

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
SEPTEMBER 16, 2013**

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by Village Clerk Goeckner

ROLL CALL: Trustees Baum, Daniels, Ewert, Hughes, Kaminski, Vanderheiden, and Zabel. President Wolter arrived at 8:00 p.m. Trustee Werderman arrived at 7:06 p.m. Also present: Administrator Schornack, Attorney Sajdak, Finance Director Rath, DPW Director Ludwig, Engineer Bischke, Park & Recreation Director Casperson and Clerk Goeckner.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

MOTION (Kaminski/Ewert) to appoint Trustee Vanderheiden as presiding officer until President Wolter arrives, motion carried unanimously.

PRESIDENT'S REPORT: Delayed.

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:

CONSENT AGENDA:

A. **MINUTES** - August 19, 2013 and September 9, 2013

B. **ACCOUNTS PAYABLE/PAYROLL**

1.	August 25, 2013	Accounts Payable	\$ 533,859.12
2.	August 27, 2013	Payroll (hourly)	\$ 229,975.37
3.	August 30, 2013	Payroll (salary)	\$ 76,148.63
4.	August 2013	Accounts Payable	\$ 64,256.65
5.	September 10, 2013	Accounts Payable	\$ 431,840.34
6.	September 10, 2013	Payroll (hourly)	\$ 218,105.06
7.	September 13, 2013	Payroll (salary)	\$ 77,018.09

C. **OPERATOR LICENSES: SEPTEMBER 20, 2013 – JUNE 30, 2014**

Kimberly M. Anas, Jane F. Boudreau, Miranda J. Burns, Dominique D. Easter, Jenna M. Kohnert, Jason A. Larsen, Salina M. Lehn, Mishal B. Panchal, Arlanda S. Sanders, Bolanle O. Snoubar, Donna Lee Sobotta, Jessica D. Taylor, Amy L. Todryk, and Ashley K. Zier.

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

- D. **APPROVE LEASING AGREEMENT WITH OFFICE COPYING EQUIPMENT FOR 3 – SHARP B&W COPIERS, ALL MODEL MX-623N AND 1 - SHARP COLOR COPIER MODEL MX-3140N, FOR 48 MONTHS AT AN AMOUNT NOT TO EXCEED \$1,610.60 PER MONTH, AND AUTHORIZE VILLAGE CLERK TO EXECUTE ALL RELATED DOCUMENTS**
- E. **AWARD BANKING SERVICE CONTRACT FOR GENERAL BANKING SERVICES TO US BANK FOR THE PERIOD OF 11/1/2013 – 11/1/2016 AND AUTHORIZE THE FINANCE DIRECTOR TO EXECUTE ALL RELATED DOCUMENTS**
- F. **APPROVE THE POSITION AND AUTHORIZE THE HIRING OF A FULL-TIME PARK AND RECREATION SECRETARY AT AN HOURLY RATE OF \$13/HOUR**

CONSENT AGENDA – continued:

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

- G. APPROVE OUTSIDE PREMISES EXTENSION FOR GAMROTH'S KUHBURG JUNCTION, W140N10385 FOND DU LAC AVE, SEPTEMBER 28, 2013 2:00 P.M. TO 10:00 P.M. TO INCLUDE THE BACK YARD AREA SW OF THE BUILDING**
- H. APPROVE REPLACEMENT OF SWAT RIFLES WITH PURCHASE OF 4 RIFLES FROM PHOENIX DISTRIBUTORS IN THE AMOUNT OF \$4,760 USING FUNDS FROM THE SALE OF SOME OF THE OLD DEPARTMENT RIFLES**

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

- I. AUTHORIZE PAYMENT OF INVOICE FROM RUEKERT & MIELKE FOR \$6,830 FOR SERVICES RENDERED TO THE VILLAGE'S GIS DATA STORAGE AND MAINTENANCE**
- J. AUTHORIZE CONTRACTING WITH NOFFKE ROOFING FOR THE NECESSARY REPAIRS TO THE SALT DOME ROOF AT A COST NOT TO EXCEED \$7,000 WITH THE FUNDS ALLOCATED FROM ACCT.#10-519-570-8242**
- K. AUTHORIZE PURCHASING CUTTING EDGES FOR THE SNOW PLOW TRUCKS FROM HEAVY EQUIPMENT SPECIALISTS FOR A TOTAL AMOUNT OF \$8,779.98. FUNDS TO BE ALLOCATED FROM ACCT. #10-542-530-5400**

Village Clerk Goeckner requested Item 'D' be removed for discussion. Trustee Zabel requested the removal of Item 'F'. **MOTION (Ewert/Baum) to approve Consent Agenda Items A-K, excepting items 'D' and 'F' by roll call vote, carried unanimously.**

Clerk Goeckner explained Item 'D' as stated, 'not to exceed \$1,610.60' will not be accurate as copy fees will vary every month based on the number of copies made. **MOTION**

(Zabel/Kaminski) to approve leasing agreement with Office Copying Equipment for 3-Sharp B & W Copiers Model MX-623N and 1 Sharp Color Copier Model MX-3140N for \$1,610.60 per month plus copy fees. By roll call vote, carried unanimously.

Trustee Zabel questioned Item F if part of motion was to verify the \$13/hour wage was an acceptable rate with the Union and also asked for documentation regarding hiring two part time versus one full time person. Park & Recreation Director Casperson presented information on cost difference, \$20,000, which is the amount of health insurance. Administrator Schornack stated union is informed but does not have to approve the position due to Act 10. Discussion of job descriptions and current positions; concern of higher turnover with part time positions and re-training needs; no budget impact - \$8,000 less in 2014 budget. **MOTION**

(Werderman/Kaminski) to approve the position and authorize the hiring of a full-time Park and Recreation Secretary at an hourly rate of \$13 per hour. Discussion of Senior Center secretary and related work. By roll call vote, 4 in favor, 4 opposed (Ewert, Hughes, Vanderheiden, Zabel), motion fails.

MOTION (Zabel/Kaminski) to reconsider this item when President Wolter arrives, carried unanimously.

PUBLIC HEARINGS – 7:00 P.M. OR LATER – None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. **DENIAL OF OPERATOR (BARTENDER) LICENSE – LUCAS A. RODRIGUEZ**
Trustee Werderman explained this item was on Public Safety agenda where committee recommended denying. Mr. Rodriguez spoke to him after meeting. Giving another opportunity tonight. **MOTION (Werderman/Ewert) to deny the operator license.** Mr. Rodriguez not here at this time. Discussion. **Carried unanimously.**
- B. **SET COMMITTEE OF THE WHOLE MEETING DATES FOR 2014 BUDGET**
MOTION (Baum/Ewert) to hold over this item until President Wolter arrives, carried unanimously.
- C. **REQUEST FOR A SIMPLIFIED WATER RATE INCREASE**
MOTION (Ewert/Kaminski) to approve request for a simplified Water Rate Increase. Discussion. Trustee Zabel – doesn't feel we should do this at this time. Committee also considering a full rate study next year. Trustee Kaminski – feels we do need this now. Auditors gave this recommendation. It will take 9 months to get a full rate study. Allowed to incur a 1% rate of return. 2012 made .0312% and first 7 months of this year in the deficit. Discussion of full rate study and increases. Trustee Ewert - Public Works voted 3 to 1 in favor of the rate increase. **By roll call vote 7 in favor, 1 opposed (Zabel).**
- D. **PETITION TO ENCLOSE DITCHES – CRESTVIEW DRIVE**
MOTION (Baum/Hughes) to postpone this until President Wolter arrives. 3 in favor, 5 opposed, motion fails. Engineer Bischke provided information to the Board regarding this request. Larson's and other petitioners seeking ditch enclosures. Request goes above and beyond his engineering budget so brought to committee. 2012 reconstruction of Crestview Drive broken into two phases, with phase 2 this year. Forest Drive to be done next year. Criteria from facilities development manual for Wisconsin DOT is to have no slope less than ½% and also looked at federal criteria – ditches 1 to 4 feet are permissible. Infiltration trench could not keep up with rains and sump pumps. DPW filled ditch enclosures at an additional expense of \$31 per lineal foot. Even though ditches comply with requirements, the residents don't like them, have concerns of maintaining the ditches. Discussion of issues with what was done on project, draught, top soil didn't take well. Held back funds of \$85,000 with work substantially done, not all side slopes are done because of constraints. 6 residents. Estimated cost would be about \$49,000 and understand there may be 2 more residents who wish to petition. Possible options: Village chooses to enclose at our expense, or at residents expense, or allows them to close them themselves at their own expense. Any costs would have to be added to the budget and none are included in the budget currently. **MOTION (Kaminski/Werderman) to approve a 50% cost share along Crestview Drive if the ditch has ~~less~~ steeper than a 3 to 1 slope.** Discussion of how many people have a ditch 3 to 1 or less, explanation of this, ditches were shallower and greater than 3 to 1 previously. Over decades have filled in with vegetation, sediment etc. Will this be limited to these 6-8 houses or is this Village wide? Will we get others coming forward for a 50/50 split? Steepness of slopes when roads redone and steeper at driveway. How to get culverts done and make them mowable and maintainable. Concern of setting precedent. Assessments to consider, easements, right of way etc. Discussion of funding spent, why ditches weren't left the way they were. (President Wolter arrived) Residents not able to mow their ditches with riders.

NEW BUSINESS – continued:

Question if the motion was an all or nothing? Trustee Kaminski – 3 could say yes and 3 could say no. **Engineer Bischke – instead of saying less than on the ditch it should state ‘steeper’. All members nodded they were in agreement with this change.** Further discussion: process of redoing roads and ditches; some ditches always wet, some areas don’t have ditches; road deterioration; repeating road work if not done right the first time; staying within constraints of right of way; designed right and for longevity; ditches were installed correctly; easements and requirements; culverts, replacement and cost; concerns with covering ditches and where water would go; precedent setting concerns; costs to go back and reduce depth of ditches; could the Village do it cheaper themselves; prevents their other work getting completed; blacktopped slopes – frowned upon by MMSD – would have to offset with storm water facility.

The following persons, petitioners/residents spoke in regard to their concerns and requests:

David Larson – N113 W13341 Crestview Drive

Charles Worgull – W218 N9867 Happy Hollow Lane

Rodney Eder – W217 N9801 White Horse Drive - Happy Hollow subdivision

Joel Bohringer – N113 W13450 Crestview Drive

Dennis Myers – Washington County Board Supervisor

Discussion of slopes, 50/50 cost sharing to come from 2014 budget if funding not available this year. President Wolter suggests looking at this as a full consideration of budget first and then consider this item. Discussion of current motion, budgeting and options including consideration of other places in the Village with a 3-1 slope.

Discussion of road plans, contractor work, complications in sites etc. **By roll call vote, 1 in favor (Kaminski), 7 opposed, 1 abstention (Zabel), motion fails.**

Village Board took a recess until 9:18 p.m.

RECONSIDERATION OF ITEM ‘F’ OF CONSENT AGENDA:

Park and Recreation Director Casperson discussed prior position and need for full time person for continuity. Concern two part time persons would have turn over, difficulty with work space and extensive duties. Hoped of offering a lower wage with benefits would get someone that could stay. With two people would always be re-training. Discussion: Intern help; overtime – none; coverage during holidays; school programs during fall; winter & spring; filing system; senior center person; budget for Park and Recreation revenues for 2014; 300-500 kids in programs; increase shows need; no increase in cost for 2013 to 2014; moving expenditure funds out of Park & Rec to Senior Center to cover the person working there for the past year. **Motion to reconsider, by roll call vote, 7 in favor, 2 opposed (Ewert, Zabel), carried.**

SET COMMITTEE OF THE WHOLE MEETING DATES FOR 2014 BUDGET:

Consideration of days and dates. **MOTION (Kaminski/Werderman) set meeting for September 19th at 5:30 p.m., carried unanimously.**

MOTION (Kaminski/Werderman) next meeting for Police & Fire budgets to be September 23rd at 6:30 p.m., 8 in favor, 1 opposed (Ewert), motion carried. Will schedule remaining meetings at Committee of the Whole.

Trustee Werderman left at 9:45 p.m.

NEW BUSINESS – continued:

- E. **RECOMMENDATION BY STATEWIDE SERVICES, INC. REGARDING CLAIM OF 8/11/13, DAVID SIKINGER, 1708 REDTAIL DRIVE, HARTFORD WI**
MOTION (Hughes/Baum) to disallow claim, by roll call vote, 7 in favor, 1 absent (Werderman), carried.

President's REPORT - Participated in ground breaking at Business Park for TCI – 4th event this year. Great day for it and hoping to be moved in by June of 2014. Appreciate they have chosen Germantown.

Secondly, FEMA has gone through and redrawn flood plain maps and lines have changed. Some residents may find their homes are now in a flood plain and this becomes an issue for them when they want to sell home/property or refinance it. We have contacted FEMA about concerns and can give maps to show you were not in a floodplain and where your property is located but cannot get involved otherwise. Maps are available at Village Hall.

- F. **MOTION (Zabel/Daniels) to go into closed session for the Germantown Municipal Employees Union Local 730 negotiations; and Germantown Technical/Clerical Employees Union Local 820 negotiations, per Wis. Stat. §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, at 9:57 p.m., carried unanimously.**

Village Board took a short recess until 10:05 p.m.

Trustee Werderman returned at 10:07 p.m.

MOTION (Kaminski/Baum) to go back into open session at 10:12 p.m., carried unanimously.

MOTION (Kaminski/Baum) to go to ITEM I next, carried unanimously.

MOTION (Zabel/Kaminski) to go into closed session for Item I at 10:13 p.m. as per Wis Stat.

- I. **MOTION (Zabel/Kaminski) to go into closed session for the Potential Land Sale Agreement(s) In and Related to the Germantown Business Park as per Wis. Stat. §19.85(1)(e) for the purpose of deliberating or negotiating, when competitive or bargaining reasons require a closed session, by roll call vote, at 10:13 p.m., carried unanimously.**

MOTION (Hughes/Zabel) to go into open session 10:28 p.m. carried unanimously.

- H. **MOTION (Hughes/Zabel) to go into closed session for the Performance Review of Fire Chief as per Wis. Stat. §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, at 10:29 p.m., carried unanimously.**

MOTION (Baum/Ewert) to go into open session at 10:38, carried unanimously.

MOTION (Baum/Zabel) to direct staff to take action discussed in closed session. By roll call vote, motion carried unanimously.

NEW BUSINESS – continued:

- G. MOTION (Kaminski/Baum) to go into closed session for the Village Administrator annual review, requesting the Village Administrator to remain and the Village Clerk and Village Attorney to be dismissed, per Wis. Stat. §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, at 10;39 p.m., carried unanimously.**

There being no further business the meeting was adjourned at 10:50 p.m.

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