

**VILLAGE OF GREENDALE
Board of Trustees Meeting Minutes
April 17, 2018**

Trustees Chadwick and Cyborowski and President Birmingham were ceremonially sworn in.

President Birmingham called the meeting to order at 7:03 p.m. in the Board Room of Village Hall.

Roll Call

Present: Trustee Barbian, Trustee Ouellette, Trustee Genz, Trustee Busalacchi, Trustee Cyborowski,
Trustee Chadwick, President Birmingham
Also Present: Todd Michaels, Village Manager
Sarah Weishar, Assistant Village Manager
Ryan Rosenow, Police Chief
Tim Saidler, Fire Chief
Mark Uecker, Director of Public Works
Sue Sheppard, Public Health Director
Peter Feldhusen, Health Inspector
Laura Temke, Health Inspector
Kristen Victory, Clerk- Treasurer
Len Roecker, Village Engineer
John Macy, Village Attorney (arrived for Closed session and remained until the end of the meeting)

Approval of Minutes

Regular Board Meeting of April 3, 2018.

Trustee Barbian moved, seconded by Trustee Ouellette, that the minutes from the Board of Trustees Meeting held on April 3, 2018 be approved since all Board members received copies of the same prior to tonight's meeting.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Chadwick, Birmingham
Nays: NONE
Motion to approve: Carried

New Communications

A) *BOT 18-04 – Tim Baranyk, Chairperson – Greendale Veteran's Memorial Committee - Requesting that the current Memorandum of Understanding between the Village and the Veteran's Committee be extended for two additional years so that fund raising activities can continue.*

Manager Michaels said that staff will work with the Veteran's group to see if they can figure out an amendment to the agreement.

Public Hearing and Action Items

President Birmingham opened the public hearing.

Ken Lochowicz of 5615 Azalea stood and spoke opposed to the granting of the condominium conversion. James Ramseyer of 13700 W. Greenfield Ave., representing the owners of the north two units of the 4 unit building, stood in favor of the conversion and stated that this will make it two single family units and they have met all State and Municipal zoning ordinances.

President Birmingham closed the public hearing.

B) BOT 18-18 – Consider approving a request for a Condominium Conversion for 5609 and 5611 Azalea Court. (PC 18-05/#18-03)

The Plan Commission recommends and Trustee Chadwick so moved, to approve PC 18-05 Request for a condominium conversion for 5609 and 5611 Azalea Court (#18-03) subject to the conditions in the Plan Consultant's report dated March 16, 2018., seconded by Trustee Barbian.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Chadwick, Birmingham
Nays: NONE
Motion to approve: Carried

The Plan Commission recommends and Trustee Chadwick so moved, to approve PC 18-05 a request for a condominium conversion for 5609 and 5611 Azalea Court (#18-03) specifically the Condominium Plat and Declaration of Condominium subject to the conditions in the Plan Consultant's report dated March 16, 2018 and conditions in the Village Attorney's memo dated March 19, 2018.), seconded by Trustee Busalacchi

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Chadwick, Birmingham
Nays: NONE
Motion to approve: Carried

Citizens' Comments

Craig Presley of 5281 Oakton Lane and Julie Lewandowski of 5288 Oakton and Elaine Unger of 4815 Sutton Lane stood and spoke regarding the cell tower lawsuit. They and Susanne Tarasik asked the Board to appeal the court ruling. Joy Gianfranco Zingales of 7573 Highview Dr. stood and spoke against the Rock and the road changes around the Rock and against the cell tower.

Closed session moved up from later in the agenda

President Birmingham read:

- A) The Board shall convene in Closed Session pursuant to Section 19.85(1)(g) to confer with legal counsel 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 with respect to a Special Use Request for a Special Use on parcel number 694-9998-006 (currently owned by St. Stephen the Martyr Lutheran Church, 6101 South 51st Street) to construct a wireless tower facility.
- B) Pursuant to Wisconsin State Statute Section 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Specifically, to discuss the Village Manager's goals and objectives for the second quarter of 2018.

The Board reserves the right to return to Open Session to act on matters discussed in Closed Session.

Trustee Barbian moved, seconded by Trustee Ouellette to convene in Closed Session at 7:33 p.m.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Birmingham
Nays: NONE
Abstain: Chadwick
Motion to approve: Carried

Trustee Barbian moved, seconded by Trustee Ouellette to reconvene in Open Session at 8:50 p.m.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Birmingham
Nays: NONE
Motion to approve: Carried

- A) Consider approving the Special Use Request for a Special Use on parcel number 694-9998-006 (currently owned by St. Stephen the Martyr Lutheran Church, 6101 South 51st Street) to construct a wireless tower facility (#16-04/PC 16-05).

Attorney Macy summarized the issues before the Board and stated that there are two matters before the Board: The Court has directed that the Board issue the special use permit to allow construction of a cellular tower in accordance with the plans and specification submitted by PI Tower, LLC. The first decision the Board will make is regarding that. The Board will then take up the second matter which is whether to appeal the Court's decision.

Trustee Busalacchi read:

WHEREAS, an application for a special use permit to allow construction of a cellular tower was submitted by PI Tower, LLC ("PI") on September 30, 2016, and

WHEREAS, the application was denied on February 7, 2017; and

WHEREAS, PI commenced a lawsuit in the Circuit Court for Milwaukee County on March 8, 2017; and

WHEREAS, on March 23, 2018, the Court filed its Decision and Order reversing the determination of the Village of Greendale's Board of Trustees and remanded the matter for further proceedings consistent with the Decision and Order; and

WHEREAS, based upon the Court's Decision and Order, the Village Board has been directed to issue the special use permit; thus the Board must now decide whether to comply with the Court's Decision and Order or to file an appeal of the Decision and Order to the Wisconsin Court of Appeals; and

WHEREAS, in the event the Village decides to appeal the Decision and Order, the Village will be required to pay statutory costs of approximately \$4,000 to PI; and

WHEREAS, if the Village files for a stay of the Decision and Order, and obtains a stay of the order requiring issuance of the special use permit pending the appeal, the Village may be at significant fiscal risk for litigation costs and exposed to damages for lost profits while the appeal is pending.

NOW THEREFORE, the Village Board of the Village of Greendale, Milwaukee County, Wisconsin, DO RESOLVE as follows:

In compliance with the order of the Circuit Court, the Village Board hereby directs staff to issue the special use permit to allow construction of a cellular tower in accordance with the plans and specifications submitted by PI Tower, LLC., seconded by Trustee Barbian.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Birmingham
 Nays: NONE
 Abstain: Chadwick
 Motion to approve: Carried

Trustee Ouellette moved to direct the Village Attorney to appeal the decision of the court, seconded by Trustee Cyborowski.

Ayes: Barbian, Ouellette, Cyborowski
 Nays: Genz, Busalacchi, Birmingham
 Abstain: Chadwick
 Motion to appeal: Denied

Standing Committee Reports

- A) Finance Committee-Trustee Barbian

- i. Consider approving Applications for Beverage Operator Licenses. (FC 18-13)

Beverage Operator License

Pierre J Miller
 Emily L Richter
 Travis H Siwakowski
 Martinez M Evans

Establishment

Wal-Mart #5668
 The Steakout
 Sendiks Fresh2Go
 Wal-Mart #5668

Record Check

Approved by Police
 Approved by Police
 Approved by Police
 Approved by Police

Training

Completed
 Completed
 Completed
 Completed

Trustee Barbian moved to approve the Applications for Beverage Operator Licenses as listed in Finance Committee Report (FC 18-13), seconded by Trustee Ouellette.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Chadwick, Birmingham
Nays: NONE
Motion to approve: Carried

ii. Consider approving an Application for a Reserve "Class B" Liquor License. (FC 18-14)

Reserve "Class B" Intoxicating Liquor License Viura, LLC (dba Vintage 38) 5648 Broad Street

Vintage 38 opened in 2015 as a beer and wine bar (Class C Wine and Class B Beer and Malt Beverages). In 2016, the owner applied to change the premise description to include both 5648 Broad Street and the outside area defined as 8 feet in width from the North exterior wall of 5648 Broad St.; east to west 46 feet in length. Also in 2016, the owner opened Uma Wine Merchant, a retail business where beer and wine are sold in new unopened bottles. She is now wishing to conduct business at one location, Vintage 38. In order to do this, a "Class B" liquor license is needed. The "Class B" liquor license allows sales of intoxicating liquor to customers by the glass for on-premises consumption and Wine may be sold for consumption off premises in the original package or container. Since the Village is in reserves for this license, a Reserve "Class B" license must be purchased, which authorizes the same sales as a non-reserve "Class B" license but carries an additional initial issuance fee.

There was discussion of the outside area not having a fence around it and that in the past, establishments were required to fence in the licensed alcohol area. The owner, Jennifer Lyden, indicated she understood that her license could be in jeopardy if a patron would go outside of the licensed area with alcohol.

Trustee Barbian moved to approve the Application for a Reserve "Class B" Liquor License as listed in Finance Committee Report (FC 18-14), seconded by Trustee Ouellette.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Chadwick, Birmingham
Nays: NONE
Motion to approve: Carried

iii. Consider approving the police vehicle purchase. (FC 18-15)

Chief Rosenow presented his memo regarding police vehicle purchases and his vehicle rotation schedule.

Trustee Barbian moved to approve the police vehicle purchase (FC 18-15) as outlined by Chief Rosenow and including the equipment for the vehicles, seconded by Trustee Ouellette.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Chadwick, Birmingham
Nays: NONE
Motion to approve: Carried

iv. Consider approving the 2018 Capital Improvement Program including water distribution main and street rehabilitation. (FC 18-16)

Village Engineer, Len Roecker indicated that the water main work would be done in May through July and the street work to be done in August and September. Based upon available funding for the 2018 Capital Improvement Program the Village staff recommended the Village Board consider approval of the following expenditures for the 2018 Water Main Relay and Street Rehabilitation Program:

FUNDING SOURCE AMOUNT
A. CIP Fund \$260,000
B. Stormwater Fund \$118,000
C. Sanitary Fund \$17,000
D. Water Fund \$2,300,000
Project Funding Total \$2,695,000

This includes work on Crocus Ct., Conifer Ln., Dendron Ln., Dale Ln. and Badger Ct. In order to fund the recommended project for 2018, the Village would need to borrow funds for the anticipated Water Utility expenses. If the Village were to

borrow \$2,300,000 for the water system projects over a thirteen year period, water rates for Village customers would rise about 10%. The 10% increase would result in a \$3/month increase to the average single family residential class user in the Village.

Trustee Barbian moved to award the 2018 Capital Improvement Program including water distribution main and street rehabilitation (FC 18-16) the base bid to the low bidder, American Sewer Services for \$2,288,258.25 seconded by Trustee Ouellette.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Chadwick, Birmingham
Nays: NONE
Motion to approve: Carried

v. Consider approving Resolution R2018-04 a resolution declaring intent to reimburse expenditures. (FC 18-17)

Trustee Barbian moved to approve Resolution R2018-04 a resolution declaring intent to reimburse expenditures (FC 18-17), seconded by Trustee Ouellette.

Manager Michaels stated that we need to do this resolution to be able to start.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Chadwick, Birmingham
Nays: NONE
Motion to approve: Carried

B) *Plan Commission-Trustee Chadwick*

Consider approving a request for a Condominium Conversion for 5609 and 5611 Azalea Court. (PC 18-05/#18-03).

-Subject of the Public Hearing held earlier in the meeting.

C) *Library Board-Trustee Busalacchi* – there were 16 applicants for Library Director. The Library Board narrowed it down to 6 applicants and asked the 6 to prepare a video answering several questions. The Board will meet again to narrow it down to two or three and the Library Board President is working to bring together a group including citizens. They were asking the Village Board if any are interested in being on the panel. The interviews will be next Wednesday morning and they are hoping to have a recommendation by the afternoon.

D) *Public Works Committee*- no meeting

E) *Board of Health-Trustee Genz* –no meeting. Trustee Genz announced there will be a SAGE (Successful Aging In Greendale for Everyone) meeting on Tuesday, April 24th at the Fire Department training room. Also there are free gun locks and radon detection kits available at the Health Department and the new Sharps collection program is up and running in the lobby of the Health Department.

F) *Public Health, Welfare & Safety* -no meeting

G) *Park & Recreation-Trustee Ouellette* – The Summer Book is ready.

H) *Public Celebrations-Trustee Ouellette* – items coming up later in the meeting.

Old Business:

A) *Board and Committee Appointments & Resignations.*

New Business:

A) *BOT 18-19 2018 Annual Village Board and Committee Organizational Meeting – 2018 Board and Committee Assignments and Appointments.*

President Birmingham stated:

The Board of Tax Review will remain the same (President Birmingham, Trustee Ouellette, Robert Lange)
Trustee Cyborowski will be the Chair of the Public Health and Welfare Committee
Trustee Barbian will be the Chair of the Finance Committee
Trustee Barbian will be the Chair of the Public Works Committee
The Plan Commission will consist of President Birmingham, Trustee Chadwick, Trustee Genz, Jackie Kraemer (3 year appointment) and Bernie Schroedl (1 year appointment)
Al Sikorski will replace Henry Kosarczycki and there is still one open spot.
Trustee Cyborowski will replace Al Sikorski for the Trustee position and Al Sikorski will replace Jason Cyborowski as the citizen member. There is still a spot open.

Trustee Barbian moved to approve BOT 18-19 the 2018 Board and Committee Assignments and Appointments, seconded by Trustee Ouellette.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Chadwick, Birmingham
Nays: NONE
Motion to approve: Carried

B) BOT 18-20 Consider approving a special event application for "Pet Palooza".

Trustee Cyborowski moved to approve (BOT 18-20) a special event application for "Pet Palooza", seconded by Trustee Ouellette.

The Public Celebrations Committee is requesting a special event permit for Pet Palooza, which is a new event in Greendale, and is a replacement for Spring into Greendale. The event will occur on Saturday May 12th from 10:00 am to 4:00 pm in Downtown Greendale. This event is a pet friendly event and will include a pet fashion show, pet friendly vendors on Broad Street, a petting zoo, food vendors, etc. They are requesting the closure of Broad Street from 8:00 am to 4:00 pm. This is a new event in Greendale and is being held the same weekend that Spring into Greendale was held. From the Village they have requested garbage cans from DPW, the Village tent by the Gazebo, bleachers and tables. This item was reviewed by the Public Celebrations Committee at their April 10th meeting and was recommended for approval.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Chadwick, Birmingham
Nays: NONE
Motion to approve: Carried

C) BOT 18-21 Consider approving a special event application for Spring Gallery Night.

Trustee Barbian moved to approve (BOT 18-21) a special event application for Spring Gallery Night, seconded by Trustee Busalacchi.

The Public Celebrations Committee is requesting a special event permit for Spring Gallery Night on Friday May 11th from 5:00 pm to 9:00 pm. They are requesting the closure of Broad Street from 3:00 pm to 10:00 pm. This event includes artists located at many of the local shops, as well as street vendors along Broad Street. The event will be held the evening prior to Pet Palooza. From the Village they have requested garbage cans from DPW, the Village tent and tables/chairs. This item was reviewed by the Public Celebrations Committee at their April 10th meeting and was recommended for approval.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Chadwick, Birmingham
Nays: NONE
Motion to approve: Carried

D) BOT 18-22 Consider approving a parade permit application from the Badger Trails Inc. for Root River Bike or Hike.

Trustee Barbian moved to approve (BOT 18-22) a parade permit application from the Badger Trails Inc. for Root River Bike or Hike, seconded by Trustee Ouellette.

Badger Trails Inc. has requested a parade permit for their annual Root River Trail Hike or Bike to be held on

Saturday April 28, 2018 from 8:00 a.m. to 3:00 p.m. The route will be the same as previous years with the hike beginning at Scout Park, heading down Loomis Road and connecting to the Root River Parkway. The hike ends at Greenfield Park in West Allis. The Village has been provided a certificate of insurance. Badger Trails Inc. has paid the \$25 permit fee. This event occurs every year with no Village assistance. This item was reviewed by the Public Celebrations Committee at their April 10th meeting and was recommended for approval.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Chadwick, Birmingham
Nays: NONE
Motion to approve: Carried

E) BOT 18-23 Consider approving a special event application from Greendale Education Foundation/Greendale Park & Recreation for Food Truck Frenzy.

Trustee Barbian moved to approve a special event application from Greendale Education Foundation/Greendale Park & Recreation for Food Truck Frenzy, seconded by Trustee Ouellette.

The Greendale Education Foundation/Greendale Park & Recreation is requesting a special event permit for Food Truck Frenzy to take place Wednesday June 13th at Community Center Park. There will be multiple food vendors in Community Center parking lot, along with possibly 10 corvettes from the corvette club. The Greendale Education Foundation will be selling beer, wine, soda and water (those items would not be sold by the Food Truck vendors). They will need to obtain a license for the temporary sale of beer/wine from the Village. They are working to hire a company to bring in and remove picnic tables with benches for the events. The Park & Recreation bags league will relocate to Community Center park for the evening and there will be other bag boards for people to try. There will also be an opportunity to try Pickleball. This is a first time event for the Greendale Education Foundation and Park & Recreation. From the Village they are requesting garbage cans (either using existing park cans or bringing in temporary cans), the use of the Village's portable generator, the tent and barricades. This item was reviewed by the Public Celebrations Committee at their April 10th meeting and was recommended for approval.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Chadwick, Birmingham
Nays: NONE
Motion to approve: Carried

F) BOT 18-24 Consider approving Ordinance No. 892 regarding Food Establishments and Public Swimming Pools.

Trustee Barbian moved to approve (BOT 18-24) Ordinance No. 892 regarding Food Establishments and Public Swimming Pools, seconded by Trustee Ouellette.

In November 2017, the Village Board approved an agreement with West Allis Health Department to provide Environmental Public Health Services for the Village. The Village of Greendale would become agents of the Department of Agriculture Trade and Consumer Protection through this contract with West Allis Health Department. As part of the changes, the Village needed to update ordinances to be in line with the West Allis Food Establishment and Swimming Pool ordinances. The ordinances are also current and best practices, consistent with the Department of Agriculture. Previously the Village has not licensed or inspected swimming pools or other water attractions, requiring the ordinance to be amended to add language about swimming pools and water attractions. Local jurisdiction over retail food establishments, restaurants, temporary food establishments and pools will return to the Village of Greendale through these ordinances enforced by West Allis Health Department.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Chadwick, Birmingham
Nays: NONE
Motion to approve: Carried

G) BOT 18-25 Consider approving Resolution R2018-05 establishing and authorizing fees pertaining to Ordinance No. 892 regarding Food Establishments and Public Swimming Pools.

Trustee Barbian moved to approve Resolution R2018-05 establishing and authorizing fees pertaining to Ordinance No. 892 regarding Food Establishments and Public Swimming Pools, seconded by Trustee Ouellette.

In November 2017, the Village Board approved an agreement with West Allis Health Department to provide Environmental Public Health Services for the Village. As part of the changes, the Village would become agents of the Department of Agriculture Trade and Consumer Protection through this agreement. Ordinances and fees need to be

updated to be in line with the West Allis Health Department. Previously, Village retail food and restaurant fees were created under a different model of establishing fees and are not in line with the actual cost to license, and inspect these entities. In addition, the Village did not license and inspect swimming pools or water attractions so these fees are added. During a review of license fees in August 2017, West Allis Health Department fees, on average, were middle of the range to lower than other health department fees in Milwaukee County. Some of the fees will be higher than previous years and some will be lower. The major change however is the overall improvement in quality and quantity of services provided by West Allis Health Department. West Allis Health Department will provide local inspections and other services to enforce Greendale Ordinance 892.

Ayes: Barbian, Genz, Busalacchi, Cyborowski, Birmingham
Nays: Ouellette, Chadwick
Motion to approve: Carried

Officers Reports:

- A) Police Department Monthly Activity Report.
- B) Fire Department Monthly Activity Report.
- C) Department of Public Works Monthly Activity Report.
- D) Water & Sewer Utility Monthly Activity Report.
- E) Health Department Activity Report.
- F) Village Manager's Report.
- G) Village President's Report.

Citizens' Comments

None

Closed Session

Moved to earlier in the meeting.

Adjournment

Trustee Busalacchi moved, seconded by Trustee Ouellette to adjourn.

Ayes: Barbian, Ouellette, Genz, Busalacchi, Cyborowski, Chadwick, Birmingham
Nays: NONE
Motion to approve: Carried

The meeting adjourned at 10:38 P.M.

Respectfully submitted,

Kristen Victory
Clerk Treasurer