

MEETING:	REGULAR MEETING OF THE VILLAGE BOARD
DATE AND TIME:	Monday, September 18, 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 by President Dean Wolter at 7:22 PM

II. **ROLL CALL:**

Present: Trustee David Baum, Trustee Terri Kaminski, Trustee Phil Hudson, Trustee Dennis Myers, Trustee Bill Neureuther, Trustee Rick Miller, Trustee Jan Miller, Trustee Jolene Pieper (via WebEx), President Dean Wolter

Also Present: Village Attorney Sadjak, Village Administrator Kreklow, Baker Tilly Representatives, Community Development Director Jeff Retzlaff, Finance Director Matthew Uselding

Absent:
Excused:

III. **PLEDGE OF ALLEGIANCE:**

IV. **PRESIDENT'S REPORT:**

The Village President read an article published in the September 9, 2023 Express News issue regarding the value of shared sales tax and shared countywide services.

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

Trustee Kaminski announced the upcoming Public Works meeting to be held on October 4th at 5:30 PM. Trustee Miller announced the upcoming General Government and Finance Committee Meeting to be held on October 16th at 5:30 PM and commented on the upcoming Oktoberfest celebration held September 23rd and September 24th. Trustee Hudson announced the Public Safety Committee Meeting to be held 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.)*

Lynne Bednarz (Pawnee Ct) spoke about a civil matter regarding a tree issue. Melanie Smythe (Cedar Ln) spoke regarding the Engineering contract, the Village Budget, and properties the Village is acquiring. Lynn Grgich (Ashbury Cir), Executive Assistant of the Chamber of Commerce, spoke in support of New Business Item D. Scott Hefle (Old Farm Rd) spoke in support of New Business Item D and also spoke regarding the budget and debt ratio. Greg Kamyszek (Fond Du Lac Ave), President of Bioresearch Associates Inc, spoke regarding the purchase of the Grosenick property and refund of the permits he paid for.

Village President Dean Wolter read emailed comments in favor of the E Donges Bay Road Project submitted by Kathryn Kreitzer (Juniper Dr), Kenny Kreitzer (Juniper Dr), Christine Prescott (Juniper Dr), and Brian Depies (Ridgewood Ln). President Wolter read an email comment from resident Brian Dolk with concerns about thefts at Kinderberg Park, and an email from the Schneider's (Bayberry Cir) regarding the Village Budget and salaries.

VII. CONSENT AGENDA:

Motion: Approve Items A-J excluding Items E and F per Trustee Jan Miller

Motioned By: Dennis Myers

Seconded By: Rick Miller

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

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

A. Approval of Minutes 8/21/2023

B. Approval of Minutes 9/6/2023

C. Well #7 MCC/VFD Change Order

D. Resolution to Allow on Street Parking on the South Side of Freistadt Road and to Amend the Official Traffic Map to Reflect the Same

G. GFD Portable Radio Purchase

- H. GFD Purchase of Hydraulic Extrication Tools
- I. A Resolution Allowing the Claim for Property Tax Refund of AGNL Dairy LLC in the Amount of \$17,131.88
- J. Oktoberfest; Germantown Historical Society Inc.; Dheinsville Historic Park 09/23/23 – 09/24/23; Temporary Class "B" Fermented Malt Beverage & Wine Picnic License; James Dix, President
- E. Department of Transportation Proposed Rehabilitation of Holy Hill Interchange

Motion 1: Postpone Item E for review by the newly hired Village Engineer

Motioned By: Jan Miller

Seconded By: None

Motion Failed Due To Lack of Second

Motion 2: Approve Item E as Presented

Motioned By: David Baum

Seconded By: Rick Miller

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: Jan Miller

Abstain: None

Motion Passed (Yes 8, No 1, Abstained 0)

- F. State Municipal Funding Agreement for Wisconsin Highway 167 from Interstate 41 to Wisconsin Highway 145

Motion 1: Postpone Item F for review by the newly hired Village Engineer

Motioned By: Jan Miller

Seconded By: None

Motion Failed Due To Lack of a Second

Motion 2: Approve Item F As Presented

Motioned By: David Baum

Seconded By: Rick Miller

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: Jan Miller

Abstain: None

Motion Passed (Yes 8, No 1, Abstained 0)

VIII. UNFINISHED BUSINESS

- A. Public Administration Associates Recommendations for the Recruitment of the Director of Public Works and Village Engineer

Village Administrator Kreklow presented the salary range increases and advised the General Government and Finance Committee approved the recommendation.

Motion: Approve Salary Increases as presented and change the PE Requirement to "Recommended/Preferred".

Motioned By: Rick Miller

Seconded By: Terri Kaminski

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

No: None

Abstain: None

Motion Passed By Roll Call Vote (Yes 9, No 0, Abstained 0)

IX. PUBLIC HEARINGS:

There were no Public Hearings on the Agenda.

X. NEW BUSINESS:

- A. Presentation on 2022 Audit

Baker Tilly Director Amanda Blomberg and Audit Manager Leah Gaffney remotely presented the 2022 Audit. Blomberg presented a draft summarizing the financial information as they were still finishing up the audit procedures, but felt that the numbers were in good shape. She notes that there is a decrease in the overall Fund Balance, citing the decrease due to the Public Safety salary benefits areas.

Administrator Kreklow discussed the outstanding items being gathered to provide for Baker Tilly to report assets.

- B. Approval of a Renewal Junk Dealer Establishment License Application for Waste Management, W132N10487 Grant Dr.

Motion: Approve Renewal of Application for Junk Dealer Establishment License for Waste Management

Motioned By: David Baum

Seconded By: Jan Miller

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

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

- C. Public Grant Application by the Germantown VFW Post 9202 (N120W15932 Freistadt Rd) for Temporary Use Permit Fee to Sell Christmas Trees in Latitude Cafe's Parking Lot, Located at W156N9636 Pilgrim Rd, from November 15-December 15, 2023.

Motion: Approve the Public Grant Application by the Germantown VFW for TUP Selling Christmas Trees.

Motioned By: Dennis Myers

Seconded By: David Baum

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

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

- D. Virtus Development LLC, Agent for District One LLC and the Robert & Mary Hacker Trust, Property Owners - W140 N10363 Fond du Lac Avenue and Parcel Tax Key GTNV 351-984 for applications to: (1) Rezone Parcel 1 from the B-1: General Business District and Parcel 2 from the Rs-6: Single-Family Residential District to the "Kuhburg District" (B-3/PDD) Planned Development District; and (2) Amend the General Development Plan for the "Kuhberg District" PDD and Resolution #16-2018 to include expansion of the business parking and a 4-unit townhouse development. (ACTION)

Community Development Director Jeff Retzlaff presented the rezoning application to expand the Kuhburg District PDD to include the two parcels totaling approximately 1.1 acres. He advised the re-development of these parcels would include a 4-unit multi-family townhouse-style residential building (at a density of 5.4 dwelling units/acre), a 33-stall paved parking lot (to serve the two commercial retail buildings proposed in the original Kuhburg PDD), and a storm water management basin serving both the parking lot and townhouse development. Plan Commission recommended approval of the project subject to shifting the building further North and expanding the landscaping and buffering along the South property line, which the Developer objects to.

Greg Nagel of Virtus Development, presented the development proposal, timelines, and questioned landscaping and parking issues and presented an alternate 'red-line' for condition number 3.

Motion 1: Approve the PDD as presented with elimination of condition number 3.

Motioned By: Terri Kaminski

Seconded By: Dennis Myers

Motion 2: Amend Motion 1 to reflect instead of "elimination of condition number 3" to "modify the PDD document to reflect the changes that are shown in 'red-line' documents presented by the Developer."

Motioned By: Phil Hudson

Seconded By: Dennis Myers

Results of Motion 2:

Yes: David Baum, Terri Kaminski, Phil Hudson, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: Bill Neureuther

Abstain: None

Motion to Amend Passed (Yes 8, No 0, Recused 1)

Results of Motion 1 as Amended:

Yes: Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: Bill Neureuther

Recused: David Baum

Motion Passed as Amended by Roll Call Vote (Yes 8, No 1, Recused 1)

E. Appointment of Kevin Driscoll to the Position of Village Engineer

Motion: Approve appointment of Kevin Driscoll to Village Engineer.

Motioned By: David Baum

Seconded By: Jan Miller

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

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

F. Recreation Trail and Design for East Donges Bay Road Reconstruction Project

Administrator Kreklow presented background information on the recreation trail and design for the East Donges Bay Road reconstruction project. Staff did look at other potential configurations that included a wider recreational trail separated from the roadway. However, those options were not pursued due to the presence of wetlands in the right-of-way, flood plains, and significant changes in elevation. The City of Mequon is also planning a two-way off-road path on the south side of Donges Bay Road from Lemke Park to Wausaukee Road. The Parks & Recreation Commission is recommending that the Village re-visit the Donges Bay Road design to incorporate an 8' wide off-road recreational trail in order to match up with the Mequon trail. An off-road trail of this width would not be possible for this entire stretch of Donges Bay Road, but could be incorporated for

portions of the road. However, there would be an additional cost to the Village, and since permit work has begun and utility relocations have been requested, the construction schedule would be affected. Staff recommends continuing work on Donges Bay Road with a 5' bike path on both sides of the road and a 5' sidewalk off-road.

Motion: Approve Original design as presented.

Motioned By: Dennis Myers

Seconded By: Terri Kaminski

Yes: Terri Kaminski, Bill Neureuther, Rick Miller, Dennis Myers

No: David Baum, Phil Hudson, Jan Miller, Jolene Pieper, Dean Wolter

Abstain: None

Motion Failed (Yes 4, No 5, Abstained 0)

A second motion was made by Trustee Hudson to accept the proposed changes by Graef as presented in the packet, seconded by Trustee Jan Miller. Discussion ensued and Trustee Hudson rescinded his motion and requested to table the item until Graef was able to be present to answer questions.

Motion: Table Item F until Graef is present to answer design questions.

Motioned By: Phil Hudson

Seconded By: Jan Miller

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

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

Motion: Recess Village Board Meeting for a 5 Minute Break

Motioned By: Jan Miller

Seconded By: David Baum

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

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

G. Pay Adjustments for the Highways, Parks, Buildings & Grounds Superintendent, the Sewer Utility Superintendent and the Water Utility Superintendent.

Village Administrator recommended approval of salary increases for the four

superintendents to the midpoint salary range. Trustee Neureuther and Trustee Hudson felt a Village-wide study should be conducted for all employees and potentially adjust all employees instead of selecting a few employees at a time.

Motion: Approve per Staff Recommendation

Motioned By: Dennis Myers

Seconded By: Terri Kaminski

Yes: David Baum, Terri Kaminski, Phil Hudson, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: Bill Neureuther

Abstain: None

Motion Passed (Yes 8, No 1, Abstained 0)

H. A Resolution Adopting Updated Bond Schedule for Municipal Court Cases

Motion: Approve the Resolution updating the bond schedule for Municipal Court Cases presented

Motioned By: Dennis Myers

Seconded By: David Baum

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

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

I. 2024 Budget and Property Tax Levy

Finance Director Matthew Uselding gave a presentation of the recommended 2024 Budget. Uselding highlighted the budget timeline, challenges (such as increased demand in Public Safety Services, increase in the State Salt contract, increase in gas/oil, and salaries/benefits), fiscal opportunities, budget drivers (revenues and expenses), and presented items that were removed from the budget (Library and Park and Recreation cuts, as well as exclusion of the addition of 4 Police Officers and 12 Firefighters).

J. Schedule of Committee of the Whole Meetings on the 2024 Budget

Motion: Approve Calendar Dates as presented by Village Administrator

Motioned By: Terri Kaminski

Seconded By: Dennis Myers

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

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

K. Ehlers TID Presentation - Update by Phil Cossun

Village Administrator Kreklow provided copies of the most recent report however Phillip Cosson from Ehlers was not available for tonight's meeting to provide a presentation.

L. Ehlers Water Rate Presentation - Update by John Cameron

Village Administrator Kreklow advised John Cameron of Ehlers was not available for tonight's meeting to provide a presentation.

N. Acquisition of N96 W18058 County Line Road. 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 re-enter open session to take such action as it deems appropriate.

Village President Wolter read Items M through O. The Village Clerk, the Village Attorney, and Administrator Kreklow would be present for Item M, the Sewer Superintendent, the Community Development Director, Village Attorney, and Village Administrator would be present for Item N, and the Community Development Director, Village Attorney, and Village Administrator would be present for Item O.

Motion: Adjourn into Closed Session, with Trustee Jan Miller's request to address Item N first.

Motioned By: Dennis Myers

Seconded By: David Baum

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

No: None

Abstain: None

Motion Passed by Roll Call Vote (Yes 9, No 0, Abstained 0)

The Village Board Meeting entered Closed Session, and discussed Items N and M.

Regarding Item N: Attorney Sajdak made a presentation on a potential acquisition of a property on County Line Road. The Board discussed directing Sajdak to submit an

offer to purchase the parcel with the conditions he presented.

Regarding Item M: Sajdak made a presentation on Meridian lawsuit. The Board discussed directing Sajdak to retain Jason Gehring as counsel to represent the Village in the case.

Motion: Resume Village Board Meeting In Open Session to Act on Items N and M.

Motioned By: Terri Kaminski

Seconded By: Rick Miller

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

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

Action Regarding Item N:

Motion: Direct Staff to proceed with an offer to purchase as discussed in Closed Session

Motioned By: David Baum

Seconded By: Rick Miller

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

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

- M. Meridian Germantown LLP v. Village of Germantown, Case No. 23-CV-426. The Village Board may go into closed session as per Wis. Stat. § 19.85(1)(g) 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 re-enter open session to take such action as it deems appropriate.

Action Regarding Item M:

Motion: Direct staff to proceed as discussed in Closed Session and retain Jason Gehring to represent the Village

Motioned By: David Baum

Seconded By: Rick Miller

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

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

- O. Agreement with Greywolf Partners for Redevelopment and Property Acquisition Services. 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 re-enter open session to take such action as it deems appropriate.

Trustee Baum was excused from the meeting.

Motion: Adjourn into Closed Session for Item O.

Motioned By: Dennis Myers

Seconded By: Rick Miller

Yes: Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Excused: David Baum

Motion Passed by Roll Call Vote (Yes 8, No 0, Excused 1)

The Village Board Meeting entered Closed Session and discussed Item O. Administrator Kreklow made a presentation on a proposal from Greywolf for development in Village Center. The Village Board discussed directing staff to proceed with Tasks 1 and 2 of the proposal.

Motion: Resume Village Board Meeting In Open Session to Act on Item O.

Motioned By: Dennis Myers

Seconded By: Rick Miller

Yes: Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Excused: David Baum

Motion Passed (Yes 8, No 0, Excused 1)

Action Regarding Item O:

Motion: Direct staff to proceed as discussed in Closed Session.

Motioned By: Jolene Pieper

Seconded By: Rick Miller

Yes: Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: Jan Miller

Excused: David Baum

Motion Passed (Yes 7, No 1, Excused 1)

XI. ADJOURNMENT:

The meeting was adjourned at 11:55 PM.