**VILLAGE OF GERMANTOWN**
**VILLAGE BOARD MEETING MINUTES**
**NOVEMBER 4, 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, Werderman and Zabel. Trustee Vanderheiden was absent and excused. Also present: Administrator Schornack, Attorney Sajdak, Clerk Goeckner, DPW Director Ludwig, Park & Recreation Director Casperson and Engineer Bischke

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.

**PRESIDENT'S REPORT**
President Wolter announced the upcoming Christmas Festival and Christmas Holiday with several events which will take place on November 16th. Please contact Lynn Grgich with the Chamber of Commerce to volunteer and assist with activities.

**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 – October 7, 2013 and October 21, 2013**

**B. ACCOUNTS PAYABLE/PAYROLL**

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| 1. | October 22, 2013 | Payroll (hourly) | $ 209,367.56 |
| 2. | October 25, 2013 | Accounts Payable | $ 184,450.34 |
| 3. | October 31, 2013 | Payroll (salary) | $ 76,201.09 |

C. **OPERATOR LICENSES: NOVEMBER 5, 2013 – JUNE 30, 2014**
Christine M. Feuerstahler, Matthew P. Goertz, Kelly L. Heimann, Jennifer R. Miller and Jay S. Soni

Trustee Zabel requested to pull Item A. **MOTION (Zabel/Kaminski) to approve Consent Agenda Items B & C, by roll call vote, carried unanimously.**
Trustee Zabel – October 21st minutes are not complete. October 7th minutes require a correction to Item B of New Business – item was not carried unanimously, as confirmed with the Clerk, Trustee Zabel voted against the item. **MOTION (Zabel/Kaminski) to correct the October 7th minutes under Item B of New Business - motion was not carried unanimously, correct it to read '8 in favor, 1 opposed'. All in favor, carried unanimously. MOTION (Zabel/Kaminski) to approve October 7th minutes as amended, carried unanimously.**

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

**UNFINISHED BUSINESS:**

**A. PERFORMANCE EVALUATION AND PAY PLAN**

**MOTION (Zabel/Baum) to approve plan as presented, by roll call vote, carried unanimously.**

**B. 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 (Baum/Zabel) to approve Ordinance Amending Section 12.01(7) as presented.** Discussion. Clerk Goeckner stated the Liquor Licensing portion of Section 12 does not include the provision to deny a license for delinquent real estate taxes and is different than what is being approved in this General Provision amendment. A Liquor License application would not consider delinquent real estate taxes for granting the license. Should this be considered for change at this time? Discussion. **MOTION (Kaminski/Baum) to take the liquor licensing question back to GGF for discussion, carried unanimously. By roll call vote, original motion carried unanimously.**

**NEW BUSINESS:**

**A. SITE STABILITY ANALYSIS BY GZA OF LANDS WITHIN THE GERMANTOWN BUSINESS PARK**

DPW Director Ludwig presented and explained the item. Large development which would push an addition toward the west property line and require a 25' high retaining wall near water tower on adjacent lot. Contacted designer of water tower (Chicago Bridge & Iron) for recommendations and they did not feel comfortable giving a stability analysis. GZA was contacted to give the analysis. It would take 7 days for completion and funding is provided by the TIF. Discussion of possibility of development going forward. President Wolter stated he has been told they are committed to this site, and he also feels this is a good idea whether it was this development or another as there may be a different land user that may need the site. Further discussion of requirements for site and development and possible need if others developed. **MOTION Hughes/Kaminski to approve the contract, not to exceed the cost of $8,500.** Discussion of weight of million gallon water tower and stability study need. **By roll call vote, carried unanimously.**

**B. PURCHASE AGREEMENT – NORTHLAND WETLAND MITIGATION BANK**

Engineer Bischke explained and presented the agreement. Application submitted to DNR to fill just over 1 acre of wetland which looks to be approved. Condition of receiving permit is we must do some form of mitigation and must mitigate just over 1.5 acres. On-site mitigation is not possible because of time constraints and necessary requirements, which would take 6 months to complete design and approval and this must be completed by November 23rd. Northland Mitigation Bank opened up some mitigation in their reserves. This is a total expenditure of $97,200, with attached sales agreement and affidavit. Surveyor will prepare

**NEW BUSINESS – continued:**

description after direction of Village Board. Discussion of risk involved if development group backed out. These costs are funded by TIF funds. **MOTION (Zabel/Kaminski) to approve the sales agreement and authorize the Village Board President and Village Clerk to sign necessary documents.** Discussion of risk of losing the $97,200 and not getting a refund should the developer back out. Trustee Hughes asked if we would have that bank credited for something else we may need? If we need an acre later would we still have the credit? Engineer Bischke stated he would have to ask the wetland coordinator this question. President Wolter suggested making it contingent on a letter of credit within the letter of intent to give equal value to it. If they wouldn't develop, then they would be responsible for it. **MOTION (Zabel/Kaminski) to amend the motion to condition the execution of the purchase agreement upon receiving a letter of credit or earnest money from the developer to cover the costs of the wetland bank purchase. Motion to amend carried unanimously. Motion as amended, by roll call vote, carried unanimously.**

**C.** **MOTION (Kaminski/Baum) to approve the NuVantage Employee Resource Agreement as presented. By roll call vote, 6 in favor, 2 opposed (Baum & Hughes), motion carried.**

**D.** **RECOMMENDATION BY STATEWIDE SERVICES, INC. REGARDING CLAIM OF 10/22/13, GENE ARNOLD, W162N11953 PARK AVE, GERMANTOWN, WI MOTION (Baum/Kaminski) to deny claim as recommended, carried unanimously.**

**E.** **MOTION (Zabel/Baum) to go into closed session at 7:40 p.m. for potential incentives for development for a project within 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, and include members of staff, Ehler's representative, Deb Reinbold and company representative, by roll call vote, carried unanimously.**

**MOTION (Zabel/Kaminski) to go back into open session at 8:45 p.m., carried unanimously.**

**MOTION (Zabel/Kaminski) to direct legal and Village staff to enter into negotiations with the County and the developer for the purposes of effectuating the discussions as they took place in closed session, 7 in favor, 1 opposed (Ewert), motion carried.**

**F.** **MOTION (Baum/Ewert) to go into closed session at 7:42 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**

**<u>NEW BUSINESS – continued:</u>**

**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 yes, 1 opposed (Zabel), motion carried.**

**MOTION (Baum/Zabel) to return to closed session for Item 'F' at 8:47 p.m., carried unanimously.**

**MOTION (Baum/Werderman) to return to open session at 10:00 p.m., carried unanimously.**

**MOTION (Werderman/Daniels) to direct legal counsel to prepare offer as discussed in closed session and authorize Village Board President and the Village Clerk to sign and present the same to the seller, roll call vote, 6 in favor, 2 opposed (Baum & Zabel), motion carried.**

There being no further business, the meeting was adjourned at 10:02 p.m.

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