

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
May 7, 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, Hughes, Kaminski, Miller, Myers, Warren, Wing, Zabel. Also present: Clerk Boldrey, and Attorney Sajdak.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT: Pres. Wolter announced that this is the first official meeting after the Spring Election. He welcomed all that won the election unopposed and newly elected Trustee Wing. Pres. Wolter commented he was disappointed to learn of the vandalism at the Gehl Performing Arts Pavilion. The Kiwanis gathered donations for the construction of the pavilion. Vandals had walked through wet cement and threw stones. The damage is estimated to be about \$4,000.

APPOINTMENTS:

A. Commissions/Boards/Committees

- | | | |
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| 1. | Board of Review | |
| | Alt. Member Lisa Filla | 05/01/2018 – 04/30/2022 |
| | (completing prior alternate term) | |
| 2. | Board of Zoning Appeals | |
| | Member Barry White | 05/01/2018 – 04/30/2021 |
| | Member Philip Fritsche | 05/01/2018 – 04/30/2021 |
| | Member Jim Hansen | 05/01/2018 – 04/30/2021 |
| | Member Dan Campbell | 05/01/2018 – 04/30/2021 |
| 3. | Plan Commission | |
| | Member Matthew Kimmler | 05/01/2018 – 04/30/2021 |
| 4. | Senior Center Advisory Committee | |
| | Trustee Dan Wing | 04/17/2018 – 04/20/2021 |
| 5. | Tourism Commission | |
| | Trustee Jeffrey M. Hughes | 05/15/2018 – 05/20/2019 |
| | Chamber Rep Lynn Grgich | 05/15/2018 – 05/20/2019 |
| | Hotel Rep Sue Ciarro | 05/15/2018 – 05/20/2019 |
| | Member Patricia Adair | 05/15/2018 – 05/20/2019 |
| | Member Carroll Merry | 05/15/2018 – 05/20/2019 |
| | Member Judy Rogers | 05/15/2018 – 05/20/2019 |
| 6. | Library Board | |
| | Member Ronald Seiser | 05/15/2018 – 05/20/2021 |
| | Member Kim Musbach | 05/15/2018 – 05/20/2021 |

MOTION (Baum/Zabel) to approve Appointments under Item A. Commissions / Boards / Committees. Pres. Wolter announced that Ronald Seiser does not want to serve on the Library Board any longer.

AMENDMENT MOTION by Zabel to defer the Senior Center Advisory Committee item to review the code. At the last Senior Center Advisory Committee meeting there was discussion of changing the code to allow for two Village Board Members instead of three and allowing for one more Village Resident. Second by Myer. The next meeting of the Senior Advisory is three months from now. Amendment motion carried unanimously. The motion as amended carried unanimously.

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

Trustees provided information on upcoming meeting dates and times.

Tr. Miller reminded that the annual Mia Fest Festivities will be held at Freidenfeld Park May 18 – May 20.

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

None.

CONSENT AGENDA:

A. Approval of Minutes: April 16, 2018 Regular Village Board Meeting

B. Accounts payable/payroll

1.	April 17, 2018	Payroll (Hourly)	\$ 218,070.58
2.	April 25, 2018	Accounts Payable	\$ 326,181.37
3.	April 30, 2018	Payroll (Salary)	\$ 90,610.17
4.	April 30, 2018	Accounts Payable	\$ 108,085.11
5.	May 1, 2018	Payroll (Hourly)	\$ 224,772.76

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

C. Operator's Licenses: Naseem Abbas, Victoria Ahrens, Andrew Aldred, Frank Arena, Judy Arnold, Theresa Bach, Kayla Billmann, Jeffrey Bird, Erin Bird, Brian Boettcher, Andrew Brawn, William Brockman IV, David Burns, Jewelia Cook, Mellissa Czerwinski, Ann Davis, Bridget DeLeon, Kevin Dobson, Susan Drexler, Richard Eastham, Jonathan Engelmann, Mary Erickson, Dawn Fouche', Shawn Frank, Julie Friede, Sherry Gagliano, Kim Gamroth, Kayla Gleixner, Lisa Grad, Amanda Greenwood, Judith Greve, Paul Groh, Susan Goecks, Joseph Gutenkunst, Yvonne Hall, Kathryn Hanson, Susan Hanson, Charles Hargan, Denise Harthun, Anita Hauner, Jennifer Heisdorf, Jayme Hoff, Eric Hoffman, Chelsea Humphreys, David Iverson II, Jeffrey Jacobs, Bruce Javens, Susan Jesmok, Jodi Kanzenbach, Jeetendra Khinot, Dawn Kirchner, Karen Klever, Steve Koenig, Nicholas Koeppler, Kimberly Kohler, Ronald Kohls, Wayne Kohls-Guenther, Joseph Krajcik, Janice Krueger, Erik Lange, Emily Lazaris, Rebecca Leibiger, Matthew Levesley, Cassidy Liederbach, Alexander Lindenberg, Tayla Lofton, Adam Maciejczak, Daniel Marchewka, Paul McLeod, Janet Miller-Parkison, Jennifer Murray, Michael Nardelli, Heather Nellessen, Chad Nickerson, Ruth Numrich, William Numrich, Susan Oechsner, Nancy Oinas, Rick Perry, Suzanne Peyer, Justin Pischke, Michael Polski, Ashley Rahl, Cedric Reed, Cheryl Rhoades, Kevin Riley, Susan Roxbury, Wendy Sarwas, Ashley Satterlee, Shane Schallert, Teresa Schmitz, Ingolf Sam Schneider, James Schramm, Eric Schroeder, Caleb Siden, Cynthia Singsheim, Tara Smith, Pareshkumar Soni, Cassandra Tabbert, Carlton Tatreau, Michelle Thomas, Joel Timmerman Jr., Joel Timmerman III, Rebecca Ulik, Roberta Van Asten, Asif Vadsaria, Tamara Waterhouse, Tyrus Welch, Ashley Welnicke, Amy Westra, Jarrid Willoughby, Michael Willavage, Stephanie Wolf, Sheri Ziehlsdorf [Recommendation Forthcoming].

D. Police Department New Squad Equipment – in an amount not to exceed \$24,491.70, from General Fire Equipment.

The following items were forwarded from **Park and Recreation Commission** with a unanimous recommendation.

- E. Spassland Park Playground Design and Installation from Lee Recreation LLC in an amount not to exceed \$69,480, from Capital Improvements Projects. Engineered Wood Fiber Surfacing to be purchased and installed by the Village, from the Operating Budget in an amount not to exceed \$5,520.
- F. Resolution 33-2018 Germantown Junior Warhawks Field Usage Agreement.

The following items were forwarded from **Government and Finance Committee** with a unanimous recommendation.

- G. Setting of Interim Fire Chief Position Salary at \$83,083 retroactive to the appointment.

MOTION (Baum/Myers) to approve Consent Agenda Items A – G. Zabel commented he would like to pull the items E and F from the Park and Recreation Commission.

Roll call vote carried unanimously on items A-D and G.

Zabel commented that the Park and Recreation Commission is not a standing committee and its items are not for the Consent Agenda and that Item E should go through General Government and Finance.

MOTION (Zabel/Baum) for item E to go through General Government and Finance. Attorney Sajdak advised that the Board could suspend the rules and send the item through the Village Board. Warren questioned if the item was time sensitive. Director Schroeder commented that the item could be time sensitive and they would like to have installed by the end of September. This is a budgeted item and under budget.

Motion Failed.

MOTION (Baum/Miller) to suspend the rules and take up item E this evening. Motion carried unanimously.

MOTION (Baum/Warren) to Approve item E. Spassland Park Playground Design and Installation from Lee Recreation LLC in an amount not to exceed \$69,480, from Capital Improvements Projects. Engineered Wood Fiber Surfacing to be purchased and installed by the Village, from the Operating Budget in an amount not to exceed \$5,520 as presented. Roll call vote carried unanimously.

MOTION (Zabel/Myers) to Approve Item F. Resolution 33-2018 Germantown Junior Warhawks Field Usage Agreement. Motion carried unanimously.

IX. PUBLIC HEARING:

- A. Paul & Jennifer Groh, Operators of Metro Cigars and Agent for MLG Germantown Investment, LLC, Property Owner – N102 W19455 Willow Creek Way, Willow Creek Business Park, Lot #5 of CSM 6782 – NE corner of Appleton Avenue & Willow Creek Way; Tax Key: GTNV 321-974. Conditional Use Permit for the operation of a Cigar Store and Bar/Lounge Operation pursuant to Section 17.33(3)(h) of the Zoning Code.

Pres. Wolter read the item. Planner Retzlaff came to the podium. The Metro Cigars conditional use application and proposal were reviewed. Metro Cigars would transfer their current liquor license to the new property. The Conditional Use Permit was recommended by the Plan Commission. The Plan Commission also conditionally approved the site and building plans.

Pres. Wolter read the public notice and opened the public hearing at 7:20 P.M.

No one spoke.

Pres. Wolter closed the public hearing at 7:22 P.M.

- B. William Wetterau, Agent for the William H. Wetterau Revocable Trust, Property Owner – W204 N12541 Goldendale Road & W204 N12660 Goldendale Road, Tax Key: GTNV 181-992 & 181-997-001. Rezoning Application from Rs-2: Residential Single Family & A-1: Agricultural Zoning District to the Rs-1: Residential Single Family and A-2: Agricultural Zoning District.

Pres. Wolter read the item. Planner Retzlaff came to the podium. He reviewed the application that Mr. Wetterau is seeking to divide approximately 40 acres of land from two parcels to parcels of different sizes. The proposal is to rezone and re-divide the land. The item was recommended by Plan Commission.

Pres. Wolter read the public notice and opened the public hearing at 7:23 P.M.

No one spoke.

Pres. Wolter closed the public hearing at 7:24 P.M.

- C. Amendments to the Zoning Code (Chapter 17) of the Village of Germantown Municipal Code: 17.42 (Conditional Use Permits); 17.51 (Changes and Amendments); and 17.53 (Public Hearings) affecting the conduct of public hearings for certain zoning-related matters including conditional use permits and Zoning Code Amendments.

Pres. Wolter read the item. Planner Retzlaff came to the podium. He reviewed the item related to zoning code amendments for public hearings. The first amendment would change the public hearing requirement from Village Board to the Plan Commission for Zoning Map District Amendments, Zoning Code Text Amendments, and Conditional Use Permits. This would allow the public to share information at the beginning of the review process and would allow the plan commission to make more informed recommendations to the Village Board. The second amendment is in regards to protest petitions and allows the ordinance to be consistent with state statutes. The zoning code changes were recommended by the Plan Commission. Both are to be effective January 1, 2019.

Pres. Wolter read the public notice and opened the public hearing at 7:29 P.M.

No one spoke.

Pres. Wolter closed the public hearing at 7:31 P.M.

- D. Chris Hitch, Trio Engineering, Agent for the Germantown School District, Property Owner, W154 N11492 Fond du Lac Avenue, W154 N11474 Fond du Lac Avenue and N114 W15450 Gettysburg Drive, Tax Key #233-983, 233-982 and 233-975 to (1) create an I: Institutional Planned Development District (I/PDD) pursuant to Sections

17.26 and 17.27 of the Zoning Code; (2) to Rezone properties from the Rs-6 Residential Single Family Zoning District and I: Institutional Zoning District into the newly created I/PDD Zoning District; (3) Adopt conditions & restrictions for the I/PDD Zoning District; and (4) Amend the Village of Germantown Comprehensive Plan 2020 Land Use Plan Map from the Medium Density Residential to Institutional/Governmental classification.

Pres. Wolter read the item. Planner Retzlaff came to the podium. He reviewed the items that are a result of the school district referendum. Director Retzlaff reviewed the current proposal that included the certified survey map, the Planned Development District to Institutional PDD for MacArthur School, and the Site Plan. The item included acquired residential lots. The Plan Commission recommended the item.

Pres. Wolter read the public notice and opened the public hearing at 7:35 P.M. Corey Chitwood of Gettysburg Drive commented he is for the expansion of the school; however, there is concern of the traffic, parking, and landscaping. The proposed pattern of the school traffic was shown on the map.

Pres. Wolter closed the public hearing at 7:41 P.M.

X. NEW BUSINESS:

MOTION (Warren/Myers) to suspend the rules and take up item E in regards to Metro Cigars. Motion carried unanimously.

E. Conditional Use Permit for the operation of a cigar store and bar/lounge operation. Paul & Jennifer Groh, Operators of Metro Cigars & MLG Germantown Investment, LLC, Property Owner of N102 W19455 Willow Creek Way, Lot #5 of CSM 6782 Willow Creek Way in the Willow Creek Business Park.

MOTION (Baum/Warren) having heard the testimony of residents, and listened to Director Retzlaff Summary, and Reviewed all of the Documents to Approve Conditional Use Permit as Presented, for the operation of a cigar store and bar/lounge operation. Paul & Jennifer Groh, Operators of Metro Cigars & MLG Germantown Investment, LLC, Property Owner of N102 W19455 Willow Creek Way, Lot #5 of CSM 6782 Willow Creek Way in the Willow Creek Business Park.

Zabel commented on the development of the lot he has an issue agreeing with the planner for this item in the business park. Wing commented on the planning and said this is a commercial corridor. Miller commented he spoke in favor of this item at Plan Commission as a citizen. He commented that this is a bonus lot based on the change of the road. This will help the TIF. This is a difficult lot to develop.

Motion carried, Zabel voted no.

A. Deutschstadt Heritage Foundation Inc. Picnic License, Temporary Class “B” Fermented Malt Beverage and Wine for Mai Fest May 18 – May 20, Friedenfeld Park, Tent on Country Aire Dr.

MOTION (Hughes/Myers) to Approve the Picnic License for Deutschstadt Heritage Foundation Inc., Temporary Class “B” Fermented Malt Beverage and Wine for Mai Fest May 18 – May 20, Friedenfeld Park, Tent on Country Aire Dr. Motion carried unanimously.

B. Resolution 27-2018 – Adoption of Purchasing Policy.

MOTION (Zabel/Kaminski) to Approve Resolution 27-2018 Adoption of Purchasing Policy. Roll call vote carried unanimously.

C. Junk Dealer Establishment Application for Waste Management Recycle America LLC, W132 N10487 Grant Dr., Germantown WI 53022, Owner RAA Trucking LLC.

MOTION (Baum/Zabel) to Approve as presented, Junk Dealer Establishment Application for Waste Management Recycle America LLC, W132 N10487 Grant Dr., Germantown WI 53022, Owner RAA Trucking LLC. Motion carried unanimously.

D. Certified Survey Map, Jeffrey & Shelly Davis, N112 W20569 Mequon Road & Patrick & Carolyn Quella, N112 W20451 Mequon Road, Property Owners.

MOTION (Baum/Myers) to Approve, based on the presentation at the Plan Commission, the Certified Survey Map, Jeffrey & Shelly Davis, N112 W20569 Mequon Road & Patrick & Carolyn Quella, N112 W20451 Mequon Road, Property Owners. Motion carried unanimously.

F. Ordinance 07-2018, Rezoning from Rs-2: Residential Single Family & A-1: Agricultural Zoning District to the Rs-1: Residential Single-Family and A-2: Agricultural Zoning Districts and Certified Survey Map for William Wetterau, Agent for the William H. Wetterau Revocable Trust, Property Owner, W204 N12541 Goldendale Road and W204 W12660 Goldendale Road.

MOTION (Kaminski/Baum) to Approve Ordinance 07-2018, Rezoning from Rs-2: Residential Single Family & A-1: Agricultural Zoning District to the Rs-1: Residential Single-Family and A-2: Agricultural Zoning Districts and Certified Survey Map for William Wetterau, Agent for the William H. Wetterau Revocable Trust, Property Owner, W204 N12541 Goldendale Road and W204 W12660 Goldendale Road. Motion carried unanimously.

G. Ordinance 08-2018, to create an I: Institutional Planned Development District (I/PDD) and Rezone the following properties from the Rs-6: Residential Single-Family Zoning District and I: Institutional Zoning District into the newly created I/PDD Zoning District, Chris Hitch, Trio Engineering, Agent for the Germantown School District, Property Owner, W154 N11492 Fond du Lac Avenue, W154 N11474 Fond du lac Avenue and N114 W15450 Gettysburg Drive, Tax Key #233-983, #233-982 and #233-975.

MOTION (Myers/Baum) to Approve Ordinance 08-2018, to create an I: Institutional Planned Development District (I/PDD) and Rezone the following properties from the Rs-6: Residential Single-Family Zoning District and I: Institutional Zoning District into the newly created I/PDD Zoning District, Chris Hitch, Trio Engineering, Agent for the Germantown School District, Property Owner, W154 N11492 Fond du Lac Avenue, W154 N11474 Fond du lac Avenue and N114 W15450 Gettysburg Drive, Tax Key #233-983, #233-982 and #233-975. Motion carried.

- H. Resolution 32-2018, to Adopt Conditions and Restrictions for the I/PDD Zoning District, Chris Hitch, Trio Engineering, Agent for the Germantown School District, Property Owner, W154 N11492 Fond du Lac Avenue, W154 N11474 Fond du lac Avenue and N114 W15450 Gettysburg Drive, Tax Key #233-983, #233-982 and #233-975.

MOTION (Myers/Baum) to Approve Resolution 32-2018, to Adopt Conditions and Restrictions for the I/PDD Zoning District, Chris Hitch, Trio Engineering, Agent for the Germantown School District, Property Owner, W154 N11492 Fond du Lac Avenue, W154 N11474 Fond du lac Avenue and N114 W15450 Gettysburg Drive, Tax Key #233-983, #233-982 and #233-975. Motion carried unanimously.

- I. Ordinance 09-2018, to Amend the Village of Germantown Comprehensive Plan 2020 Land Use Plan Map from Medium Density Residential to Institutional/Governmental, Chris Hitch, Trio Engineering, Agent for the Germantown School District, Property Owner, W154 N11474 Fond du lac Avenue and N114 W15450 Gettysburg Drive, Tax Key #233-982 and #233-975.

MOTION (Myers/Baum) to Approve Ordinance 09-2018, to Amend the Village of Germantown Comprehensive Plan 2020 Land Use Plan Map from Medium Density Residential to Institutional/Governmental, Chris Hitch, Trio Engineering, Agent for the Germantown School District, Property Owner, W154 N11474 Fond du lac Avenue and N114 W15450 Gettysburg Drive, Tax Key #233-982 and #233-975. Motion carried unanimously.

- J. Ordinance 10-2018, Amendments to the Zoning Code (Chapter 17) of the Village of Germantown Municipal Code: 17.42-Conditional Use permits, 17.51-Changes and Amendments; and 17.53- Public Hearings.

Motion by (Wing/Myers) to divide the question.

Wing commented that each can stand on their own and one is procedural and the second is a privilege that the residents have but the state is taking away. Motion carried unanimously.

Motion by (Baum/Myers) to approve Ordinance 10-2018, Amendments to the Zoning Code (Chapter 17) of the Village of Germantown Municipal Code: 17.42-Conditional Use permits, 17.51-Changes and Amendments; and 17.53- Public Hearings, all of the elements of the proposed ordinance except for the portions of the protest petitions of the ordinance, Section III. Motion carried unanimously.

Motion by (Baum/Myers) to approve Ordinance 10-2018, Amendments to the Zoning Code, Section III. Attorney Sajdak advised that the Village can keep the ordinance; however, he advised to be consistent with the state statute.

Motion by Tr. Baum/Kaminski to table and send the item back to Plan Commission for reconsideration. Motion carried unanimously.

- K. Ordinance 11-2018 Amend Sections 9.041, 9.042, and 9.043, Municipal Code Relating to the Use, Possession and Sale of Nicotine and Vapor Products.

MOTION (Myers/Baum) to Approve Ordinance 11-2018 Amend Sections 9.041, 9.042, and 9.043, Municipal Code Relating to the Use, Possession and Sale of Nicotine and Vapor Products. Motion carried unanimously.

ADJOURNMENT: There being no further business, meeting adjourned at 8:27 p.m.

Deanna L. Boldrey

Deanna L. Boldrey, WCMC/CMC
Village Clerk