

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
APRIL 7, 2014**

CALL TO ORDER: The meeting was called to order at 7:08 p.m. by President Wolter

ROLL CALL: President Wolter, Trustees Baum, Daniels, Ewert, Hughes, Kaminski, Vanderheiden, Werderman and Zabel. Also present: Administrator Schornack, Attorney Sajdak, Planner Retzlaff, DPW Director Ludwig, Parks Director Casperson, Finance Director Rath and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT – President Wolter – Public notice has been given for TIF #6 and Joint Review Board meeting will be held on April 14th at 6:00 p.m. Please call to discuss TIF #6 with me if you have any questions or comments. Sad to see Trustee Mel Ewert leave the Board after 20 years, but happy for him to go to his next phase.

PRESENTATION TO OUTGOING TRUSTEE MELVIN K. EWERT

President Wolter Presented a proclamation and Village of Germantown Flag to Trustee Melvin Ewert for his many years of service on the Village Board. Trustee Ewert gave a brief background of his history in politics and thanked the community for the ability to represent them.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST &

COMMITTEE REPORTS: Upcoming meetings were announced as well as other items of interest by Trustees.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing: None.
Jim Siebers – N140 W18170 Cedar Lane, Richfield – spoke regarding the intersection at Freistadt and Maple Rds.

CONSENT AGENDA:

- A. Minutes – March 17, March 24 & March 31, 2014
- B. Accounts payable/payroll
 - 1. March 25, 2014 Accounts payable \$ 781,833.51
 - 2. March 25, 2014 Payroll (hourly) \$ 212,067.29
 - 3. March 31, 2014 Payroll (salary) \$ 76,245.31
 - 4. March 2014 Accounts Payable \$ 70,489.49
- C. Operator Licenses – April 8, 2014 – June 30, 2014
Melissa A. Cohan, Dawn M. Fouche', Alyssa M. Gagnon, Karen L. Muesch, Sara B. Myrhum, Nancy M. Oinas, and Kimberly J. Susnik [Recommended Approval]
The following items were forwarded from the Public Works Committee with a unanimous recommendation:
- D. Payment of three invoices for D. F. Tomasini totaling \$18,456.00 for emergency water line failures on Blackstone Circle. [Recommended Approval]
- E. Change Order not to Exceed \$25,100 to Visu Sewer for the Relining of the 31 foot Manhole on County Line Road, with funds allocated from Acct. #60-180-183-3140 [Recommended Approval]

VIII. CONSENT AGENDA continued:

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

- F. Resolution Approving Amendments to the 2014 Budget, Totaling \$201,652 for Capital Account and \$149,610 for General Fund Carryovers and Designating Certain 2014 Capital Project Costs That can be Covered with Existing Funds from General Reserve Account in the Amount of \$279,000 [Recommended Approval]
- G. Resolution Authorizing the Charge Off of Uncollected 2012 Delinquent Personal Property Taxes in the Amount of \$6,109.64, of Which the Village Share is \$1,495.73, Plus a charge back to TIF #4 of \$16,817.65 [Recommended Approval]
- H. Resolution Approving Amendments to the 2014 Budget for the Parks Department Emerald Ash Borer Plan to Include Line Items for Salaries and Benefits for the Intern and Additional Funds Allocated to Street Tree Maintenance Acct. #10-553-530-5290 for EAB Supplies and Expense [Recommended Approval]
- I. Approve the Purchase of Computers for the Senior Center Computer Lab in the Amount of \$6,256 from Acct. #40-554-570-8420 [Recommended Approval]
- J. 2014 Salary Resolution Amendment Adding Historic Preservation Commission Per Meeting Payment and Senior Center Assistant Part Time Position [Recommended Approval]
- K. Resolution Establishing the 2014 Fee Schedule for Weights and Measures Devices Required Under Section 12.26 of the Municipal Code [Recommended Approval]
- L. Facility Usage Agreement With West Bend Youth La Crosse Inc. for Recreation Field Usage at Kinderberg Park [Recommended Approval]
- M. Facility Usage Agreement With Germantown Diamond Baseball Club for Recreation Field Usage at Village Parks [Recommended Approval]

MOTION (Vanderheiden/Baum) to approve Consent Agenda Items A-K, excepting March 17th Village Board minutes and pull Items L & M, by roll call vote, carried unanimously. March 17th minutes are not complete and will be brought back to the next meeting. **MOTION (Zabel/Ewert) to approve Item 'L', which went before the Park & Recreation Commission, Facility Usage Agreement with West Bend Youth La Crosse Inc. for Recreation Field Usage at Kinderberg Park, carried unanimously.** **MOTION (Zabel/Ewert) to approve Item 'M', which went before the Park & Recreation Commission, Facility Usage Agreement with Germantown Diamond Baseball Club for Recreation Field usage at Village Parks, carried unanimously.**

UNFINISHED BUSINESS: None

PUBLIC HEARINGS – 7:00 P.M. OR LATER –*The purpose of said hearing(s) is to hear any and all parties, their attorneys or agents, for or against the application(s) filed by the petitioner(s).*

- A. RJR Associates, Agent for AT&T Wisconsin, Operator & Lessee, and David Mitchell, Property Owner, Tax Key No. 121-985, W124 N13185 Wasaukee Road; Request for approval of a Conditional Use Permit for the Installation & Operation of a Wireless Communication Facility, including a 150' Monopole Tower and Accessory Equipment Compound pursuant to Wis. Stat. 66.0404 and Section 17.56 of the Village Zoning Code

PUBLIC HEARINGS continued:

Planner Retzlaff presented information regarding the application request. New state regulations went into effect in July 2013 and included in Budget Act 20, which those pre-empt local regulation and provisions in our code and are unenforceable if inconsistent with those statutes. Planner Retzlaff provided the list of 24 regulations. Application is the same for a proposed 150' tower on Wasaukee Road on property owned by Mr. Mitchell. 150' monopole tower, galvanized in color. Mounted with the tip at 153'. Tower and compound are located behind, with compound approximately 45' x 45' with an accessory road serving the site. Equipment enclosure approximately 10 x 12. Justification presented in application is that 150' tower and facility is needed to improve the level of service and extent of coverage to surrounding area. In support of that they have provided propagation maps of the area. Planner Retzlaff outlined the 6 conditions recommended by the Plan Commission with their approval.

President Wolter opened the public hearing at 7:43 p.m.

The following individuals spoke at the public hearing:

Willard Wolfe – 3215 Division Road, Jackson

Todd Sinnott - W124 N13479 Wasaukee Rd, Germantown

Bob - N144 W12531 Pioneer Rd,

Rob Bagley - 13577 Wasaukee Rd,

Howard Mackie - 10652 Pleasant Valley Rd Cedarburg – representing Ruth Gerock across from the proposed tower

Representative of ATT Wireless presented information on tower.

George Fitzwilliams – corner of Mary Buth and Highland

Todd Weber W124N12971 Wasaukee Rd, Germantown

Laruen Bagley 13577 Wasaukee Rd

Jim Pfingsten W148 N13428 pleasant View Drive

President Wolter stated the issue is with the Legislators as they approved the law changes and the Village's hands are tied by that.

President Wolter closed the Public Hearing at 8:09 p.m.

- B. Scott Bence, Agent for Wexford Heights LP, Property Owner; Fond du Lac Avenue, Tax Key No. 264-309, (Lot 9 Hillside View Subdivision; STH 145 ¼-mile North of Donges Bay Road) application filed for Comprehensive Plan Map Amendment to the 2020 Land Use Plan Map classification for a 3.05-acre property from the "Low Density Residential" to the "High Density Residential classification (Ordinance Amendment)
- C. Scott Bence, Agent for Wexford Heights LP, Property Owner; Fond du Lac Avenue, Tax Key No. 264-309, (Lot 9 Hillside View Subdivision; STH 145 ¼-mile North of Donges Bay Road) Application to rezone a 3.05-acre property from the B-1: Neighborhood Business District to the Rm-1: Multi-Family Residential District pursuant to Sections 17.22 of the Village Zoning Code (Ordinance Amendment) to develop an 18-unit multi-family residential development

PUBLIC HEARINGS continued:

Public Hearings B & C were taken as one combined hearing.

Planner Retzlaff presented information for the application from Scott Bence for both requests, Comprehensive Plan Map Amendment to the 2020 land Use Plan Map classification to High Density Residential classification and to rezone a 3.05 acre property to the Rm-1: Multi-Family Residential District pursuant to Sections 17.22 of the Village Zoning Code. Plan Commission has recommended approval of both requests.

President Wolter opened both Public Hearings at 8:15 p.m.

No one came forward to speak.

President Wolter closed the public hearing at 8:16 p.m.

- D. Chad Gettelman, Agent for James Purvis, Property Owner; W172 N13461 Division Road; Request for Rezoning of 14.28-acre parcel (A-2 to Rs-1) with frontage on both Division Road & Bonniwell Road (Ordinance Amendment) 2-Lot Certified Survey Map (CSM) to create two parcels
Planner Retzlaff presented the information on the application by Mr. Purvis and his agent, Mr. Gettelman. Plan Commission has recommended approval of this rezoning request as well as approval of the CSM.

President Wolter opened the Public hearing at 8:19 p.m.

No one came forward to speak.

President Wolter closed the Public Hearing at 8:20 p.m.

NEW BUSINESS:

- A. RJR Associates, Agent for AT&T Wisconsin, Operator & Lessee, and David Mitchell, Property Owner, Tax Key No. 121-985, W124 N13185 Wasaukee Road; Request for approval of a Conditional Use Permit for the Installation & Operation of a Wireless Communication Facility, including a 150' Monopole Tower and Accessory Equipment Compound pursuant to Wis. Stat. 66.0404 and Section 17.56 of the Village Zoning Code
Trustee Vanderheiden asked Attorney Sajdak if this would get voted down by this body, the State has said we have limited ability to deny, how would that be handled and would they operate without a CUP? Attorney Sajdak stated the statutes provide if there is a decision made by this body they have the right to go to circuit court to review that decision. Discussion of request this time versus the first time.
MOTION (Kaminski/Daniels) to approve tower and CUP. Further discussion.
President Wolter asked the citizens to help us help them when the State gets into our area and takes our ability away from us. The Legislators need to hear from you as well if you are dissatisfied with their decisions. **5 in favor, 4 opposed (Baum, Ewert, Zabel, Hughes) motion carried.**
- B. Scott Bence, Agent for Wexford Heights LP, Property Owner; Fond du Lac Avenue, Tax Key No. 264-309, (Lot 9 Hillside View Subdivision; STH 145 ¼-mile north of Donges Bay Road) application filed for Comprehensive Plan Map Amendment to the 2020 Land Use Plan Map classification for a 3.05-acre property

NEW BUSINESS continued:

from the “Low Density Residential” to the “High Density Residential classification (Ordinance Amendment) & Application to Rezone a 3.05-acre property from the B-1: Neighborhood Business District to the Rm-1: Multi-Family Residential District pursuant to Sections 17.22 of the Village Zoning Code (Ordinance Amendment) to develop an 18-unit multi-family residential development

MOTION (Baum/Hughes) to approve as presented. Discussion of concerns to change to multi-family with density of same in Village. Mr. Bence presented information on behalf of the property owner and attempts to go with other options that did not work out. Discussion. **5 in favor, 4 opposed (Kaminski, Ewert, Vanderheiden, Zabel) motion carried.**

- C. Chad Gettelman, Agent for James Purvis, Property Owner; W172 N13461 Division Road; Request for Rezoning of 14.28-acre parcel (A-2 to Rs-1) with frontage on both Division Road & Bonniwell Road (Ordinance Amendment) & Approval of 2-Lot Certified Survey Map (CSM) to create two parcels

MOTION (Kaminski/Baum) to approve as presented, carried unanimously.

- D. Authorization to Contract With Air-Land Surveys to Provide Aerial Survey With 1' Contours for Lands Between Maple Drive and Appleton Ave. South of Lannon Road for a Fee of \$9,350.

DPW Director Ludwig gave the background on this request. Discussion. **MOTION (Baum/Hughes) to approve as presented, by roll call vote, 8 in favor, 1 opposed (Zabel), motion carried.**

- E. Village of Germantown; 2-Lot Certified Survey Map (CSM) requested approval for purposes of re-dividing an existing parcel totaling 23.9 acres in the Germantown Business Park (Washington Drive)

MOTION (Baum/Werderman) carried unanimously.

- F. Resolution Authorizing the Borrowing of Not To Exceed \$3,795,000; and Providing for the Issuance and Sale of General Obligation Promissory Notes Therefor
MOTION (Zabel/Vanderheiden) approval for Resolution and providing to go with Option #2 with this contract. By roll call vote, carried unanimously.

- G. Deutschstadt Heritage Foundation Application for PUBLIC Grant Program – Mai-Fest, May 16-18, 2014

MOTION (Baum/Daniels) approve as requested, carried unanimously.

- H. Intergovernmental Cooperation Agreement With Milwaukee Metropolitan Sewerage District (MMSD) for the Construction of the Alt Bauer Park Parking Lot
MOTION (Zabel/Ewert) to approve, by roll call vote, carried unanimously.

- I. An Ordinance Amending Section 3.08 of the Municipal Code of Germantown Relating to the Village's Purchase and Claims Procedures
Administrator Schornack provided background on this request. **MOTION (Zabel/Vanderheiden) to approve as presented, carried unanimously.**

NEW BUSINESS continued:

- J. An Ordinance Amending Section 5.11 of the Municipal Code of Germantown Relating to the Regulation of Burning Within the Village – Fire Dept.
John Delaine of the Fire Department provided background on this request.
MOTION (Ewert/Zabel) to approve the ordinance. Discussion. **MOTION (Zabel/Baum) to amend page 2 parentheses (5) to a burn pile of not greater than a 5'x5'x5' area. Amendment carried unanimously. Motion as amended, carried unanimously.**

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:33 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk