

**VILLAGE OF HARTLAND  
VILLAGE BOARD MINUTES  
MONDAY, SEPTEMBER 25, 2023  
6:30 PM**

**BOARD ROOM, MUNICIPAL BUILDING, 210 COTTONWOOD**

Call to Order - President Pfannerstill called the meeting to order at 6:31 pm.

Roll Call

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

Others Present: Village Manager Bailey, Clerk Policello, Police Chief Misko, Fire Chief Jambretz, DPW Director Felkner, DPW Operations Leadman Jenson, Village Attorney de la Mora, John Ford-Three Leaf Partners LLC, Eric Remmick, Tom Lay, Gerald Luetke, Jen Appleton

Pledge of Allegiance – Trustee Hallquist

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.

Via Zoom - Darlene Kelly, 128 Hill Street – She has questions on the quarry project. She suggested that another traffic study be done now that school is back in session and that it take into account the Kwik Trip. She has questions about the route that residents would enter and leave – which street? How will it impact fire, police, rescue and schools? New residents would support businesses – which ones – at the moment there is nothing more than restaurants, hair salons and insurance companies. Her major concern is traffic control, she believes the curve on Capitol Dr. is dangerous as well as the 3-way stop by Beer Snobs. How does it fit into the atmosphere in Hartland, it is creating a village within a village.

Via Zoom - Leslie Moats, 510-512 W. Capitol Drive – The incoming Capitol Drive traffic where Kwik Trip is by Palmer with a potential stop light – she would like to hear more about that and if there is going to be a new traffic light. President Pfannerstill is not aware of a proposed traffic light. He referred her to previous meetings or reach out to the Village Manager.

Public comment closed at 6:37 pm

1. Consideration of Village Board minutes

Motion (Pfeiffer/Truttschel) to approve the Village Board minutes of September 11, 2023, September 13, 2023, September 14, 2023 (special Arrowhead meeting) with change of mover from Hallquist to Pfeiffer, and September 14, 2023 (budget meeting). All were in favor, **motion carried.**

2. Items related to vouchers

- a. Motion (Wallschlager/Truttschel) to approve vouchers for payment in the amount of \$305,644.88. All were in favor, **motion carried.**

3. Items related to licenses and permits
  - a. Motion (Hallquist/Cotton) to approve bartender applications for Emily Gill and Julie Banaszak-Hanson. All were in favor, motion carried.
  - b. Bartender application - Eric Remmick.

Chief Misko provided information on the background check process. Wisconsin State Statutes state that no license may be issued under Sec. 125 to anyone convicted of a felony unless pardoned. Misko said Wisconsin Statute Chapter 111 is conflicting in that it does not allow denial to be automatic, instead it allows for evidence of rehabilitation and fitness to perform the activity. Misko provided the relevant statutes and a memo to the trustees. Misko said Remmick submitted a bartender application to work at the Legion, on which he listed 3<sup>rd</sup> degree arson and a DUI in 1999 or 2000 in Minnesota. The background check completed by the Police Department showed several other convictions on his record. Remmick confirmed the arson 3<sup>rd</sup> degree in 1984. Also on his record is unauthorized use of motor vehicle in 1984 which was dismissed, unauthorized use of motor vehicle in 1985 – convicted; burglary in 1989 felony convicted, check forgery felony convicted, DUI in 2001 and 2002, both misdemeanors and convicted on both. His record indicates an arrest for DUI in Missouri with no conclusion in that case. Misko reached out to the jurisdiction and found that the police department no longer exists. On September 5<sup>th</sup> Misko spoke with Remmick and made him aware of Wis. Stat. Chapter 125 and the concern with convictions and that he has the opportunity present rehabilitation and his case to the Board. Misko said there are discrepancies on his application versus his background check. Remmick informed Misko that he may have been pardoned from some of his convictions, but has no paperwork. Remmick said he has been through other background checks with no problem. Misko reviewed the items that can be taken into consideration by the Board in review of this application. He advised that the Board can approve the application or if they deny it, a written statement is required which states how the applicant's record would affect his ability to do his job. Misko said his recommendation is for denial at this time prior to testimony due to missing information on the application and also Remmick not taking responsibility for his actions during their phone conversation. Misko said time and age can be taken into consideration.

Tom Lay, the agent for Flanagan-Dorn American Legion spoke. He said he has known Mr. Remmick since he moved to the area and that he was shocked with the record. Lay said Remmick has always support the Legion and its events, he is the president of Pink Heals and helps with Angels of the Road. Lay said Remmick has been a model to all of the organizations that he belongs to. The charges are from 20 years ago. Lay considers Remmick to be rehabilitated, older and wiser. Lay said Remmick has contributed to the organizations he belongs to in time, effort and monetarily. He said Remmick has shown a much better direction, he asked that his license be granted so he can continue his work. Remmick said if he could go back in time to change, he would. He has been cleared to work on military bases. Remmick said he has learned he can't change his past

and that he takes responsibility for his actions. He said he has been with Pink Heals for 2 ½ years and became president of that organization last year. Remmick was a member of the Phoenix that helps children that were abused; they take them to school, go to court with them. He also worked with a children's organization for Phoenix Bike Week for 3 – 4 years. Remmick said he has worked on oil fields and military bases.

Hallquist asked if Remmick had an active CDL; Remmick confirmed that he does. Truttschel said he has gotten to know Remmick through the Legion Post and he has seen him interact with people and his relationships he has and is aware of his time and financial commitment to charities; he sees someone that cares about people, which is a rehabilitation message at its finest.

**Motion** (Truttschel/Pfeiffer) to approve the bartender application for Eric Remmick.

Conner asked Lay how long he has known Remmick. Lay said he has known him for several years.

Pfannerstill asked Remmick why did those past charges get missed on his application? Remmick said he didn't know that he had to write them all down; he said the arson always gets picked up so he put that down and the DUI and he would go from there. He said if he was trying to hide, he would not have written anything down. Misko said Remmick was cordial and compliant in their conversation.

Pfannerstill asked for Misko's recommendation on the application after the applicant's testimony. Misko said he is disappointed that not everything was disclosed. He liked to hear tonight that he is taking responsibility of the issues. With the time, a listed factor in the statutes, and age, the DUI's are 20 years old – Misko doesn't think they would be a relatable offense to his ability to do job. He wishes the application would have been completed better. He understands the Board approving license.

**Roll call vote:** Motion passes 5 – 2. Nay – Wallschlager, Conner.

4. Village Board review and consideration of an Extraterritorial Certified Survey Map for the Mid-City property, N55 W29505 County Highway K, Hartland, WI 53029.

President Pfannerstill said the property is not in the Village, but is within 1 ½ miles of the Village, requiring extraterritorial review. Mr. Bailey said this was approved unanimously by the Plan Commission. He said the applicant owns both properties and this will be creating one lot to allow an expansion of his facility. The building inspector and staff have no concerns with this.

Motion (Conner/Wallschlager) to approve the certified survey map for Mid-City property. All were in favor, **motion carried**.

5. Consideration of Request to order two new squad cars as part of the 2024 Police Department budget.

Misko said the Police Department uses consumer platform vehicles for their squads. Ford and Chevrolet have supply chain issues; they use state contract pricing for squad purchases. Misko said the representative for state bid pricing told him Hartland will have a better chance to have its order filled in 2024 if it is in by October 1<sup>st</sup>. The Police Department uses Ford vehicles, he said Chevrolet's backlog is worse. Typically, he would order after the budget is approved in November. This will be a 2024 budget item, he is asking for permission to order the vehicles prior to budget approval. He is following the usual vehicle replacement schedule. Bailey said we have done this in the past.

Wallschlager asked about the ability to get parts if they stop making 2024 vehicles in June. Misko said the 2024 model year for police vehicles will end in June; we would have to wait for the 2025 model year; parts will continue to be available. Hallquist asked if we will have the same problem in 2024; Misko said he hopes the supply chain issue is better then, but he does not know for sure.

Motion (Truttschel/Wallschlager) to approve the order for two new squad vehicles now for 2024. All were in favor, **motion carried**.

6. Discussion and consideration of removal of street tree at 128 Cottonwood.

Building owners of 128 Cottonwood, Mike and Heidi Rodenbaugh were present. The plans for this building were before the Architectural Board in January when they asked about the tree. Mr. Rodenbaugh said that board seemed open to the removal of the tree but they were unsure of the process. In the meantime, they found a permit application process. DPW Director Felkner referenced Municipal Code Sec. 90-45 Authority over Public Trees. Felkner said in 2022 Wachtel did a tree study and determined this tree is 20 years old and valued at \$1700. He said his department would remove the tree if this request were approved and he would think the Village would want reimbursement for some trees if it were removed. Wallschlager asked why the Rodenbaugh's want to remove the tree. Mr. Rodenbaugh said this was the former Fire Department through 1964 – it is an office building now. In the renovation of the building they wanted to bring back the look of a firehouse with glass garage doors. It is inconsistent with the look they are trying to bring – a tree wouldn't be in front of a firehouse door. Mr. Rodenbaugh said he is happy to purchase trees if this is granted. Wallschlager is concerned if granted, others may request the removal of trees. Mr. Rodenbaugh said he understands, however, there is a specific historical use for this building where there would not be a tree in that location. He believes that would make it an exception. Hallquist asked if the tree could be transferred and survive. Felkner said it would not be moved. Pfeiffer asked Felkner if there is a need for trees behind Senor Tomas or other areas of the Village. Pfeiffer said Cottonwood could use a facelift; he understands both sides of this issue; he supports the request to remove the tree.

Motion (Pfeiffer/Truttschel) to approve the removal of the street tree in front of 128 Cottonwood, with the understanding that they would reimburse the Village \$1700 for trees to be planted elsewhere with DPW taking the tree down.

Truttschel confirmed that the \$1700 could be used for several trees; Felkner said the cost is \$300 – \$333 per tree. Hallquist asked if they have to pay a fee in addition to the replacement fee; Felkner said there were no other fees.

Wallschlager asked about the labor cost of taking the tree down. Felkner said removal would be 30 minutes and he is not concerned about that cost. He said the grate would need to be removed and filled with concrete, which will be a couple hundred dollars. Felkner said the tree cost includes planting.

Wallschlager accepted the previous motion and amended it to add to the \$1,700 value of the tree, the cost of the labor to take the tree down and the cost of removing the grate. There was no second to the amendment. Felkner confirmed the cost of tree planting is included in the cost mentioned previously.

Pfeifer amended his motion to approve the removal of the tree at 128 Cottonwood with a fee not to exceed \$2200 for the cost of replacement trees and removal of the grate. Truttschel seconded the amended motion.

Conner is concerned it sets a precedence. He doesn't see how anyone else could be denied. Pfannerstill said this is a good point. Having had a business downtown and in trying to instigate business, it might limit the money someone would want to spend on their façade.

**Roll call vote:** Motion passes 5 – 2. Nay – Wallschlager, Conner

7. Village board second reading of Hartland Quarry, a proposed PUD development ("Project") whose approval and rezoning is being sought by Three Leaf Partners LLC on property tax keys HAV0730981, HAV0730985, HAV0730986 and HAV0730987 at 700, 701 W. Capitol Drive.
  - a. Public Hearing – President Pfannerstill opened the public hearing at 7:34 pm.

Gerald Luetke - 650 Coventry, Hartridge. Mr. Luetke asked if Kwik Trip is approved. Is it 100% rental or townhomes to purchase? Will there be stop signs or stop lights? He was asked to contact the Village President or Village Manager.

Attorney de la Mora suggested that Three Leaf Partners provide a project summary.

John Ford, Three Leaf Partners, LLC – Provided a project summary. The quarry site has been looked at by a number of developers – it is a challenging site. He has worked with staff and the Village attorney since late 2022. He has professionals on staff that can also answer questions. The project will have 267 units in total; townhomes and stacked flats, clubhouse, pool area, 2 miles of walking trails. They feel it is needed in this market in this area. He indicated that the Village's Comprehensive Plan includes three primary objectives. 1. To provide a range of housing types. This development will provide homes with 1 – 3 bedrooms with a range in unit size and rent. 2. Multi-family vacancy rate of 4 – 6%. Three Leaf Partners' market study shows a 2.3% vacancy rate in this

area– they forecast that 400 units will be needed per year thru 2027. 3. Does it conform with Village’s Smart Growth Plan? Ford said the zoning uses match the uses that are proposed in the 2045 Smart Growth Plan.

Ford said the traffic study took into account the schools, current traffic, the Kwik Trip. Kwik trip is going through the approval process, but not completed yet. Ford said from a traffic standpoint they have worked with Ruckert Mielke and Tadi to come up with a comprehensive plan for Captiol Drive; Kwik Trip has agreed to install a left turn lane going westbound. The entrance to the quarry development will be lined up with Vettleson with a stop sign. He said this is an economic driver. It is a \$90 million project that would bring construction jobs, 480 bedrooms with 400 – 500 people residing at the development.

Via Zoom – Leslie Moatz, 510-512 W. Capitol Drive. She would like more info about the ground water and what is buried in the quarry. 2. Her property backs up to it. Has there been any studies done to relocate the wildlife that lives on that property?

Via Zoom – Representative from Payne & Dolan said geotechnical exploration was done in and around the quarry and ground water was not found in any of the borings down to 80’ from the bottom of the quarry. Mr. Bailey said fill will be tested. Craig from Payne & Dolan said there is no groundwater in the quarry to transport anything. A storage tank will be removed which has shown significant improvement since it was discovered 20 years ago. Bailey said the Village and the developer both have geotechnical teams and engineers and we are working together with them. We want to make sure everything is safe, that the slopes are stable, we have the same concerns. Our staff will work with their staff to make sure it is a safe living environment. Ford said they have not done anything to relocate wildlife, they have seen minimal wildlife. Bailey said there will be construction routes established on Hwys 83 and 16.

Via Zoom – unknown person asked if the two miles of walking trails are open to the public? Ford said the entire site is a private site, but the public is welcome to utilize the pathways and trails.

Jen Appleton, 448 W. Capitol Dr. – Her property backs up to the property. Her kids have access the slopes for exploring. Will there be a clear marking of the property line? Bailey said they don’t encourage going on the slopes. Ford said the slopes, trees and vegetation will remain. Ford said the slopes are not a playground. He said the 2 miles are sidewalks and pathways. The woods are not suitable for hiking. He said safety is #1.

Pfannerstill closed the public hearing closed at 7:55 pm. Pfannerstill said anyone can contact the Board or staff or the developer with questions. He said the project exhibits are available on the Village’s website.

2<sup>nd</sup> Reading of the following:

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- b. Proposed preliminary site and building plans for ten Multi-Family Apartments (240 units) and three townhomes (27 units);
- c. Proposed plans for Amenities for the Project;
- d. Proposed rezoning to RM-1 with PUD Overlay in conjunction with a PUD Agreement
- e. Proposed preliminary certified survey map
- f. Proposed land use amendment and resolution

Bailey said the above items, without the public hearing, will be on the October 9<sup>th</sup> meeting.

- 8. Consideration and discussion regarding the proposed 2023 Village budget:
  - a. Village Board, Administration, Finance, Elections, Municipal Building, Inspection, Cable TV, Other Funds, General Fund Revenues and Debt Service

President Pfannerstill asked to table the above items to the next meeting. Motion (Pfeiffer/Conner) to move the above items to the October 9<sup>th</sup> meeting. All in favor, **motion carried.**

9. Announcements

Director Felkner gave a progress update on Nixon Park. The ADA ramp has been installed, chips are installed, 90% of the paved paths are installed. The main parking lot had binder laid today and will be surfaced this week.

Fire Chief Jambretz said Flight for Life training was taking place this evening. The Fire Department had 6 calls today. On Friday they will participate in the homecoming parade and will help block access. He will have staff at the Lake County Lutheran football game this evening as well. Waukesha County dispatch numbers are changing for the fire departments in the county.

Police Chief Misko said the temporary no parking signs by St. Charles have been removed and they have monitored the area and have seen no issues. Det. Jewell will be sworn in at the next board meeting. Police officer applications are open with first review on 9/27. The part time administrative assistant position is open through 10/3. The homecoming parade will have police department, fire department and department of public works close the route at 4:15 pm to 5 or 5:30 pm.

President Pfannerstill said with change in employment law, any bartender application denials in the last 4 years for bartenders should be reviewed and they should get a letter to reapply. Attorney de la Mora said his recommendation is that the clerk be open to accept any new applications from any previous denials, rather than canvassing and reaching out to previous denials. Like tonight, there can be a hearing to accept testimony. Misko said he believes that all but 1 previous denial had a charge(s) directly related to drugs or alcohol. He said Wis. Stat. Chapter 961 convictions are automatic denials.

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President Pfannerstill said the fire study is done and will be coming forward in the next few weeks. He asked Chief Misko for the process for rescinding a bartender license issued to someone who they have had subsequent police contact with. Misko said regarding one licensed bartender, there is a pending charge. Pfannerstill asked Misko to work with Bailey to get that going; he wants that process to start. Misko will add that to the next agenda. Misko said there has been a recent change to Wis. Stat. Chapter 111 that says it doesn't have to be a conviction, it can be an arrestable offense. This is not a court of law and the evidence standard is different.

10. Adjournment

Motion (Pfeiffer/Conner) to adjourn at 8:11 pm. All were in favor, **motion carried.**

Respectfully submitted,

Sandee Policello  
Village Clerk