

**VILLAGE OF GERMANTOWN  
VILLAGE BOARD MEETING MINUTES  
August 5, 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, Myers, Warren, Wing, and Zabel. Trustee Miller absent excused. Also present: Administrator Kreklow, Clerk Braunschweig, Attorney Sajdak, Director Rath, Director Retzlaff, Director Schroeder, Director Ratayczak, Manager Tucker, and Intern Andrew Martin.

**PLEDGE OF ALLEGIANCE:**

**PRESIDENT'S REPORT:**

Nothing to Report.

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

Trustees provided information on upcoming meeting dates and times.

Trustee Hughes reminded everyone of National Night Out on August 6, 2019.

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

Brian Dolk of Germantown came to the podium and requested an ordinance restricting unmanned, unregistered drones.

Joletta Kerpan, Winnebago Circle, Hubertus, on behalf of the Germantown Kiwanis, came to the podium to thank everyone for attending the Taste of Germantown. She thanked the Village Departments and Trustees and volunteers.

Brian Dolk of Germantown came to the podium a second time and read a prepared statement. He requested the suspension of work permitted at the Kinderburg Site and indefinitely suspend Veridian Homes rezoning. He requested the suspension until all investigations into the alleged potential unethical and criminal wrong doing by Veridian Homes and School Board are complete. He spoke against the Veridian Homes development and School Board. He continued that if the hearings are not suspended he will file complaints with outside agencies.

Village Administrator reported that to his knowledge there are no investigations or reviews of the school district or Veridian Homes at this point. There is room for differences of opinion on the development of Veridian Homes and rezoning. There can be criticism of the processes for notifications. Internally we have reviewed notifications and are doing a better job communicating with the public. To his knowledge there have been no violations of code of ethics or legal standards. This is true for school board as well. Individuals are encouraged to continue to have interest and raise concerns and air them. From what he has seen and observed he has not seen anything that would rise to the level of ethics violation.

**CONSENT AGENDA:**

- A. Approval of Minutes: July 15, 2019 Regular Village Board Meeting.
- B. Accounts payable/payroll
- |    |               |                  |    |            |
|----|---------------|------------------|----|------------|
| 1. | July 15, 2019 | Payroll (Salary) | \$ | 109,882.96 |
| 2. | July 23, 2019 | Payroll (Hourly) | \$ | 264,594.91 |
| 3. | July 25, 2019 | Accounts Payable | \$ | 986,743.47 |
| 4. | July 31, 2019 | Payroll (Salary) | \$ | 109,121.32 |
| 5. | July 31, 2019 | Accounts Payable | \$ | 30,472.92  |
- C. Operator's Licenses: Afia Allen, Amy Boehler, Mary Buck, Jareth Cardenas, Stephen Hamilton, Matthew Jones, Katelyn Kaad, Austin Luszak, Adam Maciejczak, Samantha Schreiner, Lisa Turchi, Courtney Ziegelbauer. [Recommendation Forthcoming]
- D. Operator's License: Micheal O'Brien - Rhodes [Recommended Denial Forthcoming]
- The following items were forwarded from **Public Works** with a unanimous recommendation.
- E. Resolution 49-2019, Developer Agreement – Heritage Park North Subdivision.
- F. Wastewater Utility - Service Body with Crane Purchase from Olson Trailer and Body in an amount not to exceed \$42,436.
- G. Change Order – Fahrner Asphalt Sealcoat Contract in an amount not to exceed \$45,500, to include the micro surfacing of Willow Creek Road from Amy Belle Road to Appleton Avenue.

**MOTION (Baum/Myers) to approve Consent Agenda Items A-G, except D. Myers and Hughes requested to pull Item D. Roll Call Vote Carried Unanimously.**

**D. Operator's License: Micheal O'Brien - Rhodes [Recommended Denial Forthcoming]**

**MOTION (Hughes/Myers) to Approve the Operator's License Micheal O'Brien – Rhodes. Motion carried unanimously.**

**OLD BUSINESS:**

None.

**PUBLIC HEARING:**

None.

**NEW BUSINESS:**

Class "B" Fermented Malt Beverage and Class C Liquor License, August 5, 2019 – June 30, 2020, for Old Germantown LLC, W148N12696 Pleasant View Drive, Scott and Georgene Sommer, Owners.

Premise license approvals are conditional upon completion of all documentation, compliance of all code violations/permits/ requirements and monies owed to the village paid prior to issuance of licenses in addition to any other conditions noted.

**MOTION (Baum/Myers) to Approve Class "B" Fermented Malt Beverage and Class C Liquor License, August 5, 2019 – June 30, 2020, for Old Germantown LLC, W148N12696 Pleasant View Drive, Scott and Georgene Sommer, Owners. Premise license approvals are conditional upon completion of all documentation, compliance of all code violations/permits/ requirements and monies owed to the village paid prior to issuance of licenses in addition to any other conditions noted. Motion Carried Unanimously.**

Temporary Outside Premise Extension Request, Gamroth's Kuhburg Junction, W140N10385 Fond du Lac Avenue, August 10, 2019 3 PM – 10 PM. Backyard Area with Tent and Smoking Area for Pig Roast Party with Outdoor Serving Station.

**MOTION (Kaminski/Baum) to Approve Temporary Outside Premise Extension Request, Gamroth's Kuhburg Junction, W140N10385 Fond du Lac Avenue, August 10, 2019 3 PM – 10 PM. Backyard Area with Tent and Smoking Area for Pig Roast Party with Outdoor Serving Station. Motion Carried Unanimously.**

Change of Agent, Kristi O'Connor, Pick n Save #357. N112W16200 Mequon Road.

**MOTION (Baum/Kaminski) to Approve Change of Agent, Kristi O'Connor, Pick n Save #357. N112W16200 Mequon Road. Motion Carried Unanimously.**

Change Order – Dielectric Utilities to Kruczek Construction in an amount not to exceed \$872,494 for the Extension of Public Sanitary Sewer and Watermain.

**MOTION (Myers/Kaminski) to Approve Change Order – Dielectric Utilities to Kruczek Construction in an amount not to exceed \$872,494 for the Extension of Public Sanitary Sewer and Watermain. Zabel questioned if the extension was part of the original TID 8 project. Administrator Kreklow clarified that the TID Plan did not detail specific streets; however, it did include the line item. This was not discussed during the review of the TIF proposal. Administrator Kreklow reported that the financial advisor had agreed that we can adjust within the overall TID as the extension is acceptable within the TID Plan. Roll Call Vote Carried. Zabel voted no.**

**MOTION (Baum/Myers) to Suspend the Rules and take items out of order to Item F. Motion Carried Unanimously.**

Germantown Business Development Loan Pool Application – Stix Golf Entertainment. The Village Board May Convene Into Closed Session Per Wi. 19.85(1)(E) Deliberating Or Negotiating The Acquisition Of Public Property, The Investing Of Public Funds, Or Conducting Other Specified Public Business, Whenever Competitive Or Bargaining Reasons Require A Closed Session And May Re-Enter Open Session To Take Such Action As It Deems Appropriate.

**The Village Board did not go into Closed Session for this item.**

**MOTION (Myers/Hughes) to Approve Germantown Business Development Loan Pool Application – Stix Golf Entertainment. The Village is not Financially Responsible for the loan. This is not out of the Village of Germantown Budget. Roll Call Vote Carried Unanimously.**

Tourism Commission Presentation – Andrew Martin.

**Administrator Kreklow introduced Intern Andrew Martin. Intern Martin reviewed different Tourism Commissions in the State and their Organization and Structure and the use of room tax.**

**Martin reviewed the State Law and Structure of the Room Taxes. He reviewed how Germantown is unique and has been grandfathered in because the Room Tax has been in place for a longer period of time. Germantown retains more than 30% of room tax money for the general fund.**

**Martin reviewed the comparisons of other case study communities. Middleton, Wauwatosa, and West Allis were reviewed in depth.**

**Martin concluded with recommendations for the Germantown Tourism Commission. He recommended that the Tourism Commission provide brief quarterly reports to the Village Board, develop and adopt an annual budget, and have well defined vision and goals that are aligned with the Village Board.**

Intergovernmental Agreement with the Germantown School District for the Use of Facilities for Park and Recreation Programs. The Village Board May Convene into closed session per Wis. Stats. §19.85 (1) (e) For the Purpose of Deliberating or negotiating the contract, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and may convene into open session to take such action as it deems appropriate; and,

**The Village Attorney Sajdak advised that the Village Board did not have to go into closed session.**

**The Village Board did not go into Closed Session for this item.**

**Administrator Kreklow gave an overview of the item. He started with background and history that the prior intergovernmental agreement expired last August. We have operated without an agreement for approximately one year. Recently in Early June a Proposed Intergovernmental Agreement was drafted by the School District Staff. The Village Board voted to agree to that draft.**

**The School District Superintendent communicated with the Village Administrator that the School Board voted to hold the Intergovernmental Agreement until there is resolution to the Donges Bay, Veridian Home Proposal.**

**Additionally, the School District changed policy regarding the priority for the Village Park and Recreation Programs. Previously, the Village Recreational Programs were a second priority behind the School District. The School District has now bumped the Village priority to a three, except for Kids Klub Programs which remains in the second priority level.**

**The fall and winter programs have been published. Administrator Kreklow has requested that a disclaimer be added to registrations for programs at the school, that we cannot guarantee that the program will be offered as it is dependent on the School District.**

**President Wolter commented that it was the understanding that we were dealing with a final draft. Concessions were made.**

**Discussion ensued of the Kennedy School Gym Floor. The previous agreement allowed for the refinishing of the Kennedy School Gym Floor. Administrator Kreklow reported that the School District does not have access to the funds. It was part of the previous agreement.**

**Discussion ensued that the programs are for the benefit of the residents.**

**Discussion ensued that the Village has reached out to the School District inviting the School District to Joint meetings. The School District rejected the meetings.**

**Director Schroeder commented that the Park and Recreation Commission recently voted to increase some of the program fees. Registration for the programs start on Monday.**

**On a typical year the scheduling request for facilities is made prior to July 1<sup>st</sup> understanding that there may be adjustments. There could be impacts with scheduling. There will be communication with the families. Village Staff is cooperating with School Staff.**

**Motion (Zabel/Baum) Postpone any action on the Intergovernmental Agreement until the Staff and School District provide an acceptable agreement. Motion Carried Unanimously.**

Notice of Claim to the Village of Germantown from the Germantown School District. 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.

**Discussion started in open session. The Clerk's Office was served with the Claim on August 1. The Claim has been sent to the insurance. The insurance has not yet responded.**

**The Claim is in regard to the rezoning of the School District Property and the Veridian home proposal. The rezoning is scheduled to return to the Plan Commission on August 12<sup>th</sup> and Village Board on August 19<sup>th</sup>.**

**There is a timeframe in place to respond to the claim. The costs to the claim were discussed. Basically, the papers are served to the Village of Germantown Residents.**

**Brandy Peterson of Windsong came to the podium. She questioned how much the School Board is wanting for property. She has emailed the School Board Members. She would like a community pool and recreation center.**

**MOTION (Baum/Myers) to go into closed session and include the Village Board, Village Attorney, Administrator Kreklow, Director Retzlaff, and Clerk Braunschweig at 8:21 p.m. Roll Call Vote Carried Unanimously.**

**The Village Board reconvened to open session at 8:55 p.m.**

**ADJOURNMENT.**

**ADJOURNMENT: There being no further business, the meeting adjourned at 8:55 p.m.**

**The next regular meeting of the Village Board will be on Monday, August 19, 2019 at 7:00 p.m.**

*Respectfully Submitted,*

Deanna B. Braunschweig, WCMC/CMC  
Village Clerk