

MEETING:	REGULAR MEETING OF THE VILLAGE BOARD
DATE AND TIME:	Monday, June 19, 2023 7:00 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

MINUTES

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*
President Wolter called the meeting to order at 7:00
- II. **ROLL CALL:**
Present: Trustee Jan Miller, Trustee Rick Miller, Trustee Bill Neureuther, Trustee Terri Kaminski, Trustee Phil Hudson, Trustee Dennis Myers, President Dean Wolter
Excused: Trustee Jolene Pieper, Trustee David Baum (8:20), Trustee Dennis Myers (9:55)
Also Present: Administrator Kreklow, Support Services Manager Hirn, Community Development Director Retzlaff, Public Works Director Ratayczak, and Attorney Sajdak
- III. **PLEDGE OF ALLEGIANCE:**
- IV. **PRESIDENT'S REPORT:**
President Wolter requested the public donate their time to volunteer on the 4th of July.
- V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST**
COMMITTEE AND DEPARTMENT REPORTS:
Trustee Kaminski announced a meeting of the Public Works & Highway Committee on July 12th at 6:00 pm.
Trustee Rick Miller announced a meeting of the General Government & Finance Committee on July 17th at 6:00 pm.
Trustee Hudson announced a meeting of the Public Safety Committee on July 10th at 5:30 pm.
- VI. **CITIZEN INPUT:**
Scott Hefle, Old Farm Road, thanked the current Public Works Director for his service and voiced concern about the method the Village uses to find a new Engineer/Public Works Director. Voiced concern about closed session items.
- VII. **APPOINTMENTS:**
 - A. Board of Zoning Appeals

1. Lilibeth Yao

Motion: Approve as presented

Motioned By: Dennis Myers

Seconded By: Phil Hudson

Yes: David Baum, Terri Kaminski, Phil Hudson, Dennis Myers, Bill Neureuther, Rick Miller, Jan Miller, Dean Wolter

No: None

Abstain: None

Motion Passed (Yes 8, No 0, Abstained 0)

VIII. CONSENT AGENDA:

Trustee Jan Miller requested to take out Item B. Resolution Adopting 2022 Compliance & Maintenance Annual Report (CMAR) WIDNR

Motion: Approve as presented

Motioned By: Dennis Myers

Seconded By: Phil Hudson

On roll call vote:

Yes: David Baum, Terri Kaminski, Phil Hudson, Dennis Myers, Bill Neureuther, Rick Miller, Jan Miller, Dean Wolter

No: None

Abstain: None

Motion (Yes 8, No 0, Abstained 0)

A. June 5, 2023 Minutes.

B. Resolution Adopting 2022 Compliance & Maintenance Annual Report (CMAR) WIDNR

Trustee Jan Miller asked questions regarding current projects. Public Works Director Rataycak elaborated on projects within the annual report.

Motion: Approve as presented

Motioned By: Jan Miller

Seconded By: Rick Miller

On roll call vote:

Yes: David Baum, Terri Kaminski, Phil Hudson, Dennis Myers, Bill Neureuther, Rick Miller, Jan Miller, Dean Wolter

No: None

Abstain: None

Motion (Yes 8, No 0, Abstained 0)

C. Grading Easement for Holy Hill Rd Reconstruction - Wetterau Easement

- D. Capstone 41 Development - Public Watermain and Sanitary Sewer Easements
- E. TDC Willow Creek LLC Development Easement
- F. Award of Contract for Legend Avenue Culvert Replacement
- G. Development Agreement - Dickman (Willow Creek)
- H. Development Agreement - Keller/F-Street (Town Nine Industrial Park)
- I. Amended Development Agreement - Capstone Building #2
- J. The following have applied to the Village Board of the Village of Germantown, Washington County, Wisconsin, for **RENEWAL** of a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for the period commencing July 1, 2023, and ending June 30, 2024:
 - 1. **Barley Pop Brew Haus, LLC**, Jodi Kanzenbach, Agent, W4535 County Road A, Fredonia, d/b/a **Barley Pop Pub & Restaurant**, N116W16137 Church St First Floor, Basement Storage, outside beer garden located on North Side of Building and an additional 35'x39.10' on the Western Side of business. During July 4 parade beginning at 11 am outside extension from east end of building to western end to sidewalk.
 - 2. WI Bier Stube LLC, Charles Hastings, Agent, N116W15841 Main Street, d/b/a **Von Rothenburg Bier Stube**, N116 W15863 Main Street. Basement keg cooler, 1st floor bar, includes outside fenced beer garden and garage extended to parking lot open until 10:00 p.m.
 - 3. BSC Wisconsin LLC, Eric D Schroeder, Agent, N132W17573 Rockfield Road, Richfield, d/b/a **Big Sky Country Bar & Grill**, W204N11498 Goldendale Rd, Bar Area, Dining Area on First Floor, Banquet / Dining Area in basement, Office and 8' x 55' outside patio on side open until 10:00 p.m.
 - 4. Black Dog Hospitality LLC, Jake Woller, Agent, N112W21209 Mequon Road, d/b/a **Bixenberg Tavern**, N112W21209 Mequon Road, NE Room of Building, 1st floor; East Patio; SE of Building on First Floor, and South Deck. Stored in Basement and Northeast side of Building on First Floor.
 - 5. Blackstone Creek Golf Club Ltd, Troy Schmidt, Agent, N105W14467 Wilson Circle, d/b/a **Blackstone Creek Golf Club**, N112W17300

Mequon Rd, Clubhouse bar, golf shop, includes golf course property of 156 acres.

6. Blazin Wings, Inc, Allen Hart, Agent, d/b/a **Buffalo Wild Wings**, N96 W17990 County Line Rd Patio, dining, bar, and beer cooler in kitchen. Attached patio with hours restricted between 10:00 pm and 8:00 am Reserve.
7. Bubs on Main LLC, Scott Pecor Agent, 10908 N Essex Drive, d/b/a **Bubs Irish Pub**, N116W16218 Main Street, Bar and Banquet, South Side Entry Ramp and Two Triangle Grassy Areas on Southeast side of building
8. Brinker Restaurant Corporation, James Linderman, 142 N Western Ave #J, Neenah, d/b/a **Chili's Grill & Bar**, N96W18640 County Line Rd; dining area and bar area, storage and five to go parking areas.
9. Das Barrel Room LLC, Mark Brooks, Agent, N52W14018 Aberdeen Dr, Menomonee Falls, d/b/a **Das Barrel Room**, W201N10466 Appleton Ave, Main Building Basement Bar, Storage Room, Dining Areas, Deck and Lawn off back of building.
10. Eastern Kettle Moraine Moose Lodge 1238, William Numrich, Agent, N88W17521 Christman Road, Menomonee Falls, d/b/a **E.K.M. Moose Lodge**, W198N10217 Appleton Ave, includes main building, kitchen, hall, and outside pavilion 22' x 20', and open area for Lodge picnics including buildings to be open until 10:00 pm, 480' x 525' grounds area.
11. Fawn Lane, LLC, Boro Buzdum, Agent, 7697 County Highway WW, West Bend, d/b/a **Buzdum's Pub & Grill**, W188N10515 Maple Rd First Floor and basement and patio and field.
12. Florian Park, Inc., Ryan Rahl, Agent, 311 Preserve Way, Colgate, d/b/a **The Florian**, N111 W18611 Mequon Rd three interior bars in two ballrooms, liquor storage room, beer cooler, includes outside premise Willow Path, Willow Gardens, and Willow Point on south end of Willow Pond to be open until 10:00 p.m. and outdoor designated smoking area to the north of property.
13. Germantown American Legion Post #1, Inc, James A. Heimann, Agent, 2584 Country Aire, Cedarburg, d/b/a **Germantown American Legion Post #1**, N120 W15932 Freistadt Rd, Hall, bar, lounge, walk in cooler, office storage.

