

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
February 15, 2021**

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by President Wolter.

ROLL CALL: Present: President Wolter, Trustees Baum, Hudson, Kaminski, Miller, Myers, Pieper, Wing, and Zabel. Also present: Administrator Kreklow, Clerk Braunschweig, Attorney Sajdak, Manager Tucker, Director Ratayczak, and Director Anderson. Clerk's Note: This was a partial Virtual Webex Meeting.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:

No report.

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

The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney, Village Clerk, And Department Heads, to include:

Trustee Wing Thanked the Fire Department for their service and response in the freezing cold.

Trustee Miller commented that Mia Fest will be cancelled for this year.

New Fire Department Members Ryker K. Holms, Meagan L Clark, and Michael T. Martinich were sworn in.

Election Update. There is a statewide primary election for State Superintendent of Public Instruction. The Village will also see a school board primary and District 2 Village Trustee Primary. Polls will be open from 7 am until 8 pm.

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

Village President Dean Wolter read emails as received:

Eric Buehl sent an email in support of the Appleworks Winery expansion.

Jay Van Buseki Sent an email in support of Appleworks Winery expansion.

Rusty and Myra Peterson Sent an email in support of the Appleworks Winery expansion.

Carroll and Jean Merry sent a letter in support of the Appleworks Winery expansion.

Matthew Waech Sent a letter in support of the Appleworks Winery expansion.

Amy Johnson sent a letter in support of the Appleworks Winery expansion.

Sara Daraven sent an email in support of the Appleworks Winery expansion.

Sam Kruschel of Apple Blossom Lane spoke against the Appleworks Winery expansion.

Kurt Will of Apple Blossom Lane spoke against the Appleworks winery expansion. He commented on conditional use permit #22 does not include windows.

Robert Warren of Juniper Drive spoke in favor of the Appleworks Winery expansion. He commented on the smart growth plan and development.

Jeff Grogin spoke in support of Kevin Behnke and the Appleworks Winery expansion.

Scott Metzinger of Golden Drive, Richfield, spoke in favor of the Appleworks Winery Expansion. He commented on the 2050 plan and economic development.

Jason Otto commented in favor of the Global Sight and Sound and commented on their proposal for Audio Video System and due diligence is needed on the Audio Visual item.

CONSENT AGENDA:

- A. Approval of Minutes February 1, 2021 Regular Village Board Meeting.
- B. Accounts payable/payroll
 - 1. January 29, 2021 Accounts Payable \$ 53,970.27
 - 2. February 5, 2021 Accounts Payable \$ 334,523.71
 - 3. February 2, 2021 Payroll (Hourly) \$ 246,846.08
 - 4. February 12, 2021 Accounts Payable \$ 194,446.82
 - 5. February 15, 2021 Payroll (Salary) \$ 100,398.71
 - 6. February 16, 2021 Payroll (Hourly) \$ 262,798.46

The following items were forwarded from **Public Works** with a unanimous recommendation.

- C. Replacement of Fire Station Generator Transfer Switch from Pieper Electric in an amount not to exceed \$17,600.
- D. Replacement of two Library Boilers from Johnson Controls in an amount not to exceed \$76,880.
- E. Purchase of Western Star Patrol Truck with Attachments from Truck Country / Burke Truck and Equipment in an amount not to exceed \$200,000.
- F. Purchase of 11' First Response System Salt Brine Pre-Treatment System from Casper's Truck Equipment in an amount not to exceed \$70,000.
- G. DF Tomasini Invoice in an amount of \$17,518 for the emergency repair of the watermain and valve installation on Carnegie Drive.
- H. Award the Wendy Lane / Division Road Watermain contract to Vinton Construction in an amount of \$309,359.25 with a 5% contingency of \$15,470, a total not to exceed \$324,839.25.
- I. Award CIPP Interceptor Lining and manhole rehabilitation project to Visu-Sewer in an amount not to exceed \$2,611,161.40.
- J. Purchase of Wastewater Utility Van from Badger Ford for amount not to exceed \$38,973.
- K. 2021 Village Labor and Equipment Rates.

Motion (Baum/Myers) to approve Consent agenda A-K. Trustee Wing requested to pull Item C, due to conflict of interest. Motion carried to approve consent agenda items A-K, without item C. Zabel commented that item H. water main extension letters have not went out to the residents. Roll Call vote carried unanimously.

Motion (Baum/Pieper) to approve Item C Replacement of Fire Station Generator Transfer Switch from Pieper Electric in an amount not to exceed \$17,600. Roll Call vote carried. Wing Abstained.

UNFINISHED BUSINESS:

- A. Conditional Use Permit Amendment for Kevin H. Behnke, Agent and Property Owner of the Apple Works Winery LLC - W179 N12536 Fond du Lac Avenue, to allow an expansion of the existing business to and use of the property as a venue for weddings and other events including: a 5,150 sqft building with seating capacity of 125 persons; an outdoor patio with 900-1,080 sqft covered shelter and outdoor fireplace; and a 35-50 vehicle parking lot.

Motion (Baum/Miller) to take the item off of the table. Motion carried unanimously.

The original motion as follows is in place and read by the Clerk.

Motion (Baum/Myers) to approve the Conditional Use Permit Amendment for Kevin H. Behnke, Agent and Property Owner of the Apple Works Winery LLC - W179 N12536 Fond du Lac Avenue, to allow an expansion of the existing business to and use of the property as a venue for weddings and other events including: a 5,150 sqft building with seating capacity of 125 persons; an outdoor patio with 900-1080 sqft covered shelter and outdoor fireplace; and a 35-50 vehicle parking lot.

The proposed failed amendments were reviewed:

Amendment Motion (Wing/Zabel) to add a condition of no music outside on entire outside site. Mr. Behnke will add air conditioning and an employee to watch. Music is mostly 2-5 pm. Adds an acoustical guitar or violin. Motion to amend failed.

Amendment Motion (Baum/Myers) to allow for non-amplified music such as acoustical guitars, acoustical violins, or string quartets to be allowed from 2 pm – 6 pm daily on the outdoor patio adjacent to the retail/tasting room added to include inside the tasting room. Motion to amend failed.

Motion (Zabel/Wing) No outside music is permitted at barn venue. The outdoor venue is for outside near the existing patio.

Zabel/Wing pulled their amendment motion from the January 4th meeting.

Amendment Motion (Zabel/Miller) to accept the changes in the new Conditional Use Permit

Discussion ensued of the conditions that have been updated. Associate Planner Zandt came to the podium to review the new items in the Conditional Use Permit. Specifics to each building were added. Condition #3 was added that the Conditional Use Permit is transferable to family only. Conditional #8 was added as no hard liquor for business purposes. In the event the owner would like hard liquor license, the owner would need to apply for an amendment. Condition #9 restricting additional access to the property, does not address traffic impact, records a deed restriction. Condition #10 concerns maximum property capacity of 200 persons at any one time, not including service staff. Condition #20 crossed out and replaced with #18, outdoor music will be permitted on the outdoor patio, between 12 pm and 6 pm only, Sunday – Thursday and from noon – 8:30 pm on Friday and Saturday. Discussion of Condition #20 hours of operation limited to 6 a.m. – 9 p.m. Sunday – Thursday and 6a.m. and 11 p.m. on Fridays and Saturdays. Clean-up may take place between 11 p.m. and midnight on Friday and Saturdays.

Events are limited to 250 guests, no outside music. Discussion ensued of the limitation of guests. The maximum for the entire property not including staff at any one time is 200 people. Maximum wedding guests 150 not including staff.

Discussion ensued of parking. Additional parking spots for 40-50 will be added.

Discussion ensued of the windows to be closed as in item #22. Windows are 4x6 and do not open.

Discussion ensued of the level of music.

Mr. Behnke commented that the wine tasting will not change. There is a guitar and vocalist.

Discussion ensued of how to define family member.

Amendment Motion (Wing/Pieper) to add Windows to item #22, All venue building doors and windows must be closed while music is played inside the venue. Amendment Motion Carried Unanimously.

Distances to the neighbors and other buildings were reviewed and discussed.

The sound study was discussed.

Craig Schaefer, Sound Engineer, of Reidel & Associates reviewed the Sound Study Findings and sound levels.

The zoning and uses were discussed as consistent.

Discussion ensued of the Conditional Use and holding accountable with conditions of approval. The Conditional Use Permit could be revoked and would involve litigation.

Discussion ensued of a sound monitoring device inside the wedding venue that there be self check or evaluation to tell the band to turn it down the music. Sound system allows you to limit decibel at a certain decibel level. There is a limit in the sound system itself.

(Baum/Zabel) Add condition #27 that the applicant place monitoring devices at property line and inside the facility to assist with determining acceptable level of sound to the neighbors and after one year come back to the board to define the acceptable sound level. Rural decibel levels acceptable 55 day and 45 night. Amount of time duration to be five minute duration (as recommended by Craig Schaefer), five minutes is two songs. Amendment Motion carried. Myers voted no.

Final vote of Conditional Use permit as amended failed, 6-3. Baum, Kaminski, Miller voted aye; Hudson, Myers, Pieper, Wing and Zabel voted nay. Conditional use is not approved.

The Village Board took a two-minute recess.

PUBLIC HEARING:

- A. None.

NEW BUSINESS:

- A. Resolution 02-2021, Resolution Disallowing the Claim of Carol Vachalek for Water Damage.

Motion (Baum/Pieper) to approve Resolution 02-2021, Resolution Disallowing the Claim of Carol Vachalek for Water Damage.

Mrs. Vachalek came to the podium and gave history of the property water problems. Her packet was included in the packet. She reviewed the history and detail of her claim. Asking for someone to assist her to get through the insurance to get the money back. Letters from the insurance are included in the packet. She commented on the water problem from six years ago. Water went through basement and caused a lot of damage. Sump pump ran continuously. Village employees came out and took a sample of the water. The sample contained fluoride.

Mrs. Vachalek contracted plumbers to complete the repairs. The basement walls were also repaired.

Substitute Motion (Kaminski/Baum) for the Village to pay Mrs. Carol Vachalek the claim in the amount of \$21,139.53. Roll Call Vote Carried Unanimously.

B. Audio Visual Proposal for the Village Board Room – Heartland Business Systems.

Glen Alan of Heartland Business Systems distributed information to the Village Board. Discussion ensued of an electrician would be needed. There would be additional costs. Discussion ensued of the different types of mics.

Motion (Pieper/Wing) to postpone Audio Visual Proposal for the Village Board Room to the next Village Board Meeting. Motion carried unanimously.

C. International Association of Fire Fighters, Local 4854, Collective Bargaining Agreement.

Motion (Myers/Pieper) to approve International Association of Fire Fighters, Local 4854, Collective Bargaining Agreement. Motion carried unanimously.

D. Resolution 01-2021 Weights and Measures.

Motion (Kaminski/Myers) to approve Resolution 01-2021 Weights and Measures. Motion carried unanimously.

E. Ordinance 02-2021, Amending and updating Chapter 16 (Electrical Code) in the Village's Code of Ordinances to comply with the requirements of Wis. Admin Code SPS 316.

Motion (Pieper/Myers) to approve Ordinance 02-2021, Amending and updating Chapter 16 (Electrical Code) in the Village's Code of Ordinances to comply with the requirements of Wis. Admin Code SPS 316. Motion Carried unanimously.

F. Obtain Services of Traffic Engineering Services for the design phase of Mequon Road Street Lighting at a cost not to exceed \$20,000.

Motion (Miller/Baum) to approve Obtain Services of Traffic Engineering Services for the design phase of Mequon Road Street Lighting at a cost not to exceed \$20,000. Motion carried. Myers and Zabel voted no.

G. Purchase of Takeucki TB290 Track Mini Excavator in an amount not to exceed \$116,701.

Motion (Kaminski/Myers) to approve Purchase of Takeucki TB290 Track Mini Excavator in an amount not to exceed \$116,701. Motion carried. Zabel voted no.

H. Contract with Municipal Well and Pump for Well #12 in TID#8 in an amount of \$359,235, with Alternate Bid items minus stainless steel casing for a total of \$369,523.

Motion (Kaminski/Miller) to approve Contract with Municipal Well and Pump for Well #12 in TID#8 in an amount of \$359,235, with Alternate Bid items minus stainless steel casing for a total of \$369,523. Motion carried. Zabel voted no.

- I. Department of Public Works/Engineering Staffing. The Village Board may enter into closed session pursuant to Wis. Stat. § 19.85(1)(c) and/or (f) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility and/or considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

Motion (Baum/Wing) to convene into closed session at 10:24 p.m. and to include the Village Board, Village Administrator, and the Village Attorney. Roll Call Vote Carried. Kaminski voted no. 10:50 p.m. the Village Board convened into open session and adjourned.

ADJOURNMENT.

ADJOURNMENT: There being no further business, the meeting adjourned at 10:50 p.m.

The next regular meeting of the Village Board will be on Monday, March 1, 2021 at 7:00 p.m.

Respectfully Submitted,

Deanna Braunschweig

Deanna B. Braunschweig, WCMC/CMC
Village Clerk