

VILLAGE OF GERMANTOWN  
VILLAGE BOARD MEETING MINUTES  
FEBRUARY 20, 2012  
VILLAGE HALL BOARD ROOM

**CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

**ROLL CALL**

Members present: President Wolter, Trustees Baum, Ewert, Hughes, Kaminski, Vanderheiden, Wing, Werderman and Zabel. Also present were Administrator Schornack, Attorney DeStefanis and Clerk Knaack.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

**PRESIDENT'S REPORT**

The President reported on placement of political signs with the current School Board primary race.

**ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/  
COMMITTEE REPORTS**

Upcoming meetings were announced. Congratulations was given to the Germantown Basketball team for their current standings.

**CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing**

None at this time.

**CONSENT AGENDA**

A. **MINUTES:**

1. Minutes of February 6, 2012

B. **ACCOUNTS PAYABLE/PAYROLL:**

- |    |                                      |                   |              |
|----|--------------------------------------|-------------------|--------------|
| 1. | <b>Accounts Payable</b>              | February 10, 2012 | \$736,236.84 |
| 2. | <b>Payroll - Salary</b>              | February 15, 2012 | \$ 77,290.48 |
| 3. | <b>Payroll – Hourly</b>              | February 14, 2012 | \$195,901.23 |
| 4. | <b>January 2012 Accounts Payable</b> |                   | \$197,609.46 |
| 5. | <b>Payroll – Salary &amp; Hourly</b> | January 31, 2012  | \$256,358.30 |

- C. **OPERATOR (BARTENDER) LICENSES:** New for the period ending June 30, 2012: Gregg S. Denman, Melissa A. Sealander and Dianne M. Terry.

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

- D. **AWARD OF CONTRACT – JEFFERSON DITCH DREDGING & DEEPENING**
- E. **MAINTENANCE AGREEMENT – GENERAL COMMUNICATIONS**
- F. **MAINTENANCE AGREEMENT – JOHNSON CONTROLS**
- G. **AUTHORIZATION TO PURCHASE – ¼ TON PICK UP**
- H. **AUTHORIZATION TO PURCHASE – 1 TON DUMP TRUCK**
- I. **AUTHORIZATION TO PURCHASE – CRACK FILLING MATERIAL**

**CONSENT AGENDA (continued)**

The following item was forwarded from the Public Safety Committee with a unanimous recommendation:

**J. PURCHASE OF REPLACEMENT COMPUTERS – SCHULTZ  
BURNSTEIN & ASSOCIATES - \$16,995.00 – POLICE DEPARTMENT**

**Motion by Vanderheiden second by Ewert to accept the Consent Agenda. Roll call vote was taken, all present voted aye. Motion carried.**

**UNFINISHED BUSINESS**

**RED SWAMP CRAWFISH ERADICATION**

Heidi Bunk, Lakes Biologist with the WDNR reported to the Board on the crawfish situation. She presented a slide show and took the Board through the entire process up to this point. She introduced Jesse Jensen who is also working on the eradication plan. She stated the Village labor and materials to date is \$22,099 and the DNR grant was for \$20,000. She also reported on eradication efforts for Esquire Estates and the Kenosha project.

**PUBLIC HEARINGS – 7:00 P.M. OR LATER**

**JEFFERY MOON, AGENT FOR ROBERT WEYER, PROPERTY OWNER, AND  
INK MY BODY TATTOO STUDIO, FOR A CONDITIONAL USE PERMIT TO  
OPERATE A TATTOO AND BODY PIERCING ESTABLISHMENT AT N136  
W21933 BONNIWELL ROAD**

Village Planner Retzlaff gave a presentation on the proposed conditional use permit. He stated tattoo establishments are regulated by the State of Wisconsin and also by Washington County Health Services. He stated the Plan Commission had approved the conditional use permit with seven conditions and read the conditions to the Board.

The Public Hearing was opened at 7:35 p.m.

The following people spoke against granting the Conditional Use Permit:

Donald Farley, Dan Koch, who was also speaking for his father Henry, who could not be in attendance, Lloyd Frick, David Herman and Judy Kautz. Their comments included the following:

- They have all been here before with the After Hours Lingerie Shop and Miracle Homes
- If someone gets injured at this shop, does the liability fall on the Village
- How do they dispose of sharps and who monitors the shop

The following people spoke in favor of granting the Conditional Use Permit:

Travis Nyholm, Cliff May, Jeffrey Moon, Luke Czuma, Taylor Cobus, Andy Schmitt, Derek Jansen, Randall Hendrickson, and Julie Hennes. Their comments included the following:

- They do not do tattoos that are gang or racially related
- They donate to local charities
- Their business is not related to After Hours
- They have been personally picking up trash around the area

Letters from David Skrober and Katie Kautz in opposition to the conditional use permit were read into the record.

A petition in support was read and entered into the record.

With no one else appearing for or against, the Public Hearing was closed at 8:25 p.m.

**PUBLIC HEARINGS – 7:00 P.M. OR LATER continued**

**JIM SEDGWICK, AGENT FOR RIVER LANE HOLDINGS LLC, PROPERTY OWNER, FOR AMENDMENTS TO THE GENERAL DEVELOPMENT PLAN AND CONDITIONS & RESTRICTIONS FOR THE BLACKSTONE CREEK PLANNED DEVELOPMENT DISTRICT (61.2 ACRE GLEN AT BLACKSTONE CREEK RESIDENTIAL DEVELOPMENT) LOCATED ON RIVER LANE.**

Planner Retzlaff gave a presentation on the proposed PDD amendment. He stated the Plan Commission had deferred action and Staff is requesting action to be tabled on this matter pending a formal recommendation from the Plan Commission. He stated a special meeting is scheduled for Monday, Feb. 27, 2012.

The Public Hearing was opened at 8:40 p.m.

Judith Kucharik and Meredith Dornemann spoke in favor of the amendment.

Plan Commission member Tom Stauffager also spoke requesting this matter be tabled.

With no one else appearing for or against, the Public Hearing was closed at 8:44 p.m.

**VILLAGE OF GERMANTOWN PROPOSED AMENDMENTS TO ZONING CODE SECTION 17.61 (HOME OCCUPATIONS)**

Planner Retzlaff gave a presentation on the proposed amendments.

With no one appearing for or against, the Public Hearing was closed at 8:45 p.m.

**NEW BUSINESS**

**CONDITIONAL USE PERMIT- JEFFERY MOON AND INK MY BODY TATTOO STUDIO; PROPOSED TATTOO & BODY PIERCING ESTABLISHMENT; N136 W21933 BONNIWELL ROAD**

Discussion:

- Tattoo establishments are licensed by the State of Wisconsin and Supervised by the Washington County Health Department
- Most of the Board members were not on the Board when After Hours or Miracle Homes came in to town
- Why was this location chosen
- The gravel driveway should be brought up to code
- This is not a crowded neighborhood
- The neighbors on Bonniwell were not opposed to this
- This is a residential area
- People cannot be denied a job because they are a felon

Chief Hoell was called before the Board and answered questions of same. He stated he has contacted Police Chiefs in Washington County that have tattoo establishments and they have not reported crime because of those establishments. He was questioned as to how much of his staff has tattoos.

Planner Retzlaff gave a history of this property. He stated the zoning had been changed in 1993 for a do it yourself plumbing and bath shop and it was at their request the zoning had been changed. He stated there was a public hearing at this time. The 20/20 plan shows this area as commercial. The lingerie shop came in 2006.

Discussion:

- Paving the parking lot, lighting and a fence were discussed when After Hours came in to town
- This area should have never been rezoned
- When After Hours came in, it did not need a CUP as it was an acceptable use

**NEW BUSINESS**

**CONDITIONAL USE PERMIT- JEFFERY MOON AND INK MY BODY TATTOO STUDIO; PROPOSED TATTOO & BODY PIERCING ESTABLISHMENT; N136 W21933 BONNIWELL ROAD - continued**

Discussion continued:

- There is no reason to deny the CUP
- They have walk ins 2 - 3 times per week, people would rather have appointments
- The parking lot is in bad shape
- They will put up a fence
- The environment in the establishment needs to be sterile

**Motion by Zabel second by Kaminski to approve the CUP.**

**Motion by Zabel second by Werderman to amend the motion to state the owner/operator be required to come back to the Plan Commission to have a site plan approved, including parking and lines up to code, pave the lot and install a fence to be completed within six months.**

Discussion:

- How is the pavement and parking related to the CUP
- Others were asked to pave parking lots
- This is not fair as After Hours never were required to do this
- There is no addition being put on the building
- This is not what has been done in the past
- The owner/operator plans to pave 50-60 feet out from the door as they do not want the dust being dragged in to their establishment

At this time, Corey Wilcox addressed the Board and stated he appreciates the concern about the traffic, but he is not concerned about the traffic. He felt if the parking lot were paved it will only be worse. He understands the need for no gravel in front of the entrance, and a fence can be put up.

**Zabel and Ewert voted aye to the amendment, all else nay. Motion is lost.**

**Motion by Baum second by Wing to amend the motion to state a fence must be put up in six months and the applicant is to come to the Planner to develop the type and extent of the fence, a drawing should be provided and agreed to by the owner prior to occupancy.**

**Trustee Wing withdrew his second and Trustee Kaminski seconded the motion.**

Discussion:

- This is not to be a condition of occupancy
- It should be a sketch that the Planner approves
- Occupancy should not be held up

**Motion by Ewert second by Zabel to amend the amendment to state the sketch must be submitted and the fence installed within 90 days. Baum, Ewert, Kaminski, Werderman and Zabel voted aye, Wing, Vanderheiden, Hughes and Wolter nay. Motion to amend the amendment carried.**

**NEW BUSINESS**

**CONDITIONAL USE PERMIT- JEFFERY MOON AND INK MY BODY TATTOO STUDIO; PROPOSED TATTOO & BODY PIERCING ESTABLISHMENT; N136 W21933 BONNIWELL ROAD - continued**

Discussion continued:

- The business owner is to install a fence within 90 days as a condition of occupancy
- The condition of occupancy is just a sketch between the Tattoo Shop and Planner Retzlaff
- A plan for a fence and type of fence is to be submitted prior to occupancy
- The installation of the fence is to be done within 90 days
- There is no occupancy permit required
- This will not be tied to the occupancy.

**On the amendment made by Trustee Baum, all present voted aye excepting Wing, Vanderheiden and Wolter. Motion carried.**

Discussion:

- There should be lights to make the parking lot brighter
- The light that is there is not adequate
- That light was there but the owner/operator would like to put up a different light that shines out and down

**Motion by Werderman second by Baum to amend the motion to state the owner/operator is to submit a plan with permanent lighting to the Planner and it shall be installed in 30 days. All present voted aye to amend. Motion carried.**

Discussion:

- The hours are 10:00 a.m. to 10:00 p.m.
- Wisconsin law dictates the hours

**Motion by Werderman second by Zabel to amend the motion to add to the CUP the hours are to be 10:00 a.m. – 10:00 p.m. Tuesday through Sunday. All present voted aye to amend, excepting Hughes nay. Motion carried.**

**Roll call vote was taken on the original motion as amended with Baum, Hughes, Kaminski, Vanderheiden, Wing and Wolter voting aye, Ewert, Werderman and Zabel nay. Motion carried.**

**BLACKSTONE CREEK PLANNED DEVELOPMENT DISTRICT (PDD) AMENDMENT; RIVER LANE HOLDINGS LLC; THE GLEN AT BLACKSTONE CREEK (RIVER LANE) Motion by Zabel second by Vanderheiden to postpone this matter until the next Village Board meeting. All present voted aye. Motion carried.**

**ZONING CODE TEXT AMENDMENT- VILLAGE OF GERMANTOWN; SECTION 17.61 (HOME OCCUPATIONS)**

**Motion by Baum second by Ewert to adopt the Zoning Code amendment. All present voted aye. Motion carried.**

**CERTIFIED SURVEY MAP (CSM)- VILLAGE OF GERMANTOWN; GERMANTOWN BUSINESS PARK (EISENHOWER DRIVE)**

**Motion by Baum second by Ewert to accept the CSM. All present voted aye. Motion carried.**

**APPOINTMENT OF BRUCE WARNIMONT TO THE PARK AND RECREATION COMMISSION TO FILL THE UNEXPIRED TERM ENDING 4/30/2013 OF DR. ERDMAN**  
Motion by Vanderheiden second by Baum to appoint Bruce Warnimont to the Park and Recreation Commission. All present voted aye. Motion carried.

**ADJOURN INTO CLOSED SESSION PER WI. SS 19.85 (E) FOR THE PURPOSE OF DELIBERATING OR NEGOTIATING THE ACQUISITION OF PROPERTY IN PARTNERSHIP OR COOPERATION WITH THE GREENSEAMS PROGRAM OF THE CONSERVATION FUND, DUE TO COMPETITIVE AND/OR BARGAINING REASONS REQUIRING SUCH CLOSED SESSION;**

**AND**

**FOR THE PURPOSE OF APPROVING CLOSED SESSION MINUTES OF FEBRUARY 6, 2012**

Motion by Baum second by Zabel to adjourn into closed session per the above Stats. Roll call vote was taken, all present voted aye. Motion carried.

It is noted at this time, Clerk Knaack was excused and the remaining minutes were taken by Administrator Schornack.

**RECONVENE INTO OPEN SESSION**  
**DISCUSS, DEBATE OR TAKE ACTION WITH RESPECT TO ANY ASPECT OF THE ABOVE MATTERS AS MAY BE NECESSARY**

**APPROVE CLOSED SESSION MINUTES OF FEBRUARY 6, 2012**

The Board reconvened into open session at 11:55 p.m.

**Motion by Werderman second by Baum to approve the closed session minutes. All present voted aye. Motion carried.**

**ADJOURNMENT**

The meeting was adjourned at 11:56 p.m.

Respectfully submitted,

Elizabeth Knaack  
Village Clerk