14. Goldendale Legacy LLC, Emily Schaefer, Agent, 1510 Greentree Road, d/b/a **Broken Chandelier**, W204 N11912 Goldendale Rd. (First Floor, basement, includes horseshoe courts, path, outside fenced area to be open until 10:00 p.m., and outside front porch area)
 15. Northridge Automotive Enterprises, Inc, David L Iverson, Agent, N166W19523 Ravens Way, Jackson, d/b/a **Ivee's at Main**, W157N11618 Fond du Lac Ave, 2300 square foot restaurant, and outside patio in front of building until 10:00 pm
 16. Matteos AC LLC, Karla Coites, Agent, 761 S River Road #8, West Bend, **Matteo's**, W156 N11058 Pilgrim Rd, Bar Area, Dine In Area, Patio, Office, Hall and Kitchen
 17. Barley Pop Brew Haus, LLC, Jodi Kazenbach, Agent, 709 S 2nd Ave, West Bend, d/b/a **The Precinct**, W161N11629 Church St Includes outside patio and additional 23'x35.9' beyond patio.
 18. Robin L. Bird, LLC, Robin L. Bird, Agent, W188N13367 Maple Rd, Richfield, d/b/a **Sports Corner Bar & Grill**, W187N12793 Fond du Lac Ave includes main floor, basement, outside volleyball courts and smoking room to be open until 10:00 pm
 19. ST1X Golf Entertainment Bar LLC, Robert Stafford, Agent, 13985 N Pine Bluff Rd, Mequon, d/b/a **Stix Golf**, W164N11271 Squire Dr
 20. Tiny T's, Christine Brockman W156N11625 Pilgrim Road, W156 N11638 Fond du lac, d/b/a **Tiny T's**, bar, basement, outside patio, 4th of July, sand area backyard behind building and to the side of the garage for summer / fall bags
 21. Wolverine WI LLC, Charles Hastings, Agent, N116W15841 Main Street, d/b/a **WI Big Boy**, N116 W15841 Main St, keg cooler basement, upstairs liquor room, bar area, includes outdoor deck open until 10:00 pm
- K. The following have applied to the Village Board of the Village of Germantown, Washington County, Wisconsin, for **RENEWAL** of "Class C" Wine License for the period commencing July 1, 2023, and ending June 30, 2024:
1. Latitude Café LLC, Shackar Levy, N87W15878 Bellevue Blvd, Menomonee Falls, **Latitude Café** LLC, W156N9635 Pilgrim Road, Wine in locked cabinet and dining area

2. Old Germantown LLC, Scott Sommer and Georgene Sommer, W148N12696 Pleasant View Dr, **Main Café**, Brewery, Outdoor Patio, Future Storage included in Storage Building to the East of Main Facility
- L. The following have applied to the Village Board of the Village of Germantown, Washington County, Wisconsin, for **RENEWAL** of a Class "B" Fermented Malt Beverage License and "Class C" Wine License for the period commencing July 1, 2023, and ending June 30, 2024:
1. Brama's Pizzeria LLC, Carrie Wegner, N116W12831 Elm Lane, d/b/a **Brama's Pizzeria**, N112W16700 Mequon Road, Coolers, and bar area located on the West wall, rear of restaurant in locked storage room / office, parking lot area in front of restaurant.
- M. The following have applied to the Village Board of the Village of Germantown, Washington County, Wisconsin, for **RENEWAL** of a "Class B" Winery License and Class "B" Fermented Malt Beverage License for the period commencing July 1, 2023, and ending June 30, 2024:
1. Apple Works Winery LLC, Kevin H. Behnke, Agent, W179N12536 Fond Du Lac Ave., d/b/a **Apple Works Winery/Behnke Estates**, W179N12536 Fond Du Lac Ave. Winery Store/Sales, and Tasting Room Pole Building; Wine Manufacturing and storage; Includes outdoor patio area and tent
- N. The following have applied to the Village Board of the Village of Germantown, Washington County, Wisconsin, for **RENEWAL** of a "Class A" Fermented Malt Beverage, including cider, and Intoxicating Liquor License, for the period commencing July 1, 2023, and ending June 30, 2024.
1. Aldi Inc., Jessica Lomibao, Agent, 254 Nicks Way, Belgium, d/b/a **Aldi #67**, N96 W18838 County Line Rd. Single Story Brick Bldg., Grocery Store, Alcohol Beverages will be sold on the sales floor and stored in the backroom
 2. Colgate Gas, Inc, Didar Singh, Agent, W150N7248 Paseo Lane, Menomonee Falls, d/b/a **County Line BP**, N96 W21962 County Line Rd, Shelves, Cooler, Beer Cave, Storage
 3. Kwik Trip, Inc., Kimberly Kuecker, Agent, 320 N German St, Mayville, d/b/a **Kwik Trip 631**, W188N10963 Maple Rd storage coolers, Sales Floor and Behind Counter
 4. Sendik's Germantown LLC, Theodore Balistreri, Agent, 5566 N Diversey Blvd, Whitefish Bay, d/b/a **Sendik's Food Market**, N112W15800

Mequon Rd, store, and storage, includes exterior parking stalls designated for on-line grocery pick up

5. Ultra Mart Foods, LLC., Kristi O'Connor, Agent, 9611 W Forest Home Ave, Hales Corners, d/b/a **Pick 'n Save 6357**, N112 W16200 Mequon Rd. Grocery and liquor store, includes exterior parking stalls designated for on-line grocery pick up. Displayed throughout the store.
 6. Walgreen Co., Vickie Matt, Agent, 10174N9444 Devon Wood, Menomonee Falls, d/b/a **Walgreens #05427**, W156 N11261 Pilgrim Rd, 13,906 square foot building
 7. NSM Enterprises LLC owned by Naheed Naseem, Naseem Abbas, Agent, N114W15775 Sylvan Ct, 20, d/b/a **Willow Creek BP**, W201 N10451 Appleton Ave, Behind the Counter, Back Office, Stock Area
 8. Wal-Mart Stores East, LP, Alexey Hunt, Agent, 202 Royal Court, Appleton; d/b/a **Wal-Mart 1515**, W190N9855 Appleton Ave, 103,075 square foot building, 1,465 foot in front of building for display and storage, and outside parking lot specifically designated for online grocery pick up)
- O. The following have applied to the Village Board of the Village of Germantown, Washington County, Wisconsin, for **RENEWAL** of a Class "A" Fermented Malt Beverage, including cider for the period commencing July 1, 2023, and ending June 30, 2024
1. Fleet Farm Group, LLC, Shawn Stockfisch, Agent, N173W20425 Crestview Dr, Jackson, d/b/a **Fleet Farm**, N9618200 County Line Road, on pallets/shelves and in back room
 2. Speedway, LLC, Richard Eastham, Agent, 8290 W Orchard, West Allis, d/b/a **Speedway 4465**, W178 N9653 Riversbend Lane, Store, walk in cooler, sales area, storage / furnace room.
 3. Speedway, LLC, Dawn Reith, Agent, N75W222586 Cherry Hill Rd, Sussex, d/b/a **Speedway 4495**, W164 N11233 Squire Dr, store, walk in cooler, sales area / storage furnace room.
- P. Intergovernmental Agreement with the Germantown School District Regarding the School Resource Officer Program

IX. UNFINISHED BUSINESS

X. NEW BUSINESS:

- A. Eric and Ashley Evans, W130 N11622 Harvest Ridge, Lot 1 in Harvest Hills Subdivision. Subdivision Plat Amendment to revise the Elm Lane access restriction to allow a driveway on Elm Lane.

Community Development Director Retzlaff discussed the project as reviewed in the memo. This request was also reviewed and recommended by the Public Works Director due to safety concerns. This was approved by the Plan Commission with one condition that the nearest point of the driveway not be closer than 120 feet to Elm Lane.

Mr. Eric Evans was present and spoke in support of the item.

Motion: Approve as presented

Motioned By: Dennis Myers

Seconded By: Terri Kaminski

Yes: Terri Kaminski, Phil Hudson, Dennis Myers, Rick Miller

No: David Baum, Bill Neureuther, Jan Miller, Dean Wolter

Abstain: None

Motion Failed (Yes 4, No 4, Abstained 0)

Trustee Keminski spoke in support of the plat amendment.

President Wolter discussed the historical concerns within the neighborhood regarding the traffic on Elm Lane. Discussion ensued.

Trustee Hudson made a motion to postpone this item to the next Village Board meeting and then withdrew the motion.

President Wolter suggested working with staff to bring a new option back to the board.

- B. Increased cost for DOT project at Lannon & Maple Rds

The Public Works Director discussed the project, which is 90/10 funded by the state.

The increased cost would be paid out of ARPA funds.

Motion: Approve as presented

Motioned By: Dennis Myers

Seconded By: Terri Kaminski

On roll call vote:

Yes: David Baum, Terri Kaminski, Phil Hudson, Dennis Myers, Bill Neureuther, Rick Miller, Jan Miller, Dean Wolter

No: None

Abstain: None

Motion Passed (Yes 8, No 0, Abstained 0)

- C. Appointment of Zachary Kessler as Germantown Village Clerk

Mr. Kessler was present and gave a history of his background. He was welcomed by the Board.

Motion: Approve as presented

Motioned By: David Baum

Seconded By: Rick Miller

On roll call vote:

Yes: David Baum, Terri Kaminski, Phil Hudson, Dennis Myers, Bill Neureuther, Rick Miller, Jan Miller, Dean Wolter

No: None

Abstain: None

Motion Passed (Yes 8, No 0, Abstained 0)

D. Authorization to enter into a contract for recruitment services for a Public Works Director and Village Engineer.

The Village Administrator announced the Public Works Director's retirement and suggested utilizing a contracted service to search for a new Public Works Director and Village Engineer.

Trustee Hudson asked if it was a retainer. Kreklow said that this firm would be paid hourly through a contract..

Motion: Approve as presented

Motioned By: Dennis Myers

Seconded By: Terri Kaminski

On roll call vote:

Yes: Terri Kaminski, Phil Hudson, Dennis Myers, Bill Neureuther, Rick Miller, Jan Miller, Dean Wolter

No: None

Abstain: None

Motion Passed (Yes 7, No 0, Abstained 0)

E. Authorization to enter into a contract for interim Director of Public Works services.

Trustee Hudson mentioned his concern about using the same company as the recruitment firm. Trustee Jan Miller voiced her concern as well about using the same company for both. Kreklow reached out to Graef; however, they indicated that they would not be able to give the level of requested service.

Motion: Approve as presented

Motioned By: Dennis Myers

Seconded By: Rick Miller

On roll call vote:

Yes: David Baum, Terri Kaminski, Phil Hudson, Dennis Myers, Bill Neureuther, Rick Miller, Dean Wolter

No: Jan Miller
Abstain: None

Motion Passed (Yes 7, No 1, Abstained 0)

F. Facility Usage Agreement Between the Village of Germantown and the Germantown School District

Motion: Approve as presented

Motioned By: Dennis Myers

Seconded By: Rick Miller

On roll call vote:

Yes: David Baum, Terri Kaminski, Phil Hudson, Dennis Myers, Rick Miller, Jan Miller, Dean Wolter

No: None

Abstain: Bill Neureuther

Motion (Yes 7, No 0, Abstained 1)

G. Intergovernmental Cooperation Agreement between the Milwaukee Metropolitan Sewerage District and the Village of Germantown for Acquiring Lands for Greenseams and Comprehensive Outdoor Recreation Plan.

