

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
August 2, 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, Kaminski, J. Miller, R. Miller, Myers, Neureuther, and Pieper. Absent Excused: Hudson. Also present: Administrator Kreklow, Clerk Braunschweig, Attorney Sajdak, Director Schroeder, Superintendent Anderson, Director Ratayczak, and Manager Hirn. Clerk's Note: This was a partial Virtual Webex Meeting.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:

Nothing to Report.

**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:

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

President Wolter read an email from Richard and Kathleen Bremmer of Freistadt Road. The communication was in regard to the fireworks. Their concern is the fireworks was aimed toward their home and exploded over their house. A few years ago there was a fireworks problem. They requested a solution with the fireworks contractor.

President Wolter read an email from Mike Rodriguez of Germantown. The email was in regard to the water bill increase, new public works building, and addition to the library. President Wolter read his comments.

President Wolter read an email from Tasha Bagley. The email was in regard to the rezoning and requested the rezoning to be denied because of the noise of the business. Attached video of wood chopper.

President Wolter read an email from Sara Bojarski of Oak Lane. The email was to request a denial of the conditional use and rezoning for TR Capital.

President Wolter read an email from Mark and Mary Timm of Lovers Lane. The email was comments in regard to the rezoning and ordinance and Conditional Use permit. They requested the rezoning for John and Brenda Perry.

Bill Tait of Freistadt Road emailed comments of letter of reference for John East and his rezoning application. President Wolter read his comments in favor of Mr. East and the rezoning.

Arthur Zabel of Burr Road come to the podium. He commented about the Public Fire Protection amount as approved by the Village Board. He requested the board to reconsider the previous action. He also commented on the Pilot that the Village pays to the Water Utility. He commented on the increase in the fee.

Joletta Kerpan, from Hurbertus came to the podium as a representative of the Kiwanis from the Taste of Germantown Event. She thanked the Village for the support of the event. She thanked the Park and Recreation Department, Library, and DPW Department.

CONSENT AGENDA:

- A. Approval of Minutes July 19, 2021 Regular Village Board Meeting.
- B. Accounts payable/payroll:
 - 1. July 23, 2021 Accounts Payable \$ 442,248.04
 - 2. July 30, 2021 Payroll (Salary) \$ 106,839.27
 - 3. August 3, 2021 Payroll (Hourly) \$ 272,734.45
 - 4. July 30, 2021 Accounts Payable \$ 140,815.60

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

- C. Resolution 22-2021, Resolution Amending the Village's Section 457 Deferred Compensation Plan to Add North Shore Bank as an Additional Contribution Option.

Motion (Myers/Baum) to approve Consent Agenda. Roll call vote carried unanimously.

UNFINISHED BUSINESS:

- A. None.

PUBLIC HEARING:

- A. None.

NEW BUSINESS:

- A. Denial of Operator's License – Crystal McCoy.

Motion (Myers/Pieper) to approve the Operator's License – Crystal McCoy. Motion carried. J. Miller, Neureuther, and President Wolter voted no. Motion carried.

- B. Report on Board Room Audio Visual Equipment.

Clerk Braunschweig reported on the status of the Audio Visual Equipment. The Village is currently working with Global Sight and Sound. They are here to assist us with the equipment. The equipment has been recently tested as well.

- C. Update from Library Director Smith on Germantown Community Library Strategic Planning Efforts.

Director Smith read a report on the Library Strategic Planning Efforts. Other Libraries have went through a planning process. The Wisconsin Library Services (WiLS) is instrumental in the planning process. Looking at the possibility of expanding the building. There has been an increase in noise level. Data will be gathered to be utilized for planning purposes. The building

was originally meant to have a second floor. The preplanning is in the very beginning of the process. Washington County funding has contributed to building expansion. The debt of the building was paid off in March of 2021 of this year. Library impact fees are available. Looking at fundraising. Looking to exploring options to better meet the needs of the community. There is an existing shaft for an elevator to the left of the circulation desk. There is space allocated for a stairwell as well.

- D. **Ordinance 05-2021**, Land Use Plan Map Amendment from Commercial to Industrial/Office and **Ordinance 06-2021**, Rezoning from B-1: Neighborhood Business Zoning District to M-1: Limited Industrial Zoning District pursuant to Section 17.33 of the Zoning Code, and **Conditional Use Permit (CUP) 04-2021** for commercial self-storage, for TR Capital, LLC and Agent for Bruce J. Miller, Property Owner - W219 N11588 Appleton Avenue.

Assistant Planner Zandt came to the podium. The application was reviewed. The site location map was shown. The existing zoning was reviewed. The purposed of the application is to change the zoning. There is a cap by the DNR due to past asphalt. The cap is in place for 30 years to prevent additional contamination. The concept plan was shown. Prior to grading or construction the site plan will need to be approved by the Plan Commission. The proposed use is required to be screened and buffered. The Rezoning is from B-1 to M-1. The previous owner did operate under plant sales. Plan Commission did recommend approval subject to five conditions.

The outside storage would be fenced and screened from view. The DNR Cap area was shown. The asphalt cap has to be maintained without buildings. The outside area is partially over the DNR Cap. They can not build on the cap. The applicant came forward and pointed out the DNR Cap area and fenced area. The site plan will change based on the most recent survey. The land fill was commented on. They have been cleaning the property. The outside storage is for boats and RVs. The building will be a metal building with no doors facing the neighbors or road. Access hours will be only daylight hours. Outside storage is at the back of the lot, may be 50 working vehicles. Property has been sold to them. Mr. Miller has 28 days left to vacate the property.

Motion (Myers/Baum) to approve Ordinance 05-2021, Land Use Plan Map Amendment from Commercial to Industrial/Office, TR Capital, LLC and Agent for Bruce J. Miller, Property Owner - W219 N11588 Appleton Avenue. Director Retzlaff commented that staff has been working to have this site cleaned up. Motion Carried Unanimously.

Motion (Myers/R. Miller) to approve Ordinance 06-2021, Rezoning from B-1: Neighborhood Business Zoning District to M-1: Limited Industrial Zoning District pursuant to Section 17.33 of the Zoning Code, for TR Capital, LLC and Agent for Bruce J. Miller, Property Owner - W219 N11588 Appleton Avenue. Motion Carried Unanimously.

Motion (Myers/R. Miller) to approve Conditional Use Permit (CUP) 04-2021 for commercial self-storage, for TR Capital, LLC and Agent for Bruce J. Miller, Property Owner - W219 N11588 Appleton Avenue. Motion Carried Unanimously.

- E. **Ordinance 07-2021**, Rezoning from A-2: Agricultural and Rs-2: Single-Family Zoning Districts into the A-2: Agricultural and Rs:3 Single Family Residential Districts pursuant to Section 17.13 and Section 17.16 of the Village Zoning Code for John E. & Brenda L. Perry, Property Owners - N124 W14106 Lovers Lane, and, 3-Lot **Certified Survey Map (CSM) Application**.

Director Retzlaff came to the podium. The application was reviewed. The site location map was shown. The existing zoning was reviewed. The purposed of the application is to change the zoning. The size of the lot(s) were reviewed. The 2020 land use plan map was shown. The lot size based on this plan was shown. Director Retzlaff commented on the lot sizes that have been created in other subdivisions that are a 1-2 acre size that could be developed into one acre lots. The plan commission recommendation is to approve subject to conditions.

Motion (Myers/Baum) to approve Ordinance 07-2021, Rezoning from A-2: Agricultural and Rs-2: Single-Family Zoning Districts into the A-2: Agricultural and Rs:3 Single Family Residential Districts pursuant to Section 17.13 and Section 17.16 of the Village Zoning Code for John E. & Brenda L. Perry, Property Owners - N124 W14106 Lovers Lane. Discussion ensued of the residential opposition that was shown at the Plan Commission. Discussion ensued of the rural preservation heritage area is in the north part of the Village. Discussion ensued that most of the lots on the 2020 land use map are already divided to the size that they can be at 1-acre parcels. Discussion ensued of the density and save larger tracks of open land. May develop for a mother in law suite. Discussion ensued of those that came forward from Plan Commission and comments of anything north of Freistadt as five acre lots. R. Miller, J. Miller, Neureuther voted no.

Motion (Baum/Pieper) to approve 3-Lot Certified Survey Map (CSM) Application for John E. & Brenda L. Perry, Property Owners - N124 W14106 Lovers Lane. Motion carried unanimously.

Conditional Use Permit 05-2021, John D. East, Applicant and Property Owner - W164 N11974 Fond du Lac Avenue. Conditional Use Permit for a Major Home Occupation for East Outdoor Services.

Motion (Myers/Baum) to approve Conditional Use Permit 05-2021, John D. East, Applicant and Property Owner - W164 N11974 Fond du Lac Avenue. Conditional Use Permit for a Major Home Occupation for East Outdoor Services.

President Wolter read an email from Bill Tait of Freistadt Road emailed comments of letter of reference for John East and his rezoning application. The comments were in favor of Mr. East and the rezoning.

Director Retzlaff came to the podium. The site location was shown. This is a tree trimming service. This is not a typical landscape business or hardscape construction. Staff supports the proposal with conditions. Plan Commission recommended subject to eight conditions. Discussion ensued of squealing tires, could be from Fond du Lac Avenue. Mr. East is performing work on neighbor's property. The business has been in place four – five years. Discussion ensued that the turn around for traffic storage, is close to play area. The play area may be moved in the future.

President Wolter read a complaint on a wood chipper. Mr. East commented he is not chipping wood on a regular basis. He took down neighbor's tree and wood chips belong to the neighbors. Wood chips and cut wood is not stored on property. There is wood by play set.

Motion carried unanimously.

G. Presentation by Samuel Dickman – TID #8 Prospects.

Administrator Kreklow reported that Sam Dickman of Dickman Development will present on the Northwest Corner in TID 8 near Illing Corporation. The company he is working with produces freeze dried pet food.

Dominick Flaunte came to the podium.

It is a new business and looking to expand. The building would be 172,488 square feet. 157,00 square feet would be manufacturing area. The lower portion would be the office and top area would be the manufacturing area.

The concept site plan for the proposal was shown.

This is the beginning of the process and no action is required by the Village Board.

The building material is mostly pre-cast with accents. There are insulated metal panels due to the freezers.

Discussion ensued of a ground mounted system. This is a FDA facility. There will be approximately 150 total employees, including 30 as management.

Discussion ensued of the 100 feet on the south for expansion purposes.

Discussion ensued of the hours of operation as 24 hours and 3rd shift for cleaning purposes. No trucks on 3rd shift.

Discussion ensued of the 2050 plan and the color palate. The plan would go before the Plan Commission. Discussion of the front doors and dressing up of the doors, with canopy of entryway.

There will not be livestock on site. The product comes frozen. There is no smell. The noise equipment is inside. There is an ammonia system. Medium water usage.

This is a corporate office.

Motion (Baum/R. Miller) to convene into closed session for H., item and to include the Village Board, Administrator Kreklow, Attorney Sajdak, Attorney Gehring, Manager Hirn, and Clerk Treasurer Braunschweig. Roll call vote carried unanimously.

Motion (J. Miller/Pieper) to Reconsider Resolution 18-2021, Authorizing the Municipal Direct Charge of the Public Fire Protection Fee.

Discussion ensued of where the additional information would come from. Administrator Kreklow reported on the water utility PILOT payment, the public fire protection fee does not cover the cost of responding to fires but is calculated by the Public Service Commission. Some communities choose to recover thru the tax levy other communities thru the utility bills. \$537,000 will remain on the Village tax levy and the increase above 537,000 will be placed on the water bills. This is \$2-3 on each bill per quarter.

Motion to reconsider failed. J. Miller and Pieper voted yes.

Motion (Baum/Pieper) to convene into closed session for I., item and to include the Village Board, Administrator Kreklow, Manager Hirn, and Clerk Treasurer Braunschweig. Roll call vote carried unanimously.

Motion (Baum/Pieper) to convene into closed session for J., item and to include the Village Board, Administrator Kreklow, Manager Hirn, and Clerk Treasurer Braunschweig. Roll call vote carried unanimously.

Motion (Baum/Pieper) to convene into closed session for K., item and to include the Village Board, Administrator Kreklow, Attorney Sajdak, Superintendent Hogan, Superintendent Zimmerman, Director Ratayczak, Manager Hirn, Director Retzlaff, and Clerk Treasurer Braunschweig. Roll call vote carried unanimously.

Motion (Baum/Pieper) to take the closed session items in the order of H, K, I, and J. Motion carried unanimously.

- H. Meridian Germantown LLC / Wal-Mart Stores, Inc claim of excessive real estate tax. The Village Board may convene into closed session per Wis. Stats. §19.85(1)(g) for the purpose of conferring with Legal Counsel who is rendering advice concerning strategy to be adopted by the Village with respect to litigation in which it is involved or is likely to become involved and then may reconvene into open session to take such action as it deems appropriate; and,
- I. Intergovernmental Agreement with Germantown School District for School Resource Officers. 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; and,
- J. Germantown Professional Police Association Local 306 Collective Bargaining Contract and International Association of Fire Fighters Local 4854. The Village Board may Convene into closed session per Wis. Stats. §19.85(1)(e) For the Purpose of Deliberating or negotiating the contract, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and may convene into open session to take such action as it deems appropriate; and,

- K. 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.

ADJOURNMENT.

ADJOURNMENT: There being no further business, the meeting adjourned at 10:47 p.m.

The next regular meeting of the Village Board will be on Monday, August 16, 2021, at 7:00 p.m.

Respectfully Submitted,

Deanna Braunschweig

Deanna B. Braunschweig, WCMC/CMC
Village Clerk