

VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
DECEMBER 17, 2012

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, Planner Jeff Retzlaff, DPW Director Dan Ludwig, Engineer Brionne Bischke, Fire Chief Gary Pollpeter, Lt. Mike Swan, Recreation Supervisor Joe Masiarchin and Clerk Goeckner.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter wished all a Merry Christmas and Happy New Year. With recent events receiving questions in regard to the 'Gun World'. This has been there for some time and is part of Gander Mountain. Residents should contact Gander Mountain with questions and concerns as the Village didn't have a vote on the change from Gander Mountain to Gun World.

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:

Donald Schulties, W140 N10337 Fond du Lac Ave – expressed concerns on the proposed reconstruction of Donges Bay Road and 145. Concerns with drainage issues and the possibility of a roundabout and its location.

John Hacker, W140 N10363 Fond du Lac Ave – expressed concerns with intersection improvements proposed for Highway 145 and Donges Bay Road. Family owns the historical school house and building they live in and anything with this intersection will have a significant impact on their properties.

CONSENT AGENDA:

A. **MINUTES:** October 15, 2012 and December 3, 2012

B. **ACCOUNTS PAYABLE/PAYROLL**

1.	November 30, 2012	Payroll (salary)	\$ 88,680.00
2.	November 2012	Accounts Payable	\$ 95,737.12
3.	December 4, 2012	Payroll (hourly)	\$ 220,229.95
4.	December 10, 2012	Accounts Payable	\$ 697,696.09
5.	December 15, 2012	Payroll (salary)	\$ 76,947.00

C. **OPERATOR (BARTENDER) LICENSES** – New for the period ending June 30, 2013: Brittany L. Host, Scott R. Kolosick and Shaun M. Sanders.

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

D. **AWARD OF CONTRACT – CTH "Q" RIVERSBEND LN. TRAFFIC STUDY**

E. **AWARD OF CHANGE ORDER – JEFFERSON DITCH DREDGING**

F. **AWARD OF CHANGE ORDER – FIRE STATION #1 DRIVEWAY**

G. **AWARD OF CHANGE ORDER – MEADOW CREEK CROSSING STORM SEWER EXTENSION**

H. AWARD OF CONTRACT – MEQUON RD/EISENHOWER DR. INTERSECTION SIGNAL DESIGN

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

I. DANCE HALL LICENSE RENEWALS:

1. Bubs Irish Pub, N116 W16218 Main Street
2. Germantown American Legion Post 1, N120 W15932 Freistadt Road

J. SECOND HAND ARTICLE DEALER AND SECOND HAND JEWELRY DEALER LICENSE RENEWALS:

1. Kesslers Diamond Center, N96 W16920 County Line Road

K. SECOND HAND ARTICLE DEALER LICENSE RENEWAL:

1. White House of Music, N112 W16290 Mequon Road

L. PURCHASE OF POLICE DEPT. SQUAD EQUIPMENT CHANGEOVERS FOR TWO NEW SQUADS AT \$9086.57 PER SQUAD, IN AN AMOUNT NOT TO EXCEED \$18,500

M. PURCHASE OF RADIO & LIGHTING EQUIPMENT FOR FIRE DEPT. UNIT 1785 FOR A TOTAL OF \$2,854 FOR REMOVAL AND INSTALLATION

N. CARRYOVER FUNDS OF \$15,000 FROM FIRE DEPT. ACCOUNT 10-522-570-8100 BUDGETED FOR A TRAINING TOWER

O. RESOLUTION NO. R28-12 ADOPTING MENOMONEE RIVER WATERSHED-BASED WPDES PERMIT

MOTION (Vanderheiden/Ewert) to approve Consent Agenda Items A-O by roll call vote, all in favor, motion carried.

UNFINISHED BUSINESS:

A. APPOINTMENTS – *Commissions/Boards/Committees*: None.

B. WEBSITE AGREEMENT

Recreation Supervisor Joe Masiarchin presented the updated website agreement with Civic Plus. **MOTION (Zabel/Kaminski) to approve and sign the agreement with Civic Plus to design and host the Village website with a 4 year agreement as stated and presented. Roll call vote, all in favor, motion carried.**

NEW BUSINESS:

President Wolter requested a motion to move item D to first on the agenda. Trustee Vanderheiden requested Item A remain first as the representative party is in the audience.

MOTION (Hughes/Zabel) to move to Item D after Item A, all in favor, motion carried.

A. ANIMAL FANCIER LICENSE:

1. Phil Secker W167 N10532 Bridle Path

MOTION (Zabel/Daniels) to approve the license for Phil Secker with the restrictions put on it by Public Safety that the applicant does not replace current dogs with other dogs. President Wolter requested explanation from Public Safety Chair Trustee Werderman. Trustee Werderman – Mr. Secker has come before Public Safety for some time for the license, with one neighbor filing a complaint. During the discussion of the permit it was explained by the applicant one of the dogs from the prior permit is no longer with them and had been replaced by a new dog. Discussion ensued that the six specific dogs on the license were by name and in theory they were not able to change out dogs as they saw fit. Motion was if one of the dogs on the permit is no longer residing with them through the year they cannot just replace the dog but would have to

come before the committee if they wanted to renew and replace that dog. Mr. Secker - All neighbors living close have expressed no problems with the dogs. Dogs compete in field trials, as 1, a pair or team of 4. Had to put one dog down and need the flexibility to replace with another dog in order to compete. Mr. Secker stated the dogs are trained and don't bark even when he goes to feed them. President Wolter confirmed the dogs had not barked when he was there with Mr. Secker. Mr. Secker stated all tags are current on current dogs including new dog Ashley. Having to come to the board each time for a new dog could hinder him in the process of his events. **MOTION (Werderman/Zabel) to remove the condition that came from Public Safety committee.** Discussion of his updating his license when this occurs and Fancier License allowing any combination beyond three dogs. Attorney Sajdak stated the guidelines within the Code provide for the requirement of a license for any beyond three. It states the Public Safety Committee may require additional conditions and failure to comply may be reasons to revoke. Trustee Werderman's motion is to remove the amendment from Public Safety that he cannot exchange without coming to committee. Trustee Vanderheiden clarified Mr. Secker can replace one dog within the 6 but he can only increase the number through the permission of the committee. Trustee Werderman asked the attorney if it is his opinion you can have any number over 3. Attorney Sajdak stated if there is no condition placed on the permit it would allow any number. If there is a condition placed on the permit, then that would control. Voting on the amendment: **8 in favor, one opposed (Hughes), motion carried.** Original motion. Trustee Ewert – I will always vote against these numbers because I think it is too many. **8 in favor, one opposed (Ewert), motion carried.**

D. INTERSECTION IMPROVEMENTS – STH 145 & DONGES BAY ROAD

Director of Public Works Dan Ludwig introduced the proposed intersection improvements for STH 145 & Donges Bay Road. Item due to traffic attributed to the business park and Memorandum of Understanding reallocated this section of Donges Bay Road. The intersection would be completely funded by the DOT, no cost to the Village as it stands right now. Signaled intersection has a cost of \$1.9 million and a roundabout intersection a cost of \$1.4 million. Intersection control evaluation (ICE) approved and DOT met with the Public Works Committee on July 3rd and presented 2 roundabouts and a signalized intersection. Ludwig introduced Jeremy Hinds, Project Manager with Bloom Companies and Stacey Pierce with the WisDOT traffic section. Also Adetoye Adeniyi with WisDOT. Mr. Hinds presented the design and discussed the historical and arch aspects of the project. June 2012 ICE approved and recommended roundabout design as the best alternative to move forward with. Summer of 2012 the State modified their policy and procedures. Today the Village is hearing concerns by locals on a roundabout intersection. New software implemented shows a multilane facility is needed. Directed to bring forward feasible designs that would not impact the school house property. It would not get moved back to the southwest but would need to slide further away from that. When building in 2015 they will build a single lane roundabout that is sized appropriately to fit a multilane facility. Cannot compromise on safety. Signalized intersection restricts and impacts 20 driveways. Roundabout only impacts 3 driveways and is a much better design when concerned with access. The standards are different than when the County Line Road discussion took place. If the Village demands a signaled intersection, it is likely the Village will have to contribute to

the cost. We have met with concerned residents from July meeting and shared with them options with the median to try to accommodate them. Trustee Vanderheiden stated the committee would not block going forward but wanted presentation in front of Village Board for input. Mr. Hinds showed the present design which is designed for a multilane facility and scaled back to what would be built in 2015. There will be a second public information meeting the summer of 2013. Resident coordination and concerns will be on-going. There are tools for the board and others to use at the following links.

<http://safety.fhwa.dot.gov/intersection/roundabouts/>

<http://dot.wi.gov/safety/motorist/roaddesign/roundabouts/index.htm>

Can also access the FAQ Link at DOT or type WisDOT and Roundabouts in search.

Trustee Ewert asked if we had an option as the Village or if we are required to take what the State gives us? Hinds – you do have an option but if you want to circumvent what the DOT recommends you may be on the hook for possibly half a million dollars.

Trustee Ewert – I am not a fan of roundabouts. Hinds – due to the traffic demand this intersection does need to be improved. There will be an increase in traffic. Trustee Zabel – It was brought up at Public Works that Donges Bay is only 2 miles long and traffic has not changed much. It was approved 3 or 4 years ago by the DOT as an

agreed intersection without the major turn lanes at a cost of \$120,000 to the Village and now we are talking about \$500,000 for a roundabout to the State. Trustee Zabel expressed concerns with costs and thoughts of other options as well as traffic counts.

Hinds – We have asked DOT to provide a count and it is based on planned development. The East leg of Donges Bay Rd is the controlling leg. Trustee Zabel – the island design you have going west is way longer than will ever be needed. Hinds – those medians are for safety. Adetoye Adeniyi with DOT stated the choice was made by the Village as far as this intersection is concerned and this is a FHWA, not a DOT choice, designed by FHWA standards and according to their standard they are saying a roundabout is recommended. A roundabout is always safe. Anytime there is an improvement you use a control and they are saying a roundabout. It goes to your question; the Village will be responsible for the improvement. It wasn't a DOT or FHWA choice in the beginning. It was brought to us by the Village. Trustee Zabel – I think it is an overdesign for the amount of traffic that's going to be on that road. Adeniyi – If you go back over and over again they are going to say you wasted that money from 3 years ago. They look to the future 15 to 20 years and what is going to happen and what it can handle. We don't want to go back to them in 5 or 15 years and say let's go. President Wolter – he has explained it and since that time the standard has changed. If you want to go back to that argument then we should have built it 3 years ago. This is the standard they have to follow today and based on some of the changes we are going to make in that area this is what they are coming forward with but they are saying, let's address the neighbor's concerns and do this the best we can in that area and see if there is some way to work that out. They have clearly stated it is a roundabout. If you want to go back to that intersection as to what it was prior, we let that one go. We were ready. We had a lot of our right of ways and easements but the Village Board chose not to, on some of your lead and I voted for that and in hindsight, yes we should have. But to go back to improved they are telling you it is more limiting with a controlled intersection and you are going to carry the difference of the \$500,000 and I'm not ready to do that. That is more money we can put into roads and other Village items. When you get into a project like this with the State you have to negotiate and trade, but you also give more than you get. We are getting the balance of that road covered. What we are getting may not be exactly what you want but we have to look that the residents still have their access.

Trustee Zabel – I'll go back to the original design. Yes, the standards may have changed and some things may have occurred but when the MOU went down they were going to take over that intersection and build it the way it was designed. I did not think they were going to come back with, in my opinion, an overblown design. President Wolter – they are now following a standard that is different than it was 3 or 4 years ago. Trustee Zabel – I want them to be sure and know that in the next 15 to 20 years that road will probably change. Trustee Vanderheiden expressed wishes for more teaching of the public on how to drive roundabouts. Adeniyi – That is under the Division of Motor Vehicles and I can contact them to see what programs are in place. President Wolter asked if we are looking for action on this. We have some direction. Lots of push back and forth back then and it wasn't improved and in hindsight it would have been done. We should look out for the best interest for Germantown and its residents but let's look at the cost. Trustee Zabel – that intersection was approved to be reconstructed but the State came back to us and said we had to obtain an additional right of way on property and at that point it was changed not to do it. President Wolter – the Board chose not to do it based on a second vote and that was after an election. You can look at it anyway you want, but it is not done today.

B. RECREATION DEPARTMENT INTERGOVERNMENTAL AGREEMENT WITH GERMANTOWN SCHOOL DISTRICT

Recreation Supervisory Joe Masiarchin presented the agreement with the Germantown School District. **MOTION (Vanderheiden/Kaminski) to accept the Recreation Department Intergovernmental agreement with Germantown School District as presented.** Discussion of agreement costs, savings and exchange of facilities and programs. **Roll call vote, all in favor, motion carried.**

C. WisDOT STH 167 (MEQUON RD) CORRIDOR STUDY – Discussion & Recommendation on Design Alternatives

Planner Retzlaff presented the STH 167 Corridor Study for a 5 mile segment from Pilgrim Road east to Wauwatosa Road in Mequon for discussion and input from the Village. Study has been submitted to both Public Works and Plan Commission. Presented outcome view from both in regard to four particular items: 4 lane divided section (urban vs. rural), intersection type – signalized vs. roundabout, pedestrian access (sidewalks – one or both sides, multipurpose path or trail) and lighting features. Discussion regarding what is being proposed and the varying options from the two committees. Would like to have some definitive ideas to send input to the DOT early. Village Engineer Bischke stated it is better if we tell them where we want a roundabout. If there is a real estate transaction at that location they can proceed and it would be better for the Village if they do. Discussion of intersection at Eisenhower. Eisenhower might be a \$250,000 project and when that is redone that equipment is not going to be used. Equipment would likely be taken and used as spare parts. President Wolter – They are asking for our recommendation at this time. **MOTION (Baum/Kaminski) to submit the Public Works list of alternatives to the State.** Discussion of urban vs. rural and sidewalks, bike paths, signals and construction. Engineer Bischke – After the study is done they will ask us to sign off. President Wolter – I recommend when we come forward with a 2030 plan and consideration of zoning and changes herein we reflect this. They based some of their recommendations on what the 2020 plan was. This is our chance to have input and put something forward. You are giving them

that right because our recommendation is minimal. **MOTION (Baum/Daniels) to amend to take 4-Lane Section from the Plan Commission (Urban: Pilgrim Rd to FDL/145, Rural: FDL/145 to Wasaukee Rd), the Intersection Type from the Public Works (All signalized; No Roundabouts), the Pedestrian Access from Plan Commission (Sidewalks (both sides): Pilgrim to FDL/145, Path (north side only): FDL/145 to Wasaukee), and the Lighting from both proposals (Repeat Existing Pilgrim Rd to Wasaukee Rd: Median-Tall Pole-Mast Arm-Decorative Fixture) in favor, one opposed (Hughes), amendment to motion carried. On original motion, 8 in favor, one opposed (Hughes), motion carried.**

MOTION (Hughes/Werderman) to go out of order and take Item 'G' next, all in favor, motion carried.

G. AMENDMENT TO THE BLACKSTONE CREEK PDD CONDITIONS & RESTRICTIONS RESOLUTION (RES#19-12); MATT NEUMANN, MN HOLDINGS INC.

Planner Retzlaff presented the Amendment to the Blackstone Creek PDD Conditions and Restrictions Resolution, No. 19-12, Matt Neumann, MN Holdings Inc. Proposal to delete portions of Condition #7, requirement for all landscaping to be installed prior to issuance of occupancy permit and replace with similar from HOA covenants that requires a \$500 fee paid to the HOA to ensure installation of (2) trees. Plan Commission has recommended approval provided HOA covenants are changed to reflect 6 particular items and we have received a copy of HOA covenants which the PDD has revised to reflect the necessary language changes. That will complete the deal and put the burden of enforcing the landscaping on the HOA and not on the Village. These will be recorded separately. **MOTION (Hughes/Baum) to accept Resolution No. R29-12 Amending Resolution No. 19-12 Containing Conditions and Restrictions for the Blackstone Creek Planned Development District with the changes to the PDD and the HOA as recommended by the Plan Commission.** Discussion of HOA and who watches over them for compliance. Attorney Sajdak stated we are a party to the terms, restrictions and the covenants and have the ability to enforce them. We are typically named as benefited parties. **All in favor, motion carried.**

**E. VILLAGE OF GERMANTOWN; 3-LOT CERTIFIED SURVEY MAP (CSM); NORTH PATTON COURT, GERMANTOWN BUSINESS PARK
MOTION (Ewert/Baum) to approve Village of Germantown; 3-Lot Certified Survey Map (CSM); North Patton Court, Germantown Business Park, all in favor, motion carried.**

**F. VILLAGE OF GERMANTOWN & KRENZ & COMPANY, INC; 1-LOT CERTIFIED SURVEY MAP (CSM); GERMANTOWN BUSINESS PARK
MOTION Zabel/Werderman) to approve the Village of Germantown & Krenz & Company, Inc; 1-Lot Certified Survey Map (CSM); Germantown Business Park.** Attorney Sajdak recommended an amendment as the process should be to close on the sale of the lot first and record that, then have just Peterson Global signing off on the CSM as the sole owner. Cleaner process for closing and recording with the Register of Deeds. **MOTION (Zabel/Baum) to amend approval of the CSM as part of legal as recommended by Village Attorney. All in favor, motion carried. Original motion:**

All in favor, motion carried.

H. AMENDMENT NO. 2 TO DECLARATION OF RESTRICTIONS AND COVENANTS FOR GERMANTOWN BUSINESS PARK TIF #4

Attorney Sajdak explained proposal is to allow from 18 to 36 months in terms of time they have from transfer of property to commence construction. This allows formal declaration of that and authorizes appropriate signatures. Discussion of TIF members approval. **MOTION (Zabel/Baum) to approve the Amendment No. 2 to Declaration of Restrictions and Covenants for Germantown Business Park TIF #4, all in favor, motion carried.**

I. APPOINTMENT OF INTERIM DIRECTOR OF PARKS AND RECREATION

Administrator Schornack presented his recommendation to appoint Joe Masiarchin as Interim Director of Parks and Recreation effective January 1, 2013 and set his salary at \$51,000. Patti Heinen, Recreation Supervisor, did not want the position. **MOTION (Werderman/Kaminski) to appoint Joe Masiarchin as Interim Parks and Recreation Director as of January 1, 2013, with a salary of \$51,000.** Discussion of temporary salary and process on day to day operations. Trustee Zabel questioned if an Interim Director was necessary. Administrator Schornack - Very important for all that will take place during that time to have an Interim Director in place. Discussion of hiring timeline and advertising dates for various outlets. **Roll call vote, all in favor, motion carried.**

J. SCHEDULE COMMITTEE OF THE WHOLE MEETING TO DISCUSS GERMANTOWN FIRE DEPARTMENT STAFFING PROPOSALS

Discussion of possible meeting dates for Committee of the Whole to discuss Germantown Fire Department staffing proposals. Schedule meeting for Wednesday, January 9, 2013 at 6:00 p.m.

Next Village Board meeting is January 7, 2013 at 7:00 p.m.

XI. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:30 p.m.

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