

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
May 6, 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, Kaminski, Miller, Myers, Warren, Wing and Zabel. Also present: Clerk Braunschweig, Attorney Sajdak, Director Ratayczak, Director Retzlaff, Director Schroeder, Manager Tucker, Associate Planner Zandt.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:

No Report.

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

Trustees provided information on upcoming meeting dates and times.

Trustee Miller reminded everyone of the Mai Fest Celebration on May 17, 18, and 19th to be held at Freidenfeld Park.

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

None.

CONSENT AGENDA:

- A. Approval of Minutes: April 15, 2019, Regular Meeting.
- B. Accounts payable/payroll
 - 1. April 16, 2019 Payroll (Hourly) \$ 224,506.12
 - 2. April 25, 2019 Accounts Payable \$ 547,198.41
 - 3. April 30, 2019 Payroll (Salary) \$ 337,942.01
 - 4. April 30, 2019 Accounts Payable \$ 37,657.33
- C. Operator's Licenses: Naseem Abbas, Rebecca Anbu, Theresa Bach, Kody Bartel, Theron Beauregard, Erin Bird, Jeff Bird, Brian Boettcher, Jamie Brock, William Brockman IV, Angela Butula, Marie Chilicki, Jewelia Cook, Stephanie Cresci, Mellissa Czerwinski, Ann Davis, Jordan Doro, Susan Drexler, Lindsay Dulek, Richard Eastham, Denise Eineichner, Julie Friede, Jeffrey Frank, Shawn Frank, Dawn Fouche, Bobbi Jo Gabrielsen, Tracy Garza, Lisa Grad, Judith Greve, Amanda Greenwood, Steven Hankes, Kathryn Hanson, Susan Hanson, Sarah Harrison, Anita Hauner, James Heimann, Jeanine Isaacson, Jeffrey Jacobs, Bruce Javens, Susan Jesmok, Amy Keller, Jeetendra Khinot, Karen Klever, Kimberly Kohler, Ronald Kohls, Christine Konvalinka, Jan Krueger, Erik Lange, Paul McLeod, Kayla Mulhern, Jennifer Murray, Danielle Nowakowski, Ruth Numrich, William Numrich, Susan Oechsner, Javier Ortega, Valerie Palkowski, Suzanne Peyer, Kaitlin Pokorny, Ashley Rahl, Christopher Reason, Cedric Reed, Cheryl Rhoades, Kevin Riley, Matthew Roadhouse, Susan Roxbury, Heather Sanders, Wendy Sarwas, James Schramm, Steven Schwendtner, Eric Schroeder, Kaitlin Siebenlist, Caitlin Siesco, Heather Smith, Paresch Soni, Eileen Stroud, Carlton Tatreau, Michelle Thomas, Kimberly Tutas, Jessica Urban, Annette Vesper, Roberta VonAsten, Tyrus Welch, Michael Willavage, Jarrid Willoughby, Stephanie Wolf, Sandra Yang. [Recommendation Forthcoming.]

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

- D. Resolution 28-2019, Amendment to Schedule of Fees Regarding House Address / Fire Numbers and Erosion Control Permit Fees.
- E. Resolution 29-2019, Amendment to the Employee Policy and Procedure Manual, Amendment to the Family and Medical Leave Policy and the Addition of the Disability Accommodation Policy.

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

- F. Resolution 27-2019, Resolution Authorizing the Sale of Fermented Malt Beverages in Village Parks by Village Employees and Officers.

MOTION (BAUM/MYERS) to approve Consent Agenda Items A-F. Roll Call Vote Carried Unanimously.

OLD BUSINESS:

None.

PUBLIC HEARING:

MSTLC LLC, Agent for TLC Acres LLC and Matthew & Amy Seban, Property Owners – W210 N10738 Appleton Avenue. Conditional Use Permit to allow 1) the operation of a landscape services business, 2) retail sales of nursery products not raised on the property and 3) storage of commercial vehicles and equipment.

Director Retzlaff presented information on the Conditional Use Application for TLC Acres LLC and Matthew & Amy Seban, Property Owners – W210 N10738 Appleton Avenue. Conditional Use Permit to allow 1) the operation of a landscape services business, 2) retail sales of nursery products not raised on the property and 3) storage of commercial vehicles and equipment. The Plan Commission held a Public Hearing on April 8th and recommended approval with ten conditions. The site plan was shown. Hours of operation were reviewed. There will be a zoning change and a public hearing for the zoning change.

President Wolter read the Public Hearing Notice. The Public Hearing was opened at 7:19 p.m. Jerome Powell of Appleton Avenue came to the podium. He shared concerns of traffic and fill. President Wolter read Scott Reilly and William Pagelhorn's statements of support for the business. President Wolter closed the Public Hearing at 7:22 p.m.

Matthew & Michelle Stephan, Agents for Mark & Joann Stephan, Property Owner – 20 acres of vacant land located on Rockfield Road ½ mile west of Goldendale Road.

Rezoning application: A-1: Agricultural to A-2: Agricultural and Rs-1: Single-family Residential.

Director Retzlaff presented information on the Rezoning application: A-1: Agricultural to A-2: Agricultural and Rs-1: Single-family Residential for Matthew & Michelle Stephan, Agents for Mark & Joann Stephan, Property Owner – 20 acres of vacant land located on Rockfield Road ½ mile west of Goldendale Road. The Plan Commission held a Public Hearing on April 8th and recommended approval. The site location plan and CSM were shown. The sanitary sewer service map was shown. The zoning application was reviewed. The 2050 plan is not in place. Staff is recommending denial based on incompatibility with future development of surrounding area.

President Wolter Read the Public Hearing Notice. The Public Hearing was opened at 7:28 p.m.

Mark Stephen of Ash Drive, Jackson spoke in favor of he rezoning. He wants to build a home on that location.

President Wolter closed the Public Hearing at 7:30 p.m.

Quam Engineering LLC, Agent for Rick A Weissman (Weissman Automotive) Property Owner – W140 N10455 Fond du Lac Avenue/STH 145.

Conditional Use Permit to allow the operation of a motor vehicle service and body repair shop & **Rezoning application** from B-3: General Business & M-2: General Industrial to the B-5: Highway Business Zoning District.

Director Retzlaff presented information on the Application for a Conditional Use Permit to allow the operation of a motor vehicle service and body repair shop & Rezoning application from B-3: General Business & M-2: General Industrial to the B-5: Highway Business Zoning District. The Plan Commission held a Public Hearing on April 8th and recommended approval with five conditions.

President Wolter Read the Public Hearing Notice. The Public Hearing was opened at 7:35 p.m. No one spoke. President Wolter closed the Public Hearing at 7:36 p.m.

NEW BUSINESS:

Picnic License, Temporary Class “B” Fermented Malt Beverage and Wine for Deutschstadt Heritage Foundation Inc., MaiFest, May 17 – May 19, Freidenfeld Park, W140N11492 Country Aire Drive. **MOTION (Zabel/Myers) to Approve Picnic License, Temporary Class “B” Fermented Malt Beverage and Wine for Deutschstadt Heritage Foundation Inc., MaiFest, May 17 – May 19, Freidenfeld Park, W140N11492 Country Aire Drive. Motion carried unanimously.**

Picnic License, Temporary Class “B” Fermented Malt Beverage and Wine for Faith Lutheran Church, Spaghetti Dinner, May 19, W172N11187 Division Road.

MOTION (Zabel/Myers) to Approve Picnic License, Temporary Class “B” Fermented Malt Beverage and Wine for Faith Lutheran Church, Spaghetti Dinner, May 19, W172N11187 Division Road. Motion carried unanimously.

Public Grant Program, Rainbows and Unicorn Fun Run, Germantown Scholarship Fund, Karen Anderson, Fun Run, Kinderberg Park \$130 Park Reservation Fee.

MOTION (Baum/Myers) to Approve Public Grant Program, Rainbows and Unicorn Fun Run, Germantown Scholarship Fund, Karen Anderson, Fun Run, Kinderberg Park \$130 Park Reservation Fee. Amendment Motion to Include Proper Insurance (Zabel/Myers). Amendment Motion carried. Motion as amended carried unanimously.

Conditional Use Permit to allow the operation of a landscape services business, retail sales of nursery products, and storage of commercial vehicles and equipment for MSTLC LLC, Agent for TLC Acres LLC and Matthew & Amy Seban, Property Owners – W210 N10738 Appleton Avenue.

MOTION (Baum/Kaminski) to Approve the Conditional Use Permit to allow the operation of a landscape services business, retail sales of nursery products, and storage of commercial vehicles and equipment for MSTLC LLC, Agent for TLC Acres LLC and Matthew & Amy Seban, Property Owners – W210 N10738 Appleton Avenue.

MOTION (Zabel/Baum) to Postpone the Conditional Use item to a future meeting to be taken up with the zoning. Motion to Postpone Carried Unanimously.

Ordinance 04-2019 to Rezone from the A-1: Agricultural to A-2: Agricultural and Rs-1: Single-family Residential and 2-Lot **Certified Survey Map** application (CSM) for Matthew & Michelle Stephan, Agents for Mark & Joann Stephan, Property Owners – 20 acres of vacant land located on Rockfield Road ½ mile west of Goldendale Road.

MOTION (Kaminski/Zabel) to Approve Ordinance 04-2019 to Rezone from the A-1: Agricultural to A-2: Agricultural and Rs-1: Single-family Residential and 2-Lot Certified Survey Map application (CSM) for Matthew & Michelle Stephan, Agents for Mark & Joann Stephan, Property Owners – 20 acres of vacant land located on Rockfield Road ½ mile west of Goldendale Road.

Discussion ensued of the Plan Commission meeting, property rights and the lack of a Village Plan for the area.

Director Retzlaff reported that if the Village Board will rezone and divide the property, a road reservation and utility easement would be needed. The road reservation would accommodate an extension to Gateway Crossing. The reservation would be 80 feet in width and located on the Western side of the new center property line. A 30 foot utility easement on the Northern side of the property is needed to accommodate future water and sewer extensions.

AMENDMENT MOTION (Baum/Kaminski) for 80 foot road reservation located on the Western side of the property and 30 foot utility easement on the north side of the property to accommodate future water and sewer extensions. The areas were shown on the map.

Wing commented to make sure the applicants were aware of the reservation and easement. Joann Stephen came to the podium for clarification on the road reservation. The CSM map showing the division was reviewed. Attorney Sjadak described the road reservation that would be in the center of the property for the Village to install a road and there would not be compensation. Because the property owner came to the Village, the Village can request the reservation and easement.

MOTION (Wing/Myers) to divide the question. Motion carried to divide the question. The Site Location and maps were reviewed.

The Road Reservation Motion failed.

Director Retzlaff clarified that if there is not a road reservation then there is not room for the utility easement.

AMENDMENT MOTION (Baum/Kaminski) for the 30 foot utility easement north south along property line. The temporary easement would be 40 foot for construction. This is in addition to the East West utility easement. Utilities would probably be on the Westerly Side.

Joann Stephen of Rockfield Road came to the podium for clarification. Attorney Sajdak clarified that the Village would not reimburse if there was installation of the utilities.

This is for possible future development.

Baum questioned if applicants would like the item postponed for the family to discuss.

Mark Stephen of Rockfield Road came to the podium. He questioned previous easements for the Village. Possible sanitary sewer extensions were shown as drawn by topography. The sanitary sewer service map was shown. The utilities will be 15 – 19 feet depth.

Amendment motion for the 30 foot utility easement on the North South along property line Carried, 5-4. Zabel, Myers, Miller, Warren Voted No.

Amendment motion on the Western Side of the property carried. Zabel voted no.

The Original Motion Carried Unanimously to Approve Ordinance 04-2019 to Rezone from the A-1: Agricultural to A-2: Agricultural and Rs-1: Single-family Residential and the Amended 2-Lot Certified Survey Map. Director Retzlaff clarified that the permanent easement is 30 feet in width and the temporary construction easement is an additional 40 feet.

Conditional Use Permit to allow the operation of a motor vehicle service and body repair shop, and **Ordinance 05-2019** to Rezone from the B-3: General Business & M-2: General Industrial to the B-5: Highway Business Zoning District for Rick A Weissman (Weissman Automotive), property owner-W140 N10455 Fond du Lac Avenue/STH 145.

MOTION (Myers/Baum) Conditional Use Permit to allow the operation of a motor vehicle service and body repair shop, and Ordinance 05-2019 to Rezone from the B-3: General Business & M-2: General Industrial to the B-5: Highway Business Zoning District for Rick A Weissman (Weissman Automotive), property owner-W140 N10455 Fond du Lac Avenue/STH 145. Motion carried unanimously.

Resolution 32-2019, Ellaretee LLC Development Agreement.

MOTION (Myers/Baum) to approve Resolution 32-2019, Ellaretee LLC Development Agreement. Zabel questioned if TIF 8 plan needs to be amended. Attorney Sajdak reported that this would include extension of sewer and water. TIF 8 plan does not need to be amended. The Village has not done the complete borrowing on the TIF. Director Ratayczak commented that there will be additional borrowing for the extension of sewer and water. This will be discussed at a future meeting. Roll Call Vote carried. Baum and Zabel voted no.

ADJOURNMENT.

ADJOURNMENT: There being no further business, the meeting adjourned at 8:35 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