VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
JUNE 18, 2012
VILLAGE HALL BOARD ROOM

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

ROLL CALL
Members present: President Wolter, Trustees Baum, Ewert, Hughes, Kaminski, Vanderheiden, Wing and Zabel. Absent but arriving at 7:10 was Trustee Werderman. Also present were Administrator Schornack, Attorney Sajdak and Clerk Knaack.

PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was given.

PRESIDENT'S REPORT
Administrator Schornack reported on applications received for the Village Clerk position. It was noted that the President and Administrator would go through the applications received and make a spreadsheet for the Trustees. Applications are being accepted through June 22. Any Trustee wishing to see all the applications could do so.
President Wolter expressed his thanks to Trustee Wing and Clerk Knaack for their service to the Village and stated his appreciation to them.
President Wolter also announced there is a burn ban in the Village. This ban includes fire pits.

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
Pat Adair, Chairman of the Police & Fire Commission appeared before the Board regarding the proposed Public Safety Director position. He stated he supports the position but not how it is being done. He informed the Board of the procedure in Menomonee Falls. He believes the person should be recommended by the Board to the Police & Fire Commission for approval. He also informed the Board that the Police & Fire Commission is in favor of hiring an attorney if needed.

Lynnae Langmann appeared before the Board to express concerns regarding the proposed Public Safety Director position. She stated she had also appeared before the General Government and Finance Committee on the same topic. She stated the Board is not being transparent and wanted to know what were the cost savings and advantages of this position. She stated the Administrator oversees the Police and Fire Departments and should identify the problem and deal with it. She sees this as an unnecessary expansion of government. She does not feel we need an Administrator, a Fire Chief, a Police Chief and a Public Safety Director.

CONSENT AGENDA:

A. **MINUTES:**
 1. June 4, 2012

B. **ACCOUNTS PAYABLE/PAYROLL:**

1.	**Accounts Payable**	June 10, 2012	$ 353,328.52
2.	**Payroll** - Salary	June 15, 2012	$ 76,940.49
3.	**Payroll** – Hourly	June 5, 2012	$ 206,453.30
4,	**May 2012 Payables**		$ 155,435.18

C. **OPERATOR (BARTENDER) LICENSES:** New and renewals for the period ending June 30, 2013 – SEE LIST

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

D. **LATE ARRIVING LIQUOR LICENSE RENEWALS (INCLUDES ALL OUTSIDE PREMISE EXTENSIONS) SEE LIST**

E. **LATE ARRIVING AMUSEMENT ARCADE LICENSE RENEWALS – SEE LIST**

F. **OUTSIDE PREMISE EXTENSION AMENDMENT – KJ'S BAR AND GRILL**

G. **OUTSIDE PREMISE EXTENSION AMENDMENT – GAMROTH'S KUHBURG JUNCTION**

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

H. **AWARD OF CONTRACT – GEOTECHNICAL SERVICES – 2013 ROADS**

I. **AWARD OF CONTRACT – 2012 SEAL COATING**

J. **RESOLUTION – ADOPTING 2011 COMPLIANCE MAINTENANCE ANNUAL REPORT**

Items C, I and J were removed from the Consent Agenda.

Motion by Vanderheiden second by Kaminski to approve the Consent Agenda minus Items C, I and J. Roll call vote was taken, all present voted aye. Motion carried.

C. **OPERATOR (BARTENDER) LICENSES:** New and renewals for the period ending June 30, 2013 – SEE LIST

Trustee Wing reported on an operator license application that had previously been denied but has been approved by the Public Safety Committee.

Motion by Baum second by Wing to approve the operator licenses. All present voted aye. Motion carried.

I. **AWARD OF CONTRACT – 2012 SEAL COATING**

Motion by Zabel second by Kaminski to approve the contract with Fharner Asphalt Sealers at an approximate cost of $142,000.

Discussion:

- There was a bad experience in the past with slurry seal
- It is a good practice, but there was a malfunction
- This is being done on roads with no curb and gutter
- All Village projects have a one year warranty
- We need to extend the life of the roads

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

J. **RESOLUTION – ADOPTING 2011 COMPLIANCE MAINTENANCE ANNUAL REPORT**

President Wolter wanted to extend his congratulations to Tim Zimmerman and the Germantown Utility for doing an excellent job.
Motion by Vanderheiden second by Zabel to adopt the Resolution. All present voted aye. Motion carried.

UNFINISHED BUSINESS:

CONSIDERATION OF AN ORDINANCE TO ALLOW THE SALE OF ALCOHOL AT GAS STATIONS

Motion by Ewert second by Kaminski to adopt the Ordinance allowing fermented malt beverage sales at gas stations.
Motion by Baum second by Vanderheiden to amend the motion to adopt the Ordinance allowing the sale of alcoholic beverages at gas stations. All present voted aye to amend, except Trustee Werderman nay. Motion carried.
Charles Hargan appeared before the Board to question if there will be time restraints on the sales and was told yes, it will be based on State Law regarding times of sale.
All present voted aye on the motion as amended. Motion carried.

PUBLIC HEARINGS – 7:00 P.M. OR LATER

NEW BUSINESS

ORDINANCE – CREATING DIRECTOR OF PUBLIC SAFETY POSITION AND APPROVING JOB DESCRIPTION

Motion by Vanderheiden second by Kaminski to adopt the Ordinance.
Discussion:

- This is creating the position, it doesn’t need to be filled
- The Village Board should have control over this position not the Police & Fire Commission

Motion by Zabel second by Baum to amend the motion and add the language of confirmation by a 2/3 vote of the Village Board.
Pat Adair again appeared before the Board.
Discussion:

- The Police or Fire Chief has to be appointed by the Police & Fire Commission
- It will make the job easier if it has the backing of the Police & Fire Commission
- This information is from a handbook and is not the law
- How does this affect discipline
- If the position is filled by the Police or Fire Chief it must be approved by the Commission.
- The head of a Joint Public Safety Department must be appointed by the Police & Fire Commission
- The Police & Fire Commission is willing to work with the Board
- This would be an administrative position

Motion by Baum second by Kaminski to amend the amendment to state a majority of the Board to approve and not 2/3. All present voted aye except Ewert and Zabel nay. Motion carried.

Motion by Zabel second by Vanderheiden to amend the motion to reflect the above changes in Item A of the Ordinance. All present voted aye. Motion carried.

NEW BUSINESS

ORDINANCE – CREATING DIRECTOR OF PUBLIC SAFETY POSITION AND APPROVING JOB DESCRIPTION – continued

Motion by Werderman second by Zabel to amend the motion to state the Public Safety Director will serve at the pleasure of the Village Board until such time as a 2/3 vote of the Board deems the position unnecessary.
All present voted aye, except Baum, Wing, Kaminski and Wolter nay. Motion passes on a 5-4 vote.

Motion by Baum second by Kaminski to amend the motion to add a three year term renewable after 3 years but can be removed by a 2/3 majority of the Board. All present voted aye to amend except Zabel nay. Motion carried.

Motion by Ewert second by Werderman to send this matter back to the Committee of the Whole for more discussion and clarification. All present voted aye. Motion carried.

APPOINTMENTS: *Commissions/Boards/Committees*

1. ***Board of Zoning Appeals*** -
   a. 1 Citizen Alternate – 1 year Term
2. ***Board of Review*** - 5 yr. Term
   b. 2 Citizen Alternates
3. ***Ethics Board - 3 yr. Term***
   c. 1 Citizen Alternate
   Historic Preservation Commission - 2 yr. Term
   d. 1 Citizen Appointee
4. ***Utility Advisory Committee - 3 yr. Terms (Staggered)***
   f. 1 Citizen Financial/Accounting Appointee
   g. 1 Citizen Alternate Member
5. ***Economic Development Committee***
   h. 1 Citizen Members – 2 yr. Term

President Wolter read the current vacancies.

APPOINTMENT OF ACTING VILLAGE CLERK

Motion by Vanderheiden second by Werderman to appoint Chris Micka as Acting Village Clerk as of June 30, 2012 at a rate of $28.70 per hour.
Discussion:

- The Deputy Clerks act in the absence of the Clerk so why is this necessary
- This is a $6.00 hour raise
- The Village can get by for a few weeks
- She will receive time and one half for any time over 40 hours

Roll call vote was taken, all present voted aye except Baum, Ewert and Zabel nay. Motion carried.

TIME WARNER CABLE INC. LEASE AGREEMENT

Attorney Nick DeStefanis appeared before the Board to outline the agreement.
Motion by Zabel second by Vanderheiden to approve the agreement. Roll call vote was taken, all present voted aye. Motion carried.

REQUEST TO USE 2007 UTILITY "CREDIT" TO OFFSET ROAD IMPROVEMENT SPECIAL ASSESSMENT – JIM SEDGWICK, BLACKSTONE CREEK

Finance Director Rath gave a presentation on the request to the Board.
Jim Sedgwick appeared before the Board and stated his views on the subject. He stated he is committed to keep the project moving forward.
Motion by Zabel second by Wing to keep the current agreements in place.
Discussion:

- The special assessment falls on Mr. Sedgwick
- The Village has an agreement with VJS and Blackstone Creek
- Mr. Sedgwick is trying to expedite the sale by converting to single family lots
- This is a credit on the books
- There are currently 136 lots
- After the transaction in process, there will be 43 condos remaining to be built
- The 43 condo units can apply for the credit
- There would be a $3300 credit on each building permit
- This needs to be worked out between Mr. Sedgwick, the General Government and Finance Committee and legal counsel

All present voted aye, except Wing nay. Motion carried.

TRUSTEE VACANCY – DISTRICT 2 – DISCUSSION AND ACTION
Motion by Kaminski second by Baum to advertise for the vacancy and hold a special election in April 2013. All present voted aye. Motion carried.

Motion by Kaminski second by Baum to take applications for the vacancy until July 27, with interviews to be held August 1. There will be a Committee of the Whole meeting at 5:30 on August 6, with the new Trustee to be seated at the regular Board meeting that evening. All present voted aye. Motion carried.

ADJOURN INTO CLOSED SESSION PER WI. SS 19.85 (1)(e) FOR THE PURPOSE OF DELIBERATING OR NEGOTIATING THE PURCHASE OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHEN COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION – TO DISCUSS COLLECTIVE BARGAINING, NEGOTIATIONS INVOLVING POLICE UNION TENTATIVE AGREEMENT AND IMPACT ON FIRE UNION NEGOTIATIONS PURSUANT TO SECTION 19.85(1)(E) WIS. STATS. AND TO APPROVE CLOSED SESSION MINUTES OF JUNE 4, 2012

Motion by Zabel second by Vanderheiden to adjourn into closed session per the above Stats. Roll call vote was taken, all present voted aye. Motion carried.

<u>RECONVENE INTO OPEN SESSION</u>

<u>TENTATIVE AGREEMENT BETWEEN THE VILLAGE OF GERMANTOWN AND THE GERMANTOWN PROFESSIONAL POLICE ASSOCIATION</u>
Motion by Vanderheiden second by Ewert to accept the agreement between the Village of Germantown and the Professional Police Asssociation. Roll call vote was taken, all present voted aye. Motion carried.

<u>APPROVE CLOSED SESSION MINUTES OF JUNE 4, 2012</u>
Motion by Kaminski second b Baum to approve the closed session minutes of June 4, 2012. All present voted aye. Motion carried.

<u>ADJOURNMENT</u>
The meeting was adjourned at 11:45 p.m.

Respectfully submitted,

Elizabeth Knaack
Village Clerk