

**VILLAGE OF GERMANTOWN  
VILLAGE BOARD MEETING MINUTES  
May 20, 2019**

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

**ROLL CALL:** Present: President Wolter, Trustees Baum, Hughes, Kaminski, Miller, Myers, Warren, Wing and Zabel. Also present: Administrator Kreklow, Police Chief Hoell, Director Rath, Clerk Braunschweig, Attorney Sajdak, Director Ratayczak, Director Schroeder, and Manager Tucker.

**PLEDGE OF ALLEGIANCE:**

**PRESIDENT'S REPORT:**

President Wolter thanked Eagle Scout Cole Navin for the invitation to the Eagle Scout Ceremony. He is glad to attend and issue a proclamation of achievement.

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

Director Schroeder announced the upcoming concert series to be held at the Gehl's Performing Arts Pavilion in Firemen's Park on the following Thursdays: June 13<sup>th</sup>, June 27<sup>th</sup>, July 11<sup>th</sup>, August 8<sup>th</sup>, and August 22<sup>nd</sup>. This will include Live Music, Food Trucks, and Beer Garden. Trustees provided information on upcoming meeting dates and times.

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

Chris Yatchak of Brownstone Court came to the podium. In recognition of those that died serving our Country in the Military, the American Legion Post will honor their service on Memorial Day, May 27<sup>th</sup>. Starting at 10 a.m. the Squad will visit the six cemeteries. This will be followed by a Ceremony at the Veterans Memorial starting at 11 a.m. A lunch will be held at Post 1.

**CONSENT AGENDA:**

- A. Approval of Minutes: May 6, 2019, Regular Meeting.
- B. Accounts payable/payroll
  - 1. May 10, 2019 Accounts Payable \$ 827,818.50
  - 2. May 12, 2019 Payroll (Hourly) \$ 227,812.75
  - 3. May 15, 2019 Payroll (Salary) \$ 110,132.98
- C. Operator's Licenses: Victoria Ahrens, Mark Brooks, Kristina Busniewski, Margaret Casey, Bridget DeLeon, Natali Espinoza, Ian Haynes, Nicholas Koeppler, Rae Koppelman, Tayla Lofton, Ruth Lunde, Pamela Martinez, Vickie Matt, Rebecca McCann, Tammy Menos, April Middleton, Claire O'Brien, Barbara Peters, Ray Maiorano, Gina Roadhouse, Cynthia Singsheim, Rebecca Ulick, Ashley Welnicke, [Recommended]

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

- D. Resolution 33-2019 Contract with Lanzo Trenchless Technologies North, Inc., for the Cured in Place pipe lining of inceptor sewer in an amount not to exceed \$2,512,425, which includes \$228,400 of contingency.
- E. Obtain Consulting Services to Assist Staff with the Private Property Infiltration / Inflow (PPI&I) program including but not limited to Preparing plans and Specifications and Bidding the Project in an amount not to exceed \$20,000.
- F. Resolution 34-2019 Contract with R.A. Smith, for the Park Avenue Improvement Project in an amount not to exceed \$93,000.

G. Resolution 35-2019 Contract with GRaEF for Additional Modeling to the Stormwater Quality Management Plan, in an amount not to exceed \$15,750.

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

H. Police Department – Purchase Request for 2<sup>nd</sup> K-9 Unit.

**MOTION (Baum/Myers) to approve Consent Agenda Items A-H. Roll Call Vote Carried Unanimously.**

**OLD BUSINESS:**

None.

**PUBLIC HEARING:**

None.

**NEW BUSINESS:**

Ehlers – Long Term Debt Plan.

**Administrator Kreklow introduced the item. Maureen Holsen of Ehlers came to the podium to present detail of the Long Term Debt Plan. She reviewed the current general obligation debt and levy. Future Borrowing Plans were reviewed for Legacy Building Projects for public buildings such as the Police Department Building and Public Works Building. Considerations included a projected capital improvement cost growth of 2% per year and annual property growth of 3% per year. The TID No. 4 Closure was also considered. Administrator Kreklow commented that the planning was done to view ways to finance the legacy buildings with minimal impact to property owners. Director Rath reported on the application of reserve fund balance during the appropriate years for planning purposes.**

Resolution 36-2019, Resolution to Declare Official intent Under Reimbursement Bond Regulations.  
**MOTION (Baum/Kaminski) to approve Resolution 36-2019, Resolution to Declare Official intent Under Reimbursement Bond Regulations. Administrator Kreklow explained that the resolution will allow the Village to expend funds on planned projects such as the Gateway Park project and other sewer projects. The bonds will be issued later this year. Phil Cosson of Ehlers reported that the resolution does not obligate the Village but allows the Village to re-coop costs. Roll Call Vote Carried Unanimously.**

Resolution 37-2019, Resolution to contract with Wolverine Fireworks Display for July 4<sup>th</sup> Fireworks, in an amount not to exceed \$14,862.50, Kiwanis contributing \$7,431

**MOTION (Baum/Zabel) to approve Resolution 37-2019, Resolution to contract with Wolverine Fireworks Display for July 4<sup>th</sup> Fireworks, in an amount not to exceed \$14,862.50, Kiwanis contributing \$7,431. Roll Call Vote Carried Unanimously.**

Resolution 38-2019, Weidenbach Park Playground Equipment Purchase & Installation - Approval of Contract.

**MOTION (Baum/Miller) to approve Resolution 38-2019, Weidenbach Park Playground Equipment Purchase & Installation - Approval of Contract. Roll Call Vote Carried Unanimously.**

Resolution 39-2019, Approving the Appointment of Interim Judge for the Mid-Moraine Municipal Court.

**MOTION (Zabel/Myers) to approve Resolution 39-2019, Approving the Appointment of Interim Judge for the Mid-Moraine Municipal Court. Motion Carried Unanimously.**

Waive Sewer Connection Fee for the Proposed Precinct Restaurant and refund of \$2,048.64 of sewer connection Fee.

**MOTION (Zabel/Miller) to approve Waive Sewer Connection Fee for the Proposed Precinct Restaurant in the amount as recommended by staff.**

Trustee Kaminski reported that it was a split vote at Public Works. She commented on a Village Ordinance Change to allow the ability to assist businesses.

Trustee Zabel commented that the fee is similar to an impact fee that has already been paid.

Trustee Wing commented on the sewer connection fee and the history of various uses of the building.

Jody Kanzenbach came to the podium. She is a new owner to the building; the other two partners have owned the building previously. The fee is new to her.

Director Ratayczak came to the podium. He reported that Gehls contributed approximately 50% of the project for new sanitary sewer to the relay cost. The MMSD has a rating table to use that is based on typical use. That is where the valuation comes from.

Trustee Kaminski questioned if there is something that can be done such as an enterprise zone.

Attorney Sajdak reported that the best approach would be to postpone and look at the code / enterprise zone and bring it back.

Director Ratayczak proposed 25% of the fee to not hold up the remodeling. \$2,048.64 has been paid as they do have the building permit.

Trustee Kaminski suggested to give the options of a payment plan. Attorney Sajdak advised that this is no different than deviating from the code.

Attorney Sajdak reviewed the code and suggested to change the code.

**Roll Call Vote Carried. Baum, Hughes, and Kaminski voted no.**

Resolution 40-2019, Woodland Ponds Estates Development Agreement.

**MOTION (Baum/Zabel) to approve Resolution 40-2019, Woodland Ponds Estates Development Agreement.**

**Zabel questioned if the Elm Lane dollars had been worked out.**

**David Leszczynski came to the podium. He reported he is okay with language he received today.**

**He commented on the proportionate funding as he had not heard from the Board in regards to proportionate funding until the last meeting.**

**Attorney Sajdak reported on the subdivision code stating that the developer is responsible for road construction. The issue is that there is a road in need of reconstruction. This is the approach that has been discussed. This is similar to the Harvest Hills Development.**

**AMENDMENT MOTION(Baum/Zabel) amend section 1.05 to reflect a per lot payment as discussed in language acceptable to the Village Attorney. Motion Carried Unanimously. Original Motion as Amended Carried Unanimously.**

**License Renewals: All premise license recommendations / approvals to be conditional upon completion of all documentation, compliance of all code violations/requirements and monies owed to the village paid prior to issuance of licenses in addition to any other conditions noted.**

**RENEWALS: "Class B" Fermented Malt Beverage and Intoxicating Liquor Licenses:**

Aldo's Pizza & Pub, LLC, Dwayne Ketterer, Agent, 584 Jordan Circle, Colgate, d/b/a **Aldo's Pizza & Pub**, W156 N11058 Pilgrim Rd. Includes an outside dining area of approximately 30 feet in front of building to be open until 10:00 p.m.

Barley Pop Brew Haus, LLC, Deborah Reinbold, Agent, 1388 Parkview Dr, Hubertus, d/b/a **Barley Pop Pub & Restaurant**, N116 W16137 Main Street. Includes outside beer garden located on North Side of Building. During July 4 parade beginning at 11 am outside extension from east end of building to western end to sidewalk.

Blackstone Creek Golf Club Ltd., Troy D. Schmidt, Agent, N105 W14467 Wilson Circle, d/b/a **Blackstone Creek Golf Club**, N112 W17300 Mequon Road. Includes golf course property of 156 acres.

BSC Wisconsin LLC, Eric D Schroeder, Agent, 4619 W Bluemound Ct, Milwaukee, d/b/a **Big Sky Country**, W204 N11498 Goldendale Rd. Includes 8' x 55' outside patio on side open until 10:00 p.m.

Bubs on Main, LLC, Scott H. Pecor, Agent, 306 W. Ravine Baye, Bayside, d/b/a **Bubs Irish Pub**, N116 W16218 Main St. Bar and Banquet Hall.

Blazin Wings, Inc., Frank Arena, Agent, 14565 W Janice Place, New Berlin, d/b/a **Buffalo Wild Wings**, N96 W17990 County Line Rd. Includes attached patio with hours restricted between 10:00 p.m. and 8:00 a.m. (Reserve)

Maple Road, LLC, Boro Buzdum, Agent, 1804 Barton Ave., West Bend, d/b/a **Buzdum's Pub & Grill**, W188 N10515 Maple Rd. First Floor, Basement, and outdoor patio area.

ERJ Dining III, LLC, Paul S. Thompson, Agent, 7188 W Fox Haven Court, Franklin, WI 53132, d/b/a **Chili's Grill & Bar**, N96 W18640 County Line Rd. Dining and Bar Areas.

Eastern Kettle Moraine Moose Lodge 1238, Dan Walk, Agent, W211 N11863 Hilltop, d/b/a **E.K.M. Moose Lodge 1238**, W198 N10217 Appleton Ave., Germantown. (includes outside pavilion 22' x 20', and open area for Lodge picnics including buildings to be open until 10:00 p.m., 480' x 525' grounds area).

Florian Park, Inc., Ryan Rahl, Agent, 311 Preserve Way, Colgate, WI 53017, d/b/a **Florian Park Conference & Event Center**, N111 W18611 Mequon Rd, Germantown. 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.

KJ's Bar & Grill, Gerald Louis Wagner, Agent, N112 W21209 Mequon Rd., dba **KJ's Bar & Grill**, N112 W21209 Mequon Rd. Bar, Basement and 20x25 outside deck.

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.

JK GAM, LLC, Jon R. Gamroth, Agent, N104 W15303 Donges Bay Rd, d/b/a **Gamroth's Kuhburg Junction**, W140 N10385 Fond du Lac Ave. Bar Area, Liquor Room, and Office.

Northridge Automotive Enterprises, Inc., David L. Iverson, Agent, N166 W19523 Ravens Way, Jackson, d/b/a **Ivee's at Main**, W157 N11618 Fond du Lac Ave. Includes outside patio in front of building until 10:00 p.m.

Lone Star, LLC, Karen Ann Pritzlaff, Agent, W204 N11912 Goldendale Rd., d/b/a **Lone Star**, W204 N11912 Goldendale Rd. Includes horseshoe courts, path, outside fenced area to be open until 10:00 p.m., and outside front porch area.

Mama Mia's – Port, Inc. Jude Barbieri, Agent, 12205 Bonniwell Rd, Mequon, d/b/a **Mama Mia's**, N112W16344 Mequon Road. Restaurant, Bar, Liquor Closet, and Beer Cooler.

Marko's Pizza II Inc., Ken Ubert, Agent, 3943 Rosie Court, Colgate, d/b/a **Marko's Pizza II**, W156 N9664 Pilgrim Rd. First Floor Restaurant and Dining Area.

Metro Cigars, LLC, Jennifer Lynn Groh, Agent, 1671 Holy Hill Lane, Hubertus, d/b/a **Metro Cigars, LLC**, N102W19455 Willow Creek Way. 3,760 Sq Foot Building with 400 Sq Foot Outdoor Patio.

Old Town WI, LLC, Brian A. Meyer, Agent, N26 W30227 Maple Ave., d/b/a **Jerry's Old Town**, N116 W15841 Main Street. Building and includes outdoor deck open until 10:00 p.m.

The Precinct, Jodi Kazenbach, Agent, 709 S 2<sup>nd</sup> Ave, West Bend, **The Precinct**, W16N11629 Church Street, Germantown. Locked Basement, Bar Area, Dining Room, Outdoor Patio.

Robin L. Bird, LLC, Robin L. Bird, Agent, W188 N13367 Maple Rd, Richfield, d/b/a **Sports Corner Bar & Grill**, W187 N12793 Fond du Lac Avenue. Includes outside volleyball courts and smoking room to be open until 10:00 p.m.

**ST1X Golf Entertainment**, W164 N11271 Squire Dr., Agent, Robert Stafford 13985 N. Pine Bluff Rd., Mequon; Owners, Daniel Hughes and Ryan Hughes of N108 W6905 Berkshire St., Cedarburg. 4,300 Sq Foot Building, All Rooms, Including Storage, Office, Bar, Dining Area, Kitchen, Open Floor Plan.  
Christine A. Brockman, W157 N11638 Fond du Lac Avenue, d/b/a **Tiny T's**, W157 N11638 Fond du Lac Avenue, Germantown, WI 53022. Bar, Basement, outside fenced in premise for 4<sup>th</sup> of July.  
WI Bier Stube LLC, Brian A. Meyer, Agent, N26 W30227 Maple Ave., d/b/a **Von Rothenburg Bier Stube**, N116 W15863 Main Street. Main Building, Garage and includes outside fenced beer garden extended to parking lot open until 10:00 p.m.

**MOTION (Myers/Baum) to approve "Class B" Fermented Malt Beverage and Intoxicating Liquor Licenses. Motion carried. Wing Abstained.**

**Class "B" Fermented Malt Beverage and "Class C" Wine Licenses**

Zhengren Zheng, N111 W16424 Esquire Ct., d/b/a **China Kitchen**, N112 W16560 Mequon Rd. Dining Room.  
Hung Hao LLC, Hung D. Lu, Agent, N109 W12628 Coneflower Cir., d/b/a **Hung Hao Restaurant**, N112 W15800 Mequon Rd. Dining Room, Coolers, Storage Room.  
MC Roadhouse LLC, Matthw Roadhouse, W160N10544 Old Farm Rd, **Swingtime**, W197N10340 Appleton Ave. Includes 12 acres of property, buildings and back room.

**MOTION (Baum/Miller) to approve Class "B" Fermented Malt Beverage and "Class C" Wine Licenses. Motion carried unanimously.**

**"Class B" (wine only) Winery License and Class "B" Fermented Malt Beverage**

Apple Works Winery LLC, Kevin H. Behnke, Agent, W179 N12536 Fond Du Lac Ave., d/b/a **Apple Works Winery/Behnke Estates**, W179 N12536 Fond Du Lac Ave. (Includes an Outside Premise Extension which includes an outdoor patio area and tent.)

**MOTION (Kaminski/Baum) to approve "Class B" (wine only) Winery License and Class "B" Fermented Malt Beverage. Motion carried unanimously.**

**"Class A" Fermented Malt Beverage and Intoxicating Liquor Licenses**

**Aldi Inc.**, Michelle Kind, Agent, 5230 State Rd. 167, Hubertus, d/b/a **Aldi #67**, N96 W18838 County Line Rd. Single Story Brick Bldg, Grocery Store.

Cost Plus, Inc., Heather Lazar, Agent, 443 E Dover St., Milwaukee, d/b/a **Cost Plus World Market**, N96 W18970 County Line Rd. Left rear of store and back stock room.

Colgate Gas, Inc., Didar Singh, Agent, W150 N7248 Paseo Lane, Menomonee Falls, d/b/a **County Line BP**, N96 W21962 County Line Rd.

Kwik Trip, Inc., Kimberly Kuecker, Agent, 320 N German St. Mayville, d/b/a **Kwik Trip #631**, W188 N10963 Maple Rd. Sales Floor and Behind Counter.

Ultra Mart Foods, LLC., Jared Beilke, Agent, N89W15640 Cleveland Ave, Menomonee Falls, Cedarburg, d/b/a **Pick 'n Save #6357**, N112 W16200 Mequon Rd. Includes exterior parking stalls designated for on-line grocery pick up.

B&B Inc of Milwaukee, Asif Vadsaria, Agent, W151 N11492 Potomac Cir., dba **Quick Pick Food Mart**, N128 W21760 Holy Hill Rd.

Sendik's Germantown LLC, Theodore Balistreri, Agent, 5566 N. Diversey Blvd., Whitefish Bay, d/b/a **Sendik's Food Market**, N112 W15800 Mequon Rd. Includes exterior parking stalls designated for on-line grocery pick up.

Speedway, LLC, Richard Eastham, Agent, 2958 S. 90<sup>th</sup> St, West Allis, d/b/a **Speedway #4465**, W178 N9653 Riversbend Lane.

Speedway, LLC, Dawn Reith, Agent, N75 W222586 Cherry Hill Rd., Sussex, d/b/a **Speedway #4495**, W164 N11233 Squire Dr.

Walgreen Co., Vickie Matt, Agent, 1411 Deer Trail Ct., Hubertus, d/b/a **Walgreens #05427**, W156 N11261 Pilgrim Rd.

Wal-Mart Stores East, LP, Kimberly Kuecker, Agent, 3115 Lilly Rd., Brookfield; d/b/a **Wal-Mart #1515**, W190 N9855 Appleton Ave. Includes outside parking lot specifically designated for on-line grocery pick up.

NSM Enterprises LLC, Naseem Abbas, Agent, N114 W15775 Sylvan Ct, #2, d/b/a Willow Creek BP, W201 N10451 Appleton Ave.

**MOTION (Myers/Baum) to approve "Class A" Fermented Malt Beverage and Intoxicating Liquor Licenses. Motion carried unanimously.**

**Meridian Germantown LLC / Wal-Mart Stores, Inc claim of excessive real estate tax. The Village Board may convene into closed session per Wis. Stats. §19.85(1)(g) for the purpose of conferring with Legal Counsel who is rendering advice concerning strategy to be adopted by the Village with respect to litigation in which it is involved or is likely to become involved and then may reconvene into open session to take such action as it deems appropriate; and,**

**Resolution 41-2019, Village Board Support of Improvements to Public Works Facilities to Address Storm Water Pollution Prevention Requirements, DNR Notice of Violation. The Village Board may convene into closed session per Wis. Stats. §19.85(1)(g) for the purpose of conferring with Legal Counsel who is rendering advice concerning strategy to be adopted by the Village with respect to litigation in which it is involved or is likely to become involved and then may reconvene into open session to take such action as it deems appropriate.**

**Motion by Myers, second by Baum to go into closed session and include the Village Board, Village Attorney, Administrator Kreklow, and Clerk Braunschweig at 8:56 P.M.**

**Attorney Sajdak advised that the Board could motion to come out of closed session prior to going to the second closed session.**

**Attorney Jason Gehr and Director Rath were included for the Meridian Germantown LLC discussion from 8:56 P.M. to 9:16 P.M. Director Ratayczak and Engineer Nitschke were included for Resolution 41-2019 discussion from 9:16 P.M. to 9:45 P.M.**

**Motion Carried Unanimously.**

The Village Board Reconvened in open session at 9:45 P.M.

**MOTION (Baum/Myers) In Regards to the Meridian Germantown LLC / Wal-Mart Stores Inc. claim of excessive real estate tax, to proceed as discussed in closed session. Motion carried unanimously.**

**MOTION (Baum/Zabel) to approve Resolution 41-2019, Village Board Support of Improvements to Public Works Facilities to Address Storm Water Pollution Prevention Requirements. Motion carried unanimously.**

**ADJOURNMENT.**

**ADJOURNMENT: There being no further business, the meeting adjourned at 9:46 p.m.**

**The next regular meeting of the Village Board will be on Monday, June 3, 2019 at 7:00 p.m.**

*Respectfully Submitted,*

Deanna B. Braunschweig, WCMC/CMC  
Village Clerk