

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING
MINUTES
MAY 20, 2013**

CALL TO ORDER: The meeting was called to order at 7:05 p.m. by President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Ewert, Hughes, Kaminski, Vanderheiden, Werderman and Zabel. Trustee Daniels was absent and excused. Also present: Administrator Schornack, Attorney Sajdak, Planner Jeff Retzlaff, Engineer Brionne Bischke, Lynn Schmidt, Dale Stark, Matt Karpinski and Clerk Goeckner.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT:

President Wolter thanked all who planned, set up, worked and attended the Mai Fest event. Friday, Saturday and Sunday were all well attended and it was a successful event.

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:

Board member consensus for those that are here to speak on the item under Unfinished Business is that they speak during that time.

CONSENT AGENDA:

A. ACCOUNTS PAYABLE/PAYROLL

1.	April 2013	Accounts Payable	\$	93,269.28
2.	May 7, 2013	Payroll (hourly)	\$	213,979.66
3.	May 10, 2013	Accounts Payable	\$	948,893.81
4.	May 15, 2013	Payroll (salary)	\$	76,955.57

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

B. APPROVE SERVER REPLACEMENT PURCHASE, POLICE DEPARTMENT, INCLUDING ALL HARDWARE, SOFTWARE, ADDITIONAL COMPONENTS, INSTALLATION AND CONFIGURATION FOR A TOTAL COST OF \$17,168.00 FROM SCHULTZ-BERNSTEIN AND ASSOCIATES AND AN ADDITIONAL \$2,500 FOR PRO-PHOENIX TO MOVE ALL THEIR PROPRIETARY SOFTWARE AND ITS CONFIGURATION.

C. AMUSEMENT ARCADE LICENSE RENEWALS:

1. Barley Pop Brew Haus LLC, d/b/a Barley Pop Pub & Restaurant, N116 W16137 Main Street, 16 devices
2. Bubs on Main LLC, d/b/a Bubs Irish Pub, N116 W16218 Main Street, 15 devices
3. Maple Road, LLC, d/b/a Buzdum's Pub, W188 N10515 Maple Road, 10 devices
4. Eastern Kettle Moraine Moose Lodge, d/b/a E.K.M. Moose Lodge #1238, W198 N10217 Appleton Avenue, 13 devices
5. JK GAM, LLC, d/b/a Gamroth's Kuhburg Junction, W140 N10385 Fond du Lac Avenue, 8 devices
6. Northridge Automotive Enterprises, Inc., d/b/a Ivey's at Main, W157 N11618 Fond du Lac Avenue, 8 devices

CONSENT AGENDA continued:

7. Robin Bird LLC, d/b/a Sports Corner Bar & Grill, W187 N12793 Fond du Lac Avenue, 14 devices

D. LIQUOR LICENSE RENEWALS (INCLUDES ALL OUTSIDE PREMISES EXTENSIONS):

D-a "Class B" Fermented Malt Beverage and Intoxicating Liquor Licenses

1. Aldo's Pizza & Pub, LLC, Dwayne Ketterer, Agent, 584 Jordan Circle, Colgate, WI, 53017, d/b/a **Aldo's Pizza & Pub**, W156 N11058 Pilgrim Road, Germantown, WI, 53022. (includes an outside dining area of approximately 30 feet in front of building to be open until 10:00 p.m.; an outside extension into the parking lot for a Classic Car Cruise Night on Tuesdays from 5:00 p.m. to 9:00 p.m. from May 30, 2013 through September 30, 2013 and from May 30, 2014 through June 30, 2014; and a tailgate party prior to a Green Bay Packer Sunday game in the parking lot from 10:00 a.m. to 7:00 p.m.).
2. Barley Pop Brew Haus, LLC, Deborah Reinbold, Agent, 1388 Parkview Drive, Hubertus, WI, 53033, d/b/a **Barley Pop Pub & Restaurant**, N116 W16137 Main Street, Germantown, WI, 53022. (includes Brew Haus and fenced outside extension on north side of building to be open until 10:00 p.m. and outside extension July 4, 2013 from the east end of the building to the western end, all the way to the sidewalk, during the July 4th parade beginning at noon)
3. Blackstone Creek Golf Club Ltd., Troy D. Schmidt, Agent, N105 W14467 Wilson Circle, Germantown, WI 53022, d/b/a **Blackstone Creek Golf Club**, N112 W17300 Mequon Road, Germantown, WI 53022. (includes golf course property of 180 acres)
4. Bubs on Main, LLC, Scott H. Pecor, Agent, 306 W. Ravine Baye, Bayside, WI, 53217, d/b/a **Bubs Irish Pub**, N116 W16218 Main Street, Germantown, WI, 53022.
5. Blazin Wings, Inc., Daniel T. Collicott, Agent, 2607 Olive Street, Racine, WI 53403. d/b/a **Buffalo Wild Wings**, N96 W17960 County Line Road, Germantown, WI 53022 (includes attached patio with hours restricted between 10:00 p.m. and 8:00 a.m.)
6. Maple Road, LLC, Radomir Buzdum, Agent, 1004 Labaree Street, Watertown, WI, 53098, d/b/a **Buzdum's Pub**, W188 N10515 Maple Road, Germantown, WI, 53022. (Includes an outdoor patio area)
7. EJR Dining III, Inc., Paul S. Thompson, Agent, 6812 W. Grayhawk Court, Franklin, WI 53132, d/b/a **Chili's Grill & Bar**, N96 W18640 County Line Road, Germantown, WI 53022.
8. Eastern Kettle Moraine Moose Lodge #1238, Charles A. Jewell, Agent, W167 N11544 Bishop Drive, Germantown, WI 53022, d/b/a **E.K.M. Moose Lodge #1238**, W198 N10217 Appleton Avenue, Germantown, WI 53022. (includes outside extension not fenced (480' x 525') open area for Lodge picnics including buildings to be open until 10:00 p.m.)
9. JK GAM, LLC, Jon R. Gamroth, Agent, N104 W15303 Donges Bay Road, Germantown, WI 53022, d/b/a **Gamroth's Kuhburg Junction**, W140 N10385 Fond du Lac Avenue, Germantown, WI 53022. (Includes outdoor premise extension in a 20' x 30' tent on Saturday, July 13, 2013 from 2:00 p.m. to 10:00 p.m.)
10. Germantown American Legion Post #1, Inc., James A. Heiman, Agent, 2584 Country Aire, Cedarburg, WI 53012, d/b/a **Germantown American Legion Post**

CONSENT AGENDA continued:

#1, N120 W15932 Freistadt Road, Germantown, WI 53022.

11. Northridge Automotive Enterprises, Inc., David L. Iverson, Agent, N166 W19523 Ravens Way, Jackson, WI 53037, d/b/a **Ivee's at Main**, W157 N11618 Fond du Lac Avenue, Germantown, WI 53022. (includes 6' x 40' concrete outside patio in front of building).

D-b. **"Class B" Fermented Malt Beverage and Intoxicating Liquor Licenses**

1. WI Piggy LLC, Charles B. Hastings, Agent, 11310 W. Silver Spring Road, Milwaukee, WI, 53225, d/b/a **Jerry's Old Town**, N116 W15841 Main Street, Germantown, WI, 53022. (Includes outdoor 28' x 12' deck, open until 10:00 p.m.)
2. Kim and Jon LLC, Kim A. Gamroth, Agent, N104 W15303 Donges Bay Road, Germantown, WI 53022, d/b/a **KJ's Bar and Grill**, N112 W21209 Mequon Road, Germantown, WI, 53022. (Includes outside 15' x 25' deck and 8' x 28' side patio to be open until 10:00 p.m., and outside parties in a 20' x 30' tent on the west end of building, east end of parking lot on Saturday, August 24, 2013 and Saturday, September 14, 2013 from 2:00 p.m. to 10:00 p.m.)
3. Lone Star, LLC, Karen Ann Pritzlaff, Agent, W204 N11912 Goldendale Road, Germantown, WI 53022, d/b/a **Lone Star**, W204 N11912 Goldendale Road, Germantown, WI 53022. (includes horseshoe courts, path, outside fenced area to be open until 10:00 p.m., and outside front porch area)
4. Metro Cigars, LLC, Jennifer Lynn Groh, Agent, 1671 Holy Hill Lane, Hubertus, WI 53033, d/b/a **Metro Cigars, LLC**, W182 N9606 Appleton Avenue #104, Germantown, WI 53022.
5. Nardo's, Inc., Christopher R. Mastronardo, Agent, 445 Wildwood Ridge, Colgate, WI, 53017, d/b/a **Nardo's Passport Inn**, W204 N11498 Goldendale Rd., Germantown, WI 53022. (includes 8' x 55' outside area to be open until 10:00 p.m.)
6. GTown Pub, LLC, Craig Braidigan, Agent, 2385 Scenic Hill Trail, Richfield, WI, 53076, d/b/a **The Public House**, W201 N10466 Appleton Avenue, Germantown, WI, 53022.
7. Riversbend Country Club, Inc., Charles L. Schmit, agent, N132 W18021 Rockfield Road, Germantown, WI, 53022, d/b/a **Riversbend Golf Club**, N96 W18034 County Line Road, Germantown, WI 53022. (includes outside deck, picnic shelter and screen porch to be open until 10:00 p.m.).
8. Robin L. Bird, LLC, Robin L. Bird, Agent, W188 N13367 Maple Road, Richfield, WI 53076, d/b/a **Sports Corner Bar & Grill**, W187 N12793 Fond du Lac Avenue, Germantown, WI 53022. (includes outside fenced beer garden and smoking room to be open until 10:00 p.m.)
9. Christine A. Brockman, W157 N11638 Fond du Lac Avenue, Germantown, WI 53022, d/b/a **Tiny T's**, W157 N11638 Fond du Lac Avenue, Germantown, WI 53022. (includes fenced outside premise on July 4, 2013).

D-c. **"Class B" Fermented Malt Beverage and Intoxicating Liquor Licenses**

1. WI Piggy LLC, Charles B. Hastings, Agent, 11310 W. Silver Spring Road, Milwaukee, WI, 53225, d/b/a **Von Rothenburg Bier Stube**, N116 W15868 Main Street, Germantown, WI, 53022. (includes outside fenced beer garden extended to parking lot open until 10:00 p.m.)

D-d. **Class "B" Fermented Malt Beverage and "Class C" Wine Licenses**

1. Zhengren Zheng, N111 W16424 Esquire Ct., Germantown, WI 53022, d/b/a **China Kitchen**, N112 W16560 Mequon Road, Germantown, WI 53022.

CONSENT AGENDA - continued:

2. Hung Hao LLC, Hung D. Lu, Agent, N109 W12628 Coneflower Cir., Germantown, WI 53022, d/b/a **Hung Hao Restaurant**, N112 W15800 Mequon Road, Germantown, WI 53022.

D-e. **Class "B" Fermented Malt Beverage Licenses**

1. Marko's Pizza of Germantown, Inc., Mark Caldwell, Agent, W145 N7149 Northwood Dr., Menomonee Falls, WI 53051, d/b/a **Marko's Pizza**, W156 N9664 Pilgrim Road, Germantown, WI 53022.
2. PH Germantown, LLC, Richard Tomczek, Agent, 11514 N. Buntrock Avenue, Mequon, WI 53092, d/b/a **Pizza Hut**, N112 W15800 Mequon Road, Germantown WI 53022.

D-f. **"Class A" Fermented Malt Beverage and Intoxicating Liquor Licenses**

1. Aldi Inc., Lucy E. Scharrer, Agent, 6152 St. Anthony Road, Allenton, WI, 53002, d/b/a **Aldi #67**, N96 W18838 County Line Road, Germantown, WI, 53022.
2. Cost Plus, Inc., Dean M. Zachman, Agent, 2627 N. 94th Street, Wauwatosa, WI, 53226, d/b/a **Cost Plus World Market**, N96 W18970 County Line Road, Germantown, WI 53022.
3. Colgate Gas, Inc., Didar Singh, Agent, W150 N7248 Paseo Lane, Menomonee Falls, WI 53051, d/b/a **County Line BP**, N96 W21962 County Line Road, Germantown, WI 53022.
4. Ultra Mart Foods, LLC., Patricia L. Chastain, Agent, W63 N238 Fairfield Street, Cedarburg, WI 53012, d/b/a **Pick 'n Save #6357**, N112 W16200 Mequon Road, Germantown, WI 53022.
5. 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.

D-g. **"Class A" Fermented Malt Beverage and Intoxicating Liquor Licenses**

1. Wal-Mart Stores East, LP, Travis J. Schmidt, Agent, 5500 – 70th Court, Kenosha, WI 53144, d/b/a **Wal-Mart Supercenter #1515**, W190 N9855 Appleton Avenue, Germantown, WI 53022.
2. Kalim Beg, 2715 W. Country Club Drive, Mequon, WI 53092, d/b/a **KAL Service Willow Creek BP**, W201 N10451 Appleton Avenue, Germantown, WI 53022.

D-h. **Class "A" Fermented Malt Beverage Licenses**

1. Kwik Trip, Inc., Bethany A. Ohde, Agent, 6639 W. Bonniwell Road, Mequon, WI 53097, d/b/a **Kwik Trip #631**, W188 N10963 Maple Road, Germantown, WI 53022.
2. B & B, Inc. of Milwaukee, Asif Vadsaria, Agent, W151 N11492 Potomac Cir., Germantown, WI 53022, d/b/a **Quick Pick Food Mart**, N128 W21760 Holy Hill Road, Germantown, WI 53022.
3. Speedway, LLC, Mary Jo Griggs, Agent, 623 S. Main Street, West Bend, WI 53095, d/b/a **Speedway #4465**, W178 N9653 Riversbend Lane, Germantown, WI 53022.

Clerk requests to pull Item D-b #2, liquor license for KJ's Bar & Grill to be approved pending payment of delinquent personal property taxes.

MOTION (Baum/Werderman) to pull item D-b #2, carried unanimously. MOTION (Vanderheiden/Zabel) to approve Consent Agenda Items A-D-h, excepting Item D-b#2, by roll call vote, motion carried unanimously. MOTION (Baum/Zabel) approve Consent Agenda Item D-b#2, pending payment of delinquent personal property taxes prior to issuance, carried unanimously.

UNFINISHED BUSINESS:

- A. RECOMMENDATION BY STATEWIDE SERVICES, INC. REGARDING CLAIM OF 2/23/13, DONNA PETER, W107N10524 BRIDLE PATH. MOTION (Hughes/Werderman) to go into closed session before those in attendance speak, as per WI. §19.85(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved and then re-enter open session to take such action as it deems appropriate. Discussion regarding new information they may bring. MOTION (Baum/Kaminski) to amend the motion to allow them to speak first then go into closed session, carried unanimously. Roll call vote on motion as amended, carried unanimously.**
Denise Learned – Bel Aire Lane provided written statement from Mr. Harold Lutz.
Angie Dempewolf – Appleton, WI provided updated information since last meeting.
The Board adjourned into closed session at 7:30 p.m.
Attorney Sajdak advised the Village Board.
Returned to open session at 8:10 p.m.
Motion from prior meeting to accept Statewide Services recommendation for disallowance. Reconsideration picks up at discussion.
Wyatt Wiehr N103 W16850 Wildrose Lane, Germantown – Spoke regarding similar situation.
Discussion:
Wiehr claim
Timeline once disallowance letter is sent
Angie Dempewolf – Appleton questions on timeline etc.
Possible request to insurance company
MOTION(Kaminski/Baum) to amend motion to send a letter to the insurance company for further consideration, carried unanimously. Original motion as amended, two opposed (Vanderheiden & Ewert), motion carried.
President Wolter called for a short recess at 8:32 p.m.
Village Board called back to order at 8:40 p.m.

PUBLIC HEARINGS – 7:00 P.M. OR LATER

- A. VILLAGE BOARD OF THE VILLAGE OF GERMANTOWN, PROPERTY OWNER: (1) A REZONING APPLICATION TO REZONE THE FOLLOWING DESCRIBED PROPERTY IN THE GERMANTOWN BUSINESS PARK FROM THE I: INSTITUTIONAL AND B-4: PROFESSIONAL OFFICE DISTRICTS TO THE M-1: LIMITED INDUSTRIAL DISTRICT PURSUANT TO SECTION 17.33 OF THE MUNICIPAL CODE: TAX KEY NO. 251-969 & 251-970 (24+ ACRES SOUTH OF MEQUON ROAD AND EAST OF EISENHOWER DRIVE.** Planner Retzlaff presented information on the request for Rezoning in the Germantown Business Park. Original plan limited retail commercial development along the corridor. Intention of office development in northerly portion and regulate access in the TIF area. Further initiated process of dividing land, developing roadway and preparing for development. DOT would only allow one access driveway along Mequon Road. Need to limit land set aside for office development because of lack of interest in that type of land. Results are as we see today, extension of Forest Drive known as Eisenhower Drive into Business Park, 28-29 acres rezoned into professional business district and other M-1 limited industrial area. 1.7 acre parcel rezoned in 2005 at Eisenhower & Mequon Road for water tower location. 2008 staff initiated proposal to create hybrid zoning district combining M-1 Industrial and B-4 Office Uses and titled the

PUBLIC HEARING - continued:

Business Park Zoning District. Office and light industrial uses allowed with exterior material and landscaping requirements stringent and loading dock and outside storage limitations stringent. Initially adopted by Village Board then returned to Plan Commission who built in further limitations and sent back to Village Board where it was rejected. Village has been fortunate in the last few years with land being developed and is one of the fastest growing in the metro area. Village asked to reconsider zoning in Business Park to clean up zoning and zone land for these purposes. April 22nd Plan Commission voted to move the rezoning application forward with no recommendation.

President Wolter opened the public hearing at 8:50 p.m.

Parties speaking:

Sue Graff, N112 W12808 Mequon Rd, Germantown – concerns of Environmental impact and use of Mequon Road.

Mark Kuieck, N112 W12808 Mequon Rd, Germantown – concerns of plan for expansion of Mequon Road by DOT. More traffic with zoning change.

President Wolter closed the public hearing at 9:05 p.m.

NEW BUSINESS:

- A. **ACTION ON REZONING ORDINANCE – VILLAGE BOARD OF THE VILLAGE OF GERMANTOWN, PROPERTY OWNER: (1) A REZONING APPLICATION TO REZONE THE FOLLOWING DESCRIBED PROPERTY IN THE GERMANTOWN BUSINESS PARK FROM THE I: INSTITUTIONAL AND B-4: PROFESSIONAL OFFICE DISTRICTS TO THE M-1: LIMITED INDUSTRIAL DISTRICT. TAX KEY NO. 251-969 & 251-970 (24+ ACRES SOUTH OF MEQUON ROAD AND EAST OF EISENHOWER DRIVE)**

MOTION (Baum/Kaminski) to approve Village of Germantown rezoning.

Discussion of current setbacks from Mequon Road, deed restrictions in place, landscaping, TIF payback to water utility for lot, requirements for building facing Mequon Road, push for a Mequon Rd. office side business core and push trucks to the south side, keep truck traffic away from Mequon Rd., no requests for office land purchase, concern of where record will be of what is promised today and what we would do with that buffer, change of documentation. Items memorialized in covenants, change of items that would require public hearing. Goal to make property self-sustaining, looking to add more opportunity for land sales to close the park. **Motion carried unanimously.**

- B. **JUNK DEALER/AUTO SALVAGE ESTABLISHMENT LICENSE, JULY 1, 2013 – JUNE 30, 2014, WM RECYCLE AMERICA LLC, W132 N10487 GRANT DRIVE, GERMANTOWN WI**

MOTION (Vanderheiden/Baum) to approve the Junk Dealer/Auto Salvage Establishment License, July 1, 2013-June 30, 2014, WM Recycle America LLC, W132 N10487 Grant Drive, Germantown WI. Discussion of debris falling from vehicles, contract language, enforcement options. **Motion carried unanimously.**

- C. **RECOMMENDATION BY STATEWIDE SERVICES, INC. REGARDING CLAIM OF 4/10/2013, ABB HALL, MILWAUKEE, WI**

MOTION (Baum/Kaminski) to deny, motion carried unanimously.

- D. **RECOMMENDATION BY STATEWIDE SERVICES, INC. REGARDING CLAIM OF 3/19/2013, MICHAEL HUGG, 4061 SUNSET HILL RD, GLENBEULAH, WI**

MOTION (Baum/Werderman) to deny, motion carried unanimously.

NEW BUSINESS - continued:

- E. **MOBILE COMPUTER UPGRADES/ADDITIONS – FIRE DEPARTMENT MOTION (Werderman/Baum) to approve as computer upgrades only, budgeted item, carried unanimously.**
- F. **AWARD OF CONTRACT – GEOTECHNICAL SERVICES FOR LANNON-APPLETON WATERMAIN EXTENSION MOTION (Ewert/Kaminski) to approve contract award.** Discussion: Trustee Kaminski supports this. Trustee Zabel – Why is utility picking up costs for future development? Feels it is wrong to spend \$3,992 on this. Future developer should pay when it occurs. Engineer Bischke – forward thinking to have this taken care of and get permits necessary in advance to be prepared when ready to build. President Wolter – Not unreasonable to preplan. Discussion of possibility to back bill developer. **Roll call vote 7 yes, 1 opposed (Zabel), motion carried.**
- G. **MOTION (Kaminski/Werderman) to enter into closed session at 9:45 p.m., as per WIS. STAT. §19.85(1)(e) for the purpose of deliberating or negotiating, the purchase of public properties, the investing of public funds, or conducting other specified public business, when competitive or bargaining reasons require a closed session for the Potential Land Acquisition of 24+/- Acres of Tax Key No. 211-985; And**
- H. **The Germantown Municipal Employees Union Local 730 Negotiations; Germantown Technical/Clerical Employees Union Local 820 Negotiations; And**
- I. **as per WIS. STAT. §19.85(1)(c) for the purpose of considering the employment, promotion, compensation or performance evaluation data of the Village Legal Counsel for General Legal Services and for the Village Legal Counsel for Municipal Court Services, over which the Governmental body has jurisdiction and exercises responsibility, and then may re-enter open session to take action upon such matters as it deems appropriate, by roll call vote, carried unanimously.**

MOTION (Zabel/Hughes) to go back into open session at 10:56 p.m., carried unanimously.

MOTION (Zabel/Hughes) to direct staff and authorize Village officials to sign necessary documents for both contracts, roll call vote, carried unanimously.

MOTION (Zabel/Baum) to put legal services under one firm of current Village Attorney Office of Wesolowski, Reidenbach & Sajdak, S.C. Discussion: Get information from Police Chief on issues/concerns, need to have discussion with Municipal Court Attorney DeStefanis, court processes and schedule, costs and fees.

MOTION (Kaminski/Hughes) to amend motion to postpone item until President Wolter and Administrator Schornack discuss the items with Municipal Court Attorney DeStefanis first, carried unanimously. This postpones the original motion.

There being no further business, the meeting was adjourned at 11:15 p.m.