

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
JANUARY 21, 2013**

CALL TO ORDER: The meeting was called to order at 7:10 p.m. by President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Ewert, Daniels, Hughes, Kaminski, Vanderheiden, Werderman and Zabel. Also present: Administrator Schornack, Attorney Sajdak, Planner Jeff Retzlaff, DPW Director Dan Ludwig, Park Interim Director Joe Masiarchin, Finance Director Kim Rath, Police Chief Pete Hoell, Lt. Mike Snow, Hwy. Supt. Jay Olszewski and Clerk Goeckner.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT:

President Wolter reminded the Board there would be a Special Board meeting on Monday, January 28th to hear parties in the public hearing for restaurant development for Buffalo Wild Wings and Olive Garden.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE

REPORTS: Upcoming meetings were announced. Trustee Vanderheiden encouraged groups that wish to come forward for funds through Tourism to submit their request to the Clerk's office. Clerk Goeckner explained the Clerk's office will now be entering in-office registrations and absentees into the Statewide Voter Registration System at the counter while the voter waits. This will take a little longer for the voter than what they are accustomed to and staff requests patience of the voters while we implement and get used to this new process.

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

CONSENT AGENDA:

A. **MINUTES:** January 7, 2013

B. **ACCOUNTS PAYABLE/PAYROLL**

1.	December 2012	Accounts Payable	\$ 156,859.23
2.	January 2, 2013	Payroll (hourly)	\$ 204,370.52
3.	January 10, 2013	Accounts Payable	\$ 1,217,003.87
4.	January 15, 2013	Payroll (hourly & salary)	\$ 272,052.27

C. **OPERATOR (BARTENDER) LICENSES** – New for the period ending June 30, 2013:
Cassandra L. Ellner, Christine M. Feuerstahler, Celena L. Marcy and Veronica J. Wetzel

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

D. **SQUAD PURCHASE – 2 CHEVROLET CAPRICE POLICE PATROL VEHICLES FOR \$26,908.00/SQUAD AND 1 CHEVROLET EXPRESS TRANSPORT VAN FOR \$22,465 FROM EWALD AUTOMOTIVE GROUP FOR A TOTAL OF \$76,281**

E. **“CLASS B” LIQUOR LICENSE APPLICATION WI PIGGY LLC: d/b/a BIER STUBE, N116 W15863 MAIN STREET, CHARLES HASTING, AGENT**

F. **“CLASS B” LIQUOR LICENSE APPLICATION WI PIGGY LLC: d/b/a JERRY'S OLD TOWN, N116 W16841 MAIN STREET, CHARLES HASTING, AGENT, CONDITIONAL UPON THE AVAILABILITY OF A LICENSE**

G. **“CLASS B” LIQUOR LICENSE APPLICATION GMRI, INC. d/b/a THE OLIVE**

CONSENT AGENDA - continued:

**GARDEN ITALIAN RESTAURANT #4467, N96 W17950 COUNTY LINE ROAD,
RUSSEL GUDEx, AGENT, CONDITIONAL UPON THE AVAILABILITY OF A LICENSE
AND SITE PLAN APPROVAL**

MOTION (Vanderheiden/Baum) to approve Consent Agenda, Items A-G, roll call vote, all in favor, motion carried.

UNFINISHED BUSINESS: None

PUBLIC HEARINGS – 7:00 P.M. OR LATER: None

NEW BUSINESS:

A. IN THE MATTER OF THE COMPLAINT AGAINST: TERKER EVERGREEN LIMITED LLC, HOLDER OF “CLASS B” ALCOHOL BEVERAGE LICENSES FOR JERRY’S OLD TOWN INN, KERRY L. TURNER, AGENT, PREMISES AT N116 W15841 MAIN STREET, AND VON ROTHENBURG, KERRY L. TURNER, AGENT, PREMISES AT N116 W15863 MAIN STREET, GERMANTOWN, WISCONSIN; HEARING PURSUANT TO WIS. STAT. § 125.12(2) AND §§12.02(1) AND (12) OF THE MUNICIPAL CODE OF THE VILLAGE OF GERMANTOWN, WISCONSIN

1. RULES OF EVIDENCE, BURDEN OF PROOF, IMPARTIAL DECISION-MAKER AND OTHER PROCEDURAL MATTERS.

2. HEARING PURSUANT TO WIS. STAT. §125.12(2)(b)1. OR 2. AND 3. THE VILLAGE BOARD MAY ENTER CLOSED SESSION DURING THE MEETING PURSUANT TO WIS. STAT. § 19.85(1)(a) TO DELIBERATE UPON ANY PROPOSED AND SUBMITTED STIPULATED DISPOSITION AND/OR UPON A FAILURE TO APPEAR OR THE CONCLUSION OF A HEARING TO DISCUSS ITS DETERMINATION, AND TO REENTER OPEN SESSION AT THE SAME PLACE THEREAFTER TO ACT ON SUCH MATTERS AS DISCUSSED THEREIN AS IT DEEMS APPROPRIATE.

Attorney Sajdak noted neither the holder of the licenses nor a representative stepped forward for the matter. He explained §125.12(2)(b)(1), provides that if licensee does not appear as required by the summons and complaint, it shall be taken as truth and if the Board finds the allegation sufficient, the licenses shall be revoked. The Clerk shall give notice to the party that the licenses have been revoked. Attorney Sajdak referred the Board to the complaint and asked the Clerk if she was aware whether or not Mr. Turner had been served with the documentation and the Clerk answered ‘Yes, I am.’. The question to the Board is that each of the allegations within the complaint are to be taken as proof, and in essence, the licensee does not hold a valid Wisconsin Sellers Permit and the licensee has not paid for the licenses that were granted for this license year and these are sufficient grounds to revoke said licenses. **MOTION (Zabel/Kaminski) to revoke the two licenses for Terker Evergreen Limited LLC, D/B/A Jerry’s Old Town Inn and Von Rothenburg, Kerry L. Turner Agent. Discussion. By roll call vote, all in favor, motion carried.**

B. RESCHEDULE FEBRUARY 18, 2013 AND APRIL 1, 2013 VILLAGE BOARD MEETINGS DUE TO ELECTIONS

MOTION (Ewert/Kaminski) to change the dates of the February 18th and April 1st, 2013 Village Board meetings due to the Elections. Discussion.

MOTION (Zabel/Kaminski) to amend the motion to change the meeting dates to February 25th and April 16th, with only one meeting in April. All in favor of the amendment, motion carried. All in favor of the motion as amended, motion carried. The April 16th meeting is a Tuesday and is also the annual Reorganizational meeting.

MOTION (Werderman/Baum) to move Item D to the next item, all in favor, motion carried.

D. CONSIDERATION OF CLAIM FROM DAVID AND SALLY LARSON, 07/20/2012

Attorney Sajdak provided the background for the claim which was turned over to the Village's insurance company after he reviewed the documentation between the Larson's and Department of Public Works Director Dan Ludwig, in which the request from the Larson's went through the process of Administrative review by Mr. Ludwig. The insurance company's recommendation was for disallowance of the claim. Mr. & Mrs. Larson came forward and provided their information to the board on the background of their request. Discussion. **MOTION (Kaminski/Zabel) to refer the item back to the Public Works Committee and have Village staff present to provide additional information.** Discussion. Public Works Committee can make a recommendation to the Village Board to be taken up at the February 25th meeting. **All in favor, motion carried.**

C. CONFIRM 2013 CAPITAL PROJECT ITEMS

Finance Director Kim Rath presented the list of 2013 Capital Project items for affirmation from the board as to what is staying on this list. Discussion of carryovers and projects with unused funds, other funds made available, videos for squads, security upgrade, road projects, debt service, borrowing, camera controls at Appleton Avenue.

MOTION (Zabel/Kaminski) to remove the Hwy Q & M traffic control cameras.

Discussion. **5 in favor, 4 opposed (Baum, Daniels, Hughes & Wolter), motion carried.**

MOTION (Zabel) to remove mini-excavator. No second. Motion fails for lack of a second.

Discussion of Fire Department equipment maintenance agreement for EKG, oxygen level monitors etc., Meadow Creek storm sewer.

MOTION (Ewert/Baum) to approve the capital projects list excepting the traffic control cameras for Hwys. Q & M, 8 in favor, 1 opposed (Zabel), motion carried.

MOTION (WERDERMAN/KAMINSKI) to adjourn into closed session per WI §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: Potential land sale agreement in the Germantown Business Park, at 8:25 p.m., by roll call vote, all in favor, motion carried.

ADJOURNMENT: MOTION (Baum/Werderman) to adjourn from closed session at 8:57 p.m., all in favor, motion carried.