

MEETING MINUTES
PUBLIC SAFETY COMMITTEE MEETING
MAY 1, 2017
GERMANTOWN VILLAGE HALL BOARD ROOM

CALL: The meeting was called to order at 5:30 p.m. by Chairman Hughes.

ROLL CALL: Chairman Hughes and Trustee Campbell. Trustees Myers and Warren were absent and excused. Chairman Hughes appointed Trustee Zabel to sit in so there would be a quorum present. Also present were Police Chief Hoell, Fire Chief Weiss, Deputy Fire Chief Delain, Village President Wolter, Village Attorney Sajdak, Community Development Director Retzlaff, Public Works Director Ratayczak, Engineer Laning.

PUBLIC COMMENT: Dan Ryan, N115 W16737 Bishop Dr., Germantown was present and requested that the Public Safety Committee review the burning regulations ordinance regarding burning/fire pits in high density living areas. Ryan stated that he resides in Lake Park and the smoke from fire pits causes health concerns, and he would like to see changes to the ordinance regarding allowing this type of burning in high density living areas. Hughes advised this item would be placed on the June Public Safety agenda under New Business.

APPROVAL OF MINUTES: a motion was made by Campbell, seconded by Hughes, to approve the minutes of the April 3, 2017 Public Safety Committee Meeting. Motion carried with two votes. Zabel abstained from the vote.

POLICE DEPARTMENT MONTHLY REPORT: Chief Hoell reported on the following:

- Accident on I41 which resulted in lane closures, department will be looking at detour options due to the closures on 175 and 145 from construction projects
- This Friday, May 5th, is the NAC Night benefit at Crossway Church from 5:30 p.m. – 8:30 p.m.
- Department activity numbers are within normal limits
- Traffic grants have been approved and are being set up
- Department is looking into body cameras for officers and may bring forward in 2018

FIRE DEPARTMENT MONTHLY REPORT: Weiss reported on the following:

- New report format started, it has been changed from informational to a statistical report
- Department answered 161 calls in March
- Accident on I41, Flight for Life was called and both northbound/southbound lanes of I41 had to be shut down for helicopter landing
- Delain will be receiving certification for the deputy chief position
- May 20th will be hosting Introduction to Fire Investigation training
- Germantown will be hosting Leadership & Customer Service Symposium August 12–13, 2017

OVERTIME REPORTS:

Police Department – Hoell advised that overtime is tracking normally and he updated the committee on the current hiring process for officers stating there are four candidates having backgrounds done.

Fire Department – Weiss stated that overtime is tracking normally and he has nothing new to report.

POLICY UPDATES:

Police Department – 15.02 Blood Borne Pathogens

Hoell advised the department had reviewed the policy on blood borne pathogens and updated it.

Fire Department – none.

PARKING ON WILLIAMS DRIVE: a motion was made by Zabel, seconded by Campbell, to postpone this item until the June 5th Public Safety Meeting. Motion carried unanimously.

TRAFFIC RELATED INCIDENTS ON COUNTRY AIRE DRIVE BETWEEN MEQUON ROAD AND FOND DU LAC AVENUE: John Laning, Village Engineer, was present and advised that the Engineering Department did conduct a sight distance study on Country Aire Drive between Mequon Rd. and Fond du Lac Ave. He stated the stopping sight distance along that stretch of roadway was significantly more than the recommended length. He added that with the police department's study regarding no accident history along that same stretch, it would be their recommendation that based on the criteria requested for this study, posting this section of Country Aire Drive as "No Trucking" is not warranted.

Discussion followed with Zabel questioning whether the structured design of the pavement was able to handle truck traffic, Laning responded that the roadway was not evaluated for structural impact, but that it could be done if the committee needed that information. Zabel noted that there was concern that the truck traffic may be causing premature deterioration of the roadway and Laning responded that there were studies that could be done to determine the structure strength of the roadway and the costs for conducting this study could amount to around \$1000.

Director Ratayczak advised that Country Aire Drive and Mequon Road will be having traffic lights installed in the future, noting that the lights would be installed at no cost to the Village and would likely result in a higher flow of traffic through the area with vehicles using the lights for convenience.

A motion was made by Campbell, seconded by Zabel, to direct legal to write up the information regarding making the section of roadway on Country Aire Drive between Fond du Lac Avenue and Mequon Road a "No Trucking" area, and forward to the Village Board. Motion carried unanimously.

CONSIDERATION OF POSSIBLE CHANGES TO GERMANTOWN MUNICIPAL CODE SECTION 17.47(6) RELATING TO NOISE NUISANCES OR ADOPTION OF ADDITIONAL REGULATIONS TO ADDRESS EXCESSIVE NOISE PRODUCTION WITHIN THE VILLAGE:

Attorney Sajdak advised that the current noise ordinances were being looked at now due to discussions on the possible changes for extension of hours for licensed premises. He stated that staff had been directed by the committee to review the ordinances and discuss possible changes to improve on the existing wording. Sajdak noted that he met with Director Retzlaff, Chief Hoell, and Administrator Schornack and they had discussed possible changes to improve the current code, but there were additional updates to be made. He distributed copies of the proposed changes in Chapter 9 for review and said that while the proposed changes were supported, he wanted to make sure to maintain the flexibility of the current code. Changes made primarily centered around the following:

- Making the code internally consistent (corrected tenses), clarified and modernized
- 1st page of document in section 2 (Types of Loud and Unnecessary Noises) under (b) "phonographs" was eliminated and "televisions" added, language rewrote

- Language kept in regarding noise disturbance across residential real property boundary (i)
- Added code section on noise disturbances in public at 50'(ii)
- Added provision which allows better enforcement in multi-family residential units (iii)
- Next paragraph (c) removed language pertaining to radio, musical instrument, etc. which is effectively covered in (b)
- Exhaust section (d) existing code provision
- (e) combined existing section on Construction Activities with what was paragraph (g)
Operation of Certain Equipment
- Retained provisions regarding Public Works Director, added wording to allow for special provisions and projects
- Added new section (g) Animals and Birds
- Retained and/or added to section (h) Explosives, firearms and similar devices
- Emergency signaling devices covered under next section
- Final page of document, Permit Required, details the process of one possible option.

Director Retzlaff distributed two memorandums and draft ordinances regarding Zoning Code Performance Standards, Section 17.47(6) Noise, and Entertainment License, (Proposed Code Section 12.07b). He advised that after the discussions regarding the noise ordinance, they concluded that there would need to be adjustments to the noise provisions in the zoning code, specifically the performance standards in section 17.47. Retzlaff stated that he put together a series of amendments to 17.47 to address that issue and that the principal reason for the suggested changes are to apply sound level limits in the manufacturing districts. Retzlaff then discussed the proposed changes for Chapter 17 in the blue memorandum:

- Section 1 clarifies that those performance standards in 17.47 apply to non-residential zoning districts in the Village.
- Section 2 clarifies that those noise standards that follow are intended to be applicable to just the industrial districts; it resolves to replace the existing sound level limits in the current ordinance with a new table that appears on page 1 of 3 in the memo titled "Sound Level Limits." Also added was a provision that addresses sound level limits relative to the ambient sound level, and includes a reference to other noise provisions in Chapter 9 and Chapter 10.

Retzlaff indicated that the proposed changes would make a proper connection with the generalized noise regulations. There was discussion regarding noise complaints, decibel levels, permits vs. conditional use permits. Zabel stated he would like to see a time change from 6:00 a.m. to 7:00 a.m. in the noise ordinance, as 6:00 a.m. still generates complaints.

Retzlaff then went on to discuss the second memorandum (green copy), Entertainment License (Proposed Code Section 12.07b) which proposes an amendment to Section 12.07 requiring businesses that provide live or recorded music for the entertainment of their customers to obtain an annual entertainment license issued by the Clerk's Office. Businesses which have music coming from a jukebox or standard radio would be exempt. If violations occur within the 12 month license period, the business could be brought before the Public Safety Committee for consideration of suspension/revocation of their entertainment license. Provisions for an appeal process are included in the draft ordinance. He acknowledged that this ordinance would create another set of regulations but it does create a better incentive and way to enforce the sound regulations.

A motion was made by Campbell, seconded by Zabel, to forward the proposed changes to Chapter 17 to the Planning Commission for their review and consideration, and that the additional proposed

changes outside of the zoning code be brought forth to the Village Board on the same night that the public hearing on the Chapter 17 changes. Motion carried unanimously.

NEW BUSINESS: Hughes noted that all license approvals are to be conditional upon completion of all documentation, compliance of all code violations/requirements and monies owed to the village paid prior to issuance of license in addition to any other conditions noted.

NEW CLASS A INTOXICATING LIQUOR LICENSE FOR QUICK PICK FOOD MART N128 W21760 HOLY HILL RD. RICHFIELD, WI, AGENT ASIF VADSARIA: a motion was made by Zabel, seconded by Campbell, to forward this application to Village Board with a recommendation of approval. Motion carried unanimously.

RENEWALS CLASS B FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR LICENSES: a motion was made by Zabel, seconded by Campbell, to forward the below listed applications for Class B Fermented Malt Beverage and Intoxicating Liquor Licenses to Village Board with a positive recommendation. Hoell and Weiss advised they had no objections to the license applications.

1. ALDO'S PIZZA & PUB LLC d/b/a Aldo's Pizza & Pub W156 N11058 Pilgrim Road, Dwayne Ketterer Agent. Includes outside dining area of approximately 30' in front of building to be open until 10PM; an outside extension into parking lot for Classic Car Cruise Night on Tuesdays from 5PM – 9PM 07/01/17 to 09/30/17 and 05/15/18 – 06/30/18.
2. BARLEY POP BREW HAUS LLC d/b/a Barley Pop Pub & Restaurant N116 W16137 Main Street, Deborah Reinbold Agent. Includes Brew Haus & fenced outside extension on north side of building to be open until 10PM, and outside extension July 4th from east end of building to west end, to sidewalk, during July 4th parade beginning at 11AM
3. BSC LLC d/b/a Big Sky Country Bar & Grill, W204 N11498 Goldendale Rd., Eric Schroeder Agent, includes 8'x55' outside patio on side open until 10PM.
4. BLACKSTONE CREEK GOLF CLUB LTD d/b/a Blackstone Creek Golf Club, N112 W17300 Mequon Rd., Troy Schmidt Agent. Includes golf course property of 187 acres.
5. BUBS ON MAIN LLC d/b/a Bubs Irish Pub, N116 W16218 Main St., Scott Pecor Agent.
6. BLAZIN WINGS INC d/b/a Buffalo Wild Wings, N96 W17990 County Line Rd., Jillian Cabanatuan Agent. Includes attached patio with hours restricted between 10PM – 8AM.
7. MAPLE ROAD LLC d/b/a Buzdum's Pub & Grill, W188 N10515 Maple Rd., Radomir Buzdum Agent. Includes outdoor patio area.
8. ERJ DINING III LLC d/b/a Chili's Grill & Bar, N96 W18640 County Line Rd., Paul Thompson Agent.
9. EASTERN KETTLE MORaine MOOSE LODGE #1238 d/b/a EKM Moose Lodge #1238, W198 N10217 Appleton Ave., Dan Frailing Agent. Includes outside pavilion 22'x20', & open area for Lodge picnics including buildings to be open until 10PM, 480'x525' grounds area.
10. FLORIAN PARK INC d/b/a Florian Park Conference & Event Center, N111 W18611 Mequon Rd., Ryan Rahl Agent. Includes outside premise Willow Path, Willow Gardens, Willow Point on south end of Willow Pond to be open until 10PM & outdoor designated smoking area to north of property.
11. JK GAM LLC d/b/a Gamroth's Kuhburg Junction, W140 N10385 Fond du Lac Ave., Jon Gamroth Agent.
12. GERMANTOWN AMERICAN LEGION POST #1 Inc. d/b/a Germantown American Legion Post #1, N120 W15932 Freistadt Rd., James Heimann Agent.

13. NORTHRIDGE AUTOMOTIVE ENTERPRISES INC d/b/a Ivey's at Main, W157 N11618 Fond du Lac Ave., David Iverson Agent. Includes outside patio in front of building until 10PM.
14. LA CHIMENEA LLC d/b/a La Chimenea, N112 W15251 Mequon Rd., Ricardo Jimenez Agent. Includes 1100 sq. ft. outside patio open until 10PM.
15. LONE STAR LLC d/b/a Lone Star, W204 N11912 Goldendale Rd., Karen Pritzlaff Agent. Includes horseshoe courts, path, outside fenced area to be open until 10PM, & outside front porch area.
16. METRO CIGARS LLC d/b/a Metro Cigars LLC, W182 N9606 Appleton Ave. #104, Jennifer Groh Agent.
17. OLD TOWN WI LLC d/b/a Old Town Beer Hall, N116 W15841 Main St., Charles Hastings Agent. Includes outdoor deck open until 10PM.
18. G-TOWN PUB LLC d/b/a The Public House, W207 N10466 Appleton Ave., Craig Braidigan Agent.
19. ROBIN L. BIRD LLC d/b/a Sports Corner Bar & Grill, W187 N12793 Fond du Lac Ave., Robin Bird Agent. Includes outside volleyball courts & smoking room to be open until 10PM.
20. CHRISTINE A BROCKMAN d/b/a Tiny T's, W157 N11638 Fond du Lac Ave., includes fenced outside premise on July 4th.
21. WI BIER STUBE LLC, d/b/a Von Rothenburg Bier Stube, Charles Hastings Agent. Includes outside fenced beer garden extended to parking lot open until 10PM.

CLASS B FERMENTED MALT BEVERAGE AND CLASS C WINE LICENSES: a motion was made by Zabel, seconded by Campbell, to forward the below listed applications for Class B Fermented Malt Beverage and Class C Wine Licenses to Village Board with a positive recommendation. Hoell and Weiss advised they had no objections to the license applications.

1. ZHENGREN ZHENG, d/b/a China Kitchen N112 W16560 Mequon Rd.
2. HUNG HAO LLC, d/b/a Hung Hao Restaurant N112 W15800 Mequon Rd. Hung D. Lu Agent.

CLASS B FERMENTED MALT BEVERAGE LICENSES: a motion was made by Zabel, seconded by Campbell, to forward the below listed application for Class B Fermented Malt Beverage License to Village Board with a positive recommendation. Hoell and Weiss advised they had no objections to the license application.

1. MARKO'S PIZZA OF GERMANTOWN INC d/b/a Marko's Pizza, w156 N9664 Pilgrim Rd., Mark Caldwell Agent.

CLASS B (WINE ONLY) WINERY LICENSE: a motion was made by Zabel, seconded by Campbell, to forward the below listed application for Class B (Wine Only) Winery License to Village Board with a positive recommendation. Hoell and Weiss advised they had no objections to the license application.

1. APPLE WORKS WINERY LLC, d/b/a/ Apple Works Winery/Behnke Estates, W179 N12536 Fond du Lac Ave., Kevin Behnke Agent. Includes outside premise extension with outdoor patio area and tent.

CLASS A FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR LICENSES: a motion was made by Zabel, seconded by Campbell, to forward the below listed applications for Class A Fermented Malt Beverage and Intoxicating Liquor Licenses to Village Board with a positive recommendation. Hoell and Weiss advised they had no objections to the license applications.

1. COST PLUS INC. d/b/a Cost Plus World Market, N96 W18970 County Line Road, Michelle Pawkekienicz Agent
2. COLGATE GAS INC. d/b/a County Line BP, N96 W21962 County Line Rd., Didar Singh Agent
3. KWIK TRIP INC. d/b/a Kwik Trip #631, W188 N10963 Maple Rd., Bethany Ohde Agent
4. ULTRA MART FOODS LLC d/b/a Pick n Save #6357, N112 W16200 Mequon Rd., Patricia Chastain Agent
5. SPEEDWAY LLC d/b/a Speedway #4465, W178 N9653 Riversbend Lane, Richard Eastham Agent.
6. SPEEDWAY LLC d/b/a Speedway #4495, W164 N11233 Squire Dr., Kimberly McCambridge Agent.
7. WALMART STORES EAST LP, d/b/a Walmart #1515, W190 N9855 Appleton Ave., Shante Travis Agent.
8. NSM ENTERPRISES LLC, d/b/a Willow Creek BP, W201 N10451 Appleton Ave., Naseem Abbas Agent.

DISCUSSION/ACTION ON “THE COMPLIANCE ENGINE PROGRAM” – FIRE DEPT.: Weiss advised the Fire Department would like to contract with Brycer Compliance Engine to track inspection of occupancies with fire protection systems. He stated the program would not cost the Village since the fees are paid by a third party contractor, but would require a Memorandum of Understanding signed by the Village President in order to move forward.

A motion was made by Zabel, seconded by Campbell, to forward this item to Village Board with a recommendation of approval for the Fire Department to contract with Brycer LLC for The Compliance Engine Program which is a web-based service that involves third party inspection reporting. Motion carried unanimously.

REQUEST TO PURCHASE LEXIPOL SUBSCRIPTION FOR POLICY MANAGEMENT – FIRE DEPT.: Delain stated that the fire department would like to subscribe with Lexipol for policy management which assists with keeping policies and procedures up to date with current laws. He advised Lexipol will adjust policies to meet the standards of your state and they provide training on the implemented policies. The subscription would cost \$3836 annually and would be paid out of their operating budget training account per Weiss who advised there were extra funds in that account due to a training session he and Delain did not get to attend. Sajdak noted that if approved, he would be revising the terms of the service plan agreement to fit the department’s needs.

A motion was made by Zabel, seconded by Campbell, to forward this purchase request to Village Board with a recommendation of approval for the purchase of Lexipol subscription for policy management for \$3,836 annually. Motion carried unanimously.

DISCUSSION/ACTION ON CHANGING THE NAME OF THE FIRE PREVENTION SECTION TO THE COMMUNITY RISK REDUCTION DIVISION – FIRE DEPT.: a motion was made by Zabel, seconded by Campbell, to approve the request from the fire department to change the name of the Fire Prevention Section to the Community Risk Reduction Division. Motion carried unanimously.

PURCHASE OF BALLISTIC HELMETS – POLICE DEPT.: Hoell advised that the department was requesting to purchase 21 ballistic helmets through Advantage Police Supply for a cost of \$323.00 per helmet, total purchase of \$6,783.00 using funds from account 10-521-570-8100.

A motion was made by Zabel, seconded by Campbell, to forward this purchase request to Village Board with a recommendation of approval for the purchase of 21 ballistic helmets from Advantage Police Supply for a total cost \$6,783. Motion carried unanimously.

PURCHASE OF NEW POLICE K9 – POLICE DEPT.: Hoell stated the current K9 Rambo is scheduled to retire later this year and the department is requesting to purchase a new K9 from Steinig Tal Kennel for \$13,000 which is a discounted price since the police department is a repeat customer. He added all funds will be taken from the K9 account which is made up of donations.

A motion was made by Zabel, seconded by Campbell, to forward this purchase request to Village Board with a recommendation of approval, for the purchase of a new K9 from Steinig Tal Kennel for \$13,000 with funds from the K9 account of donated money. Motion carried unanimously.

NEXT MEETING: Monday, June 5, 2017 5:30 p.m. at the Village Hall Boardroom.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:05 p.m.

Recorded by,

Julie L. Barth
Secretary