

**VILLAGE OF GERMANTOWN
SPECIAL VILLAGE BOARD MEETING MINUTES
JUNE 29, 2015**

CALL TO ORDER: The meeting was called to order at 8:00 p.m. by President Wolter

ROLL CALL: President Wolter, Trustees Baum, Daniels, Hughes, Kaminski, Miller, Myer, Warren and Zabel. Also present: Administrator Schornack, Attorney Sajdak, Engineer Bischke, and Clerk Goeckner.

NEW BUSINESS:

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.

- A. **(Renewal) “Class B” Fermented Malt Beverage and Intoxicating Liquor License, July 1, 2015 – June 30, 2016** for Gtown Pub LLC, Craig Scott Braidigan Agent, 2385 Scenic Hill Trail, Richfield WI 53076, d/b/a **The Public House**, W201N10466 Appleton Ave., Germantown, WI 53022, *(to include deck on rear of building for outside premises)*
MOTION (Hughes/Baum) to approve the license for The Public House. Clerk Goeckner explained the deck on the rear of the building has been cleared of all issues. However there remains a non-conforming zoning related issue with the use of the adjacent property for a parking lot, which is not owned by the Public House operator Craig Braidigan. A letter from the Village Planner to Mr. Braidigan from 2013 was provided to all Trustees regarding the outstanding zoning issue. Mr. Braidigan spoke stating he was in the process of trying to buy the property and he has no problem getting the required Conditional Use Permit (CUP) if that is what it comes down to but he feels Planner Retzlaff has made this a personal vendetta. His issue to complete the purchase and CUP is money, but he stated he will get the CUP within the next 3 months. President Wolter stated the issue is the adjacent lot is used extensively by Public House patrons and because it is not combined with your lot it creates an off-site parking situation therefore CUP is required. The Village Planner is sworn to uphold the laws and is required to enforce the municipal code of ordinances and this is not a personal vendetta for him – it is the law. President Wolter recommended Mr. Braidigan post the lot for no parking and then if someone parks there it would be at their own risk and this would be the quickest resolution to this issue. Mr. Braidigan stated it is safer for his patrons to be able to park there and he doesn’t want to post it. Discussion regarding posting of the lot and related requirements. Concern by Trustees this will come back again next year without any change or compliance with zoning requirement. Attorney Sajdak spoke regarding the non-renewal process should the Board choose to go that route. If so, business would function in place with expired license until hearing for non-renewal was held. **Motion to approve carried.**
- B. 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.

NEW BUSINESS continued:

Attorney Sajdak stated Attorney Bobbitt representing Maple Road LLC is present and prepared to inform the board of progress since the last meeting on June 15th. Attorney Bobbitt spoke concerning the unpaid property taxes for the business location. Spoke with the receiver company and have come to the conclusion they will have to litigate the issue with them for payment of the taxes. Mr. Buzdum has a cashier's check for \$20,000 toward the taxes which is just under half of the amount owed. Requesting renewal of his license with that payment while he pursues court action on behalf of Maple Road LLC regarding the receivership for past due taxes. Discussion of lease and related terms between tenant and original owner vs. receivership company and responsibilities of receivership as well as process for suit.

- C. 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

MOTION (Baum/Zabel) to approve license as presented tonight with payment of \$20,000 toward property taxes by cashier's check payable to Washington County Treasurer. 7 in favor, 2 opposed (Miller, Hughes), carried. Check given to Village Clerk to be provided to Washington County Treasurer

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

Discussion of project and Developers Agreement with prospective tenant for TID #6.

MOTION (Baum/Zabel) to postpone until Developers agreement is finalized. 8 in favor, 1 opposed (Daniels), carried.

- E. **MOTION (Baum/Myers) to enter into closed session for the Review of Applicants for the Park and Recreation Director position per Wis. Stats. §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 and then re-enter open session to take such action as it deems appropriate and include Administrator Schornack and Clerk Goeckner, by roll call vote, carried.**

Committee of the Whole meeting scheduled for Tuesday, July 7th at 5:00 p.m. for interviews.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk