

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
September 21, 2020**

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

ROLL CALL: Present: President Wolter, Trustees Baum, Hudson, Kaminski, Miller, Myers, Pieper, Wing, and Zabel. Also present: Administrator Kreklow, Clerk Braunschweig, Attorney Sajdak, Manager Tucker, Associate Planner Zandt, Director Schroeder, and Director Ratayczak. Clerk's Note: This was a partial Virtual Webex Meeting.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:

President Wolter reported on the Ribbon Cutting for the Festhalle held on September 16th. Oktoberfest will be held at the new Festhalle in Dheinsville Park, on September 26th and September 27th.

**ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC
INTEREST/DEPARTMENT AND COMMITTEE REPORTS:**

The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney, Village Clerk, And Department Heads, to include:

Congratulations to Paul Haugen, Water Superintendent – Recipient of the Operator Meritorious Award, from the Wisconsin Section of the American Water Works Association.

Administrator Kreklow congratulated Paul and commented that each year the Wisconsin Section of the American Water Works Association gives an Operator Meritorious award to a water supply or distribution individual to recognize special performance. This year the WIAWWA board has voted to present this award to Paul Haugen.

Election Update. Clerk Braunschweig reported on the November 3rd election. There were 4,240 ballots mailed on Thursday, September 17th. She thanked the election officials for coming in and processing the absentee requests. Amazing work by the election officials. Thank you to the Germantown Post Office for delivery of the ballots. The post office does enter delivery information that can be looked up on myvote.wi.gov. Germantown Voter Registration is just over 14,000. In person absentee voting will begin at the Village Hall on October 20th. The in person voting schedule is on the Village website, the cable channel and under the Newsflashes and the cable tv.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:

President Wolter read the submitted Public Comments.

Deb Denton of Crabtree Lane submitted comments via email. She commented that the School District annual meeting is the same night as the 2050 plan meeting. She would like one of the meetings to be moved. She requested the status of the Veridian builder's agreement. She complained of children playing in the dirt where the Veridian construction will take place.

Jan Miller of Windsong Circle West submitted comments via email. She commented on the Firemen's Park Shelter Trusses for a Germanic Look.

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CONSENT AGENDA:

A. Approval of Minutes August 17, 2020 Regular Village Board Meeting, and August 26, 2020, Special Village Board Meeting.

B. Accounts payable/payroll

1.	August 18, 2020	Payroll (Hourly)	\$ 254,596.78
2.	August 25, 2020	Accounts Payable	\$ 852,744.94
3.	August 31, 2020	Payroll (Salary)	\$ 117,570.50
4.	August 31, 2020	Accounts Payable	\$ 1,690.00
5.	September 1, 2020	Payroll (Hourly)	\$ 251,303.97
6.	September 10, 2020	Accounts Payable	\$ 510,812.73
7.	September 15, 2020	Payroll (Salary)	\$ 336,305.03

The following items were forwarded from **Public Works** with a unanimous recommendation.

C. Ordinance 13-2020, Ordinance to Amend Section 1.376(6) of the Germantown Municipal Code – Utility Advisory Committee Meetings.

D. Resolution 54-2020, Contract with Murphy's Exterior Construction for the Kinderberg Park Shelter Roof Replacement, in an amount not to exceed \$46,500.

The following items were forwarded from **General Government and Finance** with a unanimous recommendation.

E. Resolution 55-2020, Contract Reporting Policy.

Motion (Baum/Myers) to approve Consent Agenda Items A-E. Roll Call Voted Carried Unanimously.

UNFINISHED BUSINESS:

A. None.

PUBLIC HEARING:

A. None.

NEW BUSINESS:

A. 2021 Budget Process Discussion-Set Committee of the Whole Dates.

Discussion of the Committee of the Whole Dates ensued. The deadline dates and publication were discussed. Discussion ensued of the Public Hearing to land on November 16th.

Motion (Baum/Myers) to set the Committee of the Whole Dates as September 30, October 7, and October 15 at 6 pm. October 19th will be used if needed. Meetings to begin at 6 p.m.

Motion carried unanimously.

B. Firemen's Park Shelter Project – Award of Construction Contract.

Director Schroeder came to the podium and gave history and budget information for the project. Director Schroeder reported on the deduct items and history from the Building Oversight Committee and Park and Recreation Commission. The Park & Recreation Commission recommended the contract with Level Up Construction, for the Firemen's Park Shelter Project in the amount of \$732,591.44, plus a 7% contingency \$65,000, and authorize the Village direct purchase the precast panels in the amount of \$205,737, with a vote of 4-3. There were seven bidders. There are resources from the impact fee account.

Level Up Construction has not done business with the Village before. Their representative was present.

Trustee Wing commented to wait until Spring and commented on the beautification of downtown. Trustee Wing distributed color illustrations of buildings with "diapering" as brick layer effects. He commented to wait on the project and do something better.

Motion (Pieper/Wing) to postpone the project until Spring and to go back to the drawing board. Discussion ensued of the postponement and increase of costs. The design is due to budget limitations. The design is by Iconica.

Director Schroeder commented on the history of the project from 2018 to present and a series of public input meetings. The first drawing had a German look to it and the project was given direction was to mimic the Gehl's Performing Arts Pavilion.

Discussion ensued on the history and meetings of the project along with the project budget. Discussion ensued of the Building Oversight meeting. Public meetings were held for the design. The public wanted partial indoor and partial outdoor piece. Garage doors added because of the climate for a three-season area. Discussion ensued that if the project is redesigned the budget of the project will change.

Discussion ensued of adding the trusses at \$64,450.

Village Attorney advised and clarified that the project could be postponed until Spring. The suggestion would be to scrape this current item. The Village is in the bid process and the bid will not be held until Spring. The Village Board needs to take action on the issue.

Village Administrator reported on the process. The item on the agenda this evening is the result of a public bid process. The Village is not allowed to go back to contractor and make changes. There are limitations by the public bid law. May need to reject the bids and start over and redesign. Concerns need to be captured before bid documents are prepared.

Discussion ensued of an open concept for a park.

President Wolter reported that the Germanic Corridor is mostly Mequon road. There were meetings and work to come up with what the building should be and to be used as three seasons. There was a lot of work and budget discussions and to start over is not fiscal responsible. There have been two years of planning with the Park and Recreation Commission, Building Oversight Committee and public input. The Sewer and Water infrastructure are in place. There are other building considerations in the future.

Motion to postpone failed 6-3. Baum, Hudson, Kaminski, Miller, Myers, Wolter voted no. Pieper, Wing, and Zabel voted yes.

Motion (Baum/Hudson) to accept and award the construction contract for the Firemen's Park Shelter Project to Level Up Construction, for the Firemen's Park Shelter Project in the amount of \$732,591.44, plus a 7% contingency (\$65,000), and to authorize the Village direct purchase the precast panels in the amount of \$205,737.

Discussion ensued of the \$205,737 for the direct purchase of precast panels.

Amendment Motion (Baum/Myers) to amend and increase the cost and allow the trusses at \$64,450. Discussion ensued of adding the trusses and this would change the low bidder. Attorney Sajdak commented the Village Board should accept the lowest qualified bidder. Amendment motion failed.

Motion to accept and award the contract carried 5-4. Baum, Pieper, Wing, Zabel voted no.

- C. Agreement with Ruekert-Mielke for Engineering Services Related to Sanitary Sewage Pump Station Capacity and Up-grade Analysis.

Director Ratayczak came to the podium to give information on the item. This did not go through committee prior to Village Board.

Motion (Kaminski/Myers) to approve an Agreement with Ruekert-Mielke for Engineering Services Related to Sanitary Sewage Pump Station Capacity and Up-grade Analysis.

Motion Carried Unanimously.

- D. Retain Legal Counsel for Opioid Litigation. The Village Board may convene into closed session per Wis. Stats. §19.85 (1) (e) for the purpose of deliberating or negotiating the investment of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session; and, §19.85 (1) (g) for the purpose of conferring with Legal Counsel who is rendering advice concerning strategy to be adopted by the Village with respect to litigation in which it is involved or is likely to become involved and then may reconvene into open session to take such action as it deems appropriate.
- E. Administrator Performance Review. The Village Board may convene into closed session per Wis. Stats. §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 may convene into open session to take such action as it deems appropriate.

Motion (Baum/Kaiminski) to convene into closed session at 8:17 p.m. and to include the Village Board, Village Attorney , and Village administrator. Village Attorney was not included in the Performance Review. Roll Call Vote Carried Unanimously.

Motion (Zabel/Baum) to convene into open session at 9:05 p.m. Motion unanimously carried.

Motion (Baum/Myers) to Retain Legal Counsel for Opioid Litigation. Motion failed 5-4. (Wolter, Miller, Wing, Pieper, Hudson, opposed)

ADJOURNMENT.

ADJOURNMENT: There being no further business, the meeting adjourned at 9:10 p.m.

The next regular meeting of the Village Board will be on Monday, October 5, 2020 at 7:00 p.m.

Respectfully Submitted,

Deanna Braunschweig

Deanna B. Braunschweig, WCMC/CMC
Village Clerk