VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
June 7, 2021

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, J. Miller, R. Miller, Myers, Neureuther, and Pieper. Also present: Administrator Kreklow, Clerk Braunschweig, Attorney Sajdak, and Director Retzlaff, Director Ratayczak, Assistant Planner Zandt, Chief Snow, Director Schroeder, Superintendent Anderson. Clerk's Note: This was a partial Virtual Webex Meeting.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:

President Wolter reported on the new audio visual equipment and seating arrangement.

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:

Trustee R. Miller commented on the Honor Flight fundraiser. Raised 13,000 yesterday.

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

President Wolter read the email from Steve and Jodi Rupnow against the Boehlke rezoning.

President Wolter read the email from Rhonda Hilgendorf for Janice Bernarde against the Boehlke rezoning.

Bruce Bernarde of Freistadt Road came to the podium. He lives next door to Mr. Boehlke. Spoke against the rezoning. He commented on large number of vehicles and equipment. Mr. Bernarde commented on the current zoning and Mr. Boehlke does not live at the property. Requested the Village Board deny the request.

Tracy Bernarde of Friestadt Road came to the podium. She spoke against the rezoning. Stated Mr. Boehlke does not live at the business address. She commented on the current zoning. She commented on the traffic with the business, debris, and noise. She commented on the industrial zoned districts that would be a better fit for Mr. Boehlke's business. Requested the Village Board deny the request.

Sally Winslow of Friestadt Road came to the podium. She commented on the amount of traffic with the business and the growth of the business. Requested the Village Board deny the request.

<u>CONSENT AGENDA:</u>

A. Approval of Minutes May 17, 2021 Regular Village Board Meeting.

B. Accounts payable/payroll:

1.	May 21, 2021	Accounts Payable	$	281,875.24
2.	May 25, 2021	Payroll (Hourly)	$	233,823.78
3.	May 28, 2021	Payroll (Salary)	$	106,993.84
4.	May 28, 2021	Accounts Payable	$	169,765.04
5.	June 4, 2021	Accounts Payable	$	175,584.21
6.	June 8, 2021	Payroll (Hourly)	$	240,557.16

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

C. Resolution 14-2021, Approve Commitment and Assignment of Special Revenue Fund Balance, Specific to the Fire Department Explorer Program.

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

D. Installation of HVAC equipment for Wells #2, #5, and #7 by Conditioned Air Design in an amount not to exceed $21,797.

E. Dheinsville Park – Parking Lot Paving in an amount not to exceed $74,482.

F. Purchase of Sternberg Street Light Poles, Pole Bases, Pole Arms, and Fixtures from Hein Electric Supply Company in an amount not to exceed $150,326.08.

Motion (Myers/Baum) to approve consent agenda items A - F. Roll Call Vote carried unanimously.

<u>UNFINISHED BUSINESS:</u>

A. None.

<u>PUBLIC HEARING:</u>

A. None.

<u>NEW BUSINESS:</u>

A. Resolution 15-2021, Wolverine Fireworks Display, Inc. - Contract in an amount not to exceed, 14,862.50, Village Portion $8,000, Kiwanis portion $6,862.

Motion (Myers/Pieper) to approve Resolution 15-2021, Wolverine Fireworks Display, Inc. - Contract in an amount not to exceed, 14,862.50, Village Portion $8,000, Kiwanis portion $6,862. Roll Call vote carried unanimously.

B. Resolution 16-2021, Awarding the Sale of $3,200,000 General Obligation Promissory Notes, Series 2021A; providing the form of Notes; and Levying a Tax in Connection Therewith.

Phil Cosson came to the podium. He distributed the sale day report. He reviewed the process and reviewed the document. Bids were taken this am. The Village rate is Aa2. The credit strengths were reviewed. He reviewed the declining levy tax rate and borrowing capacity. The Village is at 35% of borrowing capacity.

Motion (Myer/R. Miller) to approve Resolution 16-2021, Awarding the Sale of $3,200,000 General Obligation Promissory Notes, Series 2021A; providing the form of Notes; and Levying a Tax in Connection Therewith. Roll Call Vote carried. Tr. Pieper voted no.

C. Denial of Operator's License – Angel D. Clemmerson.

Police Chief Snow came to the podium. He reported on the applicant's record and criminal record and probation. Attorney Sajdak advised that the conviction is a misdemeanor not an automatic bar; however, the probation status raises concern. The Village should not actively authorize a license to violate probation. We are aware of the fact she is on probation. Speedway is a gas station.

Motion (Pieper/Kaminski) to approve the Operator's License – Angel D. Clemmerson. Chief snow commented this is a violation of probation. Discussion ensued that the applicant could still work. Motion fails.

D. Ordinance 04-2021, An Ordinance Amending Chapter 17 (Zoning Code), Amending Section 17.15 (2) and Creating Section 17.15(4), Conditional Use Minimum Requirements; Jason Boehlke, N120 W13537 Freistadt Road. Text Amendment to Zoning Code Sections 17.15(2) and 17.15(4) of the Germantown Municipal Code pertaining to conditional uses allowed in the Rs-2: Single-Family Zoning District.

Pres. Wolter questioned if Mr. Boehlke is here or on-line or on the phone. Mr. Boehlke is ill and asked if the board would consider postponement due to illness.

Motion (Kaminski/Pieper) to postpone. Previously was postponed at a Plan Commission meeting. Motion failed. Voted no, Baum, Hudson, R. Miller, Myers, Neureuther.

Director Retzlaff came to the podium. He reported on the amendment changes to the ordinance. Director Retzlaff showed the Boehlke property location for context reasons and an aerial view that contains bins for gardening and landscaping bins.

The amendment was initiated by Mr. Boehlke. Director Retzlaff reported on conditional use permit options. Mr. Boehlke has attempted to acquire the MMSD property but was unsuccessful in that attempt. His CUP application was rejected by staff as it did not comply with the requirements. He also filed an appeal with the board of zoning of appeals. Mr. Boehlke has been issued citations for code operations.

In code amendments must be made for the purpose of public interest and not the benefit of one property owner.

Director Retzlaff reviewed the zoning districts and conflicts with abutting districts and the purpose of the zoning code and land use plan. The 2020 land use plan was shown. The Boehlke property was pointed out as a transitional area. Harvest Hills, Woodland Ponds, Wrenwood are close by and consistent with the 2020 and 2050 land use plan. The 2050 plan designates the property as residential. The MMSD has an easement.

Mr. Boehlke's use is not consistent with the current land use plan or the 2050 land use plan.

The plan commission recommendation was to deny the text amendment.

Motion (Baum/R. Miller) to approve Ordinance 04-2021, An Ordinance Amending Chapter 17 (Zoning Code), Amending Section 17.15 (2) and Creating Section 17.15(4), Conditional Use Minimum Requirements; Jason Boehlke, N120 W13537 Freistadt Road. Text Amendment to Zoning Code Sections 17.15(2) and 17.15(4) of the Germantown Municipal Code pertaining to conditional uses allowed in the Rs-2: Single-Family Zoning District.

The business is successful and has outgrown the location. Does not fit into the residential area or fit into the plan today.

Motion failed. Seven Nays. Tr. Kaminski voted yes. Myers abstained.

The Zoning Board of Appeals could overturn the decision of the zoning administrator. For his business as a home occupation.

Kaminski voted in favor due to Mr. Boehlke was unable to attend due to illness.

E. Heritage Place Joint Venture LLC, N115 W16165 Saxony Village Blvd & N115 W16225 Saxony Sq Building 1, Land 15 LLC, N116 W16261 Main Street, MCB Investments LLC, N116 W16257 Main Street – 2 lot Certified Survey Map to Combine Parcels.

Assistant Planner Emily Zandt came to the podium. The proposed is to reconfigure the parcels. The proposed CSM was shown. Planning staff recommends an access restriction and an access easement on lot to be mutually agreed upon by Village. There were a few technical corrections. Plan Commission did recommend approval with conditions.

Motion (Myers/R. Miller) to approve Heritage Place Joint Venture LLC, N115 W16165 Saxony Village Blvd & N115 W16225 Saxony Sq Building 1, Land 15 LLC, N116 W16261 Main Street, MCB Investments LLC, N116 W16257 Main Street – 2 lot Certified Survey Map to Combine Parcels.

Motion Carried. Baum had left Village Board Room at the time of the vote.

F. Harvest Hills Subdivision LLC – Lot 31 Harvest Hills Subdivision and Jeffrey L. & Sarah M. Holtebeck – N118 W13147 Taylor Trail, Lot 30 Harvest Hills Subdivision. 2 lot Certified Survey Map to adjust property lines.

Assistant Planner Emily Zandt came to the podium. The proposed is to Modify lot 30 and 31. Zoned Rs-3 Residential. To accommodate new septic system on lot 30. Baum returned to Village Board Room. There were a few technical corrections. Plan Commission did recommend approval with conditions. Both are mound systems. No conventional.

Motion (Baum/R. Miller) to approve Harvest Hills Subdivision LLC – Lot 31 Harvest Hills Subdivision and Jeffrey L. & Sarah M. Holtebeck – N118 W13147 Taylor Trail, Lot 30 Harvest Hills Subdivision. 2 lot Certified Survey Map to adjust property lines. Motion carried unanimously.

G. Approve Easement for Heritage Place Joint Venture, LLC Saxony Village.

Motion (Myers/R. Miller) Approve Easement for Heritage Place Joint Venture, LLC Saxony Village. Motion carried. Baum opposed.

H. Meter Install Project - Increase spending authority of quoted cost of meters in the amount not to exceed $478,500.

Superintendent Paul Haugen reported on the water meters that are failing. This is provide a contracted installation project. There will be an increase of the meter cost. Review the cash flow or interfund loan. 478,500 is the base cost. There will be a 5% increase. This is not in the budget.

The water utility is past due for a rate increase and there are cash flow issues in the water utility. The cash balance is declining. Way of working thru is possibility of an interfund loan from reserves beyond 25% and would more than cover the replacement. The general fund could loan to the water utility and would have to pay that back would allow to go forward. Would not recommend but for the rate increase. There have been hundreds of calls from residents upset and concerned. Administrator Kreklow is recommending an interfund loan to allow the water utility to go forward.

Motion (R. Miller/Kaminski) to approve Meter Install Project in an amount not to exceed 502,500, go with interfund loan to finance. Installation by the vendor will be done in eight weeks with six to eight staff. Roll call vote carried. Neureuther voted no.

I. Update on Water Rate Increase Application.

Administrator Kreklow presented information on the upcoming water rate increase application. 2010 was the last rate increase. The application was filed in 2019, however it was denied due to project in Holy Hill area. Staff has been responding to questions and providing data over six months. The PSC has completed their first review in 2021. They have developed initial findings.

Water utility requires an additional $1,154,000 dollars to operate adequately. This is an increase of 48.9%. Will increase 45-90 per quarter for residents depending on their homes. Additionally, The Village can put the Public Fire Protection on the water bill. There continues to be discussion with a large industrial user. The PSC indicated that in order to proceed would like to know the Village Board position on public fire protection fees.

The rate increase may be able to be implemented by the end of 2021. Businesses would see a similar increase in their bills. We are very near the bottom as far as costs and this moves up, will remain competitive. The PSC approves the rate structure and the PSC is open to looking at special rates.

J. Public Fire Protection (Hydrant) Fee.

Administrator Kreklow explained the Public Fire Protection Fee. This fee is outside the normal water bill. Municipalities have options of how to collect these fees. As the water rates increases, this will effect this fee. Will increase to approximately $600,000 and to $680,000 in 2022. The Public Fire Protection fee is traditionally on the property tax bill rather than water bills. This charge would be on top of the water bill increase.

Administrator Kreklow reviewed options of all on the water bill, a portion on the water bill or cap on the levy with the increase to the water bill. Comparison of impacts to households were shown. Looking for direction from the Village Board.

The Board is not required to reduce the levy by that amount. Could cover increased costs for fire protection. There are additional staffing concerns in the fire department. Could go to the road program.

Recommendation A: Shift the Public Fire Protection to the Water Bill, Apply Levy Funds to road program, and reduce borrowing.

Recommendation B: Cap levy for Public Fire Protection at 2021 level and charge additional costs to water bill.

Discussion ensued of the second scenario with a review every few years. Discussion ensued of the Public Fire Protection going to the Fire Department budget.

K. Location and Design of Public Works Building. 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.

A representative from Graef came to the podium. Square footage size for the building was based on equipment, workshops, workable areas, space, and came up with square footage. 140,000 square feet is the starting point of square footage. Subtracted buildings four and five square footage.

Option Floor Plan #3 was presented and reviewed. The growth for future equipment was accounted for. Water run off to the pond was pointed out, as a landscape. All of the offices are on the west side facing the pond. Removable walls for expansion were pointed out. It does take up the building site and leave the cell tower in place. Wayne recommended to keep building four and remove building five. Would encompass approximately 12-13 acres. The building can fit on the site.

Discussion ensued of the number of years the building would be effective. The building will be utilized for more than ten - twenty years. Growth for twenty years was reflected on the diagram. The original building was built in 1953. Discussion ensued of outgrowing in twenty years. Discussion ensued of parking vehicles efficiently. There is four feet between vehicles; could park vehicles closer. Discussion ensued of how to park for efficiency.

Discussion ensued of the grading and placement of pond. Discussion ensued of stacking areas. Placement of the mechanical units and space utilization was discussed.

Discussion ensued of the condition of existing buildings and potentially keep building four and remove building 5. The bins can be moved for the recycling. Discussion ensued of the movement of recycling to the site with considerations of compost. Discussion of the lowest point in the southwest point.

Discussion ensued of the building lasting for 30 years and then removal of building four if the build is mirrored.

Discussion ensued of the timeline and looking at January of next year for bid. And then completed by the end of next year.

Discussion ensued of the fueling station. The fueling station would have to be above ground. The current tanks are 12-15 years old.

K. Location and Design of Public Works Building. 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/Pieper) to convene into closed session at 10:25 p.m. for item K. and to include the Village Board, Village Attorney, Administrator Kreklow, Braunschweig, Water Superintendent Hogan, Street Superintendent Anderson, and Director of Public Works Ratayczak. Roll Call Voted Unanimously.

L. Potential Water Service Agreement with Large Water User. 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/Pieper) to convene into closed session at 10:25 p.m. for item L. and to include the Village Board, Village Attorney, Administrator Kreklow, Clerk / Treasurer Braunschweig, Water Superintendent Hogan, Street Superintendent Anderson, and Director of Public works Ratayczak. Roll Call Voted Unanimously.

ADJOURNMENT.
ADJOURNMENT: There being no further business, the meeting adjourned at 11:10 p.m.

The next regular meeting of the Village Board will be on Monday, June 21, 2021 at 7:00 p.m.

Respectfully Submitted,

Deanna Braunschweig

Deanna B. Braunschweig, WCMC/CMC
Village Clerk - Treasurer