

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING
MINUTES
MAY 6, 2013**

CALL TO ORDER: The meeting was called to order at 7:10 p.m. by President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Daniels, Ewert, Hughes, Vanderheiden, Werderman and Zabel. Trustee Kaminski was absent and excused. 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:

Commend the Police Department in its handling of the serious incident on County Line Road this week.

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:

Chris Yatchak – N116W15041 Brownstone Court, Germantown WI - MaiFest will be held May 17-19th for its 25th year.

Angela Dempewolf – Appleton – speaking on behalf of her grandparents Mr. and Mrs. Ledale Peter regarding water main break on February 23, 2013. Board denied claim for damages at April 16th meeting. If Village continues to deny will find no alternative.

Roger Lemanczyk – W167N10438 Bridle Path, Germantown – requesting cooperation for Mr. & Mrs. Peter' claim.

Steve Kascht – W176 N10505 Bridle Path, Germantown – irresponsible of Village to not step forward and take care of Peter's.

Phil Secker – W167 N10532 Bridle Path, Germantown – neighbor to Peter's, hopes the Board will be urgent and go back to the insurance company about this.

Tim Montag – W67 N10454 Bridle Path, Germantown – Someone better look into situation of Peter's claim.

Andrew Learned - N108 W15854 Bel Aire Lane, Germantown – parents are Mr. & Mrs. Peter. Something very wrong that the water can go on for over 4 hours, there has to be something done.

Denise Learned – N108 W14854 Bel Aire Lane, Germantown - daughter of Donna Peter. Their Engineer determined it was water that caused the damage at their home.

David Peter – N98 W16921 Concord Rd – Asking you to reconsider your decision.

Donna Peter – W167 N10524 Bridle Path, Germantown – Read letter from Roger Rink requesting the Village reconsider the Peter's claim.

Brett C. Klemann – W167 N10519 Bridle Path, Germantown – Asking you to reconsider the Peter's claim.

Thomas Kau - N116W1642 Main Street, Germantown – Regarding Item 'G' for IT Support and Maintenance agreement. Concerned that it wasn't submitted for bids.

CITIZEN INPUT - continued:

In regard to the claim, President Wolter stated these would not be paid out of pocket and that is what the insurance company is for. Their recommendation was to deny and we normally agree with that and it goes to the next process without the Village Board's interference.

Attorney Sajdak gave an explanation of the process for the claim filing, disallowance and time limits set by statute.

President Wolter expressed his understanding and sympathy for the situation.

Others spoke regarding the claim: Angela Dempewolf, President Wolter, David Peter, Attorney Sajdak, Denise Learned, Trustee Zabel, Trustee Baum, Trustee Werderman, and Administrator Schornack. Attorney Sajdak stated a concern the Board was getting outside of citizen input. Trustee Baum asked if a motion could be made to bring this back and was advised it had to wait until New Business.

President Wolter called for a short recess at 8:02 p.m. The Village Board reconvened at 8:15 p.m.

CONSENT AGENDA:

A. **MINUTES:** April 16, 2013

B. **ACCOUNTS PAYABLE/PAYROLL**

April 15, 2013	Payroll (salary)	\$ 74,857.20
April 23, 2013	Payroll (hourly)	\$ 207,086.61
April 25, 2013	Accounts Payable	\$ 179,749.42
April 30, 2013	Payroll (salary)	\$ 75,572.04

C. **OPERATOR (BARTENDER) LICENSES** – New for the period ending June 30, 2013:
SaraJane M. Wallingford, Tara-Joanne L. Caldwell, Justin J. Gresbach

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

D. **AUTHORIZATION TO PAY CTW CORPORATION INVOICE FOR WELL #11 STAINLESS STEEL SHAFT FOR WELL #11 AT A COST OF \$17,475.20 FROM ACCOUNT #50-180-182-3210**

E. **AUTHORIZATION TO PAY CTW CORPORATION INVOICE FOR THE VARIABLE FREQUENCY DRIVE FOR WELL #4 AT A COST OF \$10,267.00 FROM ACCOUNT #50-722-530-6310**

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

F. **ORDINANCE AMENDING §26.03 THE MUNICIPAL CODE OF GERMANTOWN TO CHANGE THE COMPOSITION OF THE HISTORIC PRESERVATION COMMISSION**

G. **IT SUPPORT MAINTENANCE AGREEMENT WITH SCHULTZ-BERNSTEIN & ASSOCIATES**

H. **RESOLUTION TO DISSOLVE TAX INCREMENT DISTRICT #3 AND AUTHORIZING THE VILLAGE OF GERMANTOWN TO DISTRIBUTE EXCESS INCREMENT TO OVERLYING TAXING DISTRICTS**

I. **RESOLUTION TO DISSOLVE TAX INCREMENT DISTRICT #5 AND AUTHORIZING THE VILLAGE OF GERMANTOWN TO DISTRIBUTE EXCESS INCREMENT TO OVERLYING TAXING DISTRICTS**

J. **AMEND CHAPTER 26.03 OF THE MUNICIPAL CODE RELATING TO HISTORIC PRESERVATION COMMISSION MEMBERSHIP, CHANGING FROM 7 TO 5 MEMBERS WITH 4 CITIZEN MEMBERS**

CONSENT AGENDA - continued:

K. RESOLUTION APPROVING AMENDMENTS TO THE 2013 BUDGET, GERMANTOWN COMMUNITY LIBRARY COUNTY REVENUE UNEXPENDED FUNDS

MOTION (Vanderheiden/Baum) to approve Consent Agenda, Items B-K. Item A, April 16th Minutes, incomplete at this time. Trustee Daniels requested to pull Item G. President Wolter requested to pull Items H & I. **Roll call vote, carried unanimously.**

Item 'G' – Trustee Daniels stated Mr. Kau also does IT work for the Village throughout numerous buildings and expressed concern this was given without any bid process. Finance Director Rath explained this is for a 6 month contract with our main provider to see if we can streamline the process and our needs through one service with a retainer. We use internal staff as well but that individual is also pressed with Clerk related duties. Steve Storrs knows our system and built much of it. Cost would be less than it was before and trying to maintain system on a consistent basis rather than always fixing. Some rates we are paying are up to \$135/hour. This will be \$65/hour with a retainer of \$250/month and a minimum of 8 hours per month to do maintenance. **MOTION (Zabel/Werderman) to approve contract with Smith/Bernstein as quoted.** Discussion. Mr. Kau stated he works more with Public Works building and doesn't have much to do with Village Hall work. Director Rath stated the 8 hours would not be just maintenance, but could also be actual repair if he had a call. Felt it was important to have one person who understands how all of our systems work together. If after 6 months it needs to be broadened we can do so. **Roll call vote, 2 opposed (Werderman & Daniels, Trustee Hughes non-voting because he was not present for the vote), motion carried.**

Items 'H' & 'I' – President Wolter stated TID's 3 & 5 have been successful and are closing with excess funds to be distributed. These closures will add incremental value to the Village's equalized value. Finance Director Rath explained the larger portion goes back to the Schools, County and other taxing jurisdictions. **MOTION (Zabel/Ewert) to approve Items H & I, Resolutions to dissolve Tax Increment Districts #3 & #5 and authorizing the village to distribute excess increment to overlying taxing districts, by roll call vote, carried unanimously.**

UNFINISHED BUSINESS:

A. 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

MOTION (Zabel/Baum) to approve ordinance as presented, all apposed, motion fails. This voids Item B and takes us to Item C.

B. PARK & RECREATION COMMISSION APPOINTMENTS - voided

Senior Club Member Arline Flesch 05/01/2013 – 04/30/2015

C. SENIOR CENTER ADVISORY COMMITTEE APPOINTMENTS

Trustee Melvin Ewert 05/01/2013 – 04/30/2014

Trustee Art Zabel 05/01/2013 – 04/30/2015

Trustee Jeffrey Hughes 05/01/2013 – 04/30/2014

Non-Senior Club member Norine Janzen 05/01/2013 – 04/30/2015

MOTION (Vanderheiden/Baum) to approve appointments, motion carried unanimously.

NEW BUSINESS:

- A. TEMPORARY CLASS “B”/”CLASS B” RETAILER’S LICENSE – LEADERSHIP GERMANTOWN – TREESTOCK – N116 W16150 MAIN STREET**
MOTION (Hughes/Baum) to approve as presented. Discussion of fee and request to waive. Attorney Sajdak stated the Board cannot waive fees but has grants for fees.
MOTION (Vanderheiden/Baum) to amend the motion that the fee will be charged, carried unanimously. Original motion as amended, carried unanimously.
- B. OUTSIDE PREMISES EXTENSION AMENDMENT FOR THE “CLASS B” LICENSE FOR BUBS IRISH PUB, N116 w16218 MAIN STREET, JUNE 1, 2013, TREESTOCK EVENT**
MOTION (Hughes/Baum) approve as presented, carried unanimously.
- C. OUTSIDE PREMISES EXTENSION AMENDMENT FOR THE “CLASS B” LICENSE FOR BARLEY POP PUB & RESTAURANT, N116 W16137 MAIN STREET, JUNE 1, 2013, TREESTOCK EVENT**
MOTION (Hughes/Baum) approve as presented, carried unanimously.
- D. DANCE LICENSE, TREESTOCK, LEADERSHIP GERMANTOWN, MAIN STREET, GERMANTOWN, JUNE 1, 2013, 4:00 PM TO 11:00 PM**
MOTION (Hughes/Zabel) approve as presented, carried unanimously.
- E. OUTSIDE PREMISES EXTENSION AMENDMENT FOR THE “CLASS B” LICENSE FOR BIER STUBE, N116 W 15863 MAIN STREET**
Trustee Werderman – This item came through Public Safety. Maps presented indicating outside premises area with fencing. Amended to include landscape buffer along west fence line and will include some kind of evergreens that would be 4’ to 5’ tall and fill in buffer area due to fence being closer to property line and hold patrons further away from fence and grow together and hopefully provide some sound barrier. Area on East side will have trees planted. Fence line will abut pavement. Time will end at 10:00 p.m. as required by ordinance. Lighting will be minimal just to keep the atmosphere, not bright lights. Trustee Werderman provided a map indicating the landscaping and fencing areas. Mr. & Mrs. Schuster, neighbors, were present at Public Safety and satisfied with changes and requirements. Map and drawing will be attached to license. **MOTION (Hughes/Baum) to approve as recommended with changes to map, for time of 10:00 p.m. according to ordinance, carried unanimously.**
- F. HISTORIC PRESERVATION COMMISSION MEMBER COMPENSATION**
Trustee Werderman presented request for Historic Preservation Commission members to receive compensation. Some members have asked if they could give funds and have it put to something useful if they were paid. Trustee Ewert stated original members wanted to do it for free. Members previously would use funds out of their pocket to pay for application fees for others. **MOTION (Baum/Zabel) to approve \$20/meeting payment to members of Historic Preservation Commission to be effective April 15, 2014, motion carried unanimously.**

MOTION (Baum/Vanderheiden) to reconsider water main break insurance claim for Mr. & Mrs. Peter. Discussion of time line for claim and process. No limitation on claimant contacting our insurance company. The vote is for reconsideration to put it on the next meeting agenda. Process at reconsideration. Further discussion on impact of claim, insurance company obligation to Village etc. President Wolter requested copies of estimates from the claimant.

NEW BUSINESS - continued:

Motion carried unanimously.

G. VILLAGE CLERK OFFICE –TEMPORARY STAFFING REQUEST

Village Clerk requested ability to bring in temporary staffing during medical leave of Deputy Clerk of approximately 6 weeks, to complete April 2nd election results and 4 year voter maintenance requirements for State, as well as completing licensing renewals. Requesting a maximum of \$2,000. Not part of 2013 budget, but will not go over the bottom line in the Clerk's department budget. **MOTION (Baum/Werderman) to approve request for temporary staffing in the Clerk's office to a maximum spending of \$2,000.** Trustee Zabel reaffirmed that this is for emergency use only. **Roll call vote, motion carried unanimously.**

H. CHUBB INSURANCE OFFER OF SETTLEMENT CONCERNING CLAIM RELATED TO WELL #11. MOTION (Baum/Zabel) to enter into closed session at 9:45 p.m. as per WI §19.85(1)(g) for the purpose of conferring with legal counsel concerning strategy to be adopted by the board with respect to litigation with which it is or is likely to be involved and then re-enter open session to take such action as it deems appropriate, for Chubb Insurance offer of settlement concerning claim related to well #11, roll call vote, motion carried unanimously. MOTION (Zabel/Daniels) to go back into open session at 9:58 p.m., carried unanimously. MOTION (Zabel/Hughes) to authorize staff to work with Chubb Insurance to accept offer, carried unanimously.

I. POTENTIAL LAND ACQUISITION OF 24+/- ACRES OF TAX KEY NO. 211-985. MOTION (Baum/Zabel) to go into closed session at 10:00 p.m. as per WI. §19.85(1)(e) for the purpose of deliberating or negotiating, when competitive or bargaining reasons require a closed session and then re-enter open session to take such action as it deems appropriate, roll call vote, carried unanimously. MOTION (Baum/Daniels) to go back into open session at 10:21 p.m., carried unanimously. MOTION (Hughes/Baum) to authorize President to discuss option with the principal owner and any negotiations would come before this board. Two opposed (Vanderheiden & Zabel), motion carried.

J. VILLAGE LEGAL SERVICES. MOTION (Daniels/Zabel) to go into closed session at 10:25 p.m. per WI. §19.85 (1)(c) for the purpose of considering the employment promotion, compensation or performance evaluation data of the village legal counsel for general legal services and for the village legal counsel for municipal court services, over which the governmental body has jurisdiction and exercises responsibility, and then may re-enter open session to take action upon such matters as it deems appropriate, roll call vote, carried unanimously.

MOTION (Baum/Daniels) to adjourn at 10:42 p.m., motion carried unanimously.

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