

MEETING: REGULAR MEETING OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE

DATE & TIME: Wednesday, October 1, 2025 at 5:30 PM

**LOCATION: Germantown Village Hall Board Room
N112 W17001 Mequon Road**

Any member of the body and/or citizen may attend the meeting virtually through the WebEx platform, Meeting #: **2555 672 0428** Password: **ZNmFyjsD343** which can be accessed by phone at 408-418-9388 or by logging on at: <https://villageofgermantown.my.webex.com/villageofgermantown.my/j.php?MTID=mc28ed9f85300bb8f63267a15d2f40b55>

Citizens not wishing to attend the meeting personally or virtually may submit any public comments by sending an email to comments@germantownwi.gov by 4 p.m. on the day of the meeting so that it can be provided to the members of the body for their consideration.

Previously recorded Village Board Meeting Videos can be viewed at https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ.

AGENDA

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*
- II. **ROLL CALL:**
- III. **MEETING MINUTES:**
 - A. September 23, 2025 (ACTION)
- IV. **PUBLIC COMMENT:** *Please be advised per State Statute Section 19.84(2), information will be received from the public. It is the policy of this municipality that there be a four-minute time period, per person, with time extensions per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, NO ACTION will be taken under public comments. Comments that may be injurious to village personnel or other individuals will not be allowed.*
- V. **UNFINISHED BUSINESS:**
- VI. **NEW BUSINESS:**
 - A. An Ordinance to Amend Section 8.02 of the Germantown Municipal Code related to Sidewalk Winter Maintenance. (ACTION)
 - B. A Resolution adopting the Sidewalk Winter Maintenance Map. (ACTION)
 - C. An Ordinance to Amend Section 9.19 of the Germantown Municipal Code related to election campaign sign placement in the right-of-way. (ACTION)
 - D. A Resolution joining Washington County to support the reversal of the EPA non-attainment designation for portions of Washington County. (ACTION)
 - E. Division Road Update - Additional Survey for Easement and Plat Work (DISCUSSION)
 - F. 2025 Construction Debrief and Discussion (DISCUSSION)
- VII. **DIRECTOR'S REPORT:**
 - A. October Director's Report
- VIII. **NEXT MEETING DATE:**

IX. ANNOUNCEMENTS:

X. ADJOURNMENT:

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the Village Clerk at (262)250-4745 at least 2 days prior to the meeting.

Notice is hereby given that a possible quorum of other boards, committees, and/or commissions may attend this meeting to gather information about an item over which they have decision-making responsibility. This may constitute a meeting of these bodies per State ex rel. Badke v Greendale Village Board, even though these bodies will not take formal action at this meeting.

MEETING:	SPECIAL MEETING OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE
DATE AND TIME:	Tuesday, September 23, 2025 5:30 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

MINUTES

I. CALL TO ORDER:

Chairperson Kaminski called the Special Public Works and Highways Committee meeting to order at 5:31PM.

II. ROLL CALL:

Present: Trustee Terri Kaminski, Trustee Rick Miller, Trustee Robert Warren, Trustee Jan Miller

Absent: None

Excused: None

III. MEETING MINUTES:

A. September 3, 2025 (ACTION)

Motion: Approve as presented

Motioned By: Robert Warren

Seconded By: Rick Miller

Yes: Terri Kaminski, Rick Miller, Robert Warren, Jan Miller

No: None

Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

IV. PUBLIC COMMENT:

One citizen spoke:

Scott Hefle (W159N10514 Old Farm Rd) spoke about the format accounting reports and the recommended budget.

V. UNFINISHED BUSINESS:

A. Public Works Capital Budget Review (Action)

Director of Public Works, Matt Mortwedt, with assistance from the Director of Finance, Matthew Uselding, answered questions from the Public Works and Highway Committee about the budget. It was determined that only a small savings would be achieved by fairly large cuts. The committee opted not to make any recommendations to the Committee of the Whole.

VI. NEW BUSINESS:

A. Wastewater and Water Utility Budget Review (Action)

Director of Public Works, Matt Mortwedt, with assistance from the Director of Finance, Matthew Uselding, discussed the Wastewater and Water Utility budget and answered questions from the committee. The committee opted not to make any recommendations to the Committee of the Whole.

B. Consideration of the 5-Year Capital Improvement Plan (Action)

Director of Public Works, Matt Mortwedt, explained the 5-Year Capital Improvement Plan regarding the needs for the Engineering Division, the needs in terms of stormwater and drainage, and large obligations in the Wastewater Utility. This plan merely identifies important needs, it does not allocate dollars.

Motion: Approve as presented

Motioned By: Rick Miller

Seconded By: Robert Warren

Yes: Terri Kaminski, Rick Miller, Robert Warren, Jan Miller

No: None

Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

VII. **DIRECTOR'S REPORT:**

None

VIII. **NEXT MEETING DATE:**

The next Public Works and Highways Committee Meeting will be held on October 1, 2025 at 5:30PM.

IX. **ANNOUNCEMENTS:**

None

X. **ADJOURNMENT:**

Chairperson Kaminski adjourned the meeting at 6:50PM.

BUSINESS OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE

MEETING DATE: October 1, 2025

PLACEMENT: Ordinance

ITEM TITLE: An Ordinance to Amend Section 8.02 of the Germantown Municipal Code related to Sidewalk Winter Maintenance.
(ACTION)

SUBMITTED BY: Matthew Mortwedt, Public Works Director

SUMMARY EXPLANATION:

Discussion Summary

The possibility of amending Municipal Code Section 8.02 was reviewed at the July and August Public Works and Highway Committee (PWHC) meetings. In July, the Director of Public Works presented a memorandum outlining concerns with the current code. The memo emphasized how the existing language limits connectivity, defined the term “sidewalk,” reviewed the history and expansion of the sidewalk network, compared practices in neighboring municipalities, and detailed maintenance costs. It also outlined potential options available to the PWHC and Village Board for modifying the code.

Committee Deliberations

At the July meeting, committee members requested additional information regarding the amount of winter sidewalk maintenance that would be transferred to adjacent property owners.

In August, staff provided a breakdown showing the distribution of sidewalk adjacent to front yards, side yards, and commercial properties, compared to backyards. Staff also introduced the concept of adopting a winter sidewalk maintenance map. Following discussion, the PWHC directed staff to prepare a draft ordinance shifting a portion of winter sidewalk maintenance responsibilities to adjacent property owners, guided by an official map.

Next Steps

The proposed code revision before the committee this evening reflects the direction and discussion from the previous two meetings. The subsequent agenda item is a resolution to adopt the official winter maintenance map.

ATTACHMENT:

1. Ordinance to Amend 8.02 Sidewalks - MJM
2. Memo re Sidewalk Maintenance Ordinance
3. Sidewalk Ordinance Memo 070225 (1)

STAFF RECOMMENDATION:

Staff requests a positive recommendation to the Village Board.

ACTION BY COMMITTEE:

STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

ORDINANCE NO. _____-2025

AN ORDINANCE TO AMEND SECTION 15.08 OF THE GERMANTOWN MUNICIPAL CODE RELATED TO CLEAR WATER DISCHARGE

WHEREAS, the Village Board previously adopted section 8.02 of the Germantown Municipal Code which adopted standards for sidewalk maintenance, including snow removal; and

WHEREAS, the Village Board desires to amend that section to align Germantown snow removal practices with neighboring communities, delineate Village of Germantown responsibility and adjacent property owner responsibility, and adopt a sidewalk winter maintenance map;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Section 8.02 of the Germantown Municipal Code is amended to read as follows (NOTE: added text is underlined; Deleted text is ~~struck through~~):

8.02 - SIDEWALK/PATHWAY CONSTRUCTION, REPAIR AND SNOW REMOVAL WINTER MAINTENANCE. (Rep. & Recr. Ord. #15-91)

- (1) **INITIAL SIDEWALK/PATHWAY CONSTRUCTION.** See section 18.08(6) of this Code.
- (2) **SIDEWALK/PATHWAY REPAIR AND REPLACEMENT.** The Director of Public Works is directed to inspect all Village sidewalks/pathways at least annually and if, in his judgment, any such sidewalks/pathways are in need of repair or replacement, he shall cause the same to be repaired or replaced at Village expense.
- ~~(3) **SIDEWALK SNOW REMOVAL.** The Director of Public Works is directed to remove the snow from all Village sidewalks as soon as convenient after Village streets are plowed.~~
- (3) **WINTER SIDEWALK MAINTENANCE.** The Director of Public Works shall present to the Village Board for approval a Sidewalk Winter Maintenance Map (Maintenance Map) that outlines municipal and adjacent property owner responsibilities for snow removal.

(a) Applicability and map.

1. The Maintenance Map is incorporated by reference as is fully set forth herein.

2. The Director of Public Works may recommend updates to the Maintenance Map to reflect growth of the sidewalk network, or changes in responsibility. Updates to the Maintenance Map take effect upon Village Board adoption by resolution.

3. If a segment of sidewalk is not depicted on the Maintenance Map, responsibility defaults to the adjacent property owner.

(b) Responsibility to remove snow and ice.

1. The Village shall remove snow and ice from municipal routes to maintain a passable condition, prioritizing curb ramps and crosswalks. Snow removal on sidewalks will begin upon completion of road plow routes, or the next business day if plow routes end after 2:00 p.m. Monday through Friday.

2. The owner, occupant, or person in control of the property adjacent to a sidewalk shall:

i. **Time to Clear.** Remove snow and ice within 24 hours after snowfall ceases for events ending between 5:00 a.m. and 8:00 p.m., and by 5:00 p.m. the next day for events ending overnight.

ii. **Ice Treatment.** When icy conditions exist, spread an appropriate deicer.

iii. **Windrows.** Remove windrows created by and plowing activity that obstructs the sidewalk or curb ramp adjacent to the property within 12 hours of formation, if formation occurs following an initial clearing.

iv. **Corner Lots.** Adjacent owners must clear the full width of both sidewalks and all curb ramps at the corner, including connecting pedestrian connections across driveway aprons.

v. **Depositing Snow.** No person shall deposit snow or ice onto any public street, sidewalk, curb ramp, or within the terrace in a manner that obstructs pedestrian or vehicular traffic.

(c) Standards of service.

1. Clear the entire paved width of the sidewalk and curb ramps to a minimum of 4 feet, or the width of the sidewalk if narrower than 4 feet.

2. Maintain curb ramps free of edge ridges and windrows.

(d) Enforcement; abatement

1. **Inspection.** The Director of Public Works may inspect sidewalks after the compliance deadline.

2. **Notice.** If not compliant, the Village may post or deliver a notice allowing 6 hours to cure the non-compliant condition.

3. Village abatement. Upon failure to cure, the Village may remove snow/ice and charge the costs (labor, equipment, materials, administration) to the property owner as a special charge or assessment against the property, in addition to issuance of a citation.

4. Penalties. First violation: \$100; subsequent within 12 months \$200 each. Each day constitutes a separate offense.

5. Emergency abatement. If conditions pose an immediate hazard, the Village may abate without prior notice and assess costs.

(e) Appeals.

1. Appeal. Affected owners may appeal a citation or assessment to the Public Works and Highways Committee within 10 days of notice. Appeals must be initiated with the Village Clerk.

(f) Effective date.

1. This section and the adopted Maintenance Map become effective May 1, 2026. The Maintenance Map will be modified by resolution thereafter.

(4) DEFINITIONS. (Cr. Ord. #14-91; Am. Ord. #01-14) For the purpose of this section, the following definitions shall be used:

(a) Pathway. A specific area designated for the movement of pedestrian or bicycle traffic which may be constructed of asphalt, concrete, permeable surfacing, stone or wood chips, and located in Village easements, parks or parkways.

(b) Sidewalk. A specific area designated for the movement of pedestrian or bicycle traffic, which is constructed of asphalt, concrete, or permeable surfacing, and is located within the right-of-way of Village streets.

(c) Curb ramp. Includes traditional curb ramps, detectable-warning areas and mid-block crossings.

(d) Windrow. Snow deposited by public or private plowing operations across a sidewalk, curb ramp or driveway crossing.

(e) Adopted Sidewalk Winter Maintenance Map. The official map adopted by resolution of the Village Board and kept on file by the Village Clerk and posted on the Village website, delineating:

- (1) Municipal responsibility
- (2) Adjacent property owner responsibility
- (3) No snow removal sidewalks

(f) The Director of Public Works. The Director of Public Works, or his/her designee.

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect

DRAFT

SECTION III

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION IV

This ordinance shall take effect and be in full force upon its passage and the day after its publication.

Adopted:

Robert A Soderberg, Village President

ATTEST:

Donna Ott, Village Clerk

Approved as to form:

Brian C. Sajdak, Village Attorney

Published:

To Public Works Committee
From Brian C. Sajdak, Village Attorney
Date June 25, 2025
Re Sidewalk Maintenance Ordinance

I have been asked to provide a legal analysis of the various options being considered as an amendment to the current sidewalk maintenance ordinance. The current ordinance places full responsibility for the maintenance of sidewalks upon the Village, and is found in Sec. 8.02 of the Municipal Code:

8.02 SIDEWALK/PATHWAY CONSTRUCTION, REPAIR AND SNOW REMOVAL.

(1) INITIAL SIDEWALK/PATHWAY CONSTRUCTION. See section 18.08(6) of this Code.

(2) SIDEWALK/PATHWAY REPAIR AND REPLACEMENT. The Director of Public Works is directed to inspect all Village sidewalks/pathways at least annually and if, in his judgment, any such sidewalks/pathways are in need of repair or replacement, he shall cause the same to be repaired or replaced at Village expense.

(3) SIDEWALK SNOW REMOVAL. The Director of Public Works is directed to remove the snow from all Village sidewalks as soon as convenient after Village streets are plowed.

(4) DEFINITIONS. For the purpose of this section, the following definitions shall be used:

(a) Pathway. A specific area designated for the movement of pedestrian or bicycle traffic which may be constructed of asphalt, concrete, permeable surfacing, stone or wood chips, and located in Village easements, parks or parkways.

(b) Sidewalk. A specific area designated for the movement of pedestrian or bicycle traffic, which is constructed of asphalt, concrete, or permeable surfacing, and is located within the right-of-way of Village streets.

Public Works staff indicates that they are proposing three options for amendments:

1. Shift responsibility for all ROW sidewalk snow removal to the adjacent property owner.
2. Maintain the current ROW sidewalk snow removal area. New sidewalk outside of the existing area would have snow removed by the adjacent property owner.
3. Continue to maintain sidewalk in the right of way where it is situated in the adjacent property owners back yard. Transfer ROW sidewalk snow removal to the adjacent property owner where the ROW sidewalk is situated along the side and front yards.

This memorandum considers these three options and provides one additional point for possible discussion.

Option 1

This option shifts responsibility for snow removal to the adjacent owners. This approach is consistent with the approach used in many communities in Wisconsin where sidewalks are prevalent. Samples for some of these communities are attached. There are a few issues with this option.

First, there are large parts of the existing sidewalk network which is installed to the rear of residential properties such as areas on the west side of Pilgrim Road and the south side of Mequon Road. Many of these homes have placed continuous fencing along the rear property line, which would make access for an individual homeowner. In new subdivisions, this is typically handled by the Homeowner's Association, much like property maintenance in a condominium. Some of these existing neighborhoods may not have existing HOAs and/or budget to add this maintenance.

Second, there may be a levy impact to the change, although it is likely small. Under Wisconsin law, a municipality may be required to reduce its available levy where there is a change in the manner in which the municipality pays for certain "covered services." This negative adjustment is required when a municipality shifts payment for these covered services from the tax levy to a fee-based approach. Specifically, if the municipality gains "revenues that are designated to pay for a covered service that was funded in 2013 by the levy of the political subdivision, the political subdivision shall reduce its levy limit in the

current year by an amount equal to the estimated amount of fee revenue collected for providing the covered service, less any previous reductions made under this subdivision, not to exceed the amount funded in 2013 by the levy of the political subdivision.” Wis. Stat. § 66.0602(2m)(b)2. Covered services under the statute are, with some exceptions, “garbage collection, fire protection, snow plowing, street sweeping, or storm water management.” Wis. Stat. § 66.0602(2m)(b)1. Unfortunately, “snow plowing” is not defined by the statute, so it is unclear whether the term would cover the cost of snow removal on sidewalks. However, even if it did, there would have to be an analysis of how much the Village paid for that out of the levy in 2013 and then take a reduction up to that amount. Given the low priority for this work, my guess is that this is a relatively nominal amount. To the extent that it matters, recall that the statute allows the Village to hold a referendum to avoid the negative levy adjustment by allowing the voters to decide whether to make the change. Given that very few properties have sidewalks currently, there may be broad support for the idea that the Village should not be paying for something that only impacts a small subset of all residents.

Option 2

This option would see the Village continue to provide snow removal in the current locations, but would require new developments with sidewalks to require the adjacent owners to be responsible. The issue discussed above for Option 1 related to the location of some of the sidewalks would be eliminated because new developments would have to account for that responsibility. However, there might be political backlash to this approach that is couched in legal constitutional claims. Those Trustees who have been on the Board long enough will recall the various disputes over the years related to disparate levels of garbage/recycling collection for some developments where a condition of approval was that they provide their own service. The arguments are almost always couched in a constitutional equal protection and/or due process claim—both of which fail.

It is well within the Village’s authority to allocate its tax dollars as it sees fit. Courts have routinely held that a municipality has a legitimate government interest in providing different levels of service to different types of property for economic reasons and, therefore, those differences do not run afoul of the Constitution. See Pheasant Run Condominium Homes Ass’n. v. City of Brookfield, 580 F.Supp. 735, 740 (E.D. Wis. 2008)(Citing Beauclerc Lakes Condominium Ass’n v. City of Jacksonville, 115 F.3d 934, 935 (11th Cir. 1997); Ramsgate Court Townhome Ass’n v. West Chester Borough, 313 F.3d 157, 160 (3d Cir. 2002); and Goldstein v. City of Chicago, 504 F.2d 989, 991 (7th Cir. 1974)). Indeed, there are multiple current examples in the Village to illustrate the point such as sewer/water service, differing levels of fire protection, and the garbage/recycling service mentioned above.

The Pheasant Run case involved an informal policy in the City of Brookfield that required certain developments within the city to maintain their own private roads. The owners

contested that requirement on both constitutional grounds. With respect to the equal protection claims, the Court noted that the form of property ownership is not “suspect” classification. Id. at 739. Nor is there a fundamental right to snow removal or street maintenance. Id. As such, the Court reviewed the policy under the rational basis standard which requires a determination of whether “whether a conceivably rational relationship exists between the distinction in question and a legitimate governmental interest.” Id. In other words, “[g]overnmental action only fails rational basis scrutiny if no sound reason for the action can be hypothesized.” Lauth v. McCollum, 424 F.3d 631, 634 (7th Cir. 2005) (quoting Lamers Dairy, Inc. v. U.S. Dep’t of Agric., 379 F.3d 466, 473 (7th Cir. 2004)). Because conserving tax dollars is a legitimate governmental interest, the Pheasant Run court rejected the equal protection claim.

Similarly, the Court noted that being treated the same as other property owners is not an interest protected by substantive due process. Pheasant Run, 580 F. Supp. at 740. And, because

every unit owner either knew or should have known before purchasing his or her condominium that the development included private roads and that the association bore the responsibility for maintaining them. Owners did not have to purchase units and, having done so, cannot reasonably assert that it is unfair to hold them to their bargains.

Id. at 740-41. Accordingly, the procedural due process claim also failed.

Option 3

This approach eliminates the concern about property access to rear yard sidewalks discussed in Option 1. Beyond that, it retains the same issues and concerns as the other two approaches.

Additional Thoughts

In addition to snow removal, note that the Municipal Code currently provides that the repair or replacement is done by the Village at Village expense. As is illustrated by the attached sample ordinances, some communities charge the cost of repair to the adjacent property owner. This could be considered as well; and would be an option that would not require a negative levy adjustment under the statute.

Village of



Germantown

Department of Public Works

Matt Mortwedt, Director
Kevin Driscoll, Village Engineer
N112 W17001 Mequon Rd, PO Box 337
engineering@germantownwi.gov
262-250-4721

MEMORANDUM

DATE: 6/27/2024
FROM: Matt Mortwedt, Director of Public Works *MM*
TO: Terri Kaminski, Chairperson, Public Works and Highway Committee
The Public Works and Highway Committee.

The Issue to Be Considered: Sidewalk Snow Removal

Section 8.02 of Germantown code requires the Department of Public Works to remove snow from all sidewalks.

A Limiting Factor

With pedestrian connectivity and safety becoming more of a priority with residents, and almost all new development proposals increase the amount of sidewalk, Germantown would be wise to consider modifications to its sidewalk maintenance ordinance.

This code provision has had the effect of holding back larger expansions of the sidewalk network due to concerns about the operational impact, which I will elaborate on later in this memo.

Other Considerations when adding Sidewalk

It goes without saying that snow removal is only one factor of several that Germantown should consider when adding sidewalk. Sidewalks will require long-term maintenance and will eventually need to be replaced. Those repairs and replacements will come at significant cost that should be factored in any decision to add new public sidewalk. A prime example of this is the approximately \$70,000 Germantown is spending on sidewalk repair on Main Street this summer.

Definition of a "Sidewalk"

To understand the issue, it is important to note that "sidewalk" is defined by its location, not the material it is constructed with. When we hear "sidewalk" we naturally think of a 3-foot-wide concrete walk used in more urban cross sections. While it is true, that is a "sidewalk" per the code, so are asphalt paths on Division Road, Donges Bay Road, Freistadt Road, Town 9 Parkway, Holy Hill Road, and soon to include High Point Pass. This is because the code defines a "sidewalk" as an improved path constructed in the right-of-way.

History and Expansion

When the code was adopted sometime around 1980 there was very limited sidewalk in Germantown. Washington County satellite imagery from 1980 shows sidewalk only existed on Main Street, Park Street and Church Street. Though records don't exist to explain the Village Board's rationale for adopting this code, it was likely seen as a limited service focused on Main Street businesses. As the

sidewalk network has expanded, the code requirement has turned sidewalk snow removal into a major service provided in all areas of the Village that will continue to grow with the community.

The proposed Sutton Farm development at County Line and Lannon includes sidewalk throughout the subdivision. It is likely that the future Village Center and Blackstone developments will also include sidewalk. The 2050 plan calls for additional side path, likely qualifying as sidewalk per the code, potentially on Division north of Mequon, Western north of Mequon, Squire north of Mequon, and extensions on Main Street, and various other places to foster connectivity.

Municipal Comparison

This is a service that is very much an anomaly when it comes to typical municipal services provided in other communities. Slinger, West Bend, Menomonee Falls, Brookfield, and most other communities require snow to be removed by adjacent property owners. Most also require snow be removed in 24 hours, and have a code provided assessment process should the municipality have to remove snow. Some municipalities make exceptions to requiring the adjacent property owner requirement when the sidewalk is adjacent to the back yard.

Cost to Maintain

Equipment Needed

Germantown owns three sidewalk tractors that are used for sidewalk snow clearing and grass cutting. The current replacement cost of one tractor is approximately \$270,000. One of these pieces of equipment is due for replacement next year (2026). Projected out, the replacement cost for all three machines is approximately \$1,000,000 in the next 10 years. If the sidewalk network continues to expand, we will be forced to add a fourth machine, increasing that future obligation to approximately \$1.4M. If the snow removal requirement is eliminated, we could reduce that \$1.4M future obligation by more than half, for two reasons. First, we would not need to expand to a fourth piece of equipment. Second, we could purchase mowers, instead of specialty sidewalk tractors, for a significantly lower cost. If we capped or even made some moderate reductions from the current workload it is possible we could see some reductions in capital equipment acquisition cost, but not realize the full savings we would see from eliminating the requirement entirely.

Labor Hours

Currently, clearing sidewalks can take between 16-48 labor hours. As the sidewalk network grows, so will this obligation. There may be a point where additional seasonal help is needed, or an additional full-time employee may be needed in DPW-Highway.

Options to Consider

The Public Works and Highway Committee and the Village Board, understanding the issues raised in this memo can make an informed decision on the current provision in Germantown code 8.02.

- Shift responsibility for all right-of-way sidewalk snow removal to the adjacent property owner.
- Maintain the current right-of-way sidewalk snow removal area and require snow removal of new sidewalk to be conducted by the adjacent property owner.
- Continue to maintain sidewalk in the right-of-way where it is situated in the adjacent property owners back yard. Transfer responsibility for sidewalk snow removal to the adjacent property owner where the sidewalk is adjacent to a side or front yard.
- Understanding the issue, make no changes.

BUSINESS OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE

MEETING DATE: October 1, 2025

PLACEMENT: Action Item

ITEM TITLE: A Resolution adopting the Sidewalk Winter Maintenance Map.
(ACTION)

SUBMITTED BY: Matthew Mortwedt, Public Works Director

SUMMARY EXPLANATION:

The attached resolution and proposed Winter Sidewalk Maintenance Map are attached for consideration. With the modification to section 8.02 of the Germantown Municipal Code regarding winter sidewalk maintenance, an official Winter Sidewalk Maintenance Map is now required.

The map being considered attempts to incorporate feedback from the July and August PWHC meetings. It generally transfers responsibility for winter maintenance of sidewalks to adjacent property owners when:

1. The sidewalk is adjacent to the front of side yard of a residential property.
2. The sidewalk is adjacent to a commercial or industrial property.
3. The sidewalk is adjacent to a multi-unit residential property, whether an apartment complex, condominiums, or private development.

The Village generally continues to maintain primary corridors, and in some instances maintains areas identified above where not conducting the winter maintenance would cause very intermittent service along a sidewalk so as to be overly disruptive.

The map also identifies sidewalks that are not maintained. This map does not address park paths. Park paths will continued to be serviced as they have historically.

Along with the ordinance that revises Municipal Code section 8.02, the Winter Sidewalk Maintenance Map becomes effective on May 1, 2026.

The most recent version of the map will be continuously maintained on the Village website.

ATTACHMENT:

1. XX-2025 Resolution adopting a Sidewalk Winter Maintenance Map
2. Village of Germantown Snow Removal Map_Preferred
3. Village of Germantown Snow Removal Map_Alternative

STAFF RECOMMENDATION:

A positive recommendation to the Village Board.

ACTION BY COMMITTEE:

RESOLUTION NO. -2025

A RESOLUTION ADOPTING THE SIDEWALK WINTER MAINTENANCE MAP

WHEREAS, The Village Board adopted a revision to Municipal Code 8.02 requiring the creation and adoption of a Sidewalk Winter Maintenance Map; and

WHEREAS, The map was drafted by staff in an acceptable format to the Village Board; and

NOW THEREFORE, BE IT RESOLVED by the Village Board of the Village of Germantown, Wisconsin, officially adopts the Sidewalk Winter Maintenance map;

BE IT FURTHER RESOLVED, that the map will become effective May 1, 2026, and it will be posted on the Village website, and shared with residents.

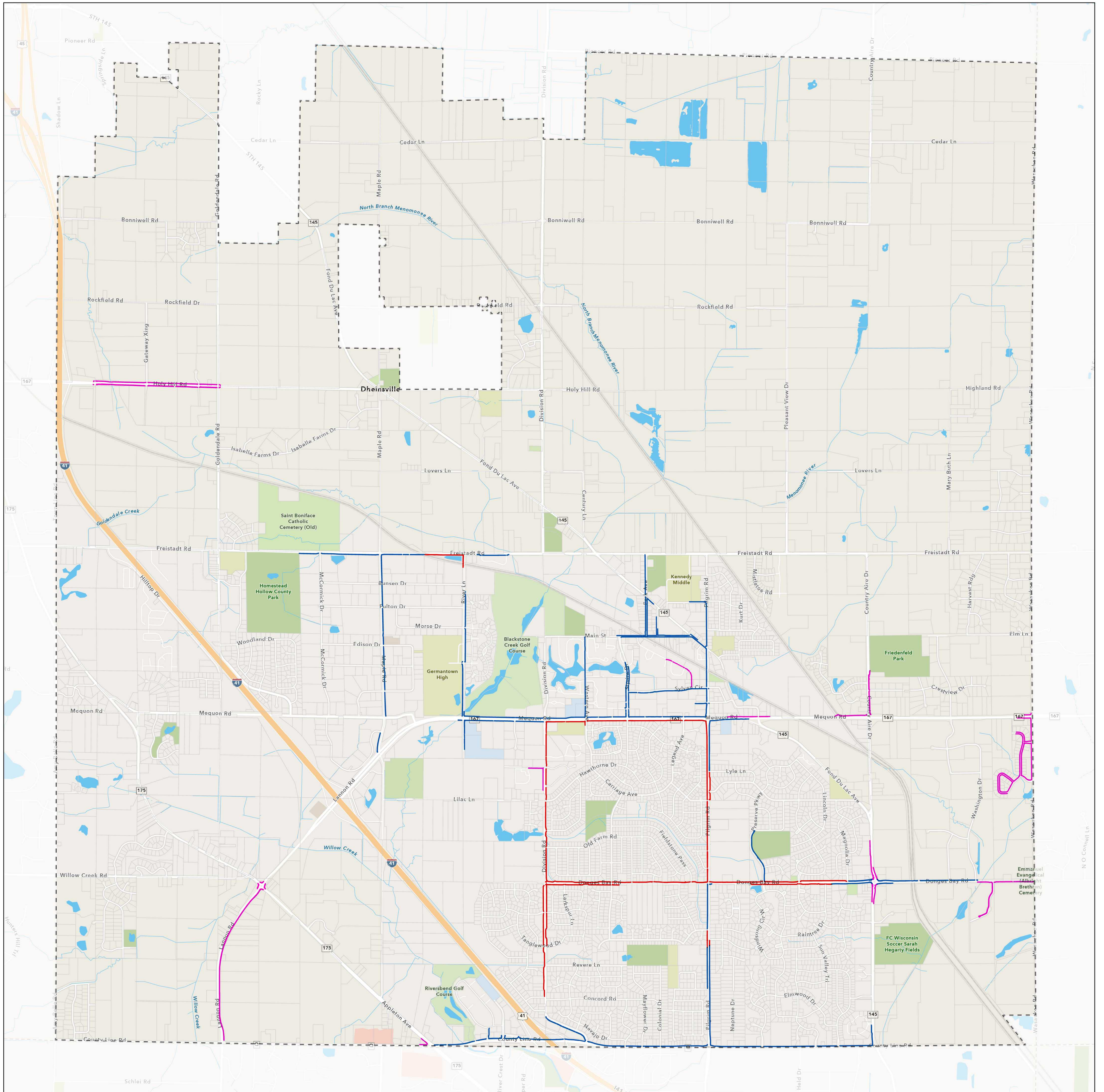
Adopted: October 6, 2025

Robert A Soderberg, Village President

ATTEST:

Donna Ott, Village Clerk

Village of Germantown Sidewalk Snow Removal Map



Legend

--- Village of Germantown Boundary

Snow Removal Responsibility

— No snow removal

— Village Responsibility

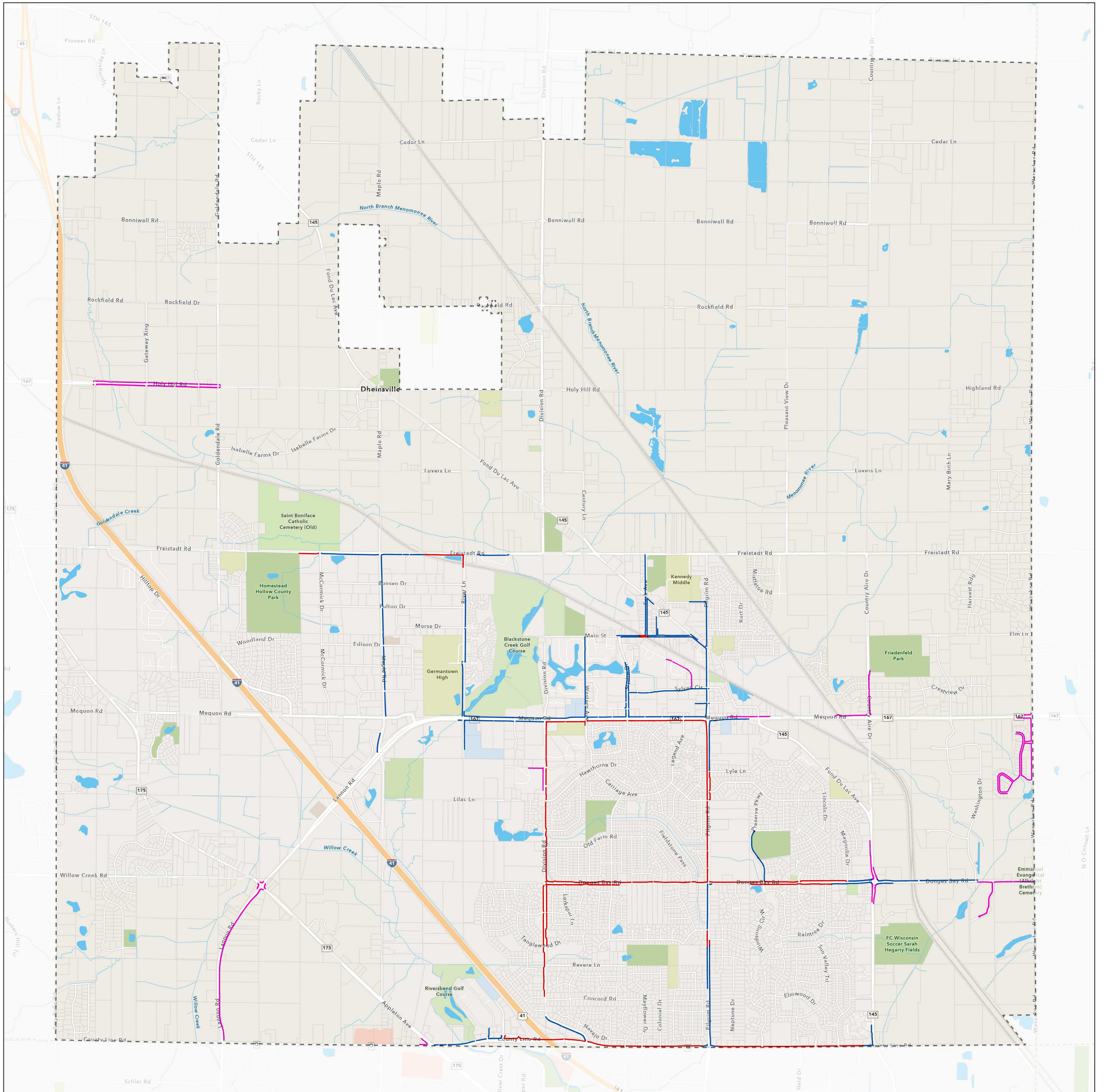
— Adjacent Property Owner Responsibility



0 0.5 1 2 Miles



Village of Germantown Sidewalk Snow Removal Map



Legend

--- Village of Germantown Boundary

Snow Removal Responsibility

— No snow removal

— Village Responsibility

— Adjacent Property Owner Responsibility



0 0.5 1 2 Miles



BUSINESS OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE

MEETING DATE: October 1, 2025

PLACEMENT: Action Item

ITEM TITLE: An Ordinance to Amend Section 9.19 of the Germantown Municipal Code related to election campaign sign placement in the right-of-way. (ACTION)

SUBMITTED BY: Matthew Mortwedt, Public Works Director

SUMMARY EXPLANATION:

The proposed amendment to Municipal Code Section 9.19 related to regulations of election campaign signs disallows the placing of election campaign signs in the right-of-way. The current version of 9.19 allows placement of election campaign signs in the right-of-way under certain conditions.

The revision accomplishes the following:

1. It aligns the Germantown code with similar regulations other agencies have within our municipal boundary, in particular the State of Wisconsin and Washington County.
2. It aligns the Germantown code with the vast majority of municipalities, including most of our neighboring communities.
3. It simplifies enforcement for staff. Under the current code, signs are allowed to be placed in the right-of-way with the adjacent property owners' permission. That permission is often difficult to ascertain and can delay enforcement.
4. Placing signs in the right-of-way is disruptive to Village operations in the right-of-way.
5. Keeping signs out of the right-of-way will also improve sight lines and vision triangles for motorists.

ATTACHMENT:

1. Ordinance to Amend 9.19 Election Campaign Signs Regulated - MJM

STAFF RECOMMENDATION:

Staff requests a positive recommendation to the Village Board.

ACTION BY COMMITTEE:

STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

ORDINANCE NO. _____-2025

AN ORDINANCE TO AMEND SECTION 15.08 OF THE GERMANTOWN MUNICIPAL CODE RELATED TO CLEAR WATER DISCHARGE

WHEREAS, the Village Board previously adopted section 9.19 of the Germantown Municipal Code which adopted regulations for posting election campaign signs; and

WHEREAS, the Village Board desires to amend that section to provide clarity with respect to permissible locations of postings, in particular election campaign sign placement in the right-of-way;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Section 9.19 of the Germantown Municipal Code is amended to read as follows (NOTE: added text is double underlined; Deleted text is ~~struck-through~~):

9.19 ELECTION CAMPAIGN SIGNS REGULATED. (Rep. & Recr. Ord. #26-86; Am. Ord. #05-09)

(1) DEFINITIONS.

- (a) Election Campaign Sign means a sign or placard intended to convey a political message of possible interest to the electorate, regarding a candidate(s) or issue(s), and intended to relate to an election and/or referendum campaign during the election campaign period for that election and/or referendum, as defined in §12.04(1)(a), Wis. Stats. For purposes of this section, election campaign sign shall not mean or refer to a sign or placard conveying a political message which is unrelated to an election and/or referendum campaign.
- (b) Election Campaign Period means:
 - 1. In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election.
 - 2. In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.
- (c) Village-Owned Property means all Village-owned rights-of-way including highways, streets, roads, cul de sacs, alleys, ways, service drives, parking lots and sidewalks, and parkland, open spaces, municipal buildings and grounds, utility buildings and grounds, drainageways, utility and other easement areas, and any other real property in which an interest is owned by the Village, or property owned by the Village, but leased to another entity or individual.

(2) REQUIREMENTS AND RESTRICTIONS FOR POSTING OF SIGNS. No person shall post or place an election campaign sign within the Village except upon compliance with the following requirements and restrictions:

- (a) No election campaign sign shall be erected prior to the first day of the election campaign period, and shall be removed within 10 days after the election campaign period. The property owner or tenant shall be responsible for the removal of such signs.

- (b) No election campaign sign shall be posted or placed on private property without the consent of the owner-occupant of property, the owner of vacant property or the lessee of property, and shall not be posted or placed so as to create a hazard to pedestrians or vehicular traffic. (Am. Ord. #12-12)
- (c) No election campaign sign, nor any sign placed by other than a governmental authority, shall be placed on any Village right-of-way, which shall include the median strip, or any other Village-owned property, ~~except that an election campaign sign may be placed within Village right-of-way provided that it is done with the permission of the owner-occupant or lessee of the abutting property and if it otherwise complies with subsection (d).~~ (Am. Ord. #12-12)
- ~~(d) Any election campaign sign permitted to be posted or placed under this section, shall be posted or placed only on the buildable side of any public sidewalk. In the case there is no sidewalk, any election campaign sign permitted to be posted or placed under this section shall be posted or placed at the private property side of the ditch line, or 4 feet in from the curbing.~~
- (e) Nothing in this section shall be construed as authorizing or permitting the placement or posting of any signage whatsoever in County or State rights-of-way.
- (f) Any election campaign sign or other sign determined to have been posted or placed in contravention of this section may be forthwith removed by the owner-occupant, tenant or authorized Village personnel. (Am. Ord. #12-12)

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect

SECTION III

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION IV

This ordinance shall take effect and be in full force upon its passage and the day after its publication.

Adopted:

Robert A Soderberg, Village President

ATTEST:

Donna Ott, Village Clerk

Approved as to form:

Brian C. Sajdak, Village Attorney

Published:

BUSINESS OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE

MEETING DATE: October 1, 2025

PLACEMENT: Action Item

ITEM TITLE: A Resolution joining Washington County to support the reversal of the EPA non-attainment designation for portions of Washington County. (ACTION)

SUBMITTED BY: Matthew Mortwedt, Public Works Director

SUMMARY EXPLANATION:

Washington County Board Chair Jeffrey Schleif will be present to outline the issue and ask for the Village's support.

The attached resolution identifies the issue.

ATTACHMENT:

1. Resolution XX-2025 EPA Non-Attainment

STAFF RECOMMENDATION:

ACTION BY COMMITTEE:

RESOLUTION NO. _____-2025

A RESOLUTION SUPPORTING REVERSAL OF THE US ENVIRONMENTAL PROTECTION AGENCY DECISION CLASSIFYING PORTIONS OF WASHINGTON COUNTY AS SERIOUS NONATTAINMENT FOR THE 2015 OZONE NATIONAL AMBIENT AIR QUALITY STANDARD

WHEREAS, the Clean Air Act requires the United States Environmental Protection Agency (EPA) to set national ambient air quality standards (NAAQS) for “criteria pollutants.” Currently, ozone and related photochemical oxidants, and five other major pollutants are listed as criteria pollutants including carbon monoxide, lead, nitrogen oxides, particulate matter and sulfur oxides; and

WHEREAS, the Clean Air Act identifies two types of NAAQS. Primary standards which provide public health protection, including protecting the health of "sensitive" populations such as asthmatics, children, and the elderly and Secondary standards which provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings; and

WHEREAS, if the EPA determines that pollution levels in an area exceed a NAAQS or an area contributes to ambient air quality in a nearby area that fails to meet a primary or secondary NAAQS, it may designate that location as a nonattainment area meaning that the area exceeds a standard for one or more criteria and the designated area becomes subject to a state implementation plan that must impose emission reduction requirements on emission sources in that area sufficient to return to attainment; and

WHEREAS, the EPA is required to periodically review relevant scientific data to ensure that the NAAQS provide the requisite protection for public health and welfare; and

WHEREAS, where portions of Washington County were designated as a marginal nonattainment area for ozone in 2015 and were redesignated as a moderate nonattainment area in 2021; and

WHEREAS, in January 2025, those portions of Washington County were redesignated as serious nonattainment area (89 Fed. Reg. 101,901 (December 17, 2024) despite the fact that pollution levels along the Lake Michigan shoreline as measured in Wisconsin have dropped 22% in the last 20 years and ambient air ozone concentrations in Washington County are not monitored, therefore there is no evidence of air quality in Washington County exceeding the ozone NAAQS; and

WHEREAS, the EPA in conducting its review resulting in the serious redesignation failed to consider the State of Wisconsin's good faith efforts to reduce emissions, did not properly account for Washington County's ambient ozone levels having never been monitored above the ozone NAAQS, improperly concluded that pollution attributable to emission sources associated with Washington County meaningfully contribute to the elevated ozone levels monitored along Wisconsin's Lake Michigan shoreline, and anthropogenic ozone in Washington County and the other Wisconsin ozone nonattainment areas being largely the result of polluted air migrating from upwind states including Illinois and Indiana; and

WHEREAS, the change in designation to a serious nonattainment area saddles Washington County and other southeastern Wisconsin counties including Ozaukee and Milwaukee with burdensome requirements that will chill development and slow job growth in the region despite the fact that compliance with these requirements will have minimal impact due to the pollution that will continue to migrate in from other states; and

NOW, THEREFORE, BE IT RESOLVED by the Germantown Village Board that this Board respectfully requests that the EPA reconsider and reverse the designation of portions of Washington County as serious nonattainment.

BE IT FURTHER RESOLVED that the Germantown Village Board is joined in this request by the Washington County Board of Supervisors and Washington County Executive Josh Schoemann.

BE IT FURTHER RESOLVED that the Germantown Village Clerk shall transmit a copy of this Resolution to each of Wisconsin's legislators, Wisconsin's Congressional Delegation, the Director of the US EPA, and President Donald J. Trump.

Adopted: Village Board, October 6, 2025

Robert A Soderberg, Village President

ATTEST:

Donna Ott, Village Clerk

BUSINESS OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE

MEETING DATE: October 1, 2025

PLACEMENT: Presentation

ITEM TITLE: Division Road Update - Additional Survey for Easement and Plat Work (DISCUSSION)

SUBMITTED BY: Matthew Mortwedt, Public Works Director

SUMMARY EXPLANATION:

Staff is notifying the committee of additional survey and potential plat work for TLE (temporary land easement) and PLE (permanent land easement) on additional privately owned parcels adjacent to the new large diameter storm sewer. In January, 8 parcels were authorized by PWHC/VB for plat work. That work is substantially completed and pending final design.

Staff has prepared a design to reconstruct Division Road with drainage improvements, including the new storm sewer in the open ditch south of Lilac Lane, based on hydraulic analysis and design previously approved. That design work is substantially completed and is pending approval by the WDNR for no increase in the regulatory water surface elevation (to meet NR116 requirements).

During this process, staff met with owners to review the proposed plat and discuss the design impact, received concurrence from owners, and performed utility coordination. That utility coordination includes design to relocate wood poles, and confirm underground utility clearances (with hotlines, and pothole locating). Staff also worked to identify the extent of new grading and fill for the drainage improvements at Virginia Avenue and near Lilac Lane.

In addition, the proposed storm sewer south of Lilac Lane fills in the ditch to create a safer shoulder embankment. However, that new slope intercepts the right-of-way (ROW), establishing a new ground surface flow line. Due to the limited cover over the proposed 53x83-inch storm sewer, new field inlets are being considered to drain the surface and avoid ponding. To this point, design work has been focused on the ROW. With this development, additional survey outside the ROW in private drainage easements and adjacent to the proposed storm work is necessary to identify TLEs & PLEs. Staff will begin this additional outreach with property owners and update the plat if necessary.

ATTACHMENT:

STAFF RECOMMENDATION:

ACTION BY COMMITTEE:

BUSINESS OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE

MEETING DATE: October 1, 2025

PLACEMENT: Presentation

ITEM TITLE: 2025 Construction Debrief and Discussion (DISCUSSION)

SUBMITTED BY: Matthew Mortwedt, Public Works Director

SUMMARY EXPLANATION:

With the 2025 construction season nearing completion, DPW is looking for opportunities to make process improvements for the coming years. Items for consideration and discussion:

To address the amount of time necessary to perform a contract:

1. Dividing up contracts.
2. Establishing working days on a contract.
3. Establishing tighter deadlines on contracts.

To improve the quality of design services:

1. Work ahead (years)

To improve the quality of inspection services:

1. Training (in-house staff)
2. Contracting for inspection services

ATTACHMENT:

STAFF RECOMMENDATION:

ACTION BY COMMITTEE:

Director's Report - October 2025

Staff Top Projects

Village Engineer

1	2025 Road and sidewalk program construction	Completing 2025 Road Program. Wagon Trail surface paving anticipated this week.
2	High Point Pass	Coordination with Truck Country construction. Surface paving.
3	Division Road Design	Working on outreach for work on private property.

Civil Engineer

1	Division Road Design	Utility coordination, platting, etc.
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Engineering Techs

1	Curbstop and Street Light Locates	Work in coordination with Asset Manager and Interns.
2	Construction Inspection	Inspecting road projects in progress.
3	Field Investigations	Responding to resident concerns

Asset Manager

1	LCRR Data Review	Submitted updated LCRR spreadsheet to DNR. Letters going out.
2	New GIS Layers	Creating traffic control, street lighting and road layers.
3	GIS system assessment	Migration to ArcGIS Online anticipated in 2026.

Water Superintendant

1	Well 7 and 2 generator replacement.	Preliminary work. Long lead time on generators.
2	Well 4 Upgrades	Design Underway. Construction on hold.
3	Tower 1 Emergency Repair	Tank drained. Repairs started 9/29.

Wastewater Superintendant

1	Yard Waste Grading	Regrading of yard waste complete.
2	YW Grinding	Second effort later in fall.
3	System cleaning	Wrapping up summer work.

Highway, Parks , Buildings & Grounds Superintendant

1	Fall work	Catch basin repairs, Fridenfeld irrigation problems, sidewalk repairs, stump grinding, vehicle maintenance
2	Event Work	Oktoberfest setup.
3	Storm repairs	Rockfield Rd, Donges Bay Rd Path/Pond

Director's Report - October 2025, cont.

Director

1	Telematics and asset management software demos.	Looking for key integration capabilities.
2	Budget prep and meetings.	PWHC's, and VB
3	Bid Package #4 - DPW Demo	Bid Package #4 substantially complete.
4	DPW Building	Nearing completion / transition

Richfield IGA Update

ROW acquisition between Freistadt and WSOR progressing.

Work By Other Agencies

ATC Transmission Line - 2025
TC Energy / ANR Pipeline - 2025 - In progress
WISDOT - WIS 167/Mequon Rd - Wasaukee east (in Mequon) Resurfacing - 2025 - In Progress
WISDOT - WIS 145/Fond du Lac - Division Rd Roundabout - 2026 - 90% Review
WISDOT - WIS 145/Fond du Lac - Mequon Rd to Brown Deer Rd Resurfacing - 2027
WISDOT - WIS 145/Fond du Lac - Division Road to Pilgrim Rd Resurfacing - 2028
WISDOT - WIS 167/Mequon Rd - I-41 to WIS 145 Resurfacing - 2028
WISDOT - WIS 167/Mequon Rd - Fond du Lac to Wasaukee - 2029

Compliance Milestones

1	PSC CPR - Finance researching recrods. Establishing expectations with PSC.
2	DNR Storm Water Polution Prevention Plan (SWPPP) for new DPW - draft in progress.
3	MS4 Draft Permit Application submitted, working on pond modeling.
4	NR854 Water Supply Service Area Planning - report needed by EOY 2025.
5	LCRR Federal service line inventory violation - Accepted inventory.

Letters of Credit on File

	Development	Bank	Amount
1	Kinderberg Estates	Lexon Insurance	\$40,000
2	Wrenwood North / Wrenwood LLC	Midland States Bank	\$396,500
3	Murphy/Golden Pet	Cash	\$10,000
4	Heritage Park North	United Casualty and Surety	\$174,375.25
5	Brion Builders/Green Bay Packaging	Cash	\$35,000.00

Director's Report - October 2025, cont.

Department Update

1	Wagon Trail construction - Anticipate surface this week
2	DNR Stormwater Audit Completed
3	Fall Safety Training 9/18 and 9/23 - Work Zone Safety, Confined Space, Trenching and Excavation
4	Fall Equipment Auctions Starting
5	Recruitment for 1 Highway Operator underway following a retirement
6	Staff storm recognition on 10/22/25
7	DPW Project of the Year presentation at WI APWA on 10/31
8	Received 2024 patrol truck chassis, 2025 Parks pick-up, 2025 Wastewater pick-up
9	Awaiting news on public infrastructure Presidential emergency declaration

Complaint Log - 9/1 - 9/26

Engineering - Connection Request	1
Engineering - Drainage	4
Engineering - Misc.	11
Engineering - Permit Request	1
Garbage - Damaged Cart	5
Garbage - Missed Garbage	3
Garbage - Missed Recycling	3
Garbage - RequestNew Cart	1
Other - Other Agency	1
Street - Dead Animal	1
Street - Manhole Cover Off	1
Street -Miscellaneous	6
Street - ROW Trimming	1
Street - Street Light Out	2
Street - Traffic Signal Out	1
Tree - Miscellaneous	3
Water - Color	1
Water - Hydrant	1
Water - Low Pressure	1
Water - Taste	1
YW Facility - Miscellaneous	1

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