Motion: Approve as presented

Motioned By: Dennis Myers

Seconded By: David Baum

Yes: David Baum, Terri Kaminski, Phil Hudson, Dennis Myers, Bill Neureuther, Rick Miller, Jan Miller, Dean Wolter

No: None

Abstain: None

Motion Passed (Yes 8, No 0, Abstained 0)

I. Acquisition of Grosenik Property - N116 W15843 Main Street and W157 N11593 Fon du Lac Avenue. The Village Board may enter into closed session as per Wis. Stat. 19.85(1)(e) for the purpose of deliberating or negotiating, when competitive or bargaining reasons require a closed session and then re-enter open session to take such action as it deems appropriate.

Motion: Approve to switch items H and I as presented

Motioned By: David Baum

Seconded By: Dennis Myers

Yes: David Baum, Terri Kaminski, Phil Hudson, Dennis Myers, Bill Neureuther, Rick Miller, Jan Miller, Dean Wolter

No: None

Abstain: None

Motion Passed (Yes 8, No 0, Abstained 0)

Motion: Approve entering into Closed Session including the Community Development Director,

the Village Administrator, and the Village Attorney

Motioned By: Dennis Myers

Seconded By: David Baum

On roll call vote:

Yes: David Baum, Terri Kaminski, Phil Hudson, Dennis Myers, Bill Neureuther, Rick Miller, Jan Miller, Dean Wolter

No: None

Abstain: None

Motion Passed (Yes 8, No 0, Abstained 0)

Motion: Approve motion to enter into Open Session at 8:55 pm

Motioned By: David Baum

Seconded By: Jan Miller

Yes: David Baum, Terri Kaminski, Phil Hudson, Dennis Myers, Bill Neureuther, Rick Miller, Jan Miller, Dean Wolter

No: None

Abstain: None

Motion Passed (Yes 8, No 0, Abstained 0)

Motion: Approve to direct staff to proceed as directed in closed session

Motioned By: David Baum

Seconded By: Terri Kaminski

On roll call vote:

Yes: David Baum, Terri Kaminski, Dennis Myers, Bill Neureuther, Rick Miller, Dean Wolter

No: Phil Hudson, Jan Miller

Abstain: None

Motion Passed (Yes 6, No 2, Abstained 0)

H. Agreement with Greystone Partners Inc. for redevelopment and property acquisition services. The Village Board may go into closed session as per Wis. Stat. 19.85(1)(e) for the purpose of deliberating or negotiating, when competitive or bargaining reasons require a closed session and then re-enter open session to take such action as it deems appropriate.

Trustee Baum was excused from the meeting at 9:45 pm.

Motion: Approve Approve entering into Closed Session including the Community Development Director, the Village Administrator, and the Village Attorney.

Motioned By: Dennis Myers

Seconded By: Phil Hudson

On roll call vote:

Yes: Terri Kaminski, Phil Hudson, Dennis Myers, Bill Neureuther, Rick Miller, Jan

Miller, Dean Wolter

No: None

Abstain: None

Motion Passed (Yes 7, No 0, Abstained 0)

Motion: Approve motion to enter into Open Session at 8:55 pm

Motion: Approve to enter into Open Session.

Motioned By: Terri Kaminski

Seconded By: Rick Miller

Yes: Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Dean Wolter

No: Jan Miller

Abstain: None

Motion Passed (Yes 5, No 1, Abstained 0)

Motion: Approve to direct staff to proceed as directed in closed session

Motioned By: Terri Kaminski

Seconded By: Phil Hudson

On roll call vote:

Yes: Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Dean Wolter

No: Jan Miller

Abstain: None

Motion Passed (Yes 5, No 1, Abstained 0)

XI. ADJOURNMENT:

The meeting was adjourned by President Wolter at 10:20 pm.