

GERMANTOWN VILLAGE BOARD
SPECIAL MEETING MINUTES
MARCH 16, 2011
VILLAGE HALL BOARD ROOM

CALL TO ORDER

The meeting was called to order at 6:39 p.m.

ROLL CALL

Members present: President Wolter, Trustees Baum, Ewert, Hughes, Vanderheiden, Werderman and Zabel. Members absent: Trustees Kaminski and Wing. Also present were Administrator Schornack, Attorney DeStefanis and Deputy Clerk Lofy.

Before business started, the legality of this meeting was questioned and discussed. It was the opinion of legal council that the meeting stands as a legal meeting. Meeting continues.

WATER MAIN & SANITARY SEWER EASEMENT – GRACE CHURCH/WE ENERGIES

Motion by Vanderheiden, second by Werderman to accept the easement.

Discussion:

- Grace Church will cover all costs
- Legal fees and expenses to the Village are included costs
- Look at collecting costs before easement is recorded
- Intergovernmental agreement with the Village of Menomonee Falls states Grace Church will cover costs
- Why not bill Village of Menomonee Falls, which would bill Grace Church
- Village does not have a direct agreement with Grace Church

Motion by Zabel, second by Ewert to amend the motion to approve the easement grant contingent to Grace Lutheran Church agreeing to indemnify the Village for costs to relocate WE Energies utilities as long as they are the sole customer of the sewer and water utility.

Discussion:

- At extension of utility, others might not be held responsible
- Easement not being approved does not hold up work

All voted nay, excepting Baum, Ewert and Zabel aye. Motion to amend fails.

Motion by Zabel, second by Ewert to amend the motion to direct legal council to make Grace Lutheran Church aware of documents and statements in relation to their cost to the Village.

All voted aye to amend. Motion carried.

Trustee Kaminski arrives at this time (7:12 p.m.)

Discussion:

Public Works Director Ludwig and Administrator Schornack express and discuss concerns about recording the easement before escrow agreement is in place.

- Can use water & sewer as leverage to collect fees
- Village of Menomonee Falls already has this security to collect fees

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Discussion continued:

- Village is at risk until escrow is signed, no cash in hand
- Why wait until now to ask for this
- Escrow would provide payment if Grace Church doesn't pay
- Approximate Village cost of project at \$50,000
- Costs are not being billed out until escrow is signed
- Grace Church is looking to start work
- Waukesha County has issued permits to do work
- Everything is going in the right direction, already have two agreements to pay the Village

Motion by Zabel, second by Baum to further amend the motion to state the easement document will not be recorded until the escrow agreement is in place.

All voted aye, excepting Vanderheiden and Wolter nay. Motion to amend carried.

Roll call vote was taken on motion as amended. Baum, Ewert, Hughes, Kaminski, Vanderheiden, Werderman and Wolter voted aye, Zabel voted nay. Motion carried as amended.

The meeting was adjourned at 7:36 p.m.

Respectfully submitted,

Christa Lofy
Deputy Village Clerk