

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
October 19, 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 Director Retzlaff, Park & Rec Director Schroeder, Finance Director Rath, Engineer Bischke, Police Chief Hoell, 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. Accounts payable/payroll
- | | | | |
|----|------------------|------------------|----------------|
| 1. | September 2015 | Accounts Payable | \$ 26,059.40 |
| 2. | October 6, 2015 | Payroll (hourly) | \$ 207,157.66 |
| 3. | October 10, 2015 | Accounts Payable | \$1,540,703.89 |
| 4. | October 15, 2015 | Payroll (salary) | \$ 80,700.39 |
- B. Operator Licenses: October 20, 2015 – June 30, 2016 [Recommended Approval]
Andrew Aldred, Patricia Bolling, Karen Gerpoltz, Deborah Jones, Kristi Love, Sangeeta Pant, Jessica Pulanco, Elaine Steele, Annette Vesper, Jessica Wilson
- The following items were forwarded from the Public Works Committee with a unanimous recommendation:
- C. Authorize Staff to Fill the Current Full Time Vacancy in the Waste Water Utility Department [Recommended Approval]
- D. Authorize the Purchase of Snow Plow Cutting Edges from Heavy Equipment Specialists for a Total Cost of \$7,110.00 with Funds Allocated from Account #10-542-530-5400 [Recommended Approval]
- E. Authorize Contract with ITU-Absorb Tech for an Annual Cost of \$4,993.53 Which Includes the 2% Discount and Fixed Unit Rates for 36 months for the Supply of Mats, Towels and Mop Heads for Village Buildings. [Recommended Approval]
- F. Contract with TAPCO to Provide Maintenance of 15 Controlled Intersections under Village Jurisdiction at a Cost of \$2,075 with Funds Allocated from Account# 10-542-530-3540 [Recommended Approval]
- G. Resolution Approving Amendments To The 2015 Budget Line Item Transfer Of \$6,700 From The Fire Department Vehicles Account To The Building And Grounds Fire Station Account To Fund The Fire Station No. 2 Concrete Driveway Approach Replacement [Recommended Approval]

CONSENT AGENDA continued:

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

- H. Replacement for Vacant Police Officer Position, No Requirements regarding Wages or Term Limits Were Set With this Request To Fill a Vacancy [Recommended Approval]
- I. Class A Intoxicating Liquor (Cider Only) Licenses, Oct. 20, 2015 – June 30, 2016
 - 1. (New) Speedway LLC, Mary Wicklander – Agent, W226 N7256 Woodland Creek Dr., Sussex, d/b/a Speedway 4465, W178 N9653 Riversbend Lane, and
 - 2. (New) Speedway LLC, Kimberly Doran – Agent, N108 W16526 Carriage Ave., d/b/a Speedway #4495, W164 N11233 Squire Drive [Recommended Approval]

MOTION (Baum/Warren) to approve Consent Agenda Items A-I, by roll call vote, carried.

UNFINISHED BUSINESS: None

PUBLIC HEARINGS – 7:00 P.M. OR LATER:

- A. Village of Germantown Community Development Department, General Zoning Code text amendments to Section 17.08 (Definitions), Sections 17.12 through 17.24 (Residential Zoning Districts), Section 17.241 (Elderly Housing District) and Section 17.27 (Planned Development District) of the Village of Germantown Municipal Code

Community Development Department Director Retzlaff presented information based on the prior history of the Village regarding this topic and the need for changes. In reviewing plans and most recent zoning applications there is profound misunderstanding and confusion in using the Village Zoning Code. He did a quick summary of research on 7 surrounding municipalities and the results were varied and generally inconclusive. Most use terms of net density or net acre in the text of zoning district regulations but only 2 have definitions in their code. Those with definitions are somewhat 'old school' and ambiguous to determine how they are to be used in the calculation. All 7 have PUD/PDD in their codes and 5 of 7 have other 'special' purpose districts. Other community regulations range from 'Density Neutral' to 'Density Bonus'. Density neutral requires amount of development units be consistent or not greater than what would be considered in the underlying zoning district. Germantown under current regulations would be considered density neutral. Density bonus allows the amount of development units to be greater than the underlying zoning district. Others have language that would allow some change, either up or down, based on a specific proposal. Presented other information provided by peers across the state which are truly a community choice. One requires exclusion of wetlands, floodplains, slopes etc. from a density calculation to prohibit a developer from using those unbuildable areas to satisfy space requirements, while another community requires the inclusion of those areas in the calculation of density to maximize open space and give the developer the development units needed to ensure success of the project.

Staff prepared and Plan Commission has recommended approval of text amendments to various parts of the Zoning Code to address the issues, including the creation of definitions for the terms "gross acre" and "net acre", as well as, revisions to the density provisions in the Planned Development District (PDD) regulations, as presented in the draft Ordinance provided.

PUBLIC HEARINGS continued:

President Wolter opened the public hearing at 7:14 p.m.

The following spoke regarding the proposed zoning code text amendments:

Holly Basting – N104 W16053 Donges Bay Road - opposed

Judy Kind – N109W17334 Virginia Ave - opposed

James Kapus – N114W15909 Hilbert Lane - opposed

Carol Preiss – W157N11457 Hilbert Lane - opposed

Julie Reichert – W156N11580 Pilgrim Road -opposed

Betsy Devilbiss - W159N11438 Red Oak Circle - opposed

Lawrence Prodoehl – W140N10111 Fond Du Lac Ave - opposed

Nikki Broetzmann - W163 N11502 Windsor Court - opposed

President Wolter closed the public hearing at 7:43 p.m.

- B. Johnathan Friess, Property Owner, Conditional Use Permit Application For The Construction And Use Of A Mother-In-Law Suite Accessory Dwelling Unit In The Existing Single-Family Dwelling Located At N128 W17151 Holy Hill Road (Tax Key No. GTNV 152-994)

CDD Director Retzlaff presented information on the application and request for Conditional Use Permit for a mother-in-law suite accessory dwelling unit in existing single-family dwelling. Recommendation is to allow this, subject to 3 conditions as listed in the Conditional Use Permit.

President Wolter opened the public hearing at 7:48 p.m.

The following spoke regarding the request:

Johnathan Friess – N128W17151 Holy Hill Road – for

President Wolter closed the public hearing at 7:52 p.m.

NEW BUSINESS:

- A. Village of Germantown Community Development Department, General Zoning Code text amendments to Section 17.08 (Definitions), Sections 17.12 through 17.24 (Residential Zoning Districts), Section 17.241 (Elderly Housing District) and Section 17.27 (Planned Development District) of the Village of Germantown Municipal Code.
[ORDINANCE]

MOTION (Baum/Kaminski) to approve as presented. Discussion and clarification of language. This is a work in progress. Intention is to not penalize by double counting. Trustee Baum discussed the proposed ordinance amendments. Discussion of unbuildable areas and how they are counted.

CDD Director Retzlaff recommended adding the phrase 'same area subject to more than one unbuildable feature shall be subtracted only once'. **MOTION (Daniels/Miller) to amend the motion and add this phrase as stated.** Discussion of whether or not one could have the option not to take away. Attorney Sajdak stated there is no choice

NEW BUSINESS continued:

that is implied in the language and suggested changing the proposed definition to simply read: ***'A measure of developable land area computed by subtracting from the gross acres of a site all of the unbuildable area found within the parcel. Unbuildable area shall include but is not limited to existing and dedicated rights-of-way required for existing streets and highways, navigable waterways, wetlands, and floodplains.'*** Then you just have your gross acres, you take out anything that is not buildable and that gives you your net definition.
Vote on amendment: 8 in favor, 1 opposed (Myers), carried.

MOTION (Zabel/Baum) to amend to eliminate the word 'existing'. Discussion by Trustee Zabel of number of units and ability to start at a smaller number then do more and to see the plan for an idea of the concept. Discussion with Trustees and CDD Retzlaff on complications if it is removed. Discussion of additional work and costs to developer to present a plan and the order of the steps and complications. **7 in favor, 2 opposed (Kaminski, Myers), carried.**

Discussion of attorney's language presented, which he displayed on the screen.

MOTION (Zabel/Myers) to amend to replace the net acre definition with the Attorney's recommendation, with the word 'existing' eliminated. Discussion: CDD Retzlaff suggests also removing the phrase 'but is not limited to'. The way the language as it reads is 100%, you are taking out the unbuildable areas all together. Further discussion on language. Attorney agrees 'but is not limited to' should be removed. Both first and second agree to the change including: **Remove 'but is not limited to' as part of motion.** Further discussion on other 'existing' verbiage. **All in favor, carried.**

MOTION (Zabel/Myers) to amend to keep existing language of 17.27(2)(d) within our code and eliminate the new language as added by Plan Commission.

Discussion: losing ability to get developers to do more, problem with cutting negotiation tools of all parties, this change only applies to the density allowance in the PDD section, it doesn't do away with the other things. Concerns of limiting flexibility PDD's are designed to create. Further discussion. **Vote: 2 in favor (Myers, Zabel), 78 opposed, amendment fails.**

Attorney Sajdak recommends a change to clarify the language prepared by him. Leave the original sentences in place and add ***'Except that the Village Board may increase the maximum allowable density.'*** **MOTION (Baum/Kaminski) to accept the Village Attorney's written version of the language, carried.**

Original motion as amended, 7 in favor, 2 opposed (Myers, Zabel), carried.

8:40 p.m. meeting recessed.

8:50 p.m. meeting called back to order.

- B. Johnathan Friess, Property Owner, Conditional Use Permit application for the construction and use of a mother-in-law suite accessory dwelling unit in the existing single-family dwelling located at N128 W17151 Holy Hill Road (Tax Key No. GTNV 152-994). [CONDITIONAL USE PERMIT]

NEW BUSINESS continued:

MOTION (Baum/Hughes) to approve the Conditional Use Permit for Johnathan Friess as presented, carried.

- C. Joshua Wolfgram, Agent for John & Ellen Kuber, Property Owners of a 52.5-acre Parcel, W200 N14144 Rocky Lane, Richfield, WI, Extraterritorial Plat Review of a Certified Survey Map (CSM) to create an 18.9-acre parcel in the Town of Germantown.

[CERTIFIED SURVEY MAP]

MOTION (Baum/Myers) to approve the CSM for Joshua Wolfgram as presented for the Town of Germantown, carried.

- D. 2016 Budget

President Wolter discussed the budget presented for publication. **MOTION (Baum/Myers) to approve the draft version for publication prior to the referendum being held. Draft publication will include two budgets. One to include the \$1,000,000 if the referendum passes and one without the \$1,000,000 if the referendum fails, carried.**

- E. Request Approval of Payment to Vermont Systems for Recreation Software

MOTION (Baum/Miller) to approve payment for Vermont Systems as presented. Discussion of prior review of this item and need for board approval due to amount. **Carried.**

- F. Request To Approve A Change Order In The Amount \$15,000 To Badger Well Drilling For The Additional Test Pumping At Boring #1 Of The Test Well Site Located On Lannon Road At County Line Road

MOTION (Myers/Miller) to approve change order as requested. Discussion of need for change order. **Roll call vote, carried.**

- G. Request To Approve A Change Order In The Amount Of \$11,000 To Foth Infrastructure & Environment, LLC For Additional Engineering Consulting Services As Related To Continued New Well Development And By Temporarily Removing The Following Service: "Prepare A Detailed Engineering Services Proposal For Constructing New Permanent Well(S) At The Site Of Boring No.1 To Include Developing Budget Amounts For Well Drilling Costs, Engineering Services For Required Activities To Develop The New Well Sources Such As Site Acquisition, Site Investigation Report Preparation, Gaining DNR Approvals, Well(S) Designing, Bidding And Construction Services

MOTION (Myers/Baum) to approve change order as presented. Discussion of requirement for change order. **Roll call vote, carried.**

- H. Request to Award Contract To T.P. Concrete For The Amount Of \$51,700 For Concrete Driveway Approach Replacement At Fire Station #2

Motion (Kaminski/Daniels) to award the contract to T.P. Concrete as low bidder. Discussion of current asphalt driveway condition. **Roll call vote, 7 in favor, 2 opposed (Baum, Zabel), carried.**

NEW BUSINESS continued:

- I. Adoption of the 2016 Road Reconstruction Projects
MOTION (Kaminski/Baum) to approve the 2016 Road reconstruction projects as presented. Discussion of road projects presented. Staff memo explores alternatives to have been considered. Difficulty in proportioning the funds available to do all that is needed. Further discussion on Concord and other roads. \$50,000 short in budget to do that whole area. **8 in favor, 1 opposed (Zabel), carried.**

MOTION (Wolter, Baum) to put forward New Business Item 'A' for reconsideration.

Attorney Sajdak stated the item is closed and finished for this meeting and will come to the next Village Board meeting to be reconsidered. President Wolter stated he wished to add language that any changes would require a super majority vote of the Village Board. **7 in favor, 2 opposed (Daniels, Kaminski), carried.**

There being no further business, the meeting adjourned at 9:25 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.](#)