

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING
MINUTES
JUNE 3, 2013**

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

ROLL CALL: President Wolter, Trustees Baum, Daniels, Hughes, Kaminski, Vanderheiden, Werderman and Zabel. Trustee Ewert was absent Excused. Also present: Administrator Schornack, Attorney Sajdak, Finance Director Rath, Planner Retzlaff, and Clerk Goeckner.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: Has received several phone calls from residents that watch on a regular basis, complaining about audio on system and when will it be fixed. Trustee Zabel explained solutions are being researched and funds located.

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: None.

CONSENT AGENDA:

A. **MINUTES** - April 16, 2013, May 6, 2013, May 20, 2013

B. **ACCOUNTS PAYABLE/PAYROLL**

1.	May 21, 2013	Payroll (hourly)	\$ 202,154.58
2.	May 25, 2013	Accounts Payable	\$ 243,414.71
3.	May 31, 2013	Payroll (salary)	\$ 77,254.01

C. **OPERATOR LICENSES: JULY 1, 2013 – JUNE 30, 2014**

1. **NEW APPLICANTS:** Jade C. Buchberger, David N. Foulkrod, Tesla R. Fry, Kristina A. Garstecki, Kristan K.Hahn, Christopher J. Hause, Theresa R. Hozeska, Elizabeth L. Johnson, Jessica H. Kelly, Rebecca L. Kos, BreannaL. Krause, Mike L. Lausier, Tamiko M. Mcvicker, Devonti C. Missouri, Mark S. Palenski, Kayla M. Peterson, Sharon V. Purifoy, Kelly L. Schlee, Montrey D. Slayton, Sharon R. Spence, Ted T. Troyer, Jessica N. Urban, and Leah A. Weinand
2. **RENEWAL APPLICANTS:** Rachel N. Anas, Judy A. Arnold, Barbara Awve, Therese R. Bach, Sara L. Bailey, Kathleen L. Belfiori, Jeff M. Bird, James H. Block, Brian E. Boettcher, Stephanie N. Boyle, William C. Brockman Iv, Burton N. Brody, Matthew S. Brusseau, Anthony D. Buck, Katherine T. Buenger, Robert A. Burmeister, Miranda J. Burns, Boro Buzdum, Patricia L. Chastain, Erin E. Coleman, Sandra M. Comerford, John G. Curtis, Ann L. Davis, Jo Ann S. Dekoning, Leza A. Dhein, Ashley A. Dorshak, Cassandra L. Ellner, Laura E. Erdmann, Mary K. Erickson, Adolfo Espino-Lopez, Carol M. Feit, John H. Flegiel, Janyce J. Fossum, Shawn P. Frank, Erin M. Fritch, Jon R. Gamroth, Kim A. Gamroth, Joann C. Gandt, Diane M. Goetsch, Nicole L. Gramza, Jennifer L. Groh, Paul M. Groh, Phyllis J. Groose, Jordan D. Gunnelson, Yvonne C. Hall, Susan M. Hanson, Anita M. Hauner, Daniel J. Hauner, James A. Heimann, Mary E. Heimann, Cynthia M. Heyman, Jayme L. Hoff, Cheryl J. Jacobs, Jeffrey A. Jacobs, Rudolph Janzen, Allen D. Jozwiak, Robert K. Kannenberg, Connor L.

CONSENT AGENDA - continued:

Klosterman, Morgan E. Kocan, Steven W. Koenig, Ronald Kohls, Scott R. Kolosick, Christine D. Konvalinka, William R. Kroening, Jr, Jan K. Krueger, Jeffrey S. Krull, Janine R. La Vine, Stephanie A. Lietzau-Erdman, Vicki L. Linton, Mallory A. Luckow, Erin C. McDonald, Paul A. McGivern, Alaina M. Mcknight, Paul E. Mcleod, James A. Manseau, Carol A. Meyer, Jennifer L. Meyer, Sarah R. Merlino, Tabitha T. Milczarek, Janet L. Miller-Parkison, Joshua R. Neurenther, William F. Numrich, Kim M. Oresnik, Luis D. Ortega, Lynn T. Peterson, Shauna M. Petri, Benjamin J. Popies, Amanda E. Raskiewicz, Cedric B. Reed, Daniel A. Rickert, Lynn A. Riesop, Jennifer N. Rogers, Nicholas R. Ronge, Erin L. Schepp, Anna C. Schildgen, Susan A. Schmit, Deanna M. Schmitt, James L. Schram, Brooke N. Schutte, Nancy M. Sekeres, Nicole M. Selsing, Stacy A. Serchen, Herman J. Sirianni, Jordan W. Stephan, Sara K. Stevenson, Eileen R. Stroud, Scott K. Sutton, Richard J. Tomczek, Christine M. Twarogowski, Nicole R. Ventzke, Jessica L. Viola, Mia E. Viola, Roberta G. Vonasten, Terry D. Voss, Rebecca A. Waldron, Ashley A. Welnicke, William C. Winget, and Eric L. Wiskerchen

3. RECOMMENDATION FOR DENIAL BY POLICE DEPARTMENT - Michael P. Wolf

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

- D. ALLOW POINT & PAY ONLINE PAYMENTS THROUGH THE NEW WEBSITE USING MASTERCARD AND VISA CARDS, THE WATER AND SEWER UTILITIES TO ABSORB THE FEE OF \$1.50 FOR CREDIT CARD USE AND \$.65 FOR E-CHECK**
- E. CHANGE THE HEALTH AND DENTAL PLANS TO ALLOW FOR COVERAGE TO EMPLOYEES WHO WORK AN AVERAGE OF 30 HOURS OR MORE PER YEAR, EFFECTIVE WITH THE NEW PLAN YEAR 2014**
- F. APPROVAL OF ORDINANCE AMENDING 12.09(3) OF THE MUNICIPAL CODE OF GERMANTOWN RELATING TO THE APPLICATION REQUIREMENTS FOR FOOD VENDOR LICENSE, TO REMOVE THE REQUIREMENT FOR A PHYSICIAN'S CERTIFICATE FOR EACH APPLICANT AND ADD THE REQUIREMENT TO PROVIDE PROOF OF COUNTY LICENSES/PERMITS AS REQUIRED, PRIOR TO ISSUANCE**

MOTION (Vanderheiden/Baum) approve consent agenda Items A-F. Trustee Hughes requested to pull Item C-3. Clerk requested to pull Minutes of May 20th as they are incomplete. Attorney Sajdak requested to pull Minutes of May 6th for a correction. **Roll call vote on Items A-F, excluding item C-3 and Minutes of May 6th and May 20th, motion carried unanimously.**

Minutes of May 6, 2013 – Attorney Sajdak requested a correction to the May 6th minutes regarding the Consent Agenda Item 'G', appropriate notation should read '2 opposed (Werderman & Daniels, Trustee Hughes non-voting because he was not present for the vote). **MOTION (Zabel/Baum) to approve May 6, 2013 Minutes with change, carried unanimously.**

Item C-3 – RECOMMENDATION FOR DENIAL BY POLICE DEPARTMENT - Michael P. Wolf. Trustee Hughes stated this was discussed at Public Safety and although the Police Chief denied it on standard procedure he did not have a problem with Public Safety overruling that and they voted unanimously to approve the license for Michael P. Wolf. **MOTION (Hughes/Daniels) to approve Operator License for Michael P. Wolf.** Trustee Kaminski requested background information on this application. Trustee

CONSENT AGENDA - continued:

Hughes explained applicant had 3 DUI's from several years ago but has held a license in another municipality and has not had an incident since. **1 opposed Kaminski, motion carried.**

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. **TARANTINO & COMPANY LLC, AGENT FOR GABLES OF GERMANTOWN I LLC, PROPERTY OWNER: (1) A REZONING APPLICATION TO REZONE THE FOLLOWING DESCRIBED PROPERTY OWNED BY GABLES OF GERMANTOWN I LLC WITH THE CREATION AND ASSIGNMENT OF A PLANNED DEVELOPMENT DISTRICT (PDD) TO SAID PROPERTY PURSUANT TO SECTION 17.27 OF THE VILLAGE CODE: THE GABLES OF GERMANTOWN AT N109 W17075 AVA CIRCLE**

B. **TARANTINO & COMPANY LLC, AGENT FOR GABLES OF GERMANTOWN I LLC, PROPERTY OWNER: (1) A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT AND OPERATION OF A 26-BED COMMUNITY BASED RESIDENTIAL FACILITY (CBRF) ON A PORTION OF THE PROPERTY DESCRIBED BELOW PURSUANT TO SECTION 17.09(3) OF THE VILLAGE ZONING CODE: THE GABLES OF GERMANTOWN AT N109 W17075 AVA CIRCLE (PARCEL ID#272-989)**

Planner Retzlaff requested to present information on both Items A & B combined as they relate to the same proposal. No objection by the Board. Tarantino LLC Agent for Gables of Germantown 1 LLC for to be known as the Matterhaus. Senior living campus.

Surrounding uses include residential all around. Originally developed as 18 acre parcel and previously approved land division. Comprised of 3 residential areas. Independent living and some level of assistance areas. Proposed Matterhaus would be located on 2.5 acre lot, approximately 18,000 sq. ft. in size. Site development plans going to Plan Commission next week. Would provide 26 apartment units with 24/7 staffing for primarily memory care. PDD is to create 18 acre zoning district for overall complex for Gables of Germantown. PDD is only way Matterhaus can develop. Part of PDD is to modify some of the underlying zoning district regulations. Planner Retzlaff provided Plan Commission recommendations.

Public Hearing was opened at 7:22 p.m.

Jim Tarantino of Tarantino Company present to answer any questions.

President Wolter read a letter provided by Judy Kind N109W17334 Virginia Avenue – against application for rezoning. Public hearing closed at 7:26 p.m.

C. **ANDREW & VICKI BUSALACCHI, PROPERTY OWNERS: (1) A REZONING APPLICATION TO REZONE 19.6 ACRES OF THE FOLLOWING DESCRIBED PROPERTY FROM THE RS-4: SINGLE-FAMILY RESIDENTIAL & A-1: AGRICULTURAL DISTRICT TO THE A-2: AGRICULTURE DISTRICT PURSUANT TO SECTION 17.13 OF THE VILLAGE ZONING CODE ON THE FOLLOWING DESCRIBED PROPERTY: TAX KEY NOS. 283-983 & 283-991**

Planner Retzlaff presented information for proposal of rezoning. Current zoning for all

PUBLIC HEARINGS - continued:

land except 1+ acre is A-1 Agricultural. Recently went through combining with 18 acre parcel for purposes of home occupation use for the property. Purpose of rezoning is to eliminate dual zoning. Change it all to A-2 which accommodates home occupations.

Plan Commission recommendation is to approve rezoning as proposed.

Public hearing opened at 7:30 p.m.

Mrs. Busalacchi owner here to answer any questions you may have. Public hearing closed at 7:31 p.m.

NEW BUSINESS:

MOTION (Kaminski/Kaminski) to go to Item C first, carried unanimously.

- C. ANDREW & VICKI BUSALACCHI, PROPERTY OWNERS: (1) A REZONING APPLICATION TO REZONE 19.6 ACRES OF THE FOLLOWING DESCRIBED PROPERTY FROM THE RS-4: SINGLE-FAMILY RESIDENTIAL & A-1: AGRICULTURAL DISTRICT TO THE A-2: AGRICULTURE DISTRICT PURSUANT TO SECTION 17.13 OF THE VILLAGE ZONING CODE ON THE FOLLOWING DESCRIBED PROPERTY: TAX KEY NOS. 283-983 & 283-991**
MOTION (Kaminski/Baum) to approve rezoning as recommended, carried unanimously.

- A. TARANTINO & COMPANY LLC, AGENT FOR GABLES OF GERMANTOWN I LLC, PROPERTY OWNER: (1) A REZONING APPLICATION TO REZONE THE FOLLOWING DESCRIBED PROPERTY OWNED BY GABLES OF GERMANTOWN I LLC WITH THE CREATION AND ASSIGNMENT OF A PLANNED DEVELOPMENT DISTRICT (PDD) TO SAID PROPERTY PURSUANT TO SECTION 17.27 OF THE VILLAGE CODE: THE GABLES OF GERMANTOWN AT N109 W17075 AVA CIRCLE**
MOTION (Baum/Vanderheiden) to approve Gables of Germantown I rezoning request with Plan Commission recommendations. Discussion: Mr. Tarantino explained the amenities to be received by Village: another housing resource for healthcare options, will make enhancements on the property as part of construction, elevation on Himmal Haus and along Engel Road and want to soften and install landscape, will add a number of trees to enhance the area of the campus. Another housing option for residents. Trustee Kaminski stated those aren't the type of amenities the Village has been expecting. Has seen paths in other developments. Concerns of building being shoehorned in, condos are on top of condos already, security. Changes to parking areas and number of stalls available. Widely used campus with a lot of visitors. Part of improvements will have a better sidewalk connection from parking to Matterhaus. Underground parking primarily for staff. Intent of PDD is to return to original intent of zoning which was for this type of development. Discussion of senior housing zoning. Village Attorney Sajdak - Intent of PDD is to provide level of flexibility and concept is provided for by State statute. We have limited that further. Further discussion of density for various zoning, elderly housing regulations. Planner Retzlaff – Through the PDD the Board needs to determine if the amenities and open space warrant this project, here. The development concept is to move in as an independent, transition and move over to CBRF etc., especially if there is a spouse that can continue to live independently. Trustee Hughes feels they and the staff who work there are doing a fantastic job in what they are providing and maintaining. As long as the business meets the regulations of our zoning how parking is set up and what the business provides is not government

NEW BUSINESS - continued:

business. Has a challenge and concern that the property taxes are in arrears and would think that would need to be cleaned up. Trustee Vanderheiden – Biggest concern is the parking. Great to have combined units of independent living, assisted living etc. Trustee Baum verified neighbors were notified of proposed development. Content with the design as it is. Trustee Werderman discussed landscaping plans and location of courtyard. Mr. Tarantino stated need to watch residents within the building. Encourage residents to be out of their room and interacting. Trustee Werderman will be abstaining from vote because his employer drew the plans. But thought he would ask questions. Mr. Tarantino stated they offered to meet with condo owners association but were told it wasn't necessary. Discussion: parking, codes, flexibility to make it work within code. President Wolter – Haven't heard anything on this side that says it is going against the code or density. I am a little uncomfortable with how tight it is. Discussion of number of beds, busy visiting days, need for minimum to full care, locations of similar developments/availability for residents, parking. **Roll call vote, 4 yes, 3 opposed (Hughes, Kaminski, Zabel) 1 abstained (Werderman), motion carries.**

- B. **TARANTINO & COMPANY LLC, AGENT FOR GABLES OF GERMANTOWN I LLC, PROPERTY OWNER: (1) A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT AND OPERATION OF A 26-BED COMMUNITY BASED RESIDENTIAL FACILITY (CBRF) ON A PORTION OF THE PROPERTY DESCRIBED BELOW PURSUANT TO SECTION 17.09(3) OF THE VILLAGE ZONING CODE: THE GABLES OF GERMANTOWN AT N109 W17075 AVA CIRCLE (PARCEL ID#272-989) MOTION (Baum/Hughes) approve with Plan Commission recommendations for Conditional Use Permit for development and operation of a 26-Bed Community Based Residential Facility for Gables of Germantown I LLC. Discussion. Roll call vote, 4 yes, 3 opposed (Hughes, Kaminski, Zabel) 1 abstained (Werderman), motion carries.**
- D. **FIREWORKS PERMIT APPLICATION AND REQUEST TO WAIVE FEE –KIWANIS CLUB OF GERMANTOWN FOR JULY 4, 2013 EVENT – FIREMEN'S PARK MOTION (Kaminski/Baum) to approve Fireworks Permit Application for July 4, 2013 and waive fee requirements. Discussion of waiving fees and Attorney Sajdak's recommendation to establish grant method for reimbursement of fees due to concerns of equal protection issues. Important to do an analysis of each request. Roll call vote, carried unanimously.**
- E. **REQUEST FROM DEUTSCHSTADT HERITAGE FOUNDATION TO WAIVE TEMPORARY USE PERMIT FEE MOTION (Baum/Hughes) to approve request from Deutschstadt Heritage Foundation to waive Temporary Use Permit Fee. Discussion. Roll call vote, carried unanimously.**
- F. **PARK & RECREATION COMMISSION APPOINTMENTS**
School Representative Brian Medved 06/03/2013 – 04/30/2014
MOTION (Zabel/Baum) to approve appointment of School Representative Brian Medved to Parka and Recreation Commission, carried unanimously.

NEW BUSINESS - continued:

- G. POTENTIAL LAND ACQUISITION OF A PORTION OF TAX KEY NO. 211-985. MOTION (Baum/Hughes) to go into closed session at 8:40 p.m. and include members to the back of the room as per WIS. Stat. §19.85(1)(e) for the purpose of deliberating or negotiating, when competitive or bargaining reasons require a closed session and then re-enter open session to take such action as it deems appropriate, by roll call vote, carried unanimously.**
- H. VILLAGE LEGAL SERVICES. THE VILLAGE BOARD MAY ENTER INTO CLOSED SESSION PER WIS. STAT. §19.85 (1)(c) FOR THE PURPOSE OF CONSIDERING THE EMPLOYMENT PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF THE VILLAGE LEGAL COUNSEL FOR MUNICIPAL COURT SERVICES, OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION AND EXERCISES RESPONSIBILITY, AND THEN MAY RE-ENTER OPEN SESSION TO TAKE ACTION UPON SUCH MATTERS AS IT DEEMS APPROPRIATE**

MOTION (Zabel/Baum) to adjourn at 10:20 p.m., motion carried unanimously.

Barbara K. D. Goeckner, MMC/WCPC
Village Clerk