

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
November 2, 2020**

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

ROLL CALL: Present: President Wolter, Trustees Baum, Hudson, Kaminski, Miller, Myers, Pieper, Wing, and Zabel. Also present: Administrator Kreklow, Clerk Braunschweig, Attorney Sajdak, Manager Tucker, Director Ratayczak, Director Retzlaff, and Assistant Planner Zandt. Clerk's Note: This was a partial Virtual Webex Meeting.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:

President Wolter reminded residents of the election on November 3rd. The Germantown Community Library is closed due to Covid, curbside is available. A reminder was discussed in regard to the Chamber Reverse Parade and Tree Lighting on November 14th.

**ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC
INTEREST/DEPARTMENT AND COMMITTEE REPORTS:**

The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney, Village Clerk, And Department Heads, to include:

Election Update. Clerk Braunschweig reported that regular polls will be open tomorrow from 7 am – 8 pm.

She thanked the Election Officials. They have been preparing for tomorrow for quite some time. Thank you to each of them.

All Village Departments and employees are assisting in some capacity. This is very much a team effort. Thank you to the Poll Locations of Bethlehem Lutheran School, American Legion, Life Church, and Crossway Church.

The Village of Germantown has 14,759 Registered Voters. 4,440 have voted in person absentee. There is a total of 9,689 absentees to be counted tomorrow. The absentees have a 66% voter turn-out. In comparison in 11/2016 there were 4,622 absentees 12,389 voted and a 91% voter turnout. If you need assistance finding your poll location you may go to myvote.wi.gov or call the Clerk's Office at 262-250-4740.

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

Village of Germantown providing Village of Richfield with Water / Sewer Utilities.

Don Kriefall, Chairperson of the Washington County Board, distributed a prepared statement in support of the Village of Germantown providing the Village of Richfield with Water and Sewer Utilities. President Wolter read the prepared statement. He commented in favor of the extension of water sewer utilities to the Village of Richfield as well as the 41/45 Corridor for economic development and to not encroach on residential areas.

Jan Miller, of Windsong Circle West commented in opposition of the extension of water sewer to the Village of Richfield. The 2050 land use plan needs to be done prior to extension of the utilities. She

commented that water is an asset. The water is an asset to attract future businesses. She commented on the previous meeting that realtor Chad VandeZande commented on possible development. She commented on the Village of Richfield installing a water tower in the Village of Richfield side.

Jim Healy, the Administrator of the Village of Richfield came forward for questions. Myers questioned Healy on putting a water tower on the Village of Richfield side. Administrator Healy commented that putting a water tower across the street from a water tower is almost everything that is wrong with the government.

Wing commented point of order. This is not question / answer time.

CONSENT AGENDA:

- A. Approval of Minutes October 19, 2020 Regular Village Board Meeting, and October 15, 2020 Committee of the Whole Meeting.
- B. Accounts payable/payroll
 - 1. October 25, 2020 Accounts Payable \$ 370,216.48
 - 2. October 27, 2020 Payroll (Hourly) \$ 245,459.46
 - 3. October 31, 2020 Payroll (Salary) \$ 109,967.52
 - 4. October 31, 2020 Accounts Payable \$ 1,707.80

The following items were forwarded from **General Government and Finance** with a unanimous recommendation.

- C. Utility Clerk Job Description Update and Reclassification of Paygrade.
- D. Deputy Treasurer Job Description Update and Reclassification of Paygrade.

Motion (Myers/Baum) to approve Consent agenda A-D. Trustee Zabel requested to pull item A, Minutes of October 19, 2020. He questioned the citizen comment for Laura Russert and commenting against the water sewer extension. Roll call vote for items B-D carried unanimously.

Motion to approve Item A Minutes and to amend October 19, 2020, minutes, to include comment for Laura Russert and commenting against the water sewer extension. Motion carried unanimously.

UNFINISHED BUSINESS:

- A. Notice to Proceed on Site Preparation and Groundwork for Construction of Elevated Storage Tank TID #8.

Administrator Kreklow commented that this is a technical adjustment on the motion for the construction of the elevated storage tank for TID #8. The Village Board authorized the contract but requested to wait until after the November 16th meeting to execute the contract. The adjustment authorizes a notice to proceed to begin work on the concrete foundation. The foundation is not affected by the decision on whether or not to provide to the Village of Richfield. This would allow the contractor to get started prior to winter setting in. Motion (Myers/Baum) Approval to Proceed on Site Preparation and Groundwork for Construction of Elevated Storage Tank TID #8. Discussion ensued of the price difference. The bid documents included a slightly larger foundation. The foundation is slightly larger and estimated to be less than \$5,000. It was not bid as an alternative and the size is set at this point. Roll Call Vote Carried. Wing and Zabel voted no.

PUBLIC HEARING:

- A. None.

NEW BUSINESS:

- A. Conditional Use Permit Application to Encroach into the 25' Wetland Setback Pursuant to Section 24.04(5) of the Shoreland- Wetland Zoning District, for MSI General, Agent for Moldmakers Leasing & Investments LLP, Property Owner and MGS Manufacturing Group Inc.- W190 N11701 Moldmakers Way.

Motion (Zabel/Baum) to approve Conditional Use Permit Application to Encroach into the 25' Wetland Setback Pursuant to Section 24.04(5) of the Shoreland- Wetland Zoning District, for MSI General, Agent for Moldmakers Leasing & Investments LLP, Property Owner and MGS Manufacturing Group Inc.- W190 N11701 Moldmakers Way. Motion carried unanimously.

- B. Conditional Use Permit Application to Encroach into the 25' Wetland Setback and 75' Navigable Water Setback Areas Pursuant to Section 24.04(3)(c)5 of the Shoreland Wetland Zoning District. Neumann Developments, Inc. Agent for Wrenwood LLC, Property Owner - Outlot 2 of Wrenwood Subdivision.

Motion (Baum/Myers) to approve Conditional Use Permit Application to Encroach into the 25' Wetland Setback and 75' Navigable Water Setback Areas Pursuant to Section 24.04(3)(c)5 of the Shoreland Wetland Zoning District. Neumann Developments, Inc. Agent for Wrenwood LLC, Property Owner - Outlot 2 of Wrenwood Subdivision.

Director Retzlaff reported that the applicant has withdrawn their application. They have an alternative for the top soil. No action is needed.

Motion (Zabel/Myers) to Table the Conditional Use Permit Application to Encroach into the 25' Wetland Setback and 75' Navigable Water Setback Areas Pursuant to Section 24.04(3)(c)5 of the Shoreland Wetland Zoning District. Neumann Developments, Inc. Agent for Wrenwood LLC, Property Owner - Outlot 2 of Wrenwood Subdivision. Motion carried unanimously.

- C. Conditional Use Permit Application for a 52-foot Nitrogen Storage Tank, for Steven Buck, Gehl Foods LLC, Agent for AGNL Dairy LLC, Property Owner - N116 W15970 Main Street. Resolution 60-2020, Planned Development District (PDD) Amendment to Include a Nitrogen Generator Unit.

Motion (Baum/Myers) to approve Conditional Use Permit Application for a 52-foot Nitrogen Storage Tank, for Steven Buck, Gehl Foods LLC, Agent for AGNL Dairy LLC, Property Owner - N116 W15970 Main Street. Resolution 60-2020, Planned Development District (PDD) Amendment to Include a Nitrogen Generator Unit.

Wing commented opposition. This is the continued industrial expansion downtown. Wing commented of history of the expansion and height of the towers.

Discussion ensued of possible four smaller silos and inspection reports from 1970 and toxic chemicals.

Zabel commented on an explosion at Texas A&M in January of 2006. They used liquid nitrogen and a valve stuck. There was an explosion. Discussion ensued of the possibility of a pressure explosion.

Assistant Planner Zandt presented background of the Conditional Use Permit Application for the Amendment to the Planned Development District. The Site Plan Summary was shown. The proposed silo would extend 52' above grade. This is to reduce the noise related to nitrogen delivery and to reduce the delivery from 2-3 per day to 1 per week (approximately). The screening and buffering were shown. Staff comments included the Fire Department has the correct equipment to respond in the case of an emergency associated with nitrogen generation facility.

