

MEETING:	REGULAR MEETING OF THE VILLAGE BOARD
DATE AND TIME:	Monday, October 2, 2023 7:00 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

MINUTES

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*

The Village Board Meeting was called to order at 7:00 PM by Village President Dean Wolter.

II. **ROLL CALL:**

Present: Trustee Jan Miller, Trustee Phil Hudson, Trustee David Baum, Trustee Bill Neureuther, Trustee Rick Miller, Trustee Jolene Pieper, President Dean Wolter

Also Present: Support Service Manager Erin Hirn, Attorney Brian Sadjak, Community Development Director Jeff Retzlaff, and Village Clerk Donna Cox.

Absent: NONE

Excused: Trustee Terri Kaminski, Trustee Dennis Myers

III. **PLEDGE OF ALLEGIANCE:**

IV. **PRESIDENT'S REPORT:**

No report was given.

V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST
COMMITTEE AND DEPARTMENT REPORTS:**

Trustee Rick Miller advised that the Public Works and Highways Commission will meet on October 4th and the General Government and Finance Committee will meet on October 16th.

Trustee Hudson advised the Public Safety Committee will meet on October 4th at 6:30 PM.

- VI. CITIZEN INPUT:** *(Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a three (3) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.)*

Kevin Nash (Country Aire Dr) spoke regarding the Village Budget, commended the Village's events (such as Oktoberfest), questioned Police Services and Dispatch consolidation.

Steve Wesolowski (Pheasant Run) spoke regarding the land purchase and development of the new sewer utility lift station and the current lift stations. Melanie Smythe (Cedar Lane) spoke regarding Item D 2023 Road Program Change Order #1. Doug Loman (Rivers Bend Circle W) spoke regarding the location of Germantown's Chamber of Commerce.

Scott Hefle (Old Farm Rd) spoke requesting to record the Committee of the Whole Meeting and spoke regarding the Village Budget.

VII. CONSENT AGENDA:

There were no items on the Consent Agenda.

VIII. UNFINISHED BUSINESS

There was no Unfinished Business.

IX. NEW BUSINESS:

Motion: To address Item B first before Item A.

Motion By: Jolene Pieper

Seconded By: Rick Miller

Yes: David Baum, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter

No: None

Abstain: None

Motion Passed (Yes 7, No 0, Abstained 0)

- B. Original Alcohol Beverage Retail License Application - Ivey's At Main (Change in LLC)

Motion: Approve as presented

Motion By: David Baum

Seconded By: Bill Neureuther

Yes: David Baum, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Dean Wolter

No: None

Abstain: Jolene Pieper

Motion Passed (Yes 6, No 0, Abstained 1)

- A. Hans Dawson, Agent for Moraine Development LLC, Property Owner - W218 N11546 Appleton Avenue. Applications to: (1) Create an Rs-2:Single-Family Residential Planned Development District (Rs-2/PDD) pursuant to Sections 17.15 and 17.27 of the Zoning Code; (2) Rezone from the M-4: Mineral Extraction, A-2: Agricultural, and Rs-2: Single-Family Zoning Districts into the newly created Rs-2/PDD Zoning District; and (3) a Certified Survey Map (CSM) to combine six parcels all for the purpose of restoring and redeveloping the former gravel mining property into a 126.5-acre private conservation area and 15-lot Single-Family residential development.

Community Development Director Jeff Retzlaff requested approval of the RS-2 Single Family Residential PDD, the rezone from the M-4 Mineral Extraction, A-2 Agricultural, and Rs-2 Single Family Zoning Districts into the newly created Rs-2 PDD Zoning District, and approval of the CSM combining six parcels into one. The 126.5 acres was agreed to be a private conservation area instead of a future park area by the Developer/Owner and Park & Recreation Commission with an \$80,000 contribution by the Developer/Owner to do the PDD Overlay.

Developer/Owner Hans Dawson (Sleepy Hollow Rd) spoke to the Board regarding his concerns of not removing the star on the Park & Rec map. Dawson requests to remove the star so it is understood this land would not be considered a future park area and to create certainty to his investment and the future improvements to stabilize the land.

Trustee Pieper expressed her concerns and opposed the proposal due to the potential for lawsuits and harassment, referencing the Village of Richfield and the pit off Scenic Rd, and requests the 126.5 acres be public and not private. Dawson advised that he would be reshaping the land only and not bringing in additional fill. He advised there would be no incentive for him to develop and maintain the land if it were made public.

Trustee Jan Miller questioned the Park & Recreation star map and favors the Hans Dawson proposal with his land improvements.

President Wolter notes that the removal of the Star designation on the property was not on the Agenda for discussion tonight, and that it would go before Parks & Recreation Commission and then Village Board for consideration. Discussion of the financial contributions and specifics of the PDD would need to go before the Plan Commission and then the Village Board for consideration.

Motion 1: Approve the CSM to combine the six parcels into one, as presented

Motion By: David Baum

Seconded By: Jan Miller

Yes: David Baum, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Dean Wolter

No: Jolene Pieper

Abstain: None

Motion Passed (Yes 6, No 1, Abstained 0)

Motion 2: Approve the creation of the RS-2 Zoning District to the PDD, as presented

Motion By: David Baum

Seconded By: Jan Miller

Yes: David Baum, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Dean Wolter

No: Jolene Pieper

Abstain: None

Motion Passed (Yes 6, No 1, Abstained 0)

Motion 3: Approve the rezoning of the RS-2 PDD of the 126.5 acres with the 5 conditions, as presented

Motion By: David Baum

Seconded By: Rick Miller

Yes: David Baum, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter

No: None

Abstain: None

Motion Passed (Yes 7, No 0, Abstained 0)

C. Renewal of Sun Life Stoploss Contract

Support Services Manager Erin Hirn advised this is an additional insurance the Village carries for additional protection if a claim reaches a certain level.

Motion: Approve as presented

Motion By: Rick Miller

Seconded By: David Baum

Yes: David Baum, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter

No: None

Abstain: None

Motion Passed by Roll Call Vote (Yes 7, No 0, Abstained 0)

D. 2023 Road Program Change Order #1

1) A motion was made by Trustee Baum to approve as presented. Seconded by Trustee Hudson.

2) A motion to amend the original motion was made by Trustee Jan Miller to have the new Village Engineer review and sign the Change Order on October 9th. Seconded by Trustee Neureuther.

3) A motion to amend the amendment was made by Trustee Phil Hudson to strike "Engineer" from the signature portion of the Change Order and reflect "Village Government Representative". Seconded by Trustee Baum.

Action on Motion 3: To Amend the Amendment (To strike "Engineer" from the signature portion of the Change Order and reflect "Village Government Representative").

Yes: David Baum, Phil Hudson, Rick Miller, Jolene Pieper, Dean Wolter

No: Bill Neureuther, Jan Miller

Motion Passed (Yes 5, No 2, Abstained 0)

Action on Motion 2: To Amend, as Amended.

Yes: David Baum, Phil Hudson, Rick Miller, Jolene Pieper, Dean Wolter

No: Bill Neureuther, Jan Miller

Motion Passed (Yes 5, No 2, Abstained 0)

Action on Motion 1: To Approve as Amended (To approve the Road Program Change Order #1 as presented, with the amendment of replacing "Engineer" to "Village Government Representative" in the signature line)

Yes: David Baum, Phil Hudson, Rick Miller, Jolene Pieper, Dean Wolter

No: Bill Neureuther, Jan Miller

Motion Passed By Roll Call Vote (Yes 5, No 2, Abstained 0)

E. Agreement between the Village of Germantown and the Germantown Municipal Employees Union Local 730 an Affiliate of the Labor Association of Wisconsin, Inc. The Village Board may go into closed session as 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 re-enter open session to take such action as it deems appropriate.

Motion: To Enter Closed Session on Item E at 8:30 PM.

Motion By: Jolene Pieper

Seconded By: David Baum

Yes: David Baum, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter

No: None

Abstain: None

Motion Passed by Roll Call Vote (Yes 7, No 0, Abstained 0)

Closed Session was also attended by Attorney Sadjak and Support Services Manager Erin Hirn.

Motion: Reconvene Into Open Session at 9:48 PM

Motion By: Jolene Pieper

Seconded By: David Baum

Yes: David Baum, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter

No: None

Abstain: None

Motion Passed by Roll Call Vote (Yes 7, No 0, Abstained 0)

Motion: To Direct Staff to Proceed as Discussed in Closed Session on Item E.

Motion By: Jolene Pieper

Seconded By: Rick Miller

Yes: David Baum, Phil Hudson, Rick Miller, Jolene Pieper, Dean Wolter

No: Bill Neureuther, Jan Miller

Abstain: None

Motion Passed (Yes 5, No 2, Abstained 0)

F. Village Official Performance. The Village Board may go into closed session as per Wis. Stat. § 19.85(1)(f) for the purpose of considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations, and then may re-enter open session to take such action as it deems appropriate.

Motion: To Enter Closed Session on Item F at 8:20 PM.

Motion By: Jolene Pieper

Seconded By: David Baum

Yes: David Baum, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter

No: None

Abstain: None

Motion Passed by Roll Call Vote (Yes 7, No 0, Abstained 0)

Closed Session was also attended by Attorney Sadjak and Support Services Manager Erin Hirn.

Motion: Reconvene Into Open Session at 9:48 PM

Motion By: Jolene Pieper

Seconded By: David Baum

Yes: David Baum, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter

No: None

Abstain: None

Motion Passed by Roll Call Vote (Yes 7, No 0, Abstained 0)

The Village Board took no action on Item F in Open Session.

X. ADJOURNMENT:

The Village Board Meeting was adjourned at 9:50 PM.