

VILLAGE OF GERMANTOWN
VILLAGE BOARD SPECIAL MEETING MINUTES
August 28, 2017

CALL TO ORDER: The meeting was called to order at 5:33 p.m. by President Wolter.

ROLL CALL: President Wolter and Trustees Baum, Hughes, Kaminski, Miller, Warren and Zabel were present. Trustee Campbell and Myers were absent. Also present: Attorney Sajdak, Public Works Director/Interim Administrator Ratayczak and Deputy Clerk Strebe

OLD BUSINESS:

- A. Request For Approval of Outside Premises Extension Application For The "Class B" License For WI Bier Stube, LLC, N116 W15863 Main St., Charles B Hastings, Agent. Trustee Miller, recused as family member employed by Bier Stube. **MOTION (Baum/Kaminski) to approve Outside Premises Extension for WI Bier Stube as presented.** Trustee Baum asked for clarification on reading of final ordinance. Attorney Sajdak read final adopted version. Trustee Baum stated in favor of new ordinance, but not for this location; too close to residential property. Trustee Zabel asked for resident input. Trustee Kaminski noted business has been there for decades; developing area as business district. One-hour extension request, German music, not rock bands, should not make a difference; asked for business owner and resident input. Request falls within ordinance; If issues present, provisions allow for permit to be revoked. Issues called on by Police regarding this property relate to noise and generally to one owner. Trustee Baum noted history of property started as restaurant then grew. Trustee Kaminski noted valuable to Village to have thriving, successful business in designated entertainment district. Owner offered to purchase residential property to make things work and is a good business constituent; residents enjoy the restaurant. Trustee Baum indicated business will still thrive if only allowed until 10:00 p.m. President Wolter noted Board can consider additional conditions/provisions can be placed on Outdoor Premises Extension, such as hours music allowed or days of week for extended hours, with provisions of noise ordinance. Trustee Baum noted the season beer garden used is same season of open windows. Trustee Kaminski stated noise expected when living next to business. Trustee Hughes noted business is more a bar than restaurant; neighbors didn't have problem with previous restaurant owner; is residential area; people have right to go to bed peacefully. Trustee Warren questioned how significant is additional hour from business perspective and from home owner prospective. Noise no different between music and crowd, still a distraction. Carrie Schuster, N116 W15909 Main St, house next to Bier Stube; lived there 45 years, no problems until last 4 years; July a bad month; large outside speakers, play music all hours of night. Police Officers in house and on property line, agree music is loud and warnings issued. Felt threatened by business owner's statements; not running neighborly business; years of attending meetings, no compromise to resolve problem. No follow through on offer to purchase property. Enjoy some music but too loud; vibrates house. No issue with request for extension to 11:00 p.m. if no music after 9:00 p.m. Police called, music played until after 11:00 p.m. Mr. Hastings, owner of Bier Stube, noted investment in business and entertainment district; fears of turning into a Gehl's parking lot if not attracting businesses. Stated Zillow report listed property at \$150,000, offered \$185,000, owner wanted \$350,000. Outside speakers face away from residential property; stopped live music at 8:00 p.m. Ticket issued was deleted. Asked for special meeting with Village President, Police Chief and Village Administrator twice to resolve issues. Feels harassed through Police Department.

OLD BUSINESS-continued:

Clarified meaning of perceived threatening comment/gesture. Proposal to end live music at 9:00 p.m.; 9:00 p.m.-10:30 p.m. low volume German music; 10:30 p.m.–11:00 p.m., no music. Built fence to discourage patrons from going on residential property. Mr. Schuster will run lawn mower, park next to fence until run out of gas. Neighbors played music over business music. Village plan to make business district; supports charities, provides great place for patrons; thriving business will attract other businesses. Brian Gallitz, 3295 Conestoga Trail, Richfield Wi, patron of Bier Stube; perspective on expansive beer garden; more ambient noise. Village allowed expansion and entertainment district; don't cut purse strings off business. Study done by UWM, need more businesses to survive as entertainment district. Mr. Schuster, N116 W15909 Main St, next to Bier Stube; house on tax roll as \$200,000, offer was \$158,000. Music metered, turned on own music same level as business. Live music with base speakers, vibrates house. Chaz Hastings, rebuttal of comment; not fire sale, million dollar investment. Meters not accurate; air conditioner is louder than decibels allowed. Les Brummer, W167 N10533, Bridle Path, Germantown, Bier Stube patron, construction company owner; real estate agent for property, did construction on business; thriving villages, enact visions; provide employment for Village. Located in business district; offer to purchase based on market survey, offer 15%-20% over market. Disservice to patron hosting parties/events when have to end at 9:00 p.m.; no fights or police calls. Barley Pop construction, anticipation of new units/tenants. Need foresight, business will go to surrounding communities. Steven A Bailey, W163 N11019 Briarcliff Ct.; now have authentic German restaurant; locals, regional and international people enjoy the business; passion to make it what it is. Owner of N107 W16437 Creek Terrace; patron of Bier Stube, supports local businesses; don't want to lose good investors and community supporters. Small business owner, takes clients to Bier Stube; German music, not wild and crazy; no fights. Ability to enjoy weather; perfect example of authentic German Heritage, a little Munich. Sam Schneider, W164 N10960 Squire Dr., Germantown resident for 35 years, patron of Bier Stube, involved in Mia Fest, Oktoberfest, and Dheinsville; born in Germany, keep ethnic interest going. Affects only a neighbor or two. Brings business into Village; decision in favor of Bier Stube. Kevin Bork, N86 W17988 Holy Hill Rd, patron of Bier Stube; investment, beer garden expansion and renovations, very authentic; great addition to Germantown. Should compromise with neighbor with seasonal hours; would like extended summer hours on weekends. Carrie Schuster stated not trying to drive out of business. President Wolter noted noise level has to fit within noise ordinance. Trustee Baum asked what would be a reasonable compromise. Terms agreed upon by business owner and residential property owner: **MOTION (Baum/Kaminski) to amend original motion to include the following terms: Friday & Saturday, live music ends at 9:00 p.m., allow radio music until 10:00 p.m. at agreed volume, stay outside until 11:00 p.m. serving beer and food. Sunday – Thursday, music off at 9:00 p.m., outside premises closes at 10:00 p.m. One Thursday a month, allow extended outside premises hours until 11:00 p.m., with live music ending at 9:00 p.m. and low volume radio music until 10:00 p.m., carried.** Trustee Zabel requested clarification from Village Attorney on use of decibel meters and officers' ability to issue citation if noise is greater than ambient noise. Trustee Warren asked for volume setting of 'agreed to level'. Mr. Hastings stated low background music. **Carried 7 - 0.**

OLD BUSINESS-continued:

B. Change of Agent for "Class B" Maple Road LLC-Buzdum's Pub & Grill, W188 N15051

Maple Road, Germantown, to Boro Buzdum, 316 Kames Ct, Slinger WI 53086.

Village Attorney reviewed resolution agreement of lawsuit; prohibits owning adult entertainment establishment. View as change of agent. Question whether Mr. Boro Buzdum qualifies under Statute for holding a liquor license; application lists two OWI convictions; basis for denial of license. Trustee Kaminski asked if anyone having similar record currently holds license. Village Attorney noted felony charge would bar from having license; second OWI is criminal offense, not felony offense. **MOTION (Baum/Zabel) to grant change of agent as presented.** If denied, person of record would remain agent. Trustee Baum noted no felony on record. Village Attorney, can be grounds for denial, not absolute. If receives felony, will address license issue. Trustee Kaminski stated no policy in place stating cannot hold license if two OWIs. Trustee Zabel noted under Boro Buzdum's ownership, turned into adult entertainment, resulting in lawsuit. **Carried, 1 opposed (Zabel).**

NEW BUSINESS:

- A. Village Clerk Vacancy-Authorization to Fill Position and Commence Replacement Search.

MOTION (Baum/Warren) to fill Village Clerk vacancy, carried.

ADJOURNMENT:

The meeting adjourned at 6:38 p.m.

Kathleen M. Strebe
Deputy Clerk