

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
June 20, 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, Daniels, Hughes, Kaminski, Miller, Myers, Warren and Zabel. Also present: Administrator Schornack, Attorney Sajdak, Fire Chief Weiss, DPW Director Ratayczak, Engineer Laning and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: New Village Engineer John Laning was introduced.

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: June 6, 2016
- B. Accounts payable/payroll
 - 1. June 10, 2016 Accounts Payable \$1,396,978.91
 - 2. June 14, 2016 Payroll (hourly) \$ 308,677.30
- C. Operator Licenses: July 1, 2016 to June 30, 2016: [Recommended Approval]
New Applicants:
Stephanie Gibicsar, Peter Hisbscher, Sophia Mazurek, Caitlyn Mikula, Matthew Roadhouse, Haylie Syverson
Renewal Applicants:
Samantha Cloyd, Kim Gamroth, Judith Greve, Luanna Naputi, Debra Nelson, Nancy Oinas, Wendy Sarwas,

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. Gerald Louis Wagner, 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.)
- 2. 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.)
- 3. 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).

CONSENT AGENDA continued:

4. 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.)

[Recommended Approval of All]

E. Class "B" Winery Licenses

1. 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 Premise Extension which includes an outdoor patio area and tent until 9:00 p.m.)

[Recommended Approval of All]

F. Class "B" Fermented Malt Beverage Licenses

1. 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

[Recommended Approval of All]

G. "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. Walgreen Co., Vickie Matt, Agent, 1411 Deer Trail Court, Hubertus, WI 53033, d/b/a **Walgreens #05427**, W156 N11261 Pilgrim Road, Germantown, WI 53022.
3. 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.

[Recommended Approval of All]

H. Class "A" Fermented Malt Beverage Licenses

1. 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. 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

[Recommended Approval of All]

- I. Animal Fancier License thru December 31, 2016: Paul & Cynthia Smith, W140N13629 Country Aire Dr., (New) [Recommended Approval]

- J. **RESOLUTION NO. 12-16**, Amendment to Fee Schedule for Ambulance and EMT Services [Recommended Approval]

MOTION (Baum/Miller) to approve Consent Agenda Items A-J.

Trustee Zabel requested to pull item J. **Roll call vote, carried.** Discussion of Item 'J': Trustee Zabel asked about fee increase for non-transport and whether or not we have a lot of them. Fire Chief explained this is due to repetitive calls from same person(s) not needing transport. **MOTION (Baum/Myers) to approve Item 'J' on Consent Agenda, carried. (8 in favor, 1 opposed – Zabel).**

UNFINISHED 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.

Village Attorney Sajdak stated he has been in discussion with Attorney for license holder, who is present. Attorney William Stuart presented information on behalf of the license holder, Radomir Buzdum for Maple Road, LLC. Unable to come to a full agreement by the time the license (expires). Could make a payment of \$10,000 this week and with agreement of note holder will then apply every rent payment moving forward to be paid to Washington County to offset the tax liability, and hope to come to an agreement to buy the property within a year. Current license holder most likely purchaser of property and hope board will consider proposal. Would hold off challenge to ordinance due to license holder being a tenant, not property owner. Attorney Sajdak stated provision is to allow for Village to immediately revoke license at point they miss a payment etc.

Discussion: Need for signed agreement, how many months to pay off taxes due, foreclosure timeline, new taxes due again after one year and how to pay those off, been in discussion over a year, no payment being brought tonight, options to approve offer or go into first step of item A. Not the only municipality with this issue with this particular owner. Nothing done in last 11 months. Frustrating year after year, ongoing with business and owner. Discussion of possible counter offer. License holder attorney came with a take it or leave it offer tonight. Willing to take it to client. **MOTION (Baum/Zabel) to make a counter offer with 50% of (current past due taxes - \$36K) due and remainder within 6 months.** Discussion. **MOTION TO AMEND (Zabel/Baum) to make sure language is included stating if payment is not made within 6 months they would automatically lose their license without going back to hearing, 6 in favor, 2 opposed (Daniels, Miller) and 1 abstained (Kaminski).** Discussion: Daniels can’t support due to license holder is a renter, not owner of building. Other discussion on current owner/tenant and related issues and license holder has not been present at last 3 meetings addressing issue. **MOTION as amended, 6 in favor, two opposed (Daniels, Miller) 1 abstained (Kaminski). Carried.** No need to go to item B of Unfinished Business.

- B. Action on Buzdum’s License (Approval or Non-Renewal) *(for Maple Road, LLC, Radomir Buzdum, Agent, 1027 N. 4th Street, Watertown, WI, 53098, 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.).* 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

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

NEW BUSINESS:

- A. Ambulance Re-Mount Bid Results and Recommendation
Fire Chief Weiss presented information for request to have two ambulances remounted. Recommendation to go with North Star Emergency Braum NW Emergency Vehicles for cost of \$269,296.00. Chief Weiss feels Village will not have to get a new ambulance for another 10 years with these remounts. Public Safety voted 2 to 2 on this item, having concern of life of remounted vehicles and where other funding will come from since amount is over budgeted amount. Company Representative available for questions. Chief Weiss presented further information on number of calls and life of similar equipment in other communities. Funding concerns could be solved with left over funds in capital borrowing from other departments, possible funds left in Fire Dept. budget. Timeline to get chassis is 15-17 weeks and from delivery is another 90 days per ambulance. Sending one at a time, second one may be beginning of 2017. Cost savings of \$360,000 by doing this vs. buying two new ambulances. **MOTION (Baum/Kaminski) to award the bid to North Star Emergency Braum NW Emergency Vehicles in amount of \$269,296.** Discussion: Life of remounted ambulances, funding sources with Village only ½ way through 2016, recommendation by Administrator Schornack for funding to come from reserves and wait until year end to determine final source, savings, concern of reconditioning items, are numbers firm – will there be changes and additional costs, signing of legal document/agreement. Chief will be provided expenses to travel to Washington to make final inspection on first ambulance. Warranty conversion is 3 years and new vehicles are typically 5 years. Discount available for \$3,000 if both ambulances are committed to immediately. Representative stated the cost is inclusive and covers transportation also. Chief Weiss stated we don't pay 80% until he has flown to Washington and approved it. Cost concerns, number of reserve ambulances needed. **Roll call vote, carried.**
- B. Requested Approval of Alt Bauer Park Playground Design and Installation
MOTION (Miller/Hughes) to approve recommendation to purchase playground design and installation from Lee Recreation LLC., in an amount not to exceed \$59,050 as well as surfacing materials at a cost of \$5,720 to come from 2016 CIP Budget Account #40-552-570-8450, roll call vote, carried.
- C. Application for Junk Dealer Establishment, Waste Management Germantown MRF, July 1, 2016-June 30, 2017
MOTION (Baum/Miller) to approve as presented. Discussion of recycling trucks dropping glass etc. on road where others are running over it and getting flat bicycle tires. **8 in favor, 1 opposed (Zabel), carried.**
- D. Request Approval of Public Grant Program Application for Germantown American Legion Post 1 – Moving Wall and Coin Operated Machines
Motion (Baum/Warren) to approve as presented, carried.

NEW BUSINESS continued:

- E. Request Approval of Public Grant Program Application for Germantown Community Scholarship Fund, Inc. – US Bank Mud Splash Run for Funds
MOTION (Zabel/Miller) to approve as presented, carried.

ADJOURNMENT

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

Barbara K. D. Goeckner MMC/WCPC
Village Clerk