

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
October 16, 2017**

CALL TO ORDER: The meeting was called to order at 7:05 p.m. by President Wolter

ROLL CALL: President Wolter, Trustees Baum, Campbell, Hughes, Miller, Myers, Warren, Kaminski and Zabel. Also present, Administrator Kreklow, Attorney Sajdak, Fire Chief Weiss, CDD Planner Retzlaff, and Deputy Clerk Strebe

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT:

Proclamation in Recognition and Honor of the Public Service of David R. Schornack, was read by President Wolter.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC

INTEREST/DEPARTMENT AND COMMITTEE REPORTS: Trustees provided information on upcoming meeting dates and times.

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

CONSENT AGENDA:

- A. Approval of Minutes: October 2, 2017 Regular Village Board meeting
- B. Accounts payable/payroll
 - 1. September 2017 Accounts Payable \$ 36,701.93
 - 2. October 3, 2017 Payroll (hourly) \$ 214,907.23
 - 3. October 13, 2017 Payroll (salary) \$ 87,281.84
- C. Operator Licenses: October 17, 2017 to June 30, 2018: [Recommended Approval]
NEW: Glenda J. Washington

The following items were forwarded from the **Public Safety Committee** with a unanimous recommendation:

All license approvals to be conditional upon completion of all documentation, compliance of all code violations/requirements and monies owed to the village paid prior to issuance of licenses in addition to any other conditions noted.

- D. Class "B" Fermented Malt Beverage and Class "C" Wine License Application for ST1X Golf Entertainment, W164 N11271 Squire Dr., Germantown WI 53022, Daniel Hughes and Ryan Hughes, Owner, N108 W6905 Berkshire St., Cedarburg WI 53012 [Recommended Approval]
- E. NEW "Class B" Fermented Malt Beverage and Intoxicating Liquor License Application for Marko's Pizza II Inc, W156 N9664 Pilgrim Rd, Ken Ubert, Agent. [Recommended Approval]

The following items were forwarded **from Public Works Committee** with a unanimous recommendation.

- F. Payment of \$8,053.64 to D.F. Tomasini for Emergency Repair of 12' Water Main Failure on River Lane at Bunsen Drive; Allocated from Acct. #50-742-530-6750 [Recommended Approval]

CONSENT AGENDA-continued:

- G. Extend Clean Power Cleaning Contract for 3rd Year Knowing Cost will be Based on Consumer Price Index (CPI). [Recommended Approval]
- H. Cease Participation in MMSD Green Infrastructure Program with Billing Credit for Years 2017 and Prior to be Used Toward Village's PP I/I Program. [Recommended Approval]
- I. Approve Blanket Purchase Order, Amount not to Exceed \$10,000 for Continued Purchase and Delivery of ¾" Base Course Stone by Halquist Stone to be Used for Schoen-Lauffen and Alt Bauer Parks Path Restoration Projects; Allocated from Acct. #10-553-570-8100. [Recommended Approval]

MOTION (Baum/Myers) to approve consent items A – I, roll call vote, carried.

UNFINISHED BUSINESS: None

PUBLIC HEARING-7:00 P.M. OR LATER: *The purpose of said hearing(s) is to hear any and all parties, their attorney or agents, for or against the application(s) filed by the petitioner(s)*

- A. 2020 LAND USE PLAN MAP AMENDMENT from "Agricultural/Conservation Residential" and "Low Density Residential" to "Industrial/Office"; and (2) a REZONING Application from the "A-1: Agricultural District" to the "M-1: Limited Industrial District" for the Following Described Property: Speaker Properties LLC, Agent for Francis & Dolores Mayer, et al., Property Owners; Tax Key #173-992 and Tax Key #173-993
CDD Planner Retzlaff presented summary information related to property size and location/boarder-boundary roads/properties (subdivisions), zoning-current and proposed change, existing Speaker infrastructure site, Speaker expansion concept plan, and potential sewer boundary relocation.
Jamie Speaker provided background information on business related to founding, products manufactured/assembled, product markets, location, growth, revenues, employees, business plan/expansion, campus concept-low-density, mixed-use, office/industrial, land acquisition, project phases, details and timelines, industrial zoning extension-connection. Addressed public concerns related to barrier/buffer space-wetlands, railroad tracks, landscape requirement, quality structures/architecture, property preservation, lighting-employee safety and code requirements, cohesive existence.
CDD Planner Retzlaff noted Plan Commission recommendation is to approve rezoning of properties; included condition of landscape buffer.
- B. REZONING Application to Rezone from the "A-1: Agricultural District" to the "M-1: Limited Industrial District" for the Following Described Property: Phylmack, LLC, Agent for Thomas & Joan Roskopf, Property Owners; Lot 1 of CSM 6702, Tax Key #173-987
PUBLIC Comments:
The following property owners spoke in opposition of the proposed zoning change:
Joshua Lichtig, W197 N12556 Prairie Ridge Ct.
Jason Paul, W202 N12022 Dalebrook Dr.
Terry Garringer, W203, N12110 Delores Ct.
James Krueger, W202 N12164 Patricia Lane
Mike Whittiker, W204 N11959 Goldendale Rd.
Matt Kimmler, N125 W20314 Isabelle Farms
Fred Spingola W202 N12092 Delores Ct.
Robert Lydon, N120 W20098 Freistadt Rd.

PUBLIC HEARING – continued:

Ryan Haines, W200 N12554 Meadowbrook Ct.
Christine Stewart N125 W19285, Isabelle Farms Dr.

Public Comments Related to:

- Safety, health, well-being of residents, quality of life,
- Noise: engine braking,
- Traffic: increase, accidents, speed, semi-trucks
- Property impact: value, eminent domain for road expansion, land-lock
- Environment: toxic chemicals, wetlands, air quality, light pollution-night sky
- Surroundings/bordering properties: encroachment on residential space, loss of rural setting, landscape barrier/buffer, TID vacant lots, potential residential space
- Development of additional lots: future industry/manufacturing
- 2020 Land Use Plan: excerpts read, basis for property investment/improvement, effects of amendments of current properties/subdivisions.
- Mandatory city water/sewer

Public hearing closed: 8:16 p.m.

- C. Village of Germantown Community Development Department for Proposed Text Amendments to the Following Section of the Zoning Code (Chapter 17) of the Village of Germantown Municipal Code: 17.30 (B-3: General Business District) Concerning the Conversion of Commercial to Residential Uses.
- CDD Planner Retzlaff presented proposed Code Amendment to B3 General Business District regulations and background on 2020 Land Use Plan. Historic Main Street area, classified as mixed use; plan visions transforming into pedestrian oriented, retail, entertainment district; guide for existing residential and business re-development, revitalization; does not allow for reversion back to residential use. Alternatives: 1) enforce code as written and deny reversion of properties back to residential or 2) allow reversion. Advantages of enforcing code would hasten transformation of area to mixed use, eliminate incompatible uses and negative impacts. Disadvantages: potential vacant structures leading to decrease property values; property owners' little options. Advantages of allowing reversion, by right or with special permit; minimal vacant structures, historic structures maintained and preserved, allows property owners more options. Disadvantages: impede transformation of area into mixed use, potentially perpetuate incompatible uses and associated negative impacts. Plan Commission recommendation: allow reversion, attaching conditions that limit property conflicts and impede area transformation. Options: 1) Buy-Right option; change Code to allow reversion; 2) Conditional Use Permit; allow reversion through special permit, public informed of proposed change, attach conditions to reversion to help mitigate potential issues. Plan Commission recommends Buy Right option to allow reversion; draft ordinances for both options provided.

PUBLIC comments: None, closed public hearing 8:25 p.m.

NEW BUSINESS:

- A. 2020 LAND USE PLAN MAP AMENDMENT from “Agricultural/Conservation Residential” and “Low Density Residential” to “Industrial/Office”; and (2) a REZONING Application from the “A-1: Agricultural District” to the “M-1: Limited Industrial District” for the Following Described Property: Speaker Properties LLC, Agent for Francis & Dolores Mayer, et al., Property Owners; Tax Key #173-992 and Tax Key #173-993
- Attorney Sajdak noted protest petitions related to rezoning of Francis & Dolores Mayer, et al., properties were received. By Statute, 20% of owners of land contained within zoning, or lands immediately adjacent to land being rezoned, or immediately opposite the street to land being rezoned, file petition, requirement of $\frac{3}{4}$ of those voting would need to vote in favor; local code is $\frac{3}{4}$ of full Village Board, (7 out of 9 trustees) would need to vote in favor in order to pass rezoning. Petitions on Mayer/Neu property rezoning were reviewed; immediate adjacent test not met, opposite test was met. **MOTION (Baum/Kaminski) to approve JW Speaker property for Francis and Delores Mayer rezoning.** Discussion related to 2020 Land Use Plan, review/update/revisions of said plan based on trends, process of assigning plan classifications/rezoning, process to mitigate issues, resident consideration, Speaker project as means of utility expansion for future development, balance/accommodation/compromise, business investments/opportunities, natural buffer and landscape barrier, preservation of property heritage, impact on property values and environment, timing/need for broker report and traffic impact study, project investment/phases/timing, TID (Tax Incremental District), approval process relative to site plan review/storm water analysis to address and correct/improve current issues, and restriction options related to Developer Agreement/zoning code/CUP (Conditional Use Permit)/PDD (Plan Development District)/zoning district overlay, public concerns/opposition to zoning change, community enhancement. **Roll call vote, ayes (Baum, Hughes, Kaminski, Wolter), 5 opposed, failed.**
- Roll call vote, ayes (Baum, Hughes, Kaminski, Wolter), 5 opposed, failed.
- B. REZONING Application to Rezone from the “A-1: Agricultural District” to the “M-1: Limited Industrial District” for the Following Described Property: Phylmack, LLC, Agent for Thomas & Joan Roskopf, Property Owners; Lot 1 of CSM 6702, Tax Key #173-987.
- MOTION (Baum/Miller) to approve rezoning.** Village Attorney Sajdak noted only 1 protest petition filed, requires only standard majority vote. **Roll call vote, all ayes, carried.**
- Recess 9:42; Meeting back in session 9:56
- MOTION (Baum/Kaminski) to take item E out of order, carried.**
- C. Village of Germantown Community Development Department for Proposed Text Amendments to the Following Section of the Zoning Code (Chapter 17) of the Village of Germantown Municipal Code: 17.30 (B-3: General Business District) Concerning the Conversion of Commercial to Residential Uses.
- MOTION (Baum/Zabel) to approve option 1.** Trustee Baum noted Plan

NEW BUSINESS – continued:

Commission level discussion noted process put home owner through process was time consuming. Trustee Zabel stated more B3 properties not on Main Street, affects; intention is that affects only Main street properties. **Carried.**

- D. Discussion/Approval Rehabilitation of Well #3 (Maple Rd).

MOTION (Kaminski/Warren) to approve, roll call vote, all ayes, carried.

- E. 2018 Budget Review and Approval for Publication.

Presented by Finance Director Rath, \$100,000 from maximum budget, changes to use of transportation aids, Fire Department, contingency salaries, increase levy by .11 to .16/1000 value; final Manufacturing values not available yet. **MOTION (Baum/Kaminski) to approve budget.** Trustee Warren asked for clarification of \$15,000 available based on General Government and Finance; Finance Director Rath noted \$15,000 for compression issues to contingency and \$40,000 for Fire Department. Trustee Miller noted additional \$100,000 from transportation aids, use toward roads, or to reduce borrowing. Finance Director Rath recommended utilizing monies instead of reducing borrowing. President Wolter noted allocating towards roads is good use of money; shows residents Village is addressing road issues. **MOTION (Miller/Myers) to amend motion, move \$100,000 to asphalt paving.** Village needs; Administrator Kreklow agrees with Finance Director Rath, keep steady growth, at or close to levy limits, stringent levy limits. Trustee Kaminski asked for impact to taxpayers; Finance Director noted .07/\$1,000 assessed value. **MOTION to amend, carried. MOTION on amended motion, carried.**

MOTION (Baum/Myers) to go into closed session, roll call vote, all ayes, carried.

- F. Settlement of Perry v. Hoell, et al. The Village Board May Enter into Closed Session per Wis. Stat. § 19.85(1)(g) for the Purpose of Conferring with Legal Counsel for the Village Who is Rendering Advice Concerning Strategy to be Adopted by the Village with Respect to Litigation in Which it is Involved and Then May Reconvene into Open Session to Take Such Action as it Deems Appropriate.

MOTION (Baum/Warren) to go into open session, carried.

MOTION (Baum/Myers) to direct Village Attorney as discussed in closed session.

ADJOURNMENT: There being no further business, meeting adjourned at 9:47 p.m.

Next regular Village Board meeting, Monday, November 6th at 7:00 p.m.

Kathleen M. Strebe
Deputy Clerk