

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
September 21, 2015**

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

ROLL CALL: President Wolter, Trustees Baum, Daniels, Hughes, Kaminski, Miller, Myers, Warren and Zabel. Also present: Administrator Schornack, CDD Retzlaff, Park & Rec Director Schroeder, Finance Director Rath, Sewer Supt. Zimmerman, DPW Director Ratayczak, Fire Chief Weiss, and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: None.

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: None.

CONSENT AGENDA:

- A. Minutes – August 17, 2015 Regular & August 31, 2015 Special Village Board Meetings
- B. Accounts payable/payroll
 - 1. August 25, 2015 Accounts Payable \$ 518,125.16
 - 2. August 25, 2015 Payroll (hourly) \$ 230,464.11
 - 3. August 31, 2015 Payroll (salary) \$ 82,104.18
 - 4. August 2015 Accounts Payable \$ 105,558.68
 - 5. September 8, 2015 Payroll (hourly) \$ 230,065.12
 - 6. September 10, 2015 Accounts Payable \$ 413,726.66
 - 7. September 15, 2015 Payroll (salary) \$ 84,240.89
- C. Operator Licenses: September 22, 2015 – June 30, 2016 [Recommended Approval]
Alec Billingsley, Hannah Bingham, Bridget De Leon, Vanessa Garnier, Catherine Habron, Star Herrera, Robert Kane, Tina Nelson, Conor Pitterle, Toan Kevin Tran and Tamara Waterhouse

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

- D. Amendment to State/Municipal Agreement for Non-Participating Utility Extensions/Relays to Reflect New Costs for the Non-Participating Utility Extensions/Relays Situated Around the STH 145-Donges Bay Road Intersection [Recommended Approval]
- E. WDOT Maintenance Agreement for Crosswalk Marking-Highway Pavement Marking Within the Municipality with the Following Revision: Thermoplastic Markings to be Changed to Painted Epoxy Markings and Existing Crosswalks be Striped the Same as they are Currently [Recommended Approval]
- F. Authorization to fill current full-time vacancy for a Water Utility Maintenance Operator [Recommended Approval]
- G. Blanket Purchase Order for an Amount not to Exceed \$12,000 for the Recycling Center material processing completed by Max R Recovery [Recommended Approval]

CONSENT AGENDA continued:

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

- H. Invoice from T.E. Brennan, Insurance Consultant, in the Amount of \$5,626.68 for August 2015-August 2015 Retainer [Recommended Approval]
- I. 2014 Comprehensive Annual Financial report [Recommended Approval]
- J. **Resolution No. xx-15** Establishing a Fund Balance Policy in Accordance with GASB Statement No. 54
- K. Extension of Agreement for EMS Billing with 3Rivers Billing Through 12/31/2017
- L. **Resolution No. xx-15** Resolution Authorizing the Application, Acceptance, And Expending Of Wisconsin Department of Natural Resources Urban Forestry Grant Program Funds

MOTION (Baum/Kaminski) to pull the minutes from August 17th, carried.

MOTION (Baum/Myers) to approve Consent Agenda items A-L, except August 17th Village Board minutes, by roll call vote, carried.

UNFINISHED BUSINESS: None.

PUBLIC HEARINGS – 7:00 P.M. OR LATER:

- A. Village of Germantown Floodplain Zoning Ordinance amendment; Adoption of a revised FLOODPLAIN INSURANCE STUDY (FIS) and revised FLOODPLAIN INSURANCE RATE MAPS (FIRM) with an effective date of October 16, 2015 (Section 23 of the Village of Germantown Municipal Code);
Community Development Director Retzlaff presented the amended Floodplain Zoning Ordinance. Plan Commission recommends approval of this floodplain map/ordinance amendment.

President Wolter opened the hearing at 7:12 p.m.

No one spoke at the hearing.

President Wolter closed the hearing at 7:14 p.m.

- B. Scott Bence, Agent for Heritage Place Joint Venture, Jacobus Energy/Land15 LLC and MCB Investments LLC, Property Owners, to: (1) rezone a 1.33-acre parcel (Tax Key No. GTNV 224-025) and a .872-acre parcel (Tax Key No. GTNV 224-027) from the B-3: General Business District to the Rm-2: Multi-family Zoning District; and (2) create the “Saxony Village” Planned Development Overlay Zoning District (Rm-2/PDD) to be comprised of the above described parcels and a 21.56-acre parcel (Tax Key No. GTNV 224-992) lying south of Main Street between the east end of Castle Drive and the west end of Hilbert Lane

Planner Retzlaff presented information regarding this application and request. Since Plan Commission recommendation was delivered, developer submitted Option ‘D’ to address concerns stated by Plan Commission. Approve rezoning of 2 parcels – 1.33 and .872 acres from B-3 to Multi Family and create an Rm-2 PDD subject to the 4 conditions incorporated into the draft.

Developer Scott Bence presented information regarding project. Worked on project since December 2014. Worked with staff then submitted as conception for community members to provide input. Have begun a fifth time and submitted. Architect also

PUBLIC HEARINGS continued:

provided information. Fifth option incorporates all planning concerns expressed by Plan Commission and staff. Original plan had three large 3-story buildings in the plan and it was suggested a better arrangement would be three 2-story buildings and two 3-story buildings.

President Wolter stated rezoning is for the two smaller parcels for multi-family as larger parcel has already been rezoned to multi-family. Keep comments to the two parcels that are being rezoned and the PDD overlay.

President Wolter opened the public hearing at 7:33 p.m.

The following parties spoke regarding the rezoning and PDD request:

Dick Kent - N114W15520 Hilbert Lane - opposed

James Kapus - N114W15909 Hilbert Lane - opposed

Nikki Broetzmann - W163N11502 Windsor Court - opposed

(A citizen provided an information sheet on 'deeper groundwater' to Trustees at this point)

Betsy Devilbiss - W159N11438 Red Oak Circle - opposed

Wendy Horsens - W157N11460 Unit B Hilbert Lane - opposed

Tim Greeble - N116W16076 Main Street - opposed

Holly Basting - N104W16053 Donges Bay Road - opposed

Charles Brown - W162N11979 Park Avenue - opposed

Jenine Eilers - W163N11504 Windsor Court - opposed

Dan Wing – N116W16044 Main Street - opposed

Larry Prodoehl – W140N10111 Fond Du Lac Ave - opposed

Chuck Sardegna - N113W16218 Sylvan Circle - opposed

President Wolter closed the public hearing at 8:48 p.m.

NEW BUSINESS:

- A. Village of Germantown Floodplain Zoning Ordinance amendment; Adoption of a revised FLOODPLAIN INSURANCE STUDY (FIS) and revised FLOODPLAIN INSURANCE RATE MAPS (FIRM) with an effective date of October 16, 2015 (Section 23 of the Village of Germantown Municipal Code) [Ordinance];
MOTION (Baum/Myers) to accept the new floodplain maps and Floodplain Zoning Ordinance Amendment as presented, carried.

- B. Scott Bence, Agent for Heritage Place Joint Venture, Jacobus Energy/Land15 LLC and MCB Investments LLC, Property Owners, to: (1) rezone a 1.33-acre parcel (Tax Key No. GTNV 224-025) and a .872-acre parcel (Tax Key No. GTNV 224-027) from the B-3: General Business District to the Rm-2: Multi-family Zoning District [Ordinance]; and (2) create the "Saxony Village" Planned Development Overlay Zoning District (Rm-2/PDD) to be comprised of the above described parcels and a 21.56-acre parcel (Tax Key No. GTNV 224-992) lying south of Main Street between the east end of Castle Drive and the west end of Hilbert Lane [Ordinance and a Conditions and Restrictions Resolution]

President Wolter read the petition turned in regarding this application and request.

Attorney Sajdak stated if there are a sufficient number of signatories that would require a super majority vote, then by statute $\frac{3}{4}$ of the people voting would be required

