VILLAGE OF GERMANTOWN
VILLAGE BOARD
MEETING MINUTES
October 1, 2012

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

II. **ROLL CALL:** President Wolter, Trustees Baum, Daniels, Ewert, Hughes, Kaminski, Vanderheiden, and Zabel. Also present Administrator Schornack, Attorney Sajdak, and Clerk Goeckner. Trustee Werderman arrived at 7:05 p.m.

III. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.

IV. **PRESIDENT'S REPORT:** President Wolter welcomed new Village Clerk Barbara Goeckner. 2013 Budget discussions are underway with the next meeting Wednesday. President Wolter welcomes the public to add input at these meetings. Still have several open committee appointments and would welcome applications from the residents for those positions. Applications are available at the Village Clerk's office.

V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST / COMMITTEE REPORTS:**
Trustee Zabel – GGF meets October 16th at 5:00 pm
Trustee Ewert – Public Works meets October 2nd at 5:00 p.m.
Trustee Werderman - Public Safety meets the first Monday of each month at 5:00 pm and Historic Preservation Commission meets the third Monday of each month at 5:00 pm.

VI. **CITIZEN INPUT / PUBLIC APPEARANCE on items not subject to a public hearing:**
No public hearing scheduled. Carol Vachalek – W150 N10169 Summer Hill court spoke regarding the temporary pool ordinance.
John Pluta W163 N10455 Ridgeview Lane - spoke regarding the temporary pool ordinance.
Lois Piekarski N103 W14661 Hawkeye Court – Questioned the height requirement for pools.
Matthew McDonough – resident of Germantown and also a pool owner. Encourage everyone to think common sense and make some good decisions.
Mike Alburg - W196 N11396 Shadow Wood Dr – spoke on temporary pools
Robert Larson – N98 W16851 Concord Rd – spoke on the temporary pool ordinance Carol Pluta – W198N11240 Golden Court – spoke on the temporary pool ordinance
Jay Shankatonow – Expressed interest in the temporary pool ordinance & discussion.

VII. **CONSENT AGENDA:**

A. **MINUTES:**
1. September 17, 2012

B. **ACCOUNTS PAYABLE/PAYROLL:**

1.	September 10, 2012	Accounts Payable	$496,570.60
2.	September 11, 2012	Payroll (hourly)	$206,255.70
3.	September 14, 2012	Payroll (salary)	$ 76,957.50
4.	September 25, 2012	Accounts Payable	$502,219.26
5.	September 25, 2012	Payroll (hourly)	$202,418.26

C. **OPERATOR (BARTENDER) LICENSES -** New for the period ending June 30, 2013.

D. **RESOLUTION – TD AMERITRADE INSTITUTIONAL BUSINESS ACCOUNT APPLICATION**

E. **PAYMENT OF FINAL INSTALLMENT OF THE ADVANCE FROM THE WASTEWATER UTILITY TO THE GENERAL FUND - $42,000**

MOTION (Vanderheiden/Baum) to approve Consent Agenda Items A through E. Trustee Zabel requested to remove Item A from the Consent Agenda. President Wolter requested to remove Item E from the Consent Agenda. Roll call vote on Consent Agenda, removing Items A and E, all in favor, motion carried.

Item A **– MOTION (Zabel/Baum) to add the word 'owner' after the word property in the second sentence, of the first paragraph, on page 2 of the Village Board Minutes of September 17, 2012. Roll call vote, all in favor, motion carried.**

Item E - **PAYMENT OF FINAL INSTALLMENT OF THE ADVANCE FROM THE WASTEWATER UTILITY TO THE GENERAL FUND - $42,000**
President Wolter asked for information on funds and chosen payment. Trustee Zabel stated this was a recommendation from the Finance Director. These funds are monies that were not anticipated due to a surplus over projected revenues. There is roughly $140,000 in additional revenues as of the end of August. Other ideas were brought forward and discussed at the Committee of the Whole. We decided as a committee to pay back to utility the $42,000 it loaned to the general fund. This will pay this loan off. The Finance Director recommended this because no payment for this had been provided for in the budget. President Wolter wanted to verify these were not funds which had been over budgeted, but funds which came from additional revenues over and above projections. Trustee Zabel – we received more funds through permits for building projects as well as other items. **MOTION (Zabel/Werderman) approve payment of final installment of the advance from the Wastewater Utility to the General Fund of $42,000, roll call vote, all in favor, motion carried.**

VIII. **UNFINISHED BUSINESS:**

A. **APPOINTMENTS - *Commissions/Boards/Committees:***

1. ***Board of Review***
   a. 1 Citizen Alternate – 5 Year Term
2. ***Ethics Board***
   a. 1 Citizen Member – 3 year Term
   b. 1 Citizen Alternate – 3 Year Term
3. ***Utility Advisory Committee***
   a. 1 Citizen Financial/Accounting Appointee – 3 Year Term
   b. 1 Citizen Engineer/Mechanical Appointee – 3 Year Term

President Wolter stated he has not received any applications and welcomes someone to come in and apply for these positions.

B. **RECONSIDERATION OF ORDINANCE NO. 19-12 TO AMEND SECTION 14.09 OF THE MUNICIPAL CODE AS IT PERTAINS TO TEMPORARY SWIMMING POOLS**
Attorney Sajdak explained the reconsideration. Based on the action of the last board meeting – vote to reconsider passage of ordinance. That vote takes us back in time just before that time and place. You have before you the same vote that was final passage to adopt the ordinance. Your options at this point are to do any of the things that are done when looking to move forward – table, refer to committee, not do anything, what is in your package is ordinance as it was adopted at the previous meeting. Trustee Ewert stated he had received some calls and brought this forward because those callers felt the 15' was too restrictive. Bringing it forward to consider a compromise. Trustee Zabel – I would like to take this back to committee and

reorganize Chapter 14 at the October 16th meeting at 5:00 p.m. **MOTION (Zabel/Hughes) to take this item back to the GGF Committee at their next meeting on October 16th. All in favor, motion carried.**

IX. **PUBLIC HEARINGS – 7:00 P.M. OR LATER:** None

X. **NEW BUSINESS:**

A. **RESCHEDULE NOVEMBER 5, 2012 VILLAGE BOARD MEETING TO OCTOBER 29, 2012 DUE TO NOVEMBER 6, 2012 GENERAL ELECTION**

MOTION (Ewert/Baum) to move meeting from November 5th to October 29th. Kaminski will not be available that evening. **All in favor, motion carried.**

At this time the Village Board adjourned the meeting a 10 minute recess.
The Village Board reconvened and was called back to order at 8:05 p.m.

B. **MLG COMMERCIAL PRESENTATION CONCERNING POTENTIAL CHANGES TO BUSINESS PARK THAT COULD IMPROVE MARKETABILITY**

Barry Chavin, representative of MLG Commercial presented information for the board to consider putting in a cul-de-sac on North Patton Court and on Washington Drive to create lots with more flexibility for potential businesses. Requesting an understanding from the board that should the need arise that you would consider putting in the cul-de-sac. Trustee Kaminski asked about cost. Administrator Schornack – this is something staff would work on to calculate. MLG's recommendation is to divide lots for smaller parcels. Discussion of different zoning for West and East sides. Mr. Chavin requested the Board consider re-zoning the western lots to be the same as the remainder of the business park. Discussion of requiring prospective business for those lots to build all brick and put in a berm and more landscaping. You could see a nice side of a building that is landscaped etc. President Wolter – The last time this was brought up it did not pass. There were discussions with neighbors across the street and a promise it would be zoned a certain way. I have looked in the minutes and in regards to those minutes there is no reference regarding that. Through my own research I have not found that type of statement made. Trustee Kaminski – This was prior to my being on the Board, but I do recall those residents were very upset and it was a promise made to them and I would not support this change because of that. President Wolter – I would feel better if it had been made part of a record. I do trust those that were here of their recollection. Discussion of records. President Wolter – this limits MLG in helping us to market this property and sell it. It can go through the same process and see if the same issue is the same for the current people and this Board will know they went through that based on a good decision of input based on those around the property. Discussion of the different zoning. Eastern lot zoning is more of a business office requirement, not allowing for assembly or warehousing. Mr. Chavin - I don't like breaking promises either. I need to make a recommendation. You could still put some of the requirements along Mequon road as a higher end landscaping etc. I am just making a recommendation so we have land to sell within the business park. **MOTION (Baum/Kaminski) to allow MLG Commercial to incorporate two cul-de-sacs in the business park, for sales purposes.** Trustee Vanderheiden expressed concern of developing cul-de-sac and project then not happening. It was stated it would not be put in until a user was found and we had a developer agreement. Mr. Chavin - From a marketing standpoint those parcels should sell and I am suggesting as short a cul-de-sac as you can. Trustee Baum verified the cul-de-sac is only on paper until something gets sold. **All in favor, motion carried.** Zoning is the second item. **MOTION (Daniels/Hughes) to explore**

the zoning change for this. Trustee Baum – I remember the people who this promise was made to and they will fill this room. The east side is the front of properties. Discussion of concerns of neighboring property owners. President Wolter - I welcome the debate. Our goal is to fill the business park. It would be a welcome and lively debate so we have a good view and overview of what the surrounding community wants. Discussion of waiting on zoning issue until there is a buyer. Mr. Chavin – Problem is companies don't want to go through a rezoning. If the zoning was the same with the rest of the business spark that would provide more flexibility. Discussion of notices to go out with a zoning change and the need to know how residents feel at this time. Trustee Vanderheiden – I would support looking for debate. Trustee Kaminski – I don't disagree with having that debate. I won't support it tonight. We have to be very careful how we go about this. Let's have a presentation and how we are going to make this look. President Wolter – good recommendations. **6 in favor, 3 against (Baum, Kaminski & Zabel), motion carried.**

XI. **ADJOURN INTO CLOSED SESSION PER WI SS. 19.85(1)(E) DELIBERATING OR NEGOTIATING THE ACQUISITION OF PUBLIC PROPERTY, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION: POTENTIAL BUSINESS PARK LAND SALES UPDATE, BUSINESS PARK MARKETING STRATEGY, AND FUTURE BUSINESS PARK DEVELOPMENT:**
MOTION (Kaminski/Baum) to adjourn into closed session at 8:35 p.m. per WI §19.85(1)(E) Deliberating or negotiating the acquisition of public property, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session for potential business park land sales update, business park marketing strategy and future business park development, roll call vote, all in favor, motion carried.

XII. **RECONVENE INTO OPEN SESSION TO APPROVE CLOSED SESSION MINUTES OF JULY 2nd, 10th, 11th, 18th, AUGUST 1st AND 6th, 2012:**
MOTION (Baum/Hughes) to reconvene in open session at 9:53 pm. All in favor, motion carried.

MOTION (Kaminski/Baum) to approve closed session minutes from July 2, 10, 11, & 18, 2012 and August 1 & 6, 2012, all in favor, motion carried.

XIII. **ADJOURNMENT: at 9:55 p.m.**
There being no further business, the meeting was adjourned at 10:10 p.m.

Barbara K. D. Goeckner, MMC/WCPC
Village Clerk