

MEETING: REGULAR MEETING OF THE VILLAGE BOARD
DATE & TIME: Tuesday, September 3, 2024 at 7:00 PM
LOCATION: Germantown Village Hall Board Room
N112 W17001 Mequon Road

Any member of the body and/or citizen may attend the meeting virtually through the WebEx platform, Meeting #:2553 067 6815 Password: ywM4qU5krp2 which can be accessed by phone at 408-418-9388 or by clicking the link below: <https://villageofgermantown.my.webex.com/villageofgermantown.my/j.php?MTID=m3434d0d4965ee341ce1063e13be42dad>

Citizens not wishing to attend the meeting personally or virtually may submit any public comments by sending an email to comments@germantownwi.gov by 4 p.m. on the day of the meeting so that it can be provided to the members of the body for their consideration. Previously recorded VillageBoard Meeting Videos can be viewed at https://www.youtube.com/channel/UCOYp0EqELzTCa9X_iCohyhQ

AGENDA

- 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.*
- II. **ROLL CALL:**
- III. **PLEDGE OF ALLEGIANCE:**
- IV. **PRESIDENT’S REPORT:**
- V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST**
COMMITTEE AND DEPARTMENT REPORTS:
- 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.)*
- VII. **CONSENT AGENDA:**
 - A. Minutes: August 19, 2024
 - B. Policy on Employee Reimbursement for CDL Training
- VIII. **UNFINISHED BUSINESS**
- IX. **PUBLIC HEARINGS:**
- X. **NEW BUSINESS:**
 - A. Appointment of Trustee Meg Cutts to serve on the Library Board
 - B. Appointment of Trustee Meg Cutts to serve on the School Districts Building & Ground Commission
 - C. Ordinance Amending Section 1.29(1) of the Germantown Municipal Code to Amend the Membership of the Plan Commission.
- XI. **ADJOURNMENT:**

VILLAGE BOARD AGENDA

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UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the Village Clerk at (262)250-4745 at least 2 days prior to the meeting.

MEETING:	REGULAR MEETING OF THE VILLAGE BOARD
DATE AND TIME:	Monday, August 19, 2024 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.*

Village President Dean Wolter called the Village Board meeting to order at 7:16 PM.

II. **ROLL CALL:**

Present: Trustee David Baum, Trustee Terri Kaminski, Trustee Rick Miller, Trustee Robert Warren, Trustee Jan Miller, Trustee Phil Hudson, President Dean Wolter, Trustee Meg Cutts

Absent:

Excused: Trustee Jolene Pieper

Also Present: Village Administrator Steve Kreklow, Village Attorney Brian Sajdak, Village Clerk Donna Ott, Public Works Director Matthew Mortwedt, Community Development Director Jeff Retzlaff, Police Chief Mike Snow

III. **PLEDGE OF ALLEGIANCE:**

IV. **PRESIDENT'S REPORT:**

President Wolter provided dates of upcoming Music at the Pavilion events.

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

Trustees provided dates and times of upcoming meetings.

- A. Presentation of Commendation for Sgt. Brock Majkowski, Officer Jared Spreiter, Officer Jeremy Peterson and Officer Steven Hilleman

Police Chief Snow presented Commendation awards to the following officers for their service in an incident that occurred on October 23, 2023, at Germantown Middle School:

- Sgt. Brock Majkowski
- Officer Jared Spreiter
- Officer Jeremy Peterson
- Officer Steven Hilleman

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.)*

Scott Hefle (W159 N10514 Old Farm Rd) spoke regarding various items including the Comprehensive Tree Plan.

Sarah Larson (W159 N9737 Butternut Rd) spoke regarding various items including open records requests, CUP, and Legal RFP.

VII. CONSENT AGENDA:

Motion: Approve Items A-H as presented

Motioned By: Trustee Baum

Seconded By: Trustee Warren

Yes: Trustee Baum, Trustee Kaminski, Trustee Rick Miller, Trustee Warren, Trustee Jan Miller, Trustee Hudson, President Wolter, Trustee Cutts

No: None

Abstain: None

Motion Carried by Roll Call Vote (Yes 8, No 0, Abstained 0)

A. Minutes: August 5, 2024

B. Resolution adopting the Comprehensive Tree Plan as required per municipal code 17.60.

C. Award of Kinderberg splash pad repairs to Carrico Aquatics for an amount not to exceed \$57,800 from accounts 91591000-592100 and 10591000-1000.

D. Award of library copula roof leak repair to Noffke Roofing in amount not to exceed \$23,500.00 from capital account 40564000-592300.

E. Award of Fireman's Park standing seam roof project to JK Contractors in an amount not to exceed \$19,060.00 from capital account 40564000-592300.

- F. Fire Department Lieutenant Positions
- G. GPD Purchase of Firearms and Related Equipment
- H. GPD Flock Safety Invoice

VIII. UNFINISHED BUSINESS

IX. PUBLIC HEARINGS:

X. NEW BUSINESS:

- A. Village of Germantown- Community Development Department - Proposed Text Amendments to Zoning Code Section 17.40 (Wellhead Protection) of the Village of Germantown Municipal Code.

Community Development Director Retzlaff provided Proposed Text Amendments to Zoning Code 17.40 (Wellhead Protection).

Motion: Approve Proposed Text Amendments to Zoning Code 17.40 (Wellhead Protection) as Presented, with a Postponement of Amendment Number Four (4) to a Future Date

Motioned By: Trustee Baum

Seconded By: Trustee Kaminski

Yes: Trustee Baum, Trustee Kaminski, Trustee Rick Miller, Trustee Warren, Trustee Jan Miller, Trustee Hudson, President Wolter, Trustee Cutts

No: None

Abstain: None

Motion Carried by Voice Vote (Yes 8, No 0, Abstained 0)

- B. Well 12 Investigation: Findings and Next Steps Presentation by Water Quality Investigations

Presentation provided by Water Quality Investigators, with a recommendation and proposal for the installation of a liner in Well 12.

Background/Recommendation:

Installation of the liner to a depth of 260 feet will remove the upper and middle aquifer from the well, which will achieve the following:

- Minimize the potential for impacting capacity of nearby private wells that could be caused by pumping of Well 12.

- Minimize the potential for lowering the nearby aquifer and thus impacting the capacity of the nearby well, which would be caused by downward movement in Well 12.
- Reduce the potential for natural biofilm growth in the well caused by ammonia that is present in the middle aquifer, which would be isolated with the liner installation.

Proposal:

- Attend one Village Board meeting to discuss the Well 12 investigation results and the recommendation for installation of the liner.
- Prepare a specification for installation of the liner, partial abandonment of the bottom of the well, over pumping of the well to further develop the lower aquifer, and sampling of the well. The specification will be used by Foth to obtain pricing for the work through the Well 12 contractor.
- Obtain DNR approval for the well rehabilitation work.
- Perform onsite inspection for a total of five days. Three days will be for liner welding and installation and two days will be for grouting. Submit reports to the Village and Foth that document the liner installation process.

Cost for the above would not exceed \$24,500.

- C. Award of a contract to Water Quality Investigations for design and inspection services for liner installation in Well 12 for an amount not to exceed \$24,500 from account 45408460-543100.

Motion: Approve Award of Contract to Water Quality Investigations for Design and Inspection Services for Liner Installation in Well 12 for an Amount not to Exceed \$24,500

Motioned By: Trustee Kaminski

Seconded By: Trustee Rick Miller

Yes: Trustee Baum, Trustee Kaminski, Trustee Rick Miller, Trustee Warren, Trustee Jan Miller, Trustee Hudson, President Wolter, Trustee Cutts

No: None

Abstain: None

Motion Carried by Roll Call Vote (Yes 8, No 0, Abstained 0)

XI. ADJOURNMENT:

President Wolter adjourned the Village Board meeting at 8:12 PM.

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: September 3, 2024

PLACEMENT: Action Item

ITEM TITLE: Policy on Employee Reimbursement for CDL Training

SUBMITTED BY: Erin Hirn, Support Services Manager

SUMMARY EXPLANATION:

Recently, there have been updates to federal and state CDL (Commercial Driver's License) regulations that impose stricter requirements on commercial vehicle operators. These changes include enhanced training standards and stricter certification processes aimed at improving public safety. Compliance with these regulations is mandatory, and failure to adhere could result in significant penalties.

In response to these regulatory changes, it is essential that we develop a CDL Training Policy to ensure our local government remains compliant. This policy will not only help us avoid legal and financial repercussions but will also enhance the safety of our operations. Proper training and certification of our employees, particularly those operating heavy-duty vehicles like snowplows and garbage trucks, are crucial to reducing the risk of accidents and ensuring public safety.

Moreover, the policy will support workforce development by providing structured training that enhances our employees' skills and efficiency. By standardizing CDL training internally, we can also achieve cost savings by reducing reliance on external providers and minimizing related expenses such as equipment damage and liability claims.

This policy is particularly important given our current struggles in recruiting qualified candidates for open positions in the public works department. By offering CDL training as part of our employment package, we can make these positions more attractive and improve our ability to retain talent. This initiative will demonstrate our commitment to employee development and career advancement, positioning our local government as a competitive employer. The policy also includes a provision requiring individuals who receive CDL training to repay all or some of the cost of the training if they do not stay employed with the Village.

Finally, a CDL Training Policy is a critical component of our risk management strategy. Ensuring that all commercial vehicle operators are adequately trained and certified will help us mitigate the risks of accidents, property damage, and other liabilities, ultimately protecting both our employees and the community.

ATTACHMENT:

1. 2024-08-06 - CDL Policy Draft (vbr rev)

STAFF RECOMMENDATION:

The recommendation is to proceed with the development and implementation of a CDL Training Policy.

ACTION BY Committee:

Approved unanimously by the General Government & Finance Committee.

Village of Germantown CDL Training Policy

Purpose

The purpose of this policy is to outline the procedures and responsibilities associated with the training and certification process for employees obtaining a Commercial Driver's License (CDL) through the Village of Germantown. This policy aims to ensure compliance with federal regulations, promote safe driving practices, and support the professional development of employees.

Policy Overview

1. Eligibility

- All full-time employees who are required to operate commercial vehicles as part of their job duties are eligible for CDL training.
- Employees must meet all federal, state, and local requirements for obtaining a CDL.

2. Training Provider

- The Village will select and partner with Federal Motor Carrier Safety Administration (FMCSA)-registered training providers listed on the Training Provider Registry (TPR) to ensure compliance with Entry-Level Driver Training (ELDT) requirements.

3. Training Costs

- Once the Village determines an employee meets the applicable eligibility requirements to obtain a CDL, the Village will cover the full cost of CDL training for the employee subject to the employee entering into a repayment agreement with the Village prior to beginning the training. The repayment agreement outlines the employee's obligations to repay the Village for some or all of the costs of the CDL training if the employee leaves employment with the Village during a specified period of time. The CDL training costs covered by the Village include tuition, study materials, and testing fees.

4. Repayment Agreement

- Employees must agree to remain employed with the Village for a minimum of three (3) years after successfully obtaining their CDL.
- If an employee leaves the Village within three years following completion of CDL training, they will be required to repay a portion of the training costs based on the following schedule:
 - Separation of employment for any reason within 0-11 months: 100% repayment
 - Separation of employment for any reason within 12-23 months: 75% repayment
 - Separation of employment for any reason within 24-29 months: 50% repayment
 - Separation of employment for any reason within 30-35 months: 25% repayment
 - Separation of employment for any reason within 36 months or after: 0% repayment

5. Leave of Absence

- Approved leaves of absence (medical, military, etc.) do not count towards the three-year employment period. The three-year repayment schedule will extend accordingly.

