

VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
APRIL 2, 2012
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, Ewert, Hughes, Kaminski, Vanderheiden, Werderman, Wing and Zabel. Also present was Administrator Schornack, Village Attorney Sajdak and Clerk Knaack.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

PRESIDENT'S REPORT

President Wolter encouraged everyone to get out and vote on Election Day. He also reported that a group from our sister city in Germany will be performing at Mai Fest.

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

Upcoming meetings were announced. It was also reported that there will be an upcoming drug drop off at the Police Dept. and that Fire Station 2 will be holding a Children's Health day, inspecting booster and car seats and also distributing bike helmets. Condolences were extended to Public Works Secretary Janice Wick on the passing of her mother.

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

No appearances.

CONSENT AGENDA

A. **MINUTES:**

1. March 19, 2012

B. **ACCOUNTS PAYABLE/PAYROLL:**

- | | | |
|----------------------------|----------------|----------------|
| 1. Accounts Payable | March 25, 2012 | \$3,898,086.57 |
| 2. Payroll - Salary | March 30, 2012 | \$ 76,140.44 |
| 3. Payroll – Hourly | March 27, 2012 | \$ 193,786.70 |

- C. **OPERATOR (BARTENDER) LICENSES:** New for the period ending June 30, 2012: Kim M. Dietrich, Diedre Fredricks, Daniel J. Koeppen, Bridget R. Lipscomb, Betty J. Robinson and Chad P. Wanek

The following items were forwarded from the General Government and Finance Committee with a unanimous recommendation:

- D. **RESOLUTION – CHARGE BACK 2010 PERSONAL PROPERTY**

- E. **RESOLUTION – AUTHORIZING WRITE OFF OF DELINQUENT
ACCOUNTS RECEIVABLE - AMBULANCE**

- F. **APPROVING AMENDMENTS TO THE 2012 BUDGET CAPITAL
ACCOUNT CARRYOVER**

- G. **CREDIT CARD SERVICES AGREEMENT BETWEEN THE VILLAGE OF
GERMANTOWN AND EMPLOYEE/STAFF**

CONSENT AGENDA continued

Motion by Vanderheiden second by Ewert to accept the Consent Agenda. Roll call vote was taken, all present voted aye. Motion carried.

UNFINISHED BUSINESS

ACCEPTANCE OF IMPROVEMENTS – WATER MAIN – BRADLEY CORPORATION

Motion by Ewert second by Kaminski to approve the improvements.

Discussion:

- The private sanitary sewer will remain a private improvement owned and maintained by Bradley Corporation.

All present voted aye. Motion carried.

PURCHASE UTILITY BODY SERVICE TRUCK FOR WATER UTILITY

Motion by Ewert second by Vanderheiden to purchase the service truck from Holz for \$25,045 and cab & chassis from Madison Truck for \$32,313 allocated in the 2012 capital budget #50-180-185-3920. Roll call vote was taken, all present voted aye. Motion carried.

PUBLIC HEARINGS – 7:00 P.M. OR LATER

ROMANO & SCHMIDT LLC, PROPERTY OWNER AND AGENT FOR GERMANTOWN COMMERCE CENTER LLC, PROPERTY OWNER FOR (1) A REZONING APPLICATION TO REZONE THE FOLLOWING DESCRIBED AREA FROM THE RD-2/PDD DISTRICT TO THE B-1/PDD DISTRICT TO ALLOW FOR MIXED USES PURSUANT TO SECTION 17.27(2)(B) OF THE VILLAGE ZONING CODE; AND (2) AMENDMENTS TO THE BLACKSTONE CREEK PLANNED DEVELOPMENT DISTRICT (PDD) GENERAL DEVELOPMENT PLAN AND CONDITIONS AND RESTRICTIONS REGARDING THE TOTAL AREA AND EXTENT OF THE FOLLOWING DESCRIBED COMMERCIAL AREA KNOWN AS THE SHOPS AT BLACKSTONE CREEK, AND, THE AMOUNT, TYPE, DENSITY, AND LOCATION OF COMMERCIAL, OFFICE, INSTITUTIONAL, AND/OR RESIDENTIAL USES TO BE ALLOWED TO DEVELOP IN THE SHOPS AT BLACKSTONE CREEK

Planner Retzlaff gave a presentation on the proposed changes. He stated this project includes MMSD, Romano & Schmidt and the Village of Germantown. It is a proposed concept plan. There will be senior independent living and assisted living. There will also be memory care and skilled nursing.

President Wolter opened the Public Hearing at 7:25 p.m.

Charles Hargan appeared before the Board and stated people have already bought homes in this development and will not be located on a golf course anymore.

Steve Stanik appeared before the Board to state he is in favor of the change. He stated there is an aging population and a growing need for housing. He encouraged the Village to move forward. He would like to see the retail open to the Senior Housing unit as well as on Mequon. He would like to see a group of seniors formed in the Village to find out what they would like to see in the future.

Tom Stauffager appeared before the Board to state the Board can make any choice they want as long as it is mixed use in the PDD. He stated the PDD Ordinance should be looked at in conjunction with the restricted codes for specific zoning areas.

PUBLIC HEARINGS – 7:00 P.M. OR LATER continued

A phone message from Eileen Schields against the proposed change was read into the record.

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

NEW BUSINESS

ORDINANCE – TO REZONE THE FOLLOWING DESCRIBED AREA FROM THE RD-2/PDD DISTRICT TO THE B-1/PDD DISTRICT TO ALLOW FOR MIXED USES PURSUANT TO SECTION 17.27(2)(B) OF THE VILLAGE ZONING CODE – THE SHOPS AT BLACKSTONE CREEK

Discussion:

- Different uses in a PDD may be permitted
- B-1 zoning allows for different types of uses
- B-1 doesn't specify residential senior housing in the Code book
- PDD provisions apply only to uses of land, not setback, density, etc.
- B-1 PDD could be allowed in the front and Elderly Housing in the north half
- The PDD can be combined with Elderly Housing

Motion by Hughes second by Baum to approve the rezoning per Staff recommendation.

Motion by Vanderheiden seconded by Kaminski to amend the motion to allow PDD B-1 Zoning with and Elderly Housing overlay. All present voted aye on the amendment except Wing and Wolter nay. Motion carried.

Discussion:

- There is enough Senior housing in Germantown
- Additional Senior housing adds a burden on the Fire Department
- Is this the best use for this property
- The question is what does the Board want
- This area should be professional office space

Roll call vote was taken on the motion as amended, all present voted aye except Zabel nay. Motion carried.

AMENDMENTS TO THE BLACKSTONE CREEK PLANNED DEVELOPMENT DISTRICT (PDD) GENERAL DEVELOPMENT PLAN AND CONDITIONS AND RESTRICTIONS REGARDING THE TOTAL AREA AND EXTENT OF THE FOLLOWING DESCRIBED COMMERCIAL AREA KNOWN AS THE SHOPS AT BLACKSTONE CREEK, AND, THE AMOUNT, TYPE, DENSITY, AND LOCATION OF COMMERCIAL, OFFICE, INSTITUTIONAL, AND/OR RESIDENTIAL USES TO BE ALLOWED TO DEVELOP IN THE SHOPS AT BLACKSTONE CREEK

Discussion:

- Specific direction for proposed changes could be asked, as all the key players for the proposed development are present
- The original plan had retention ponds

AMENDMENTS TO THE BLACKSTONE CREEK PLANNED DEVELOPMENT DISTRICT (PDD) GENERAL DEVELOPMENT PLAN AND CONDITIONS AND RESTRICTIONS REGARDING THE TOTAL AREA AND EXTENT OF THE FOLLOWING DESCRIBED COMMERCIAL AREA KNOWN AS THE SHOPS AT BLACKSTONE CREEK, AND, THE AMOUNT, TYPE, DENSITY, AND LOCATION OF COMMERCIAL, OFFICE, INSTITUTIONAL, AND/OR RESIDENTIAL USES TO BE ALLOWED TO DEVELOP IN THE SHOPS AT BLACKSTONE CREEK continued
James Tarantino appeared before the Board to give a brief presentation and answer questions from the Board. He stated Senior housing is usable on various levels. The proposed development will accommodate different lifestyles. The residents will not have to move and relocate. He stated he will look at how the Assisted living building is positioned.

Discussion:

- The entry at Mequon and Division should be inviting.
- An easement is needed for walking access to the park
- This would be good for Germantown
- A park would be good for Germantown
- What will be done first and last
- It is too early for this discussion

Motion by Hughes second by Zabel to send the amendments back to the Plan Commission to bring the final plan back to the Village Board. All present voted aye. Motion carried.

AGREEMENT FOR ACQUISITION OF LAND – ROMANO & SCHMIDT LLC (BLACKSTONE CREEK GOLF COURSE PROPERTY 24 +/- ACRES) – EXTEND OFFER DEADLINE TO APRIL 12, 2012

Motion by Zabel second by Kaminski to extend the offer deadline.

Motion by Kaminski second by Baum to amend the motion and place into the agreement that the Village has legal access to the Village's two acres and the access will be provided in the agreement. All present voted aye to amend.

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

NEW "CLASS B" LIQUOR LICENSE, K & K ACQUISITIONS, LLC, D/B/A SHEER LOUNGE, KRISTINE M. GINTNER, AGENT, N112 W16560 MEQUON ROAD, (CURRENTLY THE KLAVIER LOUNGE)

Motion by Vanderheiden second by Ewert to grant the license. All present voted aye. Motion carried.

LIQUOR LICENSE OUTSIDE PREMISE EXTENSIONS FOR TREESTOCK (GERMANTOWN BENEFIT CONCERT) JUNE 2, 2012, BUBS ON MAIN, LLC, D/B/A BUBS IRISH PUB, N116 W16218 MAIN STREET, SCOTT PECOR, AGENT, AND BARLEY POP BREW HAUS, LLC, D/B/A BARLEY POP PUB & RESTAURANT, N116 W16137 MAIN STREET, DEBORAH REINBOLD, AGENT (STREET CLOSED BETWEEN CHURCH STREET AND THE RR TRACKS ON PARK AVENUE)

Motion by Ewert second by Baum to grant the outside premise extensions. All present voted aye. Motion carried.

NEW BUSINESS continued

DENIAL OF CLAIM – JEFFREY NORTHERN/AMERICAN FAMILY INSURANCE COMPANY THROUGH AFNI INSURANCE SERVICES

Motion by Vanderheiden second by Baum to deny the claim. All present voted aye. Motion carried.

BEREAVEMENT LEAVE FOR REGULAR PART-TIME EMPLOYEES

Motion by Wing second by Zabel to grant bereavement leave to regular part-time employees who work less than 40 but more than 20 hours per week, or at least 1,040 hours per year, and who have completed five years of continuous service for the Village on a pro-rated basis based on the benefits outlined for full time employees. All present voted aye except Baum nay. Motion carried.

**ADJOURN INTO CLOSED SESSION PER SS. 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 – VILLAGE ADMINISTRATOR
AND**

TO APPROVE CLOSED SESSION MINUTES OF MARCH 19, 2012

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

At this point (9:45 p.m.) Clerk Knaack was excused and Trustee Wing was appointed to take minutes for the closed session and the end of the meeting.

**RECONVENE INTO OPEN SESSION TO APPROVE CLOSED SESSION
MINUTES OF MARCH 19, 2012**

After reconvening into open session: Motion by Werderman second by Zabel to approve closed session minutes of March 19, 2012. All present voted aye. Motion carried.

ADJOURNMENT

The meeting was adjourned at 11:55 p.m.

Respectfully submitted,

Elizabeth Knaack