

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
June 6, 2022**

CALL TO ORDER: The meeting was called to order at 7:08 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, Director Retzlaff, Director Ratayczak, Associate Planner Zandt, Chief Snow, Superintendent Zimmerman, and Attorney Sajdak (via Webex).

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:

Village President Wolter commented that Fourth of July Volunteers are needed.

**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:

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

Bill & Carol Schneider sent an email against the American Rescue Act Monies to Employees and to use the monies toward roads.

Ann Barrowclift sent an email against mowing Schoen Laufen Park.

Village Plaza, Frederick Gierach, sent a letter against the extension of premise for Brama's Pizzeria LLC.

Ben Hubrich, Carrington Circle, former employee, came to the podium. He thanked the Village for his time at the Village. He spoke in favor of the America Rescue Plan Funding for Village Employees and for Village Employees working during the pandemic.

Melanie Smythe of Cedar Lane came to the podium with questions of the 2050 plan sessions and process for approval. Director Retzlaff reported that the next meeting will be on June 24th, with public hearing(s) to follow.

Sharon Keran from the Town of Germantown came to the podium, as there is a line item about annexation on the agenda. Trustee Baum and Trustee Pieper commented that at Mai Fest there were a number of Town of Germantown residents that inquired about the annexation.

Trustee Pieper commented she placed the item on the agenda for answers to questions on annexation.

Jennifer Guslick of the Town of Germantown came to the podium, as there is a line item about annexation on the agenda. The line item was a surprise to the board and residents. She is a former Village of Germantown resident. She would like to be contacted prior to on an agenda.

Joann Grislow of the Town of Germantown came to the podium with questions on annexation.

Trustee Pieper read her request for the annexation item on the agenda.

CONSENT AGENDA:

- A. Approval of Minutes May 16, 2022, Meeting.
- B. Accounts payable/payroll:
 - 1. May 13, 2022 Accounts Payable \$ 365,362.32
 - 2. May 20, 2022 Accounts Payable \$ 115,131.73
 - 3. May 24, 2022 Payroll \$ 229,153.83
 - 4. May 27, 2022 Accounts Payable \$ 328,943.76
 - 5. June 3, 2022 Accounts Payable \$ 50,990.71
 - 6. June 7, 2022 Payroll \$ 357,833.45

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

- C. America Rescue Plan Funding – Electronic Poll Books.
- D. Vacation Policy.

The following items were forwarded from the **Public Works and Highway Committee** with a unanimous recommendation:

- E. Resolution 24-2022, Resolution adopting the Compliance Maintenance Annual Report (CMAR).
- F. Ordinance 10-2022, Creating Section 13.30 (7) Imposition of a Charge for Water Meter Replacement Non-Compliance.
- G. Award Bid for Country Aire Drive Sanitary Sewer Water Main Extension to Kruczek Construction in an amount not to exceed, \$375,677.77

Motion (Baum/Myers) to approved consent agenda items. Roll Call Vote carried unanimously.

UNFINISHED BUSINESS:

- A. America Rescue Plan Funding – Village Employees.

Administrator Kreklow reported on the item, payroll taxes are included.

Motion (Myers/R. Miller) approve America Rescue Plan Funding – Village Employees. The funds are not from property tax levy. Retirees were included depending on the number of months worked. The funding is from the federal government. Roll Call Vote Carried. Tr. Baum, Neureuther, and Pieper voted no.

Motion (Myers/Pieper) to take items out of order and go to item G. Motion carried.

New Business G. Denial of Operator License for Maria Guevara.

Chief Snow reported on the record for denial.

Motion (Pieper/Hudson) to approve the Operator License for Maria Guevara. Motion carried unanimously.

Motion (Baum/Myers) to take items out of order and go to item L. Motion carried unanimously.

New business L. Annexation of Town of Germantown. Process of Annexation and Potential Policies.

Attorney Sajdak reported on the annexation process. There is annexation by unanimous consent or annexation by ½ approval.

Land-owners can sign a petition to annex. In event of ½ approval, it would become a referendum.

There are other methods, the land has to touch or be adjacent to, or annex town islands, the other requires the Village to pay five years of the property tax. Both require a referendum. There would be an ordinance by the board, passed by a 2/3rds vote.

The referendum would be voted on by those to be annexed. Or there could be a merger rather than annexation.

History was given that the City of Milwaukee annexed a portion of the Village without a vote or referendum. There have been statutory changes to the process since that time.

If the process starts with the Village, the Village would have to pay the Town five years of taxes. This is typically a merger and no payment to the other municipality.

Discussion ensued of the timeframe depending on how it comes forward depending on the circulation of the petition and publication.

Director Ratayczak came to the podium and reported of road paving.

Sharon Keran from the Town of Germantown came to the podium and questioned discussion.

Paul Mertz, Town of Germantown Chair came to the podium and gave history to the Town annexation. He commented that they outsource a lot of items. Discussion ensued of future fire contracts.

B. Drake Encoder Cable Solution Update.

Manager Hirn reported that Spectrum needs to order and install a Drake Encoder. This could take up to five months and cost around \$5,000. Currently, there is a live streaming to the YouTube.

PUBLIC HEARING:

- A. Jon Weske, N104 W20255 Willow Creek Road. Variance request from Section 14.105(2) of the Village's Building Code to have a Solid Fuel-fired Heating Device in the Rs-4 Single-family Residential Zoning District.

Director Retzlaff came to the podium and was sworn in. The variance request was presented. The site location and aerial view was shown. Director Retzlaff reported on the ordinance that is in place. This is a variance of Building code section 14.105. The wood furnace was installed in May of 2005 prior to the ordinance. There was a complaint received from an adjacent property owner. The Weske property graphics and Certified Survey map were shown. This is for five variances. This was not grandfathered as the ordinance states that pre-existing need to apply and it was moved. There is a neighbor dispute.

President Wolter read the hearing notice and opened the public hearing.

Jon Weske of N104 W20255 Willow Creek Road, Colgate was sworn in.

The furnace was installed in May of 2005 and then moved in September of 2005. The original neighbor gave him permission to install the furnace. This heats his home and water. The furnace does not leak or cause problems. The property does have alternate heat.

Mr. Weske stated that he did call the Village at installation for any rules. The Village did not have rules at that time.

Attorney Sajdak questioned applicant, is everything true and correct and is there anything to supplement. Nothing additional to supplement.

If denied can the furnace be moved? It could be moved but would have to go on neighbor's property due to the location of the septic.

Patrick Kuehmichel of Willow Creek came to the podium and was sworn in. Neighbor showed on the map that his grandfather was going to give the land to Jon Weske but his grandfather passed prior to the land being given.

Mary Suhorepetz of Willow Creek Road came to the podium and was sworn in. She spoke in favor of the outdoor furnace.

Dan Kuehmichel of Willow Creek came to the podium and was sworn in. Neighbor showed where on the map and spoke in favor of the neighbor and fire stove.

Sharon Beay of Willow Creek Road came to the podium and was sworn in. Neighbor spoke in favor of the neighbor and fire stove.

President Wolter closed the public hearing at 8:55 pm

NEW BUSINESS:

- A. Jon Weske, N104 W20255 Willow Creek Road. Variance request from Section 14.105(2) of the Village's Building Code to have a Solid Fuel-fired Heating Device in the Rs-4 Single-family Residential Zoning District.

Motion (Pieper/Hudson) to approve the variance request from Section 14.105(2) of the Village's Building Code to have a Solid Fuel-fired Heating Device in the Rs-4 Single-family Residential Zoning District.

Discussion ensued of danger of structure or to the neighbors and the setback. The accessory structure is 19 feet away on the Weske, the other accessory structure is 24 feet. The code is 25 feet. The structure on the neighboring property was pointed out (building in red). The chimney height is for the smoke to be up and away from the device and adjoining properties.

Discussion ensued of the hardship. It is Mr. Weske's job to present the hardship.

Discussion ensued of the need for a permit for the pad or plumber.

There is a boiler that is capable of heating the house, natural gas. The intent was to square off the lot.

The building closest, used to be an airplane hanger. It does not house animals.

Discussion ensued of the chimney height.

Retzlaff commented that there could be guidewires on the chimney.

The variance runs with the land and future owners.

Discussion ensued of the zoning of Rs-4. The zoning is not a hardship.

The septic field is in the back of the yard and hard to work around.

Discussion ensued of the location was a reflection of an error of two property owners that put it in the wrong place.

Discussion ensued that the first time he came to the Village there was not a regulation for an outside burner, nothing in the building code at that time.

Dealer out of Kewaskum installed for him.

-Weske, Hardship is another \$400 a month in heating bills in the winter. Weske reported on the plumbing from the outside burner to the inside of the house.

Discussion ensued of the zoning and that it was not always Rs-4. The house was built in 1969. Changed prior to 1969.

This is variance that runs with the land.

The stove was moved closer to the house. Installed in 2005 and moved when there was an ordinance in place. It has been in currently location for about 10 years.

Discussion ensued of the hardship or substantial justice.

Discussion ensued of the Board of Zoning of Appeals and the struggle for the hardship. Discussion ensued that Unlike the Board of zoning of Appeals, the Village Board could rezone the property, could change the code. The Village Board can change the zoning. Zoning of Rs-4 was read. Discussion ensued of the application and extraordinary hardship.

Discussion ensued that if the variance is not granted this is a violation of the code and would have remove the outdoor heating device.

Discussion ensued of changing the ordinance.

Motion (Hudson/J. Miller) table to July 18 village board meeting. Potentially development of building code or ordinance change. Baum voted no.

- B. Todd & Cindy Wetterau, Property Owners of 57.4 acres located on Fond du Lac Ave/STH145. **Ordinance 08-2022** Rezoning from A-1: Agricultural to A-2: Agricultural District and a 2-lot Certified Survey Map (CSM) to divide the 57.4-acre property.

Motion (Myers/Baum) to approve Ordinance 08-2022 Rezoning from A-1: Agricultural to A-2: Agricultural District and a 2-lot Certified Survey Map (CSM) to divide the 57.4-acre property. Asking for a fifth condition, to withhold until working thru quit claim deed Motion carried unanimously.

- C. Keith & Carrie Ceman, Property Owners of W189 N12712 Deerwood Circle. **Ordinance 09-2022** Rezoning from Rs-2: Single-Family Residential to Rs-3: Single-Family Residential and a 2-lot Certified Survey Map (CSM) to divide the 3.4-acre property.

Motion (Myers/R. Miller) to approve Ordinance 09-2022 Rezoning from Rs-2: Single-Family Residential to Rs-3: Single-Family Residential and a 2-lot Certified Survey Map (CSM) to divide the 3.4-acre property. Motion carried. Baum Voted no.

- D. Fireworks User Permit Application for Celebrate Germantown WI Inc., July 4, 2022, Firemen's Park, W162N11870 Park Avenue, Wolverine Fireworks Display.

Motion (Myers/J. Miller) to approve Fireworks User Permit Application for Celebrate Germantown WI Inc., July 4, 2022, Firemen's Park, W162N11870 Park Avenue, Wolverine Fireworks Display. Motion carried unanimously.

- E. Fireworks User Permit Application for Dan Benning, July 30, 2022, 9 p.m., Homestead Hollow County Park, N120W19809 Freistadt Road, J&M Displays.

The item was Postponed in Public Safety. Motion (Kaminski/Hudson) to postpone and allow the Fire Chief to work with the company involved. Fire Chief Delain will contact to the company involved. There are concerns of ground brush. Because this is not a municipal event they should cover the expenses. This is for a private party. Motion carried unanimously.

- F. Bramas Pizza extension of premise, Brama's Pizzeria LLC, Carrie Wegner, N116W12831 Elm Lane, d/b/a **Brama's Pizzeria**, N112W16700 Mequon Road, Coolers and bar area located on the West wall, rear of restaurant in locked storage room / office; parking lot area in front of restaurant.

Motion (R. Miller/Hudson) to postpone pending approval by the Condo Association. Motion carried unanimously.

- H. Resolution 23-2022, Creating Tax Incremental District No. 9, Approving its Project Plan and Establishing its Boundaries.

Motion (Myers/Baum) to approve Resolution 23-2022, Creating Tax Incremental District No. 9, Approving its Project Plan and Establishing its Boundaries. The project plan was shown. The joint review board held their initial meeting. Plan commission has approved the TID. The joint review board will meet on June 22. The location of the TID was shown. It is adjacent to the new Public Works building site. The Public Works building site is not in the TID. The cash flow prediction report was shown. The timeline was shown.

The road for the Village Public Works building site would be funded by the Village. The road for the developer would be funded by the TID. A development agreement will be forthcoming. Motion carried. Hudson and Pieper voted no.

- I. Special Committee Creation and Appointments for the purpose of updating the Village Elected Official Handbook.

Motion (Myers/J. Miller) to approve a Special Committee Creation and Appointments for the purpose of updating the Village Elected Official Handbook. The committee would comprise of the Village President as Chair, and the Chairs of each committee, Public Works, Public Safety, and General Government and Finance. Motion carried unanimously.

- J. Engagement of a Communications Firm for Communications related to the Richfield Utilities Referendum.

Administrator Kreklow reported on the item due to the referendum. He is asking if the board would like to go forward to solicit proposals for this type of work and bring back to the board for selection. Motion (Myers/R. Miller) to approve the Village Administrator to go out with an RFP for an outside communications firm. Discussion ensued of the cost estimates. Motion carried. Baum and Pieper voted no.

- K. Batzner Pest Control Presentation - Bird Netting. Batzner Pest Control Bird Netting in an amount not to exceed, \$37,000.

Motion (Myers/Kaminski) to approve Batzner Pest Control Presentation - Bird Netting. Batzner Pest Control Bird Netting in an amount not to exceed, \$37,000. Motion carried. Pieper voted no.

- M. Discount Ramps Claim. The Village Board May Enter into Closed Session per Wis. Stat. § 19.85(1)(e) for the purpose of Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved and then may reconvene into open session to take such action as it deems appropriate.
- N. Acquisition of Property in the Area of the Intersection of Donges Bay and Wasaukee Roads for a new Department of Public Works Facility. 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 for item M. at 10:37 p.m. and to include the Village Board, Administrator Kreklow and Attorney Sajdak. Roll Call Vote Carried.

Motion (Myers/Pieper) to convene into closed session for item N. and to include the Village Board, Administrator Kreklow and Attorney Sajdak. Roll Call Vote Carried.

ADJOURNMENT.

ADJOURNMENT: There being no further business, the meeting adjourned at 11:40 p.m.

The next regular meeting of the Village Board will be on Monday, June 20, 2022, at 7:00 p.m.

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