

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
June 15, 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, Chief Hoell, Communications Officer Schmidt, Interim DPW Director Bischke, Wastewater Supt. Zimmerman, Water Supt. Driver 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: Administrator Schornack discussed the need to set meeting for Director of Park and Recreation position. Clerk Goeckner also requested a date for a Special Village Board meeting to approve late liquor license applications. Trustees provided information on upcoming meetings and events.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing: None

CONSENT AGENDA:

- A. Minutes – June 1, 2015 Regular Village Board Meeting
- B. Accounts payable/payroll

1.	May 2015	Accounts Payable	\$ 43,496.79
2.	June 2, 2015	Payroll (hourly)	\$ 214,592.27
3.	June 10, 2015	Accounts Payable	\$ 400,949.54
4.	June 15, 2015	Payroll (salary)	\$ 81,230.11

- C. Operator Licenses: July 1, 2015 – June 30, 2016

Renewals: Kimberly Anas, Brian Boettcher, Simon Bouwman, Patricia Chastain, Leza Dhein, Mary Erickson, Bonnie Fitzwilliams, Janyce Fossum, Marques Griep, Phyllis Groose, Christine Hellman, Julia Huggler, Jeanine Isaacson, Maranda Kennedy, Amanda Klauer, Carla Klinger, Steve Koenig, Christine Konvalinka, Celena Marcy, Michelle McGrath, Jennifer Meyer, Cynthia Nelson, Justin Nolan, Jill Peters, Jennifer Peterson, Shauna Petri, Dawn Reith, Annette Robenhorst, Wendy Sarwas, Dona Schneidervin, Jay Soni, Debra Sporer, Sara Stevenson, William Stark, Anthony Streng, and Meagan Sumter.

New: Tracie Anderson, Brandon Bliesner, McKenna Bushman, Denise Eineichner, Jamie Erickson, Denise Harthun, Ric Kohlbeck, Katelyn Kosmicki, Baltazar Lopez, Katawna Lowe, Maria Phillips, Elizabeth Reilly, Veronica Strassburg, Tyler Warnke, Daniel Weller, and La Tosha Young. [Recommended Approval]

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

- D. Recommended Approval to Grant Request for Replacement for Police Officer Vacancy
- E. Recommended Approval to Purchase 14 Squad Computers (Panasonic Toughbook Cf-54) from Baycom at a cost of \$90,425.00 Including Peripherals and Installation with Funds Allocated from Account #40-521-570-8430

CONSENT AGENDA continued:

All license approvals to be 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. Amusement Arcade License Renewals July 1, 2015 – June 30, 2016:

[Recommended Approval]

1. Barley Pop Brew Haus LLC, d/b/a Barley Pop Pub & Restaurant, N116 W16137 Main Street, 16 devices
2. Bubs on Main LLC, d/b/a Bubs Irish Pub, N116 W16218 Main Street, 16 devices
3. Maple Road, LLC, d/b/a Buzdum's Pub, W188 N10515 Maple Road, 12 devices
4. Eastern Kettle Moraine Moose Lodge, d/b/a E.K.M. Moose Lodge #1238, W198 N10217 Appleton Avenue, 16 devices
5. JK GAM, LLC, d/b/a Gamroth's Kuhburg Junction, W140 N10385 Fond du Lac Avenue, 8 devices
6. Northridge Automotive Enterprises, Inc., d/b/a Ivey's at Main, W157 N11618 Fond du Lac Avenue, 8 devices
7. Robin Bird LLC, d/b/a Sports Corner Bar & Grill, W187 N12793 Fond du Lac Avenue, 13 devices

G. "Class B" Fermented Malt Beverage and Intoxicating Liquor Licenses – July 1, 2015 – June 30, 2016: [Recommended Approval]

1. **(Renewal)** Barley Pop Brew Haus LLC, Deborah Reinbold, Agent, 1388 Parkview Dr., Hubertus, WI 53033, d/b/a **Barley Pop Pub & Restaurant**, N116 W16137 Main St., Germantown, WI 53022, (includes Brew Haus and fenced outside extension on north side of building to be open until 10:00 p.m. and outside extension July 4, 2015 from the east end of the building to the western end, all the way to the sidewalk, during the July 4th parade beginning at noon).
2. **(Renewal)** Bubs on Main, LLC, Scott H. Pecor, Agent, 306 W. Ravine Baye, Bayside, WI, 53217, d/b/a **Bubs Irish Pub**, N116 W16218 Main Street, Germantown, WI, 53022.
3. **(Renewal)** Germantown American Legion Post #1, Inc., James A. Heimann, Agent, 2584 Country Aire, Cedarburg, WI 53012, d/b/a **Germantown American Legion Post #1**, N120 W15932 Freistadt Rd, Germantown, WI

H. "Class A" Fermented Malt Beverage and Intoxicating Liquor Licenses– July 1, 2015 – June 30, 2016: [Recommended Approval]

1. **(New)** NSM Enterprises LLC, Naseem Abbas, Agent, N114 W15775 Sylvan Cir., #20, Germantown, WI 53022 d/b/a **Willow Creek BP**, W201 N10451 Appleton Avenue, Germantown, WI 53022.

I. Class "A" Fermented Malt Beverage Licenses– July 1, 2015 – June 30, 2016:

[Recommended Approval]

1. **(Renewal)** Speedway, LLC, Kimberly L. Doran, Agent, N108 W16526 Carriage Ave., Germantown, WI 53022 d/b/a **Speedway #4465**, W178 N9653 Riversbend Lane, Germantown, WI 53022
2. **(Renewal)** Speedway, LLC, Mary E. Wicklander, Agent, W226 N7256 Woodland Creek Dr., Sussex, WI 53089, d/b/a **Speedway #4495**, W164 N11233 Squire Drive, Germantown, WI 53022
- 3.

CONSENT AGENDA continued:

J. "Class B" Winery License – July 1, 2015 – June 30, 2016:

[Recommended Approval]

1. **(Renewal)** Apple Works Winery LLC, Kevin H. Behnke, Agent, W179 N12536 Fond Du Lac Ave., Germantown, WI 53022 d/b/a Apple Works Winery/Behnke Estates, W179 N12536 Fond Du Lac Ave., Germantown, WI 53022 (Includes an Outside Premises Extension which includes an outdoor patio area and tent until 9:00 p.m.)

- K. Recommended Approval of Application for Amendment of "Class B" Fermented Malt Beverage & Intoxicating Liquor License Outside Premises Extension, Gamroth's Kuhburg Junction, W140 N10385 Fond Du Lac Ave., Germantown WI, 20' x 30' tent, back yard area, southwest of building, June 27, 2015, 2:00 p.m. – 10:00 p.m.

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

- L. Recommended Approval to Purchase a New 3500 Chassis and Dump Body Pickup Truck for the Highway Dept. from Bob Fish for an Amount not to Exceed \$40,563.00 with Funds to be Allocated from Account #40-542-570-8520
- M. Recommended Approval to Purchase a New Dodge Ram 5500 for the Parks Dept. from 5 Corners Dodge for an Amount not to Exceed \$45,693.00 with Funds to be Allocated from Account #40-553-570-8520
- N. Recommended Approval for the Letter Agreement Between the WISDOT and the Village Regarding the Responsive Signal Control Along the CTH "Q" Corridor
- MOTION (Baum/Warren) to approve Consent Agenda Items A-N, by roll call vote, carried.**

UNFINISHED BUSINESS:

- A. Contract for TID #6 Sanitary and Water Services

Developers Agreement not ready for this project yet. Will need to bring back to later date. **MOTION (Zabel/Myers) to postpone to June 29th for Special Village Board meeting agenda. Discussion. Carried.**

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

NEW BUSINESS:

MOTION (Hughes/Baum) to go to item G. President Wolter requested to wait until items A & B are completed first as the parties for the hearing are present.

- A. In The Matter Of The Complaint Against: Maple Road, LLC, Holder Of "Class B" Alcohol Beverage Licenses For Buzdum's Pub & Grill, Radomir Buzdum, Agent, Premises At W188 N10515 Maple Road, Germantown, Wisconsin; Hearing Pursuant To Wis. Stat. § 125.12(2) And §§12.02(1) And (12) Of The Municipal Code Of The Village Of Germantown, Wisconsin
1. Rules Of Evidence, Burden Of Proof, Impartial Decision-Maker And Other Procedural Matters.
 2. Hearing Pursuant To Wis. Stat. §125.12(2)(B)1. Or 2. And 3.

President Wolter opened the hearing at 7:20 p.m.

NEW BUSINESS continued:

Village Attorney Sajdak stated this item was before us last year also. It involves Buzdum's on Maple Road. Property taxes are unpaid and Village Code of Ordinances requires them to be paid prior to issuance of their license. The attorney for the Receiver that had been appointed indicated they would be taken care of. Paid one year of taxes but did not pay current year and balance is the same amount as this time last year. Administrator Schornack filed the complaint just as they did last year. Attorney Vincent Bobbitt representing the property owner, Radomir Buzdum, spoke, stating the property had been foreclosed upon and a company called Colliers was looking to finalize it and pay the property taxes. Maple Road LLC (Buzdum's) has been current in their payments to Collier's, but they are not forwarding the funds to Washington County. Radomir Buzdum also testified to this effect. Attorney Sajdak confirmed Collier's was appointed as the receiver and tasked with operating the property including payment of bills, maintenance etc. The tenant's payments go to receiver. Tenant would have to file suit to force them to be sure this is done and no suit has been filed by Mr. Buzdum to force them to be sure the taxes are paid, as it impacts their business materially. Further testimony by Attorney Bobbitt regarding the non-payment of taxes and the need to take action. Discussion between Trustees, both attorneys and Mr. Buzdum regarding the unpaid taxes, verification of ownership and tenant and receivership responsibilities. Mr. Buzdum was instructed to come up with something by Monday June 29th when another meeting could be held before the expiration of the current license. **MOTION (Hughes/Baum) to postpone the item until June 29th, carried.**

- B. Action on Buzdum's License (Approval or Non-Renewal) The Village Board May Enter Closed Session During The Meeting Pursuant To Wis. Stat. § 19.85(1)(A) To Deliberate Upon Any Proposed And Submitted Stipulated Disposition And/Or Upon A Failure To Appear Or The Conclusion Of A Hearing To Discuss Its Determination, And To Reenter Open Session At The Same Place Thereafter To Act On Such Matters As Discussed Therein As It Deems Appropriate
Item 'B' removed by action under #8.

Motion Hughes/Kaminski to move to Item G., carried.

- G. Contract for Donges Bay Road Construction Inspection
Interim DPW Director/Engineer Bischke presented information regarding the request to contract for an inspector for the Donges Bay Road project due to workload in the department following retirement of DPW Director Ludwig and new staff engineer with limited practical experiences, as well as several other projects being worked on at the same time. Public Works Committee voted 3 to 1 for the contract. Discussion regarding projects, cost of contract and need for inspector on this project who can respond timely to any issues. Concerns of process, work delays, funding for project vs. TIF funding on TIF project. **MOTION (Hughes/Warren) to accept RA Smith's inspection contract, with estimate not to exceed \$27,952.** Further discussion of estimated cost and possible extenuating circumstances. Verification motion was 'not to exceed'. Concerns of requirements to go over this amount and need to return for further approvals.

NEW BUSINESS continued:

MOTION (Warren/Myers) to amend the motion to require consultant to revise proposal and Section 4 fees to state 'a cost not to exceed \$27,952, carried.

Discussion of attorney review of conditions in the standard general contract terms. Resident Holly Basting of N104W16053 Donges Bay Road spoke regarding the cost for the contract and felt the TIF could pay for the inspector since it is funded with TIF revenue and is another project taking time from the department which causes need for inspector contract on this project. Discussion between Trustees and Engineer Bischke, who felt the department could handle the inspections internally while Director Ludwig and the engineering staff felt an inspector was warranted. Interim DPW Director/Engineer Bischke recommends not spending the \$27,952 but instead have an inspector on call for the project when he is unable to be there due to other duties. Discussion of the 'not to exceed' phrase when having someone on call and the sudden change in what would be needed and how to approach it. After further discussion, Trustee Myers called for the question which closed further debate. Attorney Sajdak stated this is a motion that would require a second. **MOTION (Myers/Baum) to call for the question. Roll call vote, 6 opposed, 3 in favor, motion fails.** Interim DPW Director/Engineer Bischke recommends having an on-call outside inspector and he would call them as needed. **MOTION (Warren/Myers) to amend to have the proposal for an on call consultant whose hours and presence on site is determined by the Village Engineer/Interim DPW Director with an amount not to exceed \$15,000, carried. Original motion as amended, roll call vote, 7 in favor, 2 opposed (Baum/Zabel), carried.**

MOTION (Baum/Zabel) to go to Item F, carried.

F. Cost-Sharing Proportions for a Private Property Infiltration/Inflow Project Plan

Interim DPW Director/Engineer Bischke presented information regarding the cost sharing program for PPIP and possible options. Utility Advisory Committee recommended paying 100% for inspections so there would be no cost to residents for the linings. Wastewater Superintendent Zimmerman had expressed concerns of sustainability of the program if covering 100% of cost. Future residents would not have any funding to assist in cost for replacement linings once funding is expended even though they are also water and sewer customers. Information provided on process and methodology with recommendation to only use this for residential properties. Majority of cost is initial setup and focus to start are on neighborhoods with more issues. Trustee Kaminski discussed her dissenting vote at committee level with Trustees involved owning homes in neighborhoods that would receive cost sharing, particularly Trustee Zabel's neighborhood which has been vetted very closely. If paying 100% of those areas would not have funding left for others. Other neighborhoods in other Districts have issues as well and if no funding left what will we do for them? Further discussion on current funding from MMSD, plan presented by WWTP Superintendent and possible percentage of funding costs, funding to be spent by 2020, possibility of investing funding while providing some cost coverage. Trustee Zabel passed out a document and President Wolter questioned why this had not been provided to the board previously. The document contained information on what some other communities provide for funding,

NEW BUSINESS continued:

with 15 of the 28 providing 100% funding according to Trustee Zabel's information. More discussion was held on the various options for funding, resident's costs, and fairness to all residents vs. specific neighborhoods, funds from MMSD, difficulties in convincing residents to pay for repairs and getting them done, no enforcement for repairing currently but should be required as responsibility for homeowner. **MOTION (Myers/Daniels) to accept the cost sharing portions as stated in backup materials.** Further discussion on percentage to be offered and difficulty in being 'fair' to everyone, plan considered 3 years ago with funding to last 10 years from now at a 70/30 split (70% resident, 30% village). MMSD need for data, difficulty in getting residents to make repairs at their cost, process for letting contract etc. **Roll call vote, 7 in favor, 2 opposed (Kaminski, Wolter), carried.**

- C. **"Class A" Fermented Malt Beverage and Intoxicating Liquor Licenses**
Walgreen Co., Vickie Matt, Agent, 1411 Deer Trail Court, Hubertus, WI 53033, d/b/a **Walgreens #05427**, W156 N11261 Pilgrim Road, Germantown, WI 53022
MOTION (Baum/Miller) to approve the "Class A" Combination License for Walgreens, carried.
- D. **Acceptance of Temporary Grading Easement from Speedway, Inc., for Riversbend Lane Reconstruction Project**
MOTION Kaminski/Baum) to approve as presented, carried.
- E. **Request Approval of Contract – Epoxy Paint Hydrants**
MOTION (Baum/Kaminski) to approve Davies Water Equipment Co. for epoxy painting hydrants at a cost of \$85.00 per hydrant, in an amount not to exceed \$20,000, by roll call vote, 8 in favor, 1 opposed (Zabel), carried.

There being no further business, the meeting adjourned at 9:22 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk