

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
JUNE 16, 2014**

CALL TO ORDER: The meeting was called to order at 7:04 p.m. by President Wolter

ROLL CALL: President Wolter, Trustees Daniels, Hughes, Kaminski, and Warren. Trustee Baum expected to arrive late. Trustees Vanderheiden, Werderman and Zabel were absent and excused. Also present: Administrator Schornack, Attorney Sajdak, Planner Retzlaff, DPW Director Ludwig, Engineer Bischke, Police Chief Hoell, Fire Chief Weiss and Clerk Goeckner.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter – TID #6 has now been approved by the Joint Review Board, 3 in favor, 1 opposed and 1 abstained. As this progresses, feel free to contact him or other Trustees with questions or for more information.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST & COMMITTEE REPORTS: Upcoming meetings were announced as well as other items of interest by Trustees.

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

Patti Hein N121 W12717 Crestwood Drive, Germantown, WI requested discussion of their street be placed on a Public Works agenda.

CONSENT AGENDA:

A. Minutes – June 2 & June 9, 2014

B. Accounts payable/payroll

1. June 3, 2014	Payroll (hourly)	\$ 215,637.18
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2. June 10, 2014	Accounts Payable	\$ 485,194.57
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C. Operator Licenses:

Renewal Applicants July 1, 2014 – June 30, 2015: Donna Bungert, Caitlin Dillon, Susan Drexler, Lynette Dugan, Carolyn English, Natashia Griesse, Mark Janeshek, Bijaya Khanal, Janine La Vine, Sharon Purifoy, Nicholas Ronge, Kelly Schlee, Deanna Schmitt, Mehul Soni, Kathleen Sudik, Jessica Taylor, Melva Tatum, Shannon Wilder

New Applicants June 17, 2014 – June 30, 2015: Gianna Aurelio, Alicia Beltran, Allison Claussen, Jasmond Clemons, Janice Fogle, Ashley Smith [Recommended Approval]

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

D. Resolution Adopting The 2013 Compliance Maintenance Report for Wastewater [Recommended Approval]

E. Award Contract to Scott Construction for the 2014 Seal Coating projects at a Cost of \$1.594/sq. yd. and a Total Amount Not to Exceed \$130,000.00 with funds Allocated From Account #10-542-530-3505 and to Allow Staff To Negotiate With The City of Mequon to Sealcoat the Village's Jurisdiction of Wasauke Road [Recommended Approval]

CONSENT AGENDA continued:

- F. Approve four D.F. Tomasini Invoices Totaling \$27,779.50 for the Emergency Repairs of Water Line Failures on Emerald Ln/Elmwood Dr. and Blackstone Circle With Funds to be Allocated from Account #50-742-530-6730 [Recommended Approval]
- G. Allow Staff to Allocate \$100,000 From the Capital Budget Account #50-180-183-3460 for the Continuing Purchase of Water Meters on a Time and Need Basis [Recommended Approval]
- H. Award Contract Not To Exceed \$189,000 to Pieper Electric for the Mequon Road/Eisenhower Drive Traffic Signals With Funds Allocated From Account #44-57-530-4500 [Recommended Approval]
- I. Authorization to Purchase Iron Worker Model #12012-24M Scotchman from Gladwin Machine and Supply for a cost of \$31,303 With Allocation of \$30,205 from Account #40-542-570-8530 and \$1,098 from Account # 10-542-530-4100 [Recommended Approval from January 2014 Public Works meeting contingent on borrowing which is now complete]

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

- J. Approval of Purchase of New Fire Department Uniform Shirts from Lark Uniform Outfitters in the amount of \$7,136.85[Recommended Approval]
- K. Approval of Amusement Arcade License Renewals July 1, 2014 – June 30, 2015:
 - 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, 14 devices
 - 3. Maple Road, LLC, d/b/a Buzdum's Pub, W188 N10515 Maple Road, 11 devices
 - 4. Eastern Kettle Moraine Moose Lodge, d/b/a E.K.M. Moose Lodge #1238, W198 N10217 Appleton Avenue, 15 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
 - 7. Robin Bird LLC, d/b/a Sports Corner Bar & Grill, W187 N12793 Fond du Lac Avenue, 13 devices
- L. Approve "Class B" Fermented Malt Beverage and Intoxicating Liquor Licenses – July 1, 2014 – June 30, 2015:
 - 1. **(Renewal)** 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.
 - 2. **(Renewal)** 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.)
 - 3. **(Renewal)** 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.

CONSENT AGENDA continued:

- M. Approve "Class A" Fermented Malt Beverage and Intoxicating Liquor License July 1, 2014 – June 30, 2015:
(Renewal) 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

MOTION (Daniels/Kaminski) to approve Items A-M, by roll call vote, carried unanimously.

UNFINISHED BUSINESS: None

PUBLIC HEARINGS – 7:00 P.M. OR LATER *–The purpose of said hearing(s) is to hear any and all parties, their attorneys or agents, for or against the application(s) filed by the petitioner(s).*

- A. Patrick Flanagan, Agent for Four Seasons Investments LLC, Property Owner and applicant to rezone a .76 acre property from the B-3: General Business District to the Rs-4: Single-Family Residential District pursuant to Sections 17.17 of the Village Zoning Code, and a Comprehensive Plan Map Amendment to the 2020 Land Use Plan Map classification for the .76 acre property from the "Commercial" to the "Rural Residential" classification, located at N210 W10797 Appleton Avenue; Tax Key No. 304-971, Village of Germantown, WI
Planner Retzlaff presented information on the application and request to rezone and to amend the Comprehensive Plan Map.
President Wolter opened the public hearing at 7:15 p.m.
No one spoke in regard to the hearing.
President Wolter closed the public hearing at 7:16 p.m.
- B. MLG Germantown Investment LLC, Agent for Donald & Gloria Neu and NMMR & Associates, Property Owners and applicant to rezone 121.68-acre area from the A-1: Agricultural and I: Institutional Zoning Districts to the M-1: Limited Industrial Zoning District pursuant to Sections 17.33 of the Village Zoning Code, and a Comprehensive Plan Map Amendment to the 2020 Land Use Plan Map classification for portions of the 121.68-acre area from "Commercial" and "Mixed Use" to the "Industrial/Office" classification, on the property of Tax Key Nos. 321-981, 321-984, 321-985, 321-991 & 321-999 (Land located south of Lannon Road, north/east of Appleton Ave. and west of Maple Road. ** This hearing will be moved to July 7, 2014**
Attorney Sajdak stated this hearing will be moved to the July 7th Village Board meeting. However if there are any persons present who wish to speak regarding this item they may at this time.

President Wolter opened the public hearing at 7:20 p.m.
Chuck Schmidt N221 Harvey Road, Neosho, WI – Owns property on Appleton Ave. Questioned why his property was not considered for TID #6 inclusion.
Randy Zagorski W192 N10024 Appleton Ave., Germantown, WI – Owns approximately 2.25 acres. Questioned possibility of rezoning property or being included in TID #6.

PUBLIC HEARINGS continued:

President Wolter explained the process in creating the TID initially and the fact TID #6 boundaries can be amended up to four times.

Attorney Sajdak recommended property owners interested in being a part of TID #6 and that development contact with MLG, the developer for the property.

President Wolter closed the hearing at 7:32 p.m.

NEW BUSINESS:

- A. An Ordinance to Amend The Official Zoning Map of the Village of Germantown Zoning Code – Patrick Flanagan & Four Seasons Investments LLC, Property Owner

MOTION (Kaminski/Warren) to approve the ordinance as presented, carried.

- B. An Ordinance to Amend the Land Use Plan Map of the Village of Germantown 2020 “Smart Growth” Comprehensive Plan – Patrick Flanagan & Four Seasons Investments LLC Property Owner (Section 30)

MOTION (Warren/Kaminski) to approve the ordinance as presented, carried.

- C. Consideration and/or Adoption of an Initial Resolution relating to Industrial Development Revenue Bond financing on behalf of Germantown Realty Investment LLC, a Wisconsin limited liability company, and/or Machining Concepts, Inc., a Wisconsin corporation. As required by state law, information regarding the expected job impact of the project to be financed with the bonds on the project site and elsewhere in the State of Wisconsin will be available at the time of consideration of the Initial Resolution.

MOTION (Hughes/Warren) to approve the Initial Resolution as presented, by roll call vote, carried.

- D. Consideration and Adoption of a Resolution Regarding Public Bidding and Non-Discrimination in Connection with Industrial Development Revenue Bond financing on behalf of Germantown Realty Investment LLC, a Wisconsin limited liability company, and/or Machining Concepts, Inc., A Wisconsin corporation

MOTION (Kaminski/Hughes) to approve the Resolution, by roll call vote, carried.

- E. Approve Junk Dealer/Auto Salvage Establishment License for July 1, 2014 to June 30, 2015 for WM Recycle America LLC, W132 N10487 Grant Drive, Germantown WI 53022 for Recycling Facility

MOTION (Daniels/Kaminski) to approve license as presented, carried.

- F. Consideration and Action on Denial of Operator License – Kenneth M. Boivin

MOTION (Kaminski/Daniels) to deny the operator license. Discussion of applicant's 5 OWI convictions which is a felony. Attorney Sajdak explained the law regarding this, which states no licenses 'may' be issued to a felon. This gives the Village some leeway. Applicant is a manager at Kwik Trip and seeking to advance. **1 in favor (Kaminski), 4 opposed, motion to deny fails.**

NEW BUSINESS continued:

MOTION (Warren/Hughes) to grant the operator license to Kenneth M. Boivin, 4 in favor, 1 opposed (Kaminski), carried.

- G. Consideration and Action on Denial of Operator License - Adam L. Gauthier
MOTION (Kaminski/Daniels) to deny the operator license. Discussion of convictions not completely listed on application. Mr. Gauthier is a head cook at Ivey's and would only have license to fill in should someone else be unavailable. **2 in favor (Hughes, Wolter), 3 opposed, motion to deny fails. MOTION (Daniels/Warren) to approve the operator license for Adam L. Gauthier, 3 in favor, 2 opposed (Hughes, Wolter), carried.**
- H. Approve "Class B" Fermented Malt Beverage and Intoxicating Liquor Licenses – July 1, 2014 – June 30, 2015:
1. **(New)** Old Town WI, LLC, Charles B. Hastings, Agent, 644 Hwy. K, Erin, WI, 53027, d/b/a **Old Town Inn**, N116 W15841 Main Street, Germantown, WI, 53022. (includes outdoor deck open until 10:00 p.m.)
 2. **(New)** WI Bier Stube LLC, Charles B. Hastings, Agent, 644 Hwy. K, Erin, WI, 53027, d/b/a **Von Rothenburg Bier Stube**, N116 W15863 Main Street, Germantown, WI, 53022. (includes outside fenced beer garden extended to parking lot open until 10:00 p.m.)
- MOTION (Warren/Kaminski) to approve both licenses as presented.** Discussion of noise complaints from neighboring residents, outside premises hours and options. Chaz Hastings, Carrie Schuster, Nancy Litzow and Ed Schuster each spoke regarding the issues. Further discussion of decibel levels, police visits etc.
All in favor of the motion to approve, carried.
Trustee Baum arrived at 8:05 p.m. during discussion of the above item.
- I. In The Matter Of The Complaint Against: Maple Road, LLC, Holder Of "Class B" Alcohol Beverage Licenses For Buzdum's Pub & Grill, Radomir Buzdum, Agent, Premises At W188 N10515 Maple Road, 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.
- Attorney Sajdak stated this is a scheduled hearing as a quasi-judicial proceeding for the Village Board to determine whether or not the complaint as presented is true and then take appropriate action. Attorney Sajdak proceeded to ask Mr. Radomir Buzdum questions regarding the Complaint. Discussion of the delinquent property taxes on the property which is leased to Mr. Radomir Buzdum by Buzdum Trust, which is owned by his brother, Boro Buzdum, as stated by Mr. Radomir Buzdum. **MOTION (Kaminski/Baum) to postpone action on this item until the second meeting in July, (July 21st).** Further discussion of the property being foreclosed upon, not in receivership yet and the time for the process to move forward. Discussion of whether to approve the license or non-renew and ordinance regulating licensing in the case of delinquent real estate taxes. **4 in favor of the motion to postpone, 2 opposed (Daniels, Wolter), carried.**

NEW BUSINESS continued:

Attorney Sajdak informed Mr. Buzdum he will not be served any further paperwork and he stated he understood.

- J. Action on Buzdum's License (Approval or Non-Renewal) 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
No action necessary.
- K. Contract With Graef to Proceed With Traffic Signal Alternative for the Freistadt-Maple Intersection
Engineer Bischke presented information regarding the traffic signal alternative for Freistadt and Maple intersection. Looking to finish up the existing contract. Final work and construction is further down the road. Discussion. **MOTION (Hughes/Kaminski) to direct them to continue with the signaling option and not the roundabout.** Discussion of 4 way stop, round about & signaling option. **All in favor, carried.**
- L. Resolution for Budget Amendment TIF No. 4 Signalization Mequon & Eisenhower
Engineer Bischke explained the signalization at Mequon & Eisenhower must now be built to State standards according to the DOT and provide details regarding the requirements and costs. Discussion. **MOTION (Hughes/Daniels) to approve Resolution for Budget Amendment, by roll call vote, 3 in favor, 3 opposed, motion fails.** Discussion of need for a 2/3rds vote for a budget amendment. **MOTION (Daniels/Baum) to postpone this item until July 7th when more Trustees are present.** Discussion. **All in favor, carried.**
- M. A Resolution Authorizing and Directing Village Staff to Contact and Work With The Southeastern Wisconsin Regional Planning Commission (SEWRPC) To Amend The Regional Water Quality Management Plan for Eventual Addition of Certain Lands Located Generally Between Appleton Avenue, Lannon Road, Highway 41 and Maple Road to MMSD's Sanitary Sewer Service Area
Engineer Bischke presented the information regarding this item. Discussion of additions, deletions and shifts. This allows staff to enter into the discussions for the next step. Attorney Sajdak recommended changing the language in the last paragraph to 'remove certain areas and to include' rather than 'to add the area'. **MOTION (Hughes/Baum) to approve the resolution including the changes as presented by Attorney Sajdak, by roll call vote, all in favor, carried.**
- N. Purchase of Protective Firefighter Ensembles (Bunker Gear)
MOTION (Warren/Daniels) to approve purchase of protective gear from Paul Conway Shields (Globe Brand) at a cost of \$1700.00 per set for a maximum of 29 sets from the \$50,000 budgeted as a capital item for account #40-55-570-8530. Discussion. **By roll call vote, 5 in favor, 1 opposed (Baum), carried.**

NEW BUSINESS continued:

- O. Developer's Agreement With Carriage Hills Germantown, LLC, for Water Main Project Near Fond du Lac Ave. and Park Ave.

DPW Director Ludwig presented information regarding the Developer's Agreement and need for a new water main going through the park area of the ball diamond and extending a lateral to this parcel. Discussion. **MOTION (Baum/Warren) to approve as presented.** Discussion. Carriage Hills will contribute \$100,000 to our utility by paying for this project and then turning it over to the Village Utility as a public main. Recommendation by Trustee Kaminski to have a future conversation to discuss the possible impact fees anticipated with the Public Works Committee. **All in favor, carried.**

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:50 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk