

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
DECEMBER 5, 2022**

CALL TO ORDER: The meeting was called to order at 7:30 p.m. by President Wolter.

ROLL CALL: Present: President Wolter, Trustees Baum, Hudson, Kaminski, J. Miller, R. Miller, Myers, Pieper, and Neureuther. Also present: Administrator Kreklow (Webex), Braunschweig, Manager Uselding, Director Standridge, Director Ratayczak, and Manager Hirn.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:

No Report.

**ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC
INTEREST/DEPARTMENT AND COMMITTEE REPORTS:**

Tr. Pieper reported on the new Department of Public Works Building and the ground breaking ceremony.

Tr. J. Miller reported on the luminary night in the Windsong Circle neighborhood and thank you to the Police Department for their traffic assistance.

President Wolter reported on the upcoming Breakfast with Santa.

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

Melanie Smythe of Cedar Lane came to the podium. She commented on the agenda items of real estate purchase and suggested to wait on the items and made comments on the Village making this purchase. She commented she is against the purchase and a TID.

Scott Hefle of Old Farm Road came to the podium and commented on the find a way to streamline process for neighbor or resident requests. He commented on the Village Centre, TID, and purchase of properties. He commented on the 2021 audit.

Debra Hembrook of Holy Hill Road came to the podium. She made comments in support of the Apple Works Winery expansion.

Jerry Schuster of Fond du Lac Avenue came to the podium. She made comments in support of the Apple Works Winery expansion. She lives across the street; noise has not been issue.

Bert Ehlert of Stonewall Drive of Jackson came to the podium. He is in support of the Apple Works Winery Expansion.

Jena Krushell of Apple Blossom Lane came to the podium. Her property is the closest to the winery. She is opposed to the Apple Works Winery Expansion.

Kurt Will of Apple Blossom Lane came to the podium. He is the second closest to the Apple Works Winery Expansion. He took a vacation day to make the meeting tonight. He is opposed to the Apple Works Winery Expansion and is against a wedding venue.

The email from Carol and Bill Schneider, entitled raises, cable channel, close meetings was on the dias for the Village Board.

CONSENT AGENDA:

- A. Approval of Minutes November 21, 2022 Meeting.
- B. Accounts payable/payroll:
 - 1. November 22, 2022 Payroll \$ 256,705.42
 - 2. November 23, 2022 Payroll-Election \$ 18,705.20
 - 3. November 21, 2022 Accounts Payable \$ 1,546,222.75
 - 4. November 25, 2022 Accounts Payable \$ 434,206.32

The following items were forwarded from the **General Government and Finance Committee** with a unanimous recommendation

- C. Insurance Renewal.

Motion (Myers/Pieper) to approve consent agenda items A-C. Motion carried unanimously.

UNFINISHED BUSINESS:

- A. None.

PUBLIC HEARING:

- A. None.

NEW BUSINESS:

- A. Keith Kindred, SEH Inc, Agent for Home Path Financial LP, Property Owner, Lot 6 Heritage Park and Outlot CSM 4988. Final Subdivision Plat for Heritage Park North, a 35-lot Residential Single-Family Subdivision.

Assistant Planner Zandt came to the podium and introduced the item. The preliminary plat and proposed final plat were shown. The Plan Commission recommended approval subject to four conditions.

Motion (Myers/Baum) to approve Keith Kindred, SEH Inc, Agent for Home Path Financial LP, Property Owner, Lot 6 Heritage Park and Outlot CSM 4988. Final Subdivision Plat for Heritage Park North, a 35-lot Residential Single-Family Subdivision. Larkspur Lane, Bittersweet Trail, and Guns Splint and Division will be connected.

Ken Frank of Home Path Financial expects to hear from the DOA in the next couple weeks. President Wolter reported that there have been no issues of drainage. He lives very close to the development. Motion carried unanimously.

- B. Kevin H. Behnke, Agent and Property Owner of the Apple Works Winery LLC, W179 N12536 Fond du Lac Avenue. Application to Amend Conditional Use Permit No. 01-13 to Conditional Use Permit No. 05-2022 to revise the hours and expand the existing winery use to include a 2,880 square foot building with a seating capacity of 125 persons, additional on-site vehicle parking and use of the existing dwelling as a short-term bed & breakfast type rental on the property.

Director Retzlaff came to the podium. The site location map and property buildings map were shown. Director Retzlaff presented history and background to the request. The current proposal was reviewed. The property owners noise monitoring was reported on. The Bed and Breakfast is allowed as an accessory use, if the property owner builds his own house and lives on the property. The new conditional use has 22 conditions. Mr. Behnke came to the podium and on the noise and gave history to the business. The vineyard has not been planted yet. He brings grapes in from Chili and California.

Discussion ensued of the 2050 plan and if desirable. The use involves the use of a product, that is produced on the site. The vines do not exist but the apples do. The 2050 plan was adopted to be more flexible.

Mr. Behnke commented not looking for hard liquor at this time.

Discussion ensued of the capacity and hours of operation. Discussion ensued of the location of noise monitoring. Mr. Behnke pointed out the location of the noise monitoring devices are at the end of the property between the property to the residents.

Discussion ensued that the Conditional Use Permit can be revisited and reviewed at a later time if not followed. Discussion ensued that Mr. Behnke has made the investment for buildings that could be done. Discussion ensued of the hours of operation, parking, size of property, allowance for music and expanded hours of music, and capacity of 50 in the wine tasting and 125 in the venue. Discussion ensued of planting of trees or berms for noise buffer. The nearest house is 380 feet from the Northwest corner of the barn.

Motion (Baum/J. Miller) to approve Kevin H. Behnke, Agent and Property Owner of the Apple Works Winery LLC, W179 N12536 Fond du Lac Avenue. Application to Amend Conditional Use Permit No. 01-13 to Conditional Use Permit to No. 05-2022 with 22 conditions including to revise the hours and expand the existing winery use to include a 2,880 square foot building with a seating capacity of 125 persons, additional on-site vehicle parking and use of the existing dwelling as a short-term bed & breakfast type rental on the property.

Discussion ensued of the installation of a berm and buffer.

Amendment Motion (Pieper/Myers) to add condition number 23 and install 20, 6-8 feet sound barrier trees between the winery and Krushell property. Mr. Behnke commented that there are black walnut trees on the property that will limit the type of plantings. There is a large electrical wire there as well. The barn is built for four seasons and insulated. Motion failed.

Motion (Pieper/Myers) to amend to outdoor music until 8 pm. Motion failed.

Motion (Pieper/Baum) to amend with additional condition 23, and review the Conditional Use permit in six months by this board and then annually by this board separately. If there are not any concerns then would not review annually.

Discussion ensued to review during the license renewal time period. Discussion ensued that there are not any businesses with an annual conditional use review.

Discussion ensued of item #3 that is in place. An annual review would make this formal. Discussion ensued of how sound travels.

Discussion ensued of six months is too soon.

Amendment motion fails.

Motion (Neureuther/Pieper) to send the item back to Plan Commission. Motion failed.

Original Motion Carries. Baum, Kaminski, R. Miller, J. Miller, Myers, Neureuther voted aye.

Motion (Baum/Kaminski) to approve the bed and breakfast and four conditions. Motion pulled approved under Conditional Use Permit 05-2022.

Motion (Myers/Hudson) to reconsider the question/vote.

Discussion ensued of the placement of winery in rural preservation area. Can be acceptable under conditional use.

Motion to reconsider failed.

C. Denial of Operator's License for Katherine Rizer.

Motion (Baum/Neureuther) Denial of Operator's License for Katherine Rizer. Chief snow commented that this based on a theft felony from 2009. Public Safety recommended approval of the license. Motion carried.

D. 2023 Non-Union Merit Pool.

This comes from General Government and Finance without recommendation. Approval of merit pay for the end of 2022 to take effect in 2023. The budget approved 2% pool of salary base increases. Allocation from 2021 surplus for the one-time merit increases.

Tr. Myer was excused from the meeting 10:30 p.m.

The scale is the same as used last year and reduced the maximum. Limit on the percent for a bonus. Baker Tilley is schedule to come on site for 2021 close.

The 2% is approved with the budget.

Motion (Hudson/Kaminski) to approve Non-Union Base Pay Merit for the first two columns and the bonus to be determined in the first quarter of 2023.

Motion (Kaminski/Baum) with the bonus to be determined within the first quarter of next year.

Motion carried Neureuther voted no.

Motion as amended carried. Neureuther, Baum, Pieper voted no.

- E. Discussion of potential negotiating strategy relating to a potential intergovernmental agreement with MMSD with respect to that parcel of land located along the Goldendale Creek on the west side of Maple Road (Tax Id No. GTNV-174-992). The Village Board May Enter into Closed Session per Wis Stat § 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and then may reconvene into open session to take such action as it deems appropriate; and,
- F. Acquisition of Properties at N116W15843 Main Street and W157N11593 Fond du Lac Avenue. The Village Board May Enter into Closed Session per Wis Stat § 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and then may reconvene into open session to take such action as it deems appropriate; and,
- G. Administrator Performance Review – Process and Criteria. The Village Board May Enter into Closed Session per Wis Stat § 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, and then may reconvene into open session to take such action as it deems appropriate.

Motion (Pieper/Baum) to Convene into closed session at 10:05 pm and include the Village Board, Village Administrator, Village Attorney, Director Retzlaff and Director Standridge for Item E; include the Village Board, Village Administrator, Village Attorney, and Director Retzlaff for Item F; and include the Village Board and Village Attorney for Item G. Roll Call Vote Carried Unanimously.

ADJOURNMENT.

ADJOURNMENT: There being no further business, the meeting adjourned at 10:40 p.m.

The next regular meeting of the Village Board will be on Monday, December 19, 2022, at 7:00 p.m.

Respectfully Submitted,
Deanna Braunschweig