations for a Public Spring 2015 Referendum to Increase the 2016 Village of Germantown Levy Limit for the Purpose of Funding Full Time Staffing in the Fire Department

MOTION (Vanderheiden/Daniels) to move forward with the Fire Department request to proceed with preparations for a Public Spring 2015 referendum to increase the 2016 Village of Germantown Levy limit for the purpose of funding of full time staffing in the Fire Department. Trustee Vanderheiden stated the population has increased but the Fire Department staffing has stayed level and encouraged the board to consider moving forward with the referendum for full time staffing. Trustee Zabel inquired about other options and ability to slowly work into what is requested. Trustee Miller stated he had taken a personal poll and 24 persons said they would support a referendum while 3 others stated they would not and 2 suggested outsourcing. Chief Weiss discussed: difficulties in getting more paid on call members, option to apply for a FEMA grant that may help with paying for additional staffing for a short period, his concerns regarding outsourcing ambulance services and FEMA related statistics for Fire Department calls. Trustee Baum asked about alternatives and Trustee Warren stated he was unsure which way the residents would vote and which way he would go. Chief Weiss further commented on the FEMA site and calls of other more rural departments calculated into their statistics. Further discussion on the request for 16 full time staff and possible other options that should be considered, as well as response time, pay for paid on call members, has property or loss of life increased for Germantown, 'save' rates for the Village, costs for a fire department, demographics of other departments and their communities. President Wolter discussed the specifics of the referendum questioning and the process. Attorney Sajdak verified the motion as stated. The process would be for the Board to introduce a resolution stating the request to exceed levy allowed by law and identify that increase specifically and whether or not the amount would be ongoing or just one time. Publications and

UNFINISHED BUSINESS continued:

notices would follow for placing the question on the ballot for the referendum.

Question has to be to the County Clerk by January 27, 2015 for the April 7, 2015 Spring Election. Discussion of process at the Village Board level regarding the question and the amount requested. Attorney Sajdak would prepare resolution to come before the December 1st Village Board meeting. Trustee Zabel asked if questions could be separated as options. Attorney stated under 66.0602 there is a referendum solely for requesting to exceed the levy. Other questions would be for an advisory referendum which could run concurrently.

Further discussion on the specifics of questions and referendum procedures, costs of department/staffing, outside service ability to fill the need, significant reduction of overtime as stated by Chief Weiss, as well as his concerns that an outside service would not have the necessary training for getting someone out of a trapped situation or the equipment for such emergencies, as well as their lack of knowledge of the Village and the residents. Discussion of impact on the Village tax levy, possibility of cross training police officers for Fire Dept. staffing and effect of motion on Village's decision of what question to place on the ballot and whether or not staff funding amount could be something other than what is approved with the referendum. **By roll call vote, 6 in favor, 2 opposed (Zabel, Baum), carried.**

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. 2015 Budget & Tax Levy

Finance Director Rath presented information regarding the levy which has an increase of .84% over the 2014 levy, for a total of \$11,167,017.

President Wolter opened the hearing at 8:57 p.m.

No one came forward to speak.

President Wolter closed the hearing at 8:58 p.m.

B. Raymond Rodenbeck, Briohn Building Corp, Applicant and Petitioner for Trouble Free Realty, Inc. (Xtreme Stainless LLC) Property Owner; Parcel GTNV#291-955, N194W11005 Kleinmann Drive for (1) Conditional Use Permit (CUP) to Allow Development Within a 25' Wetland Setback Pursuant to Section 24.04(3) of the Municipal Code; (2) Rezoning Application to Rezone and Remove 1,453 sqft of the Property from the Shoreland-Wetland Overlay Zoning District, Pursuant to Section 24.04(2) of the Municipal Code;

Planner Retzlaff presented information on the requests. Including information regarding the CSM.

President Wolter opened the hearing at 9:02 p.m.

No one spoke regarding the hearing item.

President Wolter closed the hearing at 9:03 p.m.

C. Village of Germantown, Community Development Department; Amendments to Section 17.46 (Signs) of the Village of Germantown Zoning Code.

Planner Retzlaff presented information regarding the requested amendments to the Village of Germantown Zoning Code relating to Section 17.46 (Signs).

PUBLIC HEARINGS continued:

President Wolter opened the hearing at 9:10 p.m.
No one spoke regarding the hearing item.
President Wolter closed the hearing at 9:11 p.m.

NEW BUSINESS:

- A. Raymond Rodenbeck, Briohn Building Corp, Applicant and Petitioner for Trouble Free Realty, Inc. (Xtreme Stainless LLC) Property Owner; Parcel GTNV#291-955, N194W11005 Kleinmann Drive for: (1) a Conditional Use Permit (CUP) to Allow Development Within a 25' Wetland Setback Pursuant to Section 24.04(3) of the Village Zoning Code; (2) an Application to Rezone and Remove 1,453 sq. ft. of the Property from the Shoreland-Wetland Overlay Zoning District, Pursuant to Section 24.04 (2) of the Village Zoning Code (Ordinance Amendment); and (3) a 2-Lot Certified Survey Map (CSM) Lot Combination
MOTION (Baum/Warren) to approve the Conditional Use Permit, Zoning Code Amendment and the 2-Lot CSM as presented, carried.
- B. Introduction of a Resolution Discontinuing the Entirety of the Public Road Right of Way Dedication Shown on Lot 2 Of CSM No. 2360 And to Set a Date for Public Hearing Thereon
MOTION (Warren/Baum) to approve the Resolution Discontinuing the Entirety of the Public Road Right of Way Dedication Shown on Lot 2 of CSM No. 2360 and to set a date for the public hearing thereon, carried.
- C. Village of Germantown, Community Development Department; Zoning Code Amendments; Section 17.46 (Signs) (Ordinance Amendment)
MOTION (Baum/Miller) to approve the Zoning Code Amendments to Section 17.46 (Signs) as presented. Attorney Sajdak recommended a correction under paragraph 5 – ORT should read 'or'. Discussion of residential boundaries, enforcement, measurements and notices. Discussion of various types of signs and consideration to include language that identifies negative visual impact in the opinion of the Plan Commission at the time of approval. Suggestion to add the phrase, as recommended by Attorney Sajdak, to create in the opinion of the Plan Commission at the time of sign approval. **MOTION (Baum/Zabel) to amend with the Attorney's recommendation, carried.**
MOTION (Hughes/Daniels) to remove all of item 4 under section 4. Discussion regarding the time allowed for a flashing message portion of the restriction, from a business perspective. **3 in favor, 5 opposed (Baum, Miller, Warren, Wolter & Zabel), motion fails.**
MOTION (Hughes/Vanderheiden) to extend the time to 3 seconds instead of 1 second in transition interval, 7 in favor, 1 opposed (Warren), carried.
Original motion as amended, carried.
- D. Recommended Approval of Change of Agent - Wal-Mart #1515, W190 N9855 Appleton Avenue, Germantown, Duane Carl Van Straten, 1212 Lily Avenue, West Bend WI 53090
MOTION (Baum/Zabel) to approve Wal-Mart Change of Agent as presented, carried.

NEW BUSINESS continued:

- E. Recommended Approval of Change of Agent - Buffalo Wild Wings, N96W17990 County Line Road, Germantown, Jillian R. Cabanatuan, N96W20309 Cty Line Rd, Menomonee Falls WI 53051
MOTION (Baum/Warren) to approve Buffalo Wild Wings Change of Agent, as presented, carried.
- F. Recommended Approval of Amusement Arcade License November 18, 2014 – June 30, 2015, Buffalo Wild Wings, N96W17990 County Line Road, 11 devices
MOTION (Baum/Zabel) to approve Arcade License for Buffalo Wild Wings as presented, carried.
- G. Recommended Approval to Award Contract For 2015 Liability Insurance
MOTION (Zabel/Vanderheiden) table until December 1st meeting, carried.
- H. Recommended Approval of Resolution Adopting the 2015 Budget & Tax Levy
MOTION (Vanderheiden/Miller) to approve Resolution adopting the 2015 budget and tax levy. Discussion by Trustee Zabel regarding sewer and water budgets. **By roll call vote, 6 in favor, 2 opposed (Baum, Zabel) carried.**
- I. Recommended Approval of Resolution Authorizing Placement of Special Charges on the 2014 Tax Roll Against Certain Properties
MOTION (Baum/Vanderheiden) to approve Resolution authorizing placement of Special Charges on the 2014 Tax Roll against certain properties, by roll call vote, carried.
- J. Recommended Approval of Washington County Convention and Visitors Bureau Request: Tourism Funds – 2015
MOTION (Baum/Miller) to approve funding of \$7,500 to the Washington County Convention and Visitors Bureau, by roll call vote, carried.
- K. Roland Pieper, Agent for Patrick Josten and Rockfield Short-Pour LLC, Property Owner; Request for a six (6) Week Extension of Conditional Use Permit (CUP) No. 8-12 (Read-Mix Concrete Batch Plant); W172N12882 Division Road, Germantown WI
MOTION (Hughes/Baum) to approve as presented. Discussion of request for six week extension and time line for returning with applications for further extension or relocating business to new location. Mr. Josten was informed of the deadline for January Plan Commission of December 8th. Discussion of Mr. Josten's plan to relocate and open for business in the spring. **8 in favor, 1 opposed (Warren), carried.**
- L. Request for Acceptance of WisDOT's Jurisdictional Offer to Purchase Easements and Lands Impacted by the STH 145 Roundabout; And Dedication of An Additional 27' of Property for Right of Way Purposes
MOTION (Warren/Daniels) to approve the request as presented. DPW Director Ludwig presented information regarding this item. When TIF 4 developed had

NEW BUSINESS continued:

asked for completed right of way plat in 2001 approved by Village Board as well as a relocation order and had hired a consultant to approve right of way. There were 21 parcels to be purchased. 19 were purchased 2 were not, that were owned by village. Document added to packet this evening was a donation/dedication document which effectuates the policy established in 2001 and would complete the 60' right of way transaction from the Village parcels to the DOT. Discussion. **7 in favor, 1 opposed (Zabel), carried.**

- M. **Resolution Stating the Position of the Village of Germantown to Not Pay for Fixing the Countywide Radio System**
MOTION (Zabel/Baum) to approve resolution as presented, carried.
- N. **Resignation of Village Attorney Nick DeStefanis**
MOTION (Zabel/Baum) to accept resignation of Village Attorney Nick DeStefanis, carried.
- O. **Direction to Village Attorney to Handle Municipal Court Legal Work**
MOTION (Baum/Hughes) to direct Village Attorney Sajdak to handle the Municipal Court legal work, carried.
- P. **Recommended Approval of 2015 Fireworks Contract**
MOTION (Baum/Vanderheiden) to approve the 2015 Fireworks Contract, carried.

ADJOURNMENT

There being no other business, the meeting adjourned at 10:00 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk