

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING
MINUTES
MARCH 18, 2013**

CALL TO ORDER: The meeting was called to order at 7:00 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, and Clerk Goeckner.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter stated the Fire Department is in need of additional volunteers for EMS and Firefighters.

AT&T presented a cell tower for installation to Plan Commission and it was sent forward to Village Board for their April 16th meeting. Notices will be sent to all residents within a 1 mile radius.

President Wolter presented a proclamation to Coach Steve Showalter and the Germantown High School basketball team for winning the Division 1 State Basketball Championship and going undefeated for 2013. Coach Showalter thanked the Board for allowing him to accept this honor. He is also a Germantown Police Officer and it is a sacrifice for the police department to allow him to do this on his free time. This is a tribute to all of us who care about the kids in the community and he appreciates the opportunity. He is proud to tell those around the State he is a Police Officer for Germantown.

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 4, 2013

B. **ACCOUNTS PAYABLE/PAYROLL**

1.	March 10, 2013	Accounts Payable	\$ 553,195.56
2.	March 12, 2013	Payroll (hourly)	\$ 208,876.39
3.	March 15, 2013	Payroll (salary)	\$ 74,875.29

C. **OPERATOR (BARTENDER) LICENSES** – New for the period ending June 30, 2013: Gianna J. Aurelio, Erin C. McDonald, Md S. Rahman, Manvinderjeet S. Sambhi and Shannon M. Wilder.

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

D. **AUTHORIZATION TO PURCHASE TWO ZERO TURN MOWERS FROM J.P. LOCHEN EQUIPMENT FOR A TOTAL COST OF \$11,795.00. FUNDS TO BE ALLOCATED FROM ACCT #40-553-570-8530**

E. **APPROVE CONTRACT WITH MARINE BIOCHEMISTS AT A COST OF \$1,847 FOR THE TREATMENT OF ALGAE IN THE VILLAGE OF GERMANTOWN WAGO POND THREE TIMES SEASONALLY WITH FUNDS ALLOCATED FROM ACCT.#10-542-530-4100 AND THE TREATMENT OF ALGAE IN THE FRIEDENFELD PARK POND AT A COST OF \$1,366 ONLY IF REIMBURSED FULLY BY THE GERMANTOWN**

CONSENT AGENDA continued:

FOOTBALL CLUB

- F. AWARD CONTRACT FOR 2013 ROADS TO PAYNE & DOLAN NOT TO EXCEED \$1,444,985.81, WHICH EXCLUDES THE PICP ALTERNATIVE AND TO BE FUNDED FROM ACCT. #40-542-470-8810**
- G. AUTHORIZE THE VILLAGE PRESIDENT TO SIGN THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) 2012 ANNUAL REPORT AND SUBMIT TO THE WISCONSIN DNR AND TO MMSD**

The following item was forwarded from General Government and Finance Committee with a unanimous recommendation:

H. POSITION DESCRIPTION-DIRECTOR OF PARK AND RECREATION

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

- I. DANCE LICENSE – DEUTSCHSTADT HERITAGE FOUNDATION FOR MAI FEST, MAY 17-19, 2013**
- J. DANCE LICENSE – KIWANIS CLUB OF GERMANTOWN, JULY 4, 2013**
- K. APPROVE OUTSIDE PREMISE EXTENSION FOR BIER STUBE UNTIL 11 PM PROVIDED FENCING IS COMPLETED AS INDICATED TO ENCAPSULATE THE STAIRCASE/GARDEN AREA WITH HEIGHT OF FENCE TO BE AS HIGH AS ALLOWED BY VILLAGE CODE**
- L. APPROVE PURCHASE OF MESSAGE/SPEED TRAILER FROM STALKER RADAR FOR \$17,780 WITH \$17,000 FROM BUDGETED FUNDS AND \$780 FROM GRANT MONEY AWARDED TO THE POLICE DEPARTMENT**
- M. APPROVE PURCHASE OF 12 SQUAD CAMERAS FROM TTK ELECTRONICS FOR \$70,580 WHICH INCLUDES INSTALLATION AND SHUT OFF OPTION**
- N. APPROVE PURCHASE OF SCHEDULING SOFTWARE FROM INTIME SOLUTIONS WITH REMOTE HOUSING CAPABILITIES FOR A COST OF \$2,800 FOR TRAINING AND \$3,420 FOR THE FIRST YEAR ANNUAL SUBSCRIPTION TO BE FUNDED FROM ACCT. #40-521-570-8440**

Clerk Goeckner requested the removal of Item K for discussion. **MOTION (Vanderheiden/Kaminski) to approve consent agenda through Item N, excepting Item K. By roll call vote, motion carried unanimously.** Item K – Clerk Goeckner explained the outside premises extension includes the garage but did not specifically list that alcohol will be stored and served from the garage when presented to Public Safety although they were aware and did discuss this. The application has been amended and corrected by the owner to include this information to comply with statutory requirements. **MOTION (Zabel/Ewert) approve license with modification as presented.** Discussion. Trustee Vanderheiden asked how secure the garage is to store liquor. Discussion of fencing requirement, possible security issues and changes. **MOTION (Vanderheiden/Zabel) to amend the motion to require installation of a security system in the garage.** Discussion of type of security system and requirements, currently no requirement on the main building. **Motion to amend, 1 Yes (Vanderheiden), 8 opposed, motion fails.** Original motion to approve, 8 yes, 1 opposed (Vanderheiden), motion carried.

NEW BUSINESS:

J. APPOINTING DIRECTOR OF PARKS AND RECREATION

MOTION (Zabel/Baum) to appoint Justin Casperson to the position of Director of Park and Recreation, with a starting salary of \$57,000 annually and upon a successful completion of a 1 year training period the salary will be \$59,711 annually. Discussion of training vs. probationary period which was recommended by legal counsel. **Motion carried unanimously.**

D. RESOLUTION AUTHORIZING THE BORROWING OF NOT TO EXCEED \$1,905,000; AND PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION PROMISSORY NOTES THEREFORE

Jim Mann of Ehlers presented the preliminary resolution to set forward the issuance of the \$1,905,000 in GO notes for projects and some equipment. He provided the Village Board with a copy of the presale report as well. Traditional option is to have level principal payments throughout the notes and Option 1 is based on this. Other options put together push off principal for less of an impact on the tax levy. This only takes into consideration projects for 2013. Risk annual borrowing for certain projects. Wants to know if Board wishes to stretch it out and make it more even. It is the only payment that we can modify at this point. Discussion. Trustee Zabel discussed TIFs and their effects. Administrator Schornack suggested two options: Send it back and let Finance Director Rath choose one of the options or look at how tight the budget has been and Option 3 would make it easier with what the budget would be in 2014. Between Option 1 and 3 we could save about \$25,000. **MOTION (Zabel/Baum) to go forward with Option 1 as presented.** President Wolter expressed appreciation to Ehler's for their work and consideration. Personally not in favor of pushing off principal if I can cover it. **By roll call vote, all in favor, motion carried unanimously.** The final resolution will be brought to the April 16th meeting.

A. PARK AND RECREATION PROGRAM AGREEMENTS

MOTION (Zabel/Vanderheiden) to accept as presented and authorize signature, roll call vote, motion carried unanimously.

B. AFFILIATE AGREEMENTS – FIELD USAGE

MOTION (Werderman/Baum) to approve as presented, motion carried unanimously.

C. WASHINGTON COUNTY CONVENTION & VISITORS BUREAU REQUEST FOR TOURISM FUNDS, 2012 & 2013

Trustee Vanderheiden explained Tourism and Betterment committee brought funds request for 2012 and 2013. Convention and Visitors Bureau Director Elaine Motl thought when she presented in 2011 she was requesting for 2012, which is how other communities do it. Later when the funds didn't arrive she realized the error and is now requesting for both 2012 and 2013. **MOTION (Kaminski/Werderman) for 2012 and 2013 for \$5,000 each.** President Wolter asked if there would be a byline that the funds were received from the Tourism and Betterment of Germantown and was assured there would be. **Roll call vote, motion carried unanimously.**

NEW BUSINESS CONTINUED:

- E. RESOLUTION ACCEPTING CERTAIN AMENDMENTS TO THE TERMS FOR THE ISSUANCE AND SALE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS, SERIES 2010 (L.T. HAMPEL CORP. PROJECT) AND AUTHORIZING CERTAIN VILLAGE OFFICIALS TO EXECUTE DOCUMENTATION NECESSARY TO EFFECTUATE THE SAME**
MOTION (Hughes/Baum) to approve Resolution Accepting Certain Amendments to the Terms For the Issuance and Sale of Industrial Development Revenue Bonds, Series 2010 (L.T. Hampel Corp. Project) and Authorizing Certain Village Officials to Execute Documentation Necessary to Effectuate the Same. Roll call vote, motion carried unanimously.
- F. RECOMMENDATION OF SHALLOW WELL INVESTIGATION CONSULTANT**
Attorney Sajdak clarified the agenda item reads to be the recommendation we will get the from the consultant and does not feel it has been appropriately noticed and recommends tabling this item. **MOTION (Zabel/Baum) to table this item until the April 16th Village Board meeting for appropriate notification, motion carried unanimously.**
- G. DAAR ENGINEERING, AGENT FOR TCI LLC & WASTE MANAGEMENT OF WI, INC., PROPERTY OWNERS; 3-LOT CERTIFIED SURVEY MAP (CSM) TO RE-DIVIDE 38.7 ACRES OF LAND LOCATED ON BRADLEY WAY @ GRANT DRIVE IN THE GERMANTOWN BUSINESS PARK.**
MOTION (Baum/Daniels) to approve DAAR Engineering, Agent for TCI LLC & Waste Management of WI, INC., Property Owners; 3-Lot Certified Survey Map (CSM) to Re-Divide 38.7 Acres of Land Located on Bradley Way @ Grant Drive in the Germantown Business Park, motion carried unanimously.
- H. RESOLUTION TO REVISE HVAC PERMIT FEES AS REQUESTED BY COMMUNITY DEVELOPMENT DEPARTMENT (INSPECTION SERVICES)**
MOTION (Ewert/Baum) to approve Resolution to Revise HVAC Permit Fees as Requested by Community Development Department (Inspection Services).
Planner Retzlaff gave an explanation of recommendation for fee revision. Placing a cap of \$750 for this fee is consistent with surrounding communities for this fee. **Motion carried unanimously.**
- I. REQUEST BY PAUL STANGL, AGENT FOR SCS LLC, PROPERTY OWNER, TO ELIMINATE KLEINMANN DRIVE SIDEWALK CONSTRUCTION FOR KLEINMANN CENTER; W189 N11100 KLEINMANN DRIVE.**
Trustee Zabel stated this has been going on for some time because Public Works made a recommendation for sidewalks to be put in and the prior developer was in bankruptcy. We carried over \$40,000 from Kleinmann Drive paving and can some of that be used to put in sidewalks? Director of Public Works Ludwig stated the Board can make the decision of how to spend it. Sidewalks would be an appropriate place, but signals would probably be better because the developer defaulted on that as well. Discussion of property owners required to put sidewalk in front of their own property and number of developments without sidewalk. Need to make the decision if we are going to hold the developers to it. This developer would prefer not to at this time because he would be the only one who would have one. Treat me like everyone else. Waiver is for the

immediateness of it. Discussion of other developments etc. **MOTION (Werderman/Baum) to have the developer install the sidewalk along Maple and the Village reserves the right to require installment on Kleinmann drive at our discretion.** Attorney Sajdak explained the development agreement would apply to each owner that has purchased individual lots and would be the responsibility of the individual owner to complete what the development agreement says. They would have rights against the original developer but they are defunct so it won't go far. Because of those issues there may be some sympathy on the part of the Board. Village always has the ability to specially assess for sidewalks etc. It has been a discussion at staff level that if we keep putting off this requirement when will it get done – someone has to be the first or it has to be a village project and then go to individual owners to collect the money. Discussion of sidewalks, Village maintaining those, current location requirements. **Motion carried unanimously.**

NEXT VILLAGE BOARD MEETING WILL BE APRIL 16TH, A TUESDAY.

MOTION (Ewert/Baum) to go INTO CLOSED SESSION PER WI. §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: GERMANTOWN MUNICIPAL EMPLOYEES UNION LOCAL 730 NEGOTIATIONS; AND GERMANTOWN TECHNICAL/CLERICAL EMPLOYEES UNION LOCAL 820 NEGOTIATIONS, AND THEN RE-ENTER OPEN SESSION TO TAKE SUCH ACTION AS IT DEEMS APPROPRIATE.

PERFORMANCE REVIEW OF FIRE CHIEF. THE VILLAGE BOARD MAY ENTER INTO CLOSED SESSION PER WI. §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 AND THEN MAY RE-ENTER OPEN SESSION TO TAKE SUCH ACTION AS IT DEEMS APPROPRIATE, at 8:15 pm, by roll call vote, motion carried unanimously.

MOTION (Baum/Werderman) to adjourn at 9:28 p.m., motion carried unanimously.

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