

**VILLAGE BOARD MINUTES  
MONDAY, MAY 29, 2018  
7:00 PM  
BOARD ROOM, MUNICIPAL BUILDING, 210 COTTONWOOD AVENUE**

Call to Order

Roll Call

Pledge of Allegiance – Trustee Dorau

Present: Trustees Anson, Dorau, Meyers, Landwehr, Swenson, Wallschlager, President Pfannerstill

Others: Administrator Cox, Clerk Igl, Finance Director Bailey, DPW Director Einweck, Interim Chief Collura, Fire Chief Dean, Neumann Companies representatives, Riverwalk representatives

Public Comments: (Please be advised the Village Board will receive information from the public for a three minute time period per person, with time extensions per the Village President's discretion. Be it further advised that there may be limited discussion on the information received, however, no action will be taken under public comments.) None

1. Motion (Meyers/Swenson) to approve Committee of the Whole minutes of May 9, 2018 and Village Board minutes of May 14, 2018 which changes incorporated as requested by President Pfannerstill. Carried (7-0).
2. Motion (Landwehr/Swenson) to approve vouchers for payment in the amount of \$102,795.98. Carried (7-0).
3. Consideration of actions related to Licenses and Permits
  - a. Motion (Wallschlager/Swenson) to approve applications for Operator's (Bartender) Licenses with a term ending June 30, 2020. Carried (7-0).
  - b. Items related to the Chamber of Commerce annual street dance, Saturday, July 21, 2018
    - i. Motion (Wallschlager/Swenson) to approve Street Use Permit. Carried (7-0).
    - ii. Motion (Meyers/Anson) to approve Temporary Class "B" Beer/Wine Permit. Carried (7-0).
    - iii. Motion (Anson/Wallschlager) to approve Public Dance License. Carried (7-0).
    - iv. Motion (Wallschlager/Swenson) to approve Temporary Operator's (Bartender) Licenses. Carried (7-0).
  - c. Motion (Swenson/Dorau) to approve an application for a street use permit for Lake Country Bed Barn Sidewalk Sale, Saturday, August 25, 2018. Carried (7-0).

Items referred from the May 21 Plan Commission meeting

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4. Consideration of a motion to approve modification and expansion of the veterans' memorial site for Flanagan-Dorn Post 294, 231 Goodwin Ave.

Trustee Meyers inquired on the status of a memorial that had been proposed at Nixon Park by a scout. President Pfannerstill stated that the memorial for the Flanagan-Dorn Post was discussed at the Plan Commission and is not related to the Nixon Park proposal. Administrator Cox stated that he had not spoken recently to Mr. Reichle about the proposed project at Nixon Park but believes funds are being raised. Trustee Wallschlager asked for an update on the proposed project at Nixon Park.

Motion (Swenson/Meyers) to approve modification and expansion of the veterans' memorial site for Flanagan-Dorn Post 294, 231 Goodwin Ave. Carried (7-0).

5. Consideration of a motion to approve site and building plans for construction of a building and parking lot addition for Lake Country Caring, 603 Progress Dr.

Administrator Cox stated that the proposal is to remove the older 18' addition and replace it with a 36' addition as the organization continues to grow. The parking lot will also be expanded for the increased use.

Motion (Swenson/Anson) to approve site and building plans for construction of a building and parking lot addition for Lake Country Caring, 603 Progress Dr. Carried (7-0).

6. Consideration of a motion to approve revised site plans for a new warehouse for Rapco Fleet Support/Michael R White on the vacant parcel east of 440 Cardinal Ln.

Administrator Cox stated that the proposed building which is intended to mainly be used for storage and holding was approved previously by the Plan Commission. Since that time, a redesign was proposed which includes a new permanent access over a new easement across the property at 440 Cardinal Lane for truck access. It was stated that the property will remain two distinct parcels which will allow them to be liquidated independently should the owner choose to do so in the future.

Motion (Meyers/Swenson) to approve revised site plans for a new warehouse for Rapco Fleet Support/Michael R White on the vacant parcel east of 440 Cardinal Ln. Carried (7-0).

7. Review of the concept plan for a condominium development on the property located at and adjacent to N56 W28628 CTH K (Lisbon Road).

Matt Neumann of Neumann Companies stated that there was nothing new to report since the recent Plan Commission meeting at which the concept for 50 homes on the property was approved. He stated that this density is less than originally requested. President Pfannerstill stated that this item was presented to the Village Board for a conceptual level review to determine whether the Village is open to developing the land in the general nature of the proposal. Trustee Wallschlager asked whether the roads in the development will be private or

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public. Mr. Neumann stated that he has not yet met with Village staff or the engineer to discuss the roads but that condo plats afford the opportunity for private roads. Further he stated that there is always a public overlay to allow the public to drive on the roads however responsibility for maintenance of the roads would need to be determined.

Trustee Wallschlager asked whether Neumann Companies would consider installation of a boulevard entrance off of Hwy K. Mr. Neumann stated that they are not interested in installing a boulevard as they don't feel it is necessary for 50 homes and additionally that due to the challenging location of the access anything done to the intersection would be very costly. It was clarified that it is intended that each condo unit will have a garage.

Mr. Neumann stated that due to relocation of the access point, it is believed that traffic would use the direct route rather than Southern Oak. He stated he felt it would be wise to keep the road open rather than designated as an emergency access only. He stated that the development has been named "Overlook Trails".

President Pfannerstill reiterated that Neumann Companies had been asked to present the concept to the Village Board so that both board members and the public were given the opportunity to understand the proposal and ask questions. Trustee Wallschlager asked what the intended average price for the condos would be. Mr. Neumann stated that realistically they will be in the range of \$450,000 to \$550,000. There were no questions or objections from anyone in the audience.

Motion (Swenson/Landwehr) to approve the concept plan for a condominium development on the property located at and adjacent to N56 W28628 CTH K (Lisbon Road). Carried (7-0).

8. Consideration of actions related to a proposed Planned Unit Development amendment for Riverwalk.
  - a. Review of proposed amendments to the Planned Unit Development Agreement for the Riverwalk development to allow full commercial use in the mixed use building located on E. Capitol Drive.

A representative of Joe McCormick stated that a request for an amendment was made to allow the entire building to be commercial space. Administrator Cox stated that this request was reviewed by the Plan Commission at their May meeting, that the Plan Commission will review the amendment again at their June meeting and it is expected that a recommendation would be made to the Village Board at that time. It was stated that representatives of Keller Williams were told by the Plan Commission that when they have meetings which will include a large number of attendees, parking in the municipal lot across the bridge should be strongly encouraged.

The Riverwalk representative was asked if they have been granted occupancy for the building to which he replied that they did. Administrator Cox stated that the building meets minimum standards in the Village's building code required for occupancy.

President Pfannerstill raised concerns related to the timing of requests for amendments received by JD McCormick and representatives of Keller Williams. He stated that the building was not built to the plans that were approved by the Village and filed with Waukesha County.

Administrator Cox stated that the state and Village had approved the plan with 5 residential units on the second floor and 1 residential unit on the first floor. He stated that in August of 2016 the Plan Commission was presented with this plan conceptually and they indicated that it was acceptable to them to divide the second floor into 5 residential units. Administrator Cox further stated that he missed a step when he did not pursue a change to the PUD when other development plans for the building evaporated and the developer moved ahead with construction.

President Pfannerstill expressed frustration that the developer, JD McCormick, knew more about what was going on with the project than the Village Board and requested that a full report of why/how this oversight happened be prepared for the Village Board. He stated that mistakes need to be communicated to the board or commission when they are identified.

There were concerns raised regarding the lack of an elevator in the third building. Administrator Cox stated that the front building at Riverwalk was never intended to have an elevator. As a multi-building development with two buildings fully accessible, the state's interpretation was that the third building did not need an elevator. He further stated that he will prepare a full report on the matter as requested.

Administrator Cox stated that the Plan Commission had reviewed a concept for the building to include five residential units as the Village Board was having a conversation about whether a larger development could take place on Capitol Drive than what was originally proposed in Riverwalk. He stated that during further exploration of that concept, it was determined that it would not work and that in approximately February of 2017, it was deemed a dead issue. At that point, JD McCormick moved forward with construction of the commercial building. The PUD was not modified to completely address the five residential units on the second floor and one residential unit on the first floor.

Trustee Wallschlager asked whether the Village could move forward with an amendment to the PUD with the current one in place being incorrect. Administrator Cox stated that the Village Attorney is likely to agree with approving a modification regardless of the current status. President Pfannerstill asked that Administrator Cox look into who had approved the modified plans as the Plan Commission had reviewed the plans and made comments but had never voted.

- b. Consideration of a motion to set a public hearing on the matter for Monday, June 25 as part of the regular Village Board meeting.

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Motion (Swenson/Anson) to set a public hearing on the matter for Monday, June 25 as part of the regular Village Board meeting. Carried (6-1) Wallschlager opposed.

9. 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 Dean thanked Trustee Landwehr for attending the annual Memorial Day event at the Legion and stated that he felt all elected officials and department heads should be present. Trustee Dorau stated that she had looked for information on the event but was unable to locate it anywhere.

President Pfannerstill asked for continued prayer for a member of the Waukesha County Board that was in a serious vehicle accident.

Residents were reminded that garbage collection would be a day late due to the holiday.

Chief Dean stated that scout Jack Sullivan would be fundraising at the Piggly Wiggly brat stand to benefit the Nixon Park memorial project.

Anyone interested in participating in the Hometown Celebration Parade was encouraged to sign up on the Village's website.

President Pfannerstill and the Village Board thanked Mike Einweck for his 12 years of service to the Village.

Finance Director Bailey reminded residents that the Board of Review is scheduled for June 20 from 5:00 to 7:00 p.m.

10. Adjournment

Motion (Swenson/Dorau) to adjourn at 8:34 p.m.

Respectfully submitted,

Darlene Igl  
Village Clerk