

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
DECEMBER 16, 2013**

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by President Wolter

ROLL CALL: President Wolter, Trustees Baum, Daniels, Ewert, Hughes, Kaminski, Vanderheiden, Werderman and Zabel. Absent but expected to arrive late, Trustees Baum and Hughes. Also present: Administrator Schornack, Attorney Sajdak, Clerk Goeckner, Finance Director Rath, Park & Recreation Director Casperson and Planner Retzlaff.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT

President Wolter stated the Germantown Boys Basketball team are on a record year with 62 straight wins and another win tomorrow night will break the State record for consecutive wins. Good luck and congratulations. Wished all a Merry Christmas and a Happy New Year.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST & COMMITTEE REPORTS: Upcoming meetings were announced.

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

Bill Steitz – N123 W12420 Russet Court, spoke in opposition of the purchase of the Blackstone Creek Golf Course property.

Charlie Hargen –W169 N115004 Biscane Drive, spoke in opposition of the purchase of the Blackstone Creek Golf Course property.

Lynnae Langmann – N99 W21950 Indian Parkway, requested the Village not purchase the Blackstone Creek Golf Course property at this time.

Dan Wing – N116 W16044 Main Street, spoke in opposition of the purchase of the Blackstone Creek Golf Course property. Inquired if an environmental study had been conducted.

Mary Ellen Gray – W124 N13405 Wasaukee Road, Not opposed to the purchase but concerned of the funds needed for Park and Recreation to maintain the project.

Trustee Hughes arrived at 7:22 p.m.

Trustee Baum arrived at 7:35 p.m.

CONSENT AGENDA:

A. Minutes – December 2, 2013

B. Accounts payable/payroll

1.	November 2013	accounts payable	\$ 124,851.97
2.	December 3, 2013	payroll (hourly)	\$ 229,110.67
3.	December 10, 2013	accounts payable	\$1,185,735.76

CONSENT AGENDA continued:

4. December 13, 2013 payroll (salary) \$ 80,301.54
C. Operator Licenses: December 17, 2013 – June 30, 2014
Jewelina A. Gorzynski and Cheree L. Spychalla

The following items were forwarded from the Public Safety Committee with a unanimous recommendation:

- D. Approve Resolution Adopting Updated Bond Schedule for Municipal Court to Increase the Amount of Court Costs Imposed.
E. Approve Dance Hall License Renewals January 1-December 31, 2014:
1. Bubs Irish Pub, N116W16218 Main Street
2. Germantown American Legion Post 1, N120 W15932 Freistadt Road
F. Approve Second Hand Article Dealer and Second Hand Jewelry Dealer License Renewals – January 1 – December 31, 2014:
1. Kesslers Diamond Center, N96 W16920 County Line Road
2. Four Seasons Consignment, W164 N11269 Squire Drive
G. Approve Second Hand Article Dealer License Renewal – January 1 – December 31, 2014:
1. White House of Music, N112 W16290 Mequon Road

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

- H. Approve payment of invoices to Washington County Highway Department in the amounts of \$26,342.97 and \$5,281.32 for center-lining and edge line painting various locations within the Village, with funds to be allocated from Account #10-542-530-3540.
I. Award Change Order for 2013 Street Maintenance Projects in the amount of \$28,613.84 for the additional seal-coating, flex patching and surface patching services by Scott Construction, with funds allocated from Account #10-542-530-3505.
J. Authorize staff to extend the GIS Maintenance and Hosting Agreement for one year until Village borrowing is determined and if funding would be available for the ArcGIS Server Conversion Proposal.

MOTION (Vanderheiden/Kaminski) to approve Consent Agenda items A-J, by roll call vote, carried unanimously.

PUBLIC HEARINGS – 7:00 P.M. OR LATER –

- A. BIZZCO LLP (International Concrete Products) (1)Conditional Use Permit application to allow development within a 25' wetland setback pursuant to Section 24.04(3) of the Municipal Code; and (2)Rezoning application to rezone and remove 9,990 sqft from the Shoreland-Wetland Overlay Zoning District pursuant to Section 24.04(2) of the Municipal Code on a portion of Parcel #GTNV 362-994 (a 15.35-acre parcel at N104 W13561 Donges Bay Road).
Planner Retzlaff presented the request for a rezoning and conditional use permit requested by BIZZCO LLP, International Concrete Products. Staff recommending subject to two conditions set by Plan Commission.
President Wolter called the Public Hearing to order at 7:44 p.m. No one to speak.
President Wolter closed the Public Hearing at 7:45 p.m.

PUBLIC HEARINGS – continued:

- B. Ralph J. Ehlinger, Agent for John G. & Helen M. Kreuser Trust, Property Owners, Application for a Comprehensive Plan Map Amendment to the 2020 Land Use Plan Map classification for a .3 acre property on Parcel 293-980 at W202 N10418 Appleton Avenue;
Planner Retzlaff presented the request for a Comprehensive Plan Map Amendment and a rezoning of property. Created in 1971 – split from adjacent property and rezoned for business purposes. Contains an existing 1,000 sq. ft. building. Proposal to reclassify from commercial to rural residential and change from B-3 business to Rs-6. Staff recommends to combine to one parcel and rezone and avoid non conformity issue under the recommendations of Plan Commission.
- C. Ralph J. Ehlinger, Agent for John G. & Helen M. Kreuser Trust, Property Owners to Rezone .3 acre property described as W202 N10418 Appleton Avenue; Tax Key No. 293-980, from the B-3: General Business District to the Rs-6: Single-Family Residential District pursuant to Sections 17.19 of the Village Zoning Code (and a recommendation by the Plan Commission to rezone both the .3 acre property at W202 N10418 Appleton Avenue, and adjacent 4.89-acre property at W202 N10416 Appleton Avenue to the Rd-2: One & Two-Family Residential District pursuant to Section 17.21)

Both public hearings for Items 'B' and 'C' are covered back to back as Planner Retzlaff presented them together.

President Wolter called the Public Hearing to order for Item 'B' at 7:53 p.m. No one wishing to speak. Public hearing closed at 7:54 p.m.

President Wolter called the Public Hearing to order for Item 'C' at 7:55 p.m. No one wishing to speak. President Wolter closed the Public Hearing at 7:56 p.m.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. BIZZCO LLP (International Concrete Products) Conditional Use Permit on a portion of Parcel #GTNV 362-994 (a 15.35-acre parcel at N104 W13561 Donges Bay Road).
MOTION (Baum/Zabel) to approve the Conditional Use Permit for BIZZCO LLP (International Concrete Products) on a portion of Parcel # GTNV 362-994 (a 15.35-acre parcel at N104 W13561 Donges Bay Road), as recommended, carried unanimously.
- B. Ordinance to Rezone and remove 9,990 sqft from the Shoreland-Wetland Overlay Zoning District on a portion of Parcel #GTNV 362-994 (a 15.35-acre parcel at N104 W13561 Donges Bay Road) (BIZZCO LLP – International Concrete Products)
MOTION (Ewert/Baum) to approve the Ordinance to Rezone and remove 9,990 sq. ft. from the Shoreland-Wetland Overlay Zoning District for BIZZCO

NEW BUSINESS continued:

LLP (International Concrete Products) on a portion of Parcel # GTNV 362-994 (a 15.35-acre parcel at N104 W13561 Donges Bay Road), as recommended, carried unanimously.

- C. Resolution for Comprehensive Plan Map Amendment to the 2020 Land Use Plan Map classification for Ralph J. Ehlinger, Agent for John G. & Helen M. Kreuser Trust, Property Owners, for a .3 acre property on Parcel 293-980 at W202 N10418 Appleton Avenue;
MOTION (Baum/Zabel) to approve the Resolution for a Comprehensive Plan Map Amendment to the 2020 Land Use Plan Map classification for Ralph J. Ehlinger, Agent for John G. & Helen M. Kreuser Trust, property owners for a .3 acre property on Parcel 293-980 at W202 N10418 Appleton Avenue, as recommended, carried unanimously.
- D. Ordinance to Rezone .3 acre property described as W202 N10418 Appleton Avenue; Tax Key No. 293-980, from the B-3: General Business District to the Rs-6: Single-Family Residential District; Ralph J. Ehlinger, Agent for John G. & Helen M. Kreuser Trust, Property Owners
MOTION (Baum/Werderman) to approve the Ordinance to Rezone .3 acre property described as W202 N10418 Appleton Avenue, Tax Key No. 293-980, from the B-3: General Business District to the Rs-6: Single-Family Residential District; Ralph J. Ehlinger, Agent for John G. & Helen M. Kreuser Trust, Property Owners, as recommended. Trustee Zabel inquired about the confusion of having Item D for Rs-6 and Item E with Rd-2. Planner Retzlaff thought it best to advertise all since the Plan Commission recommended Item E and the applicant had applied for what was in Item D. Discussion of requirement to come back within 6 months of approval for CSM to put changes together. In course of discussion within Plan Commission proposal was made to combine the 2 lots and this met with satisfaction for the property owner. Discussion. **Four in favor, five opposed (Daniels, Vanderheiden, Zabel, Hughes and Wolter), motion fails.**
- E. Ordinance to rezone both the .3 acre property at W202 N10418 Appleton Avenue, and adjacent 4.89-acre property at W202 N10416 Appleton Avenue to the Rd-2: One & Two-Family Residential District; Ralph J. Ehlinger, Agent for John G. & Helen M. Kreuser Trust, Property Owners
MOTION(Zabel/Vanderheiden) to approve the Ordinance to Rezone both the .3 acre property at W202 N10418 Appleton Avenue and adjacent 4.89-acre property at W202 N10416 Appleton Avenue to the Rd-2: One & Two Family Residential District; Ralph J. Ehlinger, Agent for John G. & Helen M. Kreuser Trust, Property Owners, as recommended. Discussion. Attorney Sajdak recommended part of this approval require a covenant be recorded against the parcel so future buyer would know about rezonings and to track CSM was created from this approval and recorded. **MOTION (Zabel/Baum) to amend the motion to include the Attorney recommendations be incorporated with the approval, carried unanimously. Original motion as amended, carried unanimously.**

