VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
AUGUST 7, 2017

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

ROLL CALL: President Wolter, Trustees Campbell, Hughes, Kaminski, Miller, Myers, Warren, and Zabel, Trustee Baum arrived at 7:07 p.m. Also present, Attorney Sajdak, Fire Chief Weiss, Public Works Director/Interim Administrator Ratayczak and Deputy Clerk Strebe

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: Fire Chief Weiss noted August 12 & 13 Leadership and Customer Service Symposium at Kennedy Middle School. Also noted operational plan to upgrade Fire Department to paramedic level approved by State; lack paramedics and DEA # for narcotics. President Wolter noted ribbon cutting on August 16th at 6:00 p.m. at Haupt Strasse Park for pickleball court. Also, thanked Kiwanis Club for dinner in park event at Fireman's Park, raise funds for outdoor performing arts pavilion; purchase of brick as fundraiser. Additionally thanked Wal-Mart for grand opening invitation of on-line service pick-up tower. Wal-Mart also launched on-line grocery service.

APPOINTMENT:

A. **Plan Commission**
Member — Robert C Williams, Jr — 08/08/17 – 04/30/19

B. **Park and Recreation Commission**
School Board Member — Ray Borden — 08/08/17 – 04/30/19

Motion (Myers/Art) to approve appointments, carried.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees provided information on upcoming meeting dates and times.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing: Crystal Hess-Binnebose, 3201 S 147TH St., New Berlin, WI 53151, regarding parcel #GTNV 313990, north of Indian Parkway, on Richfield-Germantown border; in family over 50 years. Undeveloped property, easement issues, land-locked. 33' variance on Germantown side, on Amy Belle Rd., possible access point. President Wolter noted issue needs to be directed to Planning Department.

CONSENT AGENDA:

A. Approval of Minutes: July 17, 2017 regular Village Board meeting and August 2, 2017, Special Village Board Meeting.

B. Accounts payable/payroll

1.	July 11, 2017	Payroll (hourly)	$ 248,159.77
2.	July 10, 2017	Accounts Payable	$ 711,657.55
3.	July 14, 2017	Payroll (salary)	$ 91,786.38
4.	July 25, 2017	Accounts Payable	$ 316,655.51
5.	July 25, 2017	Payroll (hourly)	$ 241,101.48
6.	July 31, 2017	Payroll (salary)	$ 86,148.71

C. Operator Licenses: August 8, 2017 to June 30, 2018: [Recommended Approval]
RENEWAL: Kim A Gamroth
NEW: Frank J Arena, Mark E Brent, Arturo R Contreras, Richard T Cowan, Kenneth J Decker, Megan C Depies, Susan J Goecks, Alexander G Lindenberg, Saanjai A Lobley, Annamarie Muehlbauer, Cibicue G Perez, Jill D Peters, Brenda M Schultz, Rebecka J

CONSENT AGENDA continued:

Seflow, Caleb A Sinden, Lynn K Starner, Emily a Tarlo (Doedens), Joel J Timmerman III, Sheri L Ziehlsdorf [Recommended Approval]

The following items were forwarded from **General Government and Finance Committee** with a unanimous recommendation.

D. Acceptance of The 2016 Comprehensive Annual Financial Report (CAFR) [Recommended Approval]

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

E. Request to Purchase 10 Ballistic Vests from Advantage Police Supply for $9,465.00, with Funds Allocated from account 10-521-530-3810. Police Department Eligible for 50% Reimbursement Through National Institute of Justice Grant Funds. [Recommended Approval]

F. Request to Purchase 42 Blue Tooth Microphones for New Portable Radios for Police Department from Harris Corporation. Current 42 Speaker Microphones will be Returned (cost $80.00 each) and Replaced and Upgraded with 42 Blue Tooth Wireless Speaker Microphones (cost $149.50 each), for a difference in Cost of $2,919.00 with Funds Allocated From Acct. #40-521-570-8460. [Recommended Approval]

MOTION (Baum/Myers) to approve consent agenda items A–F, roll call vote, 9 ayes, 0 opposed, carried.

UNFINISHED BUSINESS: **None**

NEW BUSINESS:

A. JBJ Companies invoice request in the amount of $33,356.40 for engineering services completed for the design of sanitary sewer to accommodate the Village sanitary sewer flow from a portion of Main Street.

Background information provided by Public Works Director, Larry Ratayczak. Trustee Kaminski noted agreement with JBJ Companies to design and redesign project, should receive compensation for engineering fees. Complex project, some agreements not signed timely. JBJ has time, effort and money into project, deserve compensation. **MOTION (Kaminski/Warren) to compensate JBJ Companies $16,678.20.** Trustee Warren noted JBJ Companies proceeded in good faith, accommodating Village, many discussions to achieve a common goal. Trustee Baum questioned who from Village authorized spending. Public Works Director noted original cost estimates presented and authorized. Trustee Zabel noted agreement between JBJ Companies and Village does not require JBJ Companies to bid project; offered to reach project cost-share agreement with Gehl, agreement not reached, minimal negotiation efforts documented. Village needed increased sewer capacity; proceeded with Main St. design. Developers Agreement signed states JBJ responsible for all design costs; did work without signed agreement. Trustee Baum asked Village Attorney for clarification of agreement details. Attorney Sadjak noted original approval of agreement, Village to work through agreement with Gehl's for project cost sharing directly. Final agreement, project needed to be bid, method to take Village out of paying, project negotiation between Gehl's and Developer. Redesign costs done at request of Village. Desire to maintain relationship with contractors. Payment motion should state contingency waiver of remaining balance. Trustee Kaminski commented Village asked JBJ Companies to do work; Board should find fair conclusion. Trustee Hughes asked if JBJ Companies would accept lesser payment. Representative of JBJ Companies, Scott Bence stated he believed there was cost-share agreement approved by Village Board, not asked to sign; assurance payment would be received. Cost-share agreement would be consummated in Developer's Agreement. Invoice is minimal considering total project cost. Project design

NEW BUSINESS continued:

was presented, Village had problem that needed to be solved; original sewer system estimate $200,000, revised cost $700,000-$800,000. Developers not asked to sign agreement at project onset. Consulting work/fees in schedule, approved by Village Board. Village asked JBJ Companies to redesign to fix Village problem. Trustee Myers questioned what budget account project will be paid from; Finance Director to research. Trustee Zabel commented Developers Agreement is final document, costs are assigned. Trustee Baum questioned how project starts without signed Developers Agreement. Village Attorney noted ideal process to have signed agreement prior to construction; risk involved to start work prior to signing. Projects are started without Developers Agreement. Signed agreement states design costs are that of Developer. President Wolter, both parties have fault; initial project schedule of cost did not go to Village Board for approval, intent there that it was acceptable. Village has worked with Developers through different motions and agreements on projects. Various occurrences caused project to stall. Sewer now going down Main Street is benefit to Village and surrounding residents. Mr. Bence added Village staff negotiated with Gehl's on project cost share; he couldn't negotiate better than Village did. Attorney Sajdak noted JBJ Companies indicated timeline would be blown if waited for bidding process; agreement for JBJ Companies to negotiate directly with Gehl's to avoid sending project out to bid. Trustee Kaminski stated difficult project from beginning; when agreement is decided on, work begins. Both parties at fault, need to be fair. **Motion (Kaminski/Zabel) to amend motion of $16,678.20 to add contingency upon receiving a waiver of claim from JBJ Companies, carried. Motion as amended, roll call vote 4 ayes, 5 opposed, failed, (Campbell, Hughes, Kaminski, Warren).** Trustee Myers, Village does owe money; **Motion (Myers/Kaminski) $12,000 with same waiver, roll call vote 4 ayes, 5 opposed (Kaminski, Myers, Warren, Wolter), failed. Motion (Kaminski/Hughes) $15,000 with same waiver, roll call vote 5 ayes, 4 opposed, carried (Baum, Miller, Myers, Zabel).**

B. ORDINANCE NO. 13-17, An Ordinance to Repeal Sections 11.08, 11.081 and 11.082 and to Recreate Them as Section 11.08 of the Germantown Municipal Code Relating to the Regulation and Collection of Garbage and Recyclables.

Background information presented by Public Works Director, Ratayczak. Update due to upgraded method to semi-automated for both garbage and recyclables. Clarifying language who and where collecting, changes made to multi-family. Comparative research of other municipalities, DNR requirement, collection of recyclables up to and including four family units. Currently collect 2,000 more recycling picks than garbage. Easier to track collecting garbage and recycling for same locations. Map of addresses for collection obtained from Waste Management. Potential cost savings to Village. Reviewing past agreements, collecting data; findings to be presented to Public Works Committee. Recreated ordinance comparable to other municipalities. Trustee Hughes noted research being done could influence vote on ordinance; questioned if ordinance change should be done after data is analyzed. Trustee Zabel commented ordinance changes current recycle pick-ups, matches garbage pick-ups and State law. **MOTION (Zabel/Baum) to approve ordinance as written.** Trustee Miller commented if ordinance puts Village in compliance with State, then research not necessary. President Wolter noted staff asked to gather data of current garbage pick-ups and recycle pick-ups, redefine list compared to State Statutes. Garbage and Recycle collection significant contract amount. Trustee Baum questioned if ordinance supersedes developer's agreement. Village Attorney commented multi-family developments/subdivisions negotiated providing garbage pick-up service. Trustee Baum noted would take away service people are accustomed to having. Trustee Myers questioned if State Statute indicates timeframe for negative action. Village Attorney responded what Public Works Committee approved was put

NEW Business continued:

in ordinance format. People would be notified of discontinuation of service to have time to contact provider. President Wolter commented need to comply with State; Board can decide to include other properties after data analyzed. **Motion (Zabel/Myers) to amend to read, effective March 1, 2018.** Trustee Myers questioned amount of time people have to go back to have effective claim. Village Attorney noted process. Discussion on motion as amended; Trustee Miller asked for clarification related to section on items not allowed to be picked up and if addressed. President Wolter noted special pick-up by County of items not allowed to be picked up. Director of Public Works noted daily calls regarding items for disposal and associated fee. Village Attorney noted reduce service affects levy limits; cost savings may not be recognized. President Wolter noted updated data would be valuable in negotiating garbage/recycling contract. **Carried.**

C. **NEW:** Class "B" Alcohol Beverage Retail License Application for Marko's Pizza, W156 N9964 Pilgrim Rd, Germantown, WI. to Ken Ubert, 3943 Rosie Ct, Colgate WI 53014. **MOTION (Myers/Zabel) to approve, carried.**

D. Request Approval of Change of Agent for "Class A" License-Walmart Store #1515, W190 N9855 Appleton Ave, Germantown, to Mark C. Tulod, 3115 Lilly Road, Unit 201, Brookfield WI 53005. **MOTION (Zabel/Myers) to approve, carried.**

E. Request Approval of Public Grant Application-Kiwanis Club of Germantown for Coin Operated Machines in the Amount of $175.00. **MOTION (Myers/Zabel) to approve, carried.**

F. Preliminary Budget Process Discussion-2018 Budget Calendar.
Fill in Committee of The Whole dates;
Village Board/Administration/Clerk/Finance/Assessor-September 20th at 6:00 p.m.
Police/Fire/Emergency Government-September 27th, 6:00 p.m.
Dept. of Public Works Administration/Engineering/ … Sewer-October 4th at 6:00 p.m.
Final meeting-October 11th and 18th; Finance needs by October 25th. Committees will have previously vetted budgets.

G. Village Clerk Employment. The Village Board May Enter into Closed Session per Wis. Stats. § 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, and then may Re-enter Open Session to Take Such Action as it Deems Appropriate.
MOTION (Myers/Baum) to go into closed session at 8:51 p.m., by roll call vote, 9 ayes, 0 opposed, carried.
MOTION (Kaminski/Zabel) to reconvene to open session at 9:17 p.m., carried.
MOTION (Baum/Warren) to direct legal counsel to undertake actions directed in closed session, roll call vote, 7 ayes, 2 opposed (Kaminski/Zabel), carried.

Next regular Village Board meeting: Monday, August 21st at 7:00 p.m.

ADJOURNMENT: There being no further business, meeting adjourned at 9:18 p.m.

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Kathleen M. Strebe
Deputy Clerk