

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
June 6, 2016**

CALL TO ORDER: The meeting was called to order at 7:06 p.m. by Village Board President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Daniels, Hughes, Kaminski, Miller, Myers, Warren and Zabel. Trustee Warren 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 informed everyone that work has begun on TIF #6.

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. 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 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 Huwatcheck; 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; Chilstina 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

CONSENT AGENDA continued:

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.
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.

CONSENT AGENDA continued:

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
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

CONSENT AGENDA continued:

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]

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

MOTION (Baum/Myers) to approve Consent Agenda, Items A-J. Trustee Zabel confirmed there were no other issues with any licenses on the consent agenda outstanding that would cause them to come back to a later date. **Roll call vote, carried.**

UNFINISHED BUSINESS: None

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

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.

NEW BUSINESS continued:

Attorney Sajdak updated the board. Has been in contact with other attorneys involved, (counsel for Mr. Buzdum also present). They have obtained an accounting from the receiver which indicates the bulk of the money is not going toward the building items such as maintenance and taxes, but rather to the receiver himself for his work. Now in a better position information wise than we have been in past. Attorney Stuart – currently discussing with Attorney Rusty Long of Davis & Kuelthau, who is counsel for new note holder, possibility of replacing or removing current receiver. If not done then will go to court and ask for that to occur. Discussions are occurring between tenant and receiver regarding payments. Asking tonight for a delay to process for two weeks to work things out with some resolution. Discussion of Trustees regarding what resolution will occur. Attorney Stuart stated the hope is taxes of \$36,xxx for 2012, 2013 and 2014 will all be paid to resolve all issues by that time. Discussion: Do we have two weeks to wait, what will occur if we get nothing in two weeks? Next Village Board is in 2 weeks and could table until that time. **MOTION (Zabel/Baum) to table this item for 2 weeks.** Discussion regarding past due taxes and intentions, can license just be cut off at this point (yes), can non-renewal happen at that time? Revocation can occur even after renewal. Does Attorney for Buzdum understand where the Board is at? Yes. **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
No action necessary.

- C.** **MOTION (Baum/Myers) To Go Into Closed Session At 7:23 p.m. 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 For The Selection And Appointment Of Village Engineer, and include the Director Department of Public Works, roll call vote, carried.**

MOTION (Baum/Hughes) to return to open session at 7:55 p.m., carried.

MOTION (Baum/Hughes) to direct staff to proceed as directed in closed session, carried.

- D.** **MOTION (Miller/Baum) To Go Into Closed Session At 8:58 p.m. 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. TID #6 Easement Acquisition And Potential Authorization To Use Eminent Domain, and include roll call vote, carried.**

NEW BUSINESS continued:

MOTION (Baum/Hughes) to return to open session at 8:20 p.m., carried.

MOTION (Baum/Kaminski) to advise staff to proceed as discussed in closed session, with authorization to use eminent domain, 7 in favor, 1 opposed (Zabel), carried.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:22 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk