

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
January 19, 2015**

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

ROLL CALL: President Wolter, Trustees Baum, Daniels, Hughes, Kaminski, Miller, Vanderheiden, Warren and Zabel. Also present: Administrator Schornack, Attorney Sajdak, DPW Director Ludwig, Engineer Bischke, Fire Chief Weiss and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: None

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST & COMMITTEE REPORTS: Upcoming meetings were announced as well as other items of interest by Trustees.

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

President Wolter explained both Public hearing items are postponed as they have not been before Plan Commission. Anyone present may speak tonight or may return when the items are back on the agenda for public hearing and action at a later date.

Tony Laszewski – N106 W14668 Harrison Avenue, Germantown – Chair of Park & Rec Commission which voted to endorse the revised plans for Donges Bay Road.

Bernie Wood – N104W15652 Donges Bay Road, Germantown – Property on Donges Bay Road is homesteaded and there is not to be any further improvements on the road which he owns including the bike path and 33' from the center of the road.

Discussion between Mr. Wood & Village Attorney Sajdak regarding the Homestead Act of 1862. Attorney Sajdak explained the Homestead Act of 1862 was repealed in October 1976.

Mr. Wood expressed concerns of pathway proximity to the front of his home.

Shad Young – N98W16431 Concord Road, Germantown – expressed concerns of the heavily used trail system in the Village and liability for a child being struck should there be no separation between the trail and the road. Requested the latest plan design be approved.

CONSENT AGENDA:

A. Minutes – December 15, 2014 and January 5, 2015 Regular Village Board Meetings

B. Accounts payable/payroll

1.	December 2014	Accounts Payable	\$ 54,602.03
2.	January 13, 2015	Payroll (hourly)	\$ 213,477.02
3.	January 10, 2015	Accounts Payable	\$ 708,573.36
4.	January 15, 2015	Payroll (salary)	\$ 76,680.60

C. Operator Licenses: January 20, 2015 - June 30, 2015:

Joan Frantl, Jennifer Glab, Kirk Guse, Shannon Mitchell

CONSENT AGENDA continued:

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

- D. Recommended Approval to Authorize Signature and Recording Water Main Easement – Hillstone Apartments, Fond du Lac Ave

MOTION (Baum/Miller) to approve Items A-D, (agenda numbering incorrect) by roll call vote, carried.

UNFINISHED BUSINESS: None

PUBLIC HEARINGS – 7:00 P.M. OR LATER –*The purpose of said hearing(s) is to hear any and all parties, their attorneys or agents, for or against the application(s) filed by the petitioner(s).*

- *A. Chaz Hastings, Agent For Gerald Grosenick, Property Owner And Applicant For Conditional Use Permit For The Development And Operation Of An “Outdoor Recreation Facility” On A Parcel Located Adjacent To And South Of The Old Town Inn Located At N116W15841 Main Street, GTNV 224-965 Pursuant To Section 17.30(3)(V) Of The Village Zoning Code
- *B. Patrick M. Josten, Property Owner Of And Agent For Rockfield Short-Pour LLC, Applicant For (1) A 2020 Land Use Plan Map Amendment To Change The Land Use Plan Map Designation From Industrial/Office To Mineral Extraction; (2) A Rezoning Application To Rezone The Property From The M-1: Limited Industrial To The M-4: Mineral Extraction Zoning District Pursuant To Section 17.36 Of The Municipal Code; And (3) A Conditional Use Permit To Allow The Operation Of A “Ready Mix” Concrete Production And Delivery Operation Pursuant To Section 17.36(2)(E) Of The Municipal Code For The Property Located At GTNV 103-992 (1.75 Acres Located At W172N13098 Division Road)

**Both items were published in the paper as having a public hearing at this meeting. Neither item has been considered by the Plan Commission and as such, public hearings were premature. These hearings will not be held at this meeting but will be rescheduled for a future date.*

President Wolter stated again that the hearings have been postponed until such time as they go before Plan Commission, but anyone present wishing to speak tonight could do so. No one chose to speak regarding the hearings.

NEW BUSINESS:

- A. 90% Plan Review and Request to Solicit Bids for Donges Bay Road Project
Engineer Bischke presented information regarding the request. RA Smith National was hired to convert the project plans from State and Federal standards to Municipal standards. Public information meeting held for questions and input. Plans and results provided to Public Works Committee. Various concerns discussed at that meeting included pathway abutting drive lanes, road centerline, width of drive lanes, shoulder and pathway, whether it would be terraced or not. Consultant provided analysis for Park & Recreation Commission at request of Director Casperson. Exhibits marked in yellow are original plan, green marking is new pathway which shifts 5’ to the north. Would have to install some storm sewer and page 1 of 9 would have to have an

NEW BUSINESS continued:

enclosed ditch, which would have costs but would likely have some separation there. Area referred to as the Hoffins location.

Discussion of locations and items for removal or changes:

Page 2 - Kupczak location – 2 tree removals but no need for additional storm sewer or culverts, minor impact

Page 3 – Keller location – same type of thing, no additional storm sewer

Page 4 – Wood's location – The impacts are fairly significant here and met with property owner. Would need to install new culvert, but not right now. Install one new field inlet and 2 new street inlets. Would not have a ditch fronting property. Loss of some property but ditch elimination would offset this. Property owner concern is moving path 5' closer to property. Discussion of curbing, path width of 6', various options for ditch, extension of Jefferson ditch and alternatives, DOT standards overruled by Village Board, and drainage from where house sits.

Pages 5-8 - Pilgrim to Heritage walkway which is standard. Discussion of wetlands and requirements. Ability to move path 5' north and fill in less than 10,000 sq. ft. of wetlands.

Page 9 - Challenging due to cemetery located there. May be best to just put in curb and gutter and not disturb this location.

Discussion of why path is right up against the road in certain locations: Need to not disturb cemetery land, trees may have been in the way or because of the right of way at the time the road was built. 5 situations where path is right off roadway – four off of Pilgrim and Division and one proposed by the cemetery. Consideration of separation for safety. Public Works Committee has requested staff and consultant to review options. Plan presented tonight approved by Committee with those four locations against the driveways. 33' prescriptive easement that should give us the right.

Requesting approval tonight of RA Smith recommendations in this plan. Discussion of the four areas of concern and impact on residents, information meetings held and changes since those meetings.

Bridget Poetcl N104 W15447 Donges Bay Rd, Germantown spoke regarding the pathway in her area and near the Bruce property, her neighbors. Also mentioned the petition of 174 signatures.

Trustee Baum clarified those 174 people wanted to leave it as it was at present.

Trustee Warren expressed concerns of process and safety vs. cheapening the project, concern of motorist not noticing people along the pathway next to the road. Added safety behind the beam guard. Discussion of crash data vs. how many people avoid this path because they feel unsafe, other concerns of safety due to road proximity, paths in populated areas and heavy use, redoing road is time to make the path safe, bid timeline. Further discussion of various property issues on pages 1-9 and alternatives.

MOTION (Zabel/Miller) agree with the 90% plan from Pilgrim to Division, as the plan was approved by the Public Works committee, showing yellow on these documents. Submit that we go out for bids between Pilgrim and Division, going Pilgrim East is 2016. Discussion of extra work and possible costs for splitting the project. Discussion to take each page as a separate item.

Page 1 – Discussion of curb and gutter vs. none. No other issues noted. Engineer to meet with individual resident. **MOTION (Baum/Zabel) to amend to approve moving section 1 of 9, 5' back subject to resident and cost issues.** Discussion of possible

NEW BUSINESS continued:

resident input and determination for making 5' separation due to mowing width. **Motion on amendment carried.**

MOTION (Baum/Miller) to amend and approve moving section 2 of 9 back 5' as well, subject to resident discussion and engineering approval, carried.

Discussion of section 3 of 9. Resident Dan Wing spoke regarding Keller property.

MOTION (Baum/Kaminski) to amend to have Engineering discuss this location with the resident. Discussion of site, possibly no impact on property, consider removal of pavement rather than moving path back toward house. **Motion to amend, 1 opposed (Warren) carried.**

Discussion of section 4 of 9 involving Wood's residence. Least impact would be curb & gutter with walk behind, recommend 6' but preferably 8'. If unable to work with resident would then have to put up a retaining wall which would have a significant impact.

Trustee Baum asked Mr. Wood if he would accept if the path is in its current location up to driveway and after driveway came back the 5' and Mr. Wood's responded 'no'.

Further discussion of curb & gutter, path and locations and heights and related impacts, as well as cost and safety concerns. Mr. Wood stated there is no drainage issue on that road and the cost is a waste of money. Trustee Kaminski verified the curb & gutter is the minimal safety standard we can achieve to avoid encroaching on Mr. Wood's property. Engineer Bischke stated yes and it is to demark for safety and nothing to do with drainage.

MOTION (Hughes/Kaminski) to amend to include curb and gutter on this section as the Engineer has indicated for safety as stated on the drawing. Discussion of width and slope. Trustee Zabel questioned location of mailboxes and Engineer Bischke stated they speak with the Postmaster before each project. **Motion to amend, 2 opposed (Zabel and Wolter), carried.**

On the motion as amended, 1 opposed (Zabel), carried.

MOTION (Baum/Kaminski) to go on to Pilgrim to Fond du Lac Road section to approve the plan as presented and as approved by Public Works, the original yellow.

MOTION (Baum/Zabel) to amend section 9 of 9 and leave the path along the cemetery directly adjacent to the road way with curb and gutter. Discussion of cemetery location and concerns of disturbing it. **Motion to amend, carried.**

MOTION (Warren/Daniels) to amend to go with the green option for the remaining sections 5-8. Discussion. **2 opposed (Zabel and Wolter), carried.**

Motion as amended, carried.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:33 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk