

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
October 21, 2019**

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

ROLL CALL: Present: President Wolter, Trustees Baum, Hughes, Miller, Myers, and Zabel. Trustees Kaminski, Wing, and Warren were absent excused. Also present: Administrator Kreklow, Clerk Braunschweig, Attorney Sajdak, Director Rath, Manager Tucker, Engineer Nitschke and Director Ratayczak.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:

The video on cable was having technical difficulties as there was no video, the audio only was working on the cable. Attorney Sajdak confirmed that the audio and visual were working on the live stream. Later in the meeting both the audio and visual started working properly on the cable.

President Wolter reminded residents of the Community Wide Survey that is now available on the Village website 2050 Plan page. The deadline for the survey is Friday, November 1st. Please contact the Community Development Department if you have any questions or would prefer a hard copy of the survey.

President Wolter announced the 2050 Comprehensive Plan Open House and Park Planning Party to be held on October 30th from 6 – 8 pm at the Germantown Senior Center at W162N11960 Park Avenue.

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:

Craig Ostovich of Century Lane commented concern for the roads of Century Lane and Lovers Lane. The roads are in need of repair. He complained of large puddles of water and unsafe.

Paul Ryan of Century Lane commented that he owns the white house on the corner of Century Lane and Lover's Lane. When it rains the water gets close to flooding their home. He put in traffic bond. The water puts huge ruts in the drive-way. He requested Radke to dredge the road.

Zabel clarified that the road has very little right of way. The intent was to do the road and ditching but the Village does not have the land. The right of way is needed to correct the road.

Wolter clarified that it is on the 2020 plan.

Zabel commented that there is drainage and right of way problems. Probably was split privately and road was put in privately.

Wolter commented it is already on the list but there has to be some more information coming.

Aaron Diener of Century Lane commented the road is so bad that you can see layers of roadbed. Costs that much more to repair and when the plow comes down the road. Wear and tear on everything for this road.

Mark Reinert of Century Lane commented that the road is in his lawn. His neighbor's house basement floods every time it rains due to the pitch of the road.

Craig Ostovich of Century Lane continued that he and his neighbors are willing to work with the Village and dedicate the land. Move forward and engineering contact the neighbors for the concerns.

Director Ratayczak clarified that Engineer Nitscke just celebrated his one year anniversary with the Village. The properties are identified that have the right of way issue. On Century Lane there is very little right of way. The nursery Radke operation is taking place in the right of way.

The drainage issue has been identified and they were willing to give an easement for the drainage. This is a road project in the 2020 plan dependent on the right of way dedication.

CONSENT AGENDA:

- A. Approval of Minutes: October 7, 2019 Regular Village Board Meeting, and October 8, 2019 Committee of the Whole Meeting.
- B. Accounts payable/payroll
 - 1. October 10, 2019 Accounts Payable \$ 1,928,481.80
 - 2. October 15, 2019 Payroll (Salary) \$ 110,011.43
 - 3. October 15, 2019 Payroll (Hourly) \$ 246,665.07
- C. Operator's Licenses: Kristen Bohn, Amanda Jeske, Casey Lochowitz, Ashley Schwarzhuber, Sara Ulberg. [Recommended]

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

- D. Fire Department: Emergency Funding for Air Compressor in an amount not to exceed \$38,000

MOTION (Baum/Myers) to approve Consent Agenda Items A-D. Roll Call Vote Carried Unanimously.

OLD BUSINESS:

None.

PUBLIC HEARING:

Andrew Schott for Reflective Contracting Services LLC, Agent for Thomas H. & Gina L. Lange, Property Owners - N96 W16042 County Line Road. Conditional Use Permit (CUP) for "Construction Services/Contractor Shop. (Public Hearing only. The applicant has withdrawn the Application.)

The item has been withdrawn. President Wolter questioned if anyone was present for the public hearing. No one came forward.

The Sigma Group, Inc., Agent for Glue Dots International and the Ellsworth Corporation, Property Owner N117 W18711 Fulton Drive, W186 N11687 Morse Drive and W188 N11614 Maple Road. Conditional Use Permit (CUP) for Storage of Hazardous Chemicals within a Groundwater Protection Overlay Zoning District.

President Wolter read the item. Assistant Planner Zandt reported on the item. She reported that Glue Dots has requested to combine three parcels into one and a Conditional Use Permit (CUP) for Storage of Hazardous Chemicals within a Groundwater Protection Overlay Zoning District. She reviewed the zoning. Glue dots is a subsidiary of Ellsworth Corporation. There are fifty employees Monday – Friday. The Proposed CSM was shown. The Conditional Use Permit was reviewed.

The environmental report is not complete. The operational safety and contingency plans need to be approved by the Fire Department. The Site Plan Application was reviewed. Renderings of the building were shown. The Plan commission did recommend approval of the Conditional Permit subject to two conditions.

**President Wolter read the Public Hearing Notice. The public hearing was opened at 7:30 p.m.
No one spoke.
President Wolter closed the Public Hearing at 7:31 p.m.**

Clean Harbors Industrial Services, Inc., Agent for Veolia ES Industrial Services Inc., Property Owner - N104 W13275 Donges Bay Road. Conditional Use Permit (CUP) for Storage of Chemicals, Flammable Liquids and Gaseous Substances; and Recycling Collection and Processing. (Public Hearing Only.)

Clean Harbor's Industrial Services acquired the N104 W13275 Donges Bay Road. They have applied for a Conditional Use Permit (CUP) for Storage of Chemicals, Flammable Liquids and Gaseous Substances; and Recycling Collection and Processing. This is a truck to truck operation. Stored on the property for approximately ten days. There is no processing on the property and no containers will be opened on the property. Staff Comments were reviewed. Plan Commission also held a public hearing only and postponed until staff report is received.

**President Wolter read the Public Hearing Notice. The public hearing was opened at 7:44 p.m.
No one spoke.
The public hearing was closed at 7:45 p.m.**

Community Development Department – Proposed Zoning Code Text Amendments (Section 17.51 regarding Public Notification Procedures and Protest Petitions).

President Wolter read the item. Director Retzlaff reported on the item. He distributed new language for the zoning code and text changes for boundary changes. The 1,000 foot buffer was commented on. Current code does not require the Village to send the notice to those in the buffer area but it is done as a courtesy. There have been public hearings held at both the Village Board and Plan Commission.

President Wolter read the Public Hearing Notice. The public hearing was opened at 7:51 p.m.

Terry Schetter of Wilson Drive commented thank you to Director Retzlaff and staff for the planning to allow the community to continue to grow. He commented to make the envelope look more attractive to open up. He spoke in favor of protest petitions and $\frac{3}{4}$ of full Village Board.

The Public Hearing was closed at 7:58 p.m.

NEW BUSINESS:

Resolution 57-2019, Resolution Authorizing the Borrowing of Not to Exceed \$7,850,000; and providing for the Issuance and Sale of General Obligation Bonds Therefor.

Phil Cosson of Ehlers came to the podium. He reviewed the pre-sale report. He reviewed past bonds that were issued with TID 8 and the MRO with Washington County. This is the third series of bonds related to TID 8.

These are twenty year bonds. There will be a bond rating with Moody. Sale date of November 18th and close date of December 11th.

There will be incremental value of over 70 million of new taxable incremental value and the projected 91 million through 2021 will allow the TID to close out early. The threshold analysis is over 70 million dollars. There is expected to be at 75 million in development already. TID 8 cash flow will be healthy. This funds the TID 8 portion of the Well and tower. A portion from other tax increment districts and gets started with the Well and tower.

None of the payment is expected to come from the general levy. A portion from the sewer utility for the 3,040,000.

MOTION (Baum/Myers) to approve Resolution 57-2019, Resolution Authorizing the Borrowing of Not to Exceed \$7,850,000; and providing for the Issuance and Sale of General Obligation Bonds Therefor. Roll Call Vote Carried. Zabel Voted no.

Resolution 58-2019, Resolution Authorizing the Borrowing of Not to Exceed \$3,040,000; and providing for the Issuance and Sale of General Obligation Bonds Therefor.

MOTION (Baum/Myers) to approve Resolution 58-2019, Resolution Authorizing the Borrowing of Not to Exceed \$3,040,000; and providing for the Issuance and Sale of General Obligation Bonds Therefor. This is for the interceptor sewer. Roll Call Vote Carried. Zabel Voted no.

Resolution 59-2019, Approval of Contract with Soper Grading & Excavating LLC for Firemen's Park Phase 1 Improvements Project per submitted bid of \$411,557 with a 10% contingency cost in an amount not to exceed \$452,713.

MOTION (Myers/Miller) to approve Resolution 59-2019, Approval of Contract with Soper Grading & Excavating LLC for Firemen's Park Phase 1 Improvements Project per submitted bid of \$411,557 with a 10% contingency cost in an amount not to exceed \$452,713. Roll Call Vote Carried. Zabel Voted no.

Resolution 61-2019, Waiver and Agreement related to Certain Village Rights for Properties within Willow Creek Business Park (TID # 6), BV Ryan Property, Willow Creek II Owner, LLC.

Administrator Kreklow introduced the item that this is related to Willow Creek TID 6 as the Village holds the rights to repurpose if development does not take place within a certain time frame. Ryan Property submitted plans but their client they have been working with has requested modifications which will delay the start of construction. We have done this once before. The Village board approved the adjustment to the purchase agreement. Attorney Sajdak reported that the agreement allows the developer to close on the loan. There is a slight risk but given track record, not a concern. Zabel questioned how does this affect TID 6. If not granted they would not be able to close loan or go forward with building.

MOTION (Baum/ Miller) to approve Resolution 61-2019, Waiver and Agreement related to Certain Village Rights for Properties within Willow Creek Business Park (TID # 6), BV Ryan Property, Willow Creek II Owner, LLC. Roll Call Vote Carried Unanimously.

Public Grant Application – VFW Post 9202, Temporary Use Permit Fee to Sell Christmas Trees in Parking Lot by Latitudes Parking Lot, November 20th – December 24th.

Motion (Myers /Baum) Public Grant Application – VFW Post 9202, Temporary Use Permit Fee to Sell Christmas Trees in Parking Lot by Latitudes Parking Lot, November 20th – December 24th. Roll Call Vote Carried Unanimously.

Conditional Use Permit (CUP) for Storage of Hazardous Chemicals within a Groundwater Protection Overlay Zoning District, & Certified Survey Map (CSM) to Combine Parcels for the Sigma Group, Inc., Agent for Glue Dots International and the Ellsworth Corporation, Property Owner - N117 W18711 Fulton Drive, W186 N11687 Morse Drive and W188 N11614 Maple Road.

MOTION (Myers/Baum) Conditional Use Permit (CUP) for Storage of Hazardous Chemicals within a Groundwater Protection Overlay Zoning District, & Certified Survey Map (CSM) to Combine Parcels for the Sigma Group, Inc., Agent for Glue Dots International and the Ellsworth Corporation, Property Owner - N117 W18711 Fulton Drive, W186 N11687 Morse Drive and W188 N11614 Maple Road. The operational safety and contingency plans need to be approved by the Fire Department. Motion carried unanimously.

Ordinance 14-2019, Amendment to Chapter 17 Zoning Code – Proposed Zoning Code Text Amendments, Section 17.51 regarding Public Notification Procedures and Protest Petitions.

MOTION (Baum/Miller) to approve Ordinance 14-2019, Amendment to Chapter 17 Zoning Code – Proposed Zoning Code Text Amendments, Section 17.51 regarding Public Notification Procedures and Protest Petitions.

Director Retzlaff distributed maps of different buffer areas scenarios for the notices. He reported that staff has mailed out to the 1,500 foot mailer. Discussion of the map scenarios ensued. Director Retzlaff commented that the property posting requirement will come back to a future meeting. Discussion of the large parcel mailers and buffers was discussed. Director Retzlaff commented that parcels have been added in to mailers to adjust accordingly. The protest petition vote of members present was discussed.

Director Retzlaff reported that the individuals can still speak under public comment if they want to.

Discussion ensued of only holding the public hearing at the Plan Commission and not the Village Board.

The mailer will include the legal notice and a layman notice and be sent in a neon colored envelope.

Amendment Motion (Zabel / Baum) to eliminate the verbiage of “(and the Village Board may)”. Amendment motion carried.

Motion as amended carried. Zabel voted no.

Final Subdivision Plat for the 12-Lot Woodland Ponds Estates Development. David Leszczynski for Germantown Acquisition LLC, Property Owner - W124 N11749 Wasaukee Road, 29.41 Acres.

MOTION (Myers/Baum) Final Subdivision Plat for the 12-Lot Woodland Ponds Estates Development. David Leszczynski for Germantown Acquisition LLC, Property Owner - W124 N11749 Wasaukee Road, 29.41 Acres and includes all of the planners recommendations. Motion carried unanimously.

ADJOURNMENT.

ADJOURNMENT: There being no further business, the meeting adjourned at 9:15 p.m. p.m.

The next regular meeting of the Village Board will be on Monday, November 4, 2019 at 7:00 p.m.

Respectfully Submitted,

Deanna Braunschweig

Deanna B. Braunschweig, WCMC/CMC
Village Clerk