

VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, June 6, 2016 7:00 p.m.

LOCATION: Germantown Village Hall Board Room

I. CALL TO ORDER: *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. PRESIDENT'S REPORT

V. ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS:

The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney and Village Clerk.

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

Please be advised per §19.84(2), information will be received from the public. It is the policy of this municipality that there be a three (3) minute time period, per person, with time extension per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments. (15 minutes)

VII. CONSENT AGENDA:

A. Approval of Village Board Minutes: April 18, 2016 and May 16, 2016

B. Accounts payable/payroll

1.	May 17, 2016	Payroll (hourly)	\$ 211,244.27
2.	May 25, 2016	Accounts Payable	\$ 126,343.16
3.	May 31, 2016	Payroll (salary)	\$ 297,327.91
4.	2015	Accounts Payable	\$ 33,894.05

C. Operator Licenses: July 1, 2016 to June 30, 2016: [Recommended Approval]
New Applicants:

Victoria Ahrens; Kody Bartel; Courtney Courtemanch; Lashonda Fairchild; Larissa Granke; Jordan Hottinger; Katie Jastrab; Marie Kissane; Wayne Kohls-Guenther; Joe Ligocki; Kyle Miller; Chad Nickelson; Susan Oechsner; Gabriela Palacios; Chad Peters; Garret Peterson; Caleb Sinden; Herman Sirianni; Adam Summer; Cassandra Tabbert; Tynesha Thorpe, Brianna Ubert.

Renewal Applicants:

Naseem Abbas; Kalpana Adhikari; Andrew Aldred; Judy Arnold; Julie Bartlet; Jeff Bird; Brian Boettcher; William Brockman; Boro Buzdum; Kristin Corbett; Ann

VII. CONSENT AGENDA continued:

Davis; Rose Dobrogowski; Kevin Dobson; Susan Drexler; Denise Eineichner; Amanda Farley; Bonnie Fitzwilliams; Janyce Fossum; Dawn Fouche; Shawn Frank; Erin Fritch; Bobbi Jo Gabrielsen; Vanessa Garnier; Karen Gerpoltz; Adam Gauthier; Paul Groh; Michael Haley; Yvonne Hall; Kathryn Hanson; Susan Hanson; Crystal Harris; Denise Harthun; Jayne Hoff; Eric Hoffman; Christopher Huwatches; Jeanine Isaacson; David Iverson; Maranda Kennedy; April Kintopp; Carla Klinger; Steve Koenig; Nicholas Koeppler; Scott Kolosick; Danielle Konstanz; Christine Konvalinka; Katelyn Kosmicki; Diana Koszykowski; Janice Krueger; Jeff Krull; Timothy Kuechler; Roxanne Lenz; Cassidy Liederbach; Vicki Linton; Jessica Lomibao; James Manseau; Vickie Matt; Daniel Marchewka; Paul Mclead; Jennifer Meyer; Janet Miller-Parkison; Whitney Miszewski; Chilistina Monroe; Jennifer Murray; Cynthia Nelson; Stacy Nixon; Deena Noller; Grant Noller; Erin Olson; Tammi Perkins; Shauna Petri; Michelle Phillips; MD Rahman; Sardar Raza; Cedric Reed; Cheryl Rhoades; Annette Robenhorst; Susan Schmit; Deanna Schmitt; Dona Schneidervin; Nicole Selsing; Caitlin Siesco; Cindy Singsheim; Jay Soni; Paresh Soni; Eileen Stroud; Julia Thimm; Joel Timmerman; Melissa Timmerman; Rebecca Ulik; Jessica Urban; Asif Vansaria; Roberta VonAsten; Amanda Weber; Ashley Welnicke; Amy Westra; Jessica Wilson; Craig Wolf;

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

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.

D. "Class B" Fermented Malt Beverage and Intoxicating Liquor Licenses

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, 2016 through September 30, 2016 and from May 25, 2017 through June 30, 2017.
2. Barley Pop Brew Haus, LLC, Deborah Reinbold, Agent, 1388 Parkview Drive, Hubertus, WI 53033, d/b/a **Barley Pop Pub & Restaurant**, N116 W16137 Main Street, 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, 2016 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 and 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. 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.

VII. CONSENT AGENDA continued:

5. 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.)
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 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. 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 Road, Germantown, WI 53022.
11. 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.)
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.) [Recommended Approval of All]
16. G-town Pub, LLC, Craig Braidigan, Agent, 2385 Scenic Hill Trail, Richfield, WI 53076, d/b/a **The Public House**, W207 W10466 Appleton Ave, Germantown, WI 53022

VII. CONSENT AGENDA continued:

17. 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.)
18. 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, 2016)

[Recommended Approval of All]

E. 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

[Recommended Approval of All]

F. 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 [Recommended Approval]

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

1. Cost Plus, Inc., Michelle A. Pawkekienicz, Agent, 2627 N. 94th Street, Wauwatosa, WI 53226, d/b/a **Cost Plus World Market**, N96 W18970 County Line Road, Germantown, WI 53022
2. 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
3. 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.
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

[Recommended Approval of All]

H. Class "A" Fermented Malt Beverage Licenses

1. 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 [Recommended Approval]

VII. CONSENT AGENDA continued:

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

- I. Request to Approve **Resolution No. xx-16** to Adopt the 2015 Compliance Maintenance Annual Report (CMAR) Related to Wis. DNR Wastewater Treatment Requirements [Recommended Approval]
- J. Request Authorization to Purchase the Needed Materials, up to \$16,000.00 for the Weidenbach Park Lighting Upgrades, with Funds to be Allocated from Acct. #10-553-570-8100

VIII. UNFINISHED BUSINESS: None

IX. PUBLIC HEARINGS – 7:00 P.M. OR LATER: *The purpose of said hearing(s) is to hear any and all parties, their attorneys or agents, for or against the application(s) filed by the petitioner(s).* None

X. NEW BUSINESS:

- 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.
- 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
- C. Selection and Appointment of Village Engineer. The Village Board may enter into closed session 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.
- D. TID #6 Easement Acquisition and Potential Authorization to Use Eminent Domain. The Village Board May Enter Into Closed Session 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 Re-Enter Open Session To Take Such Action As It Deems Appropriate.

XII. ADJOURNMENT

The next Village Board meeting will be on June 20, 2016 at 7:00 p.m.

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For Additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.

VII A.
VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
April 18, 2016

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

ROLL CALL: President Wolter, Trustees Baum, Daniels, Hughes, Kaminski, Myers, Warren and Zabel. Trustee Miller was absent and excused. Also present: Administrator Schornack, Attorney Sajdak, Public Works Director Ratayczak, Wastewater Superintendent Zimmerman, Fire Chief Weiss, Hwy. Park & Bldg. Superintendent Olszewski, Police Communications Supervisor Schmidt, Finance Director Rath and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President welcomed all members of Troop 271 joining us for the meeting. Board of Zoning Appeals meeting last week regarding JBJ Homes/Saxony Village. Decision made for higher number of density and placement of buildings in favor of Applicant and requirement of gabled roofs in favor of Plan Commission. Will discuss this in closed session at next Village Board meeting.

APPOINTMENTS

A. ***Standing Committees of the Village Board***

1. **General Government & Finance**

Chair Trustee	Arthur Zabel	04/19/2016 – 04/17/2017
Trustee	Terri Kaminski	04/19/2016 – 04/17/2017
Trustee	Shane Daniels	04/19/2016 – 04/17/2017
Trustee	Robert Warren	04/19/2016 – 04/17/2017

2. **Public Safety**

Chair Trustee	Jeff Hughes	04/19/2016 – 04/17/2017
Trustee	Shane Daniels	04/19/2016 – 04/17/2017
Trustee	David Baum	04/19/2016 – 04/17/2017
Trustee	Dennis Myers	04/19/2016 – 04/17/2017

3. **Public Works & Highways**

Chair Trustee	Terri Kaminski	04/19/2016 – 04/17/2017
Trustee	Rick Miller	04/19/2016 – 04/17/2017
Trustee	Robert Warren	04/19/2016 – 04/17/2017
Trustee	Arthur Zabel	04/19/2016 – 04/17/2017

MOTION (Kaminski/Baum) to approve as presented, carried.

B. **Commissions/Boards/Committees**

1. ***Administrative Appeals Review Board***

Trustee	Dean Wolter	04/19/2016 – 04/15/2019
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4. ***Board of Review***

Member	William Shadid	05/01/2016 – 04/30/2021
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5. ***Board of Zoning Appeals***

Alternate	Carroll Merry	05/01/2016 – 04/30/2021
Alternate	Benjamin Goetter	05/01/2016 – 04/30/2021

6. ***Economic Development Committee***

Member	Scott Coulthurst	05/01/2016 – 04/30/2019
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B. **Commissions/Boards/Committees continued:**

7. **Ethics Board**

Member	Richard Kent	05/01/2016 – 04/30/2019
Member	Wyatt Wiehr	05/01/2016 – 04/30/2019
Alternate member	VACANT	05/01/2016 – 04/30/2019
Alternate Member	VACANT	05/01/2015 – 04/30/2018
8. **Historic Preservation Commission**

Citizen Member	Christine Kauth	05/01/2016 – 04/30/2019
Citizen Member	Barbara Mendenhall	05/01/2016 – 04/30/2019
9. **Library Board**

School District Rep.	Brenda O'Brien	07/01/2016 – 06/30/2019
Member	Charlene Brady	07/01/2016 – 06/30/2019
10. **Park & Recreation Commission**

Chair Member	Scott Coulthurst	05/01/2016 – 04/30/2019
Trustee	Rick Miller	04/19/2016 – 04/17/2017
School Member	Brian Medved	05/01/2016 – 04/30/2019
Member	Kim Leukert	05/01/2016 – 04/30/2019
11. **Plan Commission**

Chair	Dean Wolter	04/19/2016 – 04/17/2017
Trustee	David Baum	04/19/2016 – 04/17/2017
10. **Senior Center Advisory Committee**

Senior Club member	Arline Flesch	04/19/2016 – 04/16/2018
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11. **Tourism/Community Betterment Committee**

Chair Trustee	Jeffrey Hughes	05/01/2016 – 04/18/2017
Chamber Rep	Lynn Grgich	05/01/2016 – 04/30/2017
Hotel Rep	Sue Ciarro	05/01/2016 – 04/30/2017
Member	Patricia Adair	05/01/2016 – 04/30/2017
Member	Charlene Brady	05/01/2016 – 04/30/2017
Member	Carroll Merry	05/01/2016 – 04/30/2017
Member	Judy Rogers	05/01/2016 – 04/30/2017
Member	Kevin Meyer	05/01/2016 – 04/30/2017
12. **Utility Advisory Committee**

Engineer Member	Benjamin Goetter	05/01/2016 – 04/30/2019
Member	Jeff Schleif	05/01/2014 – 04/30/2017*

*(completing term left vacant by prior resignation)

MOTION (Zabel/Kaminski) to approve as presented, carried.

C. **Weed Commissioner**

Planning/Zoning Adm.	Jeff Retzlaff	04/19/2016 – 04/17/2017
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MOTION (Baum/Warren) to approve as presented, carried.

D. **Mid-Moraine Legislative Committee**

Trustee Representative	Art Zabel	04/19/2016 – 04/17/2017
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MOTION (Baum/Warren) to approve as presented, carried.

E. **Official Posting Places**

Village Hall - N112 W17001 Mequon Road
 Public Library - N112 W16957 Mequon Road
 Village Website

MOTION (Baum/Daniels) to approve as presented, carried.

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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: None

CONSENT AGENDA:

- A. Accounts payable/payroll
- | | | | |
|----|----------------|------------------|----------------|
| 1. | March 31, 2016 | Payroll (salary) | \$ 80,240.19 |
| 2. | March 2016 | Accounts Payable | \$ 29,203.79 |
| 3. | April 5, 2016 | Payroll (hourly) | \$ 214,374.82 |
| 4. | April 10, 2016 | Accounts Payable | \$1,412,717.31 |
| 5. | April 15, 2016 | Payroll (salary) | \$ 78,941.16 |
- B. Operator Licenses: April 19, 2016 - June 30, 2016:
- C. Jennifer M. Heinzl, Michelle L. Kind, Sangita Raut, Sardar Raza, Kim Wolff
[Recommended Approval]

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

- D. Application For Fireworks User Permit, July 4th At Fireman's Park – Lynn Grgich
[Recommend Approval]
- E. Request to Purchase Replacement 911 System Through Baycom Inc., In the Amount of \$136,842.02 Allocated from Acct #40-521-570-8460 (Police Dept.) [Recommended Approval]
- F. Purchase Upgrade to Building Security & Surveillance System Through H&S Protection Systems in The Amount of \$46,658.00 Allocated from Acct #40-521-570-8450, Which Would Include Replacing and Upgrading 13 Cameras, The Video Server and The Client Workstation, An Additional 40" Monitor for Communications Center, Also Includes Audio/Video Recording Systems for 3 Interview Rooms for Police Dept. [Recommended Approval]
- G. Request to Re-Chassis 2 Ambulances At a Cost of \$270,000 Instead of Buying 1 New Ambulance at a Cost of \$250,000 (Fire Dept.) [Recommended Approval]

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

- H. Authorize Staff to Contract with Century Landscaping in the Amount of \$23,631.25 for the Replacement of Village Trees Removed as part of Emerald Ash Borer Initiative, with Funds to be Allocated from Acct. #10-553-530-5290
[Recommended Approval]
- I. Approval of 2015 WI DNR MS4 Annual Report and Authorize Village President to Sign for Submission to the WDNR [Recommended Approval]

MOTION (Baum/Zabel) to approve Consent Agenda Items A-I excepting Item 'G', by roll call vote, carried. Item G – Trustee Hughes stated Public Safety did approve this but pulled for Fire Chief to provide additional information. Chief Weiss stated he had budgeted \$250,000 for an ambulance this year but has now found he can re-chassis two ambulances for \$270,000, but this is \$20,000 over budgeted amount and he does not have those additional funds. Must do the two this year to receive the discounted rate. Discussion of funding and possible funding from Police Dept. 911 system. That purchase is more than what was originally anticipated and there is no additional funding left from that. Additional funding from other areas will have to come back through Village Board. Other discussion regarding the re-chassis requirements and if it should wait, costs of repairing equipment now. Need to find

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CONSENT AGENDA continued:

funding prior to commitment. Would like to go to bid to get exact numbers. **MOTION (Kaminski/Warren) to bid the re-chassis for 2 ambulances, by roll call vote, carried.**

UNFINISHED BUSINESS:

- A. Request to Award Contract for TID #6 Phase #1 Appleton Ave. Paving & Lighting
DPW Director Ratayczak provided information regarding the proposed contract. **MOTION (Kaminski/Meyers) to award the contract for this project in the amount of \$454,549.03.** Discussion: Temporary easement need (no), contingency, request of higher change order limit, committee will always be informed. **MOTION (Hughes/Zabel) to amend to pull the additional 5% contingency.** Discussion: necessity to go through Committee or Board for changes will cost in down time for contractors and they could leave the job to go elsewhere and delay returning. Previously amended change orders – if Director and Administrator sign off and notify committee of jurisdiction they are allowed to do so. Further discussion of budget, contingencies, approval process for claims of varying amounts, Village Board could change that process. **MOTION to amend 3 in favor, 5 opposed (Daniels, Kaminski, Myers, Warren, Wolter), motion to amend fails. Main motion, by roll call vote, 5 in favor, 3 opposed (Baum, Hughes, Zabel), carried.**
- B. Request to Accept Memorandum of Understanding with WisDOT for Future TID #6 Appleton Ave. – Lannon Rd. Roundabout Intersection Improvements
DPW Director Ratayczak presented information regarding this item. DOT doing project this year to construct a roundabout at the intersection of Appleton and Lannon Road. With the development of TID 6 coming forward They feel it is necessary to increase the capacity of the roundabout and the cost should be borne by the Village. Originally DOT wanted us to do it immediately when they were doing the project this year. Design fee was \$43,000 and construction cost estimated at \$30,000. Discussions with DOT on why do it now, not knowing when there will be increased traffic, brought consideration of Memorandum of Understanding. Village to participate in the roundabout required when trigger is met, then Village would have to engage in making improvements to roundabout. Even stated our crews could do improvements. Depending on how big buildings are that go in it could be one year before they are occupied or three years before we get the trigger. Choice now is to sign off on memorandum of understanding. (7:50 p.m. -Trustee Myers left the room). **MOTION (Kaminski/Warren) to approve Memorandum of Understanding and direct DPW Director to execute same.** Discussion of our requirement to pay for this, it's a state and county road, drawings and design before and after MOU. (Trustee Myers returned at 7:54 p.m.) **MOTION (Zabel/Kaminski) to amend and modify with legal verbiage to show what we are required to do.** Discussion to request an exhibit showing what is described in MOU. **7 in favor, 1 opposed (Baum), carried. Original motion, roll call vote, 5 in favor, 3 opposed (Baum, Hughes, Zabel), carried.**
- C. Certified Survey Map: Tim Hiller, Agent for Steven Stoffel, Property Owner of a 7.14-acre Parcel located on Donges Bay Road ¼-mile west of STH145 (Parcel GTNV#351-990); Certified Survey Map (CSM) to create four (4) residential parcels in an existing Rs-4: Single-family Zoning District

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UNFINISHED BUSINESS continued:

Village Attorney Sajdak provided information on the CSM presented. Stated options. Plan Commission recommends approval of revised CSM. **MOTION (Baum/Daniels) to approve with conditions as stated in memo.** Discussion. **Carried.**

PUBLIC HEARINGS – 7:00 P.M. OR LATER:

- A. Daniel & Kim Skrober, Property Owners and Applicant for (1) a **CONDITIONAL USE PERMIT** to allow “recreational vehicle and boat storage” and “storage of commercial vehicles and equipment” pursuant to Sections 17.13(2)(s) and 17.13(2)(mm) of the Village Zoning Code from the following described property: GTNV #072-990, N136 W21801 Bonniwell Road
In absence of Community Development Director Village Attorney Sajdak presented information on this item. CUP to allow some storage activities to the applicant for recreational vehicle, boat and commercial equipment storage on the 21.6 acres which is zoned agricultural. Use is both inside and some external storage of the buildings. Code requires all storage to be completely enclosed. Fire Department has concerns of storage on sight. Conditions are within the packet provided.
President Wolter opened the public hearing at 8:10 p.m.
No one spoke at the public hearing.
President Wolter closed the public hearing at 8:12 p.m.
- B. Christopher Jackson, CJ Engineering, Agent, for Gehl Foods LLC, Property Owner and Applicant for: (1) an amendment to **CONDITIONAL USE PERMIT No. 07-10** to allow the expansion of an existing “off-site” parking lot pursuant to Section 17.45(5) of the Village Zoning Code on the Following Described Property: GTNV #224-017 N116 W15953 Main Street
Village Attorney Sajdak presented information regarding this request as provided by Community Development Director. Allows expansion of an offsite parking lot to add parking stalls on Main Street. Across from Gehl Food entrance. 24 proposed, 39 existing. Removal of existing building and expanding parking in this area. When discussed there were concerns with respect to the site. Landscape issues discussed. B-3 Zoning District, minimum setback of 8’ buffer. Residential duplex to be removed, did add some screening of that parking lot to preserve character of main street. Plan Commission recommendation was to deny the amendment. Staff’s recommendation was to approve with 8 conditions all identified within the packet.
President Wolter opened the public hearing at 8:16 p.m.
The following parties spoke at the public hearing:
Nancy Litzow – No problem with the expansion.
President Wolter closed the public hearing at 8:18 p.m.
- C. Skyline Development Corp., Property Owner and Petitioner for: (1) a **COMPREHENSIVE PLAN MAP AMENDMENT** to change the 2020 Land Use Plan Map classification for the property described below from “Commercial” to the “Industrial/Office” classification; (2) a **REZONING** application to rezone the property described below from the B-1: Neighborhood Business District to the M-1: Limited Industrial District; and (3) a **CONDITIONAL USE PERMIT** application to allow development within a 25’ wetland and 75’ navigable waterway setback on a portion of the property described below pursuant to Section 24.04(3) of the Municipal Code on the

DRAFT

PUBLIC HEARINGS continued:

Following Described Property: GTNV #362-983 (S.E. Corner of STH145 @ Donges Bay Road Intersection)

Attorney Sajdak presented. CSM does not require public hearing. Summary of proposal is land use map amendment from commercial to industrial/office use. Allow for 2 lot CSM, Rezoning and CUP. Justification for LUP amendment is to enhance scenery for existing owners in business park and allow for additional businesses to come into the area. Staff recommendation is to approve CUP.

President Wolter opened the public hearing at 8:25 p.m.

Following parties spoke at the public hearing:

Cathy Jahn – W140N10363 Hwy 145, Germantown – concerns with noise and light pollution and additional traffic.

President Wolter read letter submitted by Donald Schulties who raised several concerns and is against this request.

Public hearing closed at 8:30 p.m.

NEW BUSINESS:

- A. **CONDITIONAL USE PERMIT** to allow “recreational vehicle and boat storage” and “storage of commercial vehicles and equipment” pursuant to Sections 17.13(2)(s) and 17.13(2)(mm) of the Village Zoning Code from the following described property: GTNV #072-990, N136 W21801 Bonniwell Road, Daniel & Kim Skrober, Property Owners and Applicant
MOTION (BAUM/MYERS) to approve as requested. Discussion: Plan Commission wanting to grant fee free ability to return if zoning code changes, Attorney Sajdak clarified, difficult to allow someone to do something without a fee that others have to pay. Making sure everyone understands the intent of #7. **Carried.**
- B. **Amendment to CONDITIONAL USE PERMIT No. 07-10** to allow the expansion of an existing “off-site” parking lot pursuant to Section 17.45(5) of the Village Zoning Code on the Following Described Property: GTNV #224-017 N116 W15953 Main Street Christopher Jackson, CJ Engineering, Agent, for Gehl Foods LLC, Property Owner and Applicant
MOITON (Myers/Kaminski) to approve amendment to CUP No. 07-10 as requested. Discussion: evergreens/plantings, access point, consideration of liability risks by owner. **6 in favor, 2 opposed (Baum, Zabel), carried.**
- C. **COMPREHENSIVE PLAN MAP AMENDMENT (ORDINANCE)** to change the 2020 Land Use Plan Map classification for the property described below from “Commercial” to the “Industrial/Office” classification; on the Following Described Property: GTNV #362-983 (S.E. Corner of STH145 @ Donges Bay Road Intersection) Skyline Development Corp., Property Owner and Petitioner for
MOTION (Baum/Hughes) to approve as presented, carried.
- D. **REZONING (ORDINANCE)** application to rezone the property described below from the B-1: Neighborhood Business District to the M-1: Limited Industrial District; on the Following Described Property: GTNV #362-983 (S.E. Corner of STH145 @ Donges Bay Road Intersection) Skyline Development Corp., Property Owner and Petitioner

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NEW BUSINESS continued:

MOTION (Baum/Kaminski) to approve as requested. Discussion: hours of operation, number of employees, difference between manufacturing vs commercial, possible traffic situation, minimal operation for noise and traffic, warehousing and distributions. **Carried.**

- E. **CONDITIONAL USE PERMIT** to allow development within a 25' wetland and 75' navigable waterway setback on a portion of the property described below pursuant to Section 24.04(3) of the Municipal Code on the Following Described Property: GTNV #362-983 (S.E. Corner of STH145 @ Donges Bay Road Intersection) Skyline Development Corp., Property Owner and Petitioner

MOTION (Baum/Kaminski) approve as presented, carried.

- F. **CERTIFIED SURVEY MAP** to create two (2) parcels from a 11.2-acre Parcel located in the southeast corner of the Donges Bay Road @ STH145 intersection (Parcel GTNV#362-983); Skyline Development Corp., Property Owner and Applicant.

MOTION (Baum/Warren) to approve as presented. Discussion. Carried.

- G. **RESOLUTION No. XX-16** Authorizing Redemption Of General Obligation Promissory Notes Dated December 15, 2007

Finance Director Rath presented information regarding the redemption. **MOTION (Zabel/Myers) to approve resolution authorizing redemption of General Obligation Promissory Notes dated December 15, 2007, carried.**

- H. **RESOLUTION No. XX-16** Awarding the Sale of \$4,500,000** General Obligation Promissory Notes, Series 2016A; Providing the Form of the Notes; and Levying a Tax in Connection Therewith

Jim Mann of Ehlers presented information on the bond sale. **MOTION (Zabel/Baum) awarding the sale of \$4,335,000. Discussion. Roll call vote, carried.**

- I. **ORDINANCE No. XX-16** – An Ordinance to Amend Section 3.11(2) of Germantown Code of Ordinances as it relates to the imposition of a Room Tax Within the Village
Attorney Sajdak presented information on legislation passed in 2015 regarding terms of percentage of room tax retained and methods and operations to spend it. Discussion of timing for ordinance. **MOTION (Zabel/Baum) to approve as proposed, carried.**

- J. **ORDINANCE No. XX-16** – Ordinance to Amend Section 1.378 of the Germantown Code of Ordinances, Pertaining to the Composition of the Tourism and Betterment Committee
MOTION (Zabel/Baum) to approve the ordinance as proposed, carried.

- K. **Update on Brush Truck Re-Conditioning Project – Fire Dept.**
Truck has been reconditioned and should last 7 years or longer.

- L. **Deputy Fire Chief Position: Request to Create and Fill Position**
Chief Weiss presented information on need for Deputy Fire Chief position. 10% pay raise for person being selected putting them at about \$70,000. Provides Deputy during the day when Chief at meetings. Position exempt with no overtime. Funds are there, saving money in overtime and requesting to go forward with position. **MOTION**

DRAFT

NEW BUSINESS continued:

(Baum/Warren) to approve. Discussion: Would like to see tax dollars go for more firefighters instead. Use existing person with no more overtime, reducing expense, on 3-week rotation. **Roll call vote, carried.**

M. **Employee Policy & Procedure Manual Revision Relating to Filling an Open, Existing, and Budgeted Position**

Trustee Zabel presented. Approval for hiring all full time and part time positions.

MOTION (Zabel/Kaminski) to approve, carried.

N. **Authorization to Fill Clerk's Office Position**

MOTION (Baum/Myers) to approve, carried.

O. **Authorization to Contract – Replacement of Garage Doors – DPW**

Superintendent Olszewski presented information regarding need, bid and cost.

MOTION (Baum/Warren) to approve authorization in the amount of \$25,675 to Door Master Door Company, 7 in favor, 1 opposed (Zabel), carried.

P. **Authorization to Purchase Tractor with Broom and Blade – DPW**

Superintendent Olszewski presented information on the request. **MOTION**

(Myers/Hughes) to approve, to go with Mid-State Equipment Jackson at a cost not to exceed \$73,016.55. Discussion. **Roll call vote, 6 in favor, 2 opposed (Baum, Zabel), carried.**

Q. **Authorization to Purchase a Used Vehicle for Engineering Department Inspector**

Superintendent Olszewski presented information on the request. **MOTION**

(Hughes/Myers) to approve. Discussion: Rotation of vehicles, time required to take care of older vehicles already used for many years, what type of vehicle available for \$17,000. **Roll call vote, 7 in favor, 1 opposed (Zabel), carried.**

R. MOTION (Baum/Zabel) to go into closed session at 9:35 p.m. for the Germantown Municipal Employees Union Local 730 Negotiations, as per into Closed Session Per WI Stats. 19.85(1)(E) For The Purpose of Deliberating or Negotiation the Purchase of Public Properties, The Investing of Public Funds, Or Conducting Other Specified Public Business, When Competitive or Bargaining Reasons Require a Closed Session and Then May Re-Enter Open Session to Take Such Action as It Deems Appropriate roll call vote, carried.

MOTION (Zabel/Baum) to return to open session, carried.

MOTION (Kaminski/Baum) to give DPW Employee raise of .73% retroactive to January 1, 2016, which we are allowed, carried.

There being no further business, the meeting adjourned at 9:55 p.m.

VII A.

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
May 16, 2016**

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

ROLL CALL: President Wolter, Trustees Baum, Hughes, Kaminski, Miller, Myers, Warren and Zabel. Trustee Daniels was absent and excused. Also present: Administrator Schornack, Attorney Sajdak, Fire Chief Weiss, DPW Director Ratayczak and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter presented the proclamation for "Parents Who Host Lose the Most: Don't be a party to underage drinking" month as part of a program of Germantown Youth Futures, The Prevention Network of Washington County and Elevate Inc.

President Wolter presented the proclamation for National Emergency Medical Services Week May 15-21, 2016 to Fire Chief Weiss.

Flight for Life presented the 'Call of the Year' award to Fire Chief Weiss on behalf of the Germantown Fire Department. The call took place in March 2015 with an accident involving a semi and a number of vehicles on Hwy. 41. First flight they ever had where all three of their aircraft were called to the same scene. Appreciated the great communication and coordination of the scene and setting up the landing of the 3 helicopters on Highway 41 without issue. All on the scene did a wonderful job that day.

President Wolter also announced the Law Enforcement Memorial Service to be held at 7pm on Thursday, May 19th at the Washington County Fair Park. Wonderful event and all should attend.

Trustee Warren had the privilege of a snow plow ride along on March 24th. The crews do an incredible job, have a very professional operation and are very supportive of each other. If all citizens could do a ride along I think they would appreciate what the crews do with the limited resources at their disposal.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE

REPORTS: Trustees provided information on upcoming meetings and events. Trustee Kaminski also stated this is National Police Week and how much she appreciates the Germantown Police force and Chief Hoell for all they do. Give them a thank you this week.

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

CONSENT AGENDA:

A. Approval of Village Board Minutes: April 18, 2016 and May 2, 2016 Regular meetings

B. Accounts payable/payroll

1.	April 2016	Accounts Payable	\$ 89,561.70
2.	May 3, 2016	Payroll (hourly)	\$ 216,184.41
3.	May 10, 2015	Accounts Payable	\$2,799,464.73
4.	May 13, 2016	Payroll (salary)	\$ 749,269.89

C. Operator Licenses: July 1, 2016 – June 30, 2017: [Recommended Approval]

Renewals: Eric Ashlock; Therese Bach; Hannah Bingham; Jane Boudreau; Simon Bouwman; Marie Chilicki; Jewelia Cook; Bridget Delean; Mary Erickson; Carol Feit;

D. CONSENT AGENDA continued:

Daniel Frailina; Michael Gorzynski; Catherine Habron; Pamela Halverson; Anita Hauner; James Heimann; Jamie Hewitt; Julia Huggler; Cheryl Jacobs; Jeffrey Jacobs; Timothy Jacobs; Joshua Kau; Amy Keller; Ronald Kohls; Heather Lazar; Lisa Leider; Michael Nardelli; Ruth Numrich; William Numrich; Cameron Ottoson; Michelle Pawlukiewicz; Dawn Reith; James Schramm; Heather Smith; Tara Smith; Sarah Soby; Teri Staude; Anthony Streng; Randy Strumberger; Carlton Tatreau; Thomas Wood; Lisa Zamiatowski
New: Arturo Contreras

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

- E. Request to Award the 2016 Sealcoat Projects Contract to Fahrner Asphalt Sealers for a Cost not to Exceed \$225,000 Based on Unit [Recommended Approval]
- F. Request to Approve Village's Commitment to Approximately 2,700 Tons of Salt for 2016-2017 Season as Part of the WisDot Salt Bid Process [Recommended Approval]
- G. Request to Approve Blanket Purchase Order Authorization with Adaptor, Inc. in an Amount not to Exceed \$15,100 for the Continued Purchase of Chimney Seals to be Utilized for the 2016 Road Projects and Other Areas on a Time and Need Basis, with Funds to be Allocated from Acct. #60-830-530-8313 [Recommended Approval]
- H. Request for Blanket Purchase Order Authorization with HD Supply Waterworks in an amount not to Exceed \$9,800 for the Purchase of Ladtech HDPE Manhole Adjusting Rings for the 2016 Road Projects and Other Areas on a Time and Need Basis with Funds to be Allocated from Acct. #60-830-530-8313 [Recommended Approval]
- I. Request for Blanket Purchase Order Authorization with Ferguson Waterworks in an Amount not to Exceed \$32,800 for the purchase of Miscellaneous Manhole Repair Materials for the 2016 Road Projects and other Areas on a Time and Need Basis with Funds to be Allocated from Acct. #60-830-530-8313 [Recommended Approval]

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

- J. Request to Approve Purchase of 29 Trijicon Rifle Sights from Kiesler's Police Supply for a cost of \$11,942.49. Funding to be provided by EoTech through refund of 30 Sights Returned for Defects. Refunds to be Placed in Account #10-480-489-9600 with Expenditures Taken from Account #10-521—570-8100 per Finance Dept. [Recommended Approval]
- K. Request Approval of Purchase of Furniture Items for Roll Call Room and Interview Room from BSI Interiors for \$12,112.86 with Funds Allocated from Account #40-521-570-8410 [Recommended Approval]

MOTION (Baum/Myers) to approve the Consent Agenda, Items A-J excepting the minutes for April 18th as they are not complete at this time, and Items F, G & H, by roll call vote, carried.

Trustee Baum asked to discuss items F, G & H together. DPW Director Ratayczak stated these items are related to the top parts of the manholes and this is an annual program from wastewater department to get rid of wastewater infiltration. **MOTION (Baum/Zabel) to approve as requested, by roll call vote, carried.**

UNFINISHED BUSINESS:

- A. Ordinance No. XX-16 to Create Section 8.065 of the Germantown Municipal Code to Provide for the Regulation of Activities Within Public Rights-of-Way

UNFINISHED BUSINESS continued:

Motion from the May 2nd meeting to approve remains on the table since there was a motion to postpone at that meeting. **MOTION to approve as presented at May 2nd meeting, carried.**

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

NEW BUSINESS:

- A. Action on Application for Secondhand Article Dealer License: ecoATM, Inc., 10121 Barnes Canyon Road, San Diego CA 92121, to be Located Inside Walmart W190N9855 Appleton Ave., Germantown WI 53022
Clerk Goeckner explained new machine placed inside Walmart for persons to sell their electronic devices, such as laptops, telephones and tablets. **MOTION (Baum/Myers) to approve the application as presented, carried.**
- B. Request Direction to Proceed with Non-Renewal Proceedings for "Class B" Fermented Malt Beverage and Intoxicating Liquor License Application of 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.)
Clerk Goeckner provided information to the Board regarding the delinquent real estate taxes for the property. Currently \$36,197.07 delinquent as of April 30, 2016 for 2012, 2013 and 2014. Non-renewal of liquor license may be considered for this delinquency. Provided information on process from 2015 where Village required a \$20,000 payment to the County toward the delinquent taxes at that time. Nothing further has been paid to date. Attorney William Stuart, representing Buzdum's was present and spoke regarding the license. The Receiver of the Property is Scott Welsh for Collier's and they have been taking rent but rent payments are not sufficient to cover expenses and pay past due taxes. Willing to provide their financial statements to our attorney. Learned there is a pending sale of the property. Asking the board to not take action tonight. Not in their best interest to non-renew the license and have the establishment go out of business, leaving the property vacant and going into disrepair. His client and his firm may be the best chance to get paid. The lender is not going to pay the taxes. Attorney Sajdak stated we are looking for the board to decide what they will do going forward. Discussion to bring it to public hearing at the June 6th meeting. Attorney Stuart felt this would set up an adversarial position between him and this board if it goes to public hearing. Trustee Kaminski stated she is in support of this going to public hearing. The client needs to pay \$36,197.07 for the taxes otherwise she will not vote for renewal. Village was very clear on this last year. Further Discussion of dates for hearing. **MOTION (Baum/Kaminski) to move forward with procedures for non-renewal hearing, carried.**

ADJOURNMENT

There being no further business, the meeting adjourned at 7:50 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk

VII I

STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

RESOLUTION NO. ____-16

A RESOLUTION ADOPTING THE 2015 WISCONSIN POLLUTION DISCHARGE
ELIMINATION SYSTEM COMPLAINT MAINTENANCE ANNUAL REPORT

WHEREAS, by the action taken in Resolution NO. ____-16, the Village is a participant in the Wisconsin Pollutant Discharge Elimination System ("WPDES") program; and

WHEREAS, participants in the WPDES program are required to renew their General Permits issued under that program; and

WHEREAS, the permit renewal requires the Village to complete and submit a Compliance Maintenance Annual Report ("CMAR"); and

WHEREAS, the Village's Public Works Committee reviewed the attached CMAR report and forwarded the same to the Village Board with a recommendation for adoption; and

WHEREAS, the Village Board having reviewed the same concurs with the recommendation of the Public Works Committee;

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Germantown, Wisconsin, do hereby adopt the attached Compliance Maintenance Annual Report.

BE IT FURTHER RESOLVED that the Village Wastewater Superintendent is hereby directed and authorized to include the attached CMAR in the Village's application for the renewal of its WPDES General Permit.

Introduced by Trustee:

Adopted: June 6, 2016

Vote: Ayes:

Nays:

Absent:

Dean M. Wolter, Village President

ATTEST:

Barbara K.D. Goeckner, Village Clerk

X A.

STATE OF WISCONSIN

VILLAGE OF GERMANTOWN

WASHINGTON COUNTY

VILLAGE OF GERMANTOWN,
A Wisconsin Municipal Corporation
By its Village Administrator
N112 W17001 Mequon Road
Germantown, WI 53022

Complainant,

v.

MAPLE ROAD, LLC,
c/o Radomir Buzdum, Agent
W188 N10515 Maple Road
Germantown, WI 53022

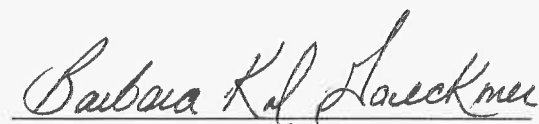
Respondent.

SUMMONS

TO THE ABOVE-NAMED RESPONDENTS:

A representative of Maple Road, LLC, is hereby commanded to appear before the Village of Germantown Board of Trustees on the 6th day of June, 2016, at 7:00 p.m., or as soon thereafter as the Board may hear the matter, in the Board's Chambers in Germantown Village Hall, N112 W17001 Mequon Rd., Germantown, Wisconsin, to show cause why the Alcohol Beverage, Amusement Arcade, and Coin Operated Machine Licenses previously issued to Maple Road, LLC, should not be non-renewed for the reasons set forth in the attached complaint. This Summons is issued by the Village of Germantown Board of Trustees and is directed to the Village of Germantown Chief of Police or his designee, a peace officer in the Municipality, to serve a copy hereof and the attached complaint upon the above mentioned corporation, in the manner provided under Chapter 801 Stats., for service in civil actions in Circuit Court.

Dated this 2nd day of June, 2016.


Barbara K.D. Goeckner, Village Clerk

VILLAGE OF GERMANTOWN,
A Wisconsin Municipal Corporation
By its Village Administrator
N112 W17001 Mequon Road
Germantown, WI 53022

Complainant,

v.

MAPLE ROAD, LLC,
c/o Radomir Buzdum, Agent
W188 N10515 Maple Road
Germantown, WI 53022

Respondent.

NON-RENEWAL COMPLAINT

NOW COMES the above-named complainant, the Village of Germantown, by and through its Village Administrator, David Schornack, within the scope of the his duties as Village Administrator and as a resident of the Village of Germantown, and as and for its complaint against Maple Road, LLC, d/b/a Buzdum's Pub & Grill, states and alleges as follows:

1. I am Village Administrator of the Village of Germantown and make this sworn written complaint within the scope of my duties as Village Administrator and as a resident of the Village of Germantown.
2. Maple Road, LLC, previously sought and obtained from the Village of Germantown an Alcohol Beverage, Amusement Arcade, and Coin Operated Machine Licenses for "Buzdum's Pub & Grill" located at W188 N10515 Maple Road in the Village of Germantown (the "Premises").
3. Upon information and belief, Maple Road, LLC, has filed a renewal License Application for the Premises for the 2016-17 license year with the Village of Germantown.

4. The Village of Germantown's municipal code adopts the provisions of Chapter 125 of the Wisconsin State Statutes in § 12.02(1).

5. Wis. Stat. § 125.12(3) provides for the procedure to be used in the event the Village Board intends on not renewing an application, which includes providing notice of the same together with the reasons for such action.

6. Wis. Stat. § 125.10(1) further authorizes a municipality to regulate the issuance of alcohol licenses in any manner that is not inconsistent with the Statutes.

7. Section 12.01(7) of the Germantown Municipal Code provides:

DENIAL OF LICENSE OR PERMIT. No license or permit (including a conditional use permit) authorized or required by the Municipal Code of Germantown shall be granted or issued:

...

(b) For any premises for which real property taxes in excess of six months, room taxes, or special assessments are delinquent or unpaid.

8. Upon information and belief, there are delinquent and unpaid property taxes for the years 2012, 2013, 2014 and 2015 in the total amount of \$45,559.04.

9. Upon information and belief, the delinquent property taxes remain unpaid.

10. Upon information and belief, due to the continuing and extensive delinquent status of the property taxes for the Premises described above, sufficient grounds for nonrenewal of Maple Road, LLC's licenses exists under the Germantown Municipal Code.

11. Upon information and belief, the Village of Germantown Board of Trustees intends to provide a hearing to Maple Road, LLC, to determine whether the alcohol beverage and companion licenses issued to it should be renewed as provided for in §§ 12.02(7)(o) and (11.5) of the Germantown Municipal Code; and that such hearing to be held as a result of this complaint constitutes the hearing afforded to a renewal applicant under those sections.

Dated at Germantown, Wisconsin this 2nd day of June, 2016.

STATE OF WISCONSIN)
)SS
WASHINGTON COUNTY)

David Schornack, Village Administrator of the Village of Germantown, being duly sworn and under oath, states that he has read the foregoing complaint and knows the contents thereof; that the same are true of his knowledge, except as to those matters stated on information and belief; and to those matters he believes them to be true.

David Schornack
David Schornack, Village Administrator

Subscribed and sworn to before me

This 2nd day of June, 2016 .

Jilline Dobratz
Notary Public, State of Wisconsin

My Commission: May 21, 2019

