

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
March 6, 2017**

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

ROLL CALL: President Wolter, Trustees Baum, Campbell, Hughes, Kaminski, Miller, Myers, Warren and Zabel. Also Present: Attorney Sajdak, DPW Director Ratayczak, CDD/Planner Retzlaff, Fire Chief Weiss and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter informed the public about the new equipment installed in the board room for display of meeting items on screen. Thanked Trustee Miller for all work put into getting this completed. Attended Eagle Scout Joseph Peckenpaugh's Court of Honor.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE

REPORTS: Trustees provided information on upcoming meeting dates and times.

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

CONSENT AGENDA:

- A. Approval of Regular Village Board Minutes for December 19, 2016 and January 16, 2017 and Special Village Board Minutes for February 20, 2017
- B. Accounts payable/payroll
 - 1. February 7, 2017 Payroll (hourly) \$ 204,672.64
 - 2. February 15, 2017 Payroll (salary) \$ 82,869.68
 - 3. February 25, 2017 Accounts Payable \$ 483,430.21
 - 4. February 23, 2017 Payroll (hourly) \$ 211,511.73
 - 5. February 28, 2017 Payroll (salary) \$ 81,935.69
- C. Operator Licenses: March 7, 2017 to June 30, 2017:
Julie K Friede, Robert J Hovanec, Alexander G Lindenberg, Danielle M Mattingly, Kevin S Riley, Eric D Schroeder, David S Vue, Stephanie M Wolf [Recommended Approval]
The following items were forwarded from the General Government and Finance Committee with a unanimous recommendation:
- D. Request Approval to Pay 2017 Contribution to Economic Development Washington County in the Amount of \$10,000 [Recommended Approval]
- E. Request Approval of **RESOLUTION NO. 04-17** Establishing a 2017 Fee Schedule for Weights & Measures Devices Required Under Section 12.26 of the Village of Germantown Municipal Code [Recommended Approval]
- F. Request Approval of **RESOLUTION NO. 05-17**, Resolution Authorizing the Charge Off of Uncollected 2015 Delinquent Personal Property Taxes [Recommended Approval]
- G. Request Approval of **RESOLUTION NO. 06-17**, Resolution Approving Amendments to the 2017 Budget, Capital Account and General Fund Carry Over [Recommended Approval]

MOTION (Baum/Myers) approve Consent Agenda Items A-G. Trustee Zabel requested to pull the minutes from January 16th. **By roll call vote, carried, excepting the January 16th minutes.**

CONSENT AGENDA continued:

MOTION (Zabel/Hughes) to revise line item on page 11 of the January 16th Village Board Minutes, to remove the word 'Chair' from Trustee Hughes' Tourism Appointment, carried. Tourism will elect their chair at their first meeting.

UNFINISHED BUSINESS: None

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).*

- A. Joseph & Aimee Goetter, Property Owners and Applicants for a CONDITIONAL USE PERMIT for Operation of a "Major Home Occupation" Landscape & Snow Plowing Operation from the Property Located at W156N10762 Pilgrim Road, Tax Key GTNV 263-992, Pursuant to Section 17.61 of the Village of Germantown Zoning Code CDD Retzlaff presented application and information for request.

President Wolter opened the Public Hearing at 7:12 p.m.

The following parties spoke:

Charles Schcoepfer - W157N10728 Pilgrim Road – In favor

Jeff Cubinski – N108W15317 Honey Suckle Lane, Germantown – Opposed

Chepur Rao - N108W15283 Honeysuckle Lane, Germantown – Questions posed

Todd Guevin - N108W15563 Bel Aire Lane, Germantown – Opposed (letter provided put into record as well)

Keith Kiehnau – N108W15620 Hudson Drive, Germantown - Opposed

Ron Heinzelmann - N108W15302 Bel Aire Lane, Germantown - Opposed

Eric Zaeske - W151N10745 Preserve Parkway, Germantown - Opposed

John Stieve – N108W15479 Bel Aire Lane, Germantown - Opposed

Kevin Schauer N108W15439 Bel Aire Lane – Opposed

Joe Goetter – has been running the business from his home since he moved there.

Owens 8 acres. Being responsible with his forested land – took 10 diseased trees out.

Has a lawncare business, not tree removal. Workers pick up vehicle or equipment then leave, No diesel equipment, doesn't intend to grow bigger, no contact with any neighbors, discrete, no calls or complaints from neighbors.

Initial speakers spoke additional times regarding the item.

Steve Tkachuk – W151N10713 Preserve Parkway, Germantown - Opposed

Scott Borth, Letter entered into the record – N108W15531 Bel Aire Lane, Germantown — Opposed

Mark Kasten – W153N10851 Honeysuckle Lane, Germantown – not a resident yet, but opposed

President Wolter closed the public hearing at 8:51 p.m.

- B. Tarantino & Company LLC, Agent for SMV Management Company LLC, Property Owner and Applicant for: (1)An Amendment to the Virginia Highlands Elderly Housing district (EHD) General Development Plan; and (2) a CONDITIONAL USE PERMIT (CUP) for the Development and Operation of a 26-Unit/28-Bed Community-Based Residential Facility (CBRF) for Residents with Dementia, Alzheimer's and Other Memory Impairments on the Property Located at Approximately W172N10900 Division Road, Tax Key GTNV 281-990 (Vacant Land East of Virginia Highlands Skilled Nursing Facility)

PUBLIC HEARINGS continued:

CDD Retzlaff presented the application and information on request.
Amy Schaneman – presentation of opportunity for Gables of Germantown

President Wolter opened the public hearing at 8:09 p.m.

The following spoke at the public hearing:

Becky Keefer – Not a resident – on behalf of Tender Reflections CBRF - Opposed
Jeanne Magill - N108 W17284 Lilac Lane, Germantown – Water runoff concern
Judy Kind - N109W17334 Virginia Avenue, Germantown - Opposed
Steve Keller – N108W17574 Lilac Lane, Germantown – Wants water runoff handled appropriately
Ellen Keller – N108W17574 Lilac Lane, Germantown – Water is an issue.
Chris Huwatchesk – N108W17284 Lilac Lane, Germantown – requests tree line to be kept as buffer to his property

President Wolter closed the public hearing at 8:23 p.m.

- C. Carpetland USA Germantown LLC, Agent for GT Real Estate of Germantown LLC, Property Owner and Applicant for a CONDITIONAL USE PERMIT (CUP) to Operate a Retail Flooring Showroom Pursuant to Section 17.28(3)(b) of the Zoning Code on the Property Located at W188N9875 Maple Road, Tax Key GTNV 324-959

CDD Retzlaff presented the application and information on request.

President Wolter opened the public hearing at 8:29 p.m.
No one spoke at the public hearing.
President Wolter closed the public hearing at 8:30 p.m.

- D. Dennis Ivan Hahn and Melinda J. Wilson, Property Owners & Applicants to Rezone the Following Described Property from the Rs-2: Single-Family Residential District to the A-2: Agricultural District Pursuant to Section 17.13 of the Municipal Code on the Property Located at W172N12125 Division Road, Tax Key GTNV 164-998

CDD Retzlaff presented application and information on request.

President Wolter opened the public hearing at 8:31 p.m.
No one spoke at the public hearing:
President Wolter closed the public hearing at 8:32 p.m.

NEW BUSINESS:

- A. **RESOLUTION NO. 07-17** Authorizing the Redemption of \$520,000 General Obligation Street Improvement Bonds Dated May 1, 2007

MOTION (Zabel/Baum) to approve Resolution No. 07-17, roll call vote, carried.

- B. **RESOLUTION NO. 08-17** Awarding the Sale of \$2,835,000** General Obligation Promissory notes, Series 2017A; Providing the Form of the Notes; And Levying a Tax in Connection Therewith

Maureen Schiel of Ehlers presented results of today's sale of notes. Winning bid was

NEW BUSINESS continued:

UMB Bank, Kansas City – ½% less than was authorized last month. Interest cost difference was over \$45,000. **MOTION (Zabel/Myers) to approve Resolution No. 08-17, Awarding the sale of \$2,805,000 General Obligation Promissory Notes, Series 2017A, roll call vote, carried.**

- C. **CONDITIONAL USE PERMIT to Operate a "Major Home Occupation" Landscape & snow Plowing Operation from the Property Located at W156N10762 Pilgrim Road for Joseph & Aimee Goetter, Property Owners and Applicant**

MOTION (Zabel/Kaminski) to approve the Conditional Use Permit. Discussion: Not changing zoning – size of property permits home business, business operating for 8 years at this location. Conditions of CUP. **MOTION (Baum/Miller) to amend, applicant to come back to CDD/Planner on a yearly basis to report on business (number of employees, vehicles. Anniversary date being the 2nd day of March), amendment carried. (1 opposed - Warren) Roll call vote, carried 6 in favor, 3 opposed. (Baum, Campbell, Hughes)**

- D. **Amendment to the Virginia Highlands Elderly Housing District (EHD) General Development Plan and a CONDITIONAL USE PERMIT for the Development and Operation of a 26-Unit/28-Bed Community Based Residential Facility (CBRF) at Approximately W172N10900 Division Road, for Tarantino & Company LLC, Agent for SMV Management Company LLC, Property Owner**

MOTION (Baum/Warren) to approve the CUP for operation of 26-Unit/28-Bed facility. Discussion: Number of CBRF's in community, are taxes up to date, market survey data – does not include future units, possible issues, would have to ensure through compliance they are operating as planned and approved. Stormwater management. **Roll call vote, 4 in favor, 5 opposed (Campbell, Kaminski, Miller, Zabel, Wolter) motion fails. MOTION (Baum/Hughes) to approve amendment for PDD.** CDD/Planner Retzlaff stated in light of first decision made applicant should be given opportunity to reconsider their plan. **Withdraw motion to approve amendment to PDD. MOTION (Baum/Hughes) to table until applicant has time to bring it back to Village Board, carried.**

- E. **Carpetland USA, Agent for GT Real Estate of Germantown LLC, Property Owner; CONDITIONAL USE PERMIT Application to Allow for the Operation of a Retail Flooring Showroom From the Property Located at W188N9875 Maple Road, for Carpetland USA Germantown LLC, Property Owner**

MOTION (Kaminski/Baum) to approve as presented, carried.

- F. **ORDINANCE AMENDMENT to Rezone the Following Described Property from the Rs-2: Single-Family Residential District to the A-2: Agricultural District Rezoning and a 27.8-acre 1-lot Certified Survey Map (CSM) Parcel Combination Pursuant to Section 17.13 of the Municipal Code on the Property Located at W172N12125 Division Road, Tax Key GTNV 164-998, - Dennis Ivan Hahn and Melinda J. Wilson, Property Owners & Applicants**

MOTION (Kaminski/Baum) to approve Ordinance amendment and CSM as presented, carried.

NEW BUSINESS continued:

- G. Application for "Class B" Fermented Malt Beverage and Intoxicating Liquor License for BSC Wisconsin, LLC, Eric D. Schroeder, Agent, 4619 W. Bluemound Ct, Milwaukee WI 53208, d/b/a Big Sky Country Bar & Grill, W204N11498 Goldendale Road, Germantown, WI March 7, 2017 – June 30, 2017 (Includes a bar, 2 dining rooms on first floor, dining/banquet room in basement, office and 8' x 55' outdoor patio area on side) (Outside Premises Area (patio) Conditional Upon any Planning and Zoning Approval Requirements)

MOTION (Baum/Miller) to approve as presented. Discussion: outside premises area has been there and licensed for a decade or more but not used and is part of existing sidewalk. If improved, would go to Plan Commission. No plans at this time for improvements. Individuals spoke of concerns: Now a bar, not just a restaurant, headlights, traffic noise, other noise. Owner assured they will follow all community laws and requirements. **MOTION (Zabel/Hughes) to amend to eliminate them going to Plan Commission for approval to use outside premises, carried. MOTION as amended, carried.**

- H. Clerk Request to Cancel or Reschedule the April 3rd Village Board Meeting
MOTION Baum/Hughes, to cancel the April 3rd Village Board meeting, due to the election, carried.

- I. **RESOLUTION NO. 09-17 Approving the Salaries and Compensation for Exempt Employee's and other Non-Represented Support Staff, Calendar Year 2017**

MOTION (Kaminski/Campbell) to approve the Resolution as presented. Discussion: Trustee Zabel opposed to raise at 1.5%. Kaminski – Minimum we can do. Administrator Schornack presented information on two positions grossly under median base salary for survey taken in 2017. Budget approved \$7,000 to bring those positions up. Division to be CDD got \$3,112 and Finance Director got \$3,888. Those positions still a long way from what median is. **Roll call vote, 7 in favor, 2 opposed (Zabel & Hughes), carried.**

- J. **MOTION (Baum/Myers) to go into Closed Session at 10:20 p.m. per Wis. Stats. §19.85(1)(c) Considering Employment, Promotion, Compensation or Performance Evaluation Data of Any Public Employee Over Which the Governmental Body Has Jurisdiction or Exercises Responsibility and then Re-enter Open Session to Take Such Action as it Deems Appropriate for the Selection and Appointment of Water Utility Superintendent, with Administrator, Clerk and DPW Director to remain, by roll call vote, carried.**

MOTION (Baum/Zabel) to go into open session at 10:40 p.m., carried.

MOTION (Baum/Zabel) to approve hiring of Paul Haugen, for the position of Water Utility Superintendent, carried

- K. Christian Tscheschlok From Economic Development Washington County - (Project Advance) And Potential Development Incentive. 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, Whenever Competitive Or Bargaining

NEW BUSINESS continued:

Reasons Require A Closed Session And May Re-Enter Open Session To Take Such Action As It Deems Appropriate.

MOTION (Baum/Myers) to postpone, carried.

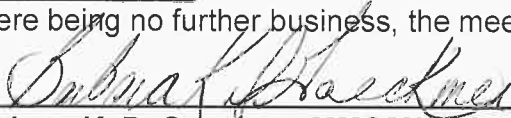
- L. **MOTION (Baum/Zabel) to go into closed session at 10:20 p.m. Per Wi. §19.85 (1)(e) For the Purpose Of Deliberating Or Negotiating The Purchase Of Public Properties, The Investing Of Public Funds, Or Conducting Other Specified Public Business, When Competitive Or Bargaining Reasons Require A Closed Session And May Re-Enter Open Session To Take Such Action As It Deems Appropriate, for the Germantown Municipal Employees Union Local 730 Negotiations, by roll call vote, carried.**

(Motion of Item J. to go back into open session at 10:40 p.m. also in open session for this item)

MOTION (Zabel/Myers) to direct Village President and Administrator to do as discussed in closed session, roll call vote, carried.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:43 p.m.



Barbara K. D. Goeckner MMC/WCPC
Village Clerk