

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
August 16, 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, and Neureuther. Absent Excused: Pieper. 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:

Gehls is having a ribbon cutting at noon on Saturday.

**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:

Renee Simerlein of Crestview Drive came to the podium. She reported that they have been putting up with loud noise from Sterling Tank Pharmaceuticals. Contact trustee a number of times with complaints of sound.

President Wolter read an email from Art Zabel in regard to the Police and Fire Protection charge against the charge on the water bill.

CONSENT AGENDA:

- A. Approval of Minutes August 2, 2021 Regular Village Board Meeting.
- B. Accounts payable/payroll:
 - 1. August 6, 2021 Accounts Payable \$ 1,138,550.83
 - 2. August 17, 2021 Payroll (Hourly) \$ 265,522.23
 - 3. August 15, 2021 Payroll (Salary) \$ 107,589.27

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

- C. Myers Masonry – EMC Sign Invoice.
- D. 2021 Sealcoat Projects Award of Contract.
- E. Award of Contract for Sanitary Sewer and Water Main Extension – Holy Hill Road.

Motion (Myers/Baum) to approve Consent Agenda items A-C. J. Miller requested to pull items D and E. Roll call vote carried unanimously.

Motion (Myers/Baum) to approve items D and E. Roll call vote carried unanimously.

UNFINISHED BUSINESS:

- A. Update on Domain Name to germantownwi.gov. (previously approved December 21, 2020 Village Board).

Manager Hirn reported on the Domain Name change to germantownwi.gov for security purposes. We are starting the process and it will take about a month and plan to go live in September.

PUBLIC HEARING:

- A. None.

NEW BUSINESS:

- A. **Ordinance 08-2021**, Rezoning from A-1: Agricultural Zoning District to the M-1: Limited Industrial Zoning District, and **2-Lot Certified Survey Map (CSM)** Application; and **Conditional Use Permit (CUP) 06-2021**, to Allow an encroachment into a 25' Wetland and 75' Navigable Waterway Setback, for Capstone Quadrangle Development Company, agent for MLG/RMS Ltd. Partnership, property owner – 52.5 acres at N128 W20943 Holy Hill Road.

Director Retzlaff came to the podium. He reported on the application requests and reviewed the map locations. The land use map and site plan were shown and reviewed. Wetlands and waterway setbacks were shown and reviewed. No wetlands will be filed in. Staff comments were reviewed. The Plan Commission recommended approval subject to conditions.

Motion (Myers/Baum) to approve the Ordinance 08-2021, Rezoning from A-1: Agricultural Zoning District to the M-1: Limited Industrial Zoning District, and 2-Lot Certified Survey Map (CSM) Application; and Conditional Use Permit (CUP) 06-2021, to Allow an encroachment into a 25' Wetland and 75' Navigable Waterway Setback, for Capstone Quadrangle Development Company, agent for MLG/RMS Ltd. Partnership, property owner – 52.5 acres at N128 W20943 Holy Hill Road. Motion carried. J. Miller and Hudson voted no.

- B. **Certified Survey Map** for Home Path Financial LP, property owner of 2.33-Acres on Bittersweet Trail, Outlot CSM 4988. 4- Lot Certified Survey Map (CSM) to create four single-family lots as part of the Heritage Park North Subdivision.

Associate Planner Zandt came to the podium. The preliminary plat was shown. There will be a final development agreement for Home Path Financial yet to come forward. Plan Commission recommended the item subject to two conditions.

Motion (Myers/Baum) to approve Certified Survey Map for Home Path Financial LP, property owner of 2.33-Acres on Bittersweet Trail, Outlot CSM 4988. 4- Lot Certified Survey Map (CSM) to create four single-family lots as part of the Heritage Park North Subdivision. The zoning to surrounding communities were reviewed. IT is consistent with surrounding. Drainage was discussed. Motion Carried Unanimously.

- C. Water Rate Increase – Vicki Hellenbrand, Baker Tilley.

Administrator Kreklow introduced the item. Friday communication was received from the Wisconsin Public Service Commission. The Service Commission recommended a two-step increase that will allow for funds to be available to the utility of 1,154,066 and 256,943 rate increase. Effective within 90 days of PSC approval and the second after the new water tower is in place. The average increase is \$9.50 per month and includes the portion of the public fire protection. Includes a rate of return of 4.9%; this is what the PSC has indicated as needed for infrastructure.

The PSC informed us of the public hearing that will be in mid-september. Week of September 6th or September 13th. The hearing is held in Madison and is over phone lines. This is the last Village Board meeting prior to the public hearing. When informed of the date will post on the village website, facebook and other postings. If the PSC approves the increase, it will go into effect within 90 days and will be in the final billing quarter of 2021.

The Village Board does not approve the rate increase. The Village Board can direct staff to look at the 4.9% rate of return. Could be submitted to the PFC. An analysis of alternatives were reviewed.

The rate of return in the past two years has been roughly zero. The revenues have been generally covering operating and not adequate to replace aging equipment such as meters, programmable equipment, readers, miles of water main that needs to be replaced over several years. The meters are failing and upon approval of the rate increase will go forward with meter replacement.

The public service commission does not allow for a phase in of rate increase. The last large increase was in 2010.

Attorney Sajdak reported that the public hearing will be available for participation from the Village Hall. Residents can call in from home or Village Hall.

Motion (Baum/Kaminski) to approve 4.9% rate of return increase. The Public Hearing is with the PSC. Motion carried. Hudson voted no.

D. Report from Village Administrator on COVID – 19.

Administrator Kreklow reported on the COVID-19 Status. A chart of COVID cases in Washington County was shown. Appear that we will see increase in cases in the coming weeks. No new cases with Village Staff. No action was taken.

E. Redistricting Update and Timeline.

On Friday Clerk Braunschweig met with the County Clerk and County GIS Staff. Last week the population data was received at 20,934. New redistricting map will come before the General Government and Finance Committee on September 20, 2021 and then Village Board October 4, 2021. Normally, the census block information is received in March. The information was received mid-August. The timeline to prepare is greatly reduced.

F. Meridian Germantown LLC / Wal-Mart Stores, Inc claim of excessive real estate tax settlement. 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,

The Village President read the item. Attorney Sajdak advised that the item could be presented in open session. Administrator Kreklow reported on the results of mediation. Attorney Gehring is available if needed. Meridian Germantown LLC / Wal-Mart Stores, Inc came to an agreement to set the value of the property at 62.50 per square foot for 2019 and 2020 and 60 per square foot for 2021. There would be a refund that the Village would owe. Motion (Myers/Baum) to accept the mediation amounts. Roll Call Vote Carried Unanimously.

- G. Potential Tax Increment Development Incentive for the Potential Tenant for the Property Located at the Northwest Corner of Goldendale and Holy Hill Roads (Dickman Development Property Owner). 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 (R. Miller/J. Miller) to convene into closed session for I., item and to include the Village Board, Administrator Kreklow, Director Retzlaff, Attorney Sajdak, and Clerk Treasurer Braunschweig. Roll call vote carried unanimously.

ADJOURNMENT.

ADJOURNMENT: There being no further business, the meeting adjourned at 9:01 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