VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
May 4, 2015

CALL TO ORDER: The meeting was called to order at 7:03 p.m. by President Wolter

ROLL CALL: President Wolter, Trustees Daniels, Hughes, Kaminski, Miller, Warren and Zabel. Trustees Baum and Myers were absent and excused. Also present: Administrator Schornack, Attorney Sajdak, DPW Director Ludwig, Hwy., Fire Chief Weiss and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter turned his report to the Village Clerk who announced the Governor signed a Proclamation declaring the week of May 3-9, 2015 as Municipal Clerks Appreciation Week and she thanked the Village Board for the opportunity to work with them as their Clerk. President Wolter thanked Clerk Goeckner for her work in conducting the elections and keeping the Clerk's office running smoothly.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees provided information on upcoming meetings and events.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:
Chris Yatchak, N116W15041 Brownstone Court, Germantown invited all to attend the Mai Fest event May 15-17.

CONSENT AGENDA:

A. Minutes – April 13, 2015 Special Village Board Meeting and April 20, 2015 Regular Village Board Meeting

B. Accounts payable/payroll

1.	April 21, 2015	Payroll (hourly)	$ 211,097.91
2.	April 25, 2015	Accounts Payable	$ 227,739.37
3.	April 30, 2015	Payroll (salary)	$ 80,290.60

C. Operator Licenses: May 5, 2015 - June 30, 2015:
Kimberly Pietrowiak, Shalimar Wiech [Recommended Approval]

D. **Resolution No. 18-15** Approving Amendments to the 2015 Budget – Allocate Contingency Funds to Departments to Cover Wage Increase Line Item Transfer [Recommended Approval]

E. **Resolution No. 19-15** Authorizing the Write-Off of Delinquent Accounts Receivable of 2006-2014 for Ambulance Billing in the Amount of $43,166.71 [Recommended Approval]

MOTION (Daniels/Warren) to approve Consent Agenda Items A-E. Trustee Zabel requested a change to Item 'A' both sets of minutes. I & I item had actually come before the board in 2011 but the minutes read 2 years. However the actual language at the meeting was 'a couple' years. **MOTION (Zabel/Kaminski) to amend the motion to change both sets of minutes to change 2 years to 'a couple of years', passed. Roll call vote on motion as amended, carried.**

UNFINISHED BUSINESS: None.

PUBLIC HEARINGS – 7:00 P.M. OR LATER:

A. Jim Marriott, Agent for Momentum Early Learning and Property Owner of Parcel #GTNV 281-972 (W175 N11037 Stonewood Drive) and Applicant for a CONDITIONAL USE PERMIT for the operation of a child day care facility pursuant to Section 17.31(3)(e) of the Municipal Code.

PUBLIC HEARINGS continued:

Planner Retzlaff presented information on the request. Use allowed with a CUP in a B-4 District. Plan Commission conditionally approved on April 13th. Maximum number of children to serve is 140 children with a maximum of 30 employees on the site. Recommendation to approve subject to two standard conditions.

President Wolter opened the hearing at 7:15 p.m.
No one spoke regarding the request.
President Wolter closed the hearing at 7:17 p.m.

B. Jay Knetter, Agent for Paul & Patsy Ellsworth and Ellsworth Adhesives, Property Owner of Parcel #GTNV251-988 (W129 N10825 Washington Drive) and Applicant for a CONDITIONAL USE PERMIT for the storage and use of chemicals, flammable liquids and gaseous vaporous substances pursuant to Section 17.33(3)(a) of the Municipal Code.
Planner Retzlaff presented information on the request. Operation involves storage and use of flammable materials. Plan Commission recommendation is to approve the permit subject to five conditions.

President Wolter opened the hearing at 7:20 p.m.
No one spoke regarding the request.
President Wolter closed the hearing at 7:22 p.m.

C. Patrick Josten, Agent for Rockfield Short Pour LLC and Property Owner of Parcel #GTNV 103-992 (W172 N13098 Division Road) and Applicant for a 2020 LAND USE PLAN MAP AMENDMENT application to change the land use plan map designation of the parcel from “Industrial/Office” to “Mineral Extraction”; a REZONING application to rezone the parcel from the M-1: Limited Industrial to the M-4: Mineral Extraction Zoning District pursuant to Section 17.36 of the Municipal Code; and a CONDITIONAL USE PERMIT application to allow the operation of a “ready mix” concrete production and delivery operation pursuant to Section 17.36(2)(e) of the Municipal Code.
Planner Retzlaff presented information on the request. This was granted a temporary permit in 2012 to continue the operation from his existing property. Pursuant to that Mr. Josten has submitted application to relocate his operation. Plan Commission recommendation is to approve the permit subject to 10 conditions. Planner Retzlaff further presented detailed information on the proposed operation at the location, stating the request complies with current zoning for the property making the Land Use Plan Map Amendment unnecessary as well as the Rezoning and therefore he recommends to deny the Land Use Plan Map Amendment and Deny the Rezoning proposal and to approve the Conditional Use Permit as requested and recommended by the Plan Commission with the 10 Conditions as presented.

President Wolter opened the hearing at 7:34 p.m.
The following spoke regarding this request:
Attorney Thomas Lafave representing Gullickson’s - W172N12859 Division Road – clarified location for request.
Jim Dragatch - W172N13186 Division Rd. N132 W17103 Rockfield Rd. – no objection

PUBLIC HEARINGS continued:

Phillip Pulvermacher – W172N12216 Fond-Du-Lac Ave. – in favor
Joe Crescy W172N13088 Division Road – no objection
Douglas Goetz W172N13091 Division Road – concerns with activity
Andrea Josten W172N12882 Division Road – in favor
Fred Rehbein N172 N13125 Division Road - concerns of impact to home value/sales
Karen Rehbein W172N13125 Division Road – absolutely against this
Tom Josten – W172N12834 Division Road – in favor
President Wolter closed the hearing at 8:04 p.m.

NEW BUSINESS:

A. **2020 Land Use Plan Amendment Ordinance, Rezoning Ordinance & Conditional Use Permit**- Patrick Josten, Agent for Rockfield Short Pour LLC and Property Owner of Parcel #GTNV 103-992 (W172 N13098 Division Road); Application to change the land use plan map designation of the parcel from "Industrial/Office" to "Mineral Extraction"; Application to rezone the parcel from the M-1: Limited Industrial to the M-4: Mineral Extraction Zoning District pursuant to Section 17.36 of the Municipal Code; and a CUP Application to allow the operation of a "ready mix" concrete production and delivery operation pursuant to Section 17.36(2)(e) of the Municipal Code.
MOTION (Zabel/Kaminski) to deny the zoning change from M-1 to M-4, carried.
MOTION (Zabel/Miller) to deny the change to the Land Use Plan, carried.
MOTION (Miller/Daniels) to approve the Conditional Use Permit. Discussion of business, property, complaints, prior CUP, M-1 zoning, conditions, compliance, self-reporting components and monitoring of activity. Planner Retzlaff stated an internal portable toilet approved by the State, presumably because of the low level of activity for the operation. Further discussion of trucks, loading, unloading and delivery, loading taking place inside, noise, concerns of denying and building remaining empty, aggregate materials and storage, location to residents, services provided by the business, traffic and noise concerns. **Carried.**

B. **Conditional Use Permit**- Jim Marriott, Agent for Momentum Early Learning and Property Owner of Parcel #GTNV 281-972 (W175 N11037 Stonewood Drive); CUP Application for the operation of a child day care facility pursuant to Section 17.31(3)(e) of the Municipal Code.
Motion (Zabel/Kaminski) to approve with Plan Commission recommendations and conditions as stated, carried.

C. **Conditional Use Permit**- Jay Knetter, Agent for Paul & Patsy Ellsworth and Ellsworth Adhesives, Property Owner of Parcel #GTNV251-988 (W129 N10825 Washington Drive); CUP Application for the storage and use of chemicals, flammable liquids and gaseous vaporous substances pursuant to Section 17.33(3)(a) of the Municipal Code.
MOTION (Kaminski/Miller) to approve with Plan Commission recommendations and conditions as stated. Discussion of activities etc., bringing them up to code for business as it is. **Carried.**

D. **Certified Survey Map**- Briohn Design Group, Agent for Sunlite Plastics, Inc., Property Owner of Parcel #GTNV204-981 & 204-976 (W194 N11340 McCormick Drive);Two (2)

NEW BUSINESS continued:

lot CSM to combine Lots.
MOTION (Zabel/Warren) to approve CSM as presented, carried.

E. **Certified Survey Map**- Elder Surveying Services, Agent for Jeff & Kelyn Meyer, Property Owner of Parcel #GTNV193-948 (W213 N11231 Meeker Hill Lane); CSM to Establish Property Lines.
MOTION (Miller/Warren) to approve CSM as presented, carried.

F. Request for Approval to Replace A Regular Part Time Firefighter/EMT Position
MOTION (Zabel/Warren) to approve the position as requested, carried.

G. Resolution No. 17-15, Amending Salary Resolution For Increase to Police Management Staff, Calendar Year 2015
MOTION (Kaminski/Daniels) to approve Resolution No. 17-15, Amending Salary Resolution for Increase to Police Management Staff, Calendar Year 2015. Administrator Schornack presented information regarding the proposed resolution needed due to compression issues in wages between management (Chief, Captain, Lieutenants and Police Detective Sergeant) and other staff. Clerk Goeckner stated the Resolution had blanks for the amount of the increase and the effective date which needed to be determined. Discussion of $18,000 in contingency not covering this and funding for Fire contract up for approval or the ½% under consideration for others. Issue of additional position of detective sergeant, raises for it and possible maximum overtime allowed for it which compounds compression issue. Further discussion of waiting for referendum to see where Fire Dept. ends up and possibly make adjustments later, compression between various positions, budget discussions, possible need to go to cash reserves to fund all issues. Consideration of $2,000 or $3,000 increase, show of good faith to approve tonight and consider effective date, need to consider other areas, concerns that this should be a budget discussion, concern of ripple effect from detective position creation, exempt vs. non-exempt position for detective sergeant and inability to do that because it is not allowed, gaps in wages closed significantly when union staff got raises and salary/management did not. President Wolter would like to have discussion for 2016 budget. Trustee Kaminski would like to push for looking at all of the salaries again. $2,000 for raise came from GGF and they just said some point later this year – no date. **MOTION (Kaminski/Daniels) to amend the motion for a $2,000 increase, effective by December 31, 2015.** Attorney Sajdak stated to pass this motion without any certain time creates problems and would seem the motion should be to revisit it at another time. **2 in favor (Daniels, Kaminski) 5 opposed, motion to amend fails. MOTION (Daniels/Kaminski) to amend the motion for a $2,000 increase effective July 1, 2015.** Discussion. **2 in favor (Daniels, Kaminski) 5 opposed, motion to amend fails. MOTION (Hughes/Zabel) to amend to postpone until the 2016 budget discussions.** Discussion. **5 in favor, 2 opposed (Daniels, Kaminski), amendment carried. Motion as amended, 5 in favor, 2 opposed (Daniels, Kaminski), carried.**

H. Requested Approval of Contract for Solid Waste and Recycling Collection/Disposal
MOTION (Kaminski/Warren) to approve contract for solid waste recycling

NEW BUSINESS continued:

collection/disposal as presented. MOTION (Zabel/Hughes) to amend to insert Section 2 of current contract into the new contract. This makes the garbage pickup the same as what it is currently because of bulk pickup and allows up to 5 cans to be put out**.** Discussion. Director of Public Works Ludwig stated contract selected is an automated contract for 5 years with Waste Management and to save approximately $39,000 per year over manual pickup. Savings of $194,000 over 5 years. 64 gallon carts and 1 day that is free for drop off of other items at DPW garage or option to haul their own bulk items to Waste Management for $.025 per pound charge. Resident can get 2 carts and can upscale after 60 days. Extra cart is $5 per month and is invoiced. Discussion: automated vs. manual, cost savings, cart sizes available, significant cost savings, bulk pickup charges, additional can charges. Waste Management representative spoke regarding the costs related to pickup and disposal. Further discussion of contract dates, monthly charge to residents, informational meeting for residents, timing of contract vs. instituting new program, education of residents, number of pickups in the village, single family and multifamily dwellings, commercial vs. residential. **MOTION (Zabel/Hughes) to amend to postpone action until we have a public information meeting.** Discussion of recycling, arrangements for an informational meeting for the public and automation becoming a requirement of the contractor in the future. **MOTION to amend to postpone carried. MOTION as amended, carried.**

I. <u>Authorization to Advertise for the Position of Director of Parks and Recreation</u>
Administrator Schornack –presented the request to advertise for this position. Current Director Justin Casperson leaving in June. Discussion of salary range of $61,800-$69,900 being put in ad. **MOTION (Kaminski/Miller) to approve request and include salary range.** Discussion of need for interim Director, salary range in ad for position and what occurs when it is left out of the ad etc. **6 in favor, 1 opposed (Zabel), carried.**

J. <u>Fire Department Request to Proceed with Preparations for a 2015 Referendum to Increase the 2016 Village of Germantown Levy Limit for the Purpose of Funding Full Time Staffing in the Fire Department and Discussion of Alternatives</u>
Fire Chief Weiss presented the proposed question for the 2015 Referendum to exceed the Levy Limit for 2016. Discussion of part time, full time and paid on call members currently on Fire Department. There are 3 full time and 4 part time. Volunteer was added to clarify the paid on call. Discussion of question as presented. Add to the last sentence after augment the 'current department staff' members. Add '3 full time and 4 part time' before paid on-call (volunteer) in the first line. Add 'additional' before full-time staff in second line and again before full-time fire department in the last line. Discussion of process and approval. Attorney Sajdak stated the board could approve the language at this time but would still need to adopt a formal resolution later.
Question as revised: *The Village of Germantown is presently served by a **<u>3 full time and 4 part time</u>** paid on-call (volunteer) fire department. In order to add **<u>additional</u>** full-time staff to provide 24-7 coverage, the Village's costs would exceed the maximum allowable levy. Under state law, the increase in the levy of the Village of Germantown for the tax to be imposed for the next fiscal year, 2016, is limited to ____%, which results in a levy of $_______. Shall the village of Germantown be allowed to exceed this limit*

NEW BUSINESS continued:

*and increase the levy for the next fiscal year, 2016, and each subsequent fiscal year thereafter, by a total of ____%, which results in a levy of $________ for the purposes of providing **additional** full-time fire department personnel to augment the **current department staff** members.*

MOTION (Kaminski/Daniels) to approve draft language as discussed to include the suggestions. Discussion of question and referendum requirements, talking points to come back to next meeting, FD staff not allowed to discuss anything while on duty and if asked questions to state 'by law I am not able to discuss that and recommend you contact your Village Trustee'. All officials and staff will be working from the same fact sheet when it is complete. **Carried.**

K. ***Commissions/Boards/Committees*** (left off the 4/20/2015 agenda in error)

1. ***Senior Center Advisory Committee***
   Trustee Art Zabel 04/21/2015 – 04/16/2018
2. ***County Advisory Committee For Farmland Preservation***
   Trustee Representative Terry Kaminski 04/21/2015-04/16/2014

Trustee Zabel questioned his re-appointment as Trustee Hughes appointment should not have expired until his election term ends. **MOTION (Kaminski/Miller) to hold Senior Advisory appointment over to next meeting, carried**. **MOTION (Warren/Hughes) to approve Trustee Kaminski as Representative to the County Advisory Committee for Farmland Preservation, carried.**

O. MOTION (Zabel/Kaminski) to take care of item 'O' first and go into closed session at 10:30 p.m. for The International Association of Firefighters Local 3879 negotiations per Wi. Stats. §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 re-enter open session to take such action as it deems appropriate and include Attorney Kyle Gulya and Fire Chief Gary Weiss, by roll call vote, carried. Discussion of strategy.
MOTION (Zabel/Kaminski) to go back into open session at 10:58 p.m., carried.
MOTION (Zabel/Warren) to approve the tentative agreement with the Fire Department staff for a 2015 agreement, by roll call vote, carried.

L. **MOTION (Miller/Kaminski) to go into closed session at 10:33 p.m. for the Potential Land Acquisition of an Easement on N104W15652 Donges Bay Road (Tax Key No. GTNV 274-117) as part of the Donges Bay Road Reconstruction Project, per Wis. Stat. §19.85(1)(e) for the purpose of deliberating or negotiating, when competitive or bargaining reasons require a closed session and then re-enter open session to take such action as it deems appropriate and include Director Ludwig to remain, by roll call vote, carried.**

MOTION to go back into closed session at 11:00 p.m., for Item 'L', carried.

Discussion of item information as presented.

NEW BUSINESS continued:

MOTION (Kaminski/Daniels) to go back into open session at 11:12 p.m., carried.

MOTION (Kaminski/Miller) to authorize the Village Attorney and staff to offer to purchase the property pursuant to the terms discussed in closed session, roll call vote, carried.

M. **MOTION (Kaminski/Warren) to go into closed session at 10:34 p.m. for the potential land acquisition of an easement on W194 N10009 Appleton Avenue (Tax Key Nos. GTNV 322-999, GTNV 323-992 and GTNV 321-990) for the Lannon Rd/Appleton Ave Water Main Loop project as per Wis. Stat. §19.85(1)(e) for the purpose of deliberating or negotiating, when competitive or bargaining reasons require a closed session and then re-enter open session to take such action as it deems appropriate and include Director Ludwig to remain, by roll call vote, carried.**

MOTION (Zabel/Warren) to go back into closed session at 11:15 p.m. to handle items M & N, carried.

N. **MOTION (Kaminski/Daniels) to go into closed session at 10:35 p.m. for potential land acquisitions of easements on W192 N10021 Appleton Ave (Tax Key No. GTNV 321-993) and W190 N9950 Appleton Ave (Tax Key No. GTNV 324-982) for the TID 6 sewer and water main extension project as per Wis. Stat. §19.85(1)(e) for the purpose of deliberating or negotiating, when competitive or bargaining reasons require a closed session and then re-enter open session to take such action as it deems appropriate and include Director Ludwig to remain, by roll call vote, carried.** Discussion of items M & N as presented.

MOTION (Kaminski/Miller) to go back into open session at 11:27 p.m., carried.

MOTION (Kaminski/Warren) to authorize the Village Attorney and staff to offer to purchase the property pursuant to the terms discussed in closed session for Item 'M', roll call vote, carried.

MOTION (Warren/Miller) to authorize the Village Attorney and staff to offer to purchase the property pursuant to the terms discussed in closed session for Item 'N', roll call vote, carried.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:30 p.m.

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Barbara K. D. Goeckner MMC/WCPC
Village Clerk