President Hermes called the Village Board meeting to order at 7:00 p.m. in the Board Room of Village Hall

**ROLL CALL**

Present: Birmingham, Turay, Barbian, Chadwick, Sikorski, Genz, Hermes  
Absent: None.  
Also Present: Todd Michaels, Village Manager  
Sarah Jankowski, Assistant to the Village Manager  
Kathryn Kasza, Clerk-Treasurer  
John Macy, Village Attorney  
Robert Malasuk, Police Chief  
Tim Saidler, Fire Chief  
Scott Satula, Director of Inspection Services  
Robert McFaul, Public Works Director  
Susan Shepeard, Public Health Administrator

**MINUTES**

*Trustee Birmingham moved, seconded by Trustee Turay, that the reading of the minutes from the Regular Board Meeting held on July 16, 2013 be suspended since all Board members received copies of same prior to tonight’s meeting and that these minutes be approved as presented.*

**Corrections and Additions:** Trustee Genz wanted his remarks regarding the Hose Tower to be added into the record. Genz stated that he would like to see the CDA review the plans and make recommendations before the Board approves it, but he would like the plan review for an addition and site development for the area surrounding the Hose Tower Building, 5650 Parking Street to be approved by the Plan Commission first as requested by the Greendale Historical Society.

Ayes: Birmingham, Turay, Barbian, Chadwick, Sikorski, Genz, Hermes  
Nays: None  
Motion to Approve: Carried

**PUBLIC HEARINGS AND ACTION ITEMS**

**A) BOT 13-41** Review and consider approving a Special Use Application for skiing, snow tubing, gravity biking mountain biking and other public events at the Rock Sports Complex 7900 W Crystal Ridge Drive. (#13-08PC 13-05)

President Hermes opened the public hearing at 7:04 p.m. Village Manager Todd Michaels explained that this date was chosen so that the proper notices could be posted and the Plan...
Commission meeting could be conducted. However the Plan Commission Meeting Scheduled for July 10, 2013 was cancelled because of the Milwaukee County Courthouse fire and the inability of Milwaukee County to conduct business. The Plan Commission meeting is now scheduled for Wednesday, August 14, 2013 and the Board meeting scheduled for August 20, 2013. The issue will be held over to allow the public to speak at the August 20th Board meeting as well as this one.

**PUBLIC HEARING**

Darcy Fabrizius, 7390 Hill Valley Ct, sent a letter to the Manager Michaels, which was distributed to the Board members. She voiced concerns over potential noise from Rock holding concerts and overflow parking issues since her residence is very close.

Pam Swanson, 6688 Hill Park Ct, also sent a letter to the Board and had the same concerns as the previous speaker, but she was also concerned about the bright lights and traffic congestion, and how changes would occur to protect the residents on an on-going basis.

Manager Michaels stated that while it affects Greendale residents, the Rock itself is located in the City of Franklin. It is a Milwaukee County facility run by a private venue and the County has an agreement with the operators of the facility to abide by both the Franklin and Greendale noise ordinances. Direct contact with the County would be the most effective and the Village Manager’s office would be happy to facilitate that contact.

Matt Murdaugh, 6709 Hilldale Ct, complained about the lights that shine into his yard. He also said he noticed the music going on all summer long.

Jim Keagan, Milwaukee County Parks, Chief of Planning and Development, assured the residents that the County is working with Mike Zimmerman and Tom Johns who are operating the facility to overcome any challenges that are on-going and will continue to do so. They want to be good responsible neighbors. He stated that residents could contact him directly, his direct phone number is 414-257-4775 and his email address is James.Keagan@milwcnty.com.

Tom Johns, one of the operators of the Rock stated that they are making every effort to be good neighbors and have already had several concerts but have only received noise complaints on the latest one. They are working with Greendale and the County to correct any problems that residents may encounter.

President Hermes said the next Plan Commission and Board Meeting will work to mitigate these issues. The next Plan Commission meeting will be Wednesday, August 14, 2013 and the public hearing will be extended to the Board Meeting of August 20, 2013.

Linda Larson, 5586 Municipal Square, spoke in favor of the Rock saying she and her husband have attended baseball games there and enjoyed the facility.

Joy Draginis-Zingales, 7573 Highview Drive, stated that she was the most vocal resident since her home is the most directly affected. She has had meetings with the operators which have been very positive, but doesn’t think the traffic and noise issues can be solved until the facility
is in full swing. She stated that even though the facility is in Franklin, it is the residents of Greendale that are most directly affected.

President Hermes adjourned the Public Hearing to August 20, 2013, at 7:00 p.m. There will be no action on this item at this time.

Clerk-Treasurer Kasza presented a certificate recognizing Mr. Stanley Rogers, a WWII Navy Veteran who served as the Honorary Parade Marshall for the Fourth of July parade.

CITIZENS’ COMMENTS

Ted Mainella, President of the Greendale Historical Society, thanked the Village Board and Village President and Manager for their cooperation in the completion of the hose tower project. He provided an update on the progress in building a community center from the bottom up. The exterior has been secured so there will be no more water damage, a new floor has been laid and the ceiling has been repaired and will remain in its historical configuration. The society has gotten professional advice on both the interior and exterior of the building for the completion of the rehabilitation of this building. They are taking advantage of the many volunteers helping with the project. He also distributed a handout listing donors of in-kind donations in excess of $60,000. He also stated that they still need more help. The project will be completed shortly.

Luke Huberty, 4875 Stratford Drive, complained about the leadership promoting apartments in the Municipal Parking Lot. He stated that the parking was needed especially with the future events planned. He does not believe we need the high population density environment in our “Garden Community”.

Joe Russ, 16800 W Shadow Drive, New Berlin, representing 5597-99 Basswood St., commented on President Hermes article in the Summer 2013 Newsletter. He was also concerned about the talk of apartments on Parking Street.

STANDING COMMITTEE REPORTS

President Hermes stated that he was accepting Trustee Turay’s request to hold in abeyance the Library Board’s report from their July 10, 2013 meeting to the next Village Board meeting.

OLD BUSINESS

A) Board and Committee Appointments and Resignations

President Hermes presented the following appointments for Boards and Committee’s:
Board of Health, Christopher Greenberg
Library Board, Superintendent John Tharp
Park and Recreation Committee, Robert Johnson, Stephen Waite, and Lori Koch
Community Development Authority, Roger Dalkin

Trustee Sikorski moved, seconded by Trustee Barbian, to affirm the Board and Committee appointments as presented.
Discussion: Trustee Sikorski stated that the Community Learning Center had its first meeting and he was really impressed by the people appointed. Sikorski also said the CDA also had very good people. They all worked together very well.

Ayes: Birmingham, Turay, Barbian, Chadwick, Sikorski, Genz, Hermes
Nays: None
Motion to affirm: Carried

B) BOT 13-12 Reconsider action on the Historic Downtown and Ad-Hoc Committee’s recommendation for the Former Police and Fire Station.

Manager Michaels proposed that the Board solicit proposals via an open-ended Request For Proposals (RFP). He suggested that the Board not abate until after the proposals come in. Also leaving it open ended since it has already sat for 15 years, there doesn’t need to be a timeline. The Federal Tax Credits for Rehabilitating Historic Buildings would be approximately $4000 for abating the building and it would cost about $20,000 to abate.

Trustee Chadwick suggested that the building be abated before the Board decides what to do with it, since it has to be abated either way. Michaels mentioned that if the building was abated that the Village could use it for storage. Trustee Turay suggested that perhaps the person who purchases it would want the tax credit and do the abatement themselves if they paid less for the building. So he suggested that the RFP be solicited before the abatement. Trustee Sikorski thought the $20,000 might not be valid since it doesn’t address the asbestos, the lead paint or the underground abatement. He also mentioned that we must honor the historic portion of the building and involve the Greendale Historical Society.

Manager Michaels said that the RFP could get various proposals leaving out any options and then the Board could decide what options could be chosen in closed session. Trustee Birmingham suggested the building be abated and make it presentable for sale. Trustee Barbian agreed with Michaels to see what offers are out there. Trustee Genz agreed it should not be abated until the Board decides what options are available. Trustee Turay agreed the RFP should be solicited and if nothing comes of it, the Board could then discuss it again. President Hermes also agreed with Michaels that the RFP should go out with no abatement first.

Trustee Birmingham, moved that the old police and fire station building be immediately abated of any hazardous materials, and as soon as possible a marketing plan be developed to market the building for sale during the Village’s 75th Anniversary year.

Motion failed for lack of second.

Trustee Turay moved, seconded by Trustee Barbian, to prepare a RFP to market the old Police and Fire Station with the understanding that the outside stay historic, and negotiate abatement, with no time limit and to look at any configuration of the inside.

Discussion: Trustee Chadwick would like to abate the asbestos after a certain time limit has been met, since it has been put off for so many years. Trustee Turay said that any suggested
offer should be looked at immediately and Manager Michaels suggested the Board put a 90 day deadline on the RFP so they can see what offers come in. Manager Michaels asked for a clarification on the historic part of the outside and Trustee Turay said any way that would not jeopardize the historic designation.

Trustee Turay’s motion, seconded by Trustee Barbian was withdrawn.

**Trustee Turay moved, seconded by Trustee Barbian, to have the Village draft an RFP to market the old Police and Fire Station and hold off on abatement for 90 days.**

Discussion: Trustee Genz asked if it should be mentioned that the Board would prefer to keep the building historical. Manager Michaels said the information that the building was historical would be in the RFP; however, it would not be a requirement.

Ayes: Turay, Barbian, Chadwick, Sikorski, Genz, Hermes
Nays: Birmingham
Motion to affirm: Carried

**NEW BUSINESS**

A) BOT 13-42 Discussion on review of requirements for articles in the Greendale Media.

Trustee Birmingham stated that he did not want this discussion to be about censure of the media or change anything that is written on the President’s Corner. He just felt the Board members should have an opportunity to review the articles before they are published and that a disclaimer should be put in to say that these are just the President’s views and not the views of the entire Board. Trustee Birmingham also mentioned that President Hermes did an excellent job of getting the word out, but just wanted the residents to understand that these were just the President’s views. Trustee Turay agreed that the Board has no right to censure anyone. He also agreed that he would like the opportunity to see the articles before they are published as a courtesy. He also commended President Hermes for doing a great job.

President Hermes thanked both trustees for their kind remarks and stated that he just wanted to start a community discussion about how the Village Center can adapt to a changing world and still keep its charm. He stated that Greendale is a very special place and he just wants to work as a team with the residents, the Historical Society, stakeholders in the community and the experts. The article written this time was a repetition of an article written last year and the intent was to inform the residents of the updates of what the Board has gone through this last year to resolve this issue.

Trustee Sikorski mentioned that the biggest problem in communication is that you assume that what you say is understood. The citizen comment about the subject of apartments was nowhere in the article. He agreed that he would like to see the article before it is published, but there should be no type of censorship at all.

President Hermes said he was happy to put a disclaimer saying these are his views, he did say it would be hard to meet the deadline if he had to run it before the Board first. The Village
Manager does review the article and discuss with President Hermes recommending wording changes. President Hermes said staff could get it to the Board ahead of time without affecting his deadline.

Trustee Barbian also agreed that there should be no censorship but he would like a chance to see the article before it was published, just for his own information.

Manager Michaels mentioned that the newsletter is an administrative function of his office, not a policy decision, and he could include a small disclaimer and email the article to the Board members ahead of time.

Trustee Genz didn’t think the Board even needed a disclaimer and thought most people understood the article to be the President’s views. He also said there should be no censure. Trustee Birmingham just wanted to clarify why this discussion was initiated. The discussion of apartments was not in the article but was mentioned by the residents because it was part of a CDA discussion and the CDA was commended in the article. The mention of small stores not being able to offer what the big box stores do caused a reaction by the small business owners at Grandhaven last year and they didn’t like the comments mentioning it again. They did not want to revisit what they don’t offer.

President Hermes apologized for the comments being taken out of context, but he said he also talked to some of the shop owners and they said yes they are still struggling. He said they have a palatable agreement to send the article ahead of time and put a small disclaimer on the article. He asked if there was a consensus of the Board and they agreed.

Village Attorney John Macy made a legal warning that if the article is sent ahead of time to the Board members they cannot call back and forth to discuss or it will create a walking quorum.

No action was taken.

B) BOT 13-43 Review and consider approving Ordinance No. 862, an Ordinance creating Section 2.04(3) of the Municipal Code pertaining to attendance at Village Board meeting by audio or video conference.

Manager Michaels read the text of the ordinance into the record. He mentioned that the ordinance was written at the recommendation of the Village Attorney and himself. It is a matter of policy of the Board and is subject to the Board’s approval or recommendations for change.

Trustee Turay moved, seconded by Trustee Barbian, to pass Ordinance No. 862 creating Section 2.04(3) of the Municipal Code pertaining to attendance at Village Board meeting by audio or video conference.

Discussion: Trustee Barbian thought we should abide by it as is. Trustee Turay agreed. Trustee Chadwick wanted to allow the member that called in to be able to vote on any issue. Village Attorney Macy reiterated that this was his legal opinion as it is not his job to set policy. His concerns were that some of the Board’s duties are judicial in nature, and for the purposes of determining policies he applauds those that want to participate in the discussion, but voting
on issues there are legal concerns based on past practice. He stated that there is no case law on this yet and the Board has to set the policy.

President Hermes has talked to many communities who have set this policy and he thinks it is a good idea to require Board members to be present to vote. If a quorum is not present the vote can be deferred to a later date when a quorum will be physically in attendance. Hermes also stated that if a member is not present they cannot see the audience’s body language or passion about a particular issue and thus they are acting with less ability. Manager Michaels also stated that important issues can be moved and scheduled for dates that accommodate the member’s schedules.

Trustee Birmingham suggested that they could vote if less than two people were missing. Trustee Sikorski felt he was the focal point of this issue and he felt his right to represent the residents was stymied by the Village’s lack of equipment. He stated that since he travels for his work he makes a concerted effort to attend the meetings, even at odd hours in his location. He thought this ordinance limits the fact that we will ever have to purchase the equipment to facilitate this and he thinks it is a trend of the future.

Trustee Chadwick felt that the Board should be more progressive in adopting this ordinance without the limitations discussed. She would like the Board to set precedent regarding this issue, because it is the wave of the future. Trustee Chadwick also asked if other communities in Southeastern Wisconsin were allowing Board members to vote in this manner. President Hermes said the communities he contacted were unanimous in using the same language recommended in this ordinance. Manager Michaels said he looked at the City Manager website and found that there were 4 or 5 communities around the state that allowed Board members to vote remotely. He suggested that the other option would be for the member not physically present to ask the Board to hold over an item until they were present to vote.

Trustee Barbian asked if we should upgrade our equipment before the vote on this ordinance was taken. Trustee Chadwick said yes but first they would have to look at the cost involved. Attorney Macy mentioned that many communities have practices but not policies, so Greendale would be setting precedent by establishing a written policy. He stated that the Board could make the policy whatever they want but he has no idea how he would write that policy if they limit the number of people who could be attending remotely and which ones could vote. Macy said the first step is to write a policy and later the policy can be changed.

Ayes: Birmingham, Turay, Barbian, Chadwick, Sikorski, Genz, Hermes
Nays: None
Motion to affirm: Carried

C) BOT 13-44 Review and consider approving Ordinance No. 863, an Ordinance amending Section 1.03 of the Municipal Code designating the official newspaper of the Village.

Trustee Turay moved, seconded by Trustee Birmingham, to adopt Ordinance No. 863 amending Section 1.03 of the Municipal Code designating the official newspaper of the Village as the Greendale NOW except that the Milwaukee Journal Sentinel shall be the official newspaper in the event a daily newspaper is necessary.
Discussion: Trustee Chadwick asked why we are still publishing if we are not required to. Attorney Macy stated that in the past the Village was required to designate an official paper, but Villages in Wisconsin are no longer required to so. The staff has recommended that we continue to publish as it has been past practice for many years. Attorney Macy further explained that the difference between an official newspaper and a designated newspaper is that if you have an official newspaper you are required to publish certain things. Manager Michaels recommended that he would rather over-inform the public than change past practice.

Ayes: Birmingham, Turay, Babian, Chadwick, Sikorski, Genz, Hermes
Nays: None
Motion to affirm: Carried

D) BOT 13-45 Review and consider approving Ordinance No. 864, an Ordinance creating Section 1.03(1) of the Municipal Code related to filings and electronic transmissions to the Clerk of the Board of Review.

Manager Michaels stated that the reason for this ordinance is the change in technology and means of communication. This ordinance would require that documents are not considered received by the Clerk until opened. That would preclude someone from filing an objection electronically during the first two hours of the Board of Review's first meeting since the Clerk cannot open emails while in a meeting.

Trustee Birmingham moved, seconded by Trustee Babian, to adopt Ordinance No. 864 creating Section 1.03(1) of the Municipal Code related to filings and electronic transmissions to the Clerk of the Board of Review.

Discussion: Trustee Turay wants to know if it would be affected by the Clerk not opening the email on a timely basis. Attorney Macy stated that it is the Clerk’s duty to check for such emails within a reasonable amount of time. This must be decided on a case by case basis.

Ayes: Birmingham, Turay, Babian, Chadwick, Sikorski, Genz, Hermes
Nays: None
Motion to affirm: Carried

E) BOT 13-46 Review and consider approving applications for Beverage Operator Licenses and a “Class A” Beer and Liquor License.

Trustee Turay moved, seconded by Trustee Birmingham, to approve applications for Beverage Operator Licenses for Linsay Hofer, Mary Christensen, Nicole Guenther, Christine Jurkowski, Marika McGhee-Jones and Amanda Runnoe subject to completion of training and a “Class A” Beer and Liquor License for Drilling’s Panther Pub and Eatery.

NO DISCUSSION
Ayes: Birmingham, Turay, Barbian, Chadwick, Sikorski, Genz, Hermes
Nays: None
Motion to affirm: Carried

F) BOT 13-47 Preliminary 2014 Budget Worksession and 2014 Budget Calendar

Manager Michaels asked to table this item to the next Board meeting.

_Trustee Birmingham moved, seconded by Trustee Turay, to table the preliminary 2014 Budget Worksession and Calendar to the next Board meeting._

NO DISCUSSION

Ayes: Birmingham, Turay, Barbian, Chadwick, Sikorski, Genz, Hermes
Nays: None
Motion to affirm: Carried

G) BOT 13-48 Consider awarding the bid for the 2013 Pedestrian Path Rehabilitation Project.

Manager Michaels presented the results of the bid opening and asked the Board to award the project to Zenith Tech for $31,130.

_Trustee Turay moved, seconded by Trustee Birmingham, to award the bid for the 2013 Pedestrian Path Rehabilitation Project to Zenith Tech, Inc. for $31,130._

_Discussion:_ Trustee Chadwick was amazed at the variation of pricing. Trustee Genz asked if the project was over budget. Manager Michaels stated it came in at a little over $2,000 more than the Community Development Block Grant (CDBG). The Village was awarded a $29,000 CDBG grant. Trustee Sikorski was concerned about picking the lowest bidder, since the low bidder on the 60th Street project caused some problems. Manager Michaels stated that it would be difficult to do otherwise without more information.

Ayes: Birmingham, Turay, Barbian, Chadwick, Sikorski, Genz, Hermes
Nays: None
Motion to affirm: Carried

OFFICERS REPORTS

A. Police Department Monthly Activity Report
B. Fire Department Monthly Activity Report
C. Department of Public Works Monthly Activity Report: There was a discussion on Saturday hours taken from overtime and given to part time and seasonal employees and whether the cost savings realized is a safety concern, since there are no regular employees present. Director McFaul mentioned that seasonal employees have been working the yard on Saturdays for the last 15 years. The problem with Saturday is that it is very busy and there is no one who can operate any equipment. They can only assist and pack the
garbage truck. President Hermes suggested that this should be a discussion at budget time.

D. Water & Sewer Utility Monthly Activity Report
E. Health Department
F. Village Manager’s Report: None
G. Village President’s Report: None

CITIZENS’ COMMENTS

Jackie Kraemer, 5729 Clover Lane, stated she has been attending the CDA and Board Meetings and her concerns go back to the April 19 letter by President Hermes where he assured residents that the Village is working with the Plan Commission to develop concepts that do not include housing. Recently there was talk again in the CDA meeting about the need for apartments. She also thinks the Board should get a Real Estate agent to sell the Old Police and Fire Station.

Joe Russ, 16800 W Shadow Drive, New Berlin, representing 5597-99 Basswood Street, stated that regarding the Police and Fire Station discussion, he made an open records request in 2008 and at that time eleven different entities were interested in the building. He feels that bad decisions were made in the past and agrees with Jackie Kraemer that the Board should get a Real Estate agent to sell the building.

CLOSED SESSION

Trustee Turay moved, seconded by Trustee Birmingham to go into closed session pursuant to Section 19.85(1)(e) of the Wisconsin State Statutes for competitive bargaining reasons to discuss strategy relevant to negotiations with the Village Firefighter’s Union.

President Hermes read aloud item #13

NO DISCUSSION

Ayes: Birmingham, Turay, Barbian, Chadwick, Sikorski, Genz, Hermes
Nays: None
Motion to affirm: Carried

The Board adjourned into Closed Session at 9:37p.m. The Board will NOT return to Open Session to Act on Matters Discussed.

ADJOURNMENT

Motion by Trustee Birmingham, seconded by Trustee Turay, to adjourn.

Ayes: Birmingham, Turay, Barbian, Chadwick, Sikorski, Genz, Hermes
Nays: None
Motion to Adjourn: Carried
The Board adjourned at 10:00 p.m.

Respectfully submitted,

Joan L Siefert, CMC, WCMC
Deputy Clerk