6. Payroll Deduction Authorization

- Under the repayment agreement, employees agree that any repayment amount due to the Village may be deducted from their final paycheck, ensuring compliance with state and federal wage laws.
- If the final paycheck does not cover the repayment amount, employees must remit the balance within thirty (30) days of separation. If an employee fails to repay the amount owed within thirty (30) days of separation, the agreement provides they will agree to pay the Village interest on the monies owed, as well as any attorneys' fees and costs incurred in the Village recouping those monies through legal proceedings.

7. Assessment and Certification

- Employees must successfully complete all required training components and pass the CDL skills test.
- The Village will coordinate with the training provider to schedule and facilitate testing.

8. Responsibilities

- Employees are responsible for attending all training sessions, completing all assignments, and preparing for the CDL skills test.
- The Village is responsible for ensuring training providers meet FMCSA requirements and providing support to employees throughout the training process.

Acknowledgment and Compliance

By participating in the CDL training program, employees must sign a CDL Agreement Form to enforce these regulations which will be stored in their electronic personnel file.

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: September 3, 2024

PLACEMENT: Ordinance

ITEM TITLE: Ordinance Amending Section 1.29(1) of the Germantown Municipal Code to Amend the Membership of the Plan Commission.

SUBMITTED BY: Brian Sajdak, Attorney

SUMMARY EXPLANATION:

The proposed ordinance accomplishes multiple things. First, it creates an advisory position on the Plan Commission for a representative of the school district. This position was recommended in the Utilities & Community Facilities section of the Implementation chapter of the 2050 Plan. Having a school district representative will help the Village understand the school district's position as it relates to development within the Village, while also providing a liaison to the School Board to help the District to plan for future development. The ordinance allows the School Board to appoint a non-resident which would cover the situation where the School Board appointed someone in the Superintendent's office who may not be a resident.

The second change is to clean up the code to reflect the statute, best practices and Village historical practice. First, by statute, the Plan Commission should be 7 voting members. The ordinance eliminates the language that provides for "at least" 7 members to match the statute. Next, the ordinance changes the appointment of the Trustee member to match historical practice wherein the Village President has nominated the Trustee member at the organizational meeting in April subject to Village Board confirmation.

Finally, the ordinance removes the provision allowing for any Trustee to fill a spot on the Plan Commission to create a quorum. This provision is problematic for multiple reasons. First, unlike other situations in the statutes which expressly call for alternate members (e.g., Board of Review; Board of Appeals, etc.) no such provision exists for the Plan Commission. Second, the code does not presently call for a named alternate, but instead allows any Trustee to sit on the Plan Commission for any regular member. As such, particularly savvy members of the Plan Commission could potentially game the outcome of Commission actions by deciding to hold a special meeting at a date and time that members who may hold an opposite point of view may not be able to attend, thereby allowing friendly Trustees to act instead. Similarly, the statute provides that there must be a minimum of three citizen members of the Commission. While allowing a Trustee to act as an alternate may not expressly violate this rule, there is substantial risk that a court reviewing an action of the Plan Commission may rule that it is nonetheless a violation and then overturn the action. As such, good governance and best practices suggests that this provision (which in recent history has been infrequently used) should be eliminated.

NOTE: A public hearing of the proposed text amendment is not a requirement because the code being amended is not the Zoning or Subdivision Code.

ATTACHMENT:

1. Excerpt from 8-26-24 Minutes - Item E
2. Ordinance Amending PC membership re School District

STAFF RECOMMENDATION:

A motion to recommend approval of the ordinance as proposed to the Village Board.

ACTION BY Committee:

MEETING: REGULAR MEETING OF THE PLAN COMMISSION

DATE AND TIME: Monday, August 26, 2024 6:30 PM

**LOCATION: Germantown Village Hall Board Room
N112 W17001 Mequon Road**

EXCERPT FROM MINUTES:

Item E. Community Development Department - Ordinance Amending Section 1.29(1) of the Germantown Municipal Code to Amend the Membership of the Plan Commission. (ACTION)

Director Retzlaff summarized amendments proposed to Section 1.29 of the Municipal Code concerning the Plan Commission. Retzlaff indicated that the 2050 Plan includes a policy objective to create an advisory position on the Plan Commission for a Germantown School District representative and that the Village Attorney advised that we need to create the opportunity for that in the Code. This amendment includes a provision for that advisory position. Retzlaff indicated that the proposed amendments also include some housekeeping measures to reflect language in state statutes and both best and historical practices of the Village. First, the statute says the Plan Commission should have seven (7) voting members and our current ordinance provides for “at least seven (7) members”. Second, the amendment addresses the appointment of a trustee member on the Plan Commission to match historical practice where the Village President nominates and the Village Board confirms the appointment. Finally, the amendment removes a provision in the current code that allows any trustee to temporarily sit as a member of the Plan Commission in order to complete a quorum. Retzlaff indicated that the proposed amendments do not require a public hearing because there is no change to the zoning code. Discussion Followed.

Chairman Baum stated that one of the reasons that we are doing this is to improve communication with the school board. Retzlaff indicated that Russ Ewert, a member of the Germantown School Board, will fill this advisory position after Village Board approval of the proposed amendments. Member Williams asked whether the role would be a non-voting advisory role? Retzlaff confirmed the advisory position is a non-voting position. Motion: Approve as presented.

Motioned By: William Shadid

Seconded By: Robert Williams

Yes: Dean Wolter, David Baum, Josh Tarantino, Robert Williams, William Shadid

No: None

Abstain: None

Motion (Yes 5, No 0, Abstained 0)

AN ORDINANCE AMENDING SECTION 1.29(1) OF THE GERMANTOWN
MUNICIPAL CODE TO AMEND THE MEMBERSHIP OF THE PLAN COMMISSION

WHEREAS, Wis. Stat. § 62.23(1)(a) authorizes the Village Board to establish the membership of the plan commission by ordinance; and

WHEREAS, the Village Board previously adopted section 1.29(1) which establishes the membership of the plan commission; and

WHEREAS, the Village Board wishes to amend that section to better reflect the statute and best practices, and also to add for Germantown School District representation; and

WHEREAS, the Village Board has determined that proper membership of the plan commission furthers the public health, safety and welfare of the community;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Section 1.29(1) of the Germantown Municipal Code is amended to read as follows
(NOTE: Added text is double underlined; Deleted text is struck-through):

- (1) **MEMBERSHIP.** The Plan Commission shall consist of ~~at least 7~~ regular members who shall receive such compensation as the Village Board determines, as follows. One regular member shall be the Village President who shall be the Chairman. One regular member shall be a Trustee nominated by the Village President and confirmed by the Village Board ~~elected annually by a majority vote of the Village Board~~ at the organizational meeting in April. The other regular members shall be citizen members of recognized experience and qualifications appointed by the Village President, subject to confirmation by the Village Board; the citizen members shall serve for staggered 3-year terms with each term commencing May 1, except that, for the purpose of preserving 3-year staggered terms, in 2007 the citizen appointee for the position previously filled by Chairman of the Park and Recreation Commission shall be appointed to an initial one-year term, and the citizen appointee for the position previously filled by the Village Engineer, shall be appointed for an initial 2-year term. In addition to the 7 regular members, the Germantown School Board may appoint one representative to serve

a 1-year term on the Plan Commission as a non-voting, unpaid, ex officio member commencing annually on May 1. The ex officio School District representative shall be either a member of the School Board or an employee in the District Superintendent's office, but need not be a resident of Germantown. The ex officio school district member shall not be counted for purposes of determining the existence of a quorum. ~~In the event that there is a lack of quorum of the Plan Commission due to absence or recusal of any member, any Trustee may temporarily sit on the Plan Commission in order to create a quorum and permit business to be transacted.~~

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION IV

This ordinance shall take effect and be in full force upon its passage and the day after its publication.

Introduced by _____ on September 3, 2024.

Adopted: September 3, 2024 Vote: Ayes: Nays: Absent:

Dean Wolter, Village President

ATTEST:

Donna Ott, Village Clerk

ORDINANCE NO. _____-24
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Approved as to form:

Brian C. Sajdak, Village Attorney

Published:

