VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
October 5, 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, Community Development Director Retzlaff, DPW Director Ratayczak, Fire Chief Weiss and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter asked for a moment of silence in remembrance of former Trustee Melvin Ewert who passed away last week. A great loss to the community, he will be sorely missed. Attended Octoberfest which was a nice event. Thanked all who worked so hard to put this on.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees provided information on upcoming meetings and events. President Wolter mentioned the upcoming budget meeting and invited all to attend.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:
The following citizens spoke regarding the Saxony Village Project:
Loren Doll - W159N11447 Red Oak Circle
Dan Wing - N116W16044 Main Street
Carol Preiss - W157N11457 Hilbert Lane
Nikki Broetzmann - W163N11502 Windsor Court
Lawrence Meier - W164N11487 Squire Court
Susan Knepel Shiring - W162N11699 Park Ave
George Shiring - W162N11699 Park Ave
Jenine Eilers - W163N11504 Windsor Court

CONSENT AGENDA:

A. Accounts payable/payroll

1.	September 22,2015	Payroll (hourly)	$ 199,133.31
2.	September 25, 2015	Accounts Payable	$ 733,469.60
3.	September 30, 2015	Payroll (salary)	$ 79,749.43

B. Operator Licenses: October 6, 2015 – June 30, 2016 [Recommended Approval]
Rebecca Budnik, Peter Chappy, Kevin Debroux, Michael Haley, Crystal J.R. Harris, Morgan Moudy

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

C. Request to Use Excess Funds from 2014 Capital Borrowing Account 40-522-8460 to Purchase a Station Security System for Fire Station 2, in an Amount not to Exceed $15,000 with quotes to be obtained. [Recommended Approval]

D. Request to Purchase (2) Panasonic CF-19 Toughbook Computers from TKK Electronics for $6,310 with funds allocated from Acct. #40-522-570-8460 and Fire Chief to Provide Committee of the Whole with summary of computer needs for Department to include

CONSENT AGENDA continued:

information on vehicles that have computers, age of computers and feasibility of moving them to other emergency vehicles for next budget meeting. [Recommended Approval]

MOTION (Baum/Warren) to approve Items A-D of the Consent Agenda, roll call vote, carried.

UNFINISHED BUSINESS:

A. 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 introduced Attorney Sajdak to speak regarding the petitions and validation. Village Attorney Sajdak stated: as to the large rezoning and the PDD, there were sufficient signatures to trigger the 20% requiring a super majority vote as it relates to that issue. The smaller parcels regarding Map ID #9. Petition signed by that owner was sufficient to trigger the 20% of the property immediately opposite and a super majority vote is required there also. The statute speaks to the area to be rezoned and in reading the statute when it applies to the first test, multiple parcels in the area to be rezoned, would have to consider both of those to be in the rezoning and as part of the PDD that is separate from the smaller zoning. Unlike the statute which says a super majority of those that are voting, the local municipal code requires a majority of the full body, which is present this evening. President Wolter stated a petition such as this has not come forward before and was a great learning resource with the criteria requirements.

Discussion items:

- If not rezoned, can still be allowed a driveway through those to the south, subject to setbacks etc.
- If not rezoned, down to 160 units and would add building to the south with the other two disappearing.
- Site plan and number of units allowed but still meeting height requirement of the story unit.
- Items provided to benefit Village – storm water retention, parking lot, access of trail system.
- Attorney reminded the Board the issue before them is the request to rezone and need to remain focused on whether or not this is an appropriate use of this land.
- Area subject to restrictions by DNR.
- Possibilities for zoning and building options.
- Possible those present today would be back in the future to speak to other categories allowed with rezoning.

MOTION (Zabel/Daniels) to deny the rezoning.

Further discussion:

- People looking to lower density. Any increase in acreage would increase density.
- Access to buildings and location of them.

UNFINISHED BUSINESS continued:

- 2020 Plan and consideration of updating it.
- Survey of community for preliminary discussions on 2020 plan.
- Various buildings and locations and possible heights.
- Further uses if not rezoned. By saying no, you can't build apartments there, doesn't mean you can't use that land to increase the density.
- Comparison of two different items: lot area vs. density. Discussion between attorney and trustee regarding interpretation and court rulings.
- CDD Retzlaff – being asked to consider what was done many years ago for previous. Need to re-define our definitions. CDD Retzlaff read from prior records and discussions.
- Concern by some of having pushed to get what was requested (by citizens), parking lots not visible, 3 story buildings moved, immense changes and now asking them (developer) to go back and do it again.
- Density, size of lot, number of units, goal to reduce traffic and reduce impact on schools.

Developer Bence spoke regarding development put forward for blighted areas and costs spent to clean the area, options available and objections by neighborhood, support of project by business for their employees. What will development be without rezoning? Attorney Sajdak clarified that the form of the motion is a typical majority rule in this case. If it fails would still need to vote on the zoning with a super majority. Discussion of motions and Roberts Rules of Order. **5 in favor, 4 opposed (Baum, Hughes, Kaminski, Warren) to deny the rezoning, carried.**

MOTION (Baum/Kaminski) to approve the PDD as presented.

Discussion:

- Item here for entire Board to consider.
- Without PDD Developer does what they want. Trustee Baum wishes to get something for the community in the development.
- Disagreement by Trustee Kaminski with density as it is.
- Conceivable to approve PDD for zoning, but withhold PDD to negotiate with developer.
- Plan Commission recommendation is for a different option.
- It will get apartments either way.
- Further discussion of plan, zoning and acreage.
- Discussion of going forward with terms and conditions we have already, knowing they don't match, or pull it off and go back to get a PDD to bring back.
- CDD Retzlaff - If we exclude the 2 parcels and reduce the Rm-2 area to the 21.5 acres, the calculation equals roughly 170 units. If we stay with PDD in exchange of reduction of units from 190 to 172, maybe we still allow buildings to be up to 3 stories where we could achieve the buildings in the primary area and not in the southeast corner.

MOTION (Myers) to table this vote on the PDD. Motion fails for lack of a second.

Kaminski – we vote this down and it goes back to Plan Comm. If he wants to negotiate with PC he can or he can build what he wants. Makes sense to reject this and let him go back.

- Discussion to vote this down and let developer go back to Plan Commission.
- Developer suggested, contingent on approval tonight, to go with PDD as it exists today and go with 8 units per acre so 172 units, keeping all other terms and

UNFINISHED BUSINESS continued:

conditions as they are. The plan was changed many different times, if you want to keep the good things of the plan, this would be the plan.

- If it doesn't get approved, it goes back to Rm2, and is the same amount of units either way.

5 in favor, 4 opposed (Hughes, Myers, Wolter, Zabel), motion fails super majority vote.

Meeting was recessed at 8:55 p.m.

Meeting was called back into session at 9:13 p.m.

PUBLIC HEARINGS – 7:00 P.M. OR LATER: None

NEW BUSINESS:

A. Appointments

Board of Zoning Appeals

Chair Barry R. White 10/06/2015 – 04/30/2018

MOTION (Zabel/Baum) to approve appointment as presented, carried.

B. Change of Agent - **Speedway #4465**, W178 N9653 Riversbend Lane, Germantown, WI 53022, Mary E. Wicklander, Agent, W226 N7256 Woodland Creek Dr., Sussex, WI 53089

MOTION (Baum/Miller) to approve change of agent as presented, carried.

C. Change of Agent - **Speedway #4495**, W164 N11233 Squire Drive, Germantown, WI 53022, Kimberly L. Doran, Agent, N108 W16526 Carriage Ave., Germantown, WI 53022

MOTION (Baum/Warren) to approve change of agent as presented, carried.

There being no further business, the meeting adjourned at 9:16 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk