VILLAGE OF GERMANTOWN
VILLAGE BOARD
MEETING MINUTES
January 16, 2012

CALL TO ORDER: The meeting was called to order at 7:03 p.m. by President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Ewert, Hughes, Kaminski, Vanderheiden, Wing and Zabel. Also present Administrator Schornack, Attorney Nicholas DeStefanis, Planner Retzlaff, DPW Ludwig, Engineer Bischke, Highway Superintendent Olszewski, Wastewater Superintendent Zimmerman, Water Superintendent Driver, and Deputy Clerk Micka. Absent and excused: Trustee Werderman.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter stated that everything went well with the first major snowstorm, Public Works crews handled the storm well, and if residents had concerns or questions, they should contact public works or their trustee.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST / COMMITTEE REPORTS: Trustee Zabel announced the next General Government & Finance Committee meeting is Tuesday, January 24 at 6:30 p.m. and Trustee Ewert announced the next Public Works & Highways Committee meeting is Tuesday, February 7 at 5:30 p.m. President Wolter gave a report in Trustee Werderman's absence. The Historic Preservation Commission is continuing to work on a display for Village Hall and meets the third Monday at 6:00 p.m. The next Public Safety Committee meeting is Monday, February 5 at 5:30 p.m., Engine #1764 is expected soon, and the Police Department Concealed Carry classes have 30 citizens signed up for three classes.

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

No-one addressed the Board.

CONSENT AGENDA:

A. Minutes:
December 19, 2011.

B. Accounts Payable / Payroll

Payroll – Salary	Dec. 20, 2011	$ 76,560.59
Accounts Payable	Dec. 25, 2011	$333,391.23
Payroll – Hourly	Dec. 20, 2011	$213,308.23

December 2011 Accounts Payable

C. Operator (Bartender) License: New for the period ending June 30, 2012 to Cherelle A. Memmel.

CONSENT AGENDA (continued):

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

D. Authorization to Purchase – Body and Attachments for Tandem Axle.

E. Village Labor & Equipment Rates - 2012

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

F. New Amusement Arcade License – Barley Pop Pub & Restaurant – 14 Machines.

G. Ordinance #1-12 - Change of Hours of Alcohol Beverage Sales.

H. Replacement for Communications Officer Vacancy.

Motion Vanderheiden, second Ewert, to approve the consent agenda items A – H.
Roll call vote:
Ayes: Baum, Ewert, Hughes, Kaminski, Vanderheiden, Wing, Zabel, Wolter.
Nays: None.
Absent: Werderman.
Motion carried. Ayes: 8. Nays: 0. Absent: 1.

PUBLIC HEARING:

SCOTT BENCE, AGENT FOR THE PRESERVE JBJ LTD., PROPERTY OWNER, FOR A CONDITIONAL USE PERMIT TO ALLOW DEVELOPMENT WITHIN A 25' WETLAND SETBACK ON PORTIONS OF THE FOLLOWING DESCRIBED PROPERTY PURSUANT TO SECTION 24.03(3) OF THE MUNICIPAL CODE – LOT 101 OF THE PRESERVE II SUBDIVISION; A 2.78 ACRE UNDEVELOPED LOT ACCESSIBLE FROM S.T.H. 145 (FOND DU LAC AVENUE): President Wolter read the public hearing notice.

Planner Retzlaff reviewed the application for a conditional use permit from Scott Bence and the Preserve JBJ Ltd. Partnership property for 2.85 acres on Fond du Lac Avenue, south of Mequon Road. The applicant is asking approval to allow development within a 25' wetland setback as part of a plan to develop a 40 bed Community Based Residential Facility (CBRF) and adult day care (known as Sawgrass Cove). The current zoning is Rs-4, Single Family Residential.

A conditional use permit was granted in 2010 and a one year extension was granted in November. The site and building plans were approved by the Plan Commission subject to approval of the conditional use permit.

Planner Retzlaff reviewed the proposal, site plan, wetland setback impact, and mitigation plan.

