

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

CALL TO ORDER: The meeting was called to order at 7:10 p.m. by President Wolter

ROLL CALL: President Wolter, Trustees Baum, Daniels, Hughes, Vanderheiden, Warren, Werderman and Zabel. Trustee Kaminski was absent and excused. Also present: Administrator Schornack, Attorney Sajdak, Planner Retzlaff, DPW Director Ludwig, Engineer Bischke, Police Chief Hoell, Fire Chief Weiss and Clerk Goeckner.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter – 4th of July event was well attended and very successful. Many volunteers and hours to make this event successful and wish to thank all who were involved. Administrator Schornack also stated Lynn Grgich needs to be mentioned as someone who works very hard and does a tremendous job to put this event on.

Lynn Grgich W168N11062 Ashbury Circle #5 Germantown, echoed what President Wolter said and applauded all of the various Village Departments for all of their work. Between this and the Christmas parade she appreciates the Village, the support and all the staff they provide for these events.

PRESENTATION TO OUTGOING TRUSTEE JEFF WERDERMAN

Trustee Werderman announced his resignation of the Village Board for a career move to Florida. Expressed his appreciation of the people in Germantown and his time as a Trustee. President Wolter expressed his appreciation to Trustee Werderman for his work on Village Board and the committees he has been involved in and presented him with a proclamation and a Germantown flag.

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:

The following persons spoke regarding New Business Item 'D' regarding SEWRPC STP-M funding and the legality of being on this agenda: Judi Kind, N109 W17334 Virginia Ave, Germantown WI, John Penkal N104 W16075 Hedge Way, Germantown WI, Michael Isherwood N104 W15259 Donges Bay Road, Germantown WI, Lynnae Langmann N99 W21950 Indian Parkway, Germantown WI, Daniel Wing N116 W16044 Main Street, Germantown WI

CONSENT AGENDA:

A. Minutes – June 16, 2014

B. Accounts payable/payroll

1.	June 13, 2014	Payroll (salary)	\$ 79,249.63
2.	June 17, 2014	Payroll (hourly)	\$ 221,657.07
3.	June 25, 2014	Accounts Payable	\$ 814,501.00

CONSENT AGENDA continued:

4.	June 30, 2014	Payroll (salary)	\$ 78,804.60
5.	June 2014	Accounts Payable	\$ 26,046.20
6.	July 1, 2014	Payroll (hourly)	\$ 224,664.42

C. **Operator Licenses: July 8, 2014 - June 30, 2015:**

Renewals: Barbara Awve, Jane Boudreau, Anthony Buck, Boro Buzdum, Samantha Cloyd-James, Christopher Cummings, Carol Feit, Cassandra Feuerstahler, Christine Feuerstahler, Amber Fitzwilliams, Alyssa Gagnon, Julie Gagnon, Jewelia Gorzynski, Dawn Hardy-Reith, Jason Larsen, Vickie Matt, Yadira Ortiz, Mishal Panchal, Tammi Perkins, Jill Peters, Melissa Sue Recore, Dona Schneidervin, Cheree Spychalla, Richard Tomczek.

New: Wayne Andler, Shonnette Garner, Cindy Greenblatt, Ethan Jahns, Megan Matheus, Austin Mitzel, Annette Robenhorst, Gary Vilar. [Recommended Approval]

MOTION (Baum/Werderman) to approve items A-C, by roll call vote, carried. Trustee Zabel abstained from voting on the minutes as he wasn't at the meeting, but votes to approve the other items.

UNFINISHED BUSINESS:

- A. **Resolution for Budget Amendment TIF No. 4 Signalization Mequon & Eisenhower**
DPW Director Ludwig presented this item with information included in the packet. DOT standards set the requirements for the signalization and the Village agreed to do the signalization as part of the Memorandum of Understanding for this intersection when the business park was installed. When complete the DOT will take over the maintenance of this signalization. Funding mechanism currently for this is TIF District funding. **MOTION (Zabel/Werderman) to approve the resolution as presented.** Discussion of vote that occurred at June 16th Village Board meeting and DOT requirements for the signalization. **By roll call vote, 7 in favor, 1 opposed (Baum), carried.**

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).

(Trustee Hughes left the room at 8:10 p.m. and returned at 8:19 p.m.)

- A. **MLG Germantown Investment LLC, Agent for Donald & Gloria Neu and NMMR & Associates, Property Owners and applicant to rezone 121.68-acre area from the A-1: Agricultural and I: Institutional Zoning Districts to the M-1: Limited Industrial Zoning District pursuant to Sections 17.33 of the Village Zoning Code, and a Comprehensive Plan Map Amendment to the 2020 Land Use Plan Map classification for portions of the 121.68-acre area from “Commercial” and “Mixed Use” to the “Industrial/Office” classification, on the property of Tax Key Nos. 321-981, 321-984, 321-985, 321-991 & 321-999 (Land located south of Lannon Road, north/east of Appleton Ave. and west of Maple Road.** ** Original date of this combined hearing was June 16, 2014**

Planner Retzlaff presented information regarding the applications and requests. Plan Commission recommendation is to approve the applications.

President Wolter – combining the two public hearings for rezoning and plan map amendment as one hearing.

President Wolter opened the public hearing at 8:20 p.m.

PUBLIC HEARINGS continued:

No one spoke regarding this request.

President Wolter closed the public hearing at 8:21 p.m.

- B. Keller Inc., Owner/Operator and Agent for Gary Mayworm & Allied Utility Equipment Inc., Property Owner and applicant for a Conditional Use Permit for the operation of a Construction Services/Contractor Shop business pursuant to Section 17.30(3)(j) of the Village Zoning Code, from the property located at W204 N11509 Goldendale Road (Parcel ID # GTNV 194-987)

Planner Retzlaff presented information regarding this application request.

Plan Commission recommends approval with conditions. The Board did not requiring reading the conditions at this time.

President Wolter opened the public hearing at 8:25 p.m.

No one spoke regarding this request.

President Wolter closed the public hearing at 8:26 p.m.

- C. Ryan Rahl, Agent for Project Design management, Property Owners and applicant for a Conditional Use Permit to allow development within a 25' wetland setback pursuant to Section 24.04(3) of the Village Shoreland-Wetland Zoning Code on a portion of the property located at N111 W18611 Mequon Road, (Parcel ID #GTNV 282-992)

Planner Retzlaff presented information regarding this application request.

Plan Commission recommends approval with conditions.

President Wolter opened the public hearing at 8:30 p.m.

No one spoke regarding this request.

President Wolter closed the public hearing at 8:31 p.m.

NEW BUSINESS:

- A. MLG Germantown Investment LLC, Agent for Donald & Gloria Neu, and NMMR & Associates, Property Owners, 2020 Land Use Plan Map Amendment & Rezoning Applications:

1. Ordinance No. __-14 – An Ordinance to Amend the Land Use Plan Map of the Village of Germantown 2020 “Smart Growth” Comprehensive Plan, Donald & Gloria Neu Property (Sections 29 & 32)
2. Ordinance No. __-14 – An Ordinance to Amend the Official Zoning Map of the Village of Germantown Zoning Code (Donald & Gloria Neu, Property Owners)
3. Ordinance No. __-14 – An Ordinance to Amend the Land Use Plan Map of the Village of Germantown 2020 “Smart Growth” Comprehensive Plan, NMMR & Associates Property (Section 32)
4. Ordinance No. __-14 – An Ordinance To Amend The Official Zoning Map of the Village of Germantown Zoning Code (NMMR & Associates, Property Owners)

MOTION (Zabel/Baum) to approve all four ordinances as presented, carried.

- B. Ryan Rahl, Agent for Project Design Management, Property Owners, N111 W18611 Mequon Road, Conditional Use Permit (CUP) No. __-14 for 25' Wetland Setback Development Encroachment

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

NEW BUSINESS continued:

- C. Keller Inc., Agent for Gary Mayworm & Allied Utility Equipment Inc., Property Owner, W204 N11509 Goldendale Road, Conditional Use Permit (CUP) No. -14 for the operation of a Construction Services/Contractor Shop
MOTION (Baum/Warren) to approve as presented. Discussion of water and sanitary sewer connections for property. **Carried.**
- D. Update on SEWRPC STP-M Funding Decision for Donges Bay Road Reconditioning Project and Possible Board Action Based on The Same
President Wolter - The reason this is back on the agenda is because another offer came and when it was brought to my attention I felt it should be placed on the agenda for a Board decision and I am the one who made the decision to put it on the agenda. I don't think you want me making a decision on this type of thing on my own because I could choose what I want or what I don't want to bring forward so I put it on this agenda because this was the next meeting and I wanted to get it taken care of immediately. It was not a staff driven topic, they do not put things on an agenda on their own, this was my decision. This offer was more and it was different and it required the full governmental body to respond. **MOTION (Zabel/Baum) to reject this offer for STP-M funds. 7 in favor, 1 opposed (Daniels), carried.**
- E. Application for Public Grant Program, Germantown Historical Society, Bier Garden and Oktoberfest
MOTION (Zabel/Baum) to approve as requested, carried.
- F. Application for Amendment of "Class B" Fermented Malt Beverage & Intoxicating Liquor License Outside Premises Extension, Gamroth's Kuhburg Junction, W140 N10385 Fond Du Lac Ave., Germantown WI, 20' x 30' tent, back yard area, southwest of building, August 9, August 16 & September 20, 2014, 2:00 p.m. – 10:00 p.m.
MOTION (Baum/Daniels) to approve as requested, carried.
- G. Application for Amendment of "Class B" Fermented Malt Beverage & Intoxicating Liquor License Outside Premises Extension, KJ's Bar & Grill, N112 W21209 Mequon Road, Germantown WI, 20' x 30' tent, west of building adjacent to parking lot, July 19, 2014, 4:00 p.m. – 10:00 p.m. and August 23, 2014, 2:00 p.m. – 10:00 p.m.
MOTION (Warren/Baum) to approve as requested, carried.
- H. Selection Process to Address Trustee Vacancy
Attorney Sajdak stated Statutory requirements allows the Village Board to fill the vacancy either by appointment through the time of expiration of existing term, appointment to fill term until a special election can be held at the next Spring Election or just wait for a special election in spring 2015. Also could keep the position vacant. Discussion of options. **MOTION (Baum/Zabel) to proceed with application process and appoint an applicant to fill the term until a special election can be held at the Spring Election 2015, carried.** Discussion of dates for application process. **MOTION (Baum/Warren) to give notice of opening and applications due back by July 25th, background checks to be completed and applicants to be presented to Village Board on August 4th, carried.**

NEW BUSINESS continued:

- I. Cancellation Of Village Board Meeting Of September 1, 2014 Due To Labor Day Holiday and Village Board Meeting of November 3, 2014 Due to Clerk's Office Election Duty Requirements
MOTION (Baum/Hughes) to approve cancellation of Village Board meetings scheduled for September 1st and November 3rd. Discussion of budget schedule/approval and consideration at a later date to call a Special Village Board meeting to replace the November 3rd meeting dependent on requirement. **Carried.**
- J. Appointments:
Commissions/Boards/Committees
Utility Advisory Committee
Financial/Accounting Member Patrick Broesch 07/08/2014–04/30/2015
(completing vacant term)
Alternate Member Julie Reichert 07/08/2014-04/30/2016
(completing vacant term)
Chair & Trustee Representative Robert Warren 07/08/2014-04/30/2015
MOTION (Baum/Daniels) to approve appointments as presented, carried.
- K. **MOTION (Baum/Daniels) to go into Closed Session at 9:00 p.m. per Wis. Stats. §19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, when competitive or bargaining reasons require a closed session and include Deb Reinbold and Paul Stangl, regarding Memorandum of Understanding between the Village and Rafrad, LLC for the development of lot 44 and purchase of lot 45 in the Germantown Business Park (TIF 4), by roll call vote, carried.**
- MOTION (Baum/Zabel) to go into open session at 10:40 p.m., carried.**
- MOTION (Baum/Hughes) to authorize the Village Attorney to draft the Memorandum of Understanding as recommended in closed session and authorize Village Board President to execute the documents, carried.**
- L. **MOTION (Baum/Hughes) to go into closed session at 10:41 p.m. per Wis. Stats. §19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, when competitive or bargaining reasons require a closed session and include Labor Attorney Kyle Gulya, Police Chief Hoell and Fire Chief Weiss regarding the Germantown Professional Police Association Local 306 Negotiations, by roll call vote, carried.**

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:15 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk