VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING
MINUTES
APRIL 16, 2013

CALL TO ORDER: The meeting was called to order at 6:30 p.m. by President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Daniels, Ewert, Hughes, Kaminski, Vanderheiden, Werderman and Zabel. Also present: Administrator Schornack, Attorney Sajdak, Joe Masiarchin, Dan Ludwig, Jeff Retzlaff, Brionne Bischke, Jay Olszewski, Jim Driver, Kim Rath, Chief Hoell, Chief Pollpeter, and Clerk Goeckner.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: Recently re-elected as Village Board President. Very humbled to represent the residents.

APPOINTMENTS

Standing Committees of the Village Board

General Government & Finance

Chair	Trustee	Arthur Zabel	04/16/2013 – 04/15/2014
	Trustee	David Baum	04/16/2013 – 04/15/2014
	Trustee	Terri Kaminski	04/16/2013 – 04/15/2014
	Trustee	Al Vanderheiden	04/16/2013 – 04/15/2014

Public Safety

Chair	Trustee	Jeff Werderman	04/16/2013 – 04/15/2014
	Trustee	Shane Daniels	04/16/2013 – 04/15/2014
	Trustee	Melvin Ewert	04/16/2013 – 04/15/2014
	Trustee	Jeff Hughes	04/16/2013 – 04/15/2014

Public Works & Highways

Chair	Trustee	Melvin Ewert	04/16/2013 – 04/15/2014
	Trustee	Terri Kaminski	04/16/2013 – 04/15/2014
	Trustee	Al Vanderheiden	04/16/2013 – 04/15/2014
	Trustee	Arthur Zabel	04/16/2013 – 04/15/2014

MOTION (Zabel/Kaminski) to approve appointments to the Standing Committees of the Village Board as listed, carried unanimously.

Commissions/Boards/Committees

Plan Commission

Trustee	David Baum	04/16/2013 – 04/15/2014
Citizen	Tim Yokes	05/01/2013 – 04/30/2016

Board of Zoning Appeals

Member	Patrick McDonnell	05/01/2013 – 04/30/2016
Alternate	Henry Ehler	05/01/2013 – 04/30/2016
Alternate	Doug Jansen	05/01/2013 – 04/30/2016

Board of Review

Member	Ingolf (Sam) Schneider	05/01/2013 – 04/30/2018

Police & Fire Commission

Member	Dan Campbell	05/01/2013 – 04/30/2018

Library Board

Trustee	Shane Daniels	04/16/2013 – 04/21/2015
Member	Darlene Vosen	07/01/2013 – 06/30/2016
Member	Charlene Brady	07/01/2013 – 06/30/2016
Member	Danny Ho	07/01/2013 – 06/30/2016

Ethics Board

Member	Wyatt Wiehr	05/01/2013 – 04/30/2016
Member	Richard Kent	05/01/2013 – 04/30/2016

Historic Preservation Commission

Trustee	Jeff Werderman	04/16/2013 – 04/15/2014
Member	Christine Kauth	05/01/2013 – 04/30/2016
Member	Barb Mendenhall	05/01/2013 – 04/30/2016

Tourism/Community Betterment Committee

Member	Charlene Brady	05/01/2013 – 04/30/2016
Member	Judy Rogers	05/01/2013 – 04/30/2016

Utility Advisory Committee

Trustee	Arthur Zabel	04/16/2013 – 04/15/2014

Economic Development Committee

Chair Trustee	Terri Kaminski	04/16/2013 – 04/21/2015
Trustee	Jeff Hughes	04/16/2013 – 04/15/2014

Building Construction Oversight Committee

Member	Jim Hansen	05/01/2013 – 04/30/2015

MOTION (Baum/Ewert) approve appointments to Commission/Boards/Committees as presented. Discussion regarding Park and Recreation Committee and Senior Advisory Committee. **MOTION (Vanderheiden/Kaminski) to amend to add Senior Advisory and approve Arline Flesch for appointment.** Clerk Goeckner asked Village Attorney Sajdak if this could be allowed since it is not on the agenda. Trustee Zabel asked since committees are made up by the Board President can a recommendation be made without him doing so? Attorney Sajdak stated appointment with respect to Senior Advisory would not be property because it is not noticed and would have to take place at a later meeting. To answer Trustee Zabel's question, Trustees are always welcome to make recommendations to the Board President who should appoint. Trustees Vanderheiden and Kaminski withdrew their motion to amend. **Carried unanimously.**

Mid-Moraine Legislative Committee

Trustee Representative Al Vanderheiden 04/16/2013 – 04/15/2014

Motion (Ewert/Zabel) approve appointment to the Mid-Moraine Legislative Committee as presented, carried unanimously.

Official Posting Places

Village Hall - N112 W17001 Mequon Road
Public Library - N112 W16957 Mequon Road
Village Website
Village Cable Access Channel

MOTION (Vanderheiden/Ewert) to approve the official posting places as presented, carried unanimously.

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: None.

CONSENT AGENDA:

A. **MINUTES:** March 18, 2013

B. **ACCOUNTS PAYABLE/PAYROLL**

1.	March 25, 2013	Accounts Payable	$ 333,790.58
2.	March 26, 2013	Payroll (hourly)	$ 201,588.19
3.	March 29, 2013	Payroll (salary)	$ 74,076.71
4.	March 2013	Accounts Payable	$ 36,375.50
5.	April 9, 2013	Payroll (hourly)	$ 199,230.81
6.	April 10, 2013	Accounts Payable	$ 521,584.12

C. **OPERATOR (BARTENDER) LICENSES** – New for the period ending June 30, 2013: Miranda J. Burns, James M. Clemens, Dawn M. Hardy-Reith, Joshua T. Wilkinson, Kristen K. Wolf, and Justin J. Gresbach

D. **DENIAL OF OPERATOR LICENSE AS RECOMMENDED BY POLICE CHIEF – MELANIE L. ENK**

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

E. AUTHORIZATION TO PURCHASE NEW ZERO TURN MOWERS FROM J.P. LOCHEN EQUIPMENT FOR A TOTAL COST OF $23,590 ALLOCATED FROM CAPITAL ACCOUNT #40-553-570-8530

F. APPROVAL TO RENEW EXISTING CONTRACT WITH HYDRO DESIGNS AT A COST OF $8,988 ANNUALLY, $17,979 FOR 2 YEARS TO PERFORM UTILITIES CROSS CONNECTION INSPECTIONS AS REQUIRED BY WDNR, ALLOCATED FROM ACCOUNT #50-741-530-6640

G. APPROVAL TO CONTRACT WITH WATER TOWER CLEAN & COAT TO PRESSURE WASH ALL THREE WATER TOWERS FOR A COST OF $11,200. FUNDS ALLOCATED FROM ACCOUNT #50-741-530-6610

H. AUTHORIZATION TO PURCHASE CRACK FILLING MATERIAL FROM SHERWIN INDUSTRIES OF MILWAUKEE FOR VILLAGE ROADS FOR A COST NOT TO EXCEED $19,500. FUNDS ALLOCATED FROM ACCOUNT #10-542-530-3505

I. APPROVAL TO CONTRACT WITH NOFFKE ROOFING AT A COST OF $9,164 FOR REPAIR OF POLICE DEPARTMENT ROOF AS DETAILED IN PROPOSAL. FUNDS ALLOCATED FROM ACCOUNT #10-519-570-8221

J. APPROVAL FOR THE VILLAGE TO REMAIN PART OF THE WisDOT SALT BID PROCESS AND AUTHORIZE STAFF TO PURCHASE 3,800 TONS OF SALT IN 2014

K. APPROVE THE RELEASE OF THE PLATTED UTILITY EASEMENT AND ACCEPT THE SANITARY SEWER AND WATER MAIN EASEMENT FOR SAWGRASS COVE AND AUTHORIZE THE VILLAGE OFFICIALS TO SIGN AND RECORD THE SAME

L. APPROVE INCORPORATION OF THE FOLLOWING WITH THE DONGES BAY ROAD 2013-2018 STP URBAN PROGRAM APPLICATION:

- **FIVE FOOT SIDEWALKS/PATHS SHALL BE LOCATED ON EACH SIDE OF THE ROADWAY**
- **PURCHASE LAND AS NEEDED FOR THE SIDEWALK PLACEMENT**
- **AND AUTHORIZE THE VILLAGE PRESIDENT TO SIGN THE WDOT 2013-**

CONSENT AGENDA - continued:

2018 STP-URBAN PROGRAM APPLICATION AND ALLOW STAFF TO SUBMIT THE APPLICATION TO THE DOT

The following items were forwarded from General Government and Finance Committee with a unanimous recommendation:

M. RESOLUTION APPROVING AMENDMENTS TO THE 2013 BUDGET, GERMANTOWN COMMUNITY LIBRARY WACCOOL DISTRIBUTION – STAFF BONUS

N. RESOLUTION AUTHORIZING THE CHARGE OFF OF UNCOLLECTED 2011 DELINQUENT PERSONAL PROPERTY TAXES

O. RESOLUTION FOR SEWER RATE INCREASE AS APPROVED 5/16/2011

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

P. APPROVE REPLACEMENT OF COMMUNICATION OFFICER POSITION, EMPLOYEE VACANCY – POLICE DEPARTMENT

Q. APPROVE REPLACEMENT OF OFFICER POSITION, EMPLOYEE VACANCY – POLICE DEPARTMENT

R. "CLASS A" BEER & LIQUOR LICENSE – WALGREEN CO. d/b/a WALGREENS #05427, W156N11261 PILGRIM ROAD, VICKIE MATT AGENT

Trustee Zabel requested to pull Item 'L' from Consent Agenda.

MOTION (Vanderheiden/Werderman) to approve Consent Agenda Item 'A' thru Item 'R', excepting Item 'L', carried unanimously.

Item L – APPROVE INCORPORATION OF THE FOLLOWING WITH THE DONGES BAY ROAD 2013-2018 STP URBAN PROGRAM APPLICATION:

- **FIVE FOOT SIDEWALKS/PATHS SHALL BE LOCATED ON EACH SIDE OF THE ROADWAY**
- **PURCHASE LAND AS NEEDED FOR THE SIDEWALK PLACEMENT AND AUTHORIZE THE VILLAGE PRESIDENT TO SIGN THE WDOT 2013-2018 STP-URBAN PROGRAM APPLICATION AND ALLOW STAFF TO SUBMIT THE APPLICATION TO THE DOT**

Village Engineer Bischke explained the revision made at the committee for real estate acquisition is limited to the minimal possible in order to do the project. We are not putting in a consistent sidewalk; it will meander where we can do minimal acquisition. **MOTION (Zabel/Baum) to approve Item L and authorize Village President to sign documents. Roll call vote, carried unanimously.**

UNFINISHED BUSINESS:

A. APPROVE CONTRACT FOR SHALLOW WELL INVESTIGATION CONSULTANT

Director of Public Works Dan Ludwig explained the contract for shallow well investigation consultant. Shallow wells take between 2-5 years to locate. Something we need to have prepared when we need water. Staff recommends going with Foth for study. Discussion: Phase 3 portion of proposal, site(s), wellhead protection, costs of wells and locating. Trustee Zabel feels process is premature. Areas to study, Gehl's water usage, planning for the future, protect proposed areas. Discussion of timing of other reports and are they current and relevant. Prior wells drawing water down from neighbors causing other issues and concerns. Discussion

UNFINISHED BUSINESS - continued:

of consideration of deep wells. Cost per deep well is $2.2 million. Shallow well is less than $500,000 and we get a lot of water from them. **MOTION (Ewert/Kaminski) to approve the Contract for Shallow Well Investigation with Foth for a cost of $40,400.** Discussion of budget and other bid amounts and phases bid. Funds are in water utility budget. Further discussion of other study done in 2003. Times have changed. Concerns during period of draught**.** Issues with Well #11. Don't want to be in a situation where a well goes down and we are rationing. **Roll call vote, 8 in favor, 1 opposed (Zabel), motion carried.**

B. SPASSLAND PARK SHELTER BID APPROVALS & BUDGET

MOTION (Zabel/Hughes) to take the second bid not to exceed $35,571 to BCF Construction Corp. The low bid contractor could not do it for that price and the second bidder came in a little higher. Water utility is doing some work and bringing us within budget. **Roll call vote, motion carried unanimously.**

PUBLIC HEARINGS – 7:00 P.M. OR LATER

A. **WALTER WOLF, AGENT FOR THE JOHN J. KOHL REVOCABLE TRUST, JEFFREY H. & DEBRA GERSCHKE, AND ARLENE WOLF ETAL, PROPERTY OWNERS; BONNIWELL ROAD; TO REZONE THE FOLLOWING DESCRIBED PROPERTY FROM THE A-1: AGRICULTURAL DISTRICT TO THE A-2: AGRICULTURE DISTRICT PURSUANT TO SECTIONS 17.13 OF THE VILLAGE ZONING CODE AND 2-LOT CERTIFIED SURVEY MAP (CSM) ON TAX KEY NOS. 111-981 & 111-982, A PART OF THE NE ¼ OF THE NE ¼ OF SECTION 11, T9N, R20E, VILLAGE OF GERMANTOWN**

Planner Retzlaff presented information on the application for CSM and Rezoning of 27.5 acres and land division into two lots. Necessary to settle an estate. Is consistent with 2020 Plan Land Use Map. Surveyor has minor technical corrections to be made prior to recording and recommends approval as presented with condition as stated.

Public hearing called to order at 7:32 p.m. No one came forward to speak on these two properties. Public hearing closed at 7:33 pm.

B. **THE CONSERVATION FUND AND MILWAUKEE METROPOLITAN SEWERAGE DISTRICT (MMSD), AGENTS FOR MLG/RMS LIMITED PARTNERSHIP, PROPERTY OWNERS; HOLY HILL ROAD; TO REZONE 10.0015 ACRES OF THE FOLLOWING DESCRIBED PROPERTY FROM A-1: AGRICULTURAL DISTRICT TO THE A-2: AGRICULTURE DISTRICT PURSUANT TO SECTIONS 17.13 OF THE VILLAGE ZONING CODE AND 3-LOT CERTIFIED SURVEY MAP (CSM) ON TAX KEY NOS. 181-995, 181-996, 182-993 & 182-996, A 10.0015-ACRE (LOT 1 OF A PROPOSED CSM) PART OF THE NW ¼ AND SW ¼ OF THE NE ¼ AND PART OF THE NE ¼ AND SE ¼ OF THE NW ¼ OF SECTION 18, T9N, R20E, VILLAGE OF GERMANTOWN**

Planner Retzlaff presented information on the application for CSM and Rezoning for MLG and MMSD represented by Conservation Fund to rezone from A-1 to A-2. Necessary to rezone for the amount and quality of the wetlands in this area. For future development this rezoning is consistent with that area but agricultural is in a

PUBLIC HEARINGS – continued:

holding pattern in this area. Soil test required prior to development. Requirement for wetland delineation. Access is proposed and recommended by Plan commission to be limited and there are some technical corrections that have been identified by the surveyor. Recommend to approve subject to 4 conditions.
Public hearing called to order at 7:35 p.m. No one came forward to speak for or against the request. Public hearing closed at 7:36 pm

C. RJR ASSOCIATES, AGENT, FOR AT & T WISCONSIN, OPERATOR & LESSEE, AND DAVID A. MITCHELL, PROPERTY OWNER, FOR A CONDITIONAL USE PERMIT FOR THE INSTALLATION AND OPERATION OF A 150' MONOPOLE WIRELESS COMMUNICATION FACILITY WITH AN ACCESSORY EQUIPMENT COMPOUND ON THE FOLLOWING DESCRIBED PROPERTY PURSUANT TO SECTION 17.56 OF THE VILLAGE ZONING CODE ON W124 N13185 WASAUKEE ROAD, TAX KEY NO. 121-985, PART OF THE SE ¼ OF THE NE ¼ AND PART OF THE NE ¼ OF THE SE ¼ OF SECTION 12, T9N, R20E, VILLAGE OF GERMANTOWN

Planner Retzlaff presented information on the application for a Conditional Use Permit for a wireless communication facility. 25.35 acre site, Fenced Lease area/Compound includes 150' monopole tower proposed behind existing storage building on the property located on the southeast corner of the parcel. Approximately 45'x45' with 35' utility easement, surrounded by chain link fence with some landscaping. 150' tower is maximum allowed. Need is for improving existing level of service and coverage to the surrounding area high speed and broadband services. As part of application provided a visual called propagation maps. Predicted coverage with150' tower with the facility shows drastic improvement in areas beyond the Village of Germantown – Mequon, Cedarburg, Jackson etc. Other map shows alternative structure and a 99' alternative tower. Coverage improves but not as drastic as it does with the 150' tower. That is the justification for the tower submitted by AT&T. Photos presented to show appearance from various distances and visibility with vegetation. New tower requires Conditional Use Permit and requirements are to demonstrate justification for a new tower. They have indicated in their documentation as well as through visual maps and packet materials have determined there are no existing towers providing the level of service that they want to provide their customers in this area. Alternative structure they looked at can't provide the necessary signal strength as shown by maps they provided. As review the board does have an opportunity to require separate expert analysis of materials provided for review. Setbacks are determined by a case by case basis. None currently in code. There are prescriptions for other tall facilities with a setback of at least one half the height of the structure. If 150' then a minimum of 75'. In this case AT&T has provided the 75' setback and then 350' setback on the north, the east and the west setback lines. Cannot obstruct point of visual interest. Screening to eliminate visual obtrusiveness. AT&T has indicated because of the proposed location the wood area around and the landscaping at the base are sufficient to eliminate visual obtrusiveness. A silo style would be more obtrusive. The visual requirement is a subjective requirement. Village has other stealth alternative structures: silo, flag pole. Staff supports WCF at this location subject to the Board's determination and their input on structure deemed least obtrusive to surrounding property owners/residents.

PUBLIC HEARINGS – continued:

Dextra Hadnot, Director of Government Affairs with AT&T – Appreciated all the hard work of the Planner and his knowledge of the ordinances and keeping them informed of requirements. Goal is to partner with communities, to seek that which is not disruptive. Richard Rogers and Dean Haas also available for questions. Information included in packet talking about wireless infrastructure in communities. Hope the Board would see through to ratify the Plan Commission recommendations.

Public hearing was opened at 7:57 p.m.

The following persons spoke at the public hearing:

- Charlie Tur, N140W13719 Cedar Lane, Germantown – opposed
- Marty Peck, N140 W13843 Cedar Lane, Germantown – opposed
  Also read letter from Debbie Peck – opposed
- Richelle Barker, W198 1254 Golden Court, Germantown – in support
- Richard Rogers, RJR Associates representing AT&T Wireless discussion colocation considerations and site acquisitions and need
- Mary Ellen Gray, W13405 Wausaukee Road, Germantown – opposed
- Tom Stauffacher, N140 W12881 Cedar Lane, Germantown – opposed
- Dick Bonkoski, 13420 N Wasaukee Rd, Mequon – opposed
- Ronald Hanson, 12341 W Bonniwell Road, Mequon – opposed to location
- Willard Wolf, 3215 Division Road, Jackson – opposed – consider colocation
- Debbie Markiewicz, 11715 W Bonniwell Road, Mequon (on behalf of Paul Markiewicz) – opposed
- Todd Weber, N12971 Wasaukee Road, Germantown – opposed
- Charlene Brady, N09W16620 Hawthorne Drive, Germantown – in support
- DeanHaas, Engineer with AT&T – spoke to location chosen and height needed
- Debby Berndt, W124 N13685 Wasaukee Road, Germantown – opposed
- Todd Sennott, W124 N13479 Wasaukee Road, Germantown – opposed
- Richard Garcia, N101 W16117 Santa Fe Drive, Germantown – in support
- Charlie Tur, rebuttal – opposed
- Marty Peck, rebuttal – opposed
- Todd Sennott –

Discussion of what a conditional use permit is and what needs to be followed. Attorney Sajdak stated the CUP for a silo would suggest it could be expanded up to 150' to accommodate, and that would require a new CUP and hearing etc.

Discussion of what current silo could accommodate as to another user. Planner Retzlaff - CUP granted there approved a maximum of 80' with future expansion to 100' but would require a new CUP for expansion and is capable of handling 3 carriers etc. Attorney Sajdak – only one carrier on that tower right now. Dextra Hadnot – Appreciates vetting the issues and the passion of the village in which you live. Property values not affected the further away it is. Something important for the community, necessary for today and for the future.

Planner Retzlaff clarified compliance with the zoning code and height of the antennae to the tip is 153' and is compliant with the code. Tower is limited to 150' but the antennae can go up 20'. So 170' with the tip of the antennae.

President Wolter thanked everyone who came and gave input.

PUBLIC HEARINGS – continued:

Public hearing closed at 9:04 p.m.

NEW BUSINESS:

A. RJR ASSOCIATES, AGENT FOR AT&T WISCONSIN, OPERATOR & LESSEE AND DAVID A. MITCHELL, PROPERTY OWNER; W124 N13185 WASAUKEE ROAD; CONDITIONAL USE PERMIT FOR INSTALLATION AND OPERATION OF A 150' MONOPOLE TOWER AND WIRELESS COMMUNICATION FACILITY

Discussion of proposed tower.

- Requirements to notify property within 300' were extended to those within 1 mile.
- Ability to install equipment inside a shed or build a shelter
- Colocation sites available
- Other heights to consider and address
- Search area and coverage
- Criteria considered
- Property values
- Communities benefitting
- Customer base and privacy of that information
- Other communities considered
- Compromise to consider
- Future needs continue to grow
- Planner Retzlaff stated questions need to be rephrased. We don't have criteria on one carrier's commerce or another and this was discussed at Plan Commission. We don't tell McDonalds they can't move into a neighborhood because we already have a Burger King. We need to discuss and preclude based on their need and that matches up with the criteria in the code.
- Attorney Sajdak further stated who is coming in is not for us to consider, but whether or not this coming in meets our requirements regardless of whoever they are.
- Colocations search area

MOTION (Zabel/Baum) to go ahead with CUP facilities housed and silo set up to 99', and housed similar to what it is at Cedar Lane.

- Discussion of height different than what was requested. Alternate height of 99' put forth by AT&T as an alternative for comparison purposes and as they showed the 99' does not meet the level of service in their criteria. Transmission issues at this level.
- AT&T would have to go back for discussion at 100' tower
- Complications in using colocation on another company's tower with different technology and frequencies
- Future technologies and requirements for towers
- Blending towers with the neighborhood, using camouflage etc.

MOTION (Kaminski/Werderman) to postpone for AT&T to have more data and take a look at 99' silo and a broader look at what other height and camouflage would work, not locking you into 99' but allowing you to go back and talk to your office then come back to the Village Board.

Discussion to consider retaining services of expert in the field to provide to board

NEW BUSINESS – continued:

colocation information etc. **MOTION (Baum/Zabel) to amend with any resubmittal the applicants show mapping of colocation on Cedar Lane as one colocation facility and what it is and why it doesn't work. Second amendment would be we engage the outside services to verify the data of colocation, one opposed (Kaminski), motion carried.**
Motion to postpone supersedes other motion. Discussion of what will be considered. New public hearing not necessary, item brought to future meeting will be appropriately noticed in usual posting locations. Items to consider when weighing decision: colocation is just one issue, visual obtrusiveness for camouflage and height should all be considered also. **Motion on postponement carried unanimously.**

President Wolter recessed the meeting at 10:10 p.m. Meeting reconvened at 10:30 p.m.

MOTION (Hughes/Werderman) to move to Item 'O', then Item 'R' and back, motion carried unanimously.

O. 2014 ROADS – SELECTION FROM GEOTECHNICAL REPORT FINDINGS

Engineer Bischke presented recommendations for 2014 road projects. Have received many calls on Willow Creek Road. Road is rapidly deteriorating because of high use as an arterial road and it is a priority for us to get it done. Issues to resolve on drainage and site issues. Will do quite a bit of engineering over the summer and have geotechnical findings, bring now instead of July. Will look at areas that can be reconstructed or pulverized and overlaid. Provided in summary of report. Other road is Forest Heights Subdivision. Designed as two phase project. Drainage issues now because we are not doing phase two. Residents will be complaining about the drainage. Pat Wyczawski, 387 Pheasant Run, Colgate WI expressed issues with Will Creek Road. **MOTION (Werderman/Kaminski) to proceed with projects listed in Table A.** Discussion. **8 in favor, 1 opposed (Baum), motion carried.**

R. RECOMMENDATION BY STATEWIDE SERVICES, INC. REGARDING CLAIM OF 2/23/13, DONNA PETER, W107N10524 BRIDLE PATH

Donna Peter W167 N10524 Bridle Path, Germantown spoke regarding her claim for damage to her basement on 2/23/2013 due to a hydrant pipe break causing water to fill their yard. Claim is basement walls were cracked due to the water break in the road. Paid $500 to have a structural engineer come in so they could get repair estimates. Estimates are between $15,000 and $20,000 to repair the walls. She feels Village is responsible. Trustee Zabel asked if she had submitted this to her homeowner's policy. Yes and it was denied. Discussion:

- Denial recommendation due to Statewide finding no negligence on the part of the Village.
- Process necessary
- Options
- Attorney recommendation to follow recommendation of insurance company
- Peter's option with their homeowners
- Subrogation by the insurance companies

NEW BUSINESS – continued:

- Tim Montag, W167 N10454 Bridle Path, Germantown – neighbor with similar occurance
- Timeline for turning off water at time of break
- Clerk Goeckner explained investigation and information in the file
- Difficulty in locating the valves and turning them off

MOTION (Zabel/Baum) to follow insurance company recommendation for denial. 8 in favor, 1 opposed (Vanderheiden), motion carried.

B. WALTER WOLF, AGENT FOR THE JOHN J. KOHL REVOCABLE TRUST, JEFFREY H. AND DEBRA GERSCHKE AND ARLENE WOLF ETAL, PROPERTY OWNERS; BONNIWELL ROAD; REZONING AND 2- LOT CERTIFIED SURVEY MAP (CSM) TAX KEY NOS. 111-981 & 111-982
MOTION (Kaminski/Baum) to approve Rezoning and 2-Lot Certified Survey Map, motion carried unanimously.

C. AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF GERMANTOWN ZONING CODE, WALTER WOLF, AGENT FOR THE JOHN J. KOHL REVOCABLE TRUST, JEFFREY H. & DEBRA GERSCHKE AND ARLENE WOLF ETAL, BONNIWELL ROAD
MOTION (Baum/Hughes) approve Ordinance to Amend the Official Zoning Map of the Village of Germantown Zoning Code, carried unanimously.

D. THE CONSERVATION FUND AND MILWAUKEE METROPOLITAN SEWERAGE DISTRICT (MMSD), AGENTS FOR MLG/RMS LIMITED PARTNERSHIP, PROPERTY OWNERS, REZONING REQUEST AND 3-LOT CERTIFIED SURVEY MAP (CSM), TAX KEY NOS. 181-995, 181-996, 182-993 & 182-996
MOTION (Daniels/Ewert) to approve Rezoning and 3-Lot Certified Survey Map. Discussion of transfer of properties, access, property value. **Motion carried unanimously.**

E. AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF GERMANTOWN ZONING CODE, THE CONSERVATION FUND AND MILWAUKEE METROPOLITAN SEWERAGE DISTRICT (MMSD), AGENTS FOR MLG/RMS LIMITED PARTNERSHIP, PROPERTY OWNERS; HOLY HILL ROAD;
MOTION (Zabel/Baum) to approve Amendment to the Official Zoning Map of the Village of Germantown Zoning Code, carried unanimously.

F. RESOLUTION AWARDING THE SALE OF $1,905,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2013A; PROVIDING THE FORM OF THE NOTES; AND LEVYING A TAX IN CONNECTION THEREWITH
Jim Mann of Ehlers presented the Board with bond information. $53,000 less in interest costs. **MOTION (Zabel/Baum) to approve the resolution awarding the sale of $1,905,000 General Obligation Promissory Notes, Series 2013A; Providing the Form of the Notes; and Levying a Tax in Connection Therewith, by roll call vote, motion carried unanimously.**

NEW BUSINESS – continued:

G. RESOLUTION AUTHORIZING AMENDMENTS TO $3,000,000 VILLAGE OF GERMANTOWN, WISCONSIN INDUSTRIAL DEVELOPMENT REVENUE BONDS, SERIES 2007A, 2007B AND 2007C (CAIN INDUSTRIES, INC. PROJECT) ISSUED ON MAY 15, 2007

MOTION (Ewert/Zabel) approving the resolution Authorizing Amendments to $3,000,000 Village of Germantown, Wisconsin Industrial Development Revenue Bonds, Series 2007A, 2007B and 2007C (Cain Industries, Inc. Project) Issued on May 15, 2007, by roll call vote, motion carried unanimously.

H. APPOINTING BOND ATTORNEY

MOTION (Zabel/Hughes) to appoint Thomas Griggs as the Village's bond attorney, carried unanimously.

I. APPROVAL OF DESIGN, PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT FOR FIREMEN'S PARK

MOTION (Kaminski/Baum) to approve the playground design and installation from Lee Recreation LLC in an amount not to exceed $50,000 as well as the surfacing materials at a cost of $4,600 for Firemen's Park. Discussion of surfacing, mulch vs. rubber and costs. **MOTION (Werderman/Baum) to amend to include cost of mulch, motion carried unanimously. Motion as amended, by roll call vote, carried unanimously.**

J. SECONDHAND ARTICLE DEALER MALL/FLEA MARKET LICENSE RENEWAL MAY 1, 2013 – APRIL 30, 2015 - BEVERLY J. SOLOMON d/b/a PILGRIM ANTIQUE MALL – W156 N11500 Pilgrim Road

MOTION (Vanderheiden/Zabel) to approve Secondhand Article Dealer Mall/Flea Market License Renewal May 1, 2013 – April 30, 2015 – Beverly J. Solomon d/b/a Pilgrim Antique Mall, carried unanimously.

K. APPROVAL OF NEW LIQUOR LICENSE AGENT FOR SPEEDWAY #4465, W178 N9653 RIVERSBEND LANE, MARY JO GRIGGS, 623 S. MAIN STREET, WEST BEND, 53095

MOTION (Zabel/Baum) to approve new Liquor License Agent for Speedway #4465, W178 N9653 Riversbend Lane, Mary Jo Griggs, carried unanimously.

L. SETTLEMENT OFFERED BY CHUBB FOR CLAIM RELATED TO WELL #11, DISCUSSION/ACTION

Public Works Director Ludwig and Finance Director Rath presented information regarding Chubb Insurance coverage for boiler and machinery. Doesn't cover corrosion or rust but covers issues with electrical current causing the problem. Offering a $25,000 settlement for damage to pipe in Well #11. Discussion of $60,000 spent so far, court costs to go further, problems with Well #11, prior claim, and other insurance policy with League. **MOTION (Kaminski/Hughes) to accept the $25,000 offer. MOTION (Zabel/Daniels) to amend the motion to counter with $35,000, all in favor, amendment carried**. **All in favor of motion as amended, motion carried.**

NEW BUSINESS continued:

M. PURCHASE 29, 2" SINGLE JET WATER METERS FROM METRON-FARNIER FOR $24,505

MOTION (Ewert/Vanderheiden) to approve purchase of 29, 2" Single Jet Water Meters from Metron-Farnier for $24,505. Discussion. **By roll call vote, 1 opposed (Zabel), motion carried.**

N. CONSIDERATION OF PURCHASE OF METRON-FARNIER 6" SINGLE JET WATER METER

MOTION (Hughes/Baum) to approve Purchase of Metron-Farnier 6" Single Jet Water Meter, by roll call vote, 1 opposed (Zabel), motion carried.

P. PURCHASE OF THERMAL IMAGING CAMERA – FIRE DEPT.

MOTION (Ewert/Werderman) approve purchase of thermal imaging camera. Discussion of cost and cut at budget time. Now able to purchase both for $16,000, $1,000 more than budgeted. **By roll call vote, carried unanimously.**

Q. PURCHASE OF GAS METERS – FIRE DEPT.

MOTION (Zabel/Baum) approve purchase of gas meters. Discussion of cost. Budgeted $6,000, cost is just under $4,500 and this savings will offset cost of thermal imaging cameras. **By roll call vote, carried unanimously.**

S. **AN ORDINANCE AMENDING §1.372 OF THE MUNICIPAL CODE OF GERMANTOWN AS IT RELATES TO THE SENIOR CENTER ADVISORY COMMITTEE TO TRANSFER THOSE RESPONSIBILITIES TO THE PARKS AND RECREATION COMMISSION**

President Wolter brought this forward based on how departments have been changed and combined. Discussion. **MOTION (Kaminski/Baum) to move this item to the Committee of the Whole meeting on April 24th, carried unanimously.**

T. PARK & RECREATION COMMISSION APPOINTMENTS

Trustee	**Terri Kaminski****	04/16/2013 – 04/15/2014
Member	Scott Coulthurst	05/01/2013 – 04/30/2016
Senior Club Member	Arline Flesch	05/01/2013 – 04/30/2015

MOTION (Zabel/Werderman) to approve Trustee Kaminski and member Scott Coulthurst, carried unanimously.

MOTION (Zabel/Kaminski) to postpone nomination of Senior Club member at this time, carried unanimously.

U. MOTION (Zabel/Werderman) to go into closed session at 12:00 a.m. as per WI. §19.85(1)(e) for the purpose of deliberating or negotiating, when competitive or bargaining reasons require a closed session, to discuss the agreement between the Village of Germantown and the Germantown Professional Police Association Local 306 for a successor collective bargaining agreement. Roll call vote, carried unanimously.

MOTION (Zabel/Baum) to return to open session at 12:10 a.m., carried

NEW BUSINESS continued:

unanimously.

MOTION (Zabel/Ewert) to approve contract agreement as presented with 2 year contract, no changes, and to authorize President Wolter to sign contract, roll call vote, carried unanimously.

MOTION (Zabel/Baum) to adjourn at 12:12 a.m., carried unanimously.

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