

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
June 19, 2017**

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

ROLL CALL: President Wolter, Trustees Baum, Campbell, Hughes, Kaminski, Miller, Myers, Warren and Zabel. Also Present: Attorney Sajdak, DPW Director Ratayczak, CDD/Planner Retzlaff, Hwy Superintendent Olszewski, Fire Chief Weiss and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter reminded everyone of the July 4th celebration, with activities out throughout the day and fireworks at the end.

Chief Wiess announced approval for them to go to compliance engine – is up and running well. New community service project starting in August with ambulance at Senior Center and Library doing free blood pressure checks and blood glucose screenings. Will provide other information on fires and emergencies also.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees provided information on upcoming meeting dates and times.

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

CONSENT AGENDA:

A. Approval of Minutes: March 6, 2017 and May 15, 2017, Regular Village Board Meetings

B. Accounts payable/payroll

1.	June 13, 2017	Payroll (hourly)	\$ 216,485.63
2.	June 10, 2017	Accounts Payable	\$ 924,812.10
3.	June 15, 2017	Payroll (salary)	\$ 87,561.68

C. Operator Licenses: July 1, 2017 to June 30, 2018: [Recommended Approval]

RENEWAL: Andrew M Aldred, Peter J Hibscher, Denise M Harthun, April M Kintopp, Christine D Konvalinka, Ruth L Lunde, Chilistina M Monroe, Cheryl L Rhoades, Scott A Roth, Sharna Y Sinjakovic, Stephanie M Wolf

NEW: Stephanie L Berg, Ashley K Courtemanche, Lindsay A Kroll [Recommended Approval]

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

All license approvals 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 licenses in addition to any other conditions noted.

D. **RENEWAL** of a "Class A" Fermented Malt Beverage and Intoxicating Liquor License for the period commencing July 1, 2017 and ending June 30, 2018: Aldi Inc., Michelle Kind, Agent, 5230 State Road 167, Hubertus WI 53033, d/b/a **Aldi #67**, N96 W18838 County Line Road, Germantown, WI, 53022.

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

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.

CONSENT AGENDA continued:

B&B Inc of Milwaukee, Asif Vadsaria, Agent, W151 N11492 Potomac Cir, Germantown, WI 53022, dba **Quick Pick Food Mart**, N128 W21760 Holy Hill Rd., Richfield WI 53076.
[Recommended Approval]

- E. **RENEWAL** of “Class B” Fermented Malt Beverage and Intoxicating Liquor License for the period commencing July 1, 2017 and ending June 30, 2018:
KJ’s Bar & Grill, Gerald Louis Wagner, Agent, N112 W21209 Mequon Rd., Germantown WI 53022, dba **KJ’s Bar & Grill**, N112 W21209 Mequon Rd., Germantown WI 53022
[Recommended Approval]
- F. Replace and Upgrade 3 Dispatch Radio Consoles in Police Department Dispatch Center with Purchase from Harris Corporation with Install by General Communications at a Cost of \$109,707.00 with Funds Allocated from Acct. # 40-521-570-8460
[Recommended Approval]
- G. Contract with Fire Catt for 3 Years for Their Annual Fire Hose and Ladder Testing at a Cost of \$6,217.50 per Year with Funds Allocated from Fire Department Maintenance Budget [Recommended Approval]

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

- H. **RESOLUTION NO. xx-17** To Adopt The 2016 Compliance Maintenance Annual Report (CMAR) Related to WI DNR Wastewater Treatment Requirements [Recommended Approval]
- I. Contract with M&M Tree Care Service for the EAB Ash Tree Treatments at a Unit Rate of \$5.25 Per Inch at an Approximate Total Cost of \$10,631.25. Funds to be allocated from Acct. #10-553-53-5290 [Recommended Approval]

MOTION (Baum/Myers) approve Consent Agenda Items A-I, by roll call vote, carried.

UNFINISHED BUSINESS: None

PUBLIC HEARINGS – 7:00 P.M. OR LATER:

- A. Gehl Foods LLC, Property Owner and Applicant to Rezone the Following Described Property From B-3: General Business District to the M-1: Limited Industrial District Pursuant to Section 17.33 of the Municipal Code on the Property Located at N116 W16044 Main Street (Tax Key: GTNV 221-060) and N116 W15850 Main Street (Tax Key: GTNV 221-075)
CDD Retzlaff presented information regarding the application.

President Wolter opened the public hearing at 7:10 p.m.

The following persons spoke at the public hearing

Ron Nimh - 10069 Main St. Germantown Question as to use – no objection

President Wolter closed the public hearing at 7:18 p.m.

- B. Rainbow Child Care Center, Applicant and Agent for First Bank Financial Centre, Property Owner, for A Conditional Use Permit (CUP) For the Operation of A “Child Care, Day Care Center or Preschool Center” Pursuant to Section 17.28(3)(P) Of the Village Zoning Code, on the Property Located at Approximately N112 W17060 Mequon Road; Tax Key: GTNV 223-989, (Vacant Land East of First Bank)
CDD Retzlaff presented information regarding the application.

PUBLIC HEARINGS continued:

President Wolter opened the public hearing at 7:20 p.m.

No one spoke at the public hearing

President Wolter closed the public hearing at 7:21 p.m.

- C. Petition Filed by The Village of Germantown Community Development Department for Proposed Text Amendments to The Following Sections of The Zoning Code (Chapter 17) Of the Village of Germantown Municipal Code: 17.08 (Definitions); 17.41 (Residential Accessory Use, Building & Structure Restrictions); And 17.47 (Performance Standards)
CDD Retzlaff presented information regarding the application.

President Wolter opened the public hearing at 7:23 p.m.

No one spoke at the public hearing.

President Wolter closed the public hearing at 7:24 p.m.

NEW BUSINESS:

- A. **ORDINANCE NO. xx-17** to Rezone the Following Described Property From B-3: General Business District to the M-1: Limited Industrial District Pursuant to Section 17.33 of the Municipal Code and 3-Lot Certified Survey Map (**CSM**) to Combine Parcels on the Property Located at N116 W16044 Main Street (Tax Key: GTNV 221-060) and N116 W15850 Main Street (Tax Key: GTNV 221-075) Gehl Foods LLC, Property Owner & Applicant
Stacy Cooke, Agent for Gehl Foods LLC, Property Owners of two parcels located on Main Street (Parcel GTNV#221-060 & 221-075); B-3: General Business to M-1: Limited Industrial Rezoning Application & 3-Lot Certified Survey Map (CSM) to Combine Parcels
MOTION (Baum/Myers) to approve as presented. Discussion regarding additional parking on Main Street, site plan not approved yet, tanks – color – walls around, rail use, vacant house and Main Street in the future. **By roll call vote, carried. (8 in favor, 1 opposed (Zabel))**
- B. **CONDITIONAL USE PERMIT (CUP)** For the Operation of A “Child Care, Day Care Center or Preschool Center” Pursuant to Section 17.28(3)(P) Of the Village Zoning Code, on the Property Located at Approximately N112 W17060 Mequon Road; Tax Key: GTNV 223-989, (Vacant Land East of First Bank) Rainbow Child Care Center, Applicant and Agent for First Bank Financial Centre, Property Owner
MOTION (Baum/Warren) to approve as presented, roll call vote, carried.
- C. Petition Filed by The Village of Germantown Community Development Department for Proposed Text Amendments to the Following Sections of the Zoning Code (Chapter 17) Of the Village of Germantown Municipal Code: **ORDINANCE NO. XX-17** Amendments to Section 17.08 (Definitions); to Section 17.41 (Residential Accessory Use, Building & Structure Restrictions); And to Section 17.47 (Performance Standards)
MOTION (Baum/Miller) to approve as presented. Discussion: legal status of a subjective ordinance, decibels, standards, clarifying noise standards within the manufacturing district, equipment for testing which level – decibel vs. octave. Testing/training requirements regarding removal of decibel meter. **By roll call vote, carried. 2 Opposed (Campbell & Hughes)**

NEW BUSINESS continued:

- D. ORDINANCE NO. XX-17 An Ordinance Amending Section 9.07 of the municipal Code Relating to the Prohibition of Certain Noise Disturbances**
MOTION (Baum/Miller) to approve as presented. Discussion: Changes at GGF and Public Safety, no longer has Section of Chapter 9 which relates to permits and notification of all within 500 feet or currently at 300 feet. Staff determined cleaner and safer way in putting it in outdoor premises – then becomes a function of ‘if you have a premise that serves alcohol, no permit to occur. Discussion: do we want to put back permit process in part of Chapter 9 that would allow other establishments to have ability to have a permit outside for events they may have? No type of permit – didn’t seem to be a realistic need. Becomes function of if you have a premise which serves alcohol.
MOTION (Miller/Zabel) to extend time to go from 10 p.m. to 6 a.m. would now be 10 p.m. to 7 a.m. Discussion: 7 a.m. more reasonable time. Waste Management pick up time is 7 a.m. Municipal construction projects can’t start until 7 a.m. Various thoughts on 7 a.m. vs 6 a.m.
Amendment, 4 in favor, 5 opposed (Baum, Campbell, Hughes, Kaminski, Wolter), motion to amend fails. Roll call vote on original motion, carried. 1 opposed (Zabel).
- E. ORDINANCE NO. XX-17 An Ordinance Amending Section 12.02 of the Municipal Code Relating to noise regulations for Alcohol Licensed Premises**
MOTION (Baum/Warren) to approve as presented. Discussion: Items removed from original proposed – right to pull permit for violations, repeat of violations, procedure for revocation/renewal already provided for in Chapter 125, cleaning up the code, language within sub (b) of proposed covers noise issue, putting it in sub 12 as part of general, not just outdoor premises – in general noise violations could be potential for non-renewal/revocation. Then will come back with new ordinance for Section 9.07. This change will be placed on July 17th Board meeting. Further discussion: those who have a current outdoor premise license and if a change were requested would have to apply for a new outdoor premise and people would have to be notified, possible amendment, noise time frame. **MOTION (Zabel/Baum) to amend, adding Sub (c), in Section 12.02 (7)(q) of the code, and would read: outdoor premise operating under a liquor license issued before the effective date of this ordinance, shall continue to operate under the terms applicable at the time of approval. Any licensee who wishes to operate under this language would need to amend their license by application to the Village Board, said application requiring public notice as if the application was a new outdoor premises request, carried.** Discussion: need to make it clearer to owners, options for limitations, says it is not automatically a violation if operating after 10 p.m. and we can hear it from the property line, noise from voices vs music. **Roll call vote on original motion, carried. 2 opposed (Zabel & Campbell)**
- F. Request Approval for No Parking Signs to Be Posted on South Side of Williams Drive for Special Events at Kennedy Middle School**
MOTION (Baum/Warren) to approve request. Discussion: Question of intent of request, special events, location of no parking area. **MOTION (Hughes/Baum) to table this item, carried.**

NEW BUSINESS continued:

- G. Request to Award Contract for 2017 Seal Coat Projects**
Superintendent Olszewski presented information on contract prices for seal coat project. Fahrner Asphalt came in with a lump sum of \$278,210. Struck and Irwin came in at \$277,610. Struck and Irwin performed work in Village in past that was a catastrophic failure and could not recommend hiring them again. Recommendation to go with Fahrner Asphalt with unit prices provided with a micro surface at \$2.40 per sq. yd., GSB 88 at \$1.19 per sq. yd., and a flex patch unit price of \$104 per joint, with funds to be allocated from Account #10-542-530-3505. **MOTION (Kaminski/Baum) to approve as recommended, using unit prices as presented. Roll call vote, carried.**
- H. MOTION (Baum/Myers) to go into closed session at 8:54 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 Filling of Interim Administrator Position and include Village Clerk, DPW Director Ratayczak and Attorney Sajdak, by roll call vote, carried.**

MOTION (Zabel/Miller) to go back into open session at 9:20 p.m., carried.

MOTION (Baum/Myers) to appoint DPW Director Lawrence Ratayczak as Interim Administrator until a new Administrator can be found and that legal and staff are to work to resolve the pay adjustment as stated in closed session, roll call vote, carried.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:23 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk