VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
MAY 7, 2012
VILLAGE HALL BOARD ROOM

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

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

PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was given.

PRESIDENT'S REPORT
The President encouraged the citizens to make sure and vote tomorrow in the Election.

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
No appearances.

CONSENT AGENDA

A. **MINUTES:**
   1. April 17, 2012 and special meeting of April 30, 2012

B. **ACCOUNTS PAYABLE/PAYROLL:**

1.	**Accounts Payable**	April 25, 2012	$ 212,222.37
2.	**Payroll** - Salary	April 30, 2012	$ 76,140.46
3.	**Payroll** – Hourly	April 24, 2012	$ 193,911.65
4.	**April 2012 Accounts Payable**		$ 29,373.51

C. **OPERATOR (BARTENDER) LICENSES:** New for the period ending June 30, 2012: Margaret A. Casey, Tina M. Crangle, Diane M. Goetsch, Terri A. Jensen, Nichole M. Kane, John J. Kneifl, Jessica M. Phillips, Amber D. Strzok and Rebecca A. Waldron.

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

D. **ORDINANCE TO REGULATE PARKING, SPEED AND ESTABLISH SCHOOL ZONES – MACARTHUR ELEMENTARY SCHOOL AREA**

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

E. **PURCHASE & INSTALLATION OF VILLAGE HALL SERVER FROM SCHULTZ & BERNSTEIN**

F. **REVISIONS TO SECTION 9.19 OF THE VILLAGE CODE REGARDING ELECTION SIGNS**

The following items were forwarded from the Public Works & Highway Committee with a unanimous recommendation:

G. **APPROVAL OF CHANGE ORDER 2012 ROADS – ADDITION OF KINDERBERG PARK**

H. **D.O.T. SALT PURCHASING CONTRACT 2012-2013**

CONSENT AGENDA (continued)
Item F was removed from the Consent Agenda.
Motion by Vanderheiden second by Ewert to accept the Consent Agenda. Roll call vote was taken, all present voted aye. Motion carried.

F. **REVISIONS TO SECTION 9.19 OF THE VILLAGE CODE REGARDING ELECTION SIGNS**

President Wolter stated he had removed this item from the Consent Agenda because there has been some conflict regarding placement of signs. This ordinance clarifies some of the language.
Motion by Zabel second by Vanderheiden to adopt the Ordinance regulating Campaign signs. All present voted aye. Motion carried.

UNFINISHED BUSINESS

RECONSIDERATION - 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
Village Attorney Sajdak instructed the Board as to what was before the Board.
Discussion:

- The intent of the action was to ensure all setback and density in the zoning be applied to B-1 Zoning
- The rezoning includes the Elderly Housing overlay

Motion by Zabel second by Baum to amend the original motion to add the zoning in front of us go into effect upon all agreements linked to this development have been signed and agreed to. The second added the MMSD and Village agreements also.
Discussion:

- Each project should stand on its own but be part of the three legged stool
- Other things tied to this were taken into consideration at that vote
- There is the Developer, the Village and MMSD
- One leg has fallen off the stool
- At previous meeting each component was to be separate, but now it is wanted all together
- Zoning is one step of it
- This project isn’t rushing toward an October deadline anymore
- The Board is sending a conflicting message to the Developer

Troy Schmidt appeared before the Board. He stated yes, the Developer is still interested and there have been several discussions with MMSD.
They are still looking at the project as a whole. The Developer needs assurance because the day after the meeting there was talk of reconsideration. Answers are needed on the 26 acres and then clarity on the 131 and 22 acres.
There is no assurance to move forward.
On the motion, Zabel voted aye, all else nay. Motion to amend is lost.
Discussion:

- Elderly housing is not set up to be an overlay district
- It can be under the umbrella of a Elderly Housing district

UNFINISHED BUSINESS continued:

RECONSIDERATION - 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 continued

Motion by Vanderheiden second by Kaminski to amend the motion to rezone to B-1/PDD with addition of multi-family elderly housing uses, including but not limited to independent living, assisted living, co-housing, memory care, and skilled care, that are developed consistent with the EH: Elderly Housing Zoning District regulations. All present voted aye to amend.

All present voted aye on the motion as amended, except Zabel and Ewert nay. Motion carried.

PUBLIC HEARINGS – 7:00 P.M. OR LATER:

PROPOSED INDUSTRIAL DEVELOPMENT REVENUE BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF $11,000,000. THE PROCEEDS OF THE BOND ISSUE WILL BE LOANED TO HEATHER LAKES, LLC, TO PROVIDE FINANCING FOR THE ACQUISITION OF LAND, THE CONSTRUCTION OF A FACILITY WITH OFFICES, A RESEARCH AND DEVELOPMENT LABORATORY, MANUFACTURING AND PROCESSING SPACE, AND THE ACQUISITION OF EQUIPMENT TO BE OWNED BY THE BORROWER AND LEASED TO AND OPERATED BY KITPACKERS, LLC, AND RESINLAB, LLC, FOR USE IN THEIR BUSINESS OF THE CUSTOM FORMULATION AND MANUFACTURING OF RESIN MATERIALS, THE PACKAGING OF CHEMICAL PRODUCTS AND RELATED ACTIVITIES

The Public Hearing was opened at 8:15 p.m.
With no one appearing for or against, the Public Hearing was closed at 8:16 p.m.

LIFE CHURCH - A CONDITIONAL USE PERMIT TO ALLOW DEVELOPMENT WITHIN A 25' WETLAND SETBACK ON PORTIONS OF THE FOLLOWING DESCRIBED PROPERTY PURSUANT TO SECTION 24.04(3) OF THE MUNICIPAL CODE; AND (2) A REZONING APPLICATION TO REZONE AND REMOVE 9,261 SQFT OF THE FOLLOWING DESCRIBED PROPERTY FROM THE SHORELAND-WETLAND OVERLAY ZONING DISTRICT PURSUANT TO SECTION 24.04(2) OF THE MUNICIPAL CODE (W164 N11325 SQUIRE DRIVE)

Planner Retzlaff gave a presentation on the proposed rezoning and conditional use permit.
The Public Hearing was opened at 8:20 p.m.
Catherine Osbourne appeared before the Board, not in reference to the wetland, but to putting in a berm. She would like to see a 10 foot, at least 5 foot addition of berm. She presented pictures from around the Village including around the Cove, Sendiks, Ellen's Place and Pick-n-Save.

Trudy Ward appeared before the Board and stated it would have been nice to see a higher berm near the Sylvan Ave. condos.

Debbie Tomcyk appeared before the Board to represent Life Church. She stated they have had two meetings with the neighbors. They are looking at 6-7 feet install height on pine trees on a 2 foot berm between Life Church and the condos.

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

LIFE CHURCH - A CONDITIONAL USE PERMIT TO ALLOW DEVELOPMENT WITHIN A 25' WETLAND SETBACK ON PORTIONS OF THE FOLLOWING DESCRIBED PROPERTY PURSUANT TO SECTION 24.04(3) OF THE MUNICIPAL CODE; AND (2) A REZONING APPLICATION TO REZONE AND REMOVE 9,261 SQFT OF THE FOLLOWING DESCRIBED PROPERTY FROM THE SHORELAND-WETLAND OVERLAY ZONING DISTRICT PURSUANT TO SECTION 24.04(2) OF THE MUNICIPAL CODE (W164 N11325 SQUIRE DRIVE) continued

Miller Johnson appeared before the Board and stated he has a flooding concern with the wetland being disturbed.

With no one else appearing for or against, the Public Hearing was closed at 8:47 p.m.

NEW BUSINESS:

RESOLUTION – AUTHORIZING ISSUANCE AND SALE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS, SERIES 2012 (HEATHER LAKE, LLC PROJECT)

Motion by Zabel second by Ewert to adopt the Resolution. Roll call vote was taken, all present voted aye. Motion carried.

ORDINANCE – REZONING FOR LIFE CHURCH

Motion by Vanderheiden second by Zabel to adopt the Ordinance. All present voted aye. Motion carried.

CONDITIONAL USE PERMIT – LIFE CHURCH INC.

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

RESIGNATION OF VILLAGE CLERK

Administrator Schornack presented the letter of resignation and the Board acknowledged receipt.

AUTHORIZATION TO ADVERTISE FOR THE POSITION OF VILLAGE CLERK

Motion by Zabel second by Ewert to authorize the advertisement for the position of Village Clerk. Roll call vote was taken, all present voted aye. Motion carried.

APPOINTMENTS: *Commissions/Boards/Committees*

President Wolter made the following appointments:

Plan Commission - 3 yr. Term – Mary Ellen Gray
Board of Zoning Appeals - 3 yr. Term – John Pluta
Park & Recreation Commission - 1 yr. Term – Mary Ellen Gray
Police & Fire Commision – 5 year term – Homer Jack Daniels
Park & Recreation Commission – 3 year term – Brian Depies
Ethics Board – move David Wendler from Alternate to a regular 3 year term
Economic Development – 2 year term – David Wendler

Motion by Wing second by Baum to approve the President's appointments. All present voted aye. Motion carried.

ADJOURNMENT

The meeting was adjourned at 9:00 p.m.
Respectfully submitted,

Elizabeth Knaack, Village Clerk