VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING
MINUTES
OCTOBER 7, 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, Finance Director Rath, Engineer Bischke and Clerk Goeckner.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter reported receiving Floodplain maps from FEMA. Planner Jeff Retzlaff and other personnel have reviewed them and suggested changes. Recommendation to residents to avoid possible issues by verifying whether property is in a floodplain or not by reviewing maps in the Planning Department prior to selling their home or refinancing a mortgage.

President Wolter invited Engineer Brionne Bischke to explain loss of Federal funding for replacement of Donges Bay Road through rating system of Southeastern Wisconsin Regional Planning Commission (SEWRPC) program. Attorney Sajdak cautioned this is not an agenda item. President Wolter stated it was for informational purposes only, not discussion and requested Engineer Bischke to proceed. Bischke explained process entailed that gave majority of funding to the City of Milwaukee and Milwaukee County although the City of Milwaukee admitted to not being ready to deliver on their projects at this time. Germantown will now have to pay for design funds expended to date, approximately $271,000. Total project cost using federal standards is over $4 million. Total project cost using municipal standards is about $1.7 million. President Wolter stated it is now up to the Village Board to determine how to move forward in regard to this project.

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. **ACCOUNTS PAYABLE/PAYROLL**

1.	September 25, 2013	Accounts Payable	$336,136.26
2.	September 24, 2013	Payroll (hourly)	$208,647.01
3.	September 30, 2013	Payroll (salary)	$ 76,179.04

B. OPERATOR LICENSES: OCTOBER 8, 2013 – JUNE 30, 2014

Katie R. Carini, Robert A. Davis, Sebastien Gettelman, Natashia M. Griese, Jami L. Sickler, and Patricia A. Stengel, Kelly A. Garcia, Nicholas A. Koeppler, and Gregory M. Wolfe.

CONSENT AGENDA continued:

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

C. APPROVE INVOICE FOR $5,076.21 FOR T.E. BRENNAN RISK MANAGEMENT CONSULTANTS, AUGUST 2013-AUGUST 2014 RETAINER & PRIOR YEAR EXPENSES

D. APPROVE ORDINANCE ADOPTING "PUBLIC" GRANT PROGRAM AND AMENDING THE MUNICIPAL CODE OF GERMANTOWN AS IT PERTAINS TO FEE WAIVER PROVISIONS FOR NONPROFIT AND OTHER SIMILAR COMMUNITY ORGANIZATIONS AND APPROVING PUBLIC GRANT PROGRAM POLICY

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

E. **APPROVE INVOICE FROM D.F. TOMASINI IN THE AMOUNT OF $5,454.00 FOR THE EMERGENCY WATER MAIN REPAIR ON WESTERN AVENUE AND ELCAMINO DRIVE, FUNDS ALLOCATED FROM ACCT. #50-742-530-6730.**

F. APPROVE THE INVOICE FROM CTW CORPORATION IN THE AMOUNT OF $14,260.00 FOR THE EMERGENCY REPAIR TO WELL #5 ON WESTERN AVENUE, FUNDS ALLOCATED FROM ACCT. #50-722-530-6330.

G. APPROVE THE PURCHASE OF A WAUSAU DROTT 4212H PLOW FOR THE AMOUNT OF $5,937.00 FROM WAUSAU EVEREST, FUNDS ALLOCATED FROM ACCT. #10-542-570-8100.

H. APPROVE CONTRACT WITH TAPCO TO PROVIDE MAINTENANCE OF 14 CONTROLLED INTERSECTIONS UNDER VILLAGE JURISDICTION AT A COST OF $1,710.00, FUNDS ALLOCATED FROM ACCT. #10-542-530-3540.

I. AWARD THE WAGO-FREISTADT STORM SEWER RELAY PROJECT CONTRACT TO WILLKOMM EXCAVATING & GRADING FOR AN AMOUNT NOT TO EXCEED $54,433.00, FUNDS ALLOCATED FROM ACCT. #40-541-570-8902.

MOTION (Vanderheiden/Ewert) to approve consent agenda, items A-I, excepting Item H, roll call vote, carried unanimously. Attorney Sajdak expressed a concern with Item H, contract with TAPCO, disclaiming all liability and discussed recommendations. **MOTION (Zabel/Baum) to approve the contract subject to legal recommendations to changes, by roll call vote, carried unanimously.**

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

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. MOTION (Ewert/Zabel) to approve appointment of Brenda O'Brien, Representative of Germantown School District, to the Germantown Community Library Board, October 8, 2013 – June 30, 2016, carried unanimously.

B. RESOLUTION: WATER UTILITY RATE INCREASE
MOTION (Ewert/Kaminski) to approve Resolution for Water Utility Rate Increase. Finance Director Rath explained the resolution is a follow up from motion passed at last meeting to increase water utility rates by 3% with an estimated increase to average household using 20,000 gallons per quarter of $1.73. **By roll call vote, 8 in favor, 1 opposed (Zabel), motion carried.**

NEW BUSINESS - continued:

C. **PERFORMANCE EVALUATION AND PAY PLAN**

MOTION (Zabel/Baum) to accept plan as presented by Village Administrator. Trustee Kaminski discussed statement of "The Village Administrator will determine the allocation of performance pay given to each director for that director's pay." And concern of possibility Trustee didn't agree with Administrator's decision on pay. Discussion. President Wolter stated plan is generic in explanations and Administrator stated raises would be brought forward to Board but is not required. Would hope all would be consistent in evaluation process and forms. And if board chooses in budget to give raises based on their evaluation, would watch that it doesn't become a political choice issue. Further discussion on values within plan. **MOTION (Hughes/Kaminski) to postpone this item to go back to GGF for discussion at committee. 8 in favor, 1 opposed (Werderman), motion to postpone carried.**

D. ORDINANCE AMENDING SECTION 12.01(7) OF THE MUNICIPAL CODE OF GERMANTOWN AS IT RELATES TO THE PAYMENT OF TAXES, ASSESSMENTS AND SIMILAR CHARGES BEFORE APPROVAL OF LICENSES OR PERMITS

MOTION (Zabel/Hughes) to adopt ordinance Amending Section 12.01(7) of the Municipal Code of Germantown. Discussion. Trustee Kaminski feels amendment goes too far. Does not want to restrict residents or businesses. What are processes followed? Discussion of various past cases and examples of future issues. This is a County issue for delinquent taxes. Trustee Ewert feels we are part of the County. Discussion of how businesses are handling other issues if they are unable to pay their taxes. **MOTION (Baum/Kaminski) to postpone this item and send it back to GGF Committee for further discussion, carried unanimously.** Request for Attorney Sajdak to provide responses to questions raised in tonight's discussion.

Attorney Sajdak requested the board to take up the remaining open session Item 'H' prior to going into Item E of closed session. **MOTION (Kaminski/Baum) to move to Item H next.** Discussion of any relation this item may have to any of the closed session items. Attorney Sajdak explained the title company has requested to have the covenant removed from the deed so they can issue a clear title. The property has already had a building in place that is valued over the $1,000,000 requirement and therefore has met the covenant requirement within the first 3 years after the sale of the property. **Call for the question, 5 in favor, 4 opposed (Baum, Werderman, Ewert & Zabel), motion carried.**

H. RELEASE OF RECORDED COVENANT FOR THE PROPERTY LOCATED AT W130 N10437 Washington Drive (TAX KEY NO. GTNV 254-986) IN THE GERMANTOWN BUSINESS PARK.

Attorney Sajdak stated a requested change to the item as presented in the wording on the first page under the 4th 'Whereas'. It should now read '*whereas covenant has been satisfied and it has been requested that the Village release the covenant to clear title to effectuate a sale of the property',* instead of the version in front of you. The covenant has been met and that is why we are waiving the requirement to clear up the deed for their purposes. **MOTION (Baum/Kaminski) to approve the release for the recorded covenant as requested, by roll call vote, 8 in favor, 1 opposed (Zabel), motion carried.**

NEW BUSINESS - continued:

MOTION (Baum/Hughes) to approve Items E & F together to go into closed session at 8:30 p.m. and include Deb Reinbold in closed session for Item E only for:

E. Potential Incentives for Development of a Project within the Germantown Business Park, §19.85(1)(e) for the purpose of deliberating or negotiating, when competitive or bargaining reasons require a closed session;

F. 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 and then may re-enter open session to take such action as it deems appropriate, by roll call vote, carried unanimously.

MOTION (Zabel/Kaminski) to go back into open session at 9:48 p.m., carried unanimously.

MOTION (Zabel/Baum) to authorize the Village Board President and the Village Attorney to incorporate the items discussed into the letter of intent and authorize all parties, including the Village Clerk to sign the required documentation, carried unanimously.

G. MOTION (Baum/Daniels) to go into closed session at 8:31 p.m. for Potential Land Acquisition of a Portion of Tax Key No. 211-985 as per Wis. Stat. §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, by roll call vote, 7 in favor, 2 opposed (Zabel & Vanderheiden), motion carried.

MOTION (Baum/Daniels) to return to closed session for Item G at 9:50 p.m., 7 in favor, 2 opposed (Zabel & Vanderheiden), motion carried.

MOTION (Baum/Zabel) to adjourn the meeting at 10:15 p.m., carried unanimously.

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