

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
June 1, 2015**

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by President Wolter

ROLL CALL: President Wolter, Trustees Baum, Daniels, Hughes, Kaminski, Miller, Myers, Warren and Zabel. Also present: Administrator Schornack, Attorney Sajdak, Engineer Bischke, DPW Director Ludwig, Bldg. & Hwy Superintendent Olszewski, Fire Chief Weiss, Deputy Fire Chief Maury and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: None

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees provided information on upcoming meetings and events.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:

Fire Chief Weiss and Deputy Fire Chief Maury– presented a plaque with the key to the new fire engine to Village Board President Wolter.

Dan Wing – N116W16044 Main Street, Germantown, spoke of his concerns regarding TID #6.

STATE OF THE COUNTY PRESENTATION AND Q&A

County Administrator Joshua Schoemann presented information to the Board on the state of Washington County, recent accomplishments and goals for future years.

CONSENT AGENDA:

- A. Minutes – May 18, 2015 Regular Village Board Meeting
- B. Accounts payable/payroll
 - 1. May 19, 2015 Payroll (hourly) \$ 210,379.78
 - 2. May 25, 2015 Accounts Payable \$ 223,641.01
 - 3. May 29, 2015 Payroll (salary) \$ 80,142.88
- C. Operator Licenses: July 1, 2015 – June 30, 2016
- D. **Renewal Applicants:** Nicholas Aldridge, Judy Arnold, Eric Ashlock, Jacob Barthe, Alicia Beltron, Josh Biesel, Jeff Bird, Katherine Buenger, Marie Chilicki, Samantha Cloyd, Sandra Comerford, Ann Davis, Kevin Dobson, Ashley Dorshak, Susan Drexler, Carol Feit, Cassandra Feuerstahler, Christine Feuerstahler, Janice Fogle, Dawn Fouche, Erin Fritch, Bobbi Jo Gabrielsen, Kim Gamroth, Adam Gauthier, Diane Goetsch, Crystal Goodwill, Jewelia Gorzynski, Justin Gresbach, Judith Greve, Katheryn Hanson, Susan Hanson, Shakiea Harris, James Heimann, Cynthia Heyman, David Iverson, Robert Kannenberg, April Kintopp, Morgan Klick, John Kneifl, David Kamine, Scott Kolosick, Danielle Konstanz, Heather Lazar, Lisa Leider, Cassidy Liederbach, Vicki Linton, James Manseau, Daniel Marchewka, Vickie Matt, Elaine McKnight, Tabitha Milczarek, Anne Mitts, Jennifer Murray, Michael Nardelli, Debra Nelson, Ashley Nowak, Erin Olson, Cameron Ottoson, Mishal Panchal, Soni Paresch, Mahmood Parvez, Michelle Pawlukiewicz, Amber Pintar, Tammi Perkins, Christopher Reason, Cedric Reed, Amanda Repka, Susan Schmit, James Schramm, Nicole Selsing, Cynthia Singsheim, Heather Smith, Tara Smith, Patricia Stengel, Randy Strumberger, Melissa Timmerman,

CONSENT AGENDA continued:

Sara Turner, Jessica Urban, Courtney Utecht, Roberta VonAsten, Rebecca Waldron, Thomas Wood

New Applicants: Naseem Abbas, Lori Doubeck, Brett Dzik, Daniel Frailing, Melissa Herrera, Jamie Hewitt, Jayme Hoff, Bradley Jakubowski, Amy Keller, Joseph Kelly, Maggie Koslowski, Christine Livangood, Heather Manthe, Luanna Naputi, Kimberly Parish, Lashann Renee Parish, Cynthia Vogel, Paula Warnke, Dana Wells, and Stephanie Wolf

The following items were forwarded from the Public Works Committee with a unanimous recommendation:

- E. Contract with Wachtel Tree Service – EAB Detailed Plan/Consulting, On a Time and Materials Basis, Not to Exceed \$15,000, with funds allocated from Acct. #10-553-530-5290 [Recommended Approval]

The following items were forwarded from the Public Safety Committee with a unanimous recommendation:

Recommended Approval for all License Applications conditional upon compliance of all code violations/requirements and monies owed to the village paid prior to issuance of licenses in addition to any other conditions noted.

F. **"Class B" Fermented Malt Beverage and Intoxicating Liquor Licenses**

[Recommended Approval]

1. Aldo's Pizza & Pub, LLC, Dwayne Ketterer, Agent, 584 Jordan Circle, Colgate, WI, 53017, d/b/a **Aldo's Pizza & Pub**, W156 N11058 Pilgrim Road, Germantown, WI, 53022. (includes an outside dining area of approximately 30 feet in front of building to be open until 10:00 p.m.; an outside extension into the parking lot for a Classic Car Cruise Night on Tuesdays from 5:00 p.m. to 9:00 p.m. from July 1, 2015 through September 30, 2015 and from May 25, 2016 through June 30, 2016)
2. WI Bier Stube LLC, Charles B. Hastings, Agent, 644 Hwy. K, Erin, WI, 53027, d/b/a **Von Rothenburg Bier Stube**, N116 W15863 Main Street, Germantown, WI, 53022. (includes outside fenced beer garden extended to parking lot open until 10:00 p.m.)
3. Blackstone Creek Golf Club Ltd., Troy D. Schmidt, Agent, N105 W14467 Wilson Circle, Germantown, WI 53022, d/b/a **Blackstone Creek Golf Club**, N112 W17300 Mequon Road, Germantown, WI 53022. (includes golf course property of 187 acres)
4. Blazin Wings, Inc., Jillian Cabanatuan, Agent, N96 W20309 County Line Rd., Germantown, WI 53022, d/b/a **Buffalo Wild Wings**, N96 W17990 County Line Road, Germantown, WI 53022 (includes attached patio with hours restricted between 10:00 p.m. and 8:00 a.m.)
5. Maple Road, LLC, Radomir Buzdum, Agent, N9661 Boje Ct., Watertown, WI, 53094, d/b/a **Buzdum's Pub & Grill**, W188 N10515 Maple Road, Germantown, WI, 53022. (Includes an outdoor patio area and bleacher area until 9:00 p.m.)
6. ERJ Dining III, LLC, Paul S. Thompson, Agent, 6812 W. Greyhawk Court, Franklin, WI 53132, d/b/a **Chili's Grill & Bar**, N96 W18640 County Line Road, Germantown, WI 53022.
7. Eastern Kettle Moraine Moose Lodge #1238, Dan Frailing, Agent, 4602 N. 126th St., Butler, WI 53007, d/b/a **E.K.M. Moose Lodge #1238**, W198 N10217 Appleton Avenue, Germantown, WI 53022. (includes outside pavilion)

CONSENT AGENDA continued:

- 22' x 20', and open area for Lodge picnics including buildings to be open until 10:00 p.m.)
8. Florian Park, Inc., Ryan Rahl, Agent, 311 Preserve Way, Colgate, WI 53017, d/b/a **Florian Park Conference & Event Center**, N111 W18611 Mequon Road, Germantown, WI 53022. (includes outside premise Willow Path, Willow Gardens, and Willow Point on south end of Willow Pond to be open until 10:00 p.m. and outdoor designated smoking area to the north of property)
 9. JK GAM, LLC, Jon R. Gamroth, Agent, N104 W15303 Donges Bay Road, Germantown, WI 53022, d/b/a **Gamroth's Kuhburg Junction**, W140 N10385 Fond du Lac Avenue, Germantown, WI 53022.
 10. Northridge Automotive Enterprises, Inc., David L. Iverson, Agent, N166 W19523 Ravens Way, Jackson, WI 53037, d/b/a **Ivee's at Main**, W157 N11618 Fond du Lac Avenue, Germantown, WI 53022. (includes outside patio in front of building until 10:00 p.m.)
 11. Gerald Louis Wagner, Agent, 20315 Sutter Creek Dr., #127, Brookfield, WI 53045, d/b/a **KJ's Bar and Grill**, N112 W21209 Mequon Road, Germantown, WI, 53022. (Includes outside 20' x 25' deck to be open until 10:00 p.m.)
 12. La Chimenea LLC, Ricardo Jimenez, Agent, 3625 W. Orchard Street, Milwaukee, WI 53215, d/b/a **La Chimenea**, N112 W15251 Mequon Road, Germantown, WI 53022. (includes 1100 sq. ft. outside patio to be open until 10:00 p.m.)
 13. Lone Star, LLC, Karen Ann Pritzlaff, Agent, W204 N11912 Goldendale Road, Germantown, WI 53022, d/b/a **Lone Star**, W204 N11912 Goldendale Road, Germantown, WI 53022. (includes horseshoe courts, path, outside fenced area to be open until 10:00 p.m., and outside front porch area)
 14. Metro Cigars, LLC, Jennifer Lynn Groh, Agent, 1671 Holy Hill Lane, Hubertus, WI 53033, d/b/a **Metro Cigars, LLC**, W182 N9606 Appleton Avenue #104, Germantown, WI 53022
 15. Nardo's, Inc., Christopher R. Mastronardo, Agent, 445 Wildwood Ridge, Colgate, WI, 53017, d/b/a **Nardo's Passport Inn**, W204 N11498 Goldendale Rd., Germantown, WI 53022. (includes 8' x 55' outside area to be open until 10:00 p.m.)
 16. Old Town WI, LLC, Charles B. Hastings, Agent, 644 Hwy. K, Erin, WI, 53027, d/b/a **Old Town Inn**, N116 W15841 Main Street, Germantown, WI, 53022. (includes outdoor deck open until 10:00 p.m.)
 17. Riversbend Country Club, Inc., Charles L. Schmit, Agent, N132 W18021 Rockfield Road, Germantown, WI, 53022, d/b/a **Riversbend Golf Club**, N96 W18034 County Line Road, Germantown, WI 53022. (includes a 36' trailer and service on the golf course from a motorized beverage cart)
 18. K&K Acquisitions, LLC, Kristine M. Gintner, Agent, W163 N10564 Ridgeview Lane, Germantown, WI 53022, d/b/a **Sheer Lounge**, N112 W16560 Mequon Road, Germantown, WI 53022. (includes an outside premise extension of 24' x 8' on the sidewalk from 3:00 p.m. to 10:00 p.m.)
 19. Robin L. Bird, LLC, Robin L. Bird, Agent, W188 N13367 Maple Road, Richfield, WI 53076, d/b/a **Sports Corner Bar & Grill**, W187 N12793 Fond Du Lac Avenue, Germantown, WI 53022. (includes outside volleyball courts and smoking room to be open until 10:00 p.m.)

CONSENT AGENDA continued:

20. Christine A. Brockman, W157 N11638 Fond du Lac Avenue, Germantown, WI 53022, d/b/a **Tiny T's**, W157 N11638 Fond du Lac Avenue, Germantown, WI 53022. (includes fenced outside premise on July 4, 2015)

G. Class "B" Fermented Malt Beverage and "Class C" Wine Licenses

1. Zhengren Zheng, N111 W16424 Esquire Ct., Germantown, WI 53022, d/b/a **China Kitchen**, N112 W16560 Mequon Road, Germantown, WI 53022
2. Hung Hao LLC, Hung D. Lu, Agent, N109 W12628 Coneflower Cir., Germantown, WI 53022, d/b/a **Hung Hao Restaurant**, N112 W15800 Mequon Road, Germantown, WI 53022

H. Class "B" Fermented Malt Beverage Licenses

1. Marko's Pizza of Germantown, Inc., Mark Caldwell, Agent, 3041 Nostalgic Ct., Hubertus, WI 53033, d/b/a **Marko's Pizza**, W156 N9664 Pilgrim Road, Germantown, WI 53022
2. PH Hospitality Group, LLC, Richard Tomczek, Agent, 11514 N. Buntrock Avenue, Mequon, WI 53092, d/b/a **Pizza Hut**, N112 W15800 Mequon Road, Germantown WI 53022

I. "Class A" Fermented Malt Beverage and Intoxicating Liquor Licenses

1. Aldi Inc., Lucy E. Scharrer, Agent, 6152 St. Anthony Road, Allenton, WI, 53002, d/b/a **Aldi #67**, N96 W18838 County Line Road, Germantown, WI, 53022
2. Cost Plus, Inc., Dean M. Zachman, Agent, 2627 N. 94th Street, Wauwatosa, WI, 53226, d/b/a **Cost Plus World Market**, N96 W18970 County Line Road, Germantown, WI 53022
3. Colgate Gas, Inc., Didar Singh, Agent, W150 N7248 Paseo Lane, Menomonee Falls, WI 53051, d/b/a **County Line BP**, N96 W21962 County Line Road, Germantown, WI 53022
4. Ultra Mart Foods, LLC., Patricia L. Chastain, Agent, W63 N238 Fairfield Street, Cedarburg, WI 53012, d/b/a **Pick 'n Save #6357**, N112 W16200 Mequon Road, Germantown, WI 53022
5. Sendik's Germantown LLC, Theodore Balistreri, Agent, 5566 N. Diversey Blvd., Whitefish Bay, WI 53217, d/b/a **Sendik's Food Market**, N112 W15800 Mequon Road, Germantown, WI 53022
6. Wal-Mart Stores East, LP, Duane C. Van Straten, Agent, 1212 Lily Ave., West Bend, WI 53090, d/b/a **Wal-Mart #1515**, W190 N9855 Appleton Avenue, Germantown, WI 53022
7. Kalim Beg, 2715 W. Country Club Drive, Mequon, WI 53092, d/b/a **KAL Service Willow Creek BP**, W201 N10451 Appleton Avenue, Germantown, WI 53022.

J. Class "A" Fermented Malt Beverage Licenses

1. Kwik Trip, Inc., Bethany A. Ohde, Agent, 6639 W. Bonniwell Road, Mequon, WI 53097, d/b/a **Kwik Trip #631**, W188 N10963 Maple Road, Germantown, WI 53022
2. B & B, Inc. of Milwaukee, Asif Vadsaria, Agent, W151 N11492 Potomac Cir., Germantown, WI 53022, d/b/a **Quick Pick Food Mart**, N128 W21760 Holy Hill Road, Richfield, WI 53076

MOTION (Baum/Myers) to approve Consent Agenda Items A-J, roll call vote, carried.

UNFINISHED BUSINESS: None

PUBLIC HEARINGS – 7:00 P.M. OR LATER: None

NEW BUSINESS:

- A. Amendment to Traffic Impact Analysis for TID #6 – RA Smith National, Inc.
DPW Director Ludwig presented information on the request, stating the preliminary TIA reviewed and made recommendations prior to submission to the DOT. DOT viewed the revision more favorably and it aligned with their thinking and based on their comments \$1 million in improvements would be removed and would push that development out of TID #6 completely, with improvements on Lannon Road not required at this time. RA Smith is requesting \$15,800 to finish the work. Possibility to reduce that amount of cost if analysis is not needed for reviewing intersections at 41/45. To prevent delay of DOT approval is requesting the full \$15,800 at this time. Discussion of roads and accesses into TID #6 and changes from original design, TID #6 development, cost savings from removing improvements on Lannon Road. Trustee Zabel inquired about the process in the review of TIA, and why Graef wasn't asked to modify the TIA. Further discussion on the TIA and the development of the roads within TID #6 and the information provided originally making considerations different at that time, relationship with engineering firms and DOT, why weren't two bids on amendment gotten, time requirement, questions regarding Graef's original study. Trustee Warren stated he is an employee of Graef but commented as a Village Trustee that Graef has a similar relationship with DOT and feels it is inefficient to change midstream. **MOTION (Hughes/Kaminski) to approve the amendment to the Traffic Impact Analysis for TID #6 with RA Smith National, Inc., as requested, roll call vote, 6 in favor, 3 opposed (Baum, Warren, Zabel), carried.**
- B. TID #6 Update
Barry Chavin of MLG gave an update on TID #6 development to the Village Board. Managing the process and waited for dryer season to perform grading. Analysis shows no longer necessary to have the road go up to Lannon Road. Now have 4 parcels with possibility to cut up the larger parcel. A user has submitted a letter of intent for 80,000 to 100,000 sq. ft. building and has met with Village staff. Buyer will create development and Village will bring in infrastructure. Currently have a list of 7 prospects with 1 letter of intent and 2 others have contacted Village directly. Some larger prospects and some midsize and others that would like to lease space in one of the proposed development buildings. We have not broken ground which would make it easier to market. Discussion of timeline for developer who is looking for fall construction. Break ground in fall, footings in for winter, building up in 2016 with occupancy in June 2016. Would need grading on the site in July and start to install infrastructure – the road, water, sewer and utilities for the 4 lots. Discussion of need to bring in development but need to have infrastructure available for them, Village remaining cautious with funding infrastructure prior to development, need for developer's agreement and developer's need for guarantees of infrastructure. Already have a signed grading contract to the vendor. Further discussion of time frames and need for utilities to go in when road is built, as well as increment values. Jim Mann of Ehler's presented information regarding the increment, values and borrowing the Village did in 2014 for TID #6, need to use the funds and either pay it back to principal and interest or defease it. Further discussion on prospective businesses for the TID.

NEW BUSINESS continued:

- C. Contract for TID #6 Sanitary and Water Utilities
DPW Director Ludwig presented information regarding the contract for TID #6 sanitary and water utilities which was approved in 2014 contingent on Developer's Agreement being signed prior to instillation. Contractor needs a commitment to put them in and get it on his schedule or it may not happen in 2015. May cost more if needed to be done in the winter. Request to release the contingency to have a signed developer's agreement. Developer needs to know utilities will be installed before they can sign a developer's agreement. Contract was awarded but has not been issued the notice to proceed. Discussion of timing and installation of utilities. Trustee Zabel stated there are outstanding easements that are required to be completed also. Attorney Sajdak stated he would be working on those this week. Discussion of how to accomplish all requirements for everyone's needs, timeline for developer to get approvals on project, possibility of getting on contractor schedule. Further discussion on possible options to satisfy all needs for developer, Village and utilities contractor and concerns of losing another year on TID #6 if not done now. **MOTION (Zabel/Kaminski) postpone for 2 weeks and direct staff to come back after speaking with contractor and developer, carried.**
- D. Appointment of Interim Director of Park & Recreation
MOTION (Baum/Hughes) to approve appointment of Patti Heinen as Interim Director of Park & Recreation and \$57,193 for salary during that term. Discussion. Roll call vote, carried.
- E. Authorization to Advertise for a Director of Public Works
MOTION (Baum/Hughes) to approve. MOTION to amend (Baum/Zabel) to remove salary from the ad. Discussion of adding salary to job posting/ad. Motion to amend fails, 3 in favor (Baum, Hughes, Zabel), 6 opposed. Motion to approve carried.
- F. Appointment of Interim Director of Public Works
MOTION (Daniels/Baum) to approve appointment of Brionne Bischke as Interim Director of Public Works with a salary of \$83,565 during that term, roll call vote, carried. Discussion. Roll call vote, carried.
- G. Request for Approval of Public Grant Application – Kiwanis Club of Germantown
MOTION (Kaminski/miller) to approve, carried.
- H. Resolution No. 21-15 Adopting Donges Bay Road Relocation Order
MOTION (Kaminski/Baum) to approve Resolution No. 21-15 Adopting the Donges Bay Road Relocation Order. Attorney Sajdak explained this is necessary step in the eminent domain process should it be required. Discussion. MOTION (Kaminski/Baum) to amend the resolution to read Washington County in the last 'be it further resolved' paragraph, carried. Motion as amended, carried.
- MOTION (Baum/Kaminski) to move to Item K first, carried.**

NEW BUSINESS continued:

- K. MOTION (Baum/Myers) to enter closed session at 9:40 p.m., for a Potential Land Sale Agreement for Lot 34 (CSM 6396) in the Germantown Business Park, as per Wis. Stat. §19.85(1)(e) for the purpose of deliberating or negotiating, when competitive or bargaining reasons require a closed session and then may re-enter open session to take such action as it deems appropriate, by roll call vote, carried.

MOTION (Zabel/Baum) to go into open session at 10:57 p.m., carried.

MOTION (Baum/Kaminski) direct staff and attorney to proceed as discussed and authorize the Village President to execute the same, carried.

- I. MOTION (Kaminski/Baum) to enter closed session at 10:00 p.m., for a Water Use Agreement with a Large Water User, as per Wis. Stat. §19.85(1)(e) for the purpose of deliberating or negotiating, when competitive or bargaining reasons require a closed session and then may re-enter open session to take such action as it deems appropriate, by roll call vote, carried.

MOTION (Kaminski/Baum) to return to open session at 10:25 p.m.

- J. Request Approval For Contract Amendment To Baker Tilly Rate Case to Include a Revenue Analysis

MOTION (Baum/Myers) to approve the Contract Amendment with Baker Tilly Rate Case to Include a Revenue Analysis. MOTION (Baum/Kaminski) to amend and request large user for a cost sharing arrangement, carried.

Motion as amended, by roll call vote, 8 in favor, 1 opposed (Zabel), carried.

There being no further business, the meeting adjourned at 10:35 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk