VILLAGE OF GERMANTOWN
VILLAGE BOARD
MEETING MINUTES
June 20, 2011

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Hughes, Kaminski, Vanderheiden, Werderman, Wing and Zabel. Also present Administrator Schornack, Attorney DeStefanis, Planner Retzlaff, DPW Ludwig, Park & Recreation Director Altergott, Highway Superintendent Olszewski, Fire Chief Pollpeter (arrived at 8:13 p.m.) and Deputy Clerk Micka. Absent and excused: Trustee Ewert.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter announced that there would be no meeting on July 4th and he encouraged everyone to take part in the July 4th festivities, which included the parade at noon, activities in the park, and ending with the fireworks.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST / COMMITTEE REPORTS: Trustee Zabel announced that the next General Government and Finance Committee meeting will be held Tuesday, June 28th at 6:30 p.m. Trustee Werderman announced that the Historic Preservation Commission meeting will be Monday, June 27th at 6:30 p.m. and the next Public Safety Committee meeting is scheduled for Wednesday, July 6th at 7:00 p.m.

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

No-one addressed the Board.

CONSENT AGENDA:

A. Minutes:
Regular meetings of May 16, 2011 and June 6, 2011 and special meeting of May 23, 2011.

B. Accounts Payable / Payroll

Payroll – Hourly	June 7, 2011	$202,882.42
Accounts Payable	June 10, 2011	$417,192.92
Payroll – Salary	June 15, 2011	$ 73,050.65

C. Operator (Bartender) Licenses: new for the period ending June 30, 2012 to: Homer Jack Daniels, Jitendra B. Gondaliya, Nicole L. Gramza, Kellie K. Lang, Calla D. Meinen, Prakash Navadia, Elizabeth A. Peters, Jennifer L. Seymour, Kimberly Y. Thomas, and Thomas F. Wood; and renewals for the period ending June 30, 2012 to: Jeff M. Bird, Thomas M. Black, Shelly A. Kell, Jessica M. Koepp, Jennifer L. Koppelman, Katie L. Lenz, Stephanie R. Minney, Debra A. Nelson, Wendy S. Sarwas, and Patrick Walter.

<u>CONSENT AGENDA (continued):</u>
The following items were forwarded from the Public Safety Committee with a unanimous recommendation:

D. “Class B” Liquor License Renewals:
Bubs on Main, LLC, Scott Pecor, Agent, d/b/a Bubs Irish Pub, N116 W16218 Main Street.
Kettle Moraine Moose Lodge #1238, Charles A. Jewell, Agent, d/b/a E.K.M.Moose Lodge, W198 N10217 Appleton Avenue.

E. Amusement Arcade License Renewals:
Bubs on Main, LLC, Scott Pecor, Agent, d/b/a Bubs Irish Pub, N116 W16218 Main Street.
Kettle Moraine Moose Lodge #1238, Charles A. Jewell, Agent, d/b/a E.K.M.Moose Lodge, W198 N10217 Appleton Avenue.

The following item was forwarded from the Public Works Committee with a unanimous recommendation:

F. Compliance Maintenance Annual Report – Resolution No. 20-11.

Motion Vanderheiden, second Werderman, to accept the consent agenda items A through F.

Trustee Zabel requested that the May 23, 2011 special meeting minutes be amended.

Motion Zabel, second Baum, to amend the special meeting minutes of May 23, 2011 to add after the roll call vote to adjourn into closed session:
It is noted that the Clerk was excused at this point and Trustee Zabel appointed to take minutes of the closed session. Motion carried without negative vote.

Roll call vote on motion to accept the consent agenda:

Ayes: Baum, Hughes, Kaminski, Vanderheiden, Werderman, Wing, Zabel, and Wolter.

Nays: None. Absent: Ewert. Motion carried 8-0.

<u>PUBLIC HEARING:</u>

<u>EQUITABLE BANK SSB, PROPERTY OWNER FOR A REZONING APPLICATION TO REZONE THE FOLOWING DESCRIBED PROPERTY FROM THE B-1 NEIGHBORHOOD BUSINESS DISTRICT TO THE B-5 HIGHWAY DISTRICT PURSUANT TO SECTION 17.14 OF THE VILLAGE CODE ON THE PROPERTY LOCATED AT N96 W7698 COUNTY LINE ROAD; TAX KEY NO. 334-099:</u> President Wolter read the public hearing notice.

Planner Retalaff reviewed the application for rezoning of a 0.79 acre parcel at N96 W17698 County Line Road from B-1, Neighborhood Business District to B-5, Highway Business District, and approval of site and building plans for a new 2,250 sq. ft. restaurant with a drive-through. Staff is recommending approval of the rezoning and it is consistent with the 2020 Land Use Plan Commercial designation. The Plan Commission had concerns with the site plan and traffic study, and recommended approval subject to nine conditions.

President Wolter declared the public hearing open at 7:11 p.m.

John Lauderdale, W176 N9733 Rivercrest Drive, expressed concerns on the amount of traffic and accidents at the intersection. He questioned if the landscaping will remain the same or if there was a change? Planner Retzlaff stated the proposal kept the landscaping on the north side expect for two trees that would be relocated.

Lynn Smith, W176 N9728 Riversbend Cir. E., questioned who did the traffic study? It was noted that it was not yet completed, that Plan Commission had required a study, and that an independent firm would be doing the study. She stated that she opposed the rezoning based on concerns with traffic at the intersection.

Doris Bauer, N98 W17819 Lilly Ct., opposed the rezoning due to traffic concerns, the two left turn lanes have no lane markings, and the proposal would make the existing traffic problem worse.

Cheryl Tucker, W178 N9706 Riversbend Cir. W., had concerns with traffic congestion, where the dumpsters would be located, and there would be a bottleneck at the intersection because of the drive through. It was noted that the dumpsters must be enclosed.

Les Borman, N98 W18013 Bramblewood Ct., understands the concerns of his neighbors, but he felt the business would add to the tax base, the traffic concerns could be worked out, and the worst thing would be an empty building.

Patricia Walzak, W178 N9742 Riversbend Cir. W., stated that they are not opposed to the project, but have concerns about traffic and landscaping, and everyone should work together to be good neighbors.

President Wolter stated that Panda Express would pay for the traffic study, they are aware of residents concerns, and the proposal would expand the tax base.

There being no further comments either for or against the proposal, the public hearing was declared closed at 7:30 p.m.

PUBLIC HEARING:

RENEWEGY LLC, AGENT FOR WAGO CORPORATION, PROPERTY OWNER FOR A CONDITIONAL USE PERMIT FOR THE INSTALLATION AND OPERATION OF A 117’ WIND TRUBINE PURSUANT TO SECTION 17.33(3)(1) OF THE VILLAGE ZONING CODE ON THE PROPERTY LOCATED AT N120 W19129 FREISTADT ROAD; PARCEL NO. 201-958: President Wolter read the public hearing notice.

Planner Retzlaff reviewed the application for a conditional use permit to install and operate a wind energy system on the Wago property at N120 W19129 Freistadt Road. The proposed energy system would be allowed in the M-1 zoning district as an accessory use, and staff is recommending approval. The Plan Commission recommended approval subject to four conditions.

President Wolter declared the public hearing open at 7:35 p.m.

Ken Mahuta, N118 W19137 Bunson Drive, was just made aware of the proposal, and stated that he had no problem with it.

Deputy Clerk Micka read a letter of objection into the record received from Donald Nimmer, CEO/President of Enercon Industries Corporation, N120 W19349 Freistadt Road, expressing concerns with the proposal. (A copy is on file in the Village Clerk's Office at Village Hall).

There being no further comments either for or against the proposal, the public hearing was declared closed at 7:38 p.m.

PUBLIC HEARING:

BILL NUMRICH, AGENT FOR EASTERN KETTLE MORAINE MOOSE LODGE #1238, PROPERTY OWNER FOR A CONDITIONAL USE PERMIT FOR SEASONAL OVERNIGHT PARKING AND LODGING PURSUANT TO SECTION 17.29(3)(B) OF THE VILLAGE ZONING CODE ON THE PROPERTY LOCATED AT W198 N10217 APPLETON AVENUE, PARCEL NO. 322-977: President Wolter read the public hearing notice.

Planner Retzlaff reviewed the application for a conditional use permit to allow overnight parking and lodging by club members on the property at W198 N10217 Appleton Avenue. The property is zoned B-2, Community Business District, and the proposed use is seasonal and short term. The Moose Lodge will provide a parking area behind the existing lodge and up to three portable toilets in addition to the indoor facilities. The Plan Commission recommended approval subject to five conditions.

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

Terry Voss, W220 N9758 Amy Belle Road, is a member of the Moose Lodge and stated that after the Plan Commission meeting, they discussed the conditions and they felt that a 3 car limit was too restrictive. He stated that during rummage sales, vendors leave trailers overnight, and on holiday weekends any number of lodge members throughout the state can show up at the Lodge. He felt that 10 vehicles was an appropriate number.

There being no further comments either for or against the proposal, the public hearing was declared closed at 7:43 p.m.

PUBLIC HEARING:

MIDWESTERN DISASTER AREA REVENUE BOND FINANCING FOR RAFRAD, LLC: President Wolter read the public hearing notice.

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

Administrator Schornack stated the attorney for the applicant called Attorney DeStefanis and he was told it was not necessary to attend this meeting.

There being not comments either for or against the revenue bond financing, the public hearing was declared closed at 7:45 p.m.

ORDINANCE – TO AMEND THE OFFICIAL ZONING MAP: ***Motion Baum, second Kaminski, to adopt the ordinance with the conditions as recommended by the Plan Commission.***

Discussion followed regarding traffic patterns and the traffic study.

Motion Baum, second Wing, to require that the traffic study be completed prior to issuing permits.

Discussion continued regarding the study, and Attorney DeStefanis stated the study is approved by the Plan Commission along with the site plan approval. The Village Board can make recommendations, but this is not a zoning condition.

Motion to amend was withdrawn.

Discussion continued regarding traffic concerns in the area expressed by the residents.

Fire Chief Pollpeter arrived at 8:13 p.m.

Motion Hughes, second Zabel, to postpone a decision to the July 18, 2011 Village Board meeting. Motion carried. Ayes: 7. Nays: 1 (Werderman).

CONDITIONAL USE PERMIT – RENEWEGY LLC, AGENT FOR WAGO CORPORATION FOR INSTALLATION OF A SMALL WIND ENERGY SYSTEM LOCATED AT N120 W19129 FREISTADT ROAD: ***Motion Baum, second Hughes, to approve the Conditional Use Permit as presented.***

Discussion followed regarding if there is any recourse if problems would occur with the facility in the future. Attorney DeStefanis stated that a C.U.P for wind energy could only be denied if it may affect health and safety of residents, but it could be revoked if problems arise at a later date.

Roll call vote to approve:

Ayes: Baum, Hughes, Kaminski, Vanderheiden, Werderman, Wing, Zabel, Wolter.

Nays: None. Absent: Ewert.

Motion carried.

CONDITIONAL USE PERMIT – EASTERN KETTLE MORAINE MOOSE LODGE #1238 FOR SEASONAL OVERNIGHT PARKING AND LODGING ON THE PROPERTY LOCATED AT W198 N10217 APPLETON AVENUE: ***Motion Baum, second Hughes, to approve the Conditional Use Permit as presented.***

Discussion followed on the restriction of three vehicles on the property. Terry Voss addressed the Board stating that only Moose members would be allowed on the property. He requested that five vehicles be allowed on the property at any one time.

Motion Werderman, second Kaminski, to increase the number of vehicles to 5 for up to 3 days.

Motion to amend carried. Ayes: 7. Nays: 0. Abstain: 1 (Zabel).

Kathy Voss, W220 N9758 Amy Belle Road, addressed the Board. She reviewed the procedures that would be used by the Moose Lodge when vehicles would be parking overnight.

Motion Wing, second Baum, to increase the number of vehicles to 8.

Discussion continued on the number of vehicles allowed.

Motion to amend carried. Ayes: 6. Nays: 1 (Kaminski). Abstain: 1 (Zabel).
Motion to approve as amended carried without negative vote.

FINAL RESOLUTION NO. 19-11 REGARDING MIDWESTERN DISASTER AREA REVENUE BOND FINANCING FOR RAFRAD LLC: ***Motion Baum, second Zabel, to adopt Resolution No. 19-11.***

Administrator Schornack stated that there is no impact on the Village debt limit.

Roll Call Vote on motion to adopt:

Ayes: Baum, Hughes, Kaminski, Vanderheiden, Werderman, Wing, Zabel, Wolter.

Nays: None. Absent: Ewert.
Motion carried.

Motion Vanderheiden, second Wing, to move to Agenda Item Frontage Road Serving N128 W21760 Holy Hill Road. Motion carried without negative vote.

FRONTAGE ROAD SERVING N128 W21760 HOLY HILL ROAD – OPTIONS FOR REPAIR: DPW Ludwig reviewed the six options with the Board. The Public Works & Highways Committee favored Option #4.

Motion Zabel, second Vanderheiden, to approve Option #4.

Discussion followed on the cost and specifications in Option #4.

Roll Call Vote on motion to approve:

Ayes: Baum, Hughes, Kaminski, Vanderheiden, Werderman, Wing, Zabel, Wolter.

Nays: None. Absent: Ewert.
Motion carried.

Motion Zabel, second Wing, to move to Agenda Items Liquor License Renewals and New "Class B" Liquor License. Motion carried without negative vote.

<u>"CLASS B" LIQUOR LICENSE RENEWALS:</u> ***Motion Werderman, second Vanderheiden, to approve renewal "Class B" Liquor Licenses for: Barley Pop Brew Haus, LLC, Deborah Reinbold, Agent, d/b/a Barley Pop Pub & Restaurant, N116 W16137 Main Street (includes outside beer garden); Terker Evergreen Limited, LLC, Kerry L. Turner, Agent, d/b/a Jerry's Old Town Inn, N116 W15841 Main Street; and Terker Evergreen Limited, LLC, Kerry L. Turner, Agent, d/b/a Von Rothenburg, N116 W15863 Main Street (includes outside beer garden and second floor balcony).***

Roll Call Vote on motion to approve:

Ayes: Baum, Hughes, Kaminski, Vanderheiden, Werderman, Wing, Zabel, Wolter.

Nays: None. Absent: Ewert.

Motion carried.

<u>NEW "CLASS B" LIQUOR LICENSE – J.K. GAM, LLC, JON R. GAMROTH, AGENT, D/B/A GAMROTH'S KUHBURG JUNCTION, W140 N10385 FOND DU LAC AVENUE:</u> ***Motion Zabel, second Vanderheiden, to approve the new liquor license application for J.K. Gam, LLC.***

Roll Call Vote on motion to approve:

Ayes: Baum, Hughes, Kaminski, Vanderheiden, Werderman, Wing, Zabel, Wolter.

Nays: None. Absent: Ewert.

Motion carried.

<u>REFILLING POSITION IN THE PUBLIC WORKS DEPARTMENT:</u> Administrator Schornack reviewed Option A and Option B with the Board. Option A is to fill the Superintendent of Parks, Buildings and Grounds and Option B is to vacate the Superintendent's position and fill the Foreman of the Highways, Parks, Buildings and Grounds. He is requesting that the Board adopt one option, and if Option B is adopted, to approve the position description.

DPW Ludwig discussed both options with the Board. He stated that new hires would be posted, but the superintendent and foreman positions would not be posted. He reviewed the specifics of both Options.

Discussion followed regarding staffing in other municipalities, pay grades, job duties, and the interview process. It was noted that the foreman position is listed in the code book, and the crew leader is a union position.

Motion Hughes, second Baum, to accept Option B to vacate the Superintendent's Position and fill the Foreman of the Highways Parks Buildings and Grounds.

Discussion continued on the benefits of approving Option B.

Roll Call Vote on motion to approve Option B:
Ayes: Baum, Hughes, Kaminski, Vanderheiden, Werderman, Zabel, Wolter.
Nays: Wing. Absent: Ewert.
Motion carried.

Motion Kaminski, second Baum, to accept the job description for the Foreman of Highways, Parks, Buildings and Grounds.
Motion carried. Ayes: 7. Nays: 1 (Wing).

It was the consensus of the Board to approve the pay grade at a later date.

Attorney DeStefanis will do research to determine the selection process and will check on the foreman position listed in the Village Code.

REQUEST FOR FUNDS – 2011 RECALL ELECTIONS: Deputy Clerk Micka explained that the Clerk's Office is requesting funds to cover the costs of the two upcoming recall elections. A large turnout is expected and extra election inspectors will be scheduled for these elections.

Motion Kaminski, second Vanderheiden, to approve the request for unbudgeted funds in an amount not to exceed $12,000 to cover the expenses for the recall elections.
Roll Call Vote on motion to approve:
Ayes: Baum, Hughes, Kaminski, Vanderheiden, Werderman, Wing, Zabel, Wolter.
Nays: None. Absent: Ewert.
Motion carried.

RESOLUTION – IMPLEMENTING VILLAGE PICK UP EMPLOYEE RETIREMENT CONTRIBUTIONS PURSUANT TO IRS CODE SECTION 414(H)(2): Administrator Schornack stated that no action is required on this resolution as a provision was included in the budget bill by the governor.

2011 LAKE PARK WEST WATER MAIN RELAY: DPW Ludwig reviewed the three alternatives with the Board.

Discussion followed on the specifications and costs of each option.

Motion Zabel, second Hughes, to accept Alternative #2 for the 2011 Lake Park West Water Main Relay Project.
Roll Call Vote on motion to approve:
Ayes: Baum, Hughes, Kaminski, Vanderheiden, Werderman, Wing, Zabel, Wolter.
Nays: None. Absent: Ewert.
Motion carried.

2011 REDISTRICTING MAPS FOR VILLAGE OF GERMANTOWN – DISCUSSION AND ACTION: Trustee Zabel reviewed the process for redistricting at the special meetings of the General Government & Finance Committee. The Resolution will be approved at a Special Village Board meeting on July 6.

Discussion followed on the three options, what is involved if going to at large districts, and the changes in the district maps.

Motion Baum, second Kaminski, to approve Proposed Trustee Plan Option #1. Motion carried without negative vote.

The next meeting is scheduled on July 18, 2011 at 7:00 p.m.

ADJOURN INTO CLOSED SESSION PER WI. SS 19.85 (1)(e) FOR THE PURPOSE OF DELIBERATING OR NEGOTIATING THE PURCHASE OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHETHER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION – INTERNATIONAL ASSOCIATION OF FIREFIGHTERS AND GERMANTOWN COMMUNICATION OFFICERS ASSOCIATION AND FOR THE PURPOSE OF APPROVING CLOSED SESSION MINUTES OF JUNE 6, 2011: ***Motion Baum, second Zabel, to adjourn into closed session at 10:25 p.m. with Fire Chief Pollpeter present.***

Roll Call Vote:

Ayes: Baum, Hughes, Kaminski, Vanderheiden, Werderman, Wing, Zabel, Wolter.

Nays: None. Absent: Ewert.

Motion carried.

Deputy Clerk Micka was excused and Administrator Schornack was appointed to take minutes of the closed session.

Respectfully Submitted,

Christine M. Micka, CMC/WCMC
Deputy Clerk