

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
October 3, 2016**

CALL TO ORDER: The meeting was called to order at 7:02 p.m. by President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Campbell, Kaminski, Miller, Myers, Warren and Zabel. Trustee Hughes is absent and excused. Also, present: Attorney Sajdak, DPW Director Ratayczak, CDD/Planner Retzlaff, Fire Chief Weiss, and Deputy Clerk Raymond.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: Social media post about discussing ordinance for extension of hours of restaurants, taverns and bars. Will be on November Public Safety Agenda and may come to Village board at later date. Fire Safety fair was a great event for Germantown, well attended.

'STATE OF THE COUNTY' PRESENTED BY JOSHUA SCHOEMANN,
WASHINGTON COUNTY ADMINISTRATOR: Joshua Schoemann is absent.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE
REPORTS: Trustee Zabel - GGF will meet 3rd Tuesday, the 18th at 6:00 p.m. Trustee Kaminski- Public Works meets October 4 at 5:30. Public Safety is 1st Monday of November.

CITIZEN INPUT/PUBLIC APPEARANCE ON ITEMS NOT SUBJECT TO A PUBLIC HEARING:

The following citizens spoke against the Presbyterian Homes Development on Mequon Rd:

Charlie Hargan W169N11504 Biscayne Dr.
Charles Evans W179N11420 Blackstone Cir
Nancy Potter W179N11649 Augusta Ct
Joe Cowan W179N11481 Blackstone Cir
Justin Dupierala W177N11438 Blackstone Cir
Marilyn Molter N114W17861 Blackstone Cir
Judy Kucharik W179N11651 Augusta Ct
Susan Cowan W179N11481 Blackstone Cir
Gary Konop N117W17815 Augusta Ct
Holly Basting N104W16053 Donges Bay Rd
Tom Stauffacher N140W12881 Cedar Ln
Kelly Pinter N114W17863 Blackstone Cir
Charlene Brady N109W16620 Hawthorne Dr.

President Wolter entered letters written by the following citizens in favor of Presbyterian Homes Development into record: Bill Steitz, Steven Anzyck, Joseph Lauerman and Alan Kroeger.

The following citizens spoke in favor of the Presbyterian Homes Development on Mequon Rd:

Eric Tonnessen W143N10755 Wooded Hills
Sandy Dobrogowski N105W14709 Wilson Dr.;
Frank Romano N78W13022 Country Club Ct, Menomonee Falls

CONSENT AGENDA:

- A. Approval of Village Board Minutes: August 29, 2016 Special Village Board Meeting and September 19, 2016 Regular Village Board Meeting

CONSENT AGENDA continued:

- 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
- D.** Request for Approval of Amended Agreement for the Operation of Mid-Moraine Municipal Court [Recommended Approval]
- 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]

MOTION(Baum/Warren) to approve Consent Agenda Items B – G, Item A pulled, unavailable for review, by roll call vote, carried.

UNFINISHED BUSINESS: None

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

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, N112 W17300 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) – Attorney Sajdak- By rule reconsideration undid vote from August 29th. Motion at last meeting, by Trustee Hughes and seconded by Trustee Baum, to approve zoning changes, is the motion on the floor now. Discussion: Pilot agreement dollar amount and time frame. Draft of agreement has been prepared and developer agrees to provide their share for Police protective services. Attorney Sadjak recommends any action this body takes to approve zoning, needs to be on condition of satisfaction of this body. Representatives for Presbyterian Homes presented information about the project. PILOT agreement, height issues, setback issues etc., Kent Tesmaucher for developer provided a brief background of Presbyterian Homes. Have conducted a feasibility study. Shows need for additional housing in this area. Looking for increase from 35' to 44'. Will comply with number of units per building and floor. Complied with setback, moved back to 54'. Can be at 35' in height with flat roof, don't believe it will fit the residential feel. Asking to increase to 44' with pitched roof. Units per building is set by Village code. Four-hour fire code is called a separation of buildings. Will be 100% sprinkler enabled. Original plan was for seven buildings, things have changed; golf course isn't really feasible. There isn't a demand for more commercial in this area. How can we develop site infrastructure? Good place for mixed use site. Blackstone Creek Golf Club representative spoke: They don't own infrastructure but need to

NEW BUSINESS continued:

move forward and trust in the process to make this project successful. It will provide job creation. Developer's representatives: Currently paying \$123,000 in taxes. Taxes are based on revenue and there would be no change to taxes. Independent living would be taxable. Assisted Living section would be tax exempt. Willing to enter PILOT to cover expenses of services. Estimated PILOT would be approximately \$47-48,000. 30% of project will be CBRF (Community Based Residential Facility). Phase I would be \$184,000 per year. Phase II will be another \$76,000/per year. Further discussion on PILOT, creation of 37 full time jobs, consideration for height, setback of 54' provides for fire lane. CDD Retzlaff discussed ordinance compliance, setbacks, less than a third of project tax exempt, remainder is taxable just like any other multi-family housing. Committed to improving golf course on exterior of clubhouse to match Presbyterian project, within 18 months of approval. Further discussion of amount of revenue to Village, PILOT revenue will go to all taxable districts, all negotiated through PILOT before Developer's Agreement signed. **MOTION(Baum/Kaminski) to table item A-1 and to move on to item A-2, carried.**

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.** **MOTION(Baum/Kaminski) to approve A-2 Resolution No. 19-12 with Amendments, carried.** Revised resolution also reflects change in setback from 30' to 54'. Eliminates EH code restrictions of units per floor, per building. Code compliant because of two buildings. **MOTION(Zabel) to amend from 44' to 35'** **Motion fails for lack of second. MOTION (Zabel/Miller) for approval, contingent upon rezoning to B-1 Business District, by roll call vote, 5 in favor, 3 opposed (Campbell, Myers, Zabel), carried.**

MOTION(Baum/Kaminski) to take item A-1 off table, carried. Rezoning underlying general zoning district, some of land is already within an overlay district. Underlying is RD 2 family, not rezoning. Changing area that isn't already B1, to B1 zoning district. **MOTION (Baum/Warren) to Amend Item A-1 contingent upon development agreement and PILOT program being approved by Village board, by roll call vote in favor, 3 opposed (Campbell, Myers, Zabel).**

- B. **MOTION(Wolter/Kaminski) to go into closed session at 10:08 p.m. 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, regarding The Germantown Professional Police Association Local 306, by roll call vote, carried.** **MOTION (Baum/Kaminski) to go into open session at 10:10 p.m. by roll call vote, carried.**

MOTION (Baum/Kaminski) to go into closed session at 10:12 p.m. per Wi.

NEW BUSINESS continued:

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, regarding The Germantown Professional Police Association Local 306, by roll call vote, carried.

MOTION(Baum/Kaminski) to go into open session at 10:22 p.m., carried.

MOTION (Baum/Kaminski) to direct staff to go back to Police Association as discussed in closed session, carried.

ADJOURNMENT

There being no further business, meeting adjourned at 10:28 p.m.

Tanya Raymond, Deputy Clerk