

**VILLAGE OF GERMANTOWN
VILLAGE BOARD
MEETING MINUTES
August 20, 2012**

CALL TO ORDER: The meeting was called to order at 7:03 p.m. by President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Daniels, Ewert, Hughes, Vanderheiden, Werderman and Zabel. Also present Administrator Schornack, Attorney Sajdak, Planner/Zoning Administrator Retzlaff, DPW Ludwig, Communications Supervisor Schmidt, and Acting Clerk Micka. Absent and excused: Trustee Kaminski.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter reported that the watering ban was lifted to an alternative schedule of odd/even days. Also, the burning ban has been lifted, and if permits are needed, residents should contact the Village Hall or the Clerk's Office.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST /

COMMITTEE REPORTS: Trustee Zabel reported that the General Government and Finance Committee will meet Tuesday, August 28th at 5:00 p.m.; Trustee Ewert reported that the Public Works and Highways Committee will meet Tuesday, September 4th at 4:00 p.m.; and Trustee Werderman reported that Public Safety Committee will meet on Monday, September 10th at 5:00 p.m. and the Historic Preservation Commission will meet on Monday, September 17th at 6:00 p.m.

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

Debra Koeferl, 2908 County Line Road, Colgate, addressed the Board and requested that the liquor license application for County Line BP be denied. She cited issues with robberies, burglaries, and a high traffic area.

Rich Vachalek, W163 N10467 Ridgeview Lane, addressed the Board regarding an ordinance relating to swimming pools that is on the agenda. He expressed concerns with a next door neighbor's inflatable pool. He has complained to the Village and the Police, and the Planner had stated that a fence was needed around the pool. He expressed concerns with noise and asked that the Village enforce the ordinance regulations, instead of changing the rules.

John Pluta, W163 N10455 Ridgeview Lane, addressed the Board and commended the General Government & Finance Committee for allowing the ordinance amendment for Section 14.09 to be brought forward. He reviewed the proposed ordinance, and had two suggestions for changes: 14.09(3) construction requirements, (a), he requested that the requirement of five feet from any lot line or building be removed; and 14.09(3) construction requirements, (e), he stated that this is covered under the state electrical code.

Jane Kyle, W220 N9706 Amy Belle Road, addressed the Board and requested that the liquor license application for County Line BP be denied. She cited many issues with the property, including a leak in the tank, many burglaries, non-compliance with cigarette sales, there is only one employee working at any time, there are no windows in the back, and the property is not maintained.

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Debi Vachalek, W163 N10467 Ridgeview Lane, addressed the Board regarding an ordinance relating to swimming pools that is on the agenda. She expressed concerns with enforcement of the code, the pool next door is not temporary, water runs in their yard, and she asked the Board to enforce the code.

Carol Vachalek, W150 N10169 Summer Hill Ct., addressed the Board regarding an ordinance relating to swimming pools that is on the agenda. She was speaking for her son and daughter-in-law and stated that noise from the neighbor's pool affects their family gatherings and the pool is five feet from her son's house.

John Pluta addressed the concerns from their neighbor. He stated that they have dealt with issues with this neighbor, the police have been called to his house during the day, his children behave in a normal fashion, and he is trying to help the village pass an ordinance that is enforceable.

Carol Vachalek stated that her son has health issues and cannot rest with the windows open due to the noise from the neighbor's pool.

CONSENT AGENDA:

A. MINUTES:

1. Regular meeting of August 6, 2012

B. ACCOUNTS PAYABLE/PAYROLL:

1. August 10, 2012 Accounts Payable \$846,083.47
2. August 14, 2012 Payroll (Hourly & Salary) \$304,509.17

C. OPERATOR (BARTENDER) LICENSES: New for the period ending June 30, 2013 to: Judy A. Arnold, Tara M. Boelter, Paula M. Cibik, Sandra M. Comerford, Agigail L. Croft, Bobbi Jo Gabrielsen, Morgan E. Kocan, and Jordan W. Stephan.

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

D. NEW CLASS "A" FERMENTED MALT BEVERAGE LICENSE – KWIK TRIP, INC., D/B/A KWIK TRIP #631, W188 N10963 Maple Road, Bethany A. Ohde, Agent.

E. NEW "CLASS A" FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR LICENSE – COLGATE GAS, INC., D/B/A COUNTY LINE BP, N96 W21962 County Line Road, Didar Singh, Agent.

F. AMENDMENT TO "CLASS B" FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR LICENSE – MAPLE ROAD, LLC, D/B/A BUZDUM'S PUB – Outside Premise Extension for Snapper Fest, W188 N10515 Maple Road, Friday, September 7, 2012; Saturday, September 8, 2012; and Sunday, September 9, 2012 from 6:00 p.m. to 1:00 a.m., Kristen Montini, Agent.

G. NEW DANCE LICENSES:

1. ST. BONIFACE CONGREGATION – PARISH FESTIVAL, W204 N11940 Goldendale Road, Saturday, September 1, 2012 from 4:00 p.m. to 11:30 p.m. and Sunday, September 2, 2012 from 10:00 a.m. to 11:00 p.m., John Doyle, Agent.

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2. **MAPLE ROAD, LLC, D/B/A BUZDUM'S PUB – Snapper Fest, W188 N10515 Maple Road, Friday, September 7, 2012; Saturday, September 8, 2012; and Sunday, September 9, 2012 from 6:00 p.m. to 1:00 a.m., Kristen Montini, Agent**

3. **GERMANTOWN HISTORICAL SOCIETY – Dheinsville Oktoberfest, Dheinsville Park, Saturday, September 29, 2012 and Sunday, September 30, 2012 from 11:00 a.m. to 12:00 a.m., Jeffrey J. Dhein, Agent.**

H. **CROSS MATCH FINGERPRINT SCANNER REPLACEMENT PURCHASE – Police Department at a cost of \$13,940.61.**

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

I. **ACCEPTANCE OF EASEMENT – MEADOW CREEK CROSSING STORM SEWER EXTENSION**

J. **PRELIMINARY ADOPTION OF MENOMONEE RIVER WATERSHED-BASED WPDES PERMIT**

K. **AWARD OF CONTRACT – DONGES BAY ROAD CULVERT**

L. **APPROVAL OF CHANGE ORDER – 2012 ROADS – FOREST HEIGHTS SUBDIVISION**

M. **APPROVAL OF CHANGE ORDER – 2012 ROADS – HAPPY HOLLOW SUBDIVISION**

N. **AWARD OF CONTRACT – MEADOW CREEK CROSSING STORM SEWER EXTENSION**

O. **AUTHORIZATION TO PURCHASE LOADER TIRES**

P. **APPROVAL OF CONTRACT WITH BAST AUCTION SERVICE**

Motion Ewert, second Vanderheiden, to approve the Consent Agenda Items A through P.

Motion Vanderheiden, second Zabel, to pull Item E, Liquor License for Colgate Gas, Inc., from the Consent Agenda.

President Wolter requested that Items L & M, Approval of Change Order for Forest Heights and Happy Hollow Subdivisions, be pulled from the Consent Agenda.

Roll call vote on Consent Agenda removing Items E, L, and M:

Ayes: Baum, Daniels, Ewert, Hughes, Vanderheiden, Werderman, Zabel, Wolter.

Nays: None.

Absent: Kaminski.

Motion carried. Ayes: 8. Nays: 0. Absent: 1.

NEW "CLASS A" FERMENTED MALT BEVERAGE AND INTOXICATING LIQUOR LICENSE – COLGATE GAS, INC., D/B/A COUNTY LINE BP, N96 W21962

County Line Road, Didar Singh, Agent: This item was pulled from the Consent Agenda to give the applicant an opportunity to show he can operate the business with respect to those that spoke during public input. The applicant was not present to discuss the issues brought forward.

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Motion Werderman, second Vanderheiden, to approve the license application for Colgate Gas, Inc.

Motion Hughes, second Baum, to postpone action on the application and forward to the Public Safety Committee meeting on September 10th to meet with the agent to address concerns with the application. Motion carried without negative vote.

**APPROVAL OF CHANGE ORDER – 2012 ROADS – FOREST HEIGHTS
SUBDIVISION AND APPROVAL OF CHANGE ORDER – 2012 ROADS – HAPPY**

HOLLOW SUBDIVISION: DPW Ludwig answered questions from the Board regarding the change orders for these two projects due to unsuitable soils.

Motion Zabel, second Ewert, to approve the Change Orders for 2012 Roads for the Forest Heights Subdivision and Happy Hollow Subdivision.

Roll call vote:

Ayes: Baum, Daniels, Ewert, Hughes, Vanderheiden, Werderman, Zabel, Wolter.

Nays: None.

Absent: Kaminski.

Motion carried. Ayes: 8. Nays: 0. Absent: 1.

APPOINTMENTS: COMMISSIONS/BOARDS/COMMITTEES:

1. ***Tourism/Community Betterment Committee:*** Trustee Vanderheiden will remain as the Trustee Representative on the Committee.

2. ***Board of Review:*** 2 Citizen Alternates – 5 Year Term:

President Wolter recommended the appointment of Ralph Simoneau as an alternate on the Board of Review.

Motion Ewert, second Vanderheiden, to approve the appointment of Ralph Simoneau as an alternate on the Board of Review. Motion carried without negative vote.

5. ***Ethics Board:*** 1 Citizen Alternate – 3 Year Term (no appointments).

6. ***Utility Advisory Committee:*** (no appointments).

1 Citizen Financial/Accounting Appointee – 3 Year Term

1 Citizen Engineer/Mechanical Appointee – 3 Year Term

7. ***Economic Development Committee:*** 1 Citizen Member – 2 Year Term

President Wolter recommended the appointment of William Okrepkie to the Economic Development Committee.

Motion Ewert, second Zabel, to approve the appointment of William Okrepkie to the Economic Development Committee. Motion carried without negative vote.

APPROVE TENDER OF \$10,000 FOR EMINENT DOMAIN JURISDICTIONAL OFFER FOR "GERMANTOWN SWAMP":

Attorney Sajdak reviewed this issue with the Board. The appraised value for the 10 acre parcel in Wilderness Park (Germantown Swamp) that the Village does not own is \$10,000. Attempts were made to identify individual heirs to the property, and the offer of \$10,000 would be filed with Clerk of Court. If heirs were to come forward, they would have two years to dispute the amount of compensation, but is unlikely that anyone would contest the value of the property.

Discussion followed, noting this would clean up the records, nothing has been done on the property, and it is very unlikely that heirs would come forward.

Attorney Sajdak explained the three steps in the process: negotiation (there was no negotiation); formal jurisdictional offer; and award of damages. A check will be sent to the Clerk of Courts, the property now belongs to the Village, and the award document is the deed.

Motion Zabel, second Baum, to approve the tender of \$10,000 for eminent domain jurisdictional offer for "Germantown Swamp" as presented by staff.

Roll call vote:

Ayes: Daniels, Ewert, Werderman, Zabel, Wolter.

Nays: Baum, Hughes, Vanderheiden.

Absent: Kaminski.

Motion carried. Ayes: 5. Nays: 3. Absent: 1.

ORDINANCE #19-12 AMENDING SECTION 14.09 OF THE MUNICIPAL CODE AS IT PERTAINS TO TEMPORARY SWIMMING POOLS: ***Motion Vanderheiden, second Zabel, to approve Ordinance #19-12 amending Section 14.09 of the Municipal Code.***

The ordinance amendment was brought before the General Government & Finance Committee, since the current ordinance does not describe temporary pools. It was noted that many residents have not obtained permits for temporary pools, and the ordinance amendment will bring the code into compliance with the market.

Motion Zabel, second Vanderheiden, to remove (e) under 14.09 Private Swimming Pools, (3) Construction Requirements, as this is covered under the electrical code.

Attorney Sajdak noted that the electrical code could change and allow that possibility.

Motion carried without negative vote.

Discussion followed, noting that ordinances are written to eliminate neighborhood nuisances; concerns with safety issues; the definition of pools will include temporary pools, the current code is out of date, and pools are becoming very large. Discussion continued on the requirement that swimming pools shall not be less than 5 feet from any lot line or building.

Motion Ewert, second Baum, to amend the motion under 14.09(3)(a), to state that temporary pools shall not be less than 15 feet from any lot line or building.

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Discussion followed, noting that 15 feet is more stringent than for sheds, if we are creating an ordinance for temporary pools, and definitions of "swimming pool" and "temporary pool".

John Pluta was recognized to speak. He asked the Board to reconsider the 15 feet requirement from the property line. He stated that his residence is zoned Rs-7 with an 80 foot wide lot. If he would need to move the pool, it would be in the middle of his patio as it requires level areas of the property.

Planner Retzlaff reviewed the definitions for setbacks on side or rear yards.

Motion to amend carried. Ayes: 6. Nays: 2 (Zabel, Wolter).

Roll call vote to approve motion as amended:

Ayes: Daniels, Ewert, Hughes, Vanderheiden, Werderman.

Nays: Baum, Zabel, Wolter.

Absent: Kaminski.

Motion carried. Ayes: 5. Nays: 3. Absent: 1.

CANCELLATION OF SEPTEMBER 3, 2012 VILLAGE BOARD MEETING DUE TO THE LABOR DAY HOLIDAY: *Motion Vanderheiden, second Baum, to cancel the September 3, 2012 Village Board meeting due to the Labor Day Holiday. Motion carried without negative vote.*

There being no further business, the meeting was adjourned at 8:50 p.m.

Respectfully Submitted,

Christine M. Micka, CMC/WCMC
Acting Village Clerk