VILLAGE OF GERMANTOWN
VILLAGE BOARD
MEETING MINUTES
October 29, 2012

I. **CALL TO ORDER:** The meeting was called to order at 7:05 p.m. by President Wolter.

II. **ROLL CALL:** President Wolter, Trustees Baum, Daniels, Ewert, Hughes, Vanderheiden. Trustee Kaminski was absent and excused. Trustee Werderman is running late. Also present Administrator Schornack, Attorney Sajdak, Finance Director Rath, Lt. Swan and Clerk Goeckner.

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

IV. **PRESIDENT'S REPORT:**
Reminder next Tuesday, November 6th, is the Presidential Election. Absentee voting takes place in the Clerk's office Monday through Friday, 8:30 a.m. – 4:30 p.m. except Friday it is until 5:00 p.m.

V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST / COMMITTEE REPORTS:**
Trustee Zabel – General Government and Finance met and items discussed are part of the consent agenda tonight. Trustee Ewert – Public Works will meet on Tuesday, November 6th at 4:30 p.m. at Village Hall. Public Safety will meet Monday, November 5th at 5:00 p.m. at Village Hall.

VI. CITIZEN INPUT / PUBLIC APPEARANCE on items not subject to a public hearing: None.

VII. CONSENT AGENDA:

A. **ACCOUNTS PAYABLE/PAYROLL:**

1. October 15, 2012	Payroll (salary)	$	76,974.49
2. October 23, 2012	Payroll (hourly)	$	201,846.02
3. October 25, 2012	Accounts Payable	$	153,825.27
4. October 31, 2012	Payroll (salary)	$	76,159.98

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

C. **RESOLUTION TO AMEND INVESTMENT POLICY RV. 2012**

MOTION (Vanderheiden/Baum) to approve Consent Agenda through Item C. President Wolter requested removal of Item 'C' for discussion. **Roll call vote, all in favor, motion carried unanimously.**

Item 'C': Trustee Zabel explained the Resolution will clean up the language in the Village's investment policy as recommended by our Financial Advisor with Ehler's. All banks are required to be registered under State and Federal laws and provide collateralization. Trustee Vanderheiden stated this will also update all State Statute numbers within the investment policy and the resolution has been reviewed by our auditing firm Baker/Tilly. Trustee Baum requested clarification that the bank listed as M&I has been changed to BMO Harris. Finance Director Rath will make that change in the resolution. **MOTION (Vanderheiden/Baum) roll call vote, all in favor, motion carried unanimously.**

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 – I have not received any applications for these committees at this time.

IX. **NEW BUSINESS:**

A. **PROPOSED CHANGES TO VILLAGE ORDINANCE SECTION 9.01, MUNICIPAL FORFEITURES**

MOTION (Vanderheiden/Baum) to approve proposed changes to Village Ordinance Section 9.01, Municipal Forfeitures. Village Attorney Sadjek explained the update to the ordinance.
All in favor, motion carried unanimously.
Trustee Werderman arrived at 7:15 p.m.

B. **RESOLUTION APPROVING AMENDMENTS TO THE 2012 BUDGET: PARK & RECREATION IMPACT FEE TRANSFER FOR LAND PURCHASE IN WILDERNESS PARK**

MOTION (Ewert/Zabel) to approve Resolution Approving Amendments to the 2012 Budget, Park and Recreation Impact Fee Transfer for Land Purchase in Wilderness Park. Trustee Vanderheiden – I did not support this at committee as I don't feel impact fees should be used in this way. Finance Director Rath explained the resolution moving the funds out of Park Impact Fees and going to a revenue account to be paid from the Capital Projects account. The payment for those fees has already been made to Washington County. Attorney DeStefanis who was Village Attorney at the time of this discussion opined this use of impact fees was appropriate. Attorney Sajdak – I would concur with that assessment – despite it was assumed to be part of the park, reality was it wasn't and it qualifies as a land acquisition. Discussion at committee was the same. Director Rath stated Impact Fees currently have a balance of about $24,000. This is taking $10,000. **Roll call vote, 7 in favor, 1 no (Vanderheiden), motion carried.**

C. **NUVANTAGE EMPLOYEE RESOURCE AGREEMENT**

MOTION (Zabel/Ewert) to approve the NuVantage Employee Resource Agreement. Administrator Schornack - Currently 2 out of our 4 union contracts state we will have an employee assistance program. We are currently paying $770 per year with this same company although the name changed a year ago. The amounts on the last page of the agreement are the fees that could be charged to the Village for use. The program is offered to all employees, union and non-union. **Roll call vote, 7 in favor, 1 no (Baum), motion carried.**

X. **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, INCLUDING CONSIDERATION OF OFFER TO PURCHASE FROM PAUL STANGL, BUSINESS PARK MARKETING STRATEGY, AND FUTURE BUSINESS PARK DEVELOPMENT**

Attorney Sajdak stated prior to going into the first closed session there are some closed and some open session items within the second closed session agenda item with the provisions in respect to ‘non-union employee compensation’. If this item applies to all non-union employees without respect to performance, it would not apply for closed session. If it is for specific employees it may apply. President Wolter stated the discussion will be specific in the beginning and if it becomes more general we will return to open session.

MOTION (Zabel/Ewert) to go into closed session per WI SS. 19.85(1)(e) Deliberating or Negotiating the Acquisition of Public Funds, or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require A Closed Session: Potential Business Park Land Sales Update, Including Consideration of Offer to Purchase From Paul Stangl, Business Park Marketing Strategy, and Future Business Park Development, including the gentlemen in the room. Roll call vote, all in favor, motion carried unanimously. Adjourn into closed session at 7:32 p.m.

Discussion of potential business park land sales update, including consideration of offer to purchase from Paul Stangl, Business Park marketing strategy and future Business Park development.

XI. **RECONVENE INTO OPEN SESSION FOR DISCUSSION/ACTION REGARDING ITEM NO. X**

MOTION (Zabel/Baum) to go into open session at 9:10 p.m. to discuss land opportunities, all in favor, motion carried.

Attorney Sajdak stated a motion was not necessary for the President to execute the offer as discussed as there was a consensus.

XII. ADJOURN INTO CLOSED SESSION PER WI SS. 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: NON-UNION EMPLOYEE COMPENSATION AND VILLAGE ADMINISTRATOR PERFORMANCE EVALUATION

MOTION (Baum/Daniels) to go into closed session as per WI SS. 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, at 9:20 p.m., all in favor, motion carried unanimously. Clerk remained.

Discussion of specific group of non-union employees for possible employee compensation as presented on spreadsheet.

Discussion to move Administrator discussion item for closed session to meet on November 5^{th} at 6:00 p.m. or immediately following the Public Safety meeting.

XIII. RECONVENE INTO OPEN SESSION FOR DISCUSSION/ACTION REGARDING NON-UNION EMPLOYEE COMPENSATION

MOTION (Zabel/Hughes) to go into open session at 10:09 p.m., carried unanimously.

MOTION (Hughes/Daniels) to provide a onetime 1% gross pay out for the following employees: Deputy Treasurer, Communication Officer, Police Communication Supervisor, Public Works Administrative Secretary, Public Works Foreman, Wastewater Supervisor, Water Supervisor, Recreation Supervisors (2), and Senior Center Program Coordinator. And a onetime 2% gross pay out for Village Engineer, Highway Superintendent, Community Development Director and the Park and Recreation Director, by roll call vote, one nay (Ewert), motion carried.

XIII. ADJOURNMENT:

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

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