

Village of Menomonee Falls, Wisconsin

BOARD OF TRUSTEES MEETING

MINUTES

Monday, September 18, 2017

Village President, Joseph Helm, called the meeting to order at 6:48 p.m. The Pledge of Allegiance was recited.

Present: Village President Joseph Helm; Trustee Katie Kress; Trustee Randy Van Alstyne; Trustee David Glasgow; Trustee Bonnie Lemmer; Trustee Paul Tadda; Trustee Jeremy Walz

Staff Present: Village Manager Mark Fitzgerald; Village Attorney Michael Morse; Assistant Village Manager/Director of Public Works Arlyn Johnson; Village Clerk & Treasurer Janice Moyer; Director of Protective Services Anna Ruzinski; Planner Tyler Zwagerman

REPORTS AND PRESENTATIONS

Village Centre BID Board Report

Barb Watters gave the report.

Menomonee Falls Public Library Report

Trustee Paul Tadda gave the report.

Amend Agenda

Motion by Trustee Jeremy Walz, second by Trustee David Glasgow to amend the agenda to bring forward items 9A and 9B on the agenda:

- 9A: Lease between US Cellular Operating Company related to Fire Station #3
- 9B: Lease between US Cellular Operating Company related to area near water tower on County Line and Pilgrim

Vote: 7 - 0 Motion Carried

Village Attorney Morse stated the following:

- At the August 8, 2017, Plan Commission meeting, a motion was passed to deny the request of United States Cellular for a Conditional Use Permit for a location at Appleton Avenue and Lilly Road. United States Cellular did withdraw their request for a Conditional Use Permit;

- A new Conditional Use Permit application from United States Cellular was received for a location at Fire Station #3, N140W7501 Lilly Road;
- Federal and State laws regulate telecommunications towers. There is little local control in these matters;
- Federal law does not allow the Village to consider health an issue when considering the location of a telecommunications tower;
- Wis. Stats. 66.0404 does not allow the Village to disapprove a request for a telecommunications tower based on location, height, or health concerns;
- The Village can only consider the location of telecommunications towers in compliance with Wis. Stats. 66.0404 and Federal law.

Lease between the Village of Menomonee Falls and the United States Cellular Operating Company LLC for ground space behind Fire Station #3 located at W140N7501 Lilly Road

Motion by Trustee Jeremy Walz, second by Trustee Bonnie Lemmer to approve a lease between the Village of Menomonee Falls and the United States Cellular Operating Company LLC for ground space behind Fire Station #3 located at W140N7501 Lilly Road and to authorize the Village Manager to execute the lease subject to the approval of the exhibits by the Director of Engineering and the Village Attorney's approval as to form.

Vote: 5 - 2 Motion Carried

Nay: Trustee Paul Tadda
Trustee Jeremy Walz

Lease between the Village of Menomonee Falls and the United Cellular Operating Company LLC for ground space near the Village Water Tower located near the corner on County Line Road and Pilgrim Road

Motion by Trustee Jeremy Walz, second by Trustee Paul Tadda to approve the terms of a lease between the Village of Menomonee Falls and the United Cellular Operating Company LLC for ground space near the Village Water Tower located near the corner on County Line Road and Pilgrim Road and to authorize the Village Manager to execute the lease subject to the approval of the exhibits by the Director of Engineering and the Village Attorney's approval as to form.

Vote: 7 - 0 Motion Carried

CONSENT AGENDA

Motion by Trustee Bonnie Lemmer, second by Trustee David Glasgow to approve the Consent Agenda items as presented.

Motion by Trustee Paul Tadda, second by Trustee Jeremy Walz to amend the minutes from the August 7, 2017, Committee of the Whole meeting, as follows striking "Trustee Tadda":

~~"Trustee Tadda~~ suggested we could require a permit or approval for a second vehicle."

Vote: 7 - 0 Motion Carried

Approval of minutes from previous meetings held on August 7 and September 5, 2017

Operator's Licenses as listed:

Christopher Kocovsky	Manish Lamgade	Srinivasa Mandapaka
Jordan Pruitt	Colleen Santner	Janice Williams

Bill approval for August 2017 in the amount of \$16,826,546.47

DNR Urban Forestry Grant Resolution regarding Public Tree Inventory, Management Plan, & Emerald Ash Borer Response Plan (Resolution No. 1168-R-17)

A vote was taken on the original motion approving the remaining Consent Agenda items.

Vote: 7 - 0 Motion Carried

COMMITTEE AND COMMISSION REPORTS

PLAN COMMISSION

Request of William and Brenda Harlow to acquire lands west of the Good Hope Subdivision and south of the property at N72W17575 Good Hope Road
Informational item, no action is required at this time.

Request of the Village of Menomonee Falls to adopt an Ordinance amending the land use component of the Comprehensive Plan

Motion by Trustee Paul Tadda, second by Trustee Bonnie Lemmer to deny the request of the Village of Menomonee Falls to adopt an Ordinance amending the land use component of the Comprehensive Plan for the lands generally located between Maple Road and the 1st addition to the Shepherd Hill Subdivision from the Park/Open Space Land Use Classification to the Medium Density Residential Land Use Classification. The Plan Commission unanimously recommended this ordinance be denied at the September 12, 2017, meeting. The subject parcel is located in the Southwest ¼ of Section 4, and identified by Tax Key Number 15.994.003.

Vote: 7 - 0 Motion Carried

Request of the Village of Menomonee Falls to adopt an Ordinance amending the land use component of the Comprehensive Plan

Motion by Trustee Paul Tadda, second by Trustee Bonnie Lemmer to approve the request of the Village of Menomonee Falls to adopt an ordinance amending the land use component of the Comprehensive Plan for the lands located at the northwest and northeast corners of Russel Court and Lisbon Road, from the Commercial Land Use Classification to the Low Density Residential Land Use Classification, as recommended by the Plan Commission at the September 12, 2017, meeting. The subject parcels are located in the Southwest ¼ of Section 34, and identified by Tax Key Numbers 135.996.003, 135.996.004, and 135.997. (Ordinance No. 696-O-17)

Vote: 7 - 0 Motion Carried

Request of the Village of Menomonee Falls to adopt an Ordinance amending the land use component of the Comprehensive Plan

Motion by Trustee Paul Tadda, second by Trustee Bonnie Lemmer to approve the request of the Village of Menomonee Falls to adopt an ordinance amending the land use component of the Comprehensive Plan for the land located on the Northeast side of Russel Court, from the Park/Open Space Land Use Classification to the Low Density Residential Land Use Classification, as recommended by the Plan Commission at the September 12, 2017 meeting. The subject parcel is located in the Southwest ¼ of Section 34, and identified by Tax Key Number 135.996.002. (Ordinance No. 697-O-17)

Vote: 7 - 0 Motion Carried

Request of the Village of Menomonee Falls to adopt a Resolution approving a Certified Survey Map dividing lands located on the east side of Russell Court

Motion by Trustee Paul Tadda, second by Trustee Bonnie Lemmer to approve the request of the Village of Menomonee Falls to adopt a resolution approving a Certified Survey Map dividing lands located on the east side of Russell Court on a parcel identified by Tax Key Number 135.996.002, subject to the 14 conditions as recommended by the Plan Commission at the September 12, 2017, meeting. (Resolution No. 1169-R-17)

Vote: 7 - 0 Motion Carried

Request of MIREDA LLC, dba/ MAD TATTER INK, to obtain a Conditional Use Permit

Motion by Trustee Paul Tadda, second by Trustee Bonnie Lemmer to approve the request of MIREDA LLC to obtain a Conditional Use Permit allowing MAD TATTER INK to operate a tattoo studio at N87W16726 Appleton Avenue, subject to the 7 conditions as recommended by the Plan Commission at the September 12, 2017, meeting. The subject site is identified by Tax Key Number 11.211 and located in the C-1 Neighborhood Business District.

Vote: 7 - 0 Motion Carried

GENERAL GOVERNMENT COMMITTEE

Shared Use Parking Agreement with the School District of Menomonee Falls

Motion by Trustee Jeremy Walz, second by Trustee David Glasgow to approve the Shared Use Parking Agreement to formalize public use of the School District of Menomonee Falls' parking facilities located along Main Street, north of North Middle School, on the parcels identified by Tax Key Numbers 11.255, 11.256, 11.257, 11.258, and 11.259.

Vote: 7 - 0 Motion Carried

UTILITIES AND PUBLIC WORKS COMMITTEE

Award of Contract for the Cherokee Drive - Water Main Relay - Chippewa Drive to Cheyenne Drive Project, Project No. 41199

Motion by Trustee Bonnie Lemmer, second by Trustee Katie Kress to approve the award of contract for the Cherokee Drive - Water Main Relay - Chippewa Drive to Cheyenne Drive Project, Project No. 41199, to the low bidder, PTS Contractors, Inc. in the amount of \$227,785.10. The funding for this project was approved as part of the 2015 and 2017 Capital Budgets by the Village Board.

Vote: 7 - 0 Motion Carried

NEW BUSINESS

Approve an Agreement with Waste Management of Wisconsin, Inc. involving a proposed expansion of the Orchard Ridge Recycling and Disposal Facility

Motion by Trustee Jeremy Walz, second by Trustee Paul Tadda to approve the terms of an agreement with Waste Management of Wisconsin, Inc. under Chapter 289 of the Wisconsin Statutes involving a proposed expansion of the Orchard Ridge Recycling and Disposal Facility located at W124N9355 Boundary Road, Menomonee Falls, WI.

Village Manager Fitzgerald noted the following about the agreement:

- The Landfill Siting Committee feels this is a good agreement and recommends approval;
- It is for the eastern expansion of the landfill;
- A host fee with a 3% increase per year is included, 90% of the fees payable to the Village and 10% of the fees payable to Waukesha County;
- Includes a requirement for Waste Management to address unclassified fill from the 1960's;
- Addresses bird control, odor control, and landscaping;
- Estimated to accommodate land filling at the site until 2035 to 2040.

Vote: 7 - 0 Motion Carried

Adopt a Resolution in Support of LRB-1890 and LRB-3323 Relating to In-Person Absentee Voting

Motion by Trustee Jeremy Walz, second by Trustee Paul Tadda to adopt a resolution in support of LRB-1890 and LRB-3323 relating to In-Person Absentee Voting. (Resolution No. 1170-R-17)

Vote: 7 - 0 Motion Carried

Appointment of Austin Moore to the Architectural Control Board

Motion by Trustee Jeremy Walz, second by Trustee Bonnie Lemmer to appoint Austin Moore to the Architectural Control Board to replace the seat vacated by Patrick Yates, term to expire April 2018

Vote: 7 - 0 Motion Carried

Appointment of Paul Broesch to the Plan Commission

Motion by Trustee Jeremy Walz, second by Trustee David Glasgow to approve the appointment of Paul Broesch to the Plan Commission to replace the seat vacated by Sharon Ellis, term to expire April 2019.

Vote: 7 - 0 Motion Carried

CLOSED SESSION

Village President Helm announced that the Village Board would be convening into closed session in the Administrative Conference Room 2244.

Motion by Trustee Jeremy Walz, second by Trustee David Glasgow to convene into closed session in the Administrative Conference Room (Room #2244) to confer with the Village Manager, Assistant Village Manager, Village Attorney and Village staff under Wis. Stats. §19.85(1)(e) regarding the negotiation strategy to be adopted by the Village in the following matters:

- a. Negotiations with one or more owners or potential developers of property in Tax Incremental District #6 over the terms of possible development agreements.
- b. Negotiations with one or more owners or potential developers of property in Tax Incremental District #8 over the terms of possible development agreements.
- c. Negotiations with one or more owners or potential developers of property in Tax Incremental District #9 over the terms of possible development agreements.
- d. The acquisition of a property located at N90W16531 Roosevelt Drive and further identified by Tax Key Number MNFV0011146.

Vote: 7 - 0 Motion Carried

Adjournment

The Village Board adjourned in closed session.

Minutes transcribed and submitted by Janice Moyer, Village Clerk & Treasurer
Minutes approved on October 2 , 2017