VILLAGE OF GERMANTOWN
VILLAGE BOARD
MEETING MINUTES
JULY 18, 2011

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

ROLL CALL
Members present: President Wolter, Trustees Ewert, Hughes, Kaminski, Vanderheiden, Werderman, Wing and Zabel. Absent was Trustee Baum. Also present were Administrator Schornack, Attorney DeStefanis and Clerk Knaack.

PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was given.

PRESIDENT'S REPORT
The President reported that Family Circle magazine has an article ranking the Village of Germantown as #8 in the Best Places to Live.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/ COMMITTEE REPORTS
Upcoming meetings were announced.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing
Timothy Schowalter appeared before the Board to speak about the special assessment amount for Lake Park West.

CONSENT AGENDA

A. **MINUTES**
   1. Regular meeting of June 20, 2011 and special meetings of June 27, 2011 and July 7, 2011

B. **ACCOUNTS PAYABLE/PAYROLL**

1.	**Payroll** – Hourly	June 21, 2011	$209,661.93
2.	**Accounts Payable**	June 25 , 2011	$574,547.08
3.	**Payroll** – Salary	June 30, 2011	$ 72,193.86
4.	**June 2011 Payables**		$643,891.23
5.	**June 2011 Auto Payments/Transfers**		$466,749.84

C. **OPERATOR (BARTENDER) LICENSES** B new, renewals and denial for the period ending June 30, 2012: Amy L. Brinks, Angela R. Kaad, Casey M. Krueger, Justin C. Lockridge, Tammi J. Perkins, Christopher J. Sigl, Isaac W. Weins, Jill Wendorf, Logan Y. Gieger, Janelle Lee Wilson and denial for Hecktor Jimenez

The following item was forwarded from the Public Works Committee with a unanimous recommendation:

D. **AWARD OF CONTRACT – 2011 SEAL COATING**

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

E. **AMUSEMENT ARCADE LICENSE – JK GAM, LLC, D/B/A GAMROTH'S KUHBURG JUNCTION**

F. **WINSCRIBE DIGITAL DICTATION EQUIPMENT LEASE**

Motion by Vanderheiden second by Zabel to accept the Consent Agenda. Roll call vote was taken, all present voted aye. Motion carried.

<u>UNFINISHED BUSINESS</u>

RESCIND PREVIOUS MOTION TO CORRECT MINUTES OF MAY 23, 2011

Motion by Zabel second by Wing to rescind the motion from June 20 to amend the minutes of the special meeting of May 23, 2011 stating the Clerk was excused and Trustee Zabel appointed to take minutes. All present voted aye. Motion carried.

ADOPTION OF MINUTES OF MAY 23, 2011 SPECIAL MEETING

Motion by Zabel second by Wing to adopt the minutes. All present voted aye. Motion carried.

REFILLING POSITION IN THE PUBLIC WORKS DEPARTMENT

Motion by Zabel second by Wing to postpone this item until new business Item C. All present voted aye. Motion carried.

<u>PUBLIC HEARINGS – 7:00 P.M. OR LATER</u>

EQUITABLE BANK SSB, PROPERTY OWNER FOR A REZONING APPLICATION TO REZONE THE FOLLOWING DESCRIBED PROPERTY FROM THE B:1 NEIGHBORHOOD BUSINESS DISTRICT TO THE B-5; HIGHWAY DISTRICT PURSUANT TO SECTION 17.14 OF THE VILLAGE CODE ON THE PROPERTY LOCATED AT N96 W7698 COUNTY LINE ROAD; TAX KEY NO. 334-099

Planner Retzalaff gave a presentation on the proposed rezoning application.
The Public Hearing was opened at 7:30 p.m.
The following people spoke in opposition to the rezoning: John Lauderdale, Cheryl Tucker, Doris Bauer, Donna Bresler and Mark Russell. Their concerns included the traffic and uncontrolled intersection, how the rezoning would affect growth in the Riversbend Circle area, the traffic flow, and the color of the building.
Mark Russell of Panda Express addressed the Board and stated he wants his proposed area to be safe and wants to be part of the resolution. He stated Panda Express has corporate colors.

<u>NEW BUSINESS</u>

ORDINANCE – TO AMEND THE OFFICIAL ZONING MAP

Motion by Hughes second by Kaminski to approve the rezoning.

Discussion:

- It is the Village's business what colors and materials are used on the building
- The road is the problem, Panda Express is not the problem
- The Village needs to make sure this area is safe
- This should be added to next year's road projects
- There was a PDD for Riversbend, the roadways were private roads at one time
- Panda Express would participate in a traffic study for the entrances to Panda Express

Roll call vote was taken with Hughes, Kaminski, Vanderheiden, Werderman, Zabel and Wolter voting aye, Ewert and Wing nay. Motion carried.

RESOLUTION – REGARDING EMPLOYEE RETIREMENT CONTRIBUTIONS PURSUANT TO IRS CODE

Motion by Zabel second by Vanderheiden to adopt the Resolution. Roll call vote was taken, all present voted aye. Motion carried.

NEW BUSINESS continued

ORDINANCE – REPEALING SECTION 1.26 OF THE GERMANTOWN CODE OF ORDINANCES RELATING TO THE FOREMAN OF HIGHWAYS, BUILDINGS AND GROUNDS

Motion by Zabel second by Hughes to adopt the Ordinance. Roll call vote was taken with Vanderheiden and Wolter voting aye, all else nay. Motion is lost.

At this time the Village Attorney was directed to come back with an Ordinance changing Section 1.03 of the Village Code.

REFILLING POSITION IN THE PUBLIC WORKS DEPARTMENT

Motion by Kaminski second by Zabel to place the Foreman at pay grade 16.

Discussion:

- Step 1 has a range of $51,000 – $63,000 with a middle of $58,000
- The Supt of Highways is currently being paid $62,500
- Crew leaders are paid at $26.59/hr and with over time equals about $62,000/year

Roll call vote was taken, all present voted aye. Motion carried.

AWARD OF CONTRACT – LAKE PARK WEST WATERMAIN RELAY

Village Engineer Bischke gave a presentation on the project.

Motion by Wing second by Vanderheiden to award the bid to UPI Construction for alternative Aa-3 with $427,340.00 cost to the Village and $0.00 to Lake Park West with 23 confined space entries for Utility Staff.

Director of Public Works Dan Ludwig addressed the Board and talked about entrance to confined spaces. Entrace to confined spaces is covered under State safety laws.

Roll call vote was taken with Vanderheiden, Werderman and Wing voting aye, all else nay. Motion is lost.

Motion by Zabel second by Kaminski to award the bid to UPI Construction for alternative Aa-1 at a cost of $411,355.00 to the Village and $19,415.35 to Lake Park West with no confined space entries for Utility staff.

Discussion:

- What if Lake park refuses to allow the public works department to come and install
- The PSC said this portion could not be paid with Village funds
- This cannot be funded through the water utility fund
- It could be paid up front and not special assessed

Roll call vote was taken with all present voting aye except Vanderheiden and Wing nay. Motion carried.

FINAL RESOLUTION – LEVY SPECIAL ASSESSMENTS FOR NARDO'S WATER MAIN EXTENSION

Motion by Zabel second by Ewert to adopt the Resolution. Roll call vote was taken, all present voted aye. Motion carried.

RESOLUTION – ACCEPTANCE AND INCORPORATION OF FARMLAND PRESERVATION AREAS INTO 2020 COMPREHENSIVE PLAN

Planner Retzlaff gave a presentation on the Resolution.

Motion by Werderman second by Ewert to adopt the Resolution. All present voted aye. Motion carried.

ADJOURN INTO CLOSED SESSION PER WI. SS 19.85 (1) C) CONSIDERING EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY – VILLAGE ADMINISTRATOR'S PERFORMANCE EVALUATION; - AND – WI. SS 19.85 (e) FOR THE PURPOSE OF DELIBERATING OR NEGOTIATING THE PURCHASE OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHETHER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION – NEGOTIATION OF SALE OF LAND IN THE BUSINESS PARK – ENVIRO-SAFE – AND – FOR THE PURPOSE OF APPROVING CLOSED SESSION MINUTES OF JUNE 27, 2011

Motion by Werderman second by Ewert to adjourn into closed session and to excuse the Clerk from closed session. Trustee Zabel stated he or someone else would take the minutes from closed session. Roll call vote was taken, all present voted aye excepting Trustee Vanderheiden. Motion carried.

Clerk Knaack left at this time and it is noted that the remaining minutes were taken by Village Attorney John DeStefanis.

RECONVENE INTO OPEN SESSION TO DISCUSS, DEBATE AND TAKE ACTION WITH RESPECT TO CLOSED SESSION MATTER IF NEEDED

Motion by Werderman second by Kaminski to provide a credit at closing to Enviro-Tech of $9,620.00 and to authorize the Village President to sign a contract amendment to that affect. Roll call vote was taken, all present voted aye. Motion carried.

Motion made and seconded to adopt the minutes of the June 27, 2011 closed session as drafted. All present voted aye. Motion carried.

ADJOURNMENT

The meeting was adjourned at 11:16 p.m.

Respectfully submitted,

Elizabeth Knaack
Village Clerk