

**VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022**

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, December 21, 2015 7:00 p.m.

LOCATION: Germantown Village Hall Board Room

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **PRESIDENT'S REPORT**
- V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS:**
The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney and Village Clerk.
- VI. **CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:**
Please be advised per §19.84(2), information will be received from the public. It is the policy of this municipality that there be a three (3) minute time period, per person, with time extension per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments. (15 minutes)
- VII. **CONSENT AGENDA:**
 - A. Approval of Village Board Minutes: September 21, 2015, October 19, 2015 November 16, 2015 and December 7, 2015
 - B. Accounts payable/payroll
 1. December 10, 2015 Accounts Payable \$ 467,788.57
 2. December 15, 2015 Payroll (salary & hourly) \$ 305,070.56
 - C. Operator Licenses: December 8, 2015 – June 30, 2016 [Recommended Approval]
Eric Hoffman, Rebecca Ulik, and Lisa ZamiatowskiThe following items were forwarded from the Public Safety Committee with a unanimous recommendation:
 - D. Approve Secondhand Article Dealer & Secondhand Jewelry Dealer License Renewal for 01-01-16 to 12-31-16, Kessler's Diamond Center [Recommended Approval]

VII. CONSENT AGENDA continued:

- E. Approve Secondhand Article Dealer License Renewal for 01-01-16 to 12-31-16, White House of Music [Recommended Approval]
- F. Approve Upgrading Brush 80 using funds from Dive Rescue equipment to refurbish Brush Truck which is estimated to cost \$11,257 for repairs, including aluminum bed, Hi Side compartment, 4 scene lights, light bar, siren speaker, 6 red light heads, paint, and install. These repairs will allow them to remove the request for a new Brush Truck from the 20-year Capital Budget for 2017. [Recommended Approval]

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

- G. Authorization to Fill Vacant Positions Within the Public Works Departments

VIII. UNFINISHED BUSINESS: None

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

X. NEW BUSINESS:

- A. Animal Fancier License for 01-01-16 to 12-31-16 for Phil Secker, Recommendation Not to Renew Unless Remediation of the Issues Are Shown to Be in Conformance with Requirements to Relocate Kennel Outside of The 15' Setback, And Work with Neighbors to Find a Reasonable Solution to Stop Dogs from Barking and Disturbing the Neighbors
- B. Recommended Approval to Appoint the Following as Election Inspectors for The Term January 1, 2016 – December 31, 2017:
Democratic Party Appointment: Gerald Skomski
Unaffiliated – James Duffy, Donald Gifford, Jane Haven, John H. Krause Sr., Gail Prinslow, Susan J. Worden, Donald Zolandz, Phyllis Zolandz,
- C. Request to Move or Cancel Various Meetings in 2016 Due to Holidays and Clerk's Office Election Duty Requirements

XI. ADJOURNMENT

The next Village Board meeting will be on January 4, 2016 at 7:00 p.m.

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For Additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.

**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:

**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:

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
December 7, 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, Miller, Myers, Warren and Zabel. Trustee Kaminski was absent and excused. Also present: Administrator Schornack, Community Development Director (CDD) Retzlaff, Park & Rec Director Schroeder, Engineer Bischke, DPW Director Ratayczak, Fire Chief Weiss and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: Had the honor of participating in an Eagle Scout court of honor for Joshua James Pagel and presented him with proclamation from the Village.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees presented information of upcoming meetings.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:
William Bathke of W163 N10464 Ridgeview, spoke regarding roundabout at 145 and Donges Bay Road and the trees being removed on Pilgrim Road.

Administrator Schornack explained the trees being removed on Pilgrim Road were ash trees and affected by Emerald Ash Borer. President Wolter spoke regarding the roundabout. There was an option for a signaled intersection, but that cost would have been borne by the Village. The roundabout cost is covered by the State.

CONSENT AGENDA:

A. Approval of Village Board Minutes

B. Accounts payable/payroll

1.	November 17, 2015	Payroll (hourly)	\$ 208,004.83
2.	November 25, 2015	Accounts Payable	\$ 584,587.07
3.	November 30, 2015	Payroll (salary)	\$ 79,766.37
4.	November 2015	Accounts Payable	\$ 29,173.26
5.	December 1, 2015	Payroll (hourly)	\$ 222,577.99

C. Operator Licenses: December 8, 2015 – June 30, 2016 [Recommended Approval]
Julia Thimm

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

D. Request to Approve Nu Vantage Employee Resource Annual Agreement
[Recommended Approval]

E. Request to Approve Ehlers Investment Advisory Agreement Renewal & Fee Increase
[Recommended Approval]

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

F. Request Authorization to Fill Operator Vacancy for Highway, Parks, Buildings and Grounds Department [Recommended Approval]

CONSENT AGENDA continued:

- G. Approval to Pay Washington County Highway Department invoice in the Amount of \$44,659.37 for Centerline and Edge Line Painting Various Locations Within the Village [Recommended Approval]
- H. Approval to Pay the D.F. Tomasini Invoice in the Amount of \$5,345.00 for the Emergency Water Main Repair on Windsor Court [Recommended Approval]
- I. Acceptance of the State/Municipal Agreement for the Mequon Road-Country Aire Drive Intersection Project [Recommended Approval]

MOTION (Baum/Myers) to approve the Consent Agenda through Item 'I' excepting Item 'A', Approval of Minutes, as requested by Trustee Zabel to remove, by roll call vote, carried.

MOTION (Zabel/Miller) to approve August 17th minutes with a correction on page 3 to read 'the Army Core of Engineers. Clerk Goeckner mentioned minutes up for approval are August 17th, September 21st, October 5th, 19th and 26th. Trustee Zabel clarified his motion is for August 17th approval only. **Carried.**

Trustee Zabel stated minutes of September 21st and October 19th stated under the public hearings, only those who spoke and their address but did not list whether they were for or against the item. In his experience it should list this information also. Attorney Sajdak stated there is no legal requirement to state such but it would be up to the Village Board's desire on which way to document it. Members indicated they prefer to have the minutes state for or against under the public hearing testimony. **MOTION (Zabel/Myers) to defer the approval of minutes for September 21st and October 19th until they are corrected to state with how the persons spoke under the public hearing and can come back to Village Board at the next meeting.**

Trustee Zabel also requested a correction on Page 4 of the October 19th minutes to correct the vote stating 2 in favor and 8 opposed as there are only 9 members on the board. **MOTION (Zabel/Myers) to approve Village Board minutes of October 5th and October 26th, carried.**

UNFINISHED BUSINESS: None

PUBLIC HEARINGS – 7:00 P.M. OR LATER:

- A. Henry and Julie Schlee, Property Owners and Applicant to Rezone Portions of the Lands Located at W148N12455 Pleasant View Drive, Parcel GTNV#142-991 from the A-1: Agricultural District to the A-2: Agricultural District pursuant to the Village Zoning Code [Ordinance]
CDD Retzlaff presented information on the request for rezoning and approval of a Certified Survey Map (CSM). Recommend approval subject to 4 conditions which are in the process of being met.
President Wolter opened the public hearing at 7:21 p.m.
No one spoke regarding the request.
President Wolter closed the public hearing at 7:22 p.m.
- B. Chris and Susan DeChant, Property Owners and Applicant for a Historic Designation for the Property Located at N116W15775 Main Street, Parcel GTNV#224-964 Pursuant to Section 26.06 of the Village of Germantown Municipal Code

PUBLIC HEARINGS continued:

CDD Retzlaff presented information on the request for a Historic Designation. Recommendation is to approve the designation as requested. Approval must pass by a two thirds vote.

President Wolter opened the public hearing at 7:25 p.m.
No one spoke regarding the request.
President Wolter closed the public hearing at 7:26 p.m.

NEW BUSINESS:

- A. Henry and Julie Schlee, Property Owners and Applicant to Rezone Portions of the Lands Located at W148N12455 Pleasant View Drive, Parcel GTNV#142-991 from the A-1: Agricultural District to the A-2: Agricultural District pursuant to the Village Zoning Code [Ordinance]
MOTION (Baum/Warren) to approve as presented, carried.
- B. Certified Survey Map – Henry and Julie Schlee, Property Owners of Parcel #GTNV 142-991 (W148 N12455 Pleasant View Drive) and Applicant for a three (3) lot Division [Certified Survey Map].
MOTION (Baum/Zabel) to approve as presented. Discussion. Carried.
- C. Chris and Susan DeChant, Property Owners and Applicant for a Historic Designation for the Property Located at N116W15775 Main Street, Parcel GTNV#224-964 Pursuant to Section 26.06 of the Village of Germantown Municipal Code [Ordinance]
MOTION (Zabel/Baum) to approve request as presented. Trustee Miller thanked DeChant's for bringing their home forward for this designation and also thanked Denise Hoinacki for her preparation of the homes history. 7 in favor, 1 opposed (Warren), **Carried.**
- D. Appointment *Board of Zoning Appeals*
Regular Member Jim Hansen 12/7/2015 – 04/30/2018
MOTION (Baum/Zabel) to approve the appointment, carried.
- E. Appoint the Following as Election Inspectors for the term January 1, 2016 – December 31, 2017:
DEMOCRATIC PARTY APPOINTMENTS: Charlene Brady, Phyllis Doherty, Janet Dunn, Brenda Egerer, Norine Janzen, Margaret Klopfer, Richard Klopfer, Sally Lacy, Virginia Loberg, Aurelio Mesa, David Tutaj, Christopher Yatchak
REPUBLICAN PARTY APPOINTMENTS: Joanne Axt, Marion Bezold, Alan Campbell, Anne Doran, Shirley Ehler, Joy Gettelman, Eileen Gierach, Patricia "Gail" Greenisen, Russell "Wade" Greenisen, Susan Hafert, Carol Hakenson, Patti Hietpas, Kathleen Horn, Diane Johnson, Dolores Kloehn, Karen Kraemer, Judy Lastrilla, Mary Lauderdale, Carol Miller, Kathy Miller, Kristine Murray, MaryAnn Nordman, Catherine Osborne, Jennifer Pagel, Carol Pluta, Jean Pritchard, Nancy Schopf, Randall Schopf, Donald Schulteis, Rita Schulteis, Pamela Smith, Gwendolyn Spitz, Darlene Vosen
UNAFFILIATED APPOINTMENTS:
Anne Adamec, Kenneth Bahr, Yvonne Bargaquast, Linda Bird, Holly Blaubach, Donald Boehlke, Linda Britton, Barbara Buth, Jean Drumm, Kathleen Duffy, Paulette Eck,

NEW BUSINESS continued:

Henry Ehler, Carolyn Eiden, Eleanor Ellner, Chandler Fraser, Lorraine French, Donald Gifford, Elizabeth Harebo, Jane Haven, Mike Heili, Charlene Hull, Marvin Jacobson, Cynthia Joerres, Janet Johnson, Nancy Kazmierczak, George Klaus, John Kraus, Sr., Katherine Kupfer, Elaine Laabs, Bonnie Lemanczyk, Roger Lemanczyk, Roger Lick, Diane Lindemeyer, Janice Oberg, Gail Prinslow, Mercedes Richter, Doris Rottmann, Mary Schulteis, Linda Shipman, Kathleen Sitzberger, Duane Skofronick, Thomas Sprink, Julie Stroik, Clara Theine, Karyl Tutaj, Catherine Webster, Susan Worden, Pamela Zangl, Donald Zolandz, Phyllis Zolandz

MOTION (Baum/Zabel) to approve appointment of election inspectors as presented. Clerk Goeckner explained the process for appointments through party lists and those who are unaffiliated. **Carried.**

- F. Requested Approval of 2016 Fireworks Contract
MOTION (Baum/Warren) to approve the contract, by roll call vote, carried.
- G. Requested Approval of Dheinsville Park Pavilion Memorandum of Understanding with the Germantown Historical Society
MOTION (Baum/Zabel) to approve as presented. Attorney Sajdak has reviewed the document. **Carried.**
- H. Request Authorization to Hire Fulltime Recreation Supervisor
MOTION (Baum/Zabel) to approve as requested. Discussion: This is budgeted and is an existing position to be filled due to vacancy. **Carried.**
- I. Approval of Agreement Between Village's Senior Center & Washington County
MOTION (Baum/Hughes) to approve as presented. Discussion. **Carried.**
- J. Approval of Agreement Between Washington County & Village for Senior Meal Program
MOTION (Baum/Warren) to approve as presented, carried.
- K. Request for Approval a \$3,000 Change Order Authorizing R.A. Smith National to Prepare Alternative Design of TID #6's Appleton Ave. Tee Intersection
Engineer Bischke presented information regarding the request. Recommending proposal to hire firm to negotiate with the DOT on this issue as he and DPW Director Ratayczak do not have the expertise and credentials needed for this situation. **MOTION (Zabel/Miller) to approve request as presented.** Discussion. **By roll call vote.** Trustee Zabel requested to pass and come back to him. Attorney Sajdak reviewed Roberts Rules of Order and confirmed this was allowed. **6 in favor, 1 opposed (Zabel), and 1 abstained (Warren), carried.**

There being no further business, the meeting adjourned at 7:45 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk

**BUSINESS OF THE VILLAGE BOARD
VILLAGE OF GERMANTOWN**

MEETING DATE: December 21, 2015

AGENDA ITEM: New Business

ITEM TITLE: Request to Move or Cancel Various Meetings in 2016 Due to Holidays and Clerk's Office Election Duty Requirements

SUBMITTED BY: Barbara K. D. Goeckner, Village Clerk

SUMMARY EXPLANATION:

In reviewing the 2016 calendar for Holiday and Election dates I have noted the following Village Board meetings which conflict with those items:

February 15th – Village Board
February 16th - Primary Election

April 4th – Village Board
April 5th - Presidential Preference Primary and Spring Election

July 4th Holiday – Regular Village Board meeting

September 5th Labor Day – Regular Village Board meeting

November 7th - Village Board
November 8th – Presidential and Fall General Election

I respectfully request the Village Board to consider the options of moving or canceling the meetings which fall the day before the Elections to allow the Clerk's Office to complete the Election related duties and use the Village Board room for Election work. The days which Holidays fall on the regular Village Board meeting dates also require consideration for moving or canceling due to Village Hall being closed.

ATTACHMENT: None

RECOMMENDATION:

Motion to move or cancel the various meeting dates in 2016 which fall on Holidays or the day before an Election.