Steve Buck came to the podium. He is the Senior Engineer with Gehl Foods. He reported on installation and the conditional use permit. The nitrogen generation system was defined and discussed. The design was shown. Discussion ensued of safety and past incidents of safety leak and evacuation. Steve Buck reported on less traffic and less noise.

Bill Spitzer of Airgas reported on the nitrogen generation system safety features, pressure sensors, and alarm systems.

Release of gasses into the air were discussed. The continuous nitrogen supply was shown.

Discussion ensued of four silos for the nitrogen generation system instead of one.

Amendment Motion (Wing/Myers) amendment that Gehl's would hold two meetings within the next year with neighbors and discuss safety concerns.

Craig Lameir President and CEO of Gehl Foods came to the podium. He commented on the importance of safety. Would engage with the neighbors with safety. He commented on environmental audits and wells.

Gehl Foods made a strong commitment regarding future enhancements for the Main Street area. Consistent with the Planned Development District as adopted in 2019.

Amendment Motion Carried Unanimously.

Discussion ensued of the delivery time of the liquid nitrogen to be delivered during the day between 8 am – 5 pm.

Amendment Motion (Zabel/Baum) for the delivery of liquid nitrogen during the day between 8 am and 5 pm. Discussion ensued of the timing of delivery. Robert Garcia of Gehl Foods came to the podium. There is an agreed upon delivery times in previous agreements. Gehl Foods need a wider range. The range is in the previous agreement, 7 am - 9 pm. Motion was withdrawn.

Roll Call Vote Carried. Zabel voted no.

D. Public Utility Easements – Moldmakers Investments, LLC.

Motion (Kaminski/Myers) approval of Public Utility Easements – Moldmakers Investments, LLC. Motion carried unanimously.

E. Development Agreement Moldmakers Investments, LLC.

Motion (Kaminski/Myers) approval Development Agreement Moldmakers Investments, LLC. Motion carried unanimously.

F. Village of Richfield Potential Water / Sewer Service Agreement. The Village Board May Enter into Closed Session per Wis. Stat. § 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and then may reconvene into open session to take such action as it deems appropriate.

Motion (Myers/Baum) to convene into closed session after hearing from the Administrator and will go into closed session if discussion ensues of negotiation and to include the Village Board, Village Attorney Sajdak, Village Administrator Kreklow, Director Retzlaff and Clerk Braunschweig. Discussion ensued of open session until Roll Call Vote Carried Unanimously.

Administrator Kreklow commented on the main topics as the results of the survey and update of negotiations.

The on-line survey was developed and posted on the Village Website, Facebook and Nextdoor and emailed to the email list from the 2050 process and general mailing list. 150 surveys were completed. Of the 150 completed, 67 supported and 83 indicated opposition. He reported on the responses.

Discussion ensued of those that want Village of Germantown Water / Sewer and the process involved for receiving the connection.

Discussion ensued of the water table levels, aquafer, radium levels, and the survey with the best information available.

Discussion ensued of not supplying the Village of Richfield with Sewer Water.

Administrator Kreklow commented on an update of the negotiations and the cost sharing arrangement and working on meeting the cash flow needs of both communities. Richfield is looking at tax increment financing. The upfront costs would be paid for by the Village of Richfield and they would take on the risks.

The proposal is that Village of Richfield would provide funding for sewer, water, and road reconstruction on Rockfield Road from Gateway Crossing to Richfield. An estimate of the cost is \$1.4 Million. The connection would be under Rockfield Road. Village of Richfield would pay for the incremental costs of the booster station and tower. The Village Board convened into closed session at 9:05 p.m.

ADJOURNMENT.

ADJOURNMENT: There being no further business, the meeting adjourned at 9:55 p.m.

The next regular meeting of the Village Board will be on Monday, November 16, 2020 at 7:00 p.m.

Respectfully Submitted,

Deanna Braunschweig

Deanna B. Braunschweig, WCMC/CMC
Village Clerk