NEW BUSINESS continued:

and local code would require a $\frac{3}{4}$ vote of entire Village Board, which is a valid regulation even though it differs from what Statutes require. According to Village Clerk there are 99 signatures received. Attorney Sajdak further explained the three tests required by statutes in regard to the petition meeting the 20% requirements for a super majority vote. Rental signatures would not be valid. At this time can table to allow Clerk's Office and Village Planner to determine if requirements for validity of petition have been met. Discussion: 20% requirements, voting or postponing, recommendation by Attorney to verify information, consequences of moving forward with vote and finding later it was different. Net acreage, Zoning Administrators interpretation, ambiguous statute, ground sight and effect on ground water. Developer discussed brownfield status – closed DNR site registered with them. Consultant on staff to guide them. Discussion of homes built on these sites and sensitivity to 'hot spot' locations which they stay out of. Further discussion on net acreage and consistent interpretation of code. CDD Retzlaff provided background and history of net acreage, definitions of terminology and zoning interpretation. Calculations in past variable from project to project. Areas allowed in calculations, usable area, number of units allowed, prior Planner comments and interpretations regarding net acres, usable acres and net and gross density. Need to spur development, fill property with development already planned for, connect roads, utilities and fill in with a higher density. People objecting now and did in past, but is same process. Need for verification of. Discussion of area for signature need and condo associations. If defined as a 'unit' then only the unit would count. If a common area, those areas are owned by each individual. Discussion continued between resident Broetzmann, Trustees and CDD Retzlaff. Trustee Zabel discussed past developers agreement that was brought forward in 2002. This agreement never went forward. If agreement wasn't signed and nothing happened within 1 year and acted upon approval within 1 year, approval has lapsed. Further discussion of number of units, traffic analysis and number of cars traveling and turning at various times and various streets included. **MOTION (Kaminski/Hughes) to postpone this item until results of petition are determined.** Discussion: Public hearing portion was already completed, petition filed. **Carried.**

Meeting recessed at 10:12 p.m.

Meeting called back to order at 10:22 p.m.

- C. Application for Amendment of "Class B" Fermented Malt Beverage & Intoxicating Liquor License Outside Premises Extension, Gamroth's Kuhburg Junction, W140N10385 Fond Du Lac Ave., Germantown WI. 20' x 30' tent, back yard area, southwest of building, Saturday October 3, 2015 from 11:00 a.m. – 6:00 p.m.
MOTION (Hughes/Baum) to approve license amendment for Outside Premises Extension, Gamroth's Kuhburg Junction, carried.
- D. Amendment to Ordinance No. 8-94, Establishing Unreserved Fund Limits and Adopt Ordinance No. xx-15 Amending Chapter 3.12 of the Municipal Code of Germantown to Make Certain Changes Relating to Unassigned Fund Balance
Finance Director Rath explained ordinance amendment. **MOTION (Miller/Kaminski) to approve Ordinance Amendment as requested, carried.**

NEW BUSINESS continued:

- E. Request to Increase Intraosseous IV Charges – Fire Department
MOTION (Hughes/Baum) to approve increase to fee for Intraosseous IV Charges, carried.
- F. Request Approval to Extend Current “Contract for Collection of Refuse & Recyclables” with Waste Management to December 31, 2015 and Request to Postpone Start Date of the Approved Contract for Automated Refuse Collection and Automated Recyclable Collection with Waste Management to January 1, 2016
DPW Director Ratayczak explained contract presented for extension. Problem with contract getting hung up with change of DPW Director position. Review by new director noted amendments to 2010 contract not included, now ready to sign. Request to extend contract to get carts delivered by November 16th giving two weeks to get things taken care of for notifications and work involved. Discussion of timing of contract signing, postcard notices to be sent to residents, need for addresses, making January 1st new date makes for an even year regarding budget. **MOTION (Hughes/Daniels) to approve request as presented.** Further discussion regarding contract pricing and effective date of automated pricing. **MOTION (Zabel/Hughes) to amend that if we continue after October 1, 2015, we would use their bid price for non-automated garbage collection until January 1, 2016 and then automated bid price would go into effect.** Discussion of contract, signing, timing for mailings and delivery of carts. **2 in favor (Hughes, Zabel), 7 opposed, motion fails. MOTION (Kaminski/Baum) to sign contract to commence November 1st and have carts in place by then.** Discussion. Amendment carried. Original motion, as amended, by roll call vote, 8 in favor, 1 opposed (Zabel), carried.
- G. **MOTION (Baum/Kaminski) to go into closed session at 10:50 p.m. for the Agreement for Assessment Services for 2016, 2017 and 2018 per Wis. Stats. §19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility and then re-enter open session to take such action as it deems appropriate, by roll call vote, carried.**

There being no further business, the meeting adjourned at 11:08 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk

Minutes noted with corrections by overstrikes for omission and underscores for additions. Approved on: December 21, 2015.