

VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
SEPTEMBER 19, 2011
VILLAGE HALL BOARD ROOM

CALL TO ORDER

The meeting was called to order at 7:00 p.m.

ROLL CALL

Members present: President Wolter, Trustees Baum, Hughes, Kaminski, Vanderheiden, Werderman, Ewert, Wing and Zabel. Also present were Administrator Schornack, Attorney DeStefanis and Clerk Knaack.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

PRESIDENT'S REPORT

President Wolter announced that the Planning Commission will resume its twice a month schedule, the second and fourth Mondays starting in October.

**ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/
COMMITTEE REPORTS**

Upcoming meetings were announced.

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

Holly Basting appeared before the Board to voice her opposition to the Ordinance regarding regulation of private sewer laterals.

Charles Hargan appeared before the Board and distributed pictures regarding the 4x4 hole that had been cut in his family room when the meter was installed. He expressed his dissatisfaction with the size.

Steve Wesolowski appeared before the Board to voice his opposition regarding the regulation of private sewer laterals.

CONSENT AGENDA

A. MINUTES -

1. Regular meeting of August 15, and special meetings of August 29 and September 7, 2011.

B. ACCOUNTS PAYABLE/PAYROLL

1.	Payroll – Hourly	Aug. 16, 2011	\$ 228,275.64
2.	Accounts Payable	Aug. 25, 2011	\$1,145,762.97
3.	Payroll – Hourly	Aug. 30, 2011	\$ 219,975.67
4.	Payroll – Salary	Aug. 31, 2011	\$ 74,172.43
5.	August 2011 Payables		\$ 172,031.80
6.	Accounts Payable	Sept. 9, 2011	\$ 166,920.42
7.	Payroll – Hourly	Sept. 13, 2011	\$ 208,472.87
8.	Payroll – Salary	Sept. 15, 2011	\$ 75,644.26

CONSENT AGENDA continued

- B. **OPERATOR (BARTENDER) LICENSES** B new for the period ending June 30, 2012: Rebecca L. Beardsley, Leah D. Diedrich, Ashley A. Dorshak, Brian K. Dory, Bradley R. Glapa, Karen A. Joecks, Rayan W. Kohnke, Kevin B. Peters, Tracy L. Samuel and Jane F. Weske.

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

- D. **DONGES BAY PATCHING**

The following item was forwarded from the General Government and Finance Committee with a unanimous recommendation:

- E. **GRIEVANCE PROCEDURE**

The minutes were removed from the agenda.

Motion by Vanderheiden second by Ewert to approve the consent agenda minus the minutes. Roll call vote was taken, all present voted aye. Motion carried.

Motion by Wing second by Kaminski to correct the minutes of August 15, 2011 on page 4 in the following manner: Motion Baum second by Kaminski to amend amendment #2 to state a minimum of 15 feet not 10 as stated in the minutes. All present voted aye. Motion carried.

Motion by Wing second by Kaminski to accept the minutes as listed in Item A. All present voted aye. Motion carried.

UNFINISHED BUSINESS

**RED SWAMP CRAWFISH - RESOLUTION FOR GRANT, TEMPORARY
FILL OF COMMUNITY LIBRARY POND, AWARD OF CONTRACTS**

Village Engineer Bischke gave a presentation to the Board regarding the filling of the pond and materials that are needed for the project. He stated the Village had received approval from MMSD and the DNR to fill in the pond.

Heidi Bunk and Susan Beyler from the DNR appeared before the Board to give a presentation and answer questions from the Board.

Motion by Zabel second by Baum to accept the Resolution and allow purchase of equipment in an amount up to \$10,000, set up the work detail, install the pipe, fill in the pond and go ahead with the grant for the rapid response grant and further that the Village Attorney draft a letter regarding permission. All present voted aye. Motion carried.

**RESOLUTION – PDD AMENDMENT – BLACKSTONE CREEK –
AMENDMENT #1 (TABLED FROM AUGUST 15 MEETING)**

Motion by Zabel second by Ewert to untable this item. All present voted aye. Motion carried.

**Motion by Ewert second by Baum to approve amendment one as written:
Amendment #1 has been revised to reduce the total number of dwelling units from 17 to 16 and change the unit type from duplex to single family detached except for Unit numbers 1, 2, 15 and 16.**

RESOLUTION – PDD AMENDMENT – BLACKSTONE CREEK –

AMENDMENT #1 (TABLED FROM AUGUST 15 MEETING) continued

Motion by Baum second by Zabel to amend the motion to state units 107-115 should not be included in the document. All present voted aye to amend. Motion carried.

All present voted aye on the motion as amended. Motion carried.

PUBLIC HEARINGS – 7:00 P.M. OR LATER

RANDY HOLLISTER, AGENT FOR CHARLES AND ANDREW RUSCH, PROPERTY OWNERS, FOR A REZONING APPLICATION TO REZONE A 43-ACRE PROPERTY FROM THE A-1: AGRICULTURAL TO THE A-2: AGRICULTURAL AND RS-1: SINGLE-FAMILY ZONING DISTRICTS PURSUANT TO SECTION 17.13 AND 17.14 OF THE VILLAGE ZONING CODE LOCATED ON PIONEER ROAD EAST OF DIVISION ROAD (TAX PARCEL NO. 031-991 & 031-992)

Planner Retzlaff gave a presentation on the rezoning application.

The Public Hearing was opened at 8:21 p.m.

With no one appearing for or against, the Public Hearing was closed at 8:22 p.m.

ROMAN BERENDT, AGENT FOR WEBER HOMES INC., PROPERTY OWNER, FOR A CONDITIONAL USE PERMIT TO DEVELOP AND OPERATE A 20-UNIT CBRF ASSISTED LIVING FACILITY ON A PORTION OF A 7.56-ACRE PROPERTY LOCATED AT N108 W17478 VIRGINIA AVENUE (TAX PARCEL NO. 281-959 & 281-960)

Planner Retzlaff gave a presentation on the proposed CBRF. The Plan Commission has approved it with five conditions.

The Public Hearing was opened at 8:25 p.m.

Roman Berendt appeared before the Board to talk about the proposed CBRF.

With no one else appearing for or against, the Public Hearing was closed at 8:30 p.m.

KEITH SCHULTZ, SCHULTZWERK ARCHITECTURE INC., AGENT FOR CONTRACT CARPETS OF WAUSAU INC., PROPERTY OWNER, FOR A CONDITIONAL USE PERMIT TO DEVELOP AND OPERATE A RETAIL FLOORING STORE AND WAREHOUSE ON A 2-ACRE PROPERTY LOCATED AT W190 N10800 COMMERCE CIRCLE (TAX PARCEL NO. 291-975)

Planner Retzlaff gave a presentation on the proposed conditional use permit.

The Public Hearing was opened at 8:35 p.m.

A letter from Chris Squires with WisDot was read into the record by the Clerk.

With no one appearing for or against, the Public Hearing was closed at 8:40 p.m.

MICHAEL KETTEN, AGENT FOR REBECCA KASTEN RACING LLC, PROPERTY OWNER, FOR A CONDITIONAL USE PERMIT TO OPERATE AN AUTO REPAIR FACILITY ON THE PROPERTY LOCATED AT N154 W11421 FOND DU LAC AVENUE (TAX PARCEL NO. 233-974) - CANCELLED

NEW BUSINESS

REZONING ORDINANCE & CERTIFIED SURVEY MAP- CHARLES & ANDREW RUSCH

Motion by Baum second by Wing to approve the Ordinance and CSM.

All present voted aye. Motion carried.

**CONDITIONAL USE PERMIT- WEBER HOMES INC.; 20-UNIT CBRF
ASSISTED LIVING FACILITY**

Roman Berendt appeared before the Board to give a presentation and to answer questions from same.

Gary Pollpeter, Fire Chief also answered questions from the Board.

Motion by Zabel second by Werderman to grant the Conditional Use Permit. All present voted aye, excepting Trustee Wing who was absent at this point. Motion carried.

**CONDITIONAL USE PERMIT- SCHULTZWERK ARCHITECTURE &
CONTRACT CARPETS OF WAUSAU; RETAIL FLOORING STORE & WAREHOUSE**

Motion by Ewert second by Hughes to grant the Conditional Use Permit. All present voted aye. Motion carried.

**CONDITIONAL USE PERMIT EXTENSION- THE PRESERVE JBJ LTD.
PARTNERSHIP; CUP NO. 6-2010**

Planner Retzlaff gave a presentation on the twelve month extension being requested.

Motion by Baum second by Hughes to grant the Conditional Use Permit. All present voted aye. Motion carried.

SCHOOL DISTRICT FACILITY FUND PURCHASE – BUDGET AMENDMENT

Motion by Vanderheiden second by Baum to grant the budget amendment. Roll call vote was taken, all present voted aye. Motion carried.

**ORDINANCE – REPEAL AND RECREATE SUB-SECTION 13.29(8) OF THE
MUNICIPAL CODE: REGULATION OF PRIVATE SEWER LATERALS**

Motion by Ewert second by Vanderheiden to approve the Ordinance.

Tim Zimmerman appeared before the Board to give a presentation on the Ordinance.

Discussion:

- It will cost \$150-300 for inspection at the time of a sale
- The goal is to reduce I&I in the Village
- Some laterals can be lined
- Tim Zimmerman is doing the job he was told to do
- The format of this Ordinance is harsh

Motion by Kaminski second by Baum to table this item and send it back to the Public Works Committee, then return it to the Village Board. All present voted aye to amend except Hughes and Zabel voting nay. Motion Carried.

**CONSIDERATION OF PURCHASE – SERVICES TO SANDBLAST AND EPOXY
PAINT 100 FIRE HYDRANTS**

Motion by Ewert second by Werderman to allow the purchase of services.

Discussion:

- Citizens are calling wanting their hydrants painted
- There are issues with Well # 11
- Epoxy is the best product you can use on hydrants.

Roll call vote was taken with Ewert, Werderman and Wing voting aye, all else nay. Motion is lost.

ORDINANCE – AMENDING SECTION 9.02(a) AND REPEALING AND RECREATING SECTION 9.03 OF THE MUNICIPAL CODE REGARDING FIREARMS AND OTHER WEAPONS IN PUBLIC BUILDINGS

Motion by Ewert second by Vanderheiden to adopt the Ordinance

Discussion:

- The employees should have a sense of security
- If businesses are going to allow this, why not Village Hall
- This is not the wild west and there won't be shootouts in the toy isle at WalMart
- Starbucks on Mequon Road encourages concealed carry as does Best Buy, Home Depot, Woodmans and Culvers
- People have rights to carry weapons and we would be infringing on their rights to bring guns into Village Hall.

Motion by Zabel second by Wing to eliminate paragraph 3 prohibiting weapons in Village Hall, but not change the paragraphs regarding the private sector. All present voted aye to amend except Vanderheiden and Werderman. Motion carried.

All present voted aye on the motion as amended, except Vanderheiden voting nay. Motion carried.

REQUEST FROM WASHINGTON COUNTY FROM TOURISM - \$5,000

Motion by Baum second by Kaminski to grant the request. Roll call vote was taken, all present voted aye. Motion carried.

SECOND REQUEST FROM KIWANIS – JULY 4 - \$2,500

Motion by Werderman second by Wing to grant the request. Roll call vote was taken, all present voted aye. Motion carried.

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 – GERMANTOWN MUNICIPAL EMPLOYEES UNION LOCAL 3024 AND THE GERMANTOWN TECHNICAL/CLERICAL EMPLOYEES UNION LOCAL 3024 AND FOR THE PURPOSE OF APPROVING CLOSED SESSION MINUTES OF AUGUST 15, 2011 AND SEPTEMBER 7, 2011

Motion by Baum second by Kaminski to adjourn into closed session. Roll call vote was taken, all present voted aye. Motion carried.

ADJOURNMENT

The meeting was adjourned into closed session at 10:30 p.m.

Respectfully submitted,

Elizabeth Knaack
Village Clerk