

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
November 16, 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, Hughes, Kaminski, Miller, Myers, Warren and Zabel. Trustee Daniels arrived at 7:10 p.m. Also present: Administrator Schornack, Attorney Sajdak, CDD Director Retzlaff, Park & Rec Director Schroeder, Finance Director Rath, Engineer Bischke, Police Chief Hoell, Wastewater Supt. Zimmerman, Water Supt. Driver, DPW Director Ratayczak, Librarian Olson and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: Thanked all the volunteers for the Christmas parade, candy cane walk/run and all the participants. Thanks to Lynn Grgich for all her hard work. Very well planned and organized.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees provided information on upcoming meetings and events. Clerk Goeckner provided information on November 3rd Special Election results and turnout.

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

Lynn Grgich W168N11062 Ashbury Cr. #5, Chamber of Commerce: Thanked Village staff and others for their hard work and volunteerism before, during and after Christmas parade and events.

Dan Wing - N116W16044 Main Street spoke regarding New Business item B

CONSENT AGENDA:

A. Approval of Village Board Minutes

B. Accounts payable/payroll

1.	October 2015	Accounts Payable	\$ 24,008.69
2.	November 3, 2015	Payroll (hourly)	\$ 227,920.14
3.	November 10, 2015	Accounts Payable	\$ 574,927.82
4.	November 13, 2015	Payroll (salary)	\$ 83,524.29

C. Operator Licenses: November 17, 2015 – June 30, 2016 [Recommended Approval]
Joshua Kau, Roxanne M. Lenz, MD S. Rahman and Samantha Wilkinson

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

D. Request for Replacement of Police Officer #1 [Recommended Approval]

E. Request for Replacement of Police Officer #2 [Recommended Approval]

F. Request To Amend Village Of Germantown Design, Drafting & Construction Standards And Specifications Section 6.0: To Require Harrington Integral Hydrant Storz Nozzles Or An Equivalent On Fire Hydrants Situated Within Village Limits. [Recommended Approval]

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

G. **Resolution No. xx-15** Authorizing the Write-Off of Delinquent Accounts Receivable – for Ambulance Bills Through August 2015 in the Amount of \$48,332.77 [Recommended]

CONSENT AGENDA continued:

Approval]

- H. Request to Proceed with Option #2 Gerber Life \$45,000 Deductible for the 2016 Stop Loss Renewal of the Health Fund [Recommended Approval]
- I. Proceed with 2016 Property Insurance Renewal with the Chubb Proposal of \$52,895 Total Premium Starting January 1, 2016 with the \$2,000,000 Business Income/Extra Expense Option [Recommended Approval]

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

- J. Authorize Staff to Contract Clean Power for Two (2) Years to Provide Janitorial Services for All Municipal Buildings Except the Village Hall, DPW, Fire Station #1 and Fire Station #2. Annual Cost of Buildings Selected is \$110,000 [Recommended Approval]
- K. Request to Purchase Decking Supplies from Menard's for the Survive Alive House for a Total Cost of \$6,378.58 [Recommended Approval]
- L. Request to Purchase 7,500 Feet of Fiber Optic Cable from Cable Com at a Cost Not to Exceed \$2,275 for the County Line Road Signal Project [Recommended Approval]
- M. Authorization To Award The GIS Hosting Agreement To Ruekert & Mielke For A Cost Of \$19,500 Over A Three Year Period [Recommended Approval]

Clerk stated minutes of September 21st, October 5th, 19th and 26th were provided to Trustees and posted to packet today.

MOTION (Baum/Myers) to approve Consent Agenda Items A-M. Trustee Zabel requested to pull Item A – Village Board minutes. **Roll call vote, carried. MOTION (Zabel/Baum) to defer action on minutes until next Village Board meeting, carried.**

UNFINISHED BUSINESS:

- A. Request By Wisconsin Gas To Amend Language In Distribution Easement (Gas) Through Village-Owned Property Northeast Of Donges Bay Road And Fond Du Lac Avenue (August 17, 2015 Village Board)
Engineer Bischke presented information regarding the request. Discussion. Trustee Zabel wishes to include the language from Grace Lutheran into WE Energies easement agreement. Attorney Sajdak explained information in packet a result of negotiations. We Energies to redo easement on County Line Road, which will be forth coming. Language would be modified to track what is with gas easement, making language more even and equal. County Line easement with water line will be amended as part of that. **MOTION (Baum/Miller) to approve the Wisconsin Gas language amendment.** Discussion of Spassland Park pathway going over gas main now and a sanitary sewer that crosses gas main and discussion to eliminate last sentence. **MOTION (Zabel/Baum) to amend motion to eliminate the last sentence, carried. Original motion as amended carried. 8 in favor, 1 opposed (Zabel)**
- B. Reconsideration of Village of Germantown Community Development Department, General Zoning Code Text Amendments to Section 17.08 (Definitions), Section 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]

UNFINISHED BUSINESS continued:

Attorney Sajdak explained where this picks up. Rules governing reconsideration based on motion that took place at end of last meeting. A motion to approve changes within the code as amended, include the changes as put up on the screen at the end. That is the motion pending at this time. President Wolter – it would require another amendment to add the super majority. **MOTION (Baum/Myers) to amend to add the language that all PDD's that increase density require a super majority vote by the Village Board.** Discussion: Have this language (super majority) included in the ordinance instead of petitions which require a fair amount of gathering signatures, which may be used on a regular basis. Discussion of $\frac{3}{4}$ vote of majority of Village Board vs. State Statute requiring $\frac{3}{4}$ majority of those present. Local code requires $\frac{3}{4}$ vote of entire board. Attorney Sajdak – read the language that includes both what we added last time and what is being discussed now: **'The Planned Development District may permit the transfer of density (dwelling units) from one portion of the subject site to another and will permit the clustering of dwelling units in one or more locations within the total site. However, the density of use shall not exceed the density permitted in the underlying existing zoning district except that the Village Board may, upon a favorable vote of three-quarters of the full Village Board, increase the maximum allowable density after considering the community benefits to be derived from the development based upon the size, location, type of development, quality of building materials, and type and amount of aesthetic, architectural, and recreational features and amenities proposed for the development.'** Further discussion: When PDD requires super majority, how it affects other development, zoning changes would allow a certain number of units based on calculation for units involved for net acre, if applicant wishes to exceed then super majority required anywhere in Village, will this turn developers away from the Village, more difficult for property owner or developer to propose what they prefer and maybe what Village would prefer for aesthetics etc., could end up yielding a negative vote against the proposal. **Amendment carried, 8 in favor, 1 opposed (Hughes). Motion as amended, carried.**

PUBLIC HEARINGS – 7:00 P.M. OR LATER:

A. 2016 Budget and 2015 Tax Levy

Director Rath presented information on the 2016 budget, net levy and debt service. Tax increase of 12.6 cents per thousand. Differences in levy increase vs. tax rate increase.

President Wolter opened the public hearing at 7:38 p.m.

No one spoke during the public hearing.

President Wolter closed the public hearing at 7:40 p.m.

B. New Frontier Land Surveying, Agent for Brian & Kevin Kazmierczak, Property Owners and Applicant to Rezone the Property Located at N128W21030 Holy Hill Road, Parcel GTNV #074-996, from the A-1: Agricultural District to the Rs-1: Single Family Residential District Pursuant to Section 17.14 of the Village of Germantown Zoning Code

CDD Retzlaff presented information regarding the application and request for rezoning.

PUBLIC HEARINGS continued:

President Wolter opened the public hearing at 7:45 p.m.
Brian Kazmierczak spoke regarding selling off the agricultural buildings to the neighboring farmer. With buyback provision trying to protect value of property.
President Wolter closed the hearing at 7:48 p.m.

- C. Tim Preuninger, Agent for Gehl Foods LLC, Property Owners and Applicant to **Amend Conditional Use Permit #05-01** to Amend Condition No. 6 Regarding the Time Period Within Which Trucking Activity Can Occur On The Site and Any Other Possible Amendments the Village Board Deems Necessary and Appropriate Related to the Petitioner's Request and Application, at W160N11736 Crusader Court, Parcel GTNV #221-963

CDD Retzlaff presented information regarding the application and request to Amend Conditional Use Permit #05-01 to change times from 7 a.m. – 6 p.m. to 6 a.m. to 10 p.m. Have received two noise related complaints, 1 in 2008 and 1 in 2009, regarding trucks parking outside the area in the restricted hours. Need change to further meet customer demands etc. Staff recommendation to approve extended hours. Plan Commission providing no recommendation – 3 to 3 tie vote. No residence in attendance at Plan Commission meeting.

President Wolter opened the public hearing at 7:52 p.m.
Richard Erickson, Business Manager representing Germantown School District pointed to map that driveway goes out to Williams and where trucks go out to Crusader and Fond du Lac Ave.
President Wolter closed the public hearing at 7:54 p.m.

President Wolter recommended the board consider moving Item D – Resolution for 2016 Budget, to follow Item M due to impact on budget of Item M. **MOTION (Zabel/Miller) to move Item D to after Item M, carried.**

NEW BUSINESS:

- A. New Frontier Land Surveying, Agent for Brian & Kevin Kazmierczak, Property Owners and Applicant to Rezone Property at N128W21030 Holy Hill Road, Parcel GTNV #074-996 **Ordinance No. xx-15** to Amend the Official Zoning Map of the Village of Germantown Zoning Code
MOTION (Baum/Myers) to approve as presented. Discussion of use for storage of equipment, intent and purpose of buildings, storage of agricultural equipment, property owner and Plan Commission want to continue use as agriculture until further developed, classified as mixed use. 5-acre rule and allowance of storage, creation of another district to allow for those types of uses, 2020 master plan, non-conforming uses – goal to eliminate, not create more of them. Use of property not changing as part of rezoning, end up with non-conforming uses which is an existing use that is allowed to continue as a result of the action that takes place, but can be discontinued. Further discussion on zoning districts, uses, enforcement actions, proposal for single family residential, doesn't fit with current code, Rs-1 vs being retained in Ag, buyback provision, donut hole places in Village to deal with – 3 different locations as expansions have taken place requests by owners to continue use as family residents. CDD Retzlaff recommendation of denial is to not create another situation like that. Discussion: Only

NEW BUSINESS continued:

way to accommodate what they want done is to go to Rs-1, size of parcel, inclusion of buildings, buyback clause and what can and cannot possibly happen in the future.

Carried.

- B. **2-Lot Certified Survey Map – New Frontier Land Surveying, Agent for Brian & Kevin Kazmierczak, Property Owners of Parcel #074-996, N128 W21030 Holy Hill Road, to Create one (1) 5-Acre Parcel Containing an Existing Farm Dwelling and Buildings**
MOTION (Zabel/Daniels) to approve, carried.
- C. **Tim Preuninger, Agent for Gehl Foods LLC, Property Owners and Applicant to Amend Conditional Use Permit #05-01 to Amend Condition No. 6 Regarding the Time Period Within Which Trucking Activity Can Occur On The Site and Any Other Possible Amendments the Village Board Deems Necessary and Appropriate Related to the Petitioner's Request and Application, at W160N11736 Crusader Court, Parcel GTNV #221-963**
MOTION (Myers/Warren) to approve as submitted. Discussion: Trustee Zabel feels notice was vague as to hours requested. More information may have drawn more residents. Tim Preuninger representative of Gehl's spoke regarding route of trucks in area, plant location, difficulty of trucks arriving at same time with no ability for traffic from 6 p.m. to 7 a.m. Proposal for third party trucks to still come but would allow shuttle trucks to come back and forth on the off hours with second and third shift. Would like to have automated gate that is time controlled with only those with key fobs to have access which are employees, no third party coming in at night. Looking at 3-4 shuttles during the time from 6 p.m. – 10 p.m. More control over safety, noise etc. CDD Retzlaff – Adjusting trucking hours which may explain why less people here and other issues previously have been addressed. Discussion of outside trucking time frame, Gehl's shuttles and level of noise. Residents who contacted Trustee Miller regarding concerns: Leanne Boyce: concerns of activity of trucks waiting on Williams from night time until Gehl's is open and the noise. Mary Ann Nelson: has a tenant residence on Williams. Concerns of trucks and noise. Mr. Preuninger stated trucks should not be there and when recognized are asked to leave. Discussion of urgency of unresolved issue of well and water usage with Gehl's. Mr. Preuninger stated Gehl's transfer of sale completed and now want to meet monthly with Village on this, then look at test protocol for the water. Discussion of driveway off Williams and its usage.
MOTION (Daniels/Zabel) to amend to clearly state extended periods of time are for shuttle trucking/Gehl's trucks only, from 6 a.m. – 7 a.m. and 6 p.m. to 10 p.m., carried. Discussion to add verbiage to CUP if something occurs or is not in compliance they must come back to Village or CUP becomes null and void. Planner Retzlaff read verbiage from Village Code 17.42(9) regarding this.
MOTION (Zabel/Baum) to add this verbiage to CUP. 'Experience based modifications: where an approved conditional use falls out of conformity with the conditions of the original approval, or where there is a change in the nature, character, intensity or extent of the permitted conditional use which causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to ameliorate or eliminate harmful effects associated with the conditional use but

NEW BUSINESS continued:

are insufficient to do so, or for similar cause based upon consideration for the public comfort, safety and welfare, the conditional use permit may be modified by the Village Board by the amendment or additions of conditions after public hearing thereon'. Carried.

MOTION (Baum/Zabel) to amend to make CUP effective after water/well situation is resolved and applicant has committed to using Village Water or getting on their own well, not going back and forth. Attorney Sajdak stated this is not an appropriate condition for the motion. Discussion. **Motion to amend fails, 0 in favor, 9 opposed.** Further discussion on request, possible modifications to time, fencing, Temporary Use Permit reviewed by various departments. Reminder that parking is for residents, customers second and not employees. Reminder to employees of residents sleeping when they are leaving night shifts. Preuninger requested any complaints be given to them to continue taking proactive steps. Discussion of motion as amended. **5 in favor, 4 opposed (Zabel, Myers, Baum, Wolter), carried.**

E. **Resolution No. xx-15 Authorizing the Placement of Special Charges on the 2015 Tax Roll Against Certain Properties**

Director Rath presented information on the resolution. **MOTION (Zabel/Baum) to approve, carried.**

F. **Withdrawal From LGPIF Effective 12/31/2015**

Director Rath – new provider for insurance is Chubb. **MOTION (Zabel/Baum) to approve withdrawal from LGPIF. Discussion. Carried.**

G. **Resolution No. xx-15 Amendment to Fee Schedule for Ambulance and EMT Services**

Director Rath – Approval to increase fee from \$175 to \$220 was done in September, this is approval of resolution. **MOTION (Myers/Baum) to approve Resolution, carried.**

H. **Business Development Loan Pool (Resolution)**

Trustee Daniels presented information from Economic Development Committee regarding First Bank Finance Center program of commercial business projects for \$10-\$25,000 loans offered in the community at low interest of 1% with 10 year repayment schedule. Discussion. **MOTION (Myers/Hughes) to approve as presented, carried.**

I. **Maintenance of Ditches Within the Right-of-Way**

Trustee Kaminski presented information on maintenance of ditches within right-of-way. Currently holding \$120,000 in budget for ditch work in community where they are dangerously deep. Scale of 1-5 with 5's the worst. Expense will come back following year also. **MOTION (Kaminski/Miller) to approve keeping \$120,000 in the budget for this work.** Discussion: DPW Director and Engineer will determine which ditches to do first, plans for prevention of situation in future, costs would still have been spent during construction, funds for enough footage, funding budgeted uses street department to do work but their time availability is limited. **Roll call vote, carried.**

NEW BUSINESS continued:

- J. **Ordinance No. xx-15** An Ordinance Repealing Sections 12.06 and 12.07 of the Germantown Municipal Code Relating to Dance and Entertainment Licenses
Clerk Goeckner explained need for equality, policing and limited fees in permits. Recommends repealing these sections of ordinance. **MOTION (Kaminski/Warren) to approve as presented, carried.**
- K. **Payment to Wisconsin Department of Transportation for Engineering Services for Donges Bay Road**
Administrator Schornack presented information on funds owed to Wisconsin DOT for engineering services of almost \$217,000. Negotiations and communications ongoing. State has already paid Federal DOT the funds and wants reimbursement immediately. Consideration to place in 2016 bond issue and restructure to possibly 10 year payback with this paid back over 5 years of bond issue and small amount of interest. Discussion of payback options, penalty if not paid back – withholding of annual DOT aids, currently \$973,000, need to keep good relationship with DOT, consideration of payback over two years and bond issue for 5 year payback. **MOTION (Kaminski/Myers) to approve placing expense as part of bond issue over two years.** Discussion of bond issue completion in March, option to borrow funds from water and sewer to avoid bonding costs. Clarify with DOT to pay at end of 2016 with permission. **Kaminski and Myers rescind motion. MOTION (Baum/Myers) to direct DPW Director to advise Wisconsin DOT Village would like a 2-year payment option with subsequent direction to Administrator and Finance Director to return with further options at a later date, carried.**
- L. **Remainder of Budgeted Employee Compensation Increase for 2015**
Administrator Schornack presented information regarding request to pay out remaining ½% for salary increase as a one-time pay adjustment for all full-time regular non-union employees. Because funding for salary increase was not budgeted for next year this has to be a one-time pay adjustment. Funds remaining are \$16,000. Discussion of this to be a bonus for those who went above and beyond, to be done by Administrator for people who did stellar jobs. Administrator asked if he can look at all employees based on how evaluations came out, funding to get people to median wage. Board stated should be those performing at a higher standard than others. **MOTION (Baum/Zabel) to direct Village Administrator bring forward a division plan for the ½% divided amongst the top performers in Village and bring back for approval.** Discussion of need for resolution – no need, bring back to board for approval or keep at Administrator level. **MOTION (Kaminski/Warren) to amend motion that it does not have to come back to Village Board for approval 8 in favor, 1 opposed (Zabel), carried. Motion as amended, 8 in favor, 1 opposed (Zabel), carried.**
- M. **MOTION (Kaminski/Baum) to go into closed session at 9:50 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. Roll call vote, carried.**

NEW BUSINESS continued:

MOTION (Kaminski/Wolter) to go into open session at 10:33 p.m., carried.

MOTION (Zabel/Baum) for 1 year contract with Accurate Appraisal, with language in contract for requirement of them to be in full state compliance with the Department of Revenue for their records/Village records, full term valuation at a cost of \$45,500. Discussion. Roll call vote, 7 in favor, 2 opposed (Myers, Warren), carried.

N. **Resolution No. xx-15 Adopting the 2016 Budget & 2015 Tax Levy**

MOTION (Kaminski/Warren to adopt 2016 budget and 2015 levy as presented.

Director Rath spoke regarding grant funds not received in Park & Recreation of \$15,705 and savings of \$40,000 with cleaning contract to consider using these to offset the \$15,705 lost. **MOTION (Kaminski/Baum) to amend and use a portion of the funds from the cleaning contract to offset the tree grant lost.** Director Rath: this leaves \$24,295 from the cleaning contract to use towards something. **8 in favor, 1 opposed (Myers), carried. MOTION (Zabel/Daniels) to amend to use remaining \$24,295 for roads, carried.** Director Rath stated there was \$90,000 budgeted for assessor services that could be reduced or left open for contingency. Recommendation is to leave it open for contingency. **Roll call vote on motion as amended, 7 in favor, 2 opposed (Baum, Zabel), carried.**

There being no further business, the meeting adjourned at 10:40 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk