

**JOINT MEETING OF VILLAGE BOARD AND ARCHITECTURAL BOARD
& PLAN COMMISSION MINUTES
MONDAY, MAY 24, 2021
6:30 PM
BOARD ROOM, MUNICIPAL BUILDING, 210 COTTONWOOD AVENUE**

Call to Order: (1) VILLAGE BOARD; (2) ARCHITECTURAL BOARD & PLAN COMMISSION
Roll Call FOR EACH GOVERNMENTAL BODY

Village Board: Trustees Anson, Dorau, Meyers, Wallschlager, Ludtke, Conner, President Pfannerstill

Architectural Board/Plan Commission: Chairman Pfannerstill, David de Courcy Bower (zoom), Tim Hallquist, Chip Schneeberger, Ann Wallschlager, Jeff Bierman, Dino Xykis (zoom)

Others present: Administrator Rhode, Finance Director Bailey, Utility Operations Supervisor Felkner, Building Inspector Hussinger, Fire Chief Jambretz, Village Engineer Amtmann, Police Chief Misko, Village Attorney de la Mora, Jim Siepmann, John Siepmann, Tabi McBride, Steve Berger, BID Director Haider, Val Wisniewski, Joe Grasch, other residents.

Pledge of Allegiance – Trustee Ludtke

Public Comments: Please be advised the Village Board will receive comments from the public related to any item(s) for a three-minute time period per person, with time extensions per the Village President's discretion.

President Pfannerstill stated that public comments will be allowed on any items during the public comment period. Jeff Anson, 726 Mansfield Ct., thanked those that supported the fundraiser event at his establishment and thanked Trustees Ludtke and Dorau for serving.

1. BY THE VILLAGE BOARD: PUBLIC HEARING: Pursuant to Ord. sec. 46-40 regarding a Rezoning Petition for property identified as HAV0388989001, located east of Winkelmann Rd and north of Lisbon Road, for the petitioned rezoning of 59.26 acres to Rm-3 PUD Multiple Family Residential and the allowance of four (4) possible phases of construction. During the public hearing, comments will also be received about the proposed Planned Unit Development Agreement to ultimately allow the construction of 110 condominiums in 33 two family buildings and 11 four family buildings during the course of four (4) phases.

President Pfannerstill opened the Public Hearing at 6:36 p.m. The following citizens spoke against the development:

Heidi Brandt, N59W28135 Ainsworth Road
Susie Dollak, 1609 Whistling Hill Circle
Michael Brand, N59W28135 Ainsworth Road
Amanda Salinas, 1628 Upland Court
Jim Hurley, 603 Southern Oak Drive

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President Pfannerstill declared the Public Hearing closed at 6:59 p.m.

2. BY THE ARCHITECTURAL BOARD & PLAN COMMISSION: DISCUSSION AND RECOMMENDATION TO THE VILLAGE BOARD regarding the petitioned for rezoning to Rm-3 PUD Multiple Family Residential and the allowance of four (4) possible phases of construction and the proposed Planned Unit Development Agreement as more fully described in agenda item No. 1 above.

Developer Jim Siepmann stated that he had no further comments on the proposed project. Administration Rhode commented that the planning of the project began in 2020 and has gone through the process of review at several Plan Commission meetings. Village Engineer Amtmann agreed that staff has been working with the developer for several months. He stated that all documents had been reviewed at the April 19 meeting including a memo identifying a small number of technical items to be addressed. He stated that the Plan Commission added a few items as well but that the materials are substantially in form for the Plan Commission to consider approval.

Attorney de la Mora stated that the developer is planning to do the first two phases initially but will post a letter of credit for all improvements for all four phases. He stated that the amount is to be calculated based on plans that may be near final. Additionally, he stated that proof of insurance will be required. Commissioner Wallschlager asked for further clarification related to the letter of credit and it was stated that if they don't complete phases three and four, the money will be there for utilities so that the land will be more useful and desirable. Commissioner Bierman asked for detail related to the sanitary sewer system. It was stated that it would be a shallow gravity system with a pumping station. Attorney de la Mora stated that the developer would be installing a hybrid system with the intention that the development pays for maintenance of the privately owned system. Village Engineer Amtmann stated that there will be a grinder pumping system per unit with a private sewer system built to state code. It was stated that the Village takes over responsibility for the sanitary sewer at the connection point from the development.

Commissioner Schneeberger asked whether plowing the public path in winter can be worked into the agreement. Village Engineer Amtmann stated that two Plan Commission members had expressed a desire that plowing of the asphalt path in winter be required. He further stated that generally privately owned paths in the Village are not plowed in the winter. Attorney de la Mora stated that the overall practice in the Village with public trails does not include winter maintenance and further, that the Neumann condo and apartment development on Campus Drive will not require any maintenance of the trails as they are not hard surfaces. Commissioner Schneeberger commented that the plowing would be the responsibility of the homeowner's association. Commissioner de Courcy Bower commented that if the trails were in lieu of sidewalks, he felt it would be the homeowner's association's responsibility to maintain the trails in winter as others maintain their sidewalks. Chairman Pfannerstill stated that he agreed that snow removal on the trail would fall on the homeowners.

It was stated that the developer has addressed all concerns of the Plan Commission to the best of their ability and that all technical items have been addressed. Village Engineer Amtmann confirmed the following items as issues that were identified at the April 19 Plan Commission meeting.

1. Confirmation of the final sewer system design
2. Obtaining county highway connection permits for the three intersections
3. Providing direction on winter maintenance of paved path
4. Reevaluation of the pedestrian path at Hwy K

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5. Allowing staff to evaluate the intersection configurations if modifications are requested from what the applicant has designed.

Chairman Pfannerstill commented that the developer had done all that is possible for the Village to secure the well site. Attorney de la Mora stated that the two properties are owned by the same owner, one containing a well site that had been studied by the Village previously. He stated that while the well was not immediately necessary for this development to be services, he felt the Village had the leverage at this point to secure the well site and recommended that the Village approach the developer about the well site. He stated that the Village Board passed a resolution to start the process of eminent domain. Attorney de la Mora stated that there is nothing further for the developer to do at this point, however, has made their engineer available to the Village to assist in the process. The Village is currently awaiting the appraiser's value for the Village Board to consider. The next step would be to tender the offer to the owner. The developer could request their own appraisal of the property if it is believed that the first appraisal is not appropriate.

Commissioner de Courcy Bower asked that the intersection of Terry Lane and the relocated Hwy K be reviewed. Village Engineer Amtmann stated that the developer is in the process of drafting the Traffic Impact Analysis, will need to secure permits for the intersections and will need approval of Waukesha County.

Commissioner de Courcy Bower asked whether the Letter of Credit increases because the roads are private. Attorney de la Mora stated that the LOC only covers utilities. Administrator Rhode stated that the LOC will cover water, sewer, roads and the trail.

Motion (de Courcy Bower/Bierman) to approve the rezoning petition and PUD agreement contingent on the applicant addressing items identified at the April 19 meeting and outlined earlier by Village Engineer Amtmann. Carried (7-0).

3. BY THE ARCHITECTURAL BOARD & PLAN COMMISSION: ADJOURNMENT OF THEIR MEETING.

Motion (Hallquist/Schneeberger) to adjourn at 7:30 p.m. Carried (7-0).

4. BY THE VILLAGE BOARD: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION regarding RECOMMENDATION(S) of the ARCHITECTURAL BOARD & PLAN COMMISSION as more fully described in agenda item No. 2 above.

Trustee Wallschlager asked for the timeline for the project. Jim Siepmann stated that Phase 1 & 2 will be completed together. Beyond that, it will be market driven to determine how quickly they will move forward to Phases 3 & 4. Trustee Wallschlager asked whether the developer would consider going to all two families and he responded that they wanted to have variation of values. She asked whether the worker's compensation coverage was adequate and Siepmann responded that he will work with the Village Attorney to be sure it is the norm. She asked about the layout of the condos and Siepmann responded that the agreement has given them enough flexibility to move then around so that they will have a variety of looks. Trustee Wallschlager asked whether the new well could hurt existing wells and septic systems in the area. Village Engineer Amtmann stated that there are several steps that would be required before development of the well including modeling to be sure that will be no impact on the

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wells in the area. He stated that it would need approval by the DNR and he recommended preserving the Village's ability to develop the well site.

Trustee Ludtke asked for the motion of the Plan Commission to be restated and Village President Pfannerstill did so. Motion (Anson/Conner) to deny the request for the rezoning petition and PUD agreement as recommended by the Joint Architectural Board/Plan Commission. Roll call vote taken: Anson (aye), Dorau (nay), Meyers (nay), Wallschlager (aye), Conner (aye), Ludtke (nay), Pfannerstill (nay). Motion failed (3-4).

Trustee Anson stated that he was elected by residents and has heard that residents are against this development. Trustee Conner echoed the sentiments stating that he is not opposed to development, just in a different capacity. Trustee Meyers asked how many of those that spoke in the Public Hearing are Village residents. Clerk Igl confirmed that 3 were. Trustee Meyers commented that a property owner has the right to develop within the Village's guidelines. Trustee Wallschlager commented that she thinks it is fair to allow people that will be impacted by a development to speak and feels that the roads in the area of this development are not safe. She stated that perhaps the Village needs to pressure the County to improve the county road. President Pfannerstill stated that this process embodies what government should be which is to respectfully disagree. He stated that he doesn't believe the density proposed to be too high but empathizes with the residents that are opposed. He stated that he believes the development as proposed is what the comprehensive plan include and is in favor of the project.

Trustee Ludtke thanked the developer for taking her comments under consideration and stated that she believes in lifecycle housing from the entry level to the exit level. She stated concerns about the price point as she wants housing which allows people to live, work and play in the community.

Motion (Dorau/Meyers) to approve the rezoning petition and PUD agreement as recommended by the Joint Architectural Board/Plan Commission. Roll call vote taken: Anson (nay), Dorau, (aye), Meyers (aye), Wallschlager (nay), Conner (nay), Ludtke (aye), Pfannerstill (aye). Motion carried (4-3).

Village Board took a recess at 8:09 pm and returned to session at 8:22 p.m.

5. Motion (Meyers/Dorau) to approve Village Board minutes of May 10, 2021. Carried (7-0).
6. Motion (Wallschlager/Conner) to approve vouchers for payment in the amount of \$227,685.47. Carried (6-0). Meyers abstained.
7. Consideration of actions related to Licenses and Permits.
 - a. Motion (Dorau/Ludtke) to approve an Operator's (Bartender's) Licenses as presented. Carried (7-0).
 - b. Motion (Conner/Dorau) to approve a Street Use Permit for Tabi's Lake Country event on July 31 with rain date of August 28 if needed. Carried (7-0).
 - c. Consideration of a motion to approve a Temporary Class B Beer/Wine Permit for BID for June 23, 2021 bike race event.

Steve Berger, Beer Snobs, and Tabby McBride, Tabi's Lake Country, presented the request. Administrator Rhode stated that there will be area established around the race track in which alcohol

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will be allowed. Motion (Ludtke/Dorau) to approve the Temporary Class B Beer/Wine Permit for BID for June 23, 2021 bike race event. Carried (7-0).

8. Consideration of a motion to approve a banner for the BID for the bike race event on June 23, 2021.

President Pfannerstill asked for clarification on the bike race logo. Steve Berger stated that they are still working on the logo. Motion (Dorau/Anson) to approve the banner for the BID bike race event which will be a joint banner including the Hometown Celebration information. Carried (7-0).

Items referred from the May 17, 2021 Plan Commission meeting

9. Consideration and possible action regarding Zion Church Redevelopment "The Church" whose approval and rezoning is being sought from Institutional to B-3 Central Business/Mixed-Use District.
- a. Review of rezoning petition and site and building improvements.
 - b. Consideration of a motion by the Village Board to schedule a Public Hearing on the recommendation of the Plan Commission during the June 14, 2021 Village Board meeting.

It was stated that the Public Hearing for this project would be at a regular Village Board meeting, not a joint meeting. The project will then go back to the Plan Commission for a final review.

Motion (Dorau/Conner) to schedule a Public Hearing on the recommendation of the Plan Commission during the June 14, 2021 Village Board meeting. Carried (7-0).

10. Consideration of a motion to approve an application for installation of a second oxidizer and two storage tanks for CL & D Digital at 535 Norton Drive.

Administrator Rhode stated that the Plan Commission had concerns related to sound. CL & D agreed to move the outdoor air compressors to lessen the noise. Motion (Meyers/Wallschlager) to approve an application for installation of a second oxidizer and two storage tanks for CL & D Digital at 535 Norton Drive. Carried(7-0).

11. Motion (Conner/Dorau) to approve an Extraterritorial Certified Survey Map for the property located at W303 N2582 Maple Ave. in the Town of Delafield. Carried (7-0).

Other Items for Consideration

12. Discussion and consideration of a conceptual plan for development of climate controlled storage units.

Joe Grascch presented a conceptual plan for the development of Stor-It Right climate controlled storage units and stated that he is looking for direction as he plans to take the plans to the Plan Commission in July. He stated that he already owns the land where this is proposed to be constructed. Administrator Rhode stated that the property is zoned for this type of use and that the vacant 3 acre site is kitty corner from the post office. Motion (Dorau/Anson) to move this concept forward to the Plan Commission. Carried (7-0).

13. Consideration of a motion to approve Contractor's Application for Payment No. 2 in the amount of \$64,901.00 to All-Ways Contractor's, Inc. for the 2021 Utilities Program.

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Utility Operations Supervisor Felkner stated that this is the second and final payment for the completed project. He stated that the Village will hold a retainage of approximately \$4,800. Staff recommended payment. Motion (Meyers/Conner) to approve Contractor's Application for Payment No. 2 in the amount of \$64,901.00 to All-Ways Contractor's, Inc. for the 2021 Utilities Program. Carried (7-0).

14. Discussion and consideration of the creation of a policy related to proclamations for committee members upon their departure.

Trustee Ludtke stated that having served on a Village board as a trustee, she stated that she likes the idea of presenting outgoing members with a proclamation and proposed that staff create a policy. Trustee Dorau stated that she too was interested in bring this item to the Village Board for discussion to be sure the Village recognizes the contributions of those that have served. It was stated that a proclamation may be requested. The Village Board discussed options but took no formal action to request a policy be drafted.

15. Discussion and consideration of a motion to approve both the BSI Construction proposal (which includes the construction bid for Selzer-Ornst) and the BSI Board Room AV proposal for the Village Board Room.

Administrator Rhode stated that bids had been received for the project and recommended moving the project forward. Motion (Conner/Ludtke) to approve both the BSI Construction proposal (which includes the construction bid for Selzer-Ornst) and the BSI Board Room AV proposal for the Village Board Room. Carried (7-0).

16. Consideration of a motion to approve an increase in ambulance service fees.

Chief Jambretz requested an increase in ambulance service fees. Trustee Dorau asked for clarification as to why resident and non-resident mileage reimbursements weren't both changing. After discussion, motion (Conner/Dorau) to increase rates as requested with the exception that the BLS resident fee to \$850 and the non-resident mileage rate be increased to \$22. Carried (7-0).

17. Consideration of a motion to confirm a Committee appointment.

President Pfannerstill appointed Jacob Zuehl to the Ice Age Trail with a term to expire April 30, 2022 and to reappoint Jeff Romagna and Christina Callies to terms ending April 30, 2023. Motion (Dorau/Meyers) to approve the appointments as made. Carried (7-0).

18. Announcements: The following individuals will be given an opportunity to make announcements at the meeting in regards to (1) activities taken since the previous meeting on behalf of the community, (2) future municipal activities, and (3) communications received from citizens. It is not contemplated that these matters will be discussed or acted upon. The following individuals may provide announcements: Village President or individual Village Board members or Village Administrator or other Village Staff members.

Chief Misko announced that a part-time administrative assistant is leaving employment with the Village to be a Sheriff Deputy in Jefferson County. Additionally, he stated that long time Lake Country Municipal Court Chairman Bill Chapman had passed away.

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Trustee Ludtke thanked the Sons of the American Legion for their recent fundraising event. She also thanked Hogger's for their event which brought the community together.

President Pfannerstill stated that the moving wall which is a half-size replica of the memorial in Washington D.C. will be coming to Waukesha and being set up in Frame Park. He stated that he will read the names of those that were from Hartland between 8:30 and 9:00 p.m. on Wednesday, May 29.

19. Consideration of a motion to recess to closed session pursuant to State Statutes §19.85 (1)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility regarding the Village Administrator and to adjourn thereafter without reconvening into open session pursuant to §19.95(2).

Motion (Conner/Ludtke) to recess to closed session pursuant to State Statutes §19.85 (1)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility regarding the Village Administrator and to adjourn thereafter without reconvening into open session pursuant to §19.95(2). Recessed to closed session at 9:29 p.m.

Respectfully submitted,

Darlene Igl
Village Clerk