VILLAGE OF GERMANTOWN
VILLAGE BOARD
MEETING MINUTES
November 19, 2012

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

II. **ROLL CALL:** President Wolter, Trustees Baum, Daniels, Ewert, Hughes, and Vanderheiden. Trustee Werderman is on his way. Trustee Kaminski was absent and excused. Also present Administrator Schornack, Attorney Sajdak, Finance Director Rath, DPW Director Dan Ludwig, Police Chief Hoell, Fire Department members and Clerk Goeckner.

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

IV. **PRESIDENT'S REPORT:**
President Wolter stated he received several phone calls and e-mails regarding the lack of I voted stickers on Election Day. We had run out of them and staff had talked about them and the cost would equal the cost of an additional poll worker and the decision was to go with the poll worker instead to get people through and more persons registered. Stickers will be available at the next election.
A call went out through the school's emergency system of a missing teen. Many different people came to help in many different ways. The family was very appreciative of the help and overwhelmed at the outpouring of help and concern. There was a positive result with a safe return. Very proud of Germantown that night. Thank you.

V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST / COMMITTEE REPORTS:**
Trustee Zabel - GGF will be meeting on November 27th at 5:00 p.m.
Trustee Ewert - Public Works will meet December 4th at 5:00 p.m.
Trustee Werderman – Public Safety will meet December 3rd at 5:00 p.m.
Clerk Goeckner gave a report on the November 6th Presidential Election. Overall 94% voter turnout with 4,444 absentee ballots cast. Cost to taxpayers for absentee balloting was between $65,000 and $80,000. Clerk Goeckner thanked all Village staff and election workers for all their hard work to make the Presidential Election a success.

VI. CITIZEN INPUT / PUBLIC APPEARANCE on items not subject to a public hearing:
Andy Pelkey – Taxpayer in the Village of Germantown, owning property on Mequon Road. Addressed the board regarding concerns he has with current assessor for the Village and that assessor's practices. After 10 minutes, Trustee Vanderheiden questioned this being a presentation that should have been an agenda item, as well as the length of this presentation. President Wolter stated this is not a presentation, it is a citizen comment and he is allowed to give leeway for time and reminded Mr. Pelkey to keep this short. Mr. Pelkey went forward with his information and said he feels the assessor should have done a much better job.
Upon completion, President Wolter stated the program used by our assessor was created by Mr. Pelkey and the user can use all or part of that program as he chooses. It comes down to business practices. Later on the agenda is the agreement to renew the contract for the assessor.

VII. CONSENT AGENDA:

A. **MINUTES:** October 29, 2012 and November 5, 2012

B. **ACCOUNTS PAYABLE/PAYROLL:**

1.	October 2012	Accounts Payable	$ 24,852.35
2.	November 6, 2012	Payroll (hourly)	$ 219,251.84
3.	November 10, 2012	Accounts Payable	$ 433,564.30
4.	November 15, 2012	Payroll (salary)	$ 76,967.90

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

D. NEW CLASS "A" FERMENTED MALT BEVERAGE LICENSE -SPEEDWAY LLC, d/b/a SPEEDWAY 4495, W164N11233 Squire Drive, Dave C. Proksch, Agent

E. **NEW CLASS "A" FERMENTED MALT BEVERAGE LICENSE – SPEEDWAY LLC, d/b/a SPEEDWAY 4465, W178N9653 Riversbend Lane, Michael R. Weber, Agent**

F. **CONSIDERATION OF INVOICES – WASHINGTON COUNTY HIGHWAY DEPT #2923 & 2962 FOR $21,550.27 FOR CENTERLINE AND EDGE LINE PAINTING**

G. **WINTER OPERATIONS POLICY AND PROCEDURE MANUAL REVISION TO UPDATE CHANGES IN TECHNOLOGY, EQUIPMENT AND PRACTICES**

MOTION (Vanderheiden/Ewert) approve consent agenda, Items A-G, by roll call vote, all in favor, motion carried.

VIII. **UNFINISHED BUSINESS:**

A. **ORDINANCE AMENDING SUBSECTION 9.01(54)a OF THE GERMANTOWN CODE OF ORDINANCES TO CORRECT NUMBERING ERROR**

MOTION (Baum/Daniels) to approve the Ordinance Amending Subsection 9.01(54)a of the Germantown Code of Ordinances to Correct Numbering Error, by roll call vote, all in favor, motion carried.

B. **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 welcomes persons to come forward as candidates or applicants.

IX. **PUBLIC HEARINGS – 7:00 P.M. OR LATER**

A. **2013 VILLAGE BUDGET AND TAX LEVY**

Finance Director Kim Rath – 2013 budget worked through at the Committee of the Whole meetings. Presenting for levy of $10,558,918 with a reduction from last year of $5,269 for General Fund levy and Debt Service. This will reduce the tax rate by $0.01 cent per $1,000. President Wolter called the public hearing to order at 7:36 p.m. Being there was no one present to speak on the budget proposal, the public hearing was closed at 7:37 p.m.

B. **ROBERT ZYSK, AGENT FOR SEVEN PINES CONDOMINIUM ASSOCIATION, INC., PROPERTY OWNERS FOR AN AMENDMENT TO THE SEVEN PINES CONDOMINIUMS PLANNED DEVELOPMENT DISTRICT (PDD) GENERAL DEVELOPMENT PLAN AND THE CONDITIONS AND RESTRICTIONS RESOLUTION TO DELETE THE REQUIREMENT FOR INSTALLATION OF A TRAILS SYSTEM IN THE DEVELOPMENT**

Village Planner Jeff Retzlaff explained the request for Amendment to the Seven Pines Condominiums Planned Development and the resolution to delete the requirement for installation of a trails system within the development. Resolution 34-03 approved in 2003 listed a series of conditions, including installation of a trail system adjacent to the development. With the foreclosure of the development, the Association has assumed control of the requirements. Seven buildings have been constructed and the sidewalk has been completed but the rail system has not. The proposal is to delete the trail system requirement as requested by the Homeowners Association. The Association sites the lack of association

dues, initial cost, maintenance cost, and environmental damage due to tree removal. They did a survey of the owners and the majority support removal of the trail system. This would have been for private property use, not a public trail. Plan Commission recommendation is to approve the proposed amendment to delete the trail system.
President Wolter called the public hearing to order at 7:40 p.m.
Robert Zysk – Condo unit owner with two other owners echoes the comments of Mr. Retzlaff and is in support of the petition.
The public hearing was closed at 7:42 p.m.

X. **NEW BUSINESS:**

A. **AMENDMENT TO THE SEVEN PINES CONDOMINIUMS PDD GENERAL DEVELOPMENT PLAN AND THE CONDITIONS AND RESTRICTIONS RESOLUTION TO DELETE THE REQUIREMENT FOR INSTALLATION OF A TRAILS SYSTEM IN THE DEVELOPMENT**
MOTION (Baum/Zabel) to approve the resolution to amend the Seven Pines Condominiums PDD General Development Plan and the conditions and restrictions to delete the requirement for the installation of a trail system in the development. Trustee Vanderheiden – Have seen these requests over prior years and feels the board should always look to the best interest of the residents when these items come forward and should have flexibility at that time if it is appropriate. Trustee Zabel and President Wolter agreed. **All in favor, motion carried.**

B. **RESOLUTION ADOPTING THE 2013 VILLAGE OF GERMANTOWN BUDGET AND TAX LEVY**
MOTION (Vanderheiden / Werderman) to approve Resolution Adopting the 2013 Village of Germantown Budget and Tax Levy. Trustee Zabel asked if the budget presented is the same as the one published. Finance Director Rath explained there are two pieces to this budget, the General Fund including the items on the back. The Resolution is for the levy and passing the budget comprehensively. Listing the capital projects as discussed, those are the projects that have been approved. Because of value, each item will come before its committee of jurisdiction before going out for borrowing. President Wolter expressed appreciation for all of the hard work at the many meetings held to put the budget together. With that result comes a zero increase – actually a decrease. Capital projects can be re-evaluated and reduced or changed at the time we go out for borrowing. Director Rath is saying if there are changes to be made, perhaps they should be considered now as department heads are here and once the budget is approved they go forward with their purchase orders. **Roll call vote, 7 yes, 1 nay (Zabel), motion carried.**

C. **RESOLUTION APPROVING THE PLACEMENT OF SPECIAL CHARGES ON THE 2012 TAX ROLL**
MOTION (Ewert/Zabel) to approve the Resolution for placement of Special Charges on the 2012 Tax Roll. Director Rath – Majority of these special charges are delinquent water and sewer billings, as well as special assessments collected through the tax bill process. While there were fewer customers with delinquent water and sewer bills, there is a larger dollar amount than last year. **Roll call vote, all in favor, motion carried.**

D. **APPROVAL OF INVOICE FROM CTW CORPORATION FOR WELL #11 MOTION (Ewert/Vanderheiden) to approve invoice from CTW Corporation for Well #11.** Discussion of issues regarding well #11 and the possible causes for electrolysis. President Wolter verified this invoice is for removal of casing and pump by company that installed it. Further invoices to come. **Roll call vote, all in favor, motion carried.**

E. **<u>APPROVAL TO ADVANCE THE EXTENSION OF NORTH PATTON COURT</u>**

MOTION (Ewert/Werderman) to approve advance of the extension of North Patton Court. Trustee Zabel inquired if we are approving the CSM for North Patton Court or just approving it to be extended. Director Ludwig stated we are approving the concept prior to taking the next step to be sure the Board is in agreement. We already have a land sale but need to be assured of the extension. You are not approving the CSM. This is an estimated cost of $260,000. Administrator Schornack stated we don't want to go ahead with the land sale if the board does not tie into the concept. This divides this area up into four very nice lots and able to do this in a fairly minimal cost. President Wolter – suggestions to go with cul-de-sacs and already received a successful bid and an accepted offer for that property. Next step is to formally approve. Trustee Vanderheiden suggested there are funds freed up in the TIF since the DOT is not having us pursue the intersection on Eisenhower and Mequon Road. Discussion of signs and right of way. TIF is proposed to be fully closed out by 2020. **<u>All in favor, motion carried.</u>**

F. **<u>AGREEMENT FOR ASSESSMENT SERVICES</u>**

MOTION (Vanderheiden/Baum) to hire Accurate Appraisal under Option A of proposed agreement. Jim Danielson representing Accurate Appraisal came forward. Has met with all parties involved. Many issues relate to business practices and procedure. Uniformity is important within the assessment process. I have to look at all evidence before me to determine if the value has changed. If someone came in with an arms-length sale and you knowingly didn't lower it then you are in violation. I deal with taxpayers of Germantown and in customer service. Trustee Vanderheiden asked if Accurate had any delinquencies or fines from the State for their work and Danielson stated no. Trustee Vanderheiden – I can feel confident you are doing the work and have done a good service to the Village of Germantown. Trustee Werderman - Option B was the recommendation and the motion was Option A. How often do we need to do a market revaluation? Danielson – once you go 10% over or below 100% of valuation. Trustee Werderman - If we go with Option A and don't do a revaluation we will be 6 years out. Danielson – 6-7 years is the average basis between revaluations. Option B is a 3 year agreement with a revaluation and is $163,000. Option A is 3 year agreement without revaluation and is $90,000. The amounts are spread out over the 3 years. Trustee Daniels – what is your professional opinion on what is best for the Village? Danielson – With the market as volatile and fluctuating as it has been, the more often you do the revaluations the better it is to get everyone back to 100%. **MOTION (Baum/Daniels) to amend the motion and choose Option B with a revaluation to be done in 2015.** Attorney Sajdak - Is that to specifically direct revaluation in 2015? Yes. **5 in favor, 3 Nays (Zabel, Hughes, Wolter), motion for amendment carried.** Discussion of original motion. President Wolter – It is important to note Mr. Pelkey' s accusations on information he could not find was information in his own program. As noted that becomes a business practice. They can choose what to use and what not to use. It is up to the business owner what works best for his current business practices. They are required to follow guidelines and full assessed value for the Village itself. There have been no complaints out of 96 communities and no formal investigation from the State. Director Rath – Mr. Pelkey mentioned that Mr. Danielson did not give him certain mobile home data and that is something I will be providing to Mr. Pelkey is why he has not received it yet. Discussion regarding a termination clause and possible invoicing at time of termination for work already completed if termination were to occur. Trustee Werderman verified contract cost was divided over 3 years and with revaluation would be approximately $54,335 per year. **MOTION (Zabel/Baum) to amend motion to add that the Attorney and Assessor will come up with a cancellation clause to the Assessor's contract. All in favor, motion carried. Call for vote on original motion**

as amended. Roll call vote, all in favor, motion carried.

XI. **<u>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: CONSIDERATION OF OFFER TO PURCHASE FROM PETERSEN GLOBAL (KRENZ) FOR LOT 28 IN THE GERMANTOWN BUSINESS PARK</u>**
MOTION (Zabel/Baum) to go 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 for Consideration of Offer to Purchase from Petersen Global (Krenz) for Lot 28 in the Germantown Business Park at 8:36 p.m. Roll call vote, all in favor, motion carried.

XII. **MOTION (Baum/Zabel) to go into open session at 8:53 p.m., all in favor, motion carried. MOTION (Zabel/Baum) to authorize the Village President to execute an offer to purchase consistent with the terms discussed in closed session, by roll call vote, all in favor, motion carried.**

XIII. **MOTION (Baum/Daniels) to 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 regarding the Germantown Professional Police Association Local 306 Union Negotiations, at 8:56, by roll call vote, all in favor, motion carried.**

XIV. **<u>ADJOURNMENT</u>**
There being no further business, the meeting was adjourned from closed session at 9:13 p.m.

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