

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

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, October 3, 2016 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. **'STATE OF THE COUNTY' PRESENTED BY JOSHUA SCHOEMANN, WASHINGTON COUNTY ADMINISTRATOR**
- VI. **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.
- VII. **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)
- VIII. **CONSENT AGENDA:**
 - A. Approval of Village Board Minutes: August 29, 2016 Special Village Board Meeting and September 19, 2016 Regular Village Board Meeting
 - B. Accounts payable/payroll
 1. September 20, 2016 Payroll (hourly) \$ 208,013.14
 2. September 25, 2016 Accounts Payable \$1,636,314.80
 3. September 30, 2016 Payroll (salary) \$ 81,962.87
 - C. Operator Licenses: October 4, 2016 to June 30, 2017: [Recommended Approval] Jarred A. Altfillisch; Scott A. Roth; Cynthia L. Weber
 The following items were forwarded from the General Government and Finance Committee with a unanimous recommendation:
 - D. Request for Approval of Amended Agreement for the Operation of Mid-Moraine Municipal Court [Recommended Approval]

CONSENT AGENDA continued:

- E. Request for Approval Agreement with NuVantage Employee Resource [Recommended Approval]
- F. Request to Award General Banking Services to US Bank for 11/1/16 to 10/31/19 [Recommended Approval]
- G. Request to Approve Purchase of 8 Election Laptops at a Cost of \$5,592.00 [Recommended Approval]

IX. UNFINISHED BUSINESS:

- X. PUBLIC HEARINGS – 7:00 P.M. OR LATER:** *The purpose of said hearing(s) is to hear any and all parties, their attorneys or agents, for or against the application(s) filed by the petitioner(s).* NONE.

XI. NEW BUSINESS:

- A. Reconsideration of:
 - 1. Presbyterian Homes of WI Inc., Applicant and Agent for Germantown Commerce Center LLC and Romano & Schmitt LLC, Property Owners, N112W17300 Mequon Road; Rd-2/PDD to B-1/PDD; **Ordinance** Rezoning and Amendments to the Blackstone Creek Planned Development District (PDD), and a 2-Lot Certified Survey Map (CSM);
 - 2. **Resolution** Amending No. 19-12(As Amended) Continuing Conditions and Restrictions for the Blackstone Creek Planned Development District (PDD); Amending Certain Conditions Contained Therein Pertaining to the Development of a 190-Unit Senior Living Community by Presbyterian Homes of WI Inc.
- B. The Germantown Professional Police Association Local 306. The Village Board may enter into closed session per Wi. Stats. §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, when competitive or bargaining reasons require a closed session and may re-enter open session to take such action as it deems appropriate.

XII. ADJOURNMENT

The next Village Board meeting will be on October 17, 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.

**BUSINESS OF
THE GENERAL GOVERNMENT & FINANCE COMMITTEE
and
The GERMANTOWN VILLAGE BOARD**

MEETING DATE:

September 20, 2016 GGF
October 3rd, 2016 Village Board

PLACEMENT

CONSENT AGENDA

ITEM TITLE:

Award of General Banking Services Nov 1, 2016 –
October 31, 2016

SUBMITTED BY:

Kim Rath, Finance Director

SUMMARY EXPLANATION:

Request for proposals were sent out to several area banks. We received proposals back from three (3) banking institutions.

US Bank
Westbury Bank
Waterstone Bank

We currently use US Bank, they have been our banking partner since November 2013, prior to that we had First Bank.

All three proposals were thorough and competitive, although the banking business is quite complex so each proposal had its own unique component. If you would like to view the proposals individually, they are available in the Finance Department.

The main objective was safety and liquidity of the village funds, plus a comprehensive service package that staff can utilize to streamline and enhance our banking experience.

All three will perform essential banking services at a competitive cost, such as Lockbox or Mail services for tax collection, ACH, online banking and account monitoring.

US Bank is maintaining their existing contact with another \$3500 loyalty bonus to offset check stock, deposit tickets, miscellaneous items or monthly fee offset. They offer full collateralization specifically pledged by providing a Standby Letter of Credit that covers all our accounts up to \$5,000,000 for the months of March through November and \$20,000,000 Dec – Feb. (to cover tax collections).

They also offer an earnings credit based on the Average Effective Fed Funds flat rate with a floor on .45 basis points. The earnings credit offsets the monthly fees, with the addition of the loyalty bonus the Village has rarely had a monthly fee assessed. US Bank has the current State contract which translates to having the most competitive rates of the three banks.

US Bank One Card Credit Card incorporates the benefits and features of a corporate card and purchasing card. Also, US Bank and the State of WI have extended both their purchasing card and fleet card to any political subdivision in Wisconsin. Staff will be exploring bank cards and purchasing cards that offer rebates back to the village.

They have a US Bank E-payment Express system with a collections solution that can be integrated with our existing system to offer the ability to collect payments through multiple channels. The payments are consolidated for payment & posting, the village would receive reports and an electronic data file to update to our receivables system. Staff is looking at expanding online payments.

Westbury Bank interestingly enough has a proposal that will waive all monthly maintenance and account service charges. All deposit accounts will earn an interest rate on 0.10 over the Fed Funds Rate. They are able to provide lockbox service for our tax bills, and they have a competent online presence and will provide our first order of checks and deposit tickets.

Westbury bank will enter into a Depository Agreement to pledge collateral to secure village funds over and above amounts guaranteed by the FDIC and the State Deposit Guarantee Fund. It will be 110% collateralized, although not specifically pledged. They will have further information regarding a Letter of Credit option by the GGF meeting date.

Waterstone Bank had somewhat higher fees in some areas, and an earnings credit of only 0.25%. They were not able to offer collateralization of our accounts. They did not have an independent LockBox for tax receipts but did offer collection of mailed receipts directly to their offices in a locked mailbox.

I spent a lot of time on this RFP, checked references and had some participants in to show us their product firsthand. My recommendation would be to stay with US Bank. They have been an excellent banking partner these past three years, good customer service and they fulfill all the needs of the Village as well as providing and introducing other cost/time saving initiatives that would benefit the Village. Changing banks is time consuming and somewhat expensive, plus it creates a lot of confusion to the public. We still have tax payments being sent to the bank we had three years ago. We'd also need to keep open the current accounts for six months or more to capture outstanding check activity.

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER _

RECOMMENDATION

Unanimous 3/0 Forward to Village Board to stay with US Bank for Nov 1, 2016 through October 31, 2019.

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: October 3, 2016

AGENDA ITEM: New/Unfinished Business (PDD Amendments, Rezoning & Certified Survey Map)

ITEM TITLE: Presbyterian Homes of WI Inc., Applicant and Agent for Germantown Commerce Center LLC and Romano & Schmitt LLC, Property Owners, N112 W17300 Mequon Road; Rd-2/PDD to B-1/PDD; Rezoning and Amendments to the Blackstone Creek Planned Development District (PDD), and a 2-Lot Certified Survey Map (CSM)

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

NOTE: THE FOLLOWING INFORMATION HAS BEEN UPDATED AS A RESULT OF THE VB's DECISION TO RECONSIDER THEIR ACTION TAKEN AT THE AUGUST 29 MEETING (TO DENY THE PROPOSED RE-ZONING THAT EFFECTIVELY DENIED THE PROPOSAL). IT IS, HOWEVER, ESSENTIALLY THE SAME AS WHAT WAS PROVIDED AT THE AUGUST 29 MEETING EXCEPT THAT THE REQUIREMENTS OF WIS. STATS. 62.23(7) PERTAINING TO THE 2,500' SEPARATION DISTANCE BETWEEN COMMUNITY-BASED RESIDENTIAL FACILITIES (CBRF's) DOES NOT APPLY TO THIS PROJECT. THE VILLAGE ATTORNEY HAS ADVISED THAT, IN CASES INVOLVING THE VILLAGE OF GREENDALE AND THE CITY OF GREENFIELD, THE FEDERAL DISTRICT COURT DETERMINED THAT THE 2,500' SPACING REQUIREMENT UNDER 62.23(7)(I) HAS BEEN PREEMPTED BY THE FEDERAL AMERICANS WITH DISABILITIES ACT OF 1990 AND THE FEDERAL FAIR HOUSING AMENDMENT ACT OF 1988. AS A CONSEQUENCE, THE VB NO LONGER NEEDS TO GRANT AN EXCEPTION TO THE 2,500' SPACING REQUIREMENT AS PREVIOUSLY DISCUSSED.

PROJECT SUMMARY:

Presbyterian Homes of WI Inc. has submitted a rezoning petition, series of amendments to the Blackstone Creek Planned Development District (PDD), and a 2-lot re-division of the Blackstone Creek golf course and commercial parcels related to the proposed development of a 190-unit senior residential community on 35 acres of land within the Blackstone Creek Planned Development District (PDD).

Presbyterian Homes and Services (PHS) is a non-profit, faith-based organization that provides a variety of housing, care and service options to over 25,000 older adults in forty-three PHS-affiliated living communities throughout Wisconsin, Minnesota and Iowa. Senior Housing Partners (SHP), the development division of PHS, is proposing the 190-unit living community with the following features:

Presbyterian Homes of WI Inc.
Blackstone Creek PDD

- 190 total dwelling units (2 Buildings in 2 Phases)
- 92 apartment-style "independent" senior living units (Phase I)
- 42 assisted-living apartments licensed as a RCAC (Phase I)
- 18 assisted-living/memory care units licensed as a CBRF (Phase I)
- 38 "Brownstone" independent senior apartment units (Phase II)
- 24,000 sqft internal commercial "Town Center"
- Bistro Café
- Chapel
- Movie Theatre
- Shopping Market
- Wellness Center
- Beauty Salon
- Bank/Business Center

The senior living community is expected to employ 35-40 full-time equivalent positions.

VB APPROVALS REQUIRED:

Approval of the proposed 2-lot CSM is needed to re-divide the existing golf course (owned by Romano & Schmitt LLC) and the commercial area (owned by Germantown Commerce Center LLC) to create the 35-acre parcel to be acquired by Presbyterian Homes for development of the 190-unit senior living community.

Approval of the rezoning petition is needed to rezone 19.4 acres of the 35-acre Presbyterian Homes parcel area from the existing Rd-2 Residential District into the B-1 Business District (the remaining 15.6 acres is already zoned B-1).

Approval of the proposed amendments to the Blackstone Creek PDD Conditions & Restrictions resolution is needed in order to: (1) "codify" previous action by the Village Board regarding the Blackstone Creek PDD to add "*multi-family elderly housing uses, including but not limited to: independent living, assisted living, co-housing, memory care and skilled care that are developed consistent with the EH: Elderly Housing Zoning District regulations*"; and (2) to modify a number of existing requirements and limitations in order to allow development of the proposed senior living community as presented in the detailed site development & building plans (that were conditionally approved by the Plan Commission at their July 11, 2016 meeting).

Another approval required from the Village Board concerns Wis. Stat. 62.23(7)(i) that establishes criteria for the number and relative location of community living facilities within a municipality. The Presbyterian Homes senior living community includes an 18-unit "community-based residential facility" or CBRF that is subject to the limitations of Wis. Stat. 62.23(7)(i). The limits adopted by the statute prohibit such facilities from locating closer than 2,500 feet to another facility, and, in the case of the Village of Germantown, restricts the total capacity of such facilities to a maximum of 199 units (based on 1% of the Village's total population). These limits can only be exceeded if the municipality grants an exception to a facility if it fails to meet the capacity and/or location criteria. In this case, the Presbyterian Homes facility does not meet the location criteria since it is located less than 2,500 feet from the Gables/Matterhaus facility

~~on division Road (1,200 feet away) and the Tender Reflections facility on Virginia Ave (1,945 feet away). Consequently, the Village Board needs to grant an exception to the requirements of Wis. Stats. 62.23(7)(i).~~

With regard to the matter of property taxes, due to their 501©(3) non-profit, tax-exempt status, Presbyterian Homes has indicated their intent to enter into an Payment in Lieu of Taxes (PILOT) agreement with the Village consistent with what they have done for other developments in other municipalities. Because this is a financing/taxing issue, the Plan Commission did NOT discuss this matter nor render a recommendation.

ATTACHMENTS (PLEASE BRING THE FOLLOWING THAT WERE DISTRIBUTED WITH THE AUGUST 29 MEETING PACKET):

- ◆ 7/11/16 Staff Report
- ◆ 7/11/16 Plan Commission Meeting Minutes
- ◆ Preliminary CSM
- ◆ Rezoning Ordinance (Draft)
- ◆ Blackstone Creek PDD Conditions & Restrictions Resolution (Draft)

PLAN COMMISSION RECOMMENDATIONS:

APPROVE that: (1) based on the Maxfield Research & Consulting market assessment results presented to the Village by the Applicant regarding demand for and the existing Germantown market area, the need for additional CBRF/assisted living housing units is sufficiently justified; and (2) the proposed location for the Presbyterian Homes senior living community in the Blackstone Creek PDD is the highest and best use of this the property in this location; and therefore (3) an exception to the 2,500 feet distance separation requirement for CBRF-assisted living facilities regulated under Wis. Stats. 62.23(7)(i) is warranted and should be granted by the Village Board.

APPROVE the proposed Certified Survey Map (CSM) to re-divide the 188.9-acre area comprised of Lot 2 and Lot 3 of CSM #6177 as proposed subject to the following conditions:

1. A cross-access easement shall be shown on the CSM consistent with the size and location of the internal driveway improvement between Lot 1 and Lot 2. An easement agreement for said easement shall be submitted for review and approval by the Village Attorney prior to recording the CSM.
2. A separate access/use easement agreement between Presbyterian Homes and the Blackstone Creek Golf Club shall be prepared and submitted for review and approval by the Village Attorney prior to recording the CSM. Said agreement shall identify the specific area(s) on the Presbyterian Homes parcel (Lot 1) that can be used by the Golf Club for golf course activities. Said agreement shall address the specific use, improvement, maintenance of said easement area and duration of the easement.

APPROVE the following proposed and/or required amendments to the Blackstone Creek Planned Development District (PDD) to be codified into an appropriate Village Board resolution amending the current conditions & restrictions resolution (Res. No. 19-12 as amended):

1. Rezone the 19.35 acre area within proposed Lot 1 from the Rd-2: Two-Family Residential District to the B-1: Neighborhood Business District;
2. Revise/replace the current GDP with the proposed GDP dated July 5, 2016;
3. Add two (2) senior housing buildings with 190 total units comprised of independent living, assisted living and memory care units to the list of permitted uses;
4. Delete all references to "the Shops at Blackstone Creek";
5. Increase the maximum height allowance from 35 feet to 44 feet for the Phase I senior housing building (42' typical and 44' at the roof peaks);
6. Add references to the conceptual color renderings of the golf course clubhouse as an example of the design intent for future improvements to the golf course buildings;
7. Revise the number of parking stalls to be provided as part of the senior housing development.
8. The Blackstone Creek Golf Club property owners shall complete the following building and site improvements to the golf club property: (a) remove the metal storage building located nearest to the Division Road intersection (no later than Spring 2017); (b) exterior remodeling of the clubhouse and cart storage buildings using the same/similar materials and architectural enhancements as the senior living campus buildings (see conceptual renderings included herein by reference); and (c) miscellaneous landscaping, parking lot and signage improvements. All improvements shall commence within a 12-18 month timeframe after commencement of the Presbyterian Homes Phase I site development. Detailed site development and building plans shall be submitted to the Village for review and approval. Future plans to divide and/or develop a portion of the golf course property with additional retail and/or mixed-use development shall not be considered for approval by the Village until all of the site and building improvements cited herein have been completed or commenced construction.
9. Increase the maximum number of units allowed per floor from 36 to 52;
10. Increase the maximum number of units allowed per building from 108 to 152 (Phase 1 building only);
11. Revise the minimum required front yard setback from 3 times the building height to 30 feet (Phase I building only from Mequon Road) consistent with the currently prescribed 30' building setback.

APPROVE the site development and building plans for the proposed 190-unit Presbyterian Homes Senior Housing development subject to the following conditions:

1. This approval is subject to all of the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the site development plan sheets for site, grading, utility, sanitary sewer, water main, erosion control, and landscaping dated July 5, 2016, and the architectural floor plan, elevation and color rendering plan sheets dated July 5, 2016 unless superseded by subsequent plan sheets submitted pursuant to revisions required herein and/or by the Plan Commission.
2. Approval is granted for Phase I site and building development only. Phase II site and building development (Brownstones building and parking lot expansion) shall require Plan Commission review and approval of detailed site development and building plans submitted

Presbyterian Homes of WI Inc.
Blackstone Creek PDD

- prior to commencement of any Phase II development.
3. Approval of the site development and building plans is contingent upon the Village Board approving the proposed PDD amendments listed herein and granting an exception to the 2,500 foot distance separation requirement for CBRF-assisted living facilities regulated under Wis. Stats. 62.23(7)(i).
 4. All technical items and requirements recommended by the Village Engineer in the July 6, 2016 review memo shall be addressed as part of additional and/or revised detailed construction plans submitted for Village approval prior to commencement of construction.
 5. Final approval for all public and private utility plans, including the need for a Developer's agreement with the Village regarding public improvements, shall be prepared and approved by the Village prior to commencement of construction. Said Developers Agreement shall include a provision requiring Presbyterian Homes to warranty all street trees and other landscaping installed within the Mequon Road ROW for a period of three (3) years to ensure viability and growth, and, a requirement that Presbyterian Homes be responsible for maintaining and replacing any dead or dying trees in the ROW within that warranty period.
 6. Presbyterian Homes has indicated their intent to enter into a "payment in lieu of taxes" (PILOT) agreement with the Village of Germantown to address the various Village services for which annual payments may be made to the Village to off-set a proportionate share of public safety and service costs. The Village Board and/or appropriate committee(s) shall be responsible for finalizing and entering into any such agreement. Said agreement shall be completed prior to the issuance of any occupancy permit.
 7. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application for each of the proposed buildings.
 8. The two street trees proposed closest to the Mequon Road driveway on the east side shall be relocated (not deleted) into the interior of the property near the driveway entrance to avoid interfering with vision of traffic moving along Mequon Road coming from the east. For symmetry, the two street trees on the west side if the new driveway could be moved also to a location north of the sidewalk in the same vicinity.
 9. The Applicant has committed to screen all roof-top mechanicals once the final HVAC system has been designed and required equipment determined. Any new or additional screening shall be presented to the Village Planner for review and approval prior to issuance of a building permit and installation.
 10. All landscaping, lighting, intersection, grading and other site improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless complete installation prior to occupancy is not required by the Village, and, a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.
 11. The access driveway and Mequon Road @ Stonewood Drive intersection improvements recommended in the Traffic Impact Analysis (dated April 25, 2016 and prepared by R.A. Smith-National) shall be installed by the Applicant and be fully operational prior to issuance of an occupancy permit by the Village. The Applicant shall be responsible for 100 percent of the costs associated with completing these improvements.
 12. Prior to commencement of any Phase II construction, the Applicant shall be responsible for preparing an update Traffic Impact Analysis (TIA) for purposes of assessing current and

Presbyterian Homes of WI Inc.
Blackstone Creek PDD

future traffic levels and operating conditions with and without Phase II development traffic, and, identifying any intersection and roadway improvements necessary to provide safe access to/from the Phase II development and adequate operating conditions on the adjacent road system.

13. Sign permits are required for all permanent and temporary exterior signage.