

**VILLAGE OF GERMANTOWN
VILLAGE BOARD
MEETING MINUTES
August 6, 2012**

The ceremonial oath of office was given to District 2 Trustee Shane Daniels prior to the meeting by Acting Clerk Micka.

CALL TO ORDER: The meeting was called to order at 7:02 p.m. by President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Daniels, Ewert, Hughes, Kaminski, Vanderheiden, Werderman and Zabel. Also present Administrator Schornack, Attorney Sajdak, Planner/Zoning Administrator Retzlaff, and Acting Clerk Micka.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter welcomed new Trustee Shane Daniels to the Village Board. He also thanked Peter Sorce and Julie Reickert for applying for the trustee position. He has received several calls regarding the burning ban, and has talked to the Fire Department. They are testing daily and feel the burning ban is still needed. The Superintendent of the Water Department is watching the aquifer and if the towers are replenishing the water, and a rotating water ban could be implemented.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST /

COMMITTEE REPORTS: Trustee Zabel reported that the General Government and Finance Committee will meet Tuesday, August 28 at 5:00 p.m. Trustee Ewert reported that the Public Works and Highways Committee will meet tomorrow at 4:00 p.m.; and Trustee Werderman reported that Public Safety Committee will meet on September 10th at 5:30 p.m. and the Historic Preservation Commission will meet on August 20th at 6:00 p.m. Trustee Vanderheiden reported that the Tourism Committee met July 31, and the Finance Department reported that there is significant money in the account. He encouraged any groups needing funds to submit an application.

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

No-one addressed the Board.

CONSENT AGENDA:

A.	Minutes:	July 16, 2012	
B.	Accounts Payable / Payroll:		
	July 13, 2012	Payroll - Salary	\$ 75,918.07
	July 17, 2012	Payroll – Hourly	\$232,239.20
	July 25, 2012	Accounts Payable	\$592,073.10
	July 31, 2012	Payroll – Hourly & Salary	\$304,592.38
	July, 2012	Accounts Payable	\$ 63,309.07

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C. Operator (Bartender) Licenses:

New for the period ending June 30, 2013: Beverly A. Keesler, Fatima Mahwish, Darla K. Radtke, Daniel A. Rickert, and Nicholas R. Ronge.

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

D. Acceptance of 2011 Comprehensive Annual Financial Report – Baker Tilly.

E. Resolution #20-12, Authorizing the Write-off of Old and Uncollectible General Accounts Receivable.

Motion Vanderheiden, second Ewert, to approve the Consent Agenda Items A through E.

Roll call vote:

Ayes: Baum, Daniels, Ewert, Hughes, Kaminski, Vanderheiden, Werderman, Zabel, Wolter.

Nays: None.

Motion carried. Ayes: 9. Nays: 0.

APPROVE AGREEMENT BETWEEN THE VILLAGE OF GERMANTOWN AND THE GERMANTOWN MUNICIPAL EMPLOYEES UNION LOCAL 730:

Motion Vanderheiden, second Ewert, to approve the Agreement with Local 730.

Roll call vote:

Ayes: Baum, Daniels, Ewert, Hughes, Kaminski, Vanderheiden, Werderman, Zabel, Wolter.

Nays: None.

Motion carried. Ayes: 9. Nays: 0.

APPROVE AGREEMENT BETWEEN THE VILLAGE OF GERMANTOWN AND THE GERMANTOWN TECHNICAL/CLERICAL EMPLOYEES UNION LOCAL 820:

Motion Ewert, second Vanderheiden, to approve the Agreement with Local 820.

Roll call vote:

Ayes: Baum, Daniels, Ewert, Hughes, Kaminski, Vanderheiden, Werderman, Zabel, Wolter.

Nays: None.

Motion carried. Ayes: 9. Nays: 0.

POTENTIAL SETTLEMENT OF CLAIM BY W189 KLEINMANN LLC: *Motion Zabel, second Kaminski, to direct legal staff to proceed as directed during the last closed session Village Board meeting on the claim by W189 Kleinmann LLC.*

Roll call vote:

Ayes: Baum, Daniels, Ewert, Hughes, Kaminski, Vanderheiden, Werderman, Zabel, Wolter.

Nays: None.

Motion carried. Ayes: 9. Nays: 0.

PUBLIC HEARING:

THE PURPOSE OF SAID HEARING IS TO HEAR ANY AND ALL PARTIES, THEIR ATTORNEYS OR AGENTS, FOR OR AGAINST THE APPLICATION FILED BY LISA DELLWO, AGENT FOR U.S. BANK, PROPERTY OWNER, FOR A CONDITIONAL USE PERMIT FOR THE OPERATION OF A DOG DAY CARE FACILITY (THE PET CHALET) IN THE B-1, NEIGHBORHOOD BUSINESS DISTRICT PURSUANT TO SECTION 17.28(3)(a) OF THE VILLAGE ZONING CODE ON THE PROPERTY LOCATED AT W200 N10290 LANNON ROAD (PARCEL ID# 322-979-004):

Planner Retzlaff reviewed the application for a conditional use permit.

Lisa Dellwo, Operator of Pet Chalet, and US Bank, property owner, applied for a conditional use permit for a 1.7 acre parcel at W200 N10290 Lannon Road. The permit would allow for dog day care services, hours of operation would be 7:00 a.m. to 6:30 p.m. Monday through Friday. The facility would accommodate a maximum of 40 Dogs, would be 6,120 square feet, and there would be 18 to 20 kennel suites. The day care would provide daily (no overnight) supervised boarding, training, grooming, education, and pick-up service. There are two proposed outdoor run/play areas adjacent to and in the back of the building of approximately 1,320 square feet in an area enclosed with a six foot fence.

The site plan has a common property line shared with the Moose Lodge. Staff's biggest concern with the application was noise. The Plan Commission approved the application with eight conditions.

President Wolter read the notice and declared the public hearing open at 7:22 p.m.

Charles Bird, W202 N10245 Lannon Road, spoke against the conditional use permit application. He expressed concerns with noise from barking dogs, waste disposal and how the run-off from the outdoor play areas would be handled.

Rose Bavlnka, W202 N10223 Lannon Road, asked the board to deny the application. She expressed concerns with noise, and felt that this type of facility should be located in an industrial park, not in a residential area.

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Lisa Dellwo, applicant, spoke regarding her application. She addressed the issues with noise and waste. She has worked at two facilities prior to submitting her application. She stated that the dogs would not be outside all day, only about 1 to 1-1/2 hours after 9:00 a.m. There is a privacy fence in back, and they have an agreement with Viola for cleanup of the waste every night.

There being no-one else speaking either for or against the proposed conditional use permit, the public hearing was declared closed at 7:28 p.m.

PUBLIC HEARING:

THE PURPOSE OF SAID HEARING IS TO HEAR ANY AND ALL PARTIES, THEIR ATTORNEYS OR AGENTS, FOR OR AGAINST THE APPLICATION FILED BY PASTOR JOSEPH HANTHORN, REPRESENTATIVE FOR CHRISTIAN LIFE CENTER, INC., PROPERTY OWNER, FOR A CONDITIONAL USE PERMIT TO CONTINUE TO ALLOW THE TEMPORARY OPERATION OF A CHURCH IN THE B-1, NEIGHBORHOOD BUSINESS ZONING DISTRICT PURSUANT TO SECTION 17.28(3)(a) OF THE VILLAGE ZONING CODE ON THE PROPERTY LOCATED AT W156 N9666 PILGRIM ROAD, HILLCREST SHOPPING CENTER, (TAX KEY NUMBER GTNV 353-985): Planner Retzlaff reviewed the application for a conditional use permit.

Joseph Hanthorn, pastor of Christian Life Center, and property owner Ron Krauss, are requesting renewal of Conditional Use Permit #12-04 to allow for the continued operation of a church on the commercial property located at W156 N9666 Pilgrim Road, in the Hillcrest Shopping Center. Churches are allowed in the B-1 zoning district with a conditional use permit. The church has been operating at this location since 2001, and has three weekly services.

Staff recommended approval of renewal of the conditional use permit for a period not to exceed five years, with an option to renew prior to expiration.

Plan Commission recommended approval with six conditions.

President Wolter read the notice and declared the public hearing open at 7:34 p.m.

Ron Krauss, W153 N9677 Neptune Drive, property owner, has no opposition and stated there have been no problems with the church. He requested that the Board renew the conditional use permit.

There being no-one else speaking either for or against the proposed conditional use permit, the public hearing was declared closed at 7:35 p.m.

PUBLIC HEARING:

THE PURPOSE OF SAID HEARING IS TO HEAR ANY AND ALL PARTIES, THEIR ATTORNEYS OR AGENTS, FOR OR AGAINST THE APPLICATION FILED BY THE VILLAGE OF GERMANTOWN PLANNING DEPARTMENT FOR PROPOSED ZONING CODE TEXT AMENDMENTS TO SECTION 17.08 (DEFINITIONS) OF THE VILLAGE OF GERMANTOWN MUNICIPAL CODE: Planner Retzlaff reviewed the proposed zoning code text amendments to Section 17.08 of the municipal code.

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Currently, only parcels of land zoned into a specific Planned Development District (PDD) can have more than one principal building per parcel. Staff is recommending a revision to allow more than one building on non-residential zoned parcels. This amendment would allow developments such as Life Church campus to develop with multiple buildings to meet the zoning district requirements without having to be rezoned into a PDD. The Plan Commission approved the amendments as drafted.

President Wolter read the notice and declared the public hearing open at 7:38 p.m.

There being no-one speaking either for or against the proposed text amendments, the public hearing was declared closed at 7:38 p.m.

APPOINTMENTS: COMMISSIONS/BOARDS/COMMITTEES:

President Wolter recommended the appointment of Trustee Daniels to the Public Safety Committee.

1. **Public Safety Committee:** *Motion Ewert, second Baum, to approve the appointment of Trustee Daniels to the Public Safety Committee. Motion carried without negative vote.*

2. **Board of Review:** 2 Citizen Alternates – 5 Year Term (no appointments).

5. **Ethics Board:** 1 Citizen Alternate – 3 Year Term (no appointments).

6. **Utility Advisory Committee:** (no appointments).

1 Citizen Financial/Accounting Appointee – 3 Year Term

1 Citizen Engineer/Mechanical Appointee – 3 Year Term

7. **Economic Development Committee:** 1 Citizen Member – 2 Year Term (no appointment).

CONDITIONAL USE PERMIT (PET CHALET) – For the Operation of a Dog Day Care Facility in the B-1 Neighborhood Business Zoning District, Lisa Dellwo, Operator; and US Bank, Property Owner, W200 N10290 Lannon Road: Motion Baum, second Werderman, to approve the Conditional Use Permit for the Pet Chalet per the Planner's application.

Discussion followed:

- If the permit is approved, how many complaints should be received before the applicant appears before the board;
- There is no standard number of complaints addressed in the conditional use permit;
- Noise nuisance complaints are subject to compliance by the Police Department;
- How close residential homes are to the development;
- Establishing a trial period or annual review if approved;
- Concerns with waste disposal and drainage; and
- The possibility of establishing a rule for the number of dogs outside at one time.

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Lisa Dellwo, stated that she would rotate the number of dogs outside at one time, she wants to make the business appealing, and is concerned with quality, not quantity. She also stated that she would pick up after the dogs when they come in from outside. If a dog is barking and there are complaints, she would bring that dog inside.

Motion Zabel, second Daniels, to add the condition that there could be no more than ten dogs outside at any one time, and that a disposal site be added to the east side of the building.

Motion carried. Ayes: 5 (Daniels, Ewert, Vanderheiden, Zabel, Wolter). Nays: 4 (Baum, Hughes, Kaminski, Werderman).

Motion Baum, second Hughes, to add the condition that the applicant be brought back in six months and one year for a review at the Public Safety Committee for possible complaints.

Motion carried. Ayes: 6 (Daniels, Hughes, Kaminski, Vanderheiden, Wederman, Zabel). Nays: 3 (Baum, Ewert, Wolter).

Motion as amended failed. Ayes: 2 (Daniels, Werderman). Nays: 7 (Baum, Ewert, Hughes, Kaminski, Vanderheiden, Zabel, Wolter).

CONDITIONAL USE PERMIT # 5-12, (CHRISTIAN LIFE CENTER, INC.) - To Allow the Continued Operation of a Church in the B-1 Neighborhood Business Zoning District, Joseph Hanthorn, Pastor, W156 N9666 Pilgrim Road: Motion Baum, second Kaminski, to approve Conditional Use Permit #5-12 for Christian Life Center, Inc.

Discussion followed on the time limit and that the permit is non-transferable.

Motion to approve carried without negative vote.

ORDINANCE #18-12, Proposed Zoning Code Text Amendments to Section 17.08 (Definitions) of the Village of Germantown Municipal Code: Motion Baum, second Ewert, to approve the code amendments to Section 17.08 per the Planner's recommendation.

A long discussion followed regarding more than one principal building allowed per lot or parcel in other non-residential zoning districts subject to site development and building plan approval by the Plan Commission.

Motion to approve carried. Ayes: 7 (Baum, Daniels, Hughes, Kaminski, Vanderheiden, Werderman, Wolter). Nays: 2 (Ewert, Zabel).

REQUEST TO EXTEND THE EXPIRATION DATE FOR CONDITIONAL USE PERMIT #9-11 – Tracy Weber, Agent for Weber Homes, Inc., for Greenbriar on the Point, a 20 Bed CBRF and Assisted Living Facility on Virginia Avenue, ¼ mile west of Division Road: Planner Retzlaff stated that Roman Berendt is seeking permission to extend the expiration date for Conditional Use Permit #9-11. The current permit expires December, 2012.

Roman Berendt addressed the Board. He stated that current market conditions are extending mortgage approvals and insurance requirements are also contributing to the request for an extension.

Motion Zabel, second Vanderheiden, to grant a twelve month extension for Conditional Use Permit #9-11. Motion carried. Ayes: 8 (Daniels, Ewert, Hughes, Kaminski, Vanderheiden, Werderman, Zabel, Wolter). Nays: 1 (Baum).

REQUEST TO AMEND CONDITIONAL USE PERMIT #6-10 – Scott Bence, Agent for JBJ Ltd. Partnership and Sawgrass Cove, N110 W15200 Fond du Lac Avenue, ¼ mile south of Mequon Road: Planner Retzlaff stated that a request was received from Scott Bence of JBJ Ltd. Partnership to delete condition #8 from Conditional Use Permit #6-10 for Sawgrass Cove. Condition #8 is as follows: “The owner/operator shall conduct a parking study after both Phase I and Phase II of the development is complete in order to determine if the number of parking spaces installed is sufficient to accommodate the demand for parking generated by such development. A written report of the study results, conclusions and recommendations and shall be prepared and submitted to the Village Planning Department for review and approval”.

The Sawgrass Cove development is currently under construction and will be a 40 bed CBRF assisted living facility. At the time of approval, the Village Board was concerned with the amount of parking stalls proposed, and a condition was added requiring the developer to conduct a parking study after each phase of development was complete. After the CUP was granted, site plans were submitted and approved. The plans included an increase in the amount of parking stalls from 29 to 38, which exceeds the number of stalls recommended under the Village’s parking guidelines (a minimum of 33 stalls).

Motion Zabel, second Kaminski, to delete condition #8 from Conditional Use Permit #6-10. Motion carried without negative vote.

**ADJOURN INTO CLOSED SESSION PER WIS. STATS. 19.85(1)(C) TO DISCUSS
COMPENSATION AND BENEFITS FOR THE NEW VILLAGE CLERK:**

Motion Baum, second Ewert, to adjourn into closed session at 9:00 p.m. per Wis. Stats. 19.85(1)(c) to discuss compensation and benefits for the new village Clerk with Administrator Schornack present.

Roll call vote:

Ayes: Baum, Daniels, Ewert, Hughes, Kaminski, Vanderheiden, Werderman, Zabel, Wolter.

Nays: None.

Motion carried. Ayes: 9. Nays: 0.

Acting Clerk Micka was excused from the meeting. President Wolter declared a five minute recess.

Respectfully Submitted,

Christine M. Micka, CMC/WCMC
Acting Village Clerk

RECONVENE INTO OPEN SESSION: *Motion Baum, second Zabel, to reconvene into open session at 9:25 p.m. Motion carried without negative vote.*

APPOINTMENT OF VILLAGE CLERK: *Motion Kaminski, second Baum, to appoint Barbara K.D. Goeckner as the new Village Clerk.*

Roll call vote:

Ayes: Baum, Daniels, Ewert, Hughes, Kaminski, Vanderheiden, Werderman, Zabel, Wolter.

Nays: None.

Motion carried. Ayes: 9. Nays: 0.

ADJOURNMENT: *Motion Ewert, second Baum, to adjourn the meeting at 9:28 p.m.*

Respectfully submitted,

David R. Schornack
Village Administrator