

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
April 4, 2022**

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, Pieper, and Neureuther. Also present: Administrator Kreklow, Clerk Braunschweig, Attorney Sajdak, Director Retzlaff, Director Ratayczak, Associate Planner Zandt, Chief Snow, and Superintendent Zimmerman.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:

Tomorrow is the election, remember to vote.

Tomorrow is the Spring Election. Polls are open from 7 am – 8 pm.

Voters can find their poll location and sample ballots at myvote.wi.gov and on the Village website. The races include Court of Appeals Judge, County Supervisor, Village President, and School Board Members.

**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:

The next Independence Day Meeting will be held on April 12th at 6 PM.

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

President Wolter read an email from Katie Kautz with comments against the Water Expansion.

President Wolter read an email from Jeff Braun with comments against the Water Expansion.

President Wolter read an email from Lilabeth Yao with comments against the Water Expansion.

President Wolter read an email from Mr. and Mrs. Kautz with comments against the Water Expansion.

Melanie Smythe of Cedar Lane came to the podium. She distributed a document titled stakeholder perspectives. She commented on the 2050 plan and her requests: Moratorium on new development until 2050 plan is in place, 60% of new resident participation, more community participation, fix the website, a notice program, at least three notices to each resident for the 2050 plan. She spoke against the water expansion agreement. She spoke against section I as it is indefinite. She wants a cost analysis.

Judy Kautz of Meadow Lane at Woodside Acres. She referenced an email she sent against the Water Expansion.

She questioned if a referendum is needed. She requested the Village Board consider protection of private wells.

President Wolter commented on Village of Richfield is paying the main costs. Richfield is paying half of the cost of right away once the Engineering is underway.

Julie Brown of Cedar Lane, she spoke against the water sewer agreement.

Scott Hefle of Old Farm Road came to the podium. He spoke about the population of Richfield. He spoke of the increase of water bill rates. He spoke against the water sewer agreement.

John Jeffords Richfield Village President of Pleasant Road. The Village of Richfield does not have their own Water / Sewer due to the soils. The glaciers left gravel with the exception of the East to the Sub Continental Divide. The soil changes from gravel to heavy soils.

The gravel areas support the conventional septic systems.

He gave history of the area along 41 is more commercial / industrial. He reported that water studies were done. The Township became a Village in 2008. They did not have access to TID financial support at that time. John Jeffords spoke in favor of the water / sewer agreement and thanked staff.

Jeff Braun came to the podium. He commented on shallow wells and deep wells. He spoke against the water / sewer agreement.

Dan Wing of Slinger came to the podium. He spoke of private wells and his family well went dry. It was a shallow well. He spoke of the Richfield monitoring program of private wells. He commented on the request from the Village of Richfield for water / sewer. He commented on the water tower height extension. He spoke against the County vision of workforce housing. He commented on a referendum.

President Wolter commented on a change order that did go through meetings. There are parts of Germantown that will require a higher tower. President reported that we do not monitor private wells but are monitoring Village Wells. There was a serious drought. President Wolter reported that the workforce housing is next generation housing. The roads have been traded roads with the County. If a referendum came forward it would be a non-binding referendum.

Don Kreifall of Richfield, Washington County Supervisor came to the podium. He commented on next generation housing. Spoke in favor of next generation housing and the agreement.

Zach Sullivan, of Island View Drive came to the podium. He reported on past testing on the well. He questioned the well at full capacity and long-term studies. He spoke against the water sewer agreement.

CONSENT AGENDA:

A. Approval of Minutes March 21, 2022 and March 30, 2022, Meetings.

B. Accounts payable/payroll:

1.	March 18, 2022	Accounts Payable	\$ 294,409.12
2.	March 25, 2022	Accounts Payable	\$ 185,540.38
3.	March 29, 2022	Payroll	\$ 241,586.65
4.	April 1, 2022	Accounts Payable	\$ 183,893.48

The following items were forwarded from the **General Government and Finance Committee** with a unanimous recommendation:

C. Police Department - Communication Officer Wages.

Motion (Pieper/Hudson) Consent agenda items, A-C. Roll Call Vote carried unanimously.

UNFINISHED BUSINESS:

A. None.

PUBLIC HEARING:

A. None.

NEW BUSINESS:

**Motion (Pieper/Kaminski) to take the items out of order and move item I. up on the agenda.
Motion carried unanimously.**

I. Intergovernmental Agreement with the Village of Richfield for Sewer and Water Services.

Attorney Sajdak reported on the item and gave history to the item. There was a new agreement on the dias for the Village Board. Attorney Sajdak reviewed the updates and changes. He reported on the water service as it comes from Rockfield Road through the Freistadt Road area. The flow is capped. The customers pay 100% of the water rate as set by the PSC. The sewer rate is 120% of the rate.

Attorney Sajdak reviewed the change in the escrow area. The Private well escrow includes the subdivision and a couple houses and there are a couple areas not covered by the escrow. The houses are in a commercial area. The comment is then where does the escrow area stop. The well is there and will operate. Entering the IGA may be better than not as then there are funds for the wells.

The Village does have 11 other wells in place.

Director Ratayczak gave information to the item. He reported on the well drilling on May 31, 2021 and there were governmental agencies involved prior to drilling. The DNR was involved. The well started as a deep well. It was noticed that the water came up higher. Initial tests tested favorably. July 2021, began initial testing as a shallow well. History of the change orders were reviewed as approved by the Public Works Committee. He reported on the notification and directions from the DNR. Geologists and engineers were onsite during the process of the well drilling. Five residential wells were monitored by Hydrogeologist during the testing. The average draw down of the wells was 7-8 feet. The average draw down is 1 ½ to 2 ½ feet per day. The recovery time was reviewed.

Director Ratayczak reviewed facts of the peak and average flow.

Attorney Sajdak reported on the referendum details. Further discussion of a non-binding referendum. The last date for the Village Board to pass a resolution for a referendum to be placed on the August ballot is May 16.

Motion (Baum/R. Miller) to approve Intergovernmental Agreement with the Village of Richfield for Sewer and Water Services.

Discussion of downtown development and road repair was discussed.

Discussion ensued of failure rate caused by municipal wells. There was not documentation available. Administrator Kreklow reached out to the DNR and they did not have failure rates due to municipal wells.

Discussion ensued of the escrow amount and radius.

The Village of Germantown monitors Village wells. Discussion ensued that the Village has been providing water to Menomonee Falls for 27 years in the JC Penney, Culvers, area. Discussion ensued of getting additional infrastructure that is not on the taxes but on utilities.

Village President Wolter summarized the discussion, Additional monies are needed for long term maintenance of sewer and water including Holy Hill road. The agreement allows for a seat at the table, and input and controls of the development.

There is 9 million that the Village would not have to borrow or tax for.

Concerns from residents were brought forward and have been addressed.

We have only heard from a small percentage of the residents. Discussion ensued of shared services and offsetting the costs, including the library. There is shared fire and police service.

Referendum would help put the item to bed. Richfield could go to Jackson.

Jeffords of Richfield commented Richfield would be willing to work with the Village to add monitoring on the wells.

Administrator reported that the process, there have been a series of memorandums of understanding and the last ended on March 31st. Richfield has been paying for these items. Time is of the essence and if the Village Boards wants to pursue a referendum timing could be an issue. Discussion ensued of possible timelines in place.

Amendment Motion (Myers/Neureuther) to allocate \$100,000 of reserves to cover the residential well of the areas impacted by the well number 12. Roll Call Carried, 6-3. Hudson, J. Miller, Pieper, no.

Neureuther reported on questions.

1. Financial Impact on Richfield and Germantown
2. Can we dig the well deeper and what cost
3. What agency approvals are needed?
4. Radius of the escrow
5. insurance liability policy
6. who is the Germantown point person and Richfield point person
7. Germantown possible costs.
8. What is the complaint procedure?
9. What is the Police and fire impact?

Comments to include that the Village is not getting enough with the \$9 Million and would like to see more and see more park land. A giant warehouse is not a good thing for the community. The Village is not prepared and to slow down the development, what's the rush. The Village does not have the staff.

Hudson comments: "I'd like to take a moment of time to thank my fellow citizens who contacted village board members or came to one of the listening sessions. In order for our village to reach its full potential, we need to carefully listen to those whom our decisions will most affect. While we may not all have the same opinions and ideas, every person deserves to have their voice respectfully heard.

A few short weeks ago, our Village Board adopted goals for 2022. These goals are based on feedback received from our citizens and challenges that the Village Board perceives exists. Two of the most important goals the Village Board identified are building trust and better communication with our citizens.

Trust and communication are pillars upon which quality government is built. The Germantown Village Board acknowledged that these are areas where we can do better.

This vote will be an indication as to whether we are going to work to build trust and communication in our village or whether we are going to set lofty goals and simply give them lip service.

On the issue of selling water to Richfield our citizens have overwhelmingly asked us to reject this agreement.

The voices of our residents are crystal clear. My intention is to listen to what our citizens desire. I urge each of you to listen to them."

Motion to Call the Question (Pieper/Hudson) carried. Three opposed.

Motion as amended failed. Myers, Neureuther, Wolter voted aye.

Recess 9:45 p.m.

The Board reconvened at 10:05 p.m.

Motion (Pieper/Kaminski) to take items out of order for item D. Motion carried unanimously.

- D. Conditional Use Permit (CUP # 01-2022) for an "Indoor Recreation Establishment", Elizabeth Ortin, Applicant for Anderson Brothers Construction, Property Owner - W188 N10707 Maple Road.) for an "Indoor Recreation Establishment"..

Motion (Myers/Pieper) to approve Conditional Use Permit (CUP # 01-2022) for an "Indoor Recreation Establishment", Elizabeth Ortin, Applicant for Anderson Brothers Construction, Property Owner - W188 N10707 Maple Road.) for an "Indoor Recreation Establishment".

Motion carried. Baum Opposed.

- A. Kiwanis, Temporary Class B Fermented Malt Beverage and Wine License, July 28, Taste of Germantown, Gehl's Park Pavilion, Firemen's Park, Park Avenue.

Motion (Pieper/Myers) to approve Kiwanis, Temporary Class B Fermented Malt Beverage and Wine License, July 28, Taste of Germantown, Gehl's Park Pavilion, Firemen's Park, Park Avenue. Motion carried unanimously.

- B. Zilber Property Group, Applicant for ZPG Development LLC, Property Owner of a 55.9 acre parcel on Gateway Crossing (Lot 4 Certified Survey Map #6898). Ordinance 05-2022, Planned Development District (PDD) Amendment to add 55.9 acres to the Germantown Gateway Corporate PDD. Resolution 13-2022, Amending Conditions & Restrictions for the Germantown Gateway Corporate Park PDD.

Motion (Baum/Neureuther) to approve Zilber Property Group, Applicant for ZPG Development LLC, Property Owner of a 55.9 acre parcel on Gateway Crossing (Lot 4 Certified Survey Map #6898). Ordinance 05-2022, Planned Development District (PDD) Amendment to add 55.9 acres to the Germantown Gateway Corporate PDD. Resolution 13-2022, Amending Conditions & Restrictions for the Germantown Gateway Corporate Park PDD. Motion carried. J. Miller, Pieper, Hudson Voted no.

- C. Colgate Gas Inc., Applicant and Property Owner - W220 N9626 Amy Belle Road & N96 W21962 County Line Road for (1) Ordinance 06-2022, Land Use Plan Map Amendment from Rural Residential to Commercial and Low Density Residential, (2) Ordinance 07-2022, Rezoning from B-5: Highway Business to the Rs-4: Single Family Residential Zoning District, (3) 2-Lot Certified Survey Map (CSM) to move a property line.

Motion (Myers/Baum) to approve Colgate Gas Inc., Applicant and Property Owner - W220 N9626 Amy Belle Road & N96 W21962 County Line Road for (1) Ordinance 06-2022, Land Use Plan Map Amendment from Rural Residential to Commercial and Low Density Residential, (2) Ordinance 07-2022, Rezoning from B-5: Highway Business to the Rs-4: Single Family Residential Zoning District, (3) 2-Lot Certified Survey Map (CSM) to move a property line. Motion carried unanimously.

- E. Resolution 14-2022, Authorizing the Issuance and Sale of Not to exceed \$4,365,000 General Obligation Promissory Notes, Series 2022A.

Motion (Kaminski/Hudson) to approve Resolution 14-2022, Authorizing the Issuance and Sale of Not to exceed \$4,365,000 General Obligation Promissory Notes, Series 2022A. Roll Call vote Carried. Pieper voted no.

- F. Resolution 15-2022, Authorizing the Issuance and Sale of Not to Exceed \$2,575,000 Taxable General Obligation Promissory Notes, Series 2022B.

Motion (Kaminski/Hudson) to approve Resolution 15-2022, Authorizing the Issuance and Sale of Not to Exceed \$2,575,000 Taxable General Obligation Promissory Notes, Series 2022B. Roll Call vote Carried. Hudson and Pieper voted no.

- G. Resolution 16-2022, Providing for the Issuance and Sale of Not to exceed \$4,285,000 Water System Revenue Bonds, Series 2022C and Providing for Other Details and Covenants With Respect Thereto.

Motion (Kaminski/Hudson) to approve Resolution 16-2022, Providing for the Issuance and Sale of Not to exceed \$4,285,000 Series 2022C and Providing for Other Details and Covenants With Respect Thereto. Roll Call vote Carried. Pieper voted no.

- H. Resolution 17-2022, Authorizing the Issuance and Sale of not to exceed \$4,530,000 Note Anticipation Notes, Series 2022D.

Motion (Kaminski/Hudson) to approve Resolution 17-2022, Authorizing the Issuance and Sale of not to exceed \$4,530,000 Note Anticipation Notes, Series 2022D. This is for the land and infrastructure for the DPW building. Roll Call vote Carried. Pieper Voter No.

I. Award Contract to Wolf Paving in the amount not to exceed \$1,468,927.40 for The 2022 Road Improvement Project.

Motion (Kaminski/Hudson) to approve Award Contract to Wolf Paving in the amount not to exceed \$1,468,927.40 for The 2022 Road Improvement Project. Motion carried unanimously.

I. Award Contract to Wil-surge Electric, Inc in the amount not to exceed \$298,874.34 for The Mequon Road Street Lighting Project.

Motion (Baum/J. Miller) to approve Award Contract to Wil-surge Electric, Inc in the amount not to exceed \$298,874.34 for The Mequon Road Street Lighting Project. Roll Call Vote Carried. Pieper voted no.

I. Authorization to obtain an appraisal in contemplation of the purchase of N116W15843 Main Street and W157N11593 Fond du Lac Ave.

Motion (Pieper/Myers) to approve Authorization to obtain an appraisal in contemplation of the purchase of N116W15843 Main Street and W157N11593 Fond du Lac Ave. This will be in the \$3,000 - \$7,000. Motion carried unanimously.

ADJOURNMENT.

ADJOURNMENT: There being no further business, the meeting adjourned at 10:40 p.m.

The next regular meeting of the Village Board will be on Monday, April 18, 2022, at 7:00 p.m.

Respectfully Submitted,
Deanna Braunschweig
Deanna B. Braunschweig, WCMC/CMC
Village Clerk – Treasurer