NEW BUSINESS continued:

- F. Ordinance Prohibiting the Use of Model Aircraft Within Village Parks
Park and Recreation Director Justin Casperson presented information regarding the proposed ordinance. Incident in park where remote controlled model airplane struck a party requiring a number of stitches. This party requested such an ordinance prohibiting model aircraft within the parks. Discussion of what was considered in this situation: setting aside a portion of the park for that use, just making others aware of the activity, concern of other activities being banned due to one incident. Consider modifying requirements. **MOTION (Werderman/Baum) to approve the Ordinance Prohibiting the Use of Model Aircraft Within Village Parks, all opposed, motion fails.**
- G. 2014 Fireworks Contract
MOTION (Zabel/Baum) to approve the 2014 Fireworks Contract for the July 4, 2014 celebration, by roll call vote, carried unanimously.
- H. **MOTION (Zabel/Hughes) to approve the following Election Inspectors for the term January 1, 2014 – December 3, 2015 Election period:** Paul Adair, Joanne Axt, Betty Bahr, Kenneth Bahr, Yvonne A. Bargaquast, Renee Baxmann, Wayne Baxmann, Jean Berenschot, Marion P. Bezold, Holly Blaubach, Charlene Brady, Linda Britton, Barbara T. Buth, Loretta Cup, Phyllis Doherty, Anne Doran, Jean Drumm, Kathleen Duffy, Janet K. Dunn, Diane Durovy, Paulette Eck, Lorraine French, Joy Gettelman, Eileen Gierach, Susan Hafert, Carol Hakenson, Elizabeth Harebo, Kathleen M. Henning, Patti Hietpas, Charlene Hull, Marvin H. Jacobson, Diane M. Johnson, Janet Johnson, Karl Kannenberg, George Klaus, Dolores Kloehn, Margaret J. Klopfer, Richard C. Klopfer, Karen Kraemer, Cindy Kubiak, Judy Lastrilla, Mary C. Lauderdale, Bonnie Lemanczyk, Roger Lemanczyk, Doray Levendusky, Roger G. Lick, Kathy Miller, Kenneth Miller, Margaret Miller, Kristine Murray, Gerald Nelson, Joyce Nelson, Sandra J. Nelson, James Noltner, Janice Oberg, Jennifer Pagel, Carol Pluta, Jennifer Pluta, Jean Pritchard, Doris Rottmann, Robert Schlag, Sandra Schlag, Nancy J. Schopf, Randall Schopf, Donald Schulteis, Mary Schulteis, Rita Schulteis, Julie Schweitzer, Sandra Sella, Roberta Siewert, Kathleen B. Sitzberger, Gerald F. Skomski, Gwendolyn Spitz, Thomas Sprink, Martha Stewart, Clara Theine, Darlene F. Vosen, Mary Witzlib, Christopher J. Yatchak, and Pamela Zangl. Clerk's Office Staff: Barbara K. D. Goeckner and Christine M. Micka, **carried unanimously.**
- I. Village of Germantown Tax Incremental District No. 3 Final Financial Statements, Closeout Reports and Refunds to Overlying Districts
Finance Director Rath presented the Final Financial Statements, closeout reports and refunds to the overlying districts for TID No. 3. TID created in 1989 and termination date is earlier than closeout date of 2016. Very successful TID with a significant amount of infrastructure and two amendments to transfer increment to TIF #4 to keep it going. Overlying Districts will be refunded as presented. **MOTION (Zabel/Baum) to approve the audit as presented and direct staff to take necessary steps to close TIF #3, by roll call vote, carried unanimously.**

NEW BUSINESS continued:

- J. Village of Germantown Tax Incremental District No. 5 Final Financial Statements, Closeout Reports and Refunds to Overlying Districts
Finance Direct Rath presented statements and reports for TIF #5 which was equally successful. Created in 1988 and closed out early. Overlying Districts will be refunded as presented. **MOTION (Ewert/Zabel) to approve the audit as presented and direct staff to take necessary steps to close TIF #5, by roll call vote, carried unanimously.**
- K. Review of Capital Outlay Projects – Discussion and Action.
President Wolter requested this item be placed on the agenda as one of the last opportunities to look this over prior to going into 2014.

MOTION (Vanderheiden/Werderman) to skip Item K and go to Items L & M, 7 in favor, two opposed (Zabel, Baum) motion carried.

- L. Potential Land Acquisition of a Portion of Tax Key No. 211-985 (Blackstone Creek). The Village Board may enter into closed session as per Wis. Stat. §19.85(1)(e) for the purpose of deliberating or negotiating, when competitive or bargaining reasons require a closed session and then re-enter open session to take such action as it deems appropriate.
Discussion of agenda item and points to be made prior to a due diligence expiration on December 18th. Trustee Kaminski – Does not know of need to go into closed session. After looking at capital budget expenditure sheet, hard pressed to find anything to remove and it's all tied together with borrowing and purchase. Supporter of the park but doesn't feel we can afford it. Attorney Sajdak reviewed options as requested by Trustee Zabel. **MOTION (Zabel/Baum) at this time not to enter into an agreement to purchase the land.** Discussion of due diligence and what was done. No environmental study conducted or requested. Costs for maintaining and possible plans to come forward with direction, in addition to Village current costs for capital projects proposed. Discussion of prior meetings and requests, also involving MMSD. President Wolter likes this project for people coming through the park and going to the old Main Street to revitalize the old downtown area. General maintenance costs for low level service \$340/week, mid-level \$521/week and full service at \$1200/week. Trustee Daniels mentioned possibility of a referendum. Discussion of resident's comments received by Trustees, appraisal range of property between \$3500 to \$5000 per acre and timing of project with other costs such as Donges Bay Road project. Question of referendum depends on private landowner's timeline and options. Further discussion of concerns, options to keep as a full golf course, costs of other park purchases and improvements and other options and considerations. Troy Schmidt owner of Blackstone Creek thanked President Wolter and the Village Board for the work they put into this. **Roll call vote, 8 in favor, 1 opposed (President Wolter), motion carried.**

Village Board took a short recess and was back in order at 9:07 p.m.

NEW BUSINESS continued:

MOTION (Vanderheiden/Baum) to go back to item K, carried unanimously.

K. Review of Capital Outlay Projects – Discussion and Action.

Discussion of capital outlay projects list and consideration of items to be removed. Road projects can't be removed. Heavy rescue fire truck of \$788,000, Fire Dept. pumper truck and other Fire Dept. replacement items, should have consideration of waiting for new incoming Fire Chief. Borrowing timeline discussed. Discussion of Donges Bay Road Project as 2015 project, 20 year capital plan, debt service. Trustee Vanderheiden left at 9:25 p.m. Finance Director Rath provided information regarding the debt service and TIF closings and reserve funds. Discussion of capital items which have a life of 10 years shouldn't be borrowed for and borrowing levels of recent years. Request for departments to review 20 year capital plan and capital project list for borrowing for any possible changes.

MOTION (Zabel/Kaminski) to move this item on to General Government and Finance for review and consideration then bring back to Village Board, carried unanimously.

M. MOTION (Zabel/Hughes) to go into closed session at 9:32 p.m. as per Wis. Stat. §19.85(1)(e) for the purpose of deliberating or negotiating, when competitive or bargaining reasons require a closed session for a potential land sale agreement(s) in and related to the Germantown Business Park, by roll call vote, carried unanimously.

MOTION (Zabel/Daniels) to return to open session at 9:48 p.m., carried unanimously.

MOTION (Zabel/Baum) to direct Village Board President and Village Clerk to execute the Letter of Intent as presented, by roll call vote, carried unanimously.

There being no further business, the meeting was adjourned at 9:50 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk