

VILLAGE BOARD MINUTES
MONDAY, NOVEMBER 14, 2022
6:30 PM
BOARD ROOM, MUNICIPAL BUILDING, 210 COTTONWOOD

Call to Order

Roll Call

Present: Trustees de Boer, Truttschel, Pfeiffer, Wallschlager, Hallquist, President Pfannerstill

Excused: Trustee Conner

Others Present: Village Manager Bailey, Clerk Igl, Police Deputy Chief Collura, Lieutenant DeBarge, Interim DPW Director Felkner, DPW Operations Supervisor Jungbluth, DPW Leadman Jenson, Building Inspector Hussinger, David de Courcy Bower, Attorney de la Mora, Attorney Wirth, Mr. & Mrs. Perez, James Kupfer, Val Wisniewski, Darcy Sobczak, Steve Secosh, interested parties.

There was a moment of silence in honor of Ken Patterson.

Pledge of Allegiance – Trustee Pfeiffer

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. This meeting will be recorded and will be available online through the Village's website.

Steve Secosh, 213 W. Park Ave., voiced concerns about the proposed development on Cottonwood including volume (four stories), lack of parking, and whether it would meet required setbacks. He raised concerns about potential open air parties creating noise as his property is only 100 feet away.

Darcy Sobczak, 233 Meadow Lane, thanked the Village Clerk and election staff for their efforts during the election cycle. She voiced concerns regarding a safety issue she encountered with a skid steer in the middle of the road and a long flatbed on the roadway near St. Charles without any signage present. She asked whether the Village has considered adding information to the website about the available 988 hotline. She thanked the Village Board for denying the nomination of Joseph Harter to the Library Board and referenced concerns about the process being transparent.

Val Wisniewski, 511 Renson Road, agreed with comments made by Ms. Sobczak. She stated that she still has concerns with traffic near St Charles and suggested that perhaps they could open their lot earlier. She raised concerns about the Building Needs Assessment underway and stated that she is in favor of spending tax dollars to meet the needs of police and fire departments. She asked why the assessment was not conducted prior to the remodeling of the Village Board room.

1. Motion (Wallschlager/Hallquist) to approve the Village Board minutes of October 24, 2022. Pfannerstill and Pfeiffer abstained. Motion carried.

2. Consideration of items related to vouchers.
 - a. Approval of closeout change order of \$7,117.35.
Interim DPW Director Felkner stated that staff recommended the close out change order. Motion (Pfeiffer/Hallquist) to approve closeout change order of \$7,117.35. Motion carried.
 - b. Approval of closeout payment of \$4,835.73.
Interim DPW Director Felkner stated that this will close out the entire 2021 utility project. He stated that this amount had been for the retainage, the warranty has expired and staff recommended payment. Motion (Pfeiffer/Hallquist) to approve the close out payment of \$4,835.73. Motion carried.
 - c. Motion (Wallschlager/Pfeiffer) to approve vouchers for payment in the amount of \$978,471.10. Trustee Wallschlager asked for clarification on multiple invoices. Motion carried.

3. Actions related to Licenses and Permits
 - a. Motion (Truttschel/Hallquist) to approve Operator's (Bartender) Licenses as listed. Motion carried.
 - b. Consideration of a Restricted Species Permit
Applicants were present to request a Restricted Species Permit for a third dog. Deputy Chief Collura stated that there had been an anonymous call to the area for a dog bite incident. He stated that the three dogs were out running free in the area and officers talked to Mr. Perez at that time about licensing the dogs. Mr. Perez stated that there had been a hole in the fence allowing the dogs to escape and that the hole had been repaired. It was stated that the individual that was bitten did not want to file a report. It was stated that all three dogs were licensed after the incident occurred. Motion (Truttschel/Pfeiffer) to approve the Restricted Species Permit. Motion carried. President Pfannerstill stressed to the owners that they must abide by the laws in the Village or further measures will be taken.

4. Items related to Bill for an Ordinance No. 09-26-2022 "An Ordinance to Amend Chapter 46 of the Village of Hartland Municipal Code Pertaining to Zoning Ordinance".
 - a. Public Hearing to consider amendments to Zoning Code Chapter 46, 46-494 Conditional Uses in the B-3 District.
President Pfannerstill opened the Public Hearing at 6:59 p.m. No comments were heard. The Public Hearing was closed at 7:00 p.m.
 - b. Consideration of adoption of Bill for an Ordinance No. 09-26-2022 "An Ordinance to Amend Chapter 46 of the Village of Hartland Municipal Code Pertaining to Zoning Ordinance".
 - c. Motion (Hallquist/Pfeiffer) to adopt Bill for an Ordinance No. 09-26-2022 "An Ordinance to Amend Chapter 46 of the Village of Hartland Municipal Code Pertaining to Zoning Ordinance". Motion carried.

5. Discussion and consideration of a conceptual plan for development of a multi-use building at 221 Cottonwood Ave.

James Kupfer stated that changes had been made to the proposal including removal of the fourth floor, removing the gables on the west edge to lower that side and lowering the total building height so that it is not taller than any of the neighboring houses. He stated that the mixed use was eliminated but that the proposed development will include the event center,

rental space, lobby and hotel rooms with the apartments removed. He stated that the proposal includes 32 parking spaces underground and 16 on the edge of the property. He stated that the goal is to have a restaurant in the rental space on the first floor. He stated that all events will end by 11 p.m. with no music or speakers in the outside space. He stated that the gables were kept in the design that front Cottonwood to create a visual presence.

Trustee Wallschlager raised concerns about several issues including parking. President Pfannerstill reminded the Board that this review is concept only to determine whether the proposal would move forward to the Plan Commission. Trustee Wallschlager stated that based on her review there would need to be 99.87 parking spaces on private property for the project and stated that she felt this is not the property for the project. Motion (Hallquist/Truttschel) to send the proposed project to the Plan Commission. Motion carried; Wallschlager opposed.

6. Discussion and consideration of Resolution 11/14/2022-01 "Resolution Approving the Sewer Utility Rate Effective First Quarter 2023".

Village Manager Bailey stated that the resolution is for a 5% rate increase which will increase an average user's cost by \$20-\$25 per year. Motion (Pfeiffer/Hallquist) to approve Resolution 11/14/2022-01 "Resolution Approving the Sewer Utility Rate Effective First Quarter 2023". Motion carried.

7. Discussion and consideration of Resolution 11/14/2022-02 "Resolution Amending Appendix A of the Code of Ordinances for the Village of Hartland Concerning the Schedule of Municipal Fees and Charges".

Village Manager Bailey stated that an annual fee could be set and background checks would be conducted on anyone operating the food truck. Trustee Wallschlager asked for clarification on the dates for an annual permit and Bailey responded that the ordinance states the licensing period as Memorial Day through Labor Day but that could be extended by the Village Board.

President Pfannerstill stated that he had received concerns from a business owner regarding the cost as they felt \$75 for an annual permit was too high. There was discussion that the Village Board could alter the fees in the Resolution and approve. However, Village Manager Bailey stated that he would prefer time to review the recommendation of the Board and compare to the ordinance that was adopted rather than amending the resolution and adopting at this meeting. He stated that the resolution could be amended, reviewed with the Police Chief and Village Attorney and placed on the Nov. 28 Village Board agenda for consideration.

Trustee Hallquist commented that the Village is charging \$75 for a food truck in the park and that he would like to see consistency in the fees. He suggested a fee of \$75 for a one time use permit. Motion (Pfeiffer/DeBoer) to table this item to the Nov. 28 Village Board meeting.

8. Consideration of items related to the 2023 Village Budget as shown on Tab 1 Page 8 and Tab 31 Page 1 and 2 of the 2023 Budget Book. All information after Tab 1 is for informational purposes only. These figures may be modified by the Village Board during final consideration at this meeting.
 - a. Discussion of 2023 Budget

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Village Manager Bailey stated that modifications had been made to the budget since the meetings. He stated that the budget includes a contingency of \$6,802. He stated that a full revaluation will be conducted next year which allocates taxes fairly across all properties. He stated that the only general fund tax levy increase is net new construction. He stated that the debt levy remained the same, sewer rate increases 5% and the garbage fee is estimated to be \$190 with a new provider (GFL) as of Jan. 1.

- b. Motion (Pfeiffer/Wallschlager) to approve the 2023 Municipal General Fund Budget in the amount of \$8,072,595 shown on Tab 1 Page 8 of the 2023 Budget Book. Roll call vote; all ayes. Motion carried.
- c. Motion (Pfeiffer/Truttschel) to approve the 2023 Water Utility Budget in the amount of \$2,431,954 shown on Tab 1 Page 8 of the 2023 Budget Book. Roll call vote taken; all ayes. Motion carried.
- d. Motion (Hallquist/Wallschlager) to approve the 2023 Sewer Utility Budget in the amount of \$1,985,950 as shown on Tab 1 Page 8 of the 2023 Budget Book. Roll call vote taken; all ayes. Motion carried.
- e. Motion (Pfeiffer/Wallschlager) to approve the 2023 TIF #4 Budget in the amount of \$320 as shown on Tab 1 Page 8 of the 2023 Budget Book. Roll call vote taken; all ayes. Motion carried.
- f. Motion (Truttschel/Hallquist) to approve the 2023 TIF #5 Budget in the amount of \$16,155 as shown on Tab 1 Page 8 of the 2023 Budget Book. Roll call taken; all ayes. Motion carried.
- g. Motion (Hallquist/Truttschel) to approve the 2023 TIF #6 Budget in the amount of \$155,660 as shown on Tab 1 Page 8 of the 2023 Budget Book. Roll call vote taken; all ayes. Motion carried.
- h. Motion (Wallschlager/Pfeiffer) to approve the 2023 Debt Service Budget in an amount of \$1,944,410 as shown on Tab 1 Page 8 of the 2023 Budget Book. Roll call vote taken; all ayes. Motion carried.
- i. Motion (Pfeiffer/Hallquist) to approve the 2023 Capital Improvements, Impact Fee and Special Revenue and other funds, in the amount of \$3,864,586 for a total Village Expenditure budget in the amount of \$26,544,225. Roll call vote taken; all ayes. Motion carried.
- j. Motion (Pfeiffer/Hallquist) to authorize a Downtown Business Improvement District Tax assessment of \$74,800 as requested by the BID Board. Motion carried.
- k. Motion (Hallquist/Pfeiffer) to approve a Property Tax Levy in the amount of \$6,808,484. Roll call vote taken; all ayes. Motion carried.

- I. Motion (Truttschel/Pfeiffer_ to approve the 2023 Payroll Matrix on Tab 31 Page 2. Roll call vote taken; all ayes. Motion carried.
9. Motion (Pfannerstill/Pfeifer) to approve the Hartland Business Improvement District 2023 Budget. Motion carried.
10. Motion (Wallschlager/Pfeiffer) to confirm appointments of Elise Miller, Marilyn Haroldson, and Nick Jensen to the Downtown Business Improvement District Board with terms to expire in 2025. Motion carried.
11. Consideration of revisions to the Employee Handbook.

Village Manager Bailey stated that the updates to the handbook have been in process for about two years. The revisions have been reviewed by the League, the Village Attorney and staff. He stated that two holidays that are currently half days will be changed to full holidays. He stated that the language has been updated to comply with current law and requested an effective date of 1/1/2023. Motion (Pfeiffer/Hallquist) to adopt the newly revised Employee Handbook. Motion carried.

12. Consideration of an Intergovernmental Agreement Between the Village of Hartland and Waukesha County.

Village Manager Bailey stated that this agreement is to partner in the recycling dividend program. Motion (Pfeiffer/Hallquist) to approve the Intergovernmental Agreement Between the Village of Hartland and Waukesha County. Motion carried.

13. Items related to Committee appointments by Village President Pfannerstill.
 - a. Motion (Pfeiffer/Wallschlager) to confirm appointments to Environmental Corridor and Open Space Committee of Linda Hallquist and Dave Van Thiel made by President Pfannerstill. Motion carried. Hallquist abstained.
 - b. Motion (Wallschlager/Pfeiffer) to confirm appointment to Ice Age Trail Community Committee of Jacob Zuehl made by President Pfannerstill. Motion carried.
14. Consideration of denial of insurance claim by Progressive Insurance Company.

Village Manager Bailey stated that this incident involved an accident involving a squad in which another driver was issued a citation. Motion (Truttschel/Pfeiffer) to deny the insurance claim by Progressive Insurance Company. Motion carried.

15. Items related to Catalyst-Lightening Development Apartments
 - a. Motion (Pfeiffer/Hallquist) to accept the dedicated public infrastructure as recommended. Motion carried.
 - b. Motion (Truttschel/Pfeiffer) to accept the site improvements to be substantially conforming to the PUD Agreement, Development Plans, and Village Standard Specifications contingent on approval by Ruckert & Mielke and Village Staff of the successful completion of all outstanding punch list items by June 30, 2023. Motion carried.

- c. Motion (Pfeiffer/Wallschlager) to approve Partial Release of Deed Restrictions and Certain Recorded Documents as requested by the Village Attorney. Motion carried.
- d. Consideration of approval of letter confirming:
 - i. Confirming that The Lutheran High School Association of Greater Milwaukee is current with respect to its payments under its PILOT Agreement with the village; and
 - ii. Confirming that a substitute Letter of Credit in the amount of \$47,737 will be exchanged for the current Letter of Credit which the Village has been holding to assure completion of the terms of the PUD Agreement as part of the process of declaring the project substantially completed except for a limited punch list backed up by an exchanged Letter of Credit in the amount of \$47,737.00.Motion (Truttschel/Pfeiffer) to approve the confirmation letter as described above.
Motion carried.

16. 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.

Interim DPW Director Felkner stated that an employee with 30 years of service had recently retired and a new hire was made.

Deputy Chief Collura stated that the Chief and Officer Bell were attending a ceremony in Waukesha related to the Christmas Parade incident. He stated that the Chief had recently met with Zimmerman regarding the building analysis. He stated that the PD is currently dealing with a resident on Hill St. who is in violation of the sex offender ordinance.

Trustee Pfeiffer commented on the election process for the November election stating that staff did a great job. President Pfannerstill agreed and thanked the clerk and staff.

President Pfannerstill commented on the recent passing of Ken Patterson who had served the Village on the Police and Fire Commission. He stated that thoughts go out to the family and that Ken will be missed.

President Pfannerstill commented on the open records request related to an appointment to the library board stating that he had provided the information at a meeting with the Village Manager and Clerk.

Residents were reminded of the Hartland Lights event scheduled for Dec. 2. President Pfannerstill thanked Marlene Millevolte for organizing the vigil for the fire victims.

Residents were also reminded of the Holiday Train event on Dec. 9 with the train arriving in Hartland at 5:30 p.m.

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Trustee Truttschel commented on the resignation of the Library Director, stating that she has made a big impact on the success of the library, congratulated her on her future career and thanked her for doing an outstanding job.

17. Motion (Pfeiffer/Wallschlager) to recess to closed session pursuant to SS 19.85 (1)(g), Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, and to reconvene into open session pursuant to SS 19,.85(2) for the purpose of considering any action as may be necessary and appropriate. Roll call vote taken; all ayes. Adjourned to closed session at 8:05 p.m.

18. Consider and take any action deemed appropriate pursuant to the previously held closed session.

Reconvene in open session at 9:25 p.m.

19. Adjournment.

Motion (Pfeiffer/Hallquist) to adjourn at 9:26 p.m.

Respectfully submitted,

Darlene Igl
Village Clerk