President Wolter declared the public hearing open at 7:15 p.m.

Ron Heinzelmann, N108 W15303 Bel Aire Lane, had concerns with water going into the wetland areas, with two subdivisions dumping rainwater, and the water runoff impact on residents in the area.

Scott Bence responded to Mr. Heinzelmann's concerns. The option of rain gardens was looked at by the Village Engineer and was not a viable option, so a retention pond was built.

President Wolter read a letter in support of the Conditional Use Permit from Frederich E. Gierach. (A copy is on file in the Village Clerk's Office at Village Hall).

There being no further comments either for or against the proposal, the public hearing was declared closed at 7:22 p.m.

CONDITIONAL USE PERMIT #1-12 - SCOTT BENCE, AGENT FOR THE PRESERVE JBJ LTD., PROPERTY OWNER: ***Motion Baum, second Kaminski, to approve Conditional Use Permit #1-12.***

Discussion followed:

- Changes in the site plan from the original approval;
- Water runoff if the pond is full;
- A problem still exists with water runoff; and
- Village requirements for water retention.

Motion to approve carried without negative vote.

COOPERATIVE AGREEMENT BETWEEN WASHINGTON COUNTY & VILLAGE FOR PROGRAMS AND SERVICES AT THE SENIOR CENTER: ***Motion Ewert, second Baum, to approve the Cooperative Agreement with Washington County for programs and services at the Senior Center.***

Roll call vote:
Ayes: Baum, Ewert, Hughes, Kaminski, Vanderheiden, Wing, Zabel, Wolter.
Nays: None.
Absent: Werderman.
Motion carried. Ayes: 8. Nays: 0. Absent: 1.

COOPERATIVE AGREEMENT BETWEEN WASHINGTON COUNTY & VILLAGE FOR SENIOR MEAL PROGRAM: ***Motion Ewert, second Zabel, to approve the Cooperative Agreement with Washington County for the Senior Meal Program.***

Discussion followed noting this is a federal program and is held Monday through Fridays at the Senior Center for approximately 25 seniors.

Roll call vote:
Ayes: Baum, Ewert, Hughes, Kaminski, Vanderheiden, Wing, Zabel, Wolter.
Nays: None.
Absent: Werderman.
Motion carried. Ayes: 8. Nays: 0. Absent: 1.

AUTHORIZATION TO PURCHASE – TRACTOR MOWER: ***Motion Ewert, second Vanderheiden, to approve the purchase of a tractor mower in the amount of $114,730.00.***

Discussion followed noting this replaces a tractor with no reverse gear and mounting problems; this is needed to mow ditches; and it is thirteen years old and needs to be replaced.

Roll call vote:
Ayes: Baum, Ewert, Hughes, Kaminski, Vanderheiden, Wing, Wolter.
Nays: Zabel.
Absent: Werderman.
Motion carried. Ayes: 7. Nays: 1. Absent: 1.

AUTHORIZATION TO PURCHASE – CAB AND CHASSIS: ***Motion Ewert, second Kaminski, to approve the purchase of a cab and chassis in the amount of $85,475.00.***

Roll call vote:
Ayes: Ewert, Hughes, Kaminski, Vanderheiden, Wing, Wolter.
Nays: Baum, Zabel.
Absent: Werderman.
Motion carried. Ayes: 6. Nays: 2. Absent: 1.

AUTHORIZATION TO PURCHASE – BODY AND ATTACHMENTS FOR SINGLE AXLE: ***Motion Ewert, second Vanderheiden, to approve the purchase of body and attachments for single axle in the amount of $66,413.63.***

Roll call vote:
Ayes: Ewert, Hughes, Kaminski, Vanderheiden, Wing, Wolter.
Nays: Baum, Zabel.
Absent: Werderman.
Motion carried. Ayes: 6. Nays: 2. Absent: 1.

AUTHORIZATION TO FILL VACANCY – HIGHWAYS, PARKS, BUILDINGS & GROUNDS: ***Motion Vanderheiden, second Ewert, to approve filling the vacancy in the Highways, Parks, Buildings and Grounds Department, and to advertise for the position in the local newspapers.***

Roll call vote:
Ayes: Baum, Ewert, Hughes, Kaminski, Vanderheiden, Wing, Zabel, Wolter.
Nays: None.
Absent: Werderman.
Motion carried. Ayes: 8. Nays: 0. Absent: 1.

RESOLUTION #2-12 - RATE OF PAY PART TIME HELP HIGHWAYS, PARKS, BUILDINGS AND GROUNDS (WINTER HELP): Administrator Schornack stated that the agenda item did not list the resolution and any pay rate change must be done by resolution. Attorney DeStefanis stated that the Board could approve the proposed resolution adding the part time position and rate of pay.

Motion Vanderheiden, second Zabel, to adopt Resolution #2-12.
Roll call vote:
Ayes: Baum, Ewert, Hughes, Kaminski, Vanderheiden, Wing, Zabel, Wolter.
Nays: None.
Absent: Werderman.
Motion carried. Ayes: 8. Nays: 0. Absent: 1.

ACCEPTANCE OF EASEMENT – BRADLEY CORPORATION. WATERMAIN:

Motion Ewert, second Baum, to approve the easement for the Bradley Corporation watermain.

Engineer Bischke answered questions from the Board regarding the development agreement and noting that Bradley Corporation was a special case.

Water Superintendent Driver discussed private hydrants that he has no control over, he prefers public hydrants as he can only ask the owner to fix a private hydrant if there is a leak.

Discussion continued regarding public safety issues with public vs. private hydrants, and notifying business owners that in the future all hydrants will be public.

Motion to approve carried. Ayes: 7. Nays: 1 (Zabel).

ACCEPTANCE OF EASEMENT – BRADLEY CORPORATION SANITARY SEWER:

Motion Hughes, second Ewert, to approve the easement for the Bradley Corporation sanitary sewer.

Discussion followed:

- The lateral to the building was not included in the development agreement;
- Only a private sewer was covered in the easement;
- It is constructed to NR110 requirements; and
- Because of the diameter of the pipe it should be public.

DPW Ludwig and Wastewater Superintendent Zimmerman answered questions from the Board.

Roll call vote:
Ayes: Ewert.
Nays: Baum, Hughes, Kaminski, Vanderheiden, Wing, Zabel, Wolter.
Absent: Werderman.
Motion failed. Ayes: 1. Nays: 7. Absent: 1.

Motion Zabel, second Baum, to direct staff to develop a maintenance agreement per the sample in the meeting packet. Motion carried without negative vote.

ACCEPTANCE OF IMPROVEMENTS – BRADLEY CORPORATION UTILITIES:
Engineer Bischke requested that the Board keep watermain and sewer improvements separate for approval.

Motion Baum, second Vanderheiden, to approve the watermain improvements for Bradley Corporation.

Discussion followed:

- Bradley Corporation will be applying for occupancy;
- Partial occupancy was given for the warehouse;
- The Village is holding a $20,000 occupancy bond; and
- A request is expected for office occupancy.

Attorney DeStefanis stated that Bradley Corporation was represented in this issue, and the improvements were overlooked on both sides, and the question is if the Village wants to take it over.

Motion Wing, second Baum, to postpone action on improvements for Bradley Corporation watermain and sanitary sewer improvements. Motion carried. Ayes: 6. Nays: 2 (Kaminski, Wolter).

ACCEPTANCE OF EASEMENT – WISCONSIN STAMPING WATERMAIN: ***Motion Vanderheiden, second Kaminski, to accept the easement for the Wisconsin Stamping watermain. Motion carried without negative vote.***

DONGES BAY ROAD – STATE / MUNICIPAL AGREEMENT: Engineer Bischke stated that the agreement is for design engineering services, not for a project. About a year and a half ago, property owners on Donges Bay Road were opposed to the three lane road, and property owners within the subdivisions accessing Donges Bay Road wanted more significant improvements to the road. The Village submitted an application to the DOT for STP funding for design and construction as a rehabilitation project. The DOT responded by authorizing the design funding but placed construction funding on a waiting list. The estimated cost of the project is $1 million per mile; if the Village takes on the project it could be more. The project must conform to federal highway standards, and the agreement allows the Village to use alternatives presented. The project has to be a safe facility to take advantage of federal dollars and to save village taxpayers money. A meeting was recently called by Senator Darling due to a request from a resident asking that the project be expedited. Senator Darling and Representative Knodl have no power to expedite these funds. The next cycle begins in 2014, and the project will be 80% funded by state highway funds, and 20% funded by the Village. The funding by the Village is included in the budget.

Discussion followed:

- Residents on Donges Bay Road want a rural road;
- Engineer needs to look at a safe road;
- Subdivision residents want more road improvements;
- If the Village does not build at the DOT standard, it could cost an additional $500,000;
- The project could be in the 2014 – 2017 funding schedule;
- Donges Bay Road has significant road deterioration;
- Donges Bay Road is a highly used road with a park and historic cemetery along the road;
- RFP's were released last week;
- Discussion has been held with residents for three years;
- The need for the Village to take advantage of the funding; and
- The need to keep residents involved.

Motion Ewert, second Baum, to approve the Donges Bay Road State Municipal Agreement for design engineering services.

Roll call vote:
Ayes: Baum, Ewert, Hughes, Kaminski, Vanderheiden, Wing, Zabel, Wolter.
Nays: None.
Absent: Werderman.
Motion carried. Ayes: 8. Nays: 0. Absent: 1.

THREE YEAR AGREEMENT WITH R&M FOR WEB HOSTING SERVICES: ***Motion Ewert, second Vanderheiden, to approve the three year agreement with R&M for web hosting services.***

It was questioned why this item was not brought before the General Government & Finance Committee for discussion. DPW Ludwig responded that he received the agreement in late December, he had asked for a three year agreement, and there was an increase of $375 per year.

Discussion followed regarding the GIS system, some web page updates are done in house, and R&M has compatible computers and servers.

Motion Zabel, second Wing, to send the agreement with R&M for web hosting services to the General Government & Finance Committee for discussion and action. Motion carried without negative vote.

RESOLUTION #1-12 - COMBINING WARDS IN THE VILLAGE: ***Motion Vanderheiden, second Zabel, to adopt Resolution #1-12. Motion carried without negative vote.***

Motion Baum, second Ewert, to adjourn into closed session at 9:15 p.m. per WI. SS. 19.85(1)(e) for the purpose of deliberating or negotiating the acquisition of property in partnership or cooperation with the Greenseams Program of the Conservation Fund, due to competitive and / or bargaining reasons requiring such closed session with Troy Schmidt and Frank Romano present, AND to review closed session minutes of December 19, 2011.

Roll call vote:
Ayes: Baum, Ewert, Hughes, Kaminski, Vanderheiden, Wing, Zabel, Wolter.
Nays: None.
Absent: Werderman.
Motion carried. Ayes: 8. Nays: 0. Absent: 1.

President Wolter declared a recess at 9:17 p.m.

The meeting was reconvened in closed session at 9:25 p.m.

Deputy Clerk Micka was excused from the meeting and Administrator Schornack was appointed to take closed session minutes.

Respectfully Submitted,

Christine M. Micka, CMC/WCMC
Deputy Village Clerk

RECONVENE INTO OPEN SESSION: ***Motion Baum, second by Kaminski, to reconvene into open session at 10:33 p.m. Motion carried without negative vote.***

CLOSED SESSION MINUTES OF DECEMBER 19, 2011: ***Motion Baum, second Zabel, to approve the closed session minutes of December 19, 2011. Motion carried without negative vote.***

There being no further business, the meeting was adjourned at 10:34 p.m.

Respectfully Submitted,

David R. Schornack
Village Administrator