

**VILLAGE OF GERMANTOWN  
VILLAGE BOARD MEETING MINUTES  
JANUARY 7, 2013**

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

**ROLL CALL:** President Wolter, Trustees Daniels, Hughes, Kaminski, Vanderheiden, Werderman and Zabel. Trustees Baum and Ewert absent and excused. Also present: Administrator Schornack, Attorney Sajdak, Planner Jeff Retzlaff, DPW Director Dan Ludwig, Engineer Brionne Bischke, and Clerk Goeckner. Trustee Werderman arrived at 7:02 pm.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.

**PRESIDENT'S REPORT:**

President Wolter presented award given to Village by MMSD for ground breaking work for first watershed permit. This is an agreement with 11 different governmental bodies and first agreement of this kind across the country.

**ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS:** Upcoming meetings were announced.

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

**CONSENT AGENDA:**

- A. **MINUTES:** December 17, 2012
- B. **ACCOUNTS PAYABLE/PAYROLL**
- |                   |                  |               |
|-------------------|------------------|---------------|
| December 18, 2012 | Payroll (hourly) | \$ 210,476.92 |
| December 25, 2012 | Accounts Payable | \$ 107,409.15 |
| December 31, 2012 | Payroll (salary) | \$ 78,650.49  |
- C. **OPERATOR (BARTENDER) LICENSES** – New for the period ending June 30, 2013, Kalpana Khanal Adhikari, Brian J. Burgardt, Robert A. Burmeister, Kelly A. Garcia, Nirlap Kaur, Sumanpreet Kaur, Cynthia C. Nelson and Alyson A. Piantino

**MOTION (Vanderheiden/Kaminski) approve Consent Agenda Items B-C, all in favor, motion carried.** Trustee Zabel requested to pull Item A – Minutes. **MOTION (Zabel/Vanderheiden) to approve minutes for December 17, 2012 with correction on page 6 to typo stating SCM should be CSM, all in favor, motion carried.**

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

- A. **KEVIN & DONNA NASH, PROPERTY OWNERS TO REZONE A PORTION OF THE FOLLOWING DESCRIBED PROPERTY FROM THE RS-3; SINGLE-FAMILY DISTRICT TO THE RS-4: SINGLE-FAMILY DISTRICT PURSUANT TO SECTIONS 17.17 OF THE VILLAGE ZONING CODE ON TAX KEY NO. 252-995, A PARCEL OF LAND LOCATED IN THE SW ¼ OF THE NW ¼ OF SECTION 25, T9N, R20E, VILLAGE OF GERMANTOWN;** Planner Jeff Retzlaff presented the request for rezoning and CSM. Plan Commission recommends approval with conditions, which have been satisfied. President Wolter opened the public hearing at 7:12 p.m. No one to speak for or against, public hearing closed at 7:13 p.m.
- B. **JON GUENTHER, AGENT, FOR CHARLES AND SUSAN RUSCH, PROPERTY**

**OWNERS TO REZONE A PORTION OF THE FOLLOWING DESCRIBED PROPERTY FROM THE A-1: AGRICULTURAL DISTRICT TO THE A-2: AGRICULTURE DISTRICT PURSUANT TO SECTIONS 17.13 OF THE VILLAGE ZONING CODE ON TAX KEY NO. 022-997, A PART OF THE NW1/4 OF SECTION 2, T9N, R20E, VILLAGE OF GERMANTOWN;** Planner Retzlaff presented the request for rezoning and CSM to create two parcels. Plan Commission recommendation is to approve, subject to conditions which have both been satisfied. President Wolter opened the public hearing at 7:16 p.m. No one to speak for or against, public hearing closed at 7:17 p.m.

- C. **KEVIN BEHNKE, PROPERTY OWNER AND AGENT FOR APPLE WORKS WINERY LLC, FOR A CONDITIONAL USE PERMIT FOR THE OPERATION OF A WINERY IN THE A-2: AGRICULTURAL DISTRICT ON THE PROPERTY AT W179 N12536 FOND DU LAC AVE (PARCEL ID#161-976), VILLAGE OF GERMANTOWN;** Planner Retzlaff presented the request for Conditional Use Permit for operation of a Winery. Plan Commission recommends to approve, subject to standard conditions and 7 specific conditions. President Wolter opened the public hearing at 7:22 p.m.
- D. Steven Schultz, W177N12607 De La Court stated he is not against this but against any alcohol being served on the premises. Doesn't feel another alcohol related business in the area is needed.  
Randy Stanossek, W177N12601 De La Court repeated the same concerns as Steven Schultz.  
Gary Schwind, W177N15286 Apple Blossom Lane stated he does not object to winery or orchard but has concerns of entertainment, music, bands etc. Moved out there for the quiet area.  
Kevin Behnke, W179 N12536 Fond du Lac Ave. applicant, made presentation. Concerns are legitimate. Winery is a lot different than a bar and caters to people who will not be out that late at night. Patio is at least ¼ mile away from any residence. Have planted trees to isolate property. Not serving hard alcohol and will only go until 9 p.m. Will have to apply for permits for live music etc.  
Public hearing closed at 7:31 p.m.
- E. **MUNICIPAL CODE TEXT AMENDMENT TO SECTION 29 (CONSTRUCTION SITE EROSION CONTROL), OF THE VILLAGE OF GERMANTOWN MUNICIPAL CODE;** Brionne Bischke presented code text amendment to Section 29. Realigning ordinances accordingly since state reorganized the code. Sought to simplify things. Proposing to do abbreviated plans for smaller development or builders vs. large developers and make them more practical. Public hearing opened at 7:35 p.m. No one to speak for or against, public hearing closed at 7:36 p.m.

**NEW BUSINESS:**

- A. **REQUEST TO APPLY DOA REFUND TO NEW HVAC EQUIPMENT IN VILLAGE HALL**

DPW Director Dan Ludwig - Project of 2010, funds left over. State recommended finding another project to put funds toward instead of refunding it to them. We have 10 furnaces that are 15 years old and "residential" standard. Option #1 is preferred, for 2 complete furnaces with AC and 1 AC unit for zone 9 in Village Hall. Village share would be \$7,488. State share is over \$13,000. Option #2 for 7 furnaces and additional contribution of \$378 for a total of \$7,866. Staff recommends taking advantage of the

DOA's offer to upgrade the HVAC equipment having a long maintenance record in Village Hall. All projects must be complete and run through DOA by March 31, 2013. **MOTION (Zabel/Kaminski) to approve option #1 to purchase 2 complete furnaces with AC and 1 AC unit for zone 9 for \$7,488.** Discussion of furnace types and specifications for building, maintenance schedule. Funds would come from Building Maintenance account. Having less service charges over time will make up the cost. **Roll call vote, all in favor, motion carried.**

**B. RESOLUTION NO. R01-13, 2013 SALARY RESOLUTION**

**MOTION (Zabel/Vanderheiden) to approve Resolution No. R01-13, Salaries and Compensation for Exempt Salaried and Other non-Represented Support Staff, Calendar Year 2013.** Discussion: clarification there are no increases and everything is the same, telecommunications, payments to Chair of Board of Zoning Appeals is less than other Chair's. **MOTION (Zabel/Vanderheiden) amend motion to pay all committee Chairs the same, at \$25/meeting, all in favor, amendment to motion carried. By roll call vote, all in favor, motion as amended carried.**

**C. KEVIN & DONNA NASH, PROPERTY OWNERS PARCEL ID# 252-995, REZONING REQUEST & 2-LOT CERTIFIED SURVEY MAP**

**MOTION (Kaminski/Werderman) approve Kevin & Donna Nash, Property Owners Rezoning Request & 2-Lot Certified Survey Map as recommended. All in favor, motion carried.**

**D. JON GUENTHER, AGENT FOR CHARLES AND SUSAN RUSCH, PROPERTY OWNERS PARCEL ID# 022-997, REZONING REQUEST & 2-LOT CERTIFIED SURVEY MAP**

**MOTION (Hughes/Kaminski) approve Jon Guenther, Agent for Charles and Susan Rusch, Property Owners, Rezoning Request & 2-Lot Certified Survey Map.** Attorney Sajdak discussed the shed in the area intended to be dedicated for right of way. **MOTION (Zabel/Vanderheiden) to add language to CSM that all existing buildings within new right of way to be razed at owners expense in the event it becomes necessary. All in favor of amendment, motion carried. All in favor of original motion as amended, motion carried.**

**E. KEVIN BEHNKE, PROPERTY OWNER AND AGENT FOR APPLE WORKS WINERY LLC, FOR A CONDITIONAL USE PERMIT FOR THE OPERATION OF A WINERY ON THE PROPERTY AT W179 N12536 FOND DU LAC AVE, PARCEL ID#161-976**

**MOTION (Vanderheiden/Werderman) approve Kevin Behnke, Property Owner and Agent for Apple Works Winery LLC, for Conditional Use Permit for the Operation of a Winery, as brought forward and recommended by Plan Commission.** Discussion: Operation hours, permit requirements for more than 50 people, alcohol licensing, bands/entertainment, area of winery. Alcohol license renewable annually and any issues could be dealt with then. Discussion of winery purchasing product from others and serving it. Attorney Sajdak – anything other than wine produced on property would require permit and wine on property requires permit as well. Trustee Werderman requested to strike the words 'produced on the winery property'. Attorney Sajdak suggested letting the permitting process fall out based on what he wants to provide. **MOTION (Werderman/Daniels) strike the words 'produced on the winery property'.**

Discussion of types of permits required and reasoning for amendment. **Motion to amend, 6 in favor, 1 opposed (Zabel), amendment to motion carried.** President Wolter verified those in audience who came forward had their concerns addressed. All indicated yes. **Motion as amended, all in favor, motion carried.**

**F. CHAPTER 29 – ORDINANCE REVISIONS, VILLAGE OF GERMANTOWN MUNICIPAL CODE**

**MOTION (Zabel/Hughes) approve ordinance revisions to Chapter 29. All in favor, motion carried.**

**MOTION (Vanderheiden/Zabel) ADJOURN INTO CLOSED SESSION PER WI SS. 19.85(1)(E) DELIBERATING OR NEGOTIATING THE ACQUISITION OF PUBLIC PROPERTY, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION: THE GERMANTOWN PROFESSIONAL POLICE ASSOCIATION LOCAL 306 UNION NEGOTIATIONS at 8:25 p.m., by roll call vote, all in favor, motion carried.**

There being no further business, the meeting was adjourned from closed session at 8:45 p.m.

Barbara K. D. Goeckner, MMC/WCPC  
Village Clerk