

**VILLAGE OF GERMANTOWN  
VILLAGE BOARD MEETING MINUTES  
April 15, 2019**

**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, Miller, Myers, Warren, Wing and Zabel. Absent and Excused Trustee Kaminski. Also present: Administrator Kreklow, Clerk Braunschweig, Attorney Sajdak, Director Ratayczak, and Director Retzlaff.

**PLEDGE OF ALLEGIANCE:**

**PRESIDENT'S REPORT:**

President Wolter commented he is honored to serve a fourth term as Village President. President Wolter wished a Happy Holy Week, Happy Easter and Passover to all that are celebrating this week.

**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:**

Chris Yatchak of Brownstone Court came to the podium. He invited the community to attend a fundraiser at the American Legion Post called Laugh at the Legions on Saturday May 4<sup>th</sup>.

Don Montana of the Lions Club came to the podium. He spoke of starting a Lions Club in the Village of Germantown. The meeting will be on April 24<sup>th</sup> at the Library from 5 pm – 8 pm.

**I. APPOINTMENTS:**

**A. Standing Committees of the Village Board**

**1. General Government & Finance:**

<b>Chair</b> Trustee Arthur Zabel	04/16/2019 – 04/20/2020
Trustee Terri Kaminski	04/16/2019 – 04/20/2020
Trustee David Baum	04/16/2019 – 04/20/2020
Trustee Rick Miller	04/16/2019 – 04/20/2020

**2. Public Safety:**

<b>Chair</b> Trustee Jeff Hughes	04/16/2019 – 04/20/2020
Trustee Dan Wing	04/16/2019 – 04/20/2020
Trustee Robert Warren	04/16/2019 – 04/20/2020
Trustee Dennis Myers	04/16/2019 – 04/20/2020

**3. Public Works & Highways:**

<b>Chair</b> Trustee Terri Kaminski	04/16/2019 – 04/20/2020
Trustee Jeff Hughes	04/16/2019 – 04/20/2020
Trustee Robert Warren	04/16/2019 – 04/20/2020
Trustee Arthur Zabel	04/16/2019 – 04/20/2020

**B. Commissions/Boards/Committees**

**1. Administrative Appeals Review Board**

Chair Dean Wolter 04/16/2019 – 04/20/2020  
Trustee Terri Kaminski 04/16/2019 – 04/20/2020

**2. Board of Review**

Member Chris Niggemeier 05/01/2019 – 04/30/2024

**3. Historic Preservation Commission**

Chair/Trustee Rick Miller 04/16/2019 – 04/20/2020  
Member Barbara Mendenhall 04/16/2019 – 04/20/2022  
Member Christine Kauth 04/16/2019 – 04/20/2022

**4. Library Board**

Trustee Dennis Myers 04/16/2019 – 04/20/2020  
Member Charlene Brady 07/01/2019 – 06/30/2022  
Member Darlene Vosen 07/01/2019 – 06/30/2022  
School Rep. Brenda O'Brien 07/01/2019 – 06/30/2022

**5. Park & Recreation Commission**

Trustee Rick Miller 04/16/2019 – 04/20/2020  
Chair Scott Coulthurst 05/01/2019 – 04/30/2022  
Member Kim Leukert 05/01/2019 – 04/30/2022  
School Bd Ray Borden 05/01/2019 – 04/20/2020

**6. Plan Commission**

Chair Dean Wolter 04/16/2019 – 04/20/2020  
Trustee David Baum 04/16/2019 – 04/20/2020

**7. Police & Fire Commission**

Member Larry Owen 05/01/2019 – 04/30/2024

**8. Senior Center Advisory Committee**

Chair/Trustee Dennis Myers 04/16/2019 – 04/20/2020  
Trustee Arthur Zabel 04/16/2019 – 04/20/2020  
Member Norine Janzen 05/01/2019 – 04/30/2021

**9. Tourism Commission**

Chair/Trustee Dan Wing 04/16/2019 – 04/20/2020  
Hotel Rep. Ryan Rahl 04/16/2019 – 04/20/2020  
Chamber Rep. Lynn Grgich 04/16/2019 – 04/20/2020  
Member Patricia Adair 04/16/2019 – 04/20/2020  
Member Judy Rogers 04/16/2019 – 04/20/2020  
Member Carroll Merry 04/16/2019 – 04/20/2020

**10. Economic Development Commission**

Chair/Trustee Jeff Hughes 04/16/2019 – 04/20/2020  
Trustee Rick Miller 04/16/2019 – 04/20/2020  
Trustee Dennis Myers 04/16/2019 – 04/20/2020  
Member Scott Coulthurst 04/16/2019 – 04/20/2022  
Member Jim Sedgwick 04/16/2018 – 04/20/2021

**11. Utility Advisory Committee**

Chair/Trustee Robert Warren 04/16/2019 – 04/20/2020  
Member Jim Hansen 05/01/2018 – 04/30/2021  
Member Dan Campbell 05/01/2018 – 04/30/2021  
Member Lindsay Rehlau 05/01/2017 – 04/20/2020  
Alt. Member Julie Reichert 05/01/2019 – 04/20/2022

- 12. **Building Construction Oversight Committee**
  - Chair/Trustee David Baum 04/16/2019 – 04/20/2020
  - Trustee Robert Warren 04/16/2019 – 04/20/2020
- 13. **Board of Zoning Appeals**
  - Member Lisa Filla 05/01/2018 – 04/30/2021
  - Alt. Member Jeffrey Knop 05/01/2019 – 04/30/2022
- 14. **Ethics Board**
  - Member Wyatt Wiehr 05/01/2019 – 04/30/2022
  - Member Rosemarie Matheus 05/01/2019 – 04/30/2022
  - Member David Wendler 05/01/2018 – 04/30/2021
  - Member Vacant 05/01/2017 – 04/30/2020
  - Alt. Member Vacant 05/01/2019 – 04/30/2022
  - Alt. Member Vacant 05/01/2018 – 04/30/2021
- C. **Weed Commissioner**
  - Planning/Zoning Adm. Jeff Retzlaff
- D. **Mid-Moraine Legislative Committee**
  - Trustee Representative Arthur Zabel
- E. **Official Posting Places**
  - Village Hall - N112 W17001 Mequon Road
  - Public Library - N112 W16957 Mequon Road
  - Village Website

**MOTION (Myers/Baum) to approve All Appointments. Motion carried unanimously.**

**CONSENT AGENDA:**

- A. Approval of Minutes: April 1, 2019 Regular Village Board Meeting and April 1, 2019 Committee of the Whole Meeting.
- B. Accounts payable/payroll
  - 1. April 2, 2019 Payroll (Hourly) \$ 232,124.24
  - 2. April 10, 2019 Accounts Payable \$ 1,814,753.17
  - 3. April 15, 2019 Payroll (Salary) \$ 115,898.47
- C. Operator's Licenses: Elizabeth Humlie, Christian Johnson, Rae Koppelman, Samantha Nguyen, and Heather Sanders. [Recommendation Forthcoming]
- D. Operator's License Denial: Roger Olson III. [Recommended Denial]
- E. Change of Agent, Kimberly Kuecker, Kwik Trip, Inc. W188N10963 Maple Road.  
The following items were forwarded from **Public Works Committee** with a unanimous recommendation.
- F. Purchase Crack Filling Materials from Sherwin Industries of Milwaukee in an amount not to exceed \$25,000.

**MOTION (Baum/Myers) to approve Consent Agenda Items A-F. Trustee Zabel requested item D to be pulled. Roll Call Vote Carried Unanimously.**

- D. Operator's License Denial: Roger Olson III. [Recommended Denial]

**MOTION (Hughes/Wing) to approve the Operator License for Roger Olson III. The Public Safety Committee Recommended Approval of the Operator License for Roger Olson III. Captain Snow came to the podium and stated that there is an automatic denial due to the felony conviction. The charges are from 2017 and the conviction was in 2018. The current employer has vouched for him and is installing security and monitoring. Motion Carried Unanimously.**

**OLD BUSINESS:**

None.

**PUBLIC HEARING:**

Towne Realty Inc. d/b/a Zilber Property Group, Agents for ZPG Development LLC, Property Owner – W210 N12805 Gateway Crossing in the Germantown Gateway Corporate Park. Conditional Use Permit Application to Allow Grading & Filling within a 75' Navigable Waterway Setback.

**Director Retzlaff presented information on the Conditional Use Application for Zilber Property at W210 N12805 Gateway Crossing to Allow Grading & Filling within a 75' Navigable Waterway Setback. Director Retzlaff gave history to the Gateway Corporate Park. The Zilber Property group is moving forward with development two. The Plan Commission held a Public Hearing on April 8<sup>th</sup> and recommended approval.**

**President Wolter Read the Public Hearing Notice. The Public Hearing was opened at 7:18 p.m. No one spoke. President Wolter closed the Public Hearing at 7:19 p.m.**

Keller Inc., Agent for ELLARETEE LLC and GGWW LLC, Property Owner – W204N12839 Goldendale Road. Application to Rezone 28.1 acres from A-1: Agricultural to M-1: Limited Industrial; And Conditional Use Permit Application to Allow an Accessory Structure to Exceed 45 Feet in Height.

**Director Retzlaff presented information on the Application to Rezone 28.1 acres from A-1: Agricultural to M-1: Limited Industrial; And Conditional Use Permit Application to Allow an Accessory Structure to Exceed 45 Feet in Height. The Site Location Map was shown. The proposed CSM was shown. Renderings were shown. The Conditional Use Permit is for the Dust Collection System. The Plan Commission held a Public Hearing on April 8<sup>th</sup> and recommended approval.**

**President Wolter Read the Public Hearing Notice. The Public Hearing was opened at 7:22 p.m. No one spoke. President Wolter closed the Public Hearing at 7:23 p.m.**

Lendlease Americas Inc., Agent for Rockfield Investments LLC, Property Owner, and Verizon Wireless, Tenant and Operator – N132 W17390 Rockfield Road. Conditional Use Permit to Install and Operate a Wireless Communication Facility and 185.5' Monopole Tower.

**Director Retzlaff presented the Conditional Use Permit to Install and Operate a Wireless Communication Facility and 185.5' Monopole Tower. There will be space for four providers. The presentation included a site plan and site views. The Plan Commission recommended privacy slats. The tower profile was shown. There will be a 30 foot easement. Wisconsin Statutes 66.0404, The wireless siting law does override municipal regulation of wireless facilities. The Village cannot deny due to height, aesthetics, and property set-backs. Denial is effectively limited to an incomplete application or refusal for the applicant to co-locate in their search radius that can provide comparable service level. In this case there is a complete application and after an engineer assessment there is not a co-location opportunity in their search radius. The Federal Telecommunications Act of 1996 provides further limitations of municipality regulations.**

**The Plan Commission held a Public Hearing on April 8<sup>th</sup> and recommended approval.**

**President Wolter Read the Public Hearing Notice. The Public Hearing was opened at 7:27 p.m.**

**Jeff Madsen of Rockfield Road spoke against the tower. He spoke further concern of radio waves, truck traffic, and the maintenance of Rockfield Road.**

**President Wolter closed the Public Hearing at 7:31 p.m.**

Veridian Homes LLC, Agent for Germantown School District, Property Owner – N104 W14942 Donges Bay Road. Rezoning Application to create a Planned Development District (PDD) and Rezone 14.7 acres from A-2: Agricultural to Rs-5:Single-Family for a 27-Lot Residential Development. (No Action. Public Hearing Only.)

President Wolter reported that there would not be action on this item. The Plan Commission held a Public Hearing on April 8<sup>th</sup>. The Plan Commission action was to postpone the item until Veridian Homes presents a new plat closer to surrounding areas.

**Director Retzlaff presented history of the rezoning. In December of 2018, the Village Board approved rezoning from A2 Agricultural to Rs-6. This action was reconsidered and rescinded in January of 2019. The application was sent back to the Plan Commission for further consideration for a development that is more consistent with surrounding neighborhoods. The application is for 27 single family lots on 14.7 acres. This is three less lots than the previous submittal. The Concept Plan Was shown. The proposed zoning is Rs-5 with a Planned Development Overlay. Previously, the Village Board did approve the 2020 Land Use Map Amendment to Low Density Residential. There are five wetlands, four will be filled.**

**President Wolter Read the Public Hearing Notice. The Public Hearing was opened at 7:36 p.m.**

**Phil Hudson of Windsong Circle West came to the podium. He spoke against the development.**

**Lilibeth Yao of Windsong Circle came to the podium. She commented on preference to Rs-4 zoning. She commented on a petition and presented the petition.**

**In order for a park to be considered the application needs to be withdrawn by Veridian or the School. And then the Village Board would need to discuss with the School.**

**President Wolter closed the Public Hearing at 7:46 p.m.**

**NEW BUSINESS:**

Resolution 30-2019, Resolution Awarding the Sale of \$3,075,000 General Obligation Promissory Notes, Series 2019C; Providing the Form of the Notes; and Levying a Tax in Connection Therewith.

**MOTION (Baum/Warren) to Approve Resolution 30-2019, Resolution Awarding the Sale of \$3,040,000 General Obligation Promissory Notes, Series 2019C; Providing the Form of the Notes; and Levying a Tax in Connection Therewith.**

**Phil Cosson of Ehlers came to the podium. He reported on the rating call. The resolution was updated to \$3,040,000 which is less than the previously authorized. Roll Call Vote Carried Unanimously.**

Conditional Use Permit, to Allow Grading & Filling within a 75' Navigable Waterway Setback, And 4-Lot Certified Survey Map (CSM) for Towne Realty Inc. d/b/a Zilber Property Group, Agents for ZPG Development LLC, Property Owner – W210 N12805 Gateway Crossing in the Germantown Gateway Corporate Park.

**MOTION (Myers/Baum) to approve the Conditional Use Permit to Allow an Accessory Structure to Exceed 45 Feet in Height; 2-Lot Certified Survey Map (CSM); And, Ordinance 3-2019 to Rezone 28.1 acres from A-1: Agricultural to M-1 Limited Industrial Zoning District for Keller Inc., Agent for ELLARETEE LLC and GGWW LLC, Property Owner – W204 N12839 Goldendale Road. The Plan Commission did recommend approval. Motion carried unanimously.**

Conditional Use Permit, to Install and Operate a Wireless Communication Facility and 185.5' Monopole Tower for Lendlease Americas Inc., Agent for Rockfield Investments LLC, Property Owner, and Verizon Wireless, Tenant and Operator – N132 W17390 Rockfield Road.

**MOTION (Baum/Myers) to approve Conditional Use Permit, to Install and Operate a Wireless Communication Facility and 185.5' Monopole Tower for Lendlease Americas Inc., Agent for Rockfield Investments LLC, Property Owner, and Verizon Wireless, Tenant and Operator – N132 W17390 Rockfield Road. Discussion ensued of paving and maintaining the drive. Nathan Ward of Lendlease came to the podium. He commented that the Fire Department reported the road was adequate for safety vehicles which is a 60,000 lb weight requirement. The Plan Commission did recommend approval. Motion carried. Zabel voted no.**

4 Lot, Certified Survey Map, Carity Land Corporation, Agent for Briscoe Development & Management Inc., Property Owner of 144.8 acres located South of Freistadt Road, East of the Canadian National Railroad, North of Mequon Road and West of Country Aire Drive.

**Director Retzlaff came to the podium. The Certified Survey divides the area into four parcels for future development. The proposed Certified Survey Maps were shown. The Plan Commission did recommend approval.**

**MOTION (Baum/Myers) to approve the 4 Lot, Certified Survey Map, Carity Land Corporation, Agent for Briscoe Development & Management Inc., Property Owner of 144.8 acres located South of Freistadt Road, East of the Canadian National Railroad, North of Mequon Road and West of Country Aire Drive. Motion carried unanimously.**

Preliminary Subdivision Plat for a 35-Lot, Single-Family Residential Development called “Heritage Park North”. Brian Depies, SEH Inc., and Heritage Park Development Corp., Agent for John & Mary Barnes and Bittersweet Trail, LLC, Property Owners – 33 Acres East of Division Road And North of Revere Lane.

**Director Retzlaff presented the existing zoning and wetland delineation. Previously the development was shown with 33 lots and now is with 35 lots. The difference is due to the filling of two wetlands.**

**MOTION (Baum/Myers) to approve the Preliminary Subdivision Plat for a 35-Lot, Single-Family Residential Development called “Heritage Park North”. Brian Depies, SEH Inc., and Heritage Park Development Corp., Agent for John & Mary Barnes and Bittersweet Trail, LLC, Property Owners – 33 Acres East of Division Road And North of Revere Lane.**

**Zabel commented with concern of a sidewalk continuing from Tanglewood to Revere. The Village Engineer had reviewed and the area is proposed for a small storm water basin. AMENDMENT MOTION by Zabel to amend and continue the sidewalk from Tanglewood to Revere Lane with review by the Public Works Committee. Amendment Motion failed for a lack of a second.**

**President Wolter commented this is in his backyard. His neighbors are concerned with water puddling and to keep the drainage area open.**

**Original motion carried. Zabel voted no.**

Resolution 31-2019, Wrenwood Development Agreement.

**Attorney Brian Sajdak reported that the Public Works Committee did recommend approval of the development agreement with one change. Section 1.13, Recreation Trail, the Village agrees that if lot four does not develop they will be still be required to put in the bike path unless no other development has occurred.**

**Discussion ensued that Friestadt will be reconstructed in the next three years, 2022, and will probably install a bike path.**

**MOTION (Baum/Myers) to approve Resolution 31-2019, Wrenwood Development Agreement with the amendment from Public Works Committee.**

**AMENDMENT MOTION (Zabel/Wing) Section 1.06 the paved sidewalk/path along Country Aire Drive to Friedenfeld Park to match the existing pathway width and materials. Amendment Motion Carried.**

**AMENDMENT MOTION by Zabel for the developer to complete the sidewalk from Mequon to East, past the Railroad tracks to the House of Sausage. Motion failed for lack of a second.**

**Original Motion as amending section 1.06 carried. Zabel voted no.**

**ADJOURNMENT.**

**ADJOURNMENT: There being no further business, the meeting adjourned at 8:32 p.m.**

**The next regular meeting of the Village Board will be on Monday, May 6, 2019 at 7:00 p.m.**

*Respectfully Submitted,*  
Deanna B. Braunschweig, WCMC/CMC  
Village Clerk