

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
February 1, 2016**

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, Warren and Zabel. Trustee Myers was absent. Also present: Administrator Schornack, Attorney Sajdak, CDD Retzlaff, Finance Director Rath, Public Works Director Ratayczak, Park & Rec Director Schroeder, Police Capt. Snow, Communications Supervisor Lynn Schmidt, Superintendent of Highways Olszewski, CDD Retzlaff, 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. Trustee Miller thanked all in community for their continued support of the Germantown Community Scholarship Fund.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing: None

CONSENT AGENDA:

- A. Approval of Village Board Minutes: January 18, 2016
- B. Accounts payable/payroll
 - 1. January 25, 2016 Accounts Payable \$ 361,525.60
 - 2. January 28, 2016 Payroll (hourly) \$ 209,093.16
 - 3. January 31, 2016 Payroll (salary) \$ 79,050.55

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

- C. Mutual Cooperation Agreement Under the National Affordable Housing Act (The HOME Consortium Program) [Recommended Approval]

Trustee Zabel requested to pull Item 'C'. **MOTION (Baum/Miller) approve Consent Agenda, Items A-B, by roll call vote, carried.** Item C: Trustee Zabel asked questions regarding length of term for the agreement and questioned Section 4 Item 8 on page 11 regarding municipality as cooperating agency and relation to adoption of Police requirements already regarding use of force etc. and what happens to funding if that occurs. Discussion: Term is correct for 2014, 2015 & 2016. Village receives no funding; homeowners receive funding for repairs. Program requires Village cooperation to enable residents to take advantage of it. Further discussion of funding disbursement, time line and term of agreement, auto renewal within agreement, notification of automatic renewals are sent. **8 in favor, 1 opposed (Baum), carried.**

Trustee Myers arrived at 7:10 p.m. during Item C discussion.

UNFINISHED BUSINESS: None

PUBLIC HEARINGS – 7:00 P.M. OR LATER:

- A. Scott Bence, agent for Heritage Place Joint Venture, property owner of Parcel GTNV# 224-992 (located at approximately N116W16200 Main Street @ Park Avenue) totaling approximately 22.73 acres proposed for a multi-family residential development known as “Saxony Village” and Applicant for a Conditional Use Permit to allow: (1) wetland alterations within a wetland (approximately 5,350 sqft of fill) associated with replacing an existing culvert near the westernmost end of Hilbert Lane; and (2) development activities (approximately 48,000 sqft of grading) within a 25’ wetland and a 75’ navigable water setback on portions of said property.

CDD Retzlaff presented information regarding the request for Conditional Use Permit. Development approximately 22 acres in size, zoned Rm-2 Multi-Family Residential. Further provided a summary of recent action with this proposal. Reason for CUP due to the fact that portions of proposed development encroachment of wetlands and wetland setbacks on property. Approximately 5,350 sqft of fill proposed and another 400 sqft of temporary fill to impact where proposed storm water facility would be connected. Grading within the 25’ wetland setback and within 75’ navigable stream setback. Proposed wetland fill and alterations are regulated by DNR and the US Army Corp. of Engineers. (USACE) DNR has issued 5 permits on December 17, 2015. USACE application is pending and has no time limitation for response. Village code allows this and states what conditions it is subject to and other requirements necessary. Applicant has provided a wetland mitigation plan which has been updated since Plan Commission review in August 2015. Approved CUP to allow wetland fill and development within the 25’ wetland and 75’ navigable stream setback areas as presented in the application exhibits and Mitigation Plan (Dated August 5, 2015) subject to 3 conditions as stated.

President Wolter opened the public hearing at 7:32 p.m.

The following parties spoke during the public hearing:

Loren Doll, W159N11447 Red Oak Circle, Germantown – President of Oakwood Village Condo Association – Opposed
Estelle Tenant - N114W15874 Hilbert Lane – Opposed
Nikki Broetzmann - W163N11502 Windsor Court - Opposed
Carol Preiss – W157N11457F Hilbert Lane – Opposed
Dan Wing – N116W16044 Main Street – Neither for nor against.
Betsy Devilbiss - W159N11438 Red Oak Circle - Opposed

President Wolter closed the public hearing at 7:45 p.m.

NEW BUSINESS:

- A. Scott Bence, agent for Heritage Place Joint Venture, property owner and Applicant for a Conditional Use Permit (CUP) to allow: (1) wetland alterations within a wetland (approximately 5,350 sqft of fill) associated with replacing an existing culvert near the westernmost end of Hilbert Lane; and (2) development activities (approximately 48,000 sqft of grading) within a 25’ wetland and a 75’ navigable water setback on portions of the property located at approximately N116W16200 Main Street @ Park Avenue, Parcel GTNV# 224-992.

NEW BUSINESS – continued:

MOTION (Baum/Kaminski) approve with Community Development Director's recommendations. Discussion of possible changes affected by the Board of Zoning Appeals decision on February 10th with applicant, road/roadway(s)/driveway(s), reduction in units from Plan Commission recommendations, density, drives on Hilbert and Main, is it a private drive, who maintains it, is it still needed if density isn't approved. Developer stated reasons for need of roadways, number of site revisions done, connection with downtown Main Street, water main connection, extension of water utility, and filling of wetland not changing the creek bed, here for the wetland crossing. Conducted research through Planning and Development Department, Village has approved 16 projects of this same type in the past 15 years, they are not asking for anything out of the ordinary. Further discussion of culvert replacement, improvement of hydraulics, creating more wetlands than are currently there, following permits, flooding should be less of an issue in future, cost of roadway, water main, need for water to go somewhere when buildings put in that area. Displacement made up with onsite detention ponds. President Wolter clarified discussion is about crossing and DNR and USACE are involved to make sure it is done correctly and DNR has granted permits. Further discussion of changes and affect if it is a public road vs. if it remains a private road, one way in and out vs. two ways and number of units in complex using same entry/exit. When can Village Board deny this type of request and when can they not deny one. Attorney Sajdak read rules of the municipal code regarding this and stated as long as it is consistent with the code, it can be approved based on that. Request of 5 conditions mentioned by CDD Retzlaff in presentation. CDD Retzlaff stated the Village has issued permits for CUP's for wetland fill for this purpose for industrial projects, commercial projects and private driveways. There have been 19 since 2000 with one denied and two withdrawn. Various locations of where these were granted were stated. Trustee Baum questioned what standards do we deny on besides 'I don't want it'. Further discussion of proposed road vs. what could be proposed, considerations of possible back up of water and issues it could cause, further review of map for development. Trustee Kaminski asked questions of developer regarding effects of having or not having this and stated she is in support of this. CDD Retzlaff stated a condition by Plan Commission was prior to final site plan approval all maps etc. will be revised to show what all the changes were according to all motion/condition requirements. Discussion of requirements, conditions and direction to developer. Attorney Sajdak stated the plan as proposed by Plan Commission is sufficient. Further discussion of possible BOZA hearing results, what would require need for items to come back for full Village Board approval, need or not for wetland crossing, other CUP's, better enhanced if building is there. Developer stated Plan Commission approved the site plan being presented and traffic study and the plan the traffic study supports, with two accesses. Attorney re-read information from the municipal code as requested by Trustee Myers. **MOTION (Baum) amendment in event Hilbert Lane does not go through for applicant to bring back revised traffic study to Plan Commission.** Discussion of ability to make such a requirement. **Trustee Baum withdrew his motion for amendment.**
Roll call vote on motion, 5 in favor, 4 opposed (Miller, Myers, Wolter & Zabel). Carried.

NEW BUSINESS continued:

- B. Memorandum of Agreement Between Washington County and the Village of Germantown for Brownfields Assessment
Administrator Schornack introduced Debora Sielski, Washington County representative to present this item and answer questions. Overview: Washington County receives funding for brownfield assessments that allow for Phase 1 and Phase 2 environmental site assessments for remediation. County completes an inventory of all sites in county. There are 51. Saxony Village ranked 4th out of 51. Site approved for possible funding for assessment work. Funds would allow for additional testing of site, provided this memorandum of agreement is approved. Phase 1 determines sampling analysis of the site – test the ground soil and any contamination. Phase 2 assessment is actual testing of site. Report created and based on this, remedial action plan put together. Discussion of benefit of program to parties such as Mr. Bence and allowing residents peace of mind of a second group having looked at the site and a third party contracted group that also comes through. Further discussion of process for program funding approval for a site, other sites identified in Germantown, need to show success within County and be able to apply for additional funding through State. Current grant will mostly fund everything through the remediation plan but will not fund remediation. **MOTION (Kaminski/Warren) to authorize signature of Village Board President for the agreement, carried.**
- C. RESOLUTION NO. xx-16 Authorizing the Partial Redemption of Two Issues of Village of Germantown General Obligation Refunding Bonds
MOTION (Zabel/Myers) to approve Resolution Authorizing Partial Redemption of Two Issues of Village GO Refunding Bonds. Discussion. Roll call vote, carried.
- D. Request Approval of Agreement with K-Consult LLC to Assist Village Staff With Negotiating New Agreements for Telephone Service
Administrator Schornack requested to table this item. 3 contracts coming up with AT&T. Vote on this item at GGF was 2 to 2. He and Finance Director Rath have a meeting scheduled and will negotiate first contract. If that goes well and board agrees, they will do next two contracts as well unless there is a need for outside contractor. **MOTION (Zabel/Baum) to postpone any action until after staff meets with AT&T, carried.**
- E. Request to Approve 2016 Capital Projects Listing for 2016 G.O. Promissory Note not to Exceed \$2,670,000
Trustee Zabel brought item from GGF. Anything \$60,000 or less will be covered under remaining 2015 funds. If board wishes to lower from \$2.6 Million to \$2.5 Million Capital can be reduced by using funding in reserves not spent in 2015. Finance Director Rath - Anticipating close out of 2015 to have a positive cash flow and funding from projects borrowed for in past that have been restructured can also be used to offset costs items. Also a plan that part of this debt included paying off debt with DOT. Can cover that in full with a monthly payment plan between 2016 and 2017 and with excess funds from 2015. Discussion of carry over and actual cash balance, which is at 25%. Further discussion of borrowing, rates and fit into budget without adding to levy. Debt falling in 2017 and beyond. Having between 20-25% reserve allows knowing we have reserve. **MOTION (Kaminski/Warren) to approve borrowing at \$2.6 for capital projects as listed. Roll call vote, 8 in favor, 1 opposed (Baum), carried.**

NEW BUSINESS continued:

- F. Request Authorization to Hire Full-time Senior Coordinator
MOTION (Kaminski/Daniels) to approve, carried.
- G. Request Approval to Purchase 5 Recliners for Fire Station #2
Trustee Hughes stated this came through Public Safety with a 2-1 vote. Fire Chief Weiss presented request and need for recliners and other furniture. Firefighters to build dining room table themselves. Prior furniture all hand me downs. Trustee Kaminski verified this is in the budget. **MOTION (Kaminski/Hughes) to approve this not to exceed \$3,875.00.** Trustee Miller verified additional \$500 is for materials for table. Chief Weiss stated yes and also some chairs possibly. Trustee Zabel asked about donations that come in from Wal-Mart etc. and importance of recognizing those who donate. **Roll call vote, 8 in favor, 1 opposed (Baum), carried.**
- H. Request Not to Change the Definition of Undeveloped Lands-Assembly Bill 582
Trustee Zabel provided information regarding proposal at State to change the definition of undeveloped lands and change assessment value. Village has approximately 307 vacant parcels and could lose \$100-\$150,000 in revenue and would have to find it elsewhere. Has spoken with Jim Ott, Rep. Knodl and Dewey Stroebel about the legislation. Need to make all representatives aware of concerns and disagreement with this legislation. **MOTION (Zabel/Kaminski) to direct staff to draft letter and President Wolter to sign prior to sending, carried.**

No meeting on February 15th due to Spring Primary election on February 16th.

Next meeting is Monday, March 7th at 7 p.m.

There being no further business, the meeting adjourned at 9:24 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk