

VILLAGE BOARD MINUTES
MONDAY, OCTOBER 22, 2018
7:00 PM
BOARD ROOM, MUNICIPAL BUILDING, 210 COTTONWOOD AVENUE

Call to Order

Roll Call

Pledge of Allegiance – Trustee Swenson

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

Others: Administrator Cox, Police Chief Misko, Clerk Igl, Captain Stacy Kelsey, Finance Director Ryan Bailey, DPW Operations Supervisor Gerszewski, Utility Operations Supervisor Felkner, Alex Konen (HFD), Brandon Anderegg (Waukesha Freeman), Matt Neumann and Bryan Lindgren (Neumann Companies), Tom Brass, large group of residents.

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/Wallschlager) to approve Village Board minutes of October 8, 2018. Carried (7-0).
2. Motion (Landwehr/Swenson) to approve vouchers for payment in the amount of \$1,000,490.00. Carried (6-0). Meyers abstained.
3. Consideration of actions related to Licenses and Permits.
 - a. Motion (Dorau/Anson) to approve an application for Operator's (Bartender) License with a term ending June 30, 2020. Carried (7-0).
 - b. Motion (Landwehr/Dorau) to deny an application for an Operator's License recommended for denial. Carried (7-0).
 - c. Motion (Landwehr/Swenson) to approve an application for a Temporary Operator's (Bartender) License. Carried (7-0).
4. **PUBLIC HEARING** on the proposed 2019 Village Budget including the General Fund, Water and Sewer Utility Funds, Debt Service, and all other Revenue and Expenditure Funds with consideration of adoption of the budget at the November 12, 2018 Village Board meeting.

President Pfannerstill opened the Public Hearing on the 2019 Village Budget at 7:05 p.m. Finance Director Bailey stated that the budget includes General Fund Expenditures of \$7,799,837 which is a decrease of .15%. The actual General Fund Levy is \$4,512,167, an increase of 1.3%. The proposed overall levy including debt is \$5,980,117, an increase of 3%.

The anticipated mill rate change is an increase of \$.106 per thousand of value for taxes. There is no water rate increase planned. The sewer rate will increase 5% which equates to about \$22 per year increase on an average household. Garbage fees will not increase. The budget includes a full-time administrative assistant position for the Fire Department.

No comments being heard, the Public Hearing was closed at 7:07 p.m. by President Pfannerstill.

5. Consideration of second reading of Bill for an Ordinance No. 10-08-2018-01 “Amending the Quorum Requirements for the Delafield Hartland Water Pollution Control Commission”.

Motion (Landwehr/Meyers) to suspend the rules. Roll call vote taken – Anson, yes; Dorau, yes; Meyers, yes; Landwehr, yes; Swenson, yes; Wallschlager, yes; Pfannerstill, yes. Carried (7-0).
Motion (Landwehr/Meyers) to adopt Bill for an Ordinance No. 10-08-2018-01 “Amending the Quorum Requirements for the Delafield Hartland Water Pollution Control Commission”. Carried (7-0).

6. Consideration of actions and items related to The Glen at Overlook Trails, a condominium development on the property located at and adjacent to N56 W28628 CTH K (Lisbon Road).
 - a. **PUBLIC HEARING** to receive comment on the proposed rezoning for property located at and adjacent to N56 W28628 CTH K (Lisbon Road) for the rezoning of 38.81 acres to RS-1 Single-Family Residential District with both PUD and Upland Conservancy Overlay Districts.

President Pfannerstill presented the Public Hearing guidelines and declared the Public Hearing open at 7:11 p.m.

Bryan Lindgren, Neumann Companies, stated that while the project remains much the same as the initial concept, they were asked at the last Plan Commission meeting to reengage the County Highway Department regarding the emergency access. Lindgren stated that the County Highway Department has indicated that they believe the proposed location of the emergency access further west down the hill will be acceptable.

Dino Xykis, 605 Southern Oak Drive, asked whether the sewer system can handle additional flow from the proposed development. He stated that the role of the Village Board is to protect the interests of the residents and to spend the taxpayer’s money wisely.

Bill Budzien, 1123 Sweetbriar Lane, expressed interest in purchasing a condo in the proposed development and stated that the development would be a benefit to the Village as an additional opportunity for residents to own a condo in the Village and would be attractive to a certain type of purchaser.

Kevin King, 1264 Mary Hill Circle, stated that he is felt the developer did a bait and switch. He stated that he would be against public roads in the development and that the residents in the Mary Hill development do not want any access through Southern Oak.

Nan Hegerty, 763 Racine Ridge Dr., Richfield, stated that she has great interest in the project, feels it would bring people to the Village that would be an asset to the Village. She stated that she does understand the concerns of the residents in the adjacent development.

Susan Gerard, 606 Southern Oak Drive, stated that she was originally concerned with the development connecting to Southern Oak. She stated that this was proposed as a condo development not an individual family subdivision with public roads and that most condo associations have private roads.

Patrick Walsh, 1285 Mary Hill Circle, asked for more transparency from the Plan Commission, stated his opposition to any access into Mary Hill and objected to public roads in the development.

Attorney Kevin Clark, representing John & Trudy Gebhard, stated that his client maintains that the project is too dense and is inconsistent with prior planning. He further stated that his client will resist and is opposed to any eminent domain action. He stated that the applicant has indicated that there is an access that does not require eminent domain action and that the Village should consider that access prior to eminent domain.

Joe Walicki, 624 Southern Oak Drive, raised density concerns stating that he believed the project had been switched to private roads to increase density and objects to the switch to public roads.

Mike Logelin, 603 Southern Oak Drive, stated he felt it was hard to get information on the latest plan, has concerns about the proposed density and sewer issues. He asked for transparency and strongly opposes anything coming through Southern Oak Drive.

John Stahl, 1235 Mary Hill Circle, stated he felt the developer had done a bait and switch but was glad to hear that the emergency access may go to Hwy K. He further stated that he is opposed to anything coming into Southern Oak Drive.

Scott Wade, 607 Southern Oak Drive, stated that he is against the road coming through Mary Hill and is concerned about traffic safety issues.

John Peret, 372 Switch Grass Court, stated that he has been a resident for over 10 years and is looking for a condo. He stated that the proposed development is very attractive to him.

Matt Neumann stated that several comments about bait and switch were made but explained that these projects are dynamic. He stated that Neumann Companies has done their best to respond to the demands of the village, residents and county. Further he stated that it not an easy site to develop. He stated that a higher density had been requested which they believed would be turned down so they went back to the existing comprehensive plan for density. Additionally he stated that they had been able to make the access on top of the hill onto Hwy K work. He stated that they have worked out an emergency access onto Hwy K which the county has said they believe will work. He stated that eminent domain may be avoidable due to recent development. He stated that he believes the development belongs in Hartland, not the Town of Merton, and should be served by sewer and water.

Dino Xykis stated that he felt the recent Plan Commission meeting was disturbing and that a compromise could have come sooner. He stated that he felt the comprehensive plan is delinquent because it was issued in 2005 and hasn't been updated.

Patrick Walsh asked what the status of the reroute of Hwy K is. President Pfannerstill stated that the road will stay as it is and that if the Village develop the County will conduct a study.

George Hegerty commented that he didn't feel that the development would adversely impact village services.

Attorney Clark stated that his clients are hopeful that eminent domain will not be required as they are open to discussions.

President Pfannerstill called for a brief recess at 7:48 p.m.

The meeting reconvened at 7:54 p.m.

President Pfannerstill asked the Village Board members for their questions related to the project. Trustee Wallschlager expressed concerns that the county approval of the location for the emergency access is not guaranteed. She would like further information on sewer capacity and commented that the roads should be private like other Village condo developments. He commented that she had not previously seen the continuation of the trails and asked whether this was a change.

Bryan Lindgren commented that the information from the county highway department is new; there are details to be worked out as this was a hand-sketched drawing. The county would not approve without full engineering plans, however the county stated that they would allow based on site conditions and measured site distances which are in excess of 400'. He stated that the emergency access drive would be private and not meant to be on a public right of way. He stated that the Neumann Companies believed

the connectivity of walking trails was important. The concern of sewer capacity will be handled by the engineering department.

Trustee Swenson stated that he is disappointed with going to public vs. private roads but believes that the development is still a benefit to the Village. He stated that he would like the developer to work it out so that the roads are private.

Trustee Landwehr stated that the details of the project should have been worked out completely by the Plan Commission before coming to the Village Board. He stated that he believes it's a good project and wants to see it built with sewer and water service.

Trustee Anson stated that he believes it would be a benefit to have private roads in the condo project and see no need for public roads through the complex. He stated that he like the new proposal for the emergency access however it's not final. He stated that he disagrees with the trail connectivity but otherwise agrees generally with the condo project itself.

Trustee Dorau inquired whether the road size would be modified if changed from private to public roads. Matt Neumann stated that road specifications were never discussed until the last Plan Commission meeting. Because the roads will have sewer and water under them, the Village wants them built to a public standard. He stated that if they are held to that standard and the roads will eventually connect, he felt the taxpayers will pay the same rate as other Village residents and should receive the same service (road maintenance). Neumann commented that the issue of public vs. private does not necessarily impact the developer. He stated that landscaping and snow removal will be offered by the condo association.

Trustee Dorau stated that she believes the roads should be private and likes the concept of trail connectivity.

Trustee Meyers commented that if he owned property on a road that went to nowhere, he would understand that there was a possibility of the road being extended. He stated that he values the public emergency access road. He expressed concerns about narrower roads which may limit access for emergency responses.

President Pfannerstill commended Neumann Companies for the amount of effort put into this project. He stated that he does not want the village to use eminent domain unless absolutely necessary. He commented that he likes the development and the trail connectivity. President Pfannerstill asked whether it was the developer's intention to have private roads with private maintenance. Matt Neumann responded that he is unsure at this time but would be fine with private roads with public maintenance. He stated that his assumption was that there would have to be public maintenance associated with the project to provide emergency services in addition to the fairly substantial sewer and water mains which are publicly maintained that will run under the

roads. President Pfannerstill asked whether the developer continues to be interested in annexing the property into Hartland. Matt Neumann responded that is their intent as it is the right thing to do. President Pfannerstill asked whether they would still want to annex if approved with private roads and private road maintenance and Neumann responded in the affirmative if other items get agreed to.

President Pfannerstill closed the Public Hearing at 8:20 p.m.

- b. Review of current status and discussion of preliminary recommendations from the Plan Commission related to annexation, zoning and development issues.

Trustee Wallschlager proposed a motion to postpone the entire issue until January of 2019 citing unanswered questions and undecided details. President Pfannerstill commented that there is a procedure in place where plans are sent to the Board after Plan Commission recommendation and that at this point the Plan Commission had not even seen the latest development from the Waukesha County Highway Department. It was suggested by the Plan Commission that the hearing be set knowing that the Village Board didn't have the answers.

Administrator Cox reminded the Board that no real actions are up for consideration by the Board on the agenda. He stated that the Village Board had asked that Plan Commission matters be brought to the Village Board prior to them being recommended as an interval step. Administrator Cox stated that the only things on the agenda for the meeting were the first reading of two ordinances with no actions. He stated that the Plan Commission will review the project again in November with final recommendation from the Plan Commission expected well into November. He stated that his goal was to have the draft of the Planned Unit Development Agreement for the November Plan Commission meeting.

President Pfannerstill commented that there are no other condos in the Village with public roads and that there has been confusion throughout the process. He stated he would like to see private roads with private maintenance which would save taxpayers money. President Pfannerstill clarified with Trustee Wallschlager whether she would still want to postpone until January even if all answers were provided and she stated that she felt additional time was necessary for review.

Trustee Swenson commented that he believes the Village benefits from the project whether public or private roads but that is the Village demand the roads be built to public standards, the Village should provide maintenance.

Matt Neumann commented that it takes time to get through all of the required steps for a development. He stated that if the Village Board requires the roads be private, they will have to review the modifications as they has assumed the roads would be built to

public specifications. There was discussion that perhaps an informational meeting on the project be held prior to January.

Motion (Wallschlager/Anson) to postpone this entire issue until at least January of 2019. We, as elected officials, need to do the best job for our citizens and the Village of Hartland, which means to make sound, informed and intelligent decisions for the Village of Hartland. At this time, there are too many unanswered/undecided details, too many variables and confusion with the project as a whole. I do not feel comfortable taking any action where there is so much confusions. Carried (5-1). Landwehr abstained. Swenson voted no.

- c. Consideration of a motion to direct staff regarding the process to acquire through eminent domain the necessary easements across the property located at N56 W28754 CTH K related to the expansion of utility and public safety systems in the northeast area of the Village.

No consideration given to this item.

- d. First reading of Bill for an Ordinance 10-22-2018-1, An Ordinance Annexing Territory To The Village Of Hartland, Wisconsin Pursuant To Wis. Stat. § 66.0217(2)

No first reading provided.

- e. First reading of Bill for an Ordinance 10-22-2018-2, An Ordinance To Amend The Official Zoning Map Of The Village Of Hartland

No first reading provided.

7. Motion (Meyers/Dorau) to approve award of a contract to Clearpath Connections of Pewaukee for the purchase and installation of electronic locks at various Village facilities in the aggregate amount of \$62,402.20. Carried (7-0).
8. Motion (Dorau/Landwehr) to appoint additional Election Inspectors with terms to expire Dec. 31, 2019. Carried (7-0).
9. Motion (Pfannerstill/Swenson) to recess to closed session pursuant to State Statutes §19.85 (1)(e), deliberating of or negotiating for the purchase of public properties, investment of public funds, or conduct of other specified public business, whenever competitive or bargaining reasons require closed session regarding the potential purchase or acquisition of public property, namely a community center facility through an option to acquire the Zion Evangelical Lutheran Church, 415 W Capitol Drive, Hartland and to return to open session to consider actions related to the matter pursuant to §19.85(2). Roll call vote taken – Anson, yes; Dorau, yes; Meyers, yes; Landwehr, yes; Swenson, yes; Wallschlager, yes; Pfannerstill, yes. Carried (7-0).

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It was noted that Trustee Meyers would not be participating in the closed session due to a conflict of interest.

Adjourned to closed session at 8:56 p.m.

Reconvene in open session at 9:41 p.m.

10. Motion (Dorau/Swenson) to direct staff to deliver an Option to Purchase document to the leadership of Zion Evangelical Lutheran Church and attempt to negotiate the execution of the Option. Carried (5-1). Landwehr; no. Meyers abstained.
11. Motion (Anson/Dorau) to adopt Resolution 10-22-2018, A Resolution of Necessity for Hartland Community Center. Carried (5-1). Landwehr; no. Meyers abstained.
12. 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.

Residents were reminded that all will vote at St. Charles in the Nov. 6 election.

Alex Konen, HFD, announced that the pancake breakfast was a success with approximately 500 people attending. The pizza fundraiser was also successful with 150 pizzas delivered.

13. Motion (Wallschlager/Dorau) to adjourn at 9:47 p.m.

Respectfully submitted,

Darlene Igl
Village Clerk