

**VILLAGE OF GERMANTOWN  
VILLAGE BOARD MEETING MINUTES  
March 5, 2018**

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

**ROLL CALL:** Present: President Wolter, Trustees Baum, Campbell, Hughes, Kaminski, Miller, Myers, Warren and Zabel. Also present: Administrator Kreklow, Clerk Boldrey, and Attorney Sajdak.

**PLEDGE OF ALLEGIANCE:**

**PRESIDENT'S REPORT:**

Pres. Wolter reported that there are three public hearings listed on the agenda; however, there will be two public hearings. The Public Hearing listed for Baudhuin Surveying & Engineering, Agent for Top Leaf Development was listed due to the possibility of the property rezoning to Rs-1. There was a public hearing already for the rezoning as Rs-3. A public hearing is not required for this item. If someone wants to speak on this item they may do so under citizen input and public appearance.

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

Trustees provided information on upcoming meeting dates and times.

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

Todd Johnson of Elm Lane commented against the Elm Lane connection. He petitioned neighbors on the item. He reported that 84 residents of the Forest Heights area (Forest Heights and Elm Lane) do not want the East and West segments of Elm Lane Connected. 35% of the East Crestview Drive area residents and 46% of the West Crestview Drive area also stated no. Mr. Johnson commented on traffic on Mequon Road and Forest Drive. He commented on wetland preservation and species, size of proposed lots, water run off, and septic systems.

Ron Peterson of Forest Drive commented on growing traffic. He questioned the name of the new roads and the increase of Elm Lane traffic.

Marcus Stern of Forest Drive provided a petition with 69 signatures against the extension of Elm Lane. Mr. Stern provided a petition with 79 signatures against the development.

Steve Zuerner of Forest Drive commented on growing traffic. Mr. Zuerner commented against the connection of Elm Lane

Bruce Bernarde of Friestadt Road commented on the water run-off, retention ponds, wetland preservation, and the density of lots.

Matt Bennett of Forest Drive commented on traffic concerns.

Ron Peterson of Forest Drive questioned the survey map and who is paying for the roads. He also had concern of private drives.

Tim Croftcheck of Crestview Drive commented that he likes the isolated neighborhood.

Peggy Bradley of Forest Drive commented on traffic and the potential of more children in the school district. She commented on the septic and the well draw.

Britani Weidman of Crestview Drive commented with concern of the Elm Lane connection. She commented concern of traffic.

**CONSENT AGENDA:**

- A. Approval of Minutes: February 19, 2018 Regular Village Board Meeting
- B. Accounts payable/payroll
  - February 20, 2018 Payroll (Hourly) \$ 221,293.02
  - February 25, 2018 Accounts Payable \$ 142,343.43
  - February 28, 2018 Payroll (Salary) \$ 86,123.62
  - February 28, 2018 Accounts Payable \$ 203,394.86

The following items were forwarded from **Public Safety** with a unanimous recommendation.

Operator's Licenses: Brandon Dykeman, Daniel Edmonds, Sydney Miller, Thomas Moes, Kaitlyn Rabuck [Recommendation Forthcoming]

The following items were forwarded from **General Government & Finance** with a unanimous recommendation.

- C. Resolution 15-2018, Establishing 2018 Weights & Measures Device Fee Schedule.
- D. Payment of \$10,000 to EDWC – Washington County Economic Development.

**MOTION (Baum/Myers) to approve Consent Agenda Items A – D, except for the Operators Licenses. Tr. Miller requested to pull the operators licenses. Roll call vote carried.**

**MOTION (Baum/Myers) to approve the operators licenses. Tr. Miller abstained from the vote as his daughter is listed. Motion carried.**

**VIII. PUBLIC HEARINGS:**

- A. Baudhuin Surveying & Engineering, Agent for Top Leaf Development LLC and Alan & Lynda Luther, Property Owners – 107 Acres South of Freistadt Road, North of Elm Lane and West of Wasaukee Road (including N120 W12851 Freistadt Road). Rezoning Application from A-1: Agricultural to Rs-3: Residential Single-Family Zoning District and a Concept Plan for a 42-lot Single-Family Residential Subdivision. (Tax Key: GTNV 241-997; GTNV 241-998; GTNV 242-999)

Citizens spoke under Citizen Input.

- B. Scott & Georgene Sommer, Property Owners, W148 N12696 Pleasant View Drive, Tax Key: GTNV 114-998, 114-999, 141-995 & 141-996. Conditional Use Permit to operate a Farm Market pursuant to Section 17.12(2)(hh) of the Zoning Code including a farm kitchen & café, small batch brewery and sausage production facilities on property located in an A-1; Agricultural Zoning District.

Jeff Retzlaff, Community Development Director came to the podium and reviewed the proposal. The request is for a conditional use permit to operate a farm kitchen. The property is 120 acres and zoned A-1 Agricultural. The proposal is for an agri-destination intended to educate on local food production. The proposal includes a new 6,000 square foot barn style farm kitchen and sit down restaurant, retail store, sausage production, and micro brewery. There will be a renovation of an existing 3,200 square foot shed. Proposed hours are seasonally related. The site plan and location of the building was reviewed. Parking was also reviewed. The 6,000 square foot structure is proposed to be more than 1,000 feet and up to 1,400 foot away from existing residents. The driveway is 900 feet long.

Pres. Wolter read the Public Hearing Notice. The Public Hearing was opened at 7:42 p.m.

Jim Pfungsten of Pleasant View Drive spoke against the development. He is concerned of the traffic.

Paul Mraz of Rockfield Road spoke against the development.

Judy Bankstone previous resident of Lovers Lane and current resident of Cove Lane commented against the development. She commented on the nice countryside.

Ken Zeibell of Pleasant View and is an immediate neighbor and he spoke in favor of the development. He commented that there is already traffic and would like traffic to slow down.

Kristie Kurtenbach of Pleasant View Drive spoke in favor of farmers and the development.

The public hearing was closed at 7:55 p.m.

- C. Greg Nagel, Agent for Virtus Development and Victory Center, LLC, Property Owner, W140 N10393 Fond du Lac Avenue and W140N10385 Fond du Lac Avenue, Tax Key #351-972 and #351-964 to Create the "Kuhburg District" B-3: General Business Planned Development District (B-3/PDD) pursuant to Sections 17.27 and 17.30 of the Zoning Code; to Adopt conditions & restrictions for the "Kuhburg District" B-3/PDD; and to Rezone property from the B-3: General Business District into the newly created B-3/PDD Zoning District.

Jeff Retzlaff, Community Development Director came to the podium and reviewed the proposal. The request is for creation of a Planned Development District for .483 acres at the round-about of Donges Bay and Hwy 45. The two properties are the vacant school and tavern. The proposal is to combine and develop the two properties with a coffee house and restaurant. There will be interior and exterior renovation of both properties.

There will be 25 parking stalls and alternatives of offsite parking and expansion of the parking lot by acquiring the next property.

Pres. Wolter read the Public Hearing Notice. The Public Hearing was opened at 7:55 p.m.

Don Schulties of Fond du Lac Avenue commented that he has a water problem. He commented that there is underground storage of a building at a site near the property.

The Public Hearing was closed at 8:10 p.m.

**IX. UNFINISHED BUSINESS:**

- A. Ordinance 01-2018, Rezoning from A-1: Agricultural to Rs-3: Residential Single-Family Zoning District and Concept Plan for a 42-lot Single-Family Residential Subdivision. Baudhuin Surveying & Engineering, Agent for Top Leaf Development LLC and Alan & Lynda Luther, Property Owners – 107 Acres South of Freistadt Road, North of Elm Lane and West of Wasaukee Road (including N120 W12851 Freistadt Road). (Tax Key: GTNV 241-997; GTNV 241-998; GTNV 242-999)

**Previously the item was sent back to Plan Commission for consideration after the public hearing.**

**MOTION (Baum/Zabel) to approve Ordinance 01-2018.**

**Amendment Motion (Baum/Kaminski) to remove the condition requiring the 700 foot Elm Lane Connection.**

**The Village Attorney Brian Sajdak advised that the issue before the board is the rezoning of the property. There has been discussion in regards to the Elm Lane Connection. The recommendation from Plan Commission is that the connection be made. This is normally part of the Preliminary Plat.**

**Motion to amend, to remove the condition requiring the 700 foot Elm Lane Connection, carried 5-4, Baum, Campbell, Kaminski, Myers, and Pres. Wolter voted yes. Hughes, Miller, Warren, and Zabel voted no.**

**The concept plan is for 42 single family lots that range in size from 1 acre to 5.4 acres. This is consistent with subdivision regulations. Germantown Storm Water Management regulations are stricter than the DNR's restrictions.**

**The preliminary water management will be analyzed and reviewed accordingly. Peter Hurth of Baudhuin Surveying & Engineering reported that the water management detention plans conform to the 2 year pre-development run off that currently exists. They meet water quality with 80% sediment removal.**

**The Village Attorney advised that the item is for rezoning.**

**Original Motion as amended carried, Tr. Warren, Miller, Myers, Zabel and Pres. Wolter voted Yes. Tr. Baum, Campbell, Hughes, and Kaminski voted no. Motion carried.**

**X. NEW BUSINESS:**

- A. Conditional Use Permit to Operate a Farm Market pursuant to Section 17.12(2)(hh) of the Zoning Code including a farm kitchen & café, small batch brewery and sausage production facilities on property located in an A-1; Agricultural Zoning District. Scott & Georgene Sommer, Property Owners, W148 N12696 Pleasant View Drive, Tax Key: GTNV 114-998, 114-999, 141-995 & 141-996.

**Scott Sommer came to the podium and reviewed his Plan to Operate a Farm Market.**

**The Village Attorney Brian Sajdak advised that the proposed Conditional Use identifies the variables and applies applicable standards.**

**MOTION (Kaminski/Baum) to approve the Conditional Use Permit to Operate a Farm Market, Scott & Georgene Sommer on Pleasant View Drive as presented. Motion carried.**

- B. ORDINANCE 05-2018, to Create the "Kuhburg District" B-3 General Business Planned Development District (B-3/PDD) and rezone property from the B-3: General Business District to the B-3/PDD "Kuhburg District"; Greg Nagel, Agent for Virtus Development and Victory Center, LLC, Property Owner, W140 N10393 Fond du Lac Avenue and W140N10385 Fond du Lac Avenue, Tax Key #351-972 and #351-964.

Trustees Baum and Hughes recused themselves from the dais and discussion.

**MOTION (Miller/Myers) to approve Ordinance 05-2018. Motion carried. Zabel voted no.**

- C. RESOLUTION 16-2018, to Adopt Conditions and Restrictions for the B-3/PDD "Kuhburg District"; Greg Nagel, Agent for Virtus Development and Victory Center, LLC, Property Owner, W140 N10393 Fond du Lac Avenue and W140N10385 Fond du Lac Avenue, Tax Key #351-972 and #351-964.

Trustees Baum and Hughes recused themselves from the dais and discussion.

**MOTION (Kaminski/Warren) to approve Resolution 16-2018.**

**Amendment motion by (Zabel/Warren) to amend parking setbacks minimum Section 7. (a) (iii), to four feet. Amendment Motion carried.**

**MOTION as amended carried.**

Trustees Baum and Hughes return.

D. Certified Survey Map, Zoromski Construction LLC, Agent for M&J Donges Bay LLC, Property Owner, N104 W15825 Donges Bay Road.

**MOTION (Baum/Zabel) to approve Certified Survey Map, Zoromski Construction LLC. Motion carried.**

E. Certified Survey Map, Quarles & Brady LLP, Agent for SMV Germantown LLC, Property Owner, W173 N10915 Bernies Way.

**MOTION (Baum/Kaminski) to approve Certified Survey Map, Quarles & Brady LLP.**

**Motion to amend (Zabel/Baum) #3 to include a stormwater easement and maintenance agreement and an easement and agreement for Bernie's Way pathway from Virginia Ave. to be recorded with the Certified Survey Map. Amendment motion carried.**

**Motion as amended carried.**

**CLOSED SESSION:**

A. Motion by Tr. Baum, second by Tr. Myers to Convene into Closed Session Employee Performance Compensation and Equity Adjustments. The Village Board may enter into closed session per Wis. Stats. §19.85 (1) (c) employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Village Board, Village Administrator, and Village Attorney.

**The Village Board, Administrator, Village Attorney were included in Closed Session. Roll call vote carried. The Village Board convened into closed session at 9:40 p.m.**

B. Reconvene into open session with possible action.

The Village Board reconvened into open session at 9:59 p.m. Motion (Baum/Miller) reconvene into open session at 9:59 p.m. Motion Carried.

**Motion (Baum/Warren) to approve equity adjustments as discussed in closed session. Roll call vote carried, Myers and Zabel voted no.**

**ADJOURNMENT:** There being no further business, meeting adjourned at 10:01 p.m.

Next regular Village Board meeting, Monday, March 19, 2018 at 7:00 p.m.

Deanna L. Boldrey

Deanna L. Boldrey, WCMC/CMC  
Village Clerk