

VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022

AMENDED 9-12-14

MEETING: REGULAR MEETING OF THE VILLAGE BOARD
DATE AND TIME: MONDAY, SEPTEMBER 15, 2014 7:00 p.m.
LOCATION: Germantown Village Hall Board Room

- 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. **PLEDGE OF ALLEGIANCE**
- IV. **PRESIDENT'S REPORT**
- V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS:**
The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney and Village Clerk.
- VI. **CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:**
Please be advised per §19.84(2), information will be received from the public. It is the policy of this municipality that there be a three (3) minute time period, per person, with time extension 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. (15 minutes)
- VII. **CONSENT AGENDA:**
- A. Minutes – August 4, and August 25, 2014 Special Village Board Meetings, August 18, 2014 Regular Village Board
- B. Accounts payable/payroll
- | | | | |
|----|-------------------|------------------|---------------|
| 1. | August 25, 2014 | Accounts Payable | \$ 416,156.88 |
| 2. | August 26, 2014 | Payroll (hourly) | \$ 251,953.83 |
| 3. | August 29, 2014 | Payroll (salary) | \$ 78,136.06 |
| 4. | August 2014 | Accounts Payable | \$ 238,227.99 |
| 5. | September 9, 2014 | Payroll (hourly) | \$ 233,154.70 |
- C. **Operator Licenses: September 16, 2014 - June 30, 2015:**
Nicholas Aldridge, Jacob Barthe, Tressa Clark, Joseph Gebauer, Daniel Marchewka, Adam Mertes, Justin Nolan, Jennifer Peterson, Debra Sporer, Courtney Vela, Maranda Kennedy and Jadawn Dean

VII. CONSENT AGENDA continued:

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

- D. Recommended Approval To Lease Recorder & Phone System For The Police Department through a 5-Yr Lease Agreement For: Eventide Audio Recorder – Lease Proposal Provided By General Communications, Leasing Service Eventide Nexlog Recording System, Lease Cost Of \$11,814.04 Per Year (\$984.50 Month) **AND** Avaya IP Office IP PBX Phone System - Lease Proposal Provided By Norcomm Unified Communications, Leasing Service Marlin Leasing, Lease Cost Of \$7,979.16 Per Year (\$664.93 Month) With A Total Cost Of \$19,792.20 Per Year Funded From Account# 40-521-570-8430 For The First 27 Months Of Lease Payments, Remaining Payments Will Be Included In The Operating Budget For The Remaining Term Of Agreements.
- E. Recommended Approval of Application for Amendment of Class B Fermented Malt Beverage & Intoxicating Liquor License Outside Premises Extension for Kuhburg Junction on October 4, 2014 from 2:00 p.m. to 10:00 p.m.

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

- F. Recommended Approval to Authorize and Execute Contract Amendment #1 Reducing the Scope of the Donges Bay Road STP-M Contract With R.A. Smith National
- G. Recommended Approval to Authorize Staff to Fill a Civil Engineer Position Within the Engineering Department
- H. Recommended Approval of the Developer's Agreement for Hillstone Apartments with an Amendment to Re-Word Section 1.04(4) of the Agreement to Clarify the Contractor's Responsibility for Street Cleaning With Village Assistance Only if Necessary and Billed Back to the Developer.

The following items were forwarded from the General Government and Finance Committee with a unanimous recommendation:

- I. Recommended Approval of T.E. Brennan Company Progressive Invoice on Liability Insurance RFP in the Amount of \$5,120.00

VIII. UNFINISHED BUSINESS:

IX. 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 and Applicant, for Scott McKenna, Property Owner for a CONDITIONAL USE PERMIT (CUP) to Develop and Use an "Off-Site" Parking Area to be Constructed on a Parcel Located at N116 W15987 Main Street, (Parcel #224-019 Pursuant to Section 17.45(5) of the Village of Germantown Zoning Code
- B. MD Development & Moore Designs Inc., Property Owner/Operator and Applicant for a CONDITIONAL USE PERMIT (CUP) to Allow Development Within a 25' Wetland Setback on the Property Located at W193 N10975 & W193 N10980

Kleinmann Drive (Portions of Parcel ID#291-961 & 291-964)

IX. PUBLIC HEARINGS continued:

- C. MD Development & Moore Designs Inc., Property Owner/Operator and Applicant for a CONDITIONAL USE PERMIT (CUP) for the Operation of a Construction Services/Contractor Shop Business on the Property Located at W193 N10980 Kleinmann Drive (Parcel ID#291-964)
- D. Proposed Amendments to Chapter 18, Subdivision and Platting, Village of Germantown Municipal Code (Relating to the Number of Lots or Parcels That Can Be Created with Certified Survey Maps).

X. NEW BUSINESS:

- A. Chaz Hastings, Agent for Scott McKenna, Property Owner/Operator, N116 W15987 Main Street, Parcel ID#224-09, Conditional Use Permit **(CUP)** to Develop and Use an "Off-Site" Parking Area to be Constructed on Said Parcel
- B. MD Development & Moore Designs Inc., Property Owner, Conditional Use Permit **(CUP)** to Allow Development Within a 25' Wetland Setback on the Property Located at W193 N10975 & W193 N10980 Kleinmann Drive (Portions of Parcel ID#291-961 & 291-964)
- C. MD Development & Moore Designs Inc., Property Owner/Operator, Conditional Use Permit **(CUP)** for the Operation of a Construction Services/Contractor Shop Business on the Property Located at W193 N10980 Kleinmann Drive (Parcel ID#291-964)
- D. Proposed Amendments to Chapter 18, Subdivision and Platting, Village of Germantown Municipal Code (Relating to the Number of Lots or Parcels That Can Be Created with Certified Survey Maps). **(Ordinance)**
- E. Resolution Awarding the Sale of \$5,685,000 General Obligation Community Development Bonds, Series 2014B; Providing the Form of the Bonds; And Levying A Tax In Connection Therewith **(Resolution)**
- F. Request for Approval to Award Contract for TID #6 Neu-NMMR Grading & Erosion Control
- G. Request for Approval to Award Contract for TID #6 Neu-NMMR Geotechnical Inspection Services
- H. Request for Authorization Regarding *acquisition of TID #6 Utilities Easement thru W190N9950 Appleton Ave, Germantown WI. The Village Board may enter into closed session per WI. §19.85 (1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, when competitive or bargaining reasons require a closed session and then may re-enter open session to take such action as it deems appropriate.**
- I. Request for Adoption of Donges Bay Rd., Country Aire Dr. N., and River Crest Dr. into Year 2015 Local Road Improvement Projects
- J. Recommendation to Eliminate Village of Germantown Municipal Code Chapter 22-Cable Communications **(Ordinance)**
- K. Recommendation to Approve Funding for Fire Department to Continue Weekend Staffing Through 12/31/2014 Not to Exceed \$140,000

- L. A Resolution Amending Resolution No. 01A-14 Relating to Salaries and Compensation for Exempt Salaried and Other Non-Represented Support Staff, Calendar Year 2014, to Provide Compensation For Additional Police And Fire Commission Meetings (Resolution)

XI. ADJOURNMENT

The next Village Board meeting will be on October 6, 2014 at 7:00 p.m.

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)250-4740 at least 2 days prior to the meeting.

**VILLAGE OF GERMANTOWN
SPECIAL VILLAGE BOARD MEETING MINUTES
AUGUST 4, 2014**

CALL TO ORDER: The meeting was called to order at 5:47 PM p.m. by President Wolter

ROLL CALL: President Wolter, Trustees Baum, Daniels, Hughes, Warren, Vanderheiden, and Zabel. Trustee Kaminski arrived at 5:53 p.m.. Also present: Administrator Schornack, Attorney Sajdak, Fire Chief Weiss and Clerk Goeckner.

DISTRICT 2 TRUSTEE INTERVIEWS

Applications were received from Julie Reichert, Alan Campbell and Rick Miller for the open Trustee seat for District 2. Each applicant was provided with a time slot to be interviewed at tonight's meeting and was taken in order as scheduled: Julie Reichert first, Rick Miller second and Alan Campbell third. Current Trustees and the Village Board President asked questions of the applicants while the other candidates waited in the hallway.

CONSIDER CANDIDATES TO FILL THE POSITION OF DISTRICT 2 TRUSTEE

The board discussed the process for voting and Attorney Sajdak advised them the vote has to be an open vote and can be by paper ballot with them handed in. Each Trustee wrote their name on their ballot, along with the name of their selected candidate and President Wolter read them out loud after they were collected:

Trustee Zabel – Reichert, Trustee Baum – Miller, Trustee Vanderheiden – Miller, Trustee Hughes – Miller, Trustee Daniels – Miller, Trustee Warren – Miller, Trustee Kaminski – Miller, President Wolter – Campbell. Candidate Miller received six votes and candidates Reichert and Campbell each received one vote. President Wolter thanked the other candidates for their interest and encouraged them to remain involved and consider running for election in April.

APPOINT TRUSTEE FOR DISTRICT 2

Clerk Goeckner indicated she has the Oath of Office prepared to be given after this meeting adjourns so the new Trustee may sit on the Village Board meeting immediately following this meeting. **MOTION (Vanderheiden/Kaminski) to appoint Rick Miller as District 2 Trustee, carried.** Trustee Miller will have a term from August 4, 2014 – April 17, 2015, at which time the position will be on the April ballot for election.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:02 p.m.

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

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
August 18, 2014**

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, Miller Vanderheiden, Warren, Werderman and Zabel. Trustee Kaminski was absent and excused. Also present: Administrator Schornack, Attorney Sajdak, Planner Retzlaff, DPW Director Ludwig, Engineer Bischke, Finance Director Rath, Police Captain Snow, Police Communications Supervisor Lynn Schmidt, Fire Chief Weiss and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: Fire Department will be conducting the 'Fill the Boot' campaign to raise funds for MDA.

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: None

CONSENT AGENDA:

- A. Minutes – July 21, 2014 and August 4, 2014
- B. Accounts payable/payroll
 - 1. July 7, 2014 Accounts Payable \$ 35,991.90
 - 2. August 10, 2014 Accounts Payable \$ 781,038.12
 - 3. August 12, 2014 Payroll (hourly) \$ 250,213.20
 - 4. August 15, 2014 Payroll (salary) \$ 79,394.52

- C. Operator Licenses: August 19, 2014 - June 30, 2015:
Yasir Cheema, Crystal Goodwill, Krista Huebner, Danielle Konstanz, Whitney Miszewski, Shawn Severson, Meghan Slavik

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

- D. A Resolution Establishing a Fee Schedule for Ambulance and EMT Services
[Recommended Approval]
- E. Recommended Approval of Denial of Operator License – Trenton P. Eagon
Approval of Server Array/Cluster Purchase from Schultz Bernstein & Associates in an Amount Not to Exceed \$29,915 – Police Department [Recommended Approval]
- F. Approval to Purchase 3 Taser Units from Taser International for \$4,000 using funds raised from selling old/used rifles (\$4,664) [Recommended Approval]
- G. Approval to Purchase Gun Mounts and Installation Through General Fire in an Amount Not to Exceed \$12,777, Budgeted from Acct. #40-521-570-8456
[Recommended Approval]

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

- H. Approve the CTW Corporation Invoice in the Amount of \$12,778.50 for the Emergency Pump Repair at Well #7. Funds to be Allocated from Acct. #50-722-530-6330 [Recommended Approval]

CONSENT AGENDA continued:

- I. Allow Staff to Contract the Patching of a 25' x 100' portion of Crestwood Drive at a cost not to exceed \$5,500. Funds to be Allocated from Acct. #10-542-530-3505
- J. Approval to Purchase One 2008 Toyota Fork Lift from Kensar Equipment Company for an Amount not to Exceed \$19,900. Funds to be Allocated from Acct. #40-542-570-8450

MOTION (Baum/Vanderheiden) to approve Consent Agenda Items A-K.

Trustee Zabel requested to pull July 21st Village Board minutes. Attorney Sajdak confirmed Item E was to deny the operator license for Trenton P. Eagon. **Motion carried.**

Item 'A' Minutes of July 21, 2014. **MOTION (Zabel/Hughes) to correct the minutes of July 21, 2014 to include the public comment made by resident Lynnae Langmann complimenting Trustee Baum for voting against the signalization project at Mequon & Eisenhower and approve the minutes with this addition, 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. Keith Kindred, SEH-Yaggy, Agent for Bielinski Holdings LLC & Bielinski Homes, Inc., Property Owners and Applicant for a Rezoning application to rezone the property located a 10th of a mile west of Wasaukee Road on Mequon Road (Tax Key #GTNV251-982) From the Rs-1: Single-family to the Rs-4/PDD: Single-family Residential Prairie Glen North Planned Development District
Planner Retzlaff presented information on the application for rezoning and recommendation.

President Wolter opened the hearing at 7:12 p.m.

No one spoke regarding the application.

President Wolter closed the hearing at 7:13 p.m.

NEW BUSINESS:

- A. Bielinski Holdings LLC, Property Owner; Prairie Glen North Planned Development District (PDD) Amendments
 - 1. Ordinance to Amend the Official Zoning Map of the Village of Germantown Zoning Code (Bielinski Holdings LLC & Bielinski Homes Inc. Property)
 - 2. Amending Resolution No. 04-14 Containing Conditions and Restrictions for the Prairie Glen North Planned Development District (PDD) (Bielinski Holdings LLC, Property Owner)

MOTION (Baum/Warren) to approve the Ordinance and the Amendment of Resolution as presented. Discussion. Carried.

NEW BUSINESS continued:

- B. Bielinski Holdings LLC & Bielinski Homes Inc., Property Owner; Prairie Glen II Preliminary Subdivision Plat
MOTION (Baum/Daniels) approve as presented. Planner Retzlaff stated DOT issues of July 9th have been addressed and they are okay with the approval of the preliminary plat at this time. **Carried.**
- C. Gloria Moy, Property Owner; N124 W13832 Lovers Lane; 2-Lot Certified Survey Map
MOTION (Baum/Vanderheiden) to approve Certified Survey Map as presented, carried.
- D. Resolution Authorizing the Borrowing of Not To Exceed \$6,000,000; And Providing For The Issuance And Sale of General Obligation Community Development Bonds Therefor (TID #6)
Maureen Schiel of Ehler's presented information regarding the bonds. Discussion of splitting issue between 2014 & 2015, cost savings, rates, options of different splits.
MOTION (Baum/Daniels) to approve the resolution authorizing the borrowing not to exceed \$6,000,000. Discussion of contingency in the development agreement for purchase of land and costs to Village for borrowing if sale doesn't happen. Sale of bonds scheduled for September 15th and can be cancelled up to the night before if necessary and a board meeting could be scheduled between now and then if needed. **Roll call vote, 7 in favor, 1 opposed (Zabel), carried.**
- E. 2015 Budget Calendar
MOTION (Baum/Zabel) to set the Committee of the Whole Meeting to discuss the 2015 Budget for September 17th at 6:00 p.m., carried.
- F. A Resolution Requesting The Wisconsin Department of Transportation and the Federal Highway Administration Reevaluate and Complete a Detailed Traffic Generation and Noise Level Analysis for the US-41 Interstate Conversion Project
DPW Director Ludwig presented information regarding the residents request to submit the proposed resolution to the DOT. DOT deemed in 2013 there were no significant impacts related to noise at this location. Public Works Committee felt residents had a substantial argument and forwarded the resolution. **MOTION (Zabel/Baum) to approve resolution.** Discussion of what residents desire, barrier cost of \$1,000,000, effect of noise on 8 residents, burden of cost placed on Village, the US Highway being converted to an Interstate Highway, concern of Village saying there is a noise problem and being responsible to pay the barrier cost, public comments were already due by the end of September 2013, need to support the residents. **7 in favor, 1 opposed (Warren), carried.**
- G. Request for Approval of Change Order – Wago-Freistadt Storm Sewer
Engineer Bischke presented information on the request for change order for work necessary and completed. Restoration work to be done underestimated. Discussion of requesting a reduced cost from contractor, methods of calculation,

NEW BUSINESS continued:

methodology moving forward, timing etc. **MOTION (Baum/Miller) to approve the change order, by roll call vote, carried.**

H. Request for Approval of Change Order – Forest Drive Ditch Enclosure

Engineer Bischke presented information on the requested Change Order. **MOTION (Baum/Daniels) approve change order.** Discussion, Public Works has found ways to cover this funding within their department and the project cost borrowed for. **By roll call vote, carried.**

I. Request for Approval of Scope Change to Bore Under Four High Pressure Gas Transmission Lines – Appleton Ave. Water Main Extension Project

Engineer Bischke presented information on the request, required due to additional gas lines not presented by We Energies in preconstruction meetings and methods necessary to work around them in the project. Estimated change of scope will be a \$61,000. **MOTION (Baum/Hughes) to approve scope change as requested.** Discussion. **Roll call vote, carried.**

J. **MOTION (Baum/Hughes) to go into closed session at 8:45 p.m. for the Development Agreement Between the Village of Germantown and MLG for Development in the Willow Creek Business Park (TIF 6), per Wis. Stats. §19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, when competitive or bargaining reasons require a closed session and then may re-enter open session to take such action as it deems appropriate, and include all present except the reporter.** Discussion. **Roll call vote, carried.**

K. **MOTION (Baum/Daniels) to go into closed session at 8:46 p.m. for the Germantown Professional Police Association Local 306 contract negotiations. the Village Board may enter into closed session per Wis. Stats. §19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, when competitive or bargaining reasons require a closed session and then may re-enter open session to take such action as it deems appropriate, by roll call vote, carried.**

Any return to open session will not be televised.

Special Board meeting to be held August 25th at 6:00 p.m.

ADJOURNMENT

There being no other business, the meeting adjourned at 10:25 p.m.

**VILLAGE OF GERMANTOWN
SPECIAL VILLAGE BOARD MEETING MINUTES
AUGUST 25, 2014**

CALL TO ORDER: The meeting was called to order at 6:00 PM p.m. by President Wolter

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

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: None

CITIZEN'S INPUT/PUBLIC APPEARANCE on items not subject to a public hearing: None

NEW BUSINESS:

A. Appointments

1. **Public Safety**

Chair Trustee Jeff Hughes 08/26/2014 – 04/14/2015

Trustee Rick Miller 08/26/2014 – 04/14/2015

MOTION (Zabel/Vanderheiden) to approve the Public Safety appointments as presented, carried.

2. **Historic Preservation Commission**

Chair Trustee Rick Miller 08/26/2014 – 04/14/2015

MOTION (Warren/Kaminski) to approve the Historic Preservation Commission appointment as presented, carried.

B. Development Agreement Between the Village of Germantown and MLG for Development in the Willow Creek Business Park (TIF 6). The Village Board May Enter Into Closed Session Per Wis. Stats. §19.85(1)(e) For The Purpose Of Deliberating Or Negotiating The Purchase Of Public Properties, The Investing Of Public Funds, Or Conducting Other Specified Public Business, When Competitive Or Bargaining Reasons Require A Closed Session And Then May Re-Enter Open Session To Take Such Action As It Deems Appropriate.

Attorney Sajdak discussed the changes to the Development Agreement since the last meeting. The covenants represent small spelling and grammatical changes mostly. Change on page 6 to reflect what they have indicated the zoning code says regarding setbacks. Board will remain in open session for discussion. Discussion of covenant template, borrowing and timeline. **MOTION (Daniels/Hughes) to approve the developer's agreement as presented subject to technical and legal changes by Attorney Sajdak as necessary. Discussion. 7 in favor, 1 opposed (Zabel), carried.**

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:33 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

**CORRECTED NOTICE
9/8/2014**

IX. A
X. A

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, September 15, 2014
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against an application filed for a CONDITIONAL USE PERMIT to develop and use an "off-site" parking area to be constructed on a parcel located at N116 W15987 ~~W15953~~ Main Street pursuant to Section 17.45(5) of the Village Zoning Code.

Petitioner: Chaz Hastings, Agent, for Scott McKenna, Property Owner
Property: N116 W15987 Main Street (Tax Parcel ID# 224-019)

Lot 1 in Assessor's Plat of Germantown, Village of Germantown, and that part of the Northeast 1/4 of the Southeast 1/4 of Section Twenty-Two (22), Township (9) North of Range Twenty (20) East, Village of Germantown, Washington County, Wisconsin.

A copy of the application is on file in the Planning & Zoning Division of the Community Development Department, N112 W17001 Mequon Road, and available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Dated this 18th day of August, 2014.
Barbara K. D. Goeckner, Village Clerk

To Be Published On: August 28th and September 4th, 2014

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: September 15, 2014

AGENDA ITEM: Public Hearing & New Business (Conditional Use Permit)

ITEM TITLE: Chaz Hastings, Operator of Old Town Inn and Agent for Scott McKenna, Property Owner; N116 W15987 Main Street; Conditional Use Permit (CUP) for an "Off-Site Parking Area"

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:

Chaz Hastings, owner/operator of the Old Town Inn & Bier Stube and agent for Scott McKenna, property owner, is seeking approval of a conditional use permit to develop a 52-stall "off-site" parking lot on a 1.03-acre parcel located at N116 W15987 Main Street.

The parking lot is intended to: (1) prevent Old Town Inn & Bier Stube patrons from utilizing the parking stalls at other nearby businesses; (2) free up other Main Street parking spaces; and (3) provide a safer alternative for Old Town Inn & Bier Stube patrons and employees. The proposed parking lot is intended to be the same as that approved for Gehl Foods located on the adjacent parcel east of the railroad spur where the existing dwelling (a 3-unit apartment) will continue to be used with the parking lot located in the rear.

The Plan Commission has conditionally approved detailed site plans for the proposed parking lot subject to approval of the CUP by the Village Board.

ATTACHMENTS:

- ◆ 8/11/14 Staff Report
- ◆ 8/11/14 Plan Commission Meeting Minutes
- ◆ Draft CUP

PLAN COMMISSION RECOMMENDATION:

APPROVE a conditional use permit for the proposed "off-site" parking lot on the parcel located at N116 W15987 Main Street subject to (9) conditions.

NOTE: SEE DRAFT CUP FOR COMPLETE LIST OF RECOMMENDED CONDITIONS

CUP #__ - 14
Document No.

CONDITIONAL USE PERMIT
Document Title

**VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN
CONDITIONAL USE ZONING PERMIT**

Whereas the Property Owner:

Chaz Hastings (Property Owner)

agrees to comply with applicable Codes and Ordinances of the Village of Germantown, Wisconsin, and further agrees that all work done pursuant to the permission granted herewith will conform with the applications and drawings filed with and approvals granted by officials of the Village for the purpose of obtaining this permit.

Now, therefore, this permit is issued to the Property Owner for the development of an "off-site" parking area pursuant to Section 17.45(5) of the Village's Zoning Code.

Name & Return Address:

**Village of Germantown
P.O. Box 337
Germantown, WI 53022**

Parcel Identification No:

GTNV 224-019

On the following described property located in the Village of Germantown, Washington County, Wisconsin:

Lot 1 in Assessor's Plat, Village of Germantown, and that part of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-Two (22), Township (9) North of Range Twenty (20) East, Village of Germantown, Washington County, Wisconsin.

Tax Key No. 224-019; N116 W15987 Main Street

Pursuant to the following condition(s):

1. This conditional use permit shall allow the development and operation of an off-site parking lot as proposed and generally shown in the plan set with a revision date of July 8, 2014, subject to: (a) any further requirements and revisions required herein or set forth by the Village Board; and (b) approval of final Site Plans by the Village Plan Commission. All of the commitments made by the Applicant set forth in the application, supporting documents, and made during presentations to the Village Plan Commission and Village Board are deemed to be conditions of approval.
2. Adequate parking and open space shall be provided and continually maintained for the benefit of the apartment occupants. Said open space shall be separate from the parking lot by the installation of landscaping, fencing, or other means to ensure the privacy and safety of the apartment occupants.
3. If the use, activities and/or operation of the property and/or parking lot subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP, or

for some other cause based upon consideration for public safety and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing in accordance with the Village's CUP application review procedures.

4. The unimproved portions of the lot beyond the parking lot and adjacent to the residential building and adjoining residential lots to the west shall not be used for parking, storage (other than snow storage) and shall be kept clean of any debris or trash, appropriately landscaped and continuously maintained.
5. The parking lot shall only be used for Old Town Inn & Von Rothenburg Bier Stube patrons and employees and shall not be used for the storage of equipment, materials, trucks or trailers. Use of the parking lot for vehicle parking by neighborhood residents and/or businesses may be permitted with permission or agreement by and between the property owner and said residents and businesses.
6. In the event that the Village deems use of the property for off-site parking purposes and/or the occupants of vehicles using said parking lot has become a nuisance to the owners or occupants of adjoining or nearby properties due to trespassing, excessive noise, trash, headlight glare, exhaust, or other undesirable impacts, the owner shall install privacy fence and/or additional landscaping along one or more property lines, or, employ other measures as deemed necessary by the Plan Commission to mitigate said impacts. The type, height, materials, and placement of said fence shall be determined by the Plan Commission as part of an amendment to the approved Site Plan.
7. Except for vehicles owned/operated by the rental apartment occupants, use of the property, in whole or in part, for off-site parking purposes shall not commence until such time as all of the planned improvements set forth in the approved Site Plans have been completed and the equivalent of an occupancy permit granted by the Village Planner.
8. Any permanent signage placed on the property for the off-site parking lot shall be reviewed and approved by the Plan Commission.
9. Erosion control and driveway permits from the Village are required prior to commencement of construction.

CUP # ____-14
Chaz Hastings
Village of Germantown, Washington County, Wisconsin
Page 3 of 4

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin
on the ____ day of _____, 2014.

ATTEST:

Dean Wolter, Village President

Barbara K. D. Goeckner, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this ____ day of _____, 2014, the above
named Dean Wolter, Village President, and Barbara K. D. Goeckner, Village Clerk, to me
known to be the persons who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY OPERATOR

As the business owner/operator, Chaz Hastings, I hereby accept the terms and conditions set forth in this Permit, and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2014

Chaz Hastings, Property & Business Owner/Operator

STATE OF WISCONSIN) SS
_____) COUNTY)

Personally came before me this ____ day of _____, 2014, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

(type or print name of Notary on this line)

(signature of Notary on this line)

Notary Public, State of Wisconsin
My Commission Expires: _____

This instrument was drafted by:
Jeffrey W. Retzlaff, AICP
Community Development Director/Zoning Administrator
Village of Germantown, Wisconsin

CONDITIONAL USE PERMIT & SITE PLAN CONSULTATION

8/11/14 Plan Commission Meeting

Chaz Hastings / Old Town Inn & Von Rothenburg Bier Stube

Village Planner Report

Germantown, Wisconsin

Summary

Chaz Hastings, owner/operator of the Old Town Inn & Bier Stube, and agent for Scott McKenna, property owner, is seeking approval of a conditional use permit to develop a 43-stall "off-site" parking area on a 1.03-acre parcel located at N116 W15987 Main Street.

Property Location: N116 W15987 Main Street

Applicant/

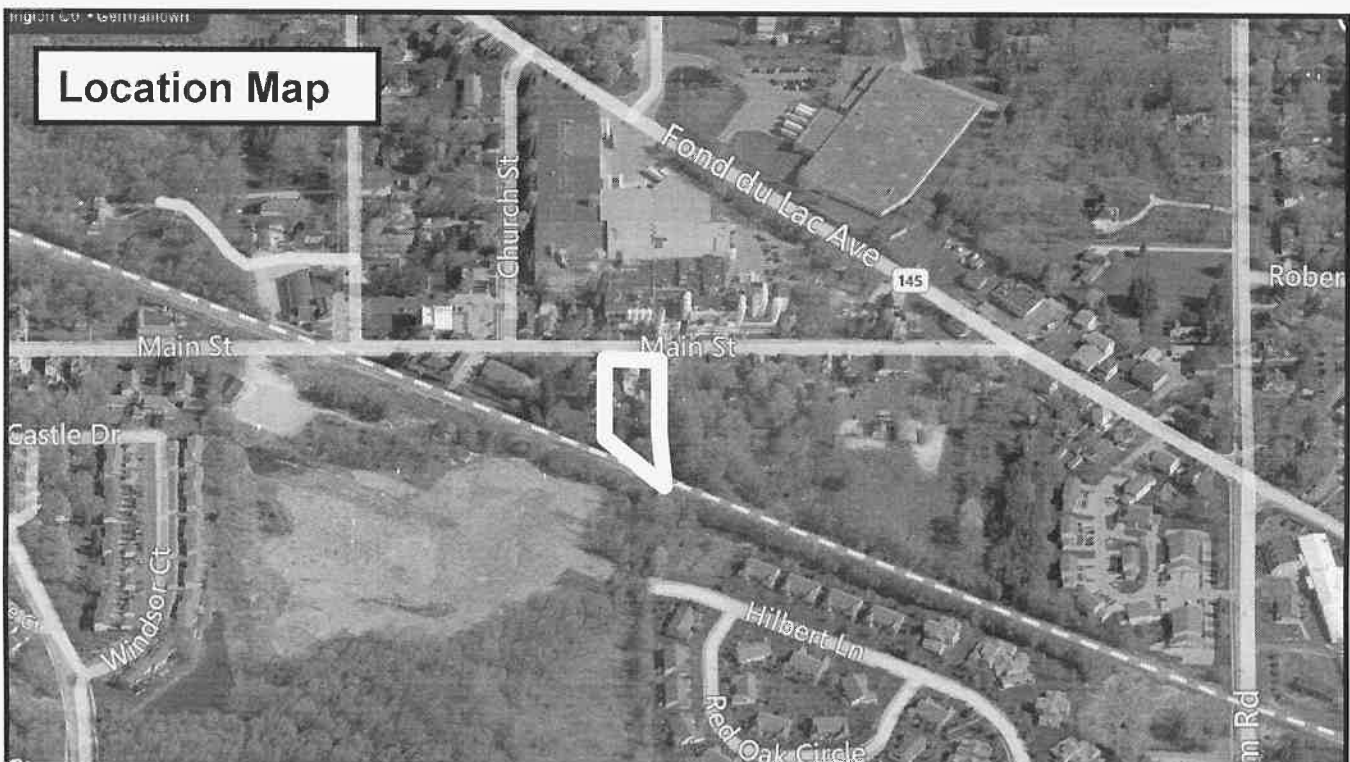
Property Owners:

Chaz Hastings
644 Hwy K
Hartford, WI 53027

Scott McKenna
2402 STH 175
Richfield, WI 53076

Current Zoning: B-3: General Business

Adjacent Land Uses		Zoning
North	Commercial	B-3
South	Residential	Rm-2
East	Residential / Commercial	B-3
West	Residential / Commercial	B-3



Proposal

Chaz Hastings, owner/operator of the Old Town Inn & Bier Stube and agent for Scott McKenna, property owner, is seeking approval of a conditional use permit to develop a 43-stall "off-site" parking lot on a 1.03-acre parcel located at N116 W15987 Main Street.

As indicated in the proposal summary (July 14 letter), the parking lot is intended to:

- Prevent Old Town Inn & Bier Stube patrons from utilizing the parking stalls at other nearby businesses;
- To free up other Main Street parking spaces; and
- To provide a safer alternative for Old Town Inn & Bier Stube patrons and employees to which they can be escorted as a group.

One unique aspect of this proposal is the owner's desire to keep the existing residential dwelling containing three apartments and continue to operate it as a rental property. Parking for the occupants would be provided within the proposed parking lot.

As shown in the preliminary site plans, approximately 18,800 sqft. of paved parking (43 total stalls) are proposed to be developed in the rear of this commercially-zoned (but residentially-used) 1-acre lot on Main Street. Approximately 62% of the site will be impervious area (vs. the maximum 90% allowed) with the remaining 38 percent in green/open space.

Access will be by way of a separate access driveway to/from Main Street on the east side of the lot. The parking lot will be constructed to direct run-off to the south end of the parking lot. It is expected that a storm sewer will be installed at the south end of the parking lot and connect to an existing storm sewer that cuts across the property at the southernmost point of the lot. Detailed grading, erosion control and storm water plans will be prepared and submitted with final detailed site plans if the proposal is approved.

Concrete curb/gutter is proposed at the entrance to the paved lot with a small section of 3' wide sidewalk leading to the residential building from Main Street. A 4' high wooden privacy fence is proposed along the sidewalk in front (east side) of the building and extending into the rear yard to create a small yard area behind the building (that will eventually be converted to 6 additional parking stalls for the tenants). A separate 5' high privacy fence is proposed along the driveway entrance to block off the existing railroad tracks.

Additional trees and shrubs will be planted in a large planting "island" in the rear area of the parcel. A landscaped strip is also proposed along the privacy fence near the driveway. Lighting of the parking area is comprised of three (3) pole-mounted, 400W metal halide fixtures mounted at a height of 26'6" (25' poles on an 18" concrete base). There is no indication if the lights will be on a timer or otherwise set to go out after a certain time.

A 4' x 4' (16 sqft) monument sign is proposed at the driveway entrance with external lighting.

Staff Analysis

The issue of allowing the residential building is unique; but not without precedent in the Village. In 2010, Gehl Foods was granted a CUP for an almost identical parking lot on a residential lot located immediately to the east across the railroad tracks (see color aerial photo). Given the success of the Gehl Foods' off-site parking lot, the layout and features planned for the proposed "Old Town Inn" off-site parking lot are intended to be the same or similar.

The proposal is consistent with the Zoning Code requirements for off-site parking areas. With regard to required setbacks, the residential property adjacent to this parcel to the west is NOT located in a residential zoning district. Consequently, the min. 50' setback to the proposed commercial parking lot does not apply (although that does not mean the Village cannot require whatever setback is deemed necessary and appropriate given the proximity of the existing residences). In this case, it is fortunate that the lot has quite a bit of existing vegetation along the west property line.

With respect to the proposal for continued use of the residential building, ordinarily, incompatible uses are either kept separate through different zoning or development districts, or, buffered from one another through landscaping, fences, walls, etc. (or both). In addition, minimum lot sizes, setbacks and landscaping requirements are all used to ensure residential lots provide the minimum acceptable and/or necessary space and distance so that the occupants can live comfortably and, as the saying goes "*...promote the health, safety, morals, prosperity, aesthetics, and general welfare...*" for the residents and property owners in the Village.

While the existing Main Street area and residential dwellings along it were developed many years ago and before our current (or any) Zoning Code was created to accomplish these goals, the Village should strive to maintain the existing character and quality of life along Main Street and other similar areas of the Village. Arguably, converting 75% of this existing residential lot (that is zoned B-3: General Business) into a commercial parking lot does little to maintain these goals; particularly for the residents of the building (3 apartments). If this proposal is supported by the local residents and eventually approved, it should be approved with conditions governing lighting, landscaping and use (e.g. no temporary storage of equipment, materials, trucks or trailers).

There is a significant amount of large trees and other established vegetation (but no fences) along the west property line that will help buffer the adjoining neighbor's view of parked vehicles, headlights and sound. There is also quite an extensive stand of trees along the east property line and railroad tracks, as well as, in the south portion of the property that will also help buffer the parking lot from the adjacent residential uses.

However, unlike the Gehl Foods' parking that is used exclusively by Gehl employees, the proposed Old Town Inn parking lot will be available for use by both restaurant employees and patrons. While employees will know how to get to/from and in/out of the

proposed lot when on foot and by vehicle (and will know not to cut through the adjoining properties to get where they want to go), some patrons may not be as familiar with the area. The plan is for parking lot patrons to walk through the proposed lot up to Main Street and then over to the Old Town Inn and/or Bier Stube via the sidewalks along Main Street. Nonetheless, Staff is concerned that, without some sort of fence or obvious landscaped barrier along the property lines, patrons may attempt to "short cut" across the railroad tracks, Gehl Food parking lot, or possibly get disoriented and wander into adjacent property. For this reason, Staff recommends that there be a requirement for additional fencing along the east property line (along the railroad tracks) and possibly along the west property line (private residence) to better keep patrons in the parking lot and direct them to Main Street. On-site signage within the parking lot providing directions back to Main Street and the restaurants should also be considered. As far as fencing, fence(s) may not have to be installed immediately, but after some time has passed to determine if there truly is a need.

Given that use is intended for the use by Old Town Inn & Bier Stube patrons, use of the proposed lights should be limited to appropriate hours and automatically controlled in some manner to shut off after business hours (with a reasonable amount of extra time for employees to close up and walk to their vehicles). A reduced mounting height and use of auto-adjusting LED's could be helpful in reducing any potential glare affecting the adjacent neighbors.

As indicated above, detailed Site Plans will be submitted for review and approval upon approval of the CUP by the Village Board. While most of the required details are contained in the preliminary plan set submitted, detailed engineering plans (i.e. storm water, grading, erosion plans and utilities) have not yet been prepared.

Consequently, in addition to rendering a recommendation on the CUP application and proposed use of the property for an off-site parking lot, the Plan Commission should review the preliminary plans and provide feedback to the applicant to guide preparation of the final site plans (assuming use approval is granted by the Village Board). Items such as lighting, fencing & landscaping, parking lot layout, open space considerations for the apartment occupants, etc. should be considered.

Village Planner Recommendation

APPROVE a conditional use permit for the proposed "off-site" parking lot on the parcel located at N116 W15987 Main Street subject to the following conditions:

1. This conditional use permit shall allow the development and operation of an off-site parking lot as proposed and generally shown in the plan set with a revision date of July 8, 2014, subject to: (a) any further requirements and revisions required herein or set forth by the Village Board; and (b) approval of final Site Plans by the Village Plan Commission. All of the commitments made by the Applicant set forth in the application, supporting documents, and made during presentations to the Village Plan Commission and Village Board are deemed to be conditions of approval.
2. Adequate parking and open space shall be provided and continually maintained for the benefit of the apartment occupants. Said open space shall be separate from the parking lot by the installation of landscaping, fencing, or other means to ensure the privacy and safety of the apartment occupants.
3. If the use, activities and/or operation of the property and/or parking lot subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP, or for some other cause based upon consideration for public safety and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing in accordance with the Village's CUP application review procedures.
4. The unimproved portions of the lot beyond the parking lot and adjacent to the residential building and adjoining residential lots to the west shall not be used for parking, storage (other than snow storage) and shall be kept clean of any debris or trash, appropriately landscaped and continuously maintained.
5. The parking lot shall only be used for Old Town Inn & Von Rothenburg Bier Stube patrons and employees and shall not be used for the storage of equipment, materials, trucks or trailers. Use of the parking lot for vehicle parking by neighborhood residents and/or businesses may be permitted with permission or agreement by and between the property owner and said residents and businesses.
6. In the event that the Village deems use of the property for off-site parking purposes and/or the occupants of vehicles using said parking lot has become a nuisance to the owners or occupants of adjoining or nearby properties due to trespassing, excessive noise, trash, headlight glare, exhaust, or other undesirable impacts, the owner shall install privacy fence and/or additional landscaping along one or more property lines, or, employ other measures as deemed necessary by the Plan Commission to mitigate said impacts. The type, height, materials, and placement of said fence shall be determined by the Plan Commission as part of an amendment to the approved Site Plan.
7. Except for vehicles owned/operated by the rental apartment occupants, use of the property, in whole or in part, for off-site parking purposes shall not commence until such time as all of the planned improvements set forth in the approved Site Plans have been completed and the equivalent of an occupancy permit granted by the Village Planner.
8. Any permanent signage placed on the property for the off-site parking lot shall be reviewed and approved by the Plan Commission.
9. Erosion control and driveway permits from the Village are required prior to commencement of construction.

Mr. Wahlgren said he would try to get a landscape architect out to the site to identify the trees. Commissioner Campbell thanked TJ Hale for locating in Germantown.

Old Town Inn & Scott McKenna – N116 W15987 Main Street. Chaz Hastings, property owner, is seeking approval of a conditional use permit to develop a 43 stall “off-site” parking area on a 1.03 acre parcel. Planner Retzlaff summarized the proposal. Dan Glazewski, The Custom House LLC, answered questions from the Commission. He said the lighting concerns from staff and the fire department had been addressed.

Discussion followed. Commissioners questioned how they intended to control who uses the parking lot. Mr. Glazewski said no plans for policing had been discussed yet. He said the parking is really only needed on Friday and Saturday night from 6:00 until 8:00 p.m. Chairman Wolter arrived at 7:26 p.m.

MOTION Peck second Shadid to Approve a conditional use permit for the proposed “off-site” parking lot on the parcel located at N116 W15987 Main Street subject to the following conditions:

- 1. This conditional use permit shall allow the development and operation of an off-site parking lot as proposed and generally shown in the plan set with a revision date of July 8, 2014, subject to: (a) any further requirements and revisions required herein or set forth by the Village Board; and (b) approval of final Site Plans by the Village Plan Commission. All of the commitments made by the Applicant set forth in the application, supporting documents, and made during presentations to the Village Plan Commission and Village Board are deemed to be conditions of approval.***
- 2. Adequate parking and open space shall be provided and continually maintained for the benefit of the apartment occupants. Said open space shall be separate from the parking lot by the installation of landscaping, fencing, or other means to ensure the privacy and safety of the apartment occupants.***
- 3. If the use, activities and/or operation of the property and/or parking lot subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP, or for some other cause based upon consideration for public safety and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing in accordance with the Village's CUP application review procedures.***
- 4. The unimproved portions of the lot beyond the parking lot and adjacent to the residential building and adjoining residential lots to the west shall not be used for parking, storage (other than snow storage) and shall be kept clean of any debris or trash, appropriately landscaped and continuously maintained.***
- 5. The parking lot shall only be used for Old Town Inn & Von Rothenburg Bier Stube patrons and employees and shall not be used for the storage of equipment, materials, trucks or trailers. Use of the parking lot for vehicle parking by neighborhood residents and/or businesses may be permitted with permission or agreement by and between the property owner and said residents and businesses.***
- 6. In the event that the Village deems use of the property for off-site parking purposes and/or the occupants of vehicles using said parking lot has become a nuisance to the owners or occupants of adjoining or nearby properties due to trespassing, excessive noise, trash, headlight glare, exhaust, or other undesirable impacts, the owner shall install privacy fence and/or additional landscaping along one or more property lines, or, employ other measures as deemed necessary by the Plan Commission to mitigate said impacts. The type, height, materials, and placement of said fence shall be***

determined by the Plan Commission as part of an amendment to the approved Site Plan.

- 7. Except for vehicles owned/operated by the rental apartment occupants, use of the property, in whole or in part, for off-site parking purposes shall not commence until such time as all of the planned improvements set forth in the approved Site Plans have been completed and the equivalent of an occupancy permit granted by the Village Planner*
- 8. Any permanent signage placed on the property for the off-site parking lot shall be reviewed and approved by the Plan Commission*
- 9. Erosion control and driveway permits from the Village are required prior to commencement of construction.*

MOTION to Amend Peck second Gray that the light fixtures have an overall pole not to exceed a height of 18 feet and an amp with a 175 watt equivalent and also add some supplemental lighting such as bollards near the driveway entrance.

Planner Retzlaff said the recommendation is for the conditional use permit. The detailed site and lighting plans will be coming. He said the proposal is to continue to use the dwelling as a rental apartment and staff supports that continued use.

MOTION to Amend Withdrawn.

MOTION to Approve carried unanimously.

Chairman Wolter thanked Commissioner Yokes and took over the meeting.

MC Development LLC & Moore Designs, Inc. – Lot 1 & Lot 4 Kleinmann Drive (Lannon Road Commerce Center). Site plan, sign and conditional use permit applications for the development of a 9,300 sqft office building and a 4,288 sqft storage building on separate parcels. Commissioner Peck said he has a business relationship with this applicant. Chairman Wolter asked if he would receive any benefit from this project. Commissioner Peck said not at all. Chairman Wolter said he didn't see a need for him to recuse himself but would leave it up to Commissioner Peck to make that decision. Planner Retzlaff summarized the proposal. Josh Wadzinski, Think Design and Dave Moore, MD Development, answered questions. Bob Diel, Land Works, explained the wetland mitigation plan for Commissioner Peck.

Chairman Wolter said he appreciated Moore Designs looking into this difficult site and the extra effort it took to make it work.

MOTION Yokes second Peck to Approve the site development & building plans for the proposed development of a 9,300 sqft office building and a 4,288 sqft storage building on separate parcels located on Kleinmann Drive in the Lannon Road Business Center subject to the following conditions:

- 1. Approval is for the site development and building plan sets dated July 18, 2014 (unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to plan revisions required herein).*
- 2. All landscaping, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit for the proposed buildings unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs*

IX. B
X. B

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, September 15, 2014
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against an application filed for a CONDITIONAL USE PERMIT to allow development within a 25' wetland setback on a portion of the following described property pursuant to Section 24.04(3) of the Municipal Code:

Petitioner: MD Development & Moore Designs Inc., Property Owner/Operator
Property: W192 N11000 & W194 N11000 Kleinmann Drive (Parcel ID# 291-961 & 291-964)

Lot 1 and Lot 4 of Certified Survey Map No. 5864 being a part of the NE 1/4 of Section 29, T9N, R20E, Village of Germantown, Washington County, Wisconsin. Said land containing 9.6 +/- acres (Lot 1) and 7.48 +/- acres (Lot 4).

A copy of the application is on file in the Planning & Zoning Division of the Community Development Department, N112 W17001 Mequon Road, and available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Dated this 18th day of August, 2014.
Barbara K. D. Goeckner, Village Clerk

To Be Published On: August 28th and September 4th, 2014

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: September 15, 2014

AGENDA ITEM: Public Hearing & New Business (Conditional Use Permit)

ITEM TITLE: MD Development & Moore Designs Inc., Property Owner; W193 N10975 & W193 N10980 Kleinmann Drive; Conditional Use Permit (CUP) to Allow Development Encroachment into a 25' Wetland Setback

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:

MD Development and Moore Designs Inc., own a 9.6-acre and 7.48-acre parcels on either side of Kleinmann Drive. Moore Designs Inc. is a custom home designer, builder and remodeling contractor. In order to approve their plans to develop a new 9,300 sqft office building on Lot 4 (7.48-ac parcel west of Kleinmann Drive) and 4,300 sqft storage/contractor office on Lot 1 (9.6-ac parcel east of Kleinmann Drive), a Conditional Use Permit (CUP) is required to allow encroachment into portions of the 25' wetland setback on both parcels.

As detailed in the June 24, 2014 Wetland Setback Compensation Plan, the total amount of setback area encroachment is approximately 21,380 sqft with the total amount of area requiring compensation at 24,824 sqft. Native prairie vegetation will be established over approximately 14,575 sqft of area across both sites and another 1,225 sqft of native plantings will be used in the rain garden, and the remaining 10,250 sqft of compensation area mitigated through the removal of Buckthorn and other invasive plant species from 3.8 acres (170,460 sqft) of wetland area surrounding the building sites.

ATTACHMENTS:

- ◆ 8/11/14 Staff Report
- ◆ 8/11/14 Plan Commission Meeting Minutes
- ◆ Draft CUP- "25' Wetland Setback "

PLAN COMMISSION RECOMMENDATION:

APPROVE a Conditional Use Permit to allow development within the 25' wetland setback areas and proposed compensation as presented in the June 24, 2014 Wetland Setback Compensation subject to (1) condition:

1. The owner shall prepare and submit an annual monitoring report to the Village and local DNR staff concerning the various management activities proposed in the compensation plan, including the planting/restoration of native vegetation and the removal of buckthorn and other invasive species as proposed in the Wetland Setback Compensation Plan. Said report shall, at a minimum, detail the type and amount of plantings and invasive species removed, all activities carried out in the previous year and the observed success of all previous activities, recommendations for new or different activities needed to ensure success of the mitigation measures and management activities carried out, and the planned activities for the coming year. Said report shall be submitted annually at the end of each year beginning in 2015 for a period of three (3) years.

CUP # xx – 14

Document No.

CONDITIONAL USE PERMIT

Document Title

**VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN
CONDITIONAL USE ZONING PERMIT**

Whereas the Applicant:

MD Development & Moore Designs Inc., Property Owner

agree to comply with applicable Codes and Ordinances of the Village of Germantown, Wisconsin, and further agrees that all work done pursuant to the permission granted herewith will conform with the applications and drawings filed with and approvals granted by officials of the Village for the purpose of obtaining this permit.

Now, therefore, this permit is issued to the Applicant to permit the to allow development within the 25' wetland setback areas as presented in the Site Improvement Plans date stamped received July 18, 2014, and exhibits contained in Wetland Setback Compensation Plan dated June 24, 2014, pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code.

Name & Return Address:

**Village of Germantown
P.O. Box 337
Germantown, WI 53022**

Parcel Identification No:

GTNV 291-961 & 291-964**On the following described property located in the Village of Germantown, Washington County, Wisconsin:**

Lot 1 and Lot 4 of Certified Survey Map No. 5864 being a part of the NE 1/4 of Section 29, T9N, R20E, Village of Germantown, Washington County, Wisconsin. Said land containing 9.6 +/- acres (Lot 1) and 7.48 +/- acres (Lot 4).

Lot 1

Tax Key No: 291-964

Address: W193 N10980 Kleinmann Drive

Lot 4

Tax Key No: 291-961

Address: W193 N10975 Kleinmann Drive

Pursuant to the following condition(s):

1. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities or uses which causes problems or harmful effects that were not anticipated at the time of approval of this CUP, the conditional use permit may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.
2. The owner shall prepare and submit an annual monitoring report to the Village and local DNR staff concerning the various management activities proposed in the compensation plan, including the planting/restoration of native vegetation and the removal of buckthorn and other invasive species as proposed in the Wetland Setback Compensation Plan. Said report shall, at a minimum, detail the type and amount of plantings and invasive species removed, all activities carried out in the previous year and the observed success of all previous activities, recommendations for new or different activities needed to ensure success of the mitigation measures and

management activities carried out, and the planned activities for the coming year. Said report shall be submitted annually at the end of each year beginning in 2015 for a period of three (3) years.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin on the _____ day of _____, 2014.

ATTEST:

Dean Wolter, Village President

Barbara K. D. Goeckner, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this _____ day of _____, 2014, the above named Dean Wolter, Village President, and Barbara K. D. Goeckner, Village Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

The following named person, who is authorized to represent MD Development and Moore Designs Inc., Property Owner, hereby accepts the terms and conditions set forth in this Permit, and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2014

{type or print name on this line}

{signature on this line}

Agent for MD Development and Moore Designs Inc.

STATE OF WISCONSIN) SS
_____) COUNTY)

Personally came before me this ____ day of _____, 2014, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin

My Commission Expires: _____

This instrument was drafted by:
Jeffrey W. Retzlaff, AICP
Community Development Director/Zoning Administrator
Village of Germantown, Wisconsin

SITE PLAN REVIEW, SIGN REVIEW & CONDITIONAL USE PERMIT APPLICATIONS

8/11/14 Plan Commission Meeting

MD Development & Moore Designs Inc. / Think Design LLC

Village Planner Report

Germantown, Wisconsin

Summary

Think Design LLC, agent for MD Development LLC & Moore Designs Inc., property owner, has submitted site plan, sign and conditional use permit applications for the development of a 9,300 sqft office building and a 4,288 sqft storage building on separate parcels located on Kleinmann Drive in the Lannon Road Business Center.

Location: Kleinmann Drive - Lot 1 & Lot 4 of CSM #5968
Lannon Road Business Center

Applicant/

Property Owner: Josh Wadzinski Dave & Lisa Moore
Think Design LLC MD Development & Moore Designs Inc.
2536 Wendling Ct 1707 Vogt Drive
Milwaukee, WI 53209 West Bend, WI 53095

Current Zoning: B-5: Highway Business

Adjacent Land Uses		Zoning
North	Industrial	M-1
South	Commercial	B-5
East	Commercial	B-5
West	USH 41/45	n/a



Background

The Lannon Road Business Center is a 50-acre area development area comprised of nine (9) lots intended for highway-oriented business/commercial uses. The Carlson Investment Group and DBI Inc. intended to develop this multi-lot area with high quality architecture, uniform lighting, signage, a comprehensive storm water management system, and an overall wetland preservation & mitigation area given the amount of wetland within the area and the wetland filling that was needed to extend Kleinmann Drive through the development. CIG created a 2.5-acre wetland mitigation area to offset development impacts from road and storm water basin construction. A series of storm water management basins were constructed to serve the entire development and are subject to a maintenance agreement shared among all lot owners in the Business Center. As shown on the attached Master Site Plan for the Lannon Road Business Center, the two parcels owned by MD Development (Lot 1 of CSM #5968 and Lot 4 of CSM #5968), both parcels are covered predominantly with wetlands with small areas within each suitable for development (approximately 30,000 sqft on Lot 1 and 1.8 acres of Lot 4).

Proposal: Site Development & Building Plans

Think Design LLC, agent for MD Development LLC & Moore Designs Inc., property owner, has submitted site plan, sign and conditional use permit applications for the development of a 9,300 sqft office building and a 4,288 sqft storage building on separate parcels located across from each other on Kleinmann Drive in the Lannon Road Business Center.

As presented in the detailed site, architectural, landscaping and lighting plans, MD Development proposes to construct a 9,300 sqft office building on Lot 4 (west of Kleinmann Drive) and a 4,228 sqft storage building on Lot 1 (east of Kleinmann Drive).

Moore Designs inc. is one of southeastern Wisconsin's leading custom home designers, custom home builders and remodeling contractors. Since 1984, Moore Designs has specialized in luxury custom homes and upscale home renovations and building projects. [Source: www.mooredesigns.com]. Moore Designs Inc. intends to relocate its office from West Bend to this location in the Village of Germantown; occupying the larger of the two tenant spaces in the proposed office building and all of the storage building (carpentry storage).

In their July 18 cover letter, the applicant indicates that both the office and storage buildings will be occupied during regular business hours 7:00am to 5:00pm, Monday through Friday. Moore Designs has six (6) full-time employees in the office building and anticipates another four (4) employees to occupy the other tenant space (no tenant is currently identified). The storage building across the road will not be regularly occupied and used only for occasional off-site job meetings and small equipment and tool storage.

Design Intent. The office building is a single-story structure (35' height to parapet) with exposed truss construction and structural insulated roof panels. With architecture that is a "...modern interpretation drawing from English Countryside, Tudor and Craftsman architecture", exterior materials include stucco walls with a stone base, board & batten walls, metal standing seam roofing, asphalt roofing, single-hung windows and aluminum storefront windows systems.

The storage building compliments the office building with similar architecture and exterior materials comprised mainly of board & batten siding and asphalt roofing.

HVAC units for both buildings will be internal or ground-mounted units with no roof-mounted mechanicals.

Access & Parking. The office building will be served by one driveway and a total of (29) parking stalls (vs. the recommended 41 stalls). The storage building has (2) driveways and a total of (9) parking stalls (vs. the recommended 12 stalls). The applicant has indicated that the given the nature of their business operation, relatively low number of employees, and the fact that the storage building parcel will not be regularly occupied with office employees, they will not need the number of parking stalls recommended under the Village's parking guidelines.

Utilities. Public water and sanitary sewer lines will be extended to both buildings from existing lines in Kleinmann Drive. All other utilities, including gas, electric, phone and cable will be extended/installed underground.

Storm Water Management. A total of 22,895 sqft (7%) of impervious surfaces are proposed for the office building parcel leaving 93% open space. The existing on-site storm water basin on the north side of the office building will be modified slightly in shape to accommodate the building layout and overall development. Storm sewer and inlets will be installed in the parking lot and around the office building to convey storm water into the existing basin on the property.

A total of 14,117 sqft (3.4%) of impervious surfaces are proposed for the storage building parcel leaving 96.6% open space. Storm water from roof drains and sheet flow across the parking lot will be conveyed to a series of rain gardens installed on the property adjacent to the building with under drains to the road ditch and open areas to the south and east of the building.

Landscaping. Detailed landscaping plans indicate a significant amount of plantings comprised of deciduous and evergreen trees, shrubs, perennials, and ornamental grasses will be installed on both parcels. Further, native prairie vegetation will be established on both parcels around the developed areas as a transition to the existing wetlands on the property, and, within the rain gardens. In addition to enhancing the overall landscaping, establishment of native prairie across both parcels will serve as compensation for encroachment into the 25' wetland setback areas (see details in the June 24, 2014 Wetland Setback Compensation Plan prepared by Ron Londre, Graeff USA). A granite boulder retaining wall and associated landscaping will be installed along the west side of the office building.

Lighting. External lighting for the office building site includes:

- Six (6) 121 LED 50W cut-off, wall-mounted sconce fixtures located on the exterior wall of all four elevations around the building and outdoor deck area;
- Six (6) 150W Metal Halide lamps in full cut-off fixtures mounted at a maximum height of 25';
- Four (4) 8W LED sign luminaries to be mounted above the proposed sign located at the driveway entrance to the office building property.

External lighting for the storage building site includes:

- Three (3) 121 LED 50W cut-off, wall-mounted sconce fixtures located on the exterior wall of all four elevations around the building and outdoor deck area;
- Five (5) 150W Metal Halide lamps in full cut-off fixtures mounted at a maximum height of 25'; two fixtures will include back shields to prevent visible glare from the road.

Trash/Recycling. Both the office building and storage building sites will have a complete trash enclosures comprised of the same exterior board & batten materials and standing seam roofing with landscaping.

Signage. Signage is only proposed for the office building site. Two signs are proposed: a monument sign to be located at the driveway entrance and a second monument sign to be located west of the office building and parking lot adjacent to the landscaped retaining wall. The second monument sign is intended to be visible from USH 41/45.

- Driveway Sign: (1) double-sided, externally-illuminated monument sign comprised of a 10'6" wide x 8'4" high wood frame with two metal sign cabinets having 35 sqft of sign area per side; 70 total sqft) mounted on a masonry base w/ stucco finish and LED lighting (see above).
- Highway Sign: (1) single-sided, internally-illuminated monument sign comprised of a 14'6" wide x 11' high wood frame with one metal sign cabinet having 80 sqft of sign area) mounted on a masonry base w/ stucco finish.

Proposal: Conditional Use Permit (CUP)

The applicant has submitted a conditional use permit (CUP) application under the Village's Shoreland-Wetland Zoning Code because of proposed development activity within portions of the 25' wetland setback (adjacent to but not in the actual wetland areas).

Although the Village's Shoreland-Wetland Code requires a 25' setback from all DNR-approved delineated wetlands (regardless of size or location), the Village may allow development within the 25' setback with a CUP. Section 24.04 of the Code permits development in the required setback to provide additional buffering and/or compensation for the affected area(s) at a 1:1 ratio (for "horizontal" development) and a 2:1 ratio (for "vertical" development having a structure or grade change greater than 3' height).

As detailed in the June 24, 2014 Wetland Setback Compensation Plan narrative and exhibits, the total amount of setback area encroachment is approximately 21,380 sqft, including:

- 3,357 sqft of the office building, sidewalk and highway sign
- 2,559 sqft of the parking lot on the office building site
- 887 sqft of the parking lot on the storage building site
- 1,225 sqft of rain garden on the storage building site
- 13,350 sqft of grading and landscaping on both sites

Due to some of the encroachment being "vertical" development with a compensation ratio of 2:1, the total amount of area requiring compensation totals 24,824 sqft. Native prairie vegetation will be established over approximately 14,575 sqft of area across both sites and another 1,225 sqft of native plantings will be used in the rain garden, and the remaining 10,250 sqft of compensation area mitigated through the removal of Buckthorn and other invasive plant species from 3.8 acres (170,460 sqft) of wetland area surrounding the building sites (see Exhibit B in the report).

Staff Analysis: Issues & Concerns**CUP for Storage Building**

While professional office uses are permitted "by-right" in the B-5: Highway Business District, "construction services/contractor shops" are only permitted with a conditional use permit. Since the proposed storage building is on a separate parcel and, for all intents and purposes, capable of being sold and/or used independently of the office property, a conditional use permit is required for this use. The Plan Commission will need to include a recommendation regarding this use of the storage building as a "construction services/contractor shop" as part of their action. Given the limited amount of buildable area on this site east of Kleinmann Drive, staff supports the proposed use and building. In the event that the property is ever sold and used for another use independent of the Moore Designs office building, the issue of parking for both site may need to be addressed through the zoning permit approval process.

Signs. The proposed driveway sign will require street address coordinates mounted on the base with letter/numbers at least 5" in height. The proposed highway sign exceeds the maximum height limitation of 10 feet (11' is proposed). Also, the internally-lit sign cabinet proposed for the highway sign needs to have an opaque or dark background with only the tenant name/logo visible when lit.

Wetland Setback CUP

With regard to the CUP for development within the 25' wetland setback, staff supports the proposed mitigation plan that includes the creation/restoration of native vegetation, and, the removal of buckthorn and other invasive plants species from specific areas on the property. However, success of the native grass plantings and invasive plant removal depends on monitoring of the actions taken. Consequently, the owner should be required to prepare and submit an annual monitoring report to the Village documenting all management activities, the success of those management activities, and any corrective actions needed to ensure success of the mitigation plan for a minimum of three (3) years after initial implementation.

Engineering

The Engineering Department has identified technical corrections (see August 8, 2014 memo) that will need to be addressed in a set of revised plans submitted for review and approval by the Village Engineer prior to any construction and issuing any building permits.

Fire Department

The Fire Department has indicated that the following fire/safety protection measures be installed or met:

- A Fire Sprinkler system is required throughout the entire building addition per NFPA 13. If a new water supply is required, the Germantown Fire Department shall approve the FDC location;
- A monitored Fire Alarm Panel for the sprinkler system shall be installed per NFPA 72 at location to be determined by the Germantown Fire Department;
- The Property Owner/Applicant shall ensure that all site and building improvements comply with all Village of Germantown, Wisconsin Department of Safety and Professional Services (DSPS) and other applicable safety codes in effect at the time the occupancy permit is issued for this development;
- The owner/occupants shall prepare a written emergency plan and submit it to the Fire Department prior to issuance of an occupancy permit;
- A fire hydrant shall be installed along Kleinmann Drive between the proposed driveways for Lot 1 (the storage building site).

Police Department

The Police Department is requesting that all exterior exit doors (except for the main entrances) be clearly numbered or otherwise identified with 5" or larger reflective lettering to aid emergency personnel access.

Building Inspection

State approved plans are required for both buildings along with the standard \$20,000 occupancy bond to be required prior to issuing any building permits.

VILLAGE PLANNER RECOMMENDATION

APPROVE the site development & building plans for the proposed development of a 9,300 sqft office building and a 4,288 sqft storage building on separate parcels located on Kleinmann Drive in the Lannon Road Business Center subject to the following conditions:

1. Approval is for the site development and building plan sets dated July 18, 2014 (unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to plan revisions required herein).
2. All landscaping, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit for the proposed buildings unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs that has been reviewed and approved by the Village is submitted to the Village to ensure installation of the proposed features will be completed within one (1) year after issuance of an occupancy permit.
3. A Fire Sprinkler system is required throughout the entire building addition per NFPA 13. If a new water supply is required, the Germantown Fire Department shall approve the FDC location.
4. A monitored Fire Alarm Panel for the sprinkler system shall be installed per NFPA 72 at a location to be determined by the Germantown Fire Department.
5. The Property Owner/Applicant shall ensure that all site and building improvements comply with all Village of Germantown, Wisconsin Department of Safety and Professional Services (DSPS) and other applicable safety codes in effect at the time the occupancy permit is issued for the expansion.
6. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.
7. State approved plans for both buildings are required and one (1) \$20,000 financial guarantee occupancy bond shall be submitted to Inspection Services as part of the building permit applications.
8. All technical corrections listed in the Village Engineer's August 8, 2014 review memo shall be addressed and reflected in revised plans (as necessary) prior to issuance of any building permit.

VILLAGE PLANNER RECOMMENDATION

APPROVE a Conditional Use Permit for Moore Designs Inc. to allow the operation of a "construction services/contractor shop" on Lot 1 of CSM #5968 and subject to the following conditions:

1. In the event this property is no longer used as a "construction services/contractor shop", the property owner is required to obtain a zoning permit from the Village. Review and approval of the zoning permit application shall address the issue of parking and if necessary stipulate any requirements and/or limitations affecting such use to ensure on-site parking for the new use(s) is safe and adequate.

VILLAGE PLANNER RECOMMENDATION

APPROVE a Conditional Use Permit to allow development within the 25' wetland setback areas and proposed compensation as presented in the June 24, 2014 Wetland Setback Compensation Plan pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

1. The owner shall prepare and submit an annual monitoring report to the Village and local DNR staff concerning the various management activities proposed in the compensation plan, including the planting/restoration of native vegetation and the removal of buckthorn and other invasive species as proposed in the Wetland Setback Compensation Plan. Said report shall, at a minimum, detail the type and amount of plantings and invasive species removed, all activities carried out in the previous year and the observed success of all previous activities, recommendations for new or different activities needed to ensure success of the mitigation measures and management activities carried out, and the planned activities for the coming year. Said report shall be submitted annually at the end of each year beginning in 2015 for a period of three (3) years.

VILLAGE PLANNER RECOMMENDATION

APPROVE the proposed monument signs for Moore Designs Inc. and the office building site subject to the following conditions:

1. The proposed driveway sign shall include street address coordinates mounted on the base with letter/numbers at least 5" in height.
2. The proposed highway sign shall not exceed a maximum height of 10 feet (measured from the finished grade to the highest point of the support structure).
3. The internally-lit sign cabinet for the proposed highway sign shall have an opaque or dark background with only the tenant names/logos visible when lit.

determined by the Plan Commission as part of an amendment to the approved Site Plan.

- 7. Except for vehicles owned/operated by the rental apartment occupants, use of the property, in whole or in part, for off-site parking purposes shall not commence until such time as all of the planned improvements set forth in the approved Site Plans have been completed and the equivalent of an occupancy permit granted by the Village Planner*
- 8. Any permanent signage placed on the property for the off-site parking lot shall be reviewed and approved by the Plan Commission*
- 9. Erosion control and driveway permits from the Village are required prior to commencement of construction.*

MOTION to Amend Peck second Gray that the light fixtures have an overall pole not to exceed a height of 18 feet and an amp with a 175 watt equivalent and also add some supplemental lighting such as bollards near the driveway entrance.

Planner Retzlaff said the recommendation is for the conditional use permit. The detailed site and lighting plans will be coming. He said the proposal is to continue to use the dwelling as a rental apartment and staff supports that continued use.

MOTION to Amend Withdrawn.

MOTION to Approve carried unanimously.

Chairman Wolter thanked Commissioner Yokes and took over the meeting.

MC Development LLC & Moore Designs, Inc. – Lot 1 & Lot 4 Kleinmann Drive (Lannon Road Commerce Center). Site plan, sign and conditional use permit applications for the development of a 9,300 sqft office building and a 4,288 sqft storage building on separate parcels. Commissioner Peck said he has a business relationship with this applicant. Chairman Wolter asked if he would receive any benefit from this project. Commissioner Peck said not at all. Chairman Wolter said he didn't see a need for him to recuse himself but would leave it up to Commissioner Peck to make that decision. Planner Retzlaff summarized the proposal. Josh Wadzinski, Think Design and Dave Moore, MD Development, answered questions. Bob Diel, Land Works, explained the wetland mitigation plan for Commissioner Peck.

Chairman Wolter said he appreciated Moore Designs looking into this difficult site and the extra effort it took to make it work.

MOTION Yokes second Peck to Approve the site development & building plans for the proposed development of a 9,300 sqft office building and a 4,288 sqft storage building on separate parcels located on Kleinmann Drive in the Lannon Road Business Center subject to the following conditions:

- 1. Approval is for the site development and building plan sets dated July 18, 2014 (unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to plan revisions required herein).*
- 2. All landscaping, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit for the proposed buildings unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs*

that has been reviewed and approved by the Village is submitted to the Village to ensure installation of the proposed features will be completed within one (1) year after issuance of an occupancy permit.

- 3. A Fire Sprinkler system is required throughout the entire building addition per NFPA 13. If a new water supply is required, the Germantown Fire Department shall approve the FDC location.*
- 4. A monitored Fire Alarm Panel for the sprinkler system shall be installed per NFPA 72 at a location to be determined by the Germantown Fire Department.*
- 5. The Property Owner/Applicant shall ensure that all site and building improvements comply with all Village of Germantown, Wisconsin Department of Safety and Professional Services (DSPS) and other applicable safety codes in effect at the time the occupancy permit is issued for the expansion.*
- 6. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.*
- 7. State approved plans for both buildings are required and one (1) \$20,000 financial guarantee occupancy bond shall be submitted to Inspection Services as part of the building permit applications.*
- 8. All technical corrections listed in the Village Engineer's August 8, 2014 review memo shall be addressed and reflected in revised plans (as necessary) prior to issuance of any building permit.*

MOTION carried unanimously.

MOTION Yokes second Peck to Approve the Conditional Use Permit for Moore Designs Inc. to allow the operation of a "construction services/contractor shop" on Lot 1 of CSM #5968 subject to the following conditions:

- 1. In the event this property is no longer used as a "construction services/contractor shop", the property owner is required to obtain a zoning permit from the Village. Review and approval of the zoning permit application shall address the issue of parking and if necessary stipulate any requirements and/or limitations affecting such use to ensure on-site parking for the new use(s) is safe and adequate.*

MOTION carried unanimously.

MOTION Yokes second Peck to Approve a Conditional Use Permit to allow development within the 25' wetland setback areas and proposed compensation as presented in the June 24, 2014 Wetland Setback Compensation Plan pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

- 1. The owner shall prepare and submit an annual monitoring report to the Village and local DNR staff concerning the various management activities proposed in the compensation plan, including the planting/restoration of native vegetation and the removal of buckthorn and other invasive species as proposed in the Wetland Setback Compensation Plan. Said report shall, at a minimum, detail the type and amount of plantings and invasive species removed, all activities carried out in the previous year and the observed success of all previous activities, recommendations for new or different activities needed to ensure success of the mitigation measures and management activities carried out, and*

the planned activities for the coming year. Said report shall be submitted annually at the end of each year beginning in 2015 for a period of three (3) years.

MOTION carried unanimously.

MOTION Yokes second Peck to Approve the proposed monument signs for Moore Designs Inc. and the office building site subject to the following conditions:

- 1. The proposed driveway sign shall include street address coordinates mounted on the base with letter/numbers at least 5" in height.***
- 2. The proposed highway sign shall not exceed a maximum height of 10 feet (measured from the finished grade to the highest point of the support structure).***
- 3. The internally-lit sign cabinet for the proposed highway sign shall have an opaque or dark background with only the tenant names/logos visible when lit.***

MOTION carried unanimously.

Commissioner Yokes said the building was well designed and had a lot of detail. Commissioner Gray left her chair at 8:00 p.m.

Bradley Way Partners II, LLC – Lot 22 Washington Drive. Site development and building plan approval for a 15,778 sqft office/warehouse facility on a 3.09 acre parcel. Planner Retzlaff summarized the proposal.

Commissioner Gray returned to her seat 8:04 p.m.

Grant Duchac, Excel Engineering, and Bruce Stern, Inland Construction addressed the Commission. Mr. Duchac said some architectural elements had been added to the building since the site plan consultation. Commissioner Peck said the building still looked plain in appearance and there appeared to be a lot of extra asphalt. Steve Sewart, Bradley Way Partners, commented that the parking lot was designed to save the existing trees.

Commissioner Yokes liked the parking lot access but did not think the architecture or landscaping was much to get excited about. Planner Retzlaff said this site is similar to the site to the south because the first thing you see is the wooded area in front of the building. Chairman Wolter said the rendering is not accurate. Planner Retzlaff said the northwest corner will be seen from the street and some component should be added there. Commissioner Gray suggested adding an evergreen or spruce at the corner. Mr. Sewart said the site is very wooded and they feel the building is in line with other buildings in the Park. He said the building will not be seen from the east because there is 30 feet of dense trees along the back of the site. Commissioner Peck suggested adding some coloration on the bump outs. Mr. Stern said the thought process on the building was to blend into the natural surroundings because the lot is very wooded. He said the rooftops will not be seen from the south and a side screen could be put on the north if needed. Commissioner Gray said red maples do not live in this part of the state and the plantings around the building are too far apart. She suggested putting the name of the plants on the drawings would be very helpful for future projects. She also suggested putting some plants under the trees on the islands in the parking lot, something better than stella d'oro or daylilies. Commissioner Yokes suggested adding a free standing structure, possibly a trellis, at the corner of the

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

1 X. C
X. C

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, September 15, 2014
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against an application filed for a CONDITIONAL USE PERMIT for the operation of a Construction Services/Contractor Shop business from the property described below pursuant to Section 17.30(3)(j) of the Village Zoning Code.

Petitioner: MD Development & Moore Designs Inc., Property Owner/Operator
Property: W194 N11000 Kleinmann Drive (Parcel ID# 291-964)

Lot 1 of Certified Survey Map No. 5864 being a part of the NE 1/4 of Section 29, T9N, R20E, Village of Germantown, Washington County, Wisconsin. Said land containing 9.6 +/- acres.

A copy of the application is on file in the Planning & Zoning Division of the Community Development Department, N112 W17001 Mequon Road, and available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Dated this 18th day of August, 2014.
Barbara K. D. Goeckner, Village Clerk

To Be Published On: August 28th and September 4th, 2014

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: September 15, 2014

AGENDA ITEM: Public Hearing & New Business (Conditional Use Permit)

ITEM TITLE: MD Development & Moore Designs Inc., Property Owner; W193 N10980 Kleinmann Drive; Conditional Use Permit (CUP) for a "Construction Services/Contractor Shop"

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:

MD Development and Moore Designs Inc., own a 9.6-acre and 7.48-acre parcels on opposite sides of Kleinmann Drive. Moore Designs Inc. is a custom home designer, builder and remodeling contractor. In order to approve their plans to develop a new 9,300 sqft office building on Lot 4 (7.48-ac parcel west of Kleinmann Drive) and 4,300 sqft storage/contractor office on Lot 1 (9.6-ac parcel east of Kleinmann Drive), a Conditional Use Permit (CUP) is required to allow the operation of a "Construction Services/Contractor Shop" from Lot 1 (east of Kleinmann Drive).

ATTACHMENTS:

- ◆ 8/11/14 Staff Report
- ◆ 8/11/14 Plan Commission Meeting Minutes
- ◆ Draft CUP- "Construction Services/Contractor Shop"

PLAN COMMISSION RECOMMENDATION:

APPROVE a Conditional Use Permit for Moore Designs Inc. to allow the operation of a "construction services/contractor shop" on Lot 1 of CSM #5968 and subject to (1) condition:

1. In the event this property is no longer used as a "construction services/contractor shop", the property owner is required to obtain a zoning permit from the Village. Review and approval of the zoning permit application shall address the issue of parking and if necessary stipulate any requirements and/or limitations affecting such use to ensure on-site parking for the new use(s) is safe and adequate.

CUP # xx – 14

Document No.

CONDITIONAL USE PERMIT

Document Title

**VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN
CONDITIONAL USE ZONING PERMIT**

Whereas the Applicant:

MD Development & Moore Designs Inc., Property Owner

agree to comply with applicable Codes and Ordinances of the Village of Germantown, Wisconsin, and further agrees that all work done pursuant to the permission granted herewith will conform with the applications and drawings filed with and approvals granted by officials of the Village for the purpose of obtaining this permit.

Now, therefore, this permit is issued to the Applicants to permit the operation of a Construction Services/Contractor Shop from the property located at W193 N10980 Kleinmann Drive pursuant to Section 17.30(3)(j) of the Village Zoning Code.

Name & Return Address:

**Village of Germantown
P.O. Box 337
Germantown, WI 53022**

Parcel Identification No:

GTNV 291-964**On the following described property located in the Village of Germantown, Washington County, Wisconsin:**

Lot 1 of Certified Survey Map No. 5864 being a part of the NE 1/4 of Section 29, T9N, R20E, Village of Germantown, Washington County, Wisconsin. Said land containing 9.6 +/- acres.

Tax Key No: 291-964

Address: W193 N10980 Kleinmann Drive

Pursuant to the following condition(s):

1. This permit authorizes the uses and activities set forth in the conditional use permit application and site plan set dated July 18, 2014 and in the supporting documents and plans made part of the application on file with the Village, as well as all commitments made by the Applicant during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities or uses which causes problems or harmful effects that were not anticipated at the time of approval of this CUP, the conditional use permit may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.
3. In the event this property is no longer used as a "construction services/contractor shop", the property owner is required to obtain a zoning permit from the Village. Review and approval of the zoning permit application shall address the issue of parking and if necessary stipulate any requirements and/or limitations affecting such use to ensure on-site parking for the new use(s) is safe and adequate.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin
on the ____ day of _____, 2014.

ATTEST:

Dean Wolter, Village President

Barbara K. D. Goeckner, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this ____ day of _____, 2014, the above
named Dean Wolter, Village President, and Barbara K. D. Goeckner, Village Clerk, to me
known to be the persons who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

The following named person, who is authorized to represent MD Development and Moore Designs Inc., Property Owner, hereby accepts the terms and conditions set forth in this Permit, and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2014

{type or print name on this line}

{signature on this line}

Agent for MD Development and Moore Designs Inc.

STATE OF WISCONSIN) SS
_____) COUNTY)

Personally came before me this ____ day of _____, 2014, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

This instrument was drafted by:
Jeffrey W. Retzlaff, AICP
Community Development Director/Zoning Administrator
Village of Germantown, Wisconsin

SITE PLAN REVIEW, SIGN REVIEW & CONDITIONAL USE PERMIT APPLICATIONS

8/11/14 Plan Commission Meeting

MD Development & Moore Designs Inc. / Think Design LLC

Village Planner Report

Germantown, Wisconsin

Summary

Think Design LLC, agent for MD Development LLC & Moore Designs Inc., property owner, has submitted site plan, sign and conditional use permit applications for the development of a 9,300 sqft office building and a 4,288 sqft storage building on separate parcels located on Kleinmann Drive in the Lannon Road Business Center.

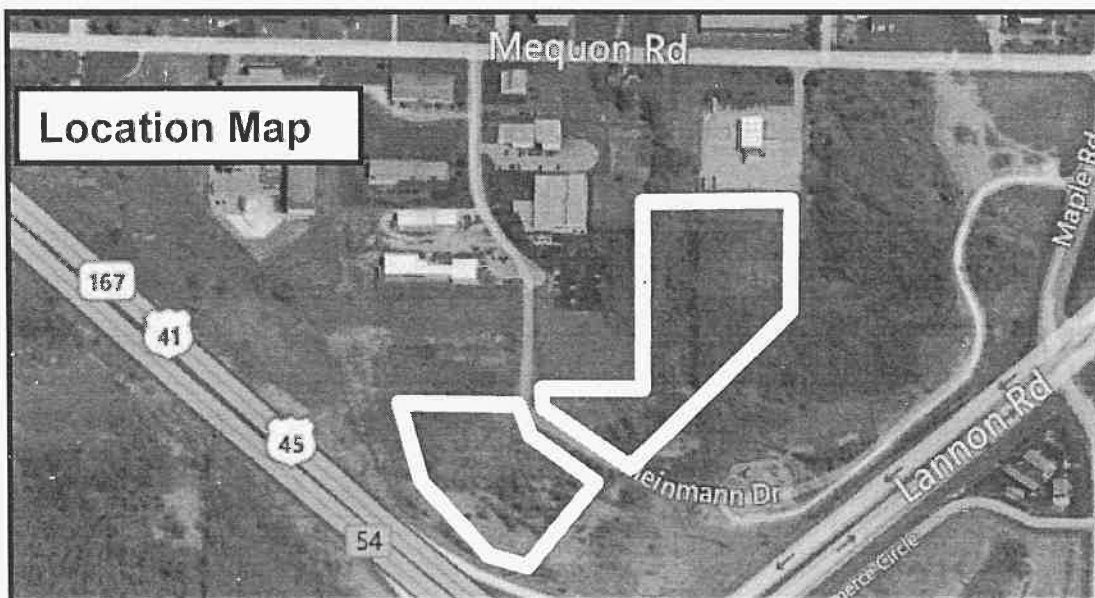
Location: Kleinmann Drive - Lot 1 & Lot 4 of CSM #5968
Lannon Road Business Center

Applicant/

Property Owner: Josh Wadzinski Dave & Lisa Moore
Think Design LLC MD Development & Moore Designs Inc.
2536 Wendling Ct 1707 Vogt Drive
Milwaukee, WI 53209 West Bend, WI 53095

Current Zoning: B-5: Highway Business

Adjacent Land Uses		Zoning
North	Industrial	M-1
South	Commercial	B-5
East	Commercial	B-5
West	USH 41/45	n/a



Background

The Lannon Road Business Center is a 50-acre area development area comprised of nine (9) lots intended for highway-oriented business/commercial uses. The Carlson Investment Group and DBI Inc. intended to develop this multi-lot area with high quality architecture, uniform lighting, signage, a comprehensive storm water management system, and an overall wetland preservation & mitigation area given the amount of wetland within the area and the wetland filling that was needed to extend Kleinmann Drive through the development. CIG created a 2.5-acre wetland mitigation area to offset development impacts from road and storm water basin construction. A series of storm water management basins were constructed to serve the entire development and are subject to a maintenance agreement shared among all lot owners in the Business Center. As shown on the attached Master Site Plan for the Lannon Road Business Center, the two parcels owned by MD Development (Lot 1 of CSM #5968 and Lot 4 of CSM #5968), both parcels are covered predominantly with wetlands with small areas within each suitable for development (approximately 30,000 sqft on Lot 1 and 1.8 acres of Lot 4).

Proposal: Site Development & Building Plans

Think Design LLC, agent for MD Development LLC & Moore Designs Inc., property owner, has submitted site plan, sign and conditional use permit applications for the development of a 9,300 sqft office building and a 4,288 sqft storage building on separate parcels located across from each other on Kleinmann Drive in the Lannon Road Business Center.

As presented in the detailed site, architectural, landscaping and lighting plans, MD Development proposes to construct a 9,300 sqft office building on Lot 4 (west of Kleinmann Drive) and a 4,228 sqft storage building on Lot 1 (east of Kleinmann Drive).

Moore Designs inc. is one of southeastern Wisconsin's leading custom home designers, custom home builders and remodeling contractors. Since 1984, Moore Designs has specialized in luxury custom homes and upscale home renovations and building projects. [Source: www.mooredesigns.com]. Moore Designs Inc. intends to relocate its office from West Bend to this location in the Village of Germantown; occupying the larger of the two tenant spaces in the proposed office building and all of the storage building (carpentry storage).

In their July 18 cover letter, the applicant indicates that both the office and storage buildings will be occupied during regular business hours 7:00am to 5:00pm, Monday through Friday. Moore Designs has six (6) full-time employees in the office building and anticipates another four (4) employees to occupy the other tenant space (no tenant is currently identified). The storage building across the road will not be regularly occupied and used only for occasional off-site job meetings and small equipment and tool storage.

Design Intent. The office building is a single-story structure (35' height to parapet) with exposed truss construction and structural insulated roof panels. With architecture that is a "...modern interpretation drawing from English Countryside, Tudor and Craftsman architecture", exterior materials include stucco walls with a stone base, board & batten walls, metal standing seam roofing, asphalt roofing, single-hung windows and aluminum storefront windows systems.

The storage building compliments the office building with similar architecture and exterior materials comprised mainly of board & batten siding and asphalt roofing.

HVAC units for both buildings will be internal or ground-mounted units with no roof-mounted mechanicals.

Access & Parking. The office building will be served by one driveway and a total of (29) parking stalls (vs. the recommended 41 stalls). The storage building has (2) driveways and a total of (9) parking stalls (vs. the recommended 12 stalls). The applicant has indicated that the given the nature of their business operation, relatively low number of employees, and the fact that the storage building parcel will not be regularly occupied with office employees, they will not need the number of parking stalls recommended under the Village's parking guidelines.

Utilities. Public water and sanitary sewer lines will be extended to both buildings from existing lines in Kleinmann Drive. All other utilities, including gas, electric, phone and cable will be extended/installed underground.

Storm Water Management. A total of 22,895 sqft (7%) of impervious surfaces are proposed for the office building parcel leaving 93% open space. The existing on-site storm water basin on the north side of the office building will be modified slightly in shape to accommodate the building layout and overall development. Storm sewer and inlets will be installed in the parking lot and around the office building to convey storm water into the existing basin on the property.

A total of 14,117 sqft (3.4%) of impervious surfaces are proposed for the storage building parcel leaving 96.6% open space. Storm water from roof drains and sheet flow across the parking lot will be conveyed to a series of rain gardens installed on the property adjacent to the building with under drains to the road ditch and open areas to the south and east of the building.

Landscaping. Detailed landscaping plans indicate a significant amount of plantings comprised of deciduous and evergreen trees, shrubs, perennials, and ornamental grasses will be installed on both parcels. Further, native prairie vegetation will be established on both parcels around the developed areas as a transition to the existing wetlands on the property, and, within the rain gardens. In addition to enhancing the overall landscaping, establishment of native prairie across both parcels will serve as compensation for encroachment into the 25' wetland setback areas (see details in the June 24, 2014 Wetland Setback Compensation Plan prepared by Ron Londre, Graeff USA). A granite boulder retaining wall and associated landscaping will be installed along the west side of the office building.

Lighting. External lighting for the office building site includes:

- Six (6) 121 LED 50W cut-off, wall-mounted sconce fixtures located on the exterior wall of all four elevations around the building and outdoor deck area;
- Six (6) 150W Metal Halide lamps in full cut-off fixtures mounted at a maximum height of 25';
- Four (4) 8W LED sign luminaries to be mounted above the proposed sign located at the driveway entrance to the office building property.

External lighting for the storage building site includes:

- Three (3) 121 LED 50W cut-off, wall-mounted sconce fixtures located on the exterior wall of all four elevations around the building and outdoor deck area;
- Five (5) 150W Metal Halide lamps in full cut-off fixtures mounted at a maximum height of 25'; two fixtures will include back shields to prevent visible glare from the road.

Trash/Recycling. Both the office building and storage building sites will have a complete trash enclosures comprised of the same exterior board & batten materials and standing seam roofing with landscaping.

Signage. Signage is only proposed for the office building site. Two signs are proposed: a monument sign to be located at the driveway entrance and a second monument sign to be located west of the office building and parking lot adjacent to the landscaped retaining wall. The second monument sign is intended to be visible from USH 41/45.

- Driveway Sign: (1) double-sided, externally-illuminated monument sign comprised of a 10'6" wide x 8'4" high wood frame with two metal sign cabinets having 35 sqft of sign area per side; 70 total sqft) mounted on a masonry base w/ stucco finish and LED lighting (see above).
- Highway Sign: (1) single-sided, internally-illuminated monument sign comprised of a 14'6" wide x 11' high wood frame with one metal sign cabinet having 80 sqft of sign area) mounted on a masonry base w/ stucco finish.

Proposal: Conditional Use Permit (CUP)

The applicant has submitted a conditional use permit (CUP) application under the Village's Shoreland-Wetland Zoning Code because of proposed development activity within portions of the 25' wetland setback (adjacent to but not in the actual wetland areas).

Although the Village's Shoreland-Wetland Code requires a 25' setback from all DNR-approved delineated wetlands (regardless of size or location), the Village may allow development within the 25' setback with a CUP. Section 24.04 of the Code permits development in the required setback to provide additional buffering and/or compensation for the affected area(s) at a 1:1 ratio (for "horizontal" development) and a 2:1 ratio (for "vertical" development having a structure or grade change greater than 3' height).

As detailed in the June 24, 2014 Wetland Setback Compensation Plan narrative and exhibits, the total amount of setback area encroachment is approximately 21,380 sqft, including:

- 3,357 sqft of the office building, sidewalk and highway sign
- 2,559 sqft of the parking lot on the office building site
- 887 sqft of the parking lot on the storage building site
- 1,225 sqft of rain garden on the storage building site
- 13,350 sqft of grading and landscaping on both sites

Due to some of the encroachment being "vertical" development with a compensation ratio of 2:1, the total amount of area requiring compensation totals 24,824 sqft. Native prairie vegetation will be established over approximately 14,575 sqft of area across both sites and another 1,225 sqft of native plantings will be used in the rain garden, and the remaining 10,250 sqft of compensation area mitigated through the removal of Buckthorn and other invasive plant species from 3.8 acres (170,460 sqft) of wetland area surrounding the building sites (see Exhibit B in the report).

Staff Analysis: Issues & Concerns

CUP for Storage Building

While professional office uses are permitted "by-right" in the B-5: Highway Business District, "construction services/contractor shops" are only permitted with a conditional use permit. Since the proposed storage building is on a separate parcel and, for all intents and purposes, capable of being sold and/or used independently of the office property, a conditional use permit is required for this use. The Plan Commission will need to include a recommendation regarding this use of the storage building as a "construction services/contractor shop" as part of their action. Given the limited amount of buildable area on this site east of Kleinmann Drive, staff supports the proposed use and building. In the event that the property is ever sold and used for another use independent of the Moore Designs office building, the issue of parking for both site may need to be addressed through the zoning permit approval process.

Signs. The proposed driveway sign will require street address coordinates mounted on the base with letter/numbers at least 5" in height. The proposed highway sign exceeds the maximum height limitation of 10 feet (11' is proposed). Also, the internally-lit sign cabinet proposed for the highway sign needs to have an opaque or dark background with only the tenant name/logo visible when lit.

Wetland Setback CUP

With regard to the CUP for development within the 25' wetland setback, staff supports the proposed mitigation plan that includes the creation/restoration of native vegetation, and, the removal of buckthorn and other invasive plants species from specific areas on the property. However, success of the native grass plantings and invasive plant removal depends on monitoring of the actions taken. Consequently, the owner should be required to prepare and submit an annual monitoring report to the Village documenting all management activities, the success of those management activities, and any corrective actions needed to ensure success of the mitigation plan for a minimum of three (3) years after initial implementation.

Engineering

The Engineering Department has identified technical corrections (see August 8, 2014 memo) that will need to be addressed in a set of revised plans submitted for review and approval by the Village Engineer prior to any construction and issuing any building permits.

Fire Department

The Fire Department has indicated that the following fire/safety protection measures be installed or met:

- A Fire Sprinkler system is required throughout the entire building addition per NFPA 13. If a new water supply is required, the Germantown Fire Department shall approve the FDC location;
- A monitored Fire Alarm Panel for the sprinkler system shall be installed per NFPA 72 at location to be determined by the Germantown Fire Department;
- The Property Owner/Applicant shall ensure that all site and building improvements comply with all Village of Germantown, Wisconsin Department of Safety and Professional Services (DSPS) and other applicable safety codes in effect at the time the occupancy permit is issued for this development;
- The owner/occupants shall prepare a written emergency plan and submit it to the Fire Department prior to issuance of an occupancy permit;
- A fire hydrant shall be installed along Kleinmann Drive between the proposed driveways for Lot 1 (the storage building site).

Police Department

The Police Department is requesting that all exterior exit doors (except for the main entrances) be clearly numbered or otherwise identified with 5" or larger reflective lettering to aid emergency personnel access.

Building Inspection

State approved plans are required for both buildings along with the standard \$20,000 occupancy bond to be required prior to issuing any building permits.

VILLAGE PLANNER RECOMMENDATION

APPROVE the site development & building plans for the proposed development of a 9,300 sqft office building and a 4,288 sqft storage building on separate parcels located on Kleinmann Drive in the Lannon Road Business Center subject to the following conditions:

1. Approval is for the site development and building plan sets dated July 18, 2014 (unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to plan revisions required herein).
2. All landscaping, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit for the proposed buildings unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs that has been reviewed and approved by the Village is submitted to the Village to ensure installation of the proposed features will be completed within one (1) year after issuance of an occupancy permit.
3. A Fire Sprinkler system is required throughout the entire building addition per NFPA 13. If a new water supply is required, the Germantown Fire Department shall approve the FDC location.
4. A monitored Fire Alarm Panel for the sprinkler system shall be installed per NFPA 72 at a location to be determined by the Germantown Fire Department.
5. The Property Owner/Applicant shall ensure that all site and building improvements comply with all Village of Germantown, Wisconsin Department of Safety and Professional Services (DSPS) and other applicable safety codes in effect at the time the occupancy permit is issued for the expansion.
6. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.
7. State approved plans for both buildings are required and one (1) \$20,000 financial guarantee occupancy bond shall be submitted to Inspection Services as part of the building permit applications.
8. All technical corrections listed in the Village Engineer's August 8, 2014 review memo shall be addressed and reflected in revised plans (as necessary) prior to issuance of any building permit.

VILLAGE PLANNER RECOMMENDATION

APPROVE a Conditional Use Permit for Moore Designs Inc. to allow the operation of a "construction services/contractor shop" on Lot 1 of CSM #5968 and subject to the following conditions:

1. In the event this property is no longer used as a "construction services/contractor shop", the property owner is required to obtain a zoning permit from the Village. Review and approval of the zoning permit application shall address the issue of parking and if necessary stipulate any requirements and/or limitations affecting such use to ensure on-site parking for the new use(s) is safe and adequate.

VILLAGE PLANNER RECOMMENDATION

APPROVE a Conditional Use Permit to allow development within the 25' wetland setback areas and proposed compensation as presented in the June 24, 2014 Wetland Setback Compensation Plan pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

1. The owner shall prepare and submit an annual monitoring report to the Village and local DNR staff concerning the various management activities proposed in the compensation plan, including the planting/restoration of native vegetation and the removal of buckthorn and other invasive species as proposed in the Wetland Setback Compensation Plan. Said report shall, at a minimum, detail the type and amount of plantings and invasive species removed, all activities carried out in the previous year and the observed success of all previous activities, recommendations for new or different activities needed to ensure success of the mitigation measures and management activities carried out, and the planned activities for the coming year. Said report shall be submitted annually at the end of each year beginning in 2015 for a period of three (3) years.

VILLAGE PLANNER RECOMMENDATION

APPROVE the proposed monument signs for Moore Designs Inc. and the office building site subject to the following conditions:

1. The proposed driveway sign shall include street address coordinates mounted on the base with letter/numbers at least 5" in height.
2. The proposed highway sign shall not exceed a maximum height of 10 feet (measured from the finished grade to the highest point of the support structure).
3. The internally-lit sign cabinet for the proposed highway sign shall have an opaque or dark background with only the tenant names/logos visible when lit.

determined by the Plan Commission as part of an amendment to the approved Site Plan.

- 7. Except for vehicles owned/operated by the rental apartment occupants, use of the property, in whole or in part, for off-site parking purposes shall not commence until such time as all of the planned improvements set forth in the approved Site Plans have been completed and the equivalent of an occupancy permit granted by the Village Planner*
- 8. Any permanent signage placed on the property for the off-site parking lot shall be reviewed and approved by the Plan Commission*
- 9. Erosion control and driveway permits from the Village are required prior to commencement of construction.*

MOTION to Amend Peck second Gray that the light fixtures have an overall pole not to exceed a height of 18 feet and an amp with a 175 watt equivalent and also add some supplemental lighting such as bollards near the driveway entrance.

Planner Retzlaff said the recommendation is for the conditional use permit. The detailed site and lighting plans will be coming. He said the proposal is to continue to use the dwelling as a rental apartment and staff supports that continued use.

MOTION to Amend Withdrawn.

MOTION to Approve carried unanimously.

Chairman Wolter thanked Commissioner Yokes and took over the meeting.

MC Development LLC & Moore Designs, Inc. – Lot 1 & Lot 4 Kleinmann Drive (Lannon Road Commerce Center). Site plan, sign and conditional use permit applications for the development of a 9,300 sqft office building and a 4,288 sqft storage building on separate parcels. Commissioner Peck said he has a business relationship with this applicant. Chairman Wolter asked if he would receive any benefit from this project. Commissioner Peck said not at all. Chairman Wolter said he didn't see a need for him to recuse himself but would leave it up to Commissioner Peck to make that decision. Planner Retzlaff summarized the proposal. Josh Wadzinski, Think Design and Dave Moore, MD Development, answered questions. Bob Diel, Land Works, explained the wetland mitigation plan for Commissioner Peck.

Chairman Wolter said he appreciated Moore Designs looking into this difficult site and the extra effort it took to make it work.

MOTION Yokes second Peck to Approve the site development & building plans for the proposed development of a 9,300 sqft office building and a 4,288 sqft storage building on separate parcels located on Kleinmann Drive in the Lannon Road Business Center subject to the following conditions:

- 1. Approval is for the site development and building plan sets dated July 18, 2014 (unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to plan revisions required herein).*
- 2. All landscaping, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit for the proposed buildings unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs*

that has been reviewed and approved by the Village is submitted to the Village to ensure installation of the proposed features will be completed within one (1) year after issuance of an occupancy permit.

- 3. A Fire Sprinkler system is required throughout the entire building addition per NFPA 13. If a new water supply is required, the Germantown Fire Department shall approve the FDC location.*
- 4. A monitored Fire Alarm Panel for the sprinkler system shall be installed per NFPA 72 at a location to be determined by the Germantown Fire Department.*
- 5. The Property Owner/Applicant shall ensure that all site and building improvements comply with all Village of Germantown, Wisconsin Department of Safety and Professional Services (DSPS) and other applicable safety codes in effect at the time the occupancy permit is issued for the expansion.*
- 6. All exterior doors shall be clearly marked with reflective 5" or larger letters/numbers to aid emergency personnel access as required by the Police Department.*
- 7. State approved plans for both buildings are required and one (1) \$20,000 financial guarantee occupancy bond shall be submitted to Inspection Services as part of the building permit applications.*
- 8. All technical corrections listed in the Village Engineer's August 8, 2014 review memo shall be addressed and reflected in revised plans (as necessary) prior to issuance of any building permit.*

MOTION carried unanimously.

MOTION Yokes second Peck to Approve the Conditional Use Permit for Moore Designs Inc. to allow the operation of a "construction services/contractor shop" on Lot 1 of CSM #5968 subject to the following conditions:

- 1. In the event this property is no longer used as a "construction services/contractor shop", the property owner is required to obtain a zoning permit from the Village. Review and approval of the zoning permit application shall address the issue of parking and if necessary stipulate any requirements and/or limitations affecting such use to ensure on-site parking for the new use(s) is safe and adequate.*

MOTION carried unanimously.

MOTION Yokes second Peck to Approve a Conditional Use Permit to allow development within the 25' wetland setback areas and proposed compensation as presented in the June 24, 2014 Wetland Setback Compensation Plan pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

- 1. The owner shall prepare and submit an annual monitoring report to the Village and local DNR staff concerning the various management activities proposed in the compensation plan, including the planting/restoration of native vegetation and the removal of buckthorn and other invasive species as proposed in the Wetland Setback Compensation Plan. Said report shall, at a minimum, detail the type and amount of plantings and invasive species removed, all activities carried out in the previous year and the observed success of all previous activities, recommendations for new or different activities needed to ensure success of the mitigation measures and management activities carried out, and*

the planned activities for the coming year. Said report shall be submitted annually at the end of each year beginning in 2015 for a period of three (3) years.

MOTION carried unanimously.

MOTION Yokes second Peck to Approve the proposed monument signs for Moore Designs Inc. and the office building site subject to the following conditions:

- 1. The proposed driveway sign shall include street address coordinates mounted on the base with letter/numbers at least 5" in height.***
- 2. The proposed highway sign shall not exceed a maximum height of 10 feet (measured from the finished grade to the highest point of the support structure).***
- 3. The internally-lit sign cabinet for the proposed highway sign shall have an opaque or dark background with only the tenant names/logos visible when lit.***

MOTION carried unanimously.

Commissioner Yokes said the building was well designed and had a lot of detail. Commissioner Gray left her chair at 8:00 p.m.

Bradley Way Partners II, LLC – Lot 22 Washington Drive. Site development and building plan approval for a 15,778 sqft office/warehouse facility on a 3.09 acre parcel. Planner Retzlaff summarized the proposal.

Commissioner Gray returned to her seat 8:04 p.m.

Grant Duchac, Excel Engineering, and Bruce Stern, Inland Construction addressed the Commission. Mr. Duchac said some architectural elements had been added to the building since the site plan consultation. Commissioner Peck said the building still looked plain in appearance and there appeared to be a lot of extra asphalt. Steve Sewart, Bradley Way Partners, commented that the parking lot was designed to save the existing trees.

Commissioner Yokes liked the parking lot access but did not think the architecture or landscaping was much to get excited about. Planner Retzlaff said this site is similar to the site to the south because the first thing you see is the wooded area in front of the building. Chairman Wolter said the rendering is not accurate. Planner Retzlaff said the northwest corner will be seen from the street and some component should be added there. Commissioner Gray suggested adding an evergreen or spruce at the corner. Mr. Sewart said the site is very wooded and they feel the building is in line with other buildings in the Park. He said the building will not be seen from the east because there is 30 feet of dense trees along the back of the site. Commissioner Peck suggested adding some coloration on the bump outs. Mr. Stern said the thought process on the building was to blend into the natural surroundings because the lot is very wooded. He said the rooftops will not be seen from the south and a side screen could be put on the north if needed. Commissioner Gray said red maples do not live in this part of the state and the plantings around the building are too far apart. She suggested putting the name of the plants on the drawings would be very helpful for future projects. She also suggested putting some plants under the trees on the islands in the parking lot, something better than stella d'oro or daylilies. Commissioner Yokes suggested adding a free standing structure, possibly a trellis, at the corner of the

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

IX. D
X. D

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, September 15, 2014
TIME: 7:00 p.m. or later

The purpose of said hearing is to solicit public comments from any and all parties, their attorneys or agents, for or against proposed amendments to Chapter 18 of the Germantown Municipal Code (relating to the number of lots or parcels that can be created with Certified Survey Maps).

A copy of the proposed amendments are on file in the Planning & Zoning Division of the Community Development Department, N112 W17001 Mequon Road, and available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Dated this 18th day of August, 2014.
Barbara K. D. Goeckner, Village Clerk

To Be Published On: August 28th and September 4th, 2014

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: September 15, 2014

AGENDA ITEM: Public Hearing & New Business (Ordinance)

ITEM TITLE: Community Development Department; Subdivision & Platting Code Text Amendment (Section 18.06)

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department



SUMMARY EXPLANATION:

The Community Development Department is proposing an amendment to Section 18.06 of the Subdivision & Platting Code (Certified Survey Maps). The proposed amendment would allow certified survey maps (CSM) to be used for the division of land into as many as ten (10) parcels or lots for land located within a commercial, industrial or mixed-use zoning district.

Section 18.06 in the Village Code sets forth the provisions for the use of certified survey maps (CSM) for granting minor land divisions. By definition in Section 18.11(25) a "Minor Land Division" is a legal surveying document used for the division of land into two (2) but not more than four (4) lots or parcels.

Wisconsin Act 272 (copy attached) was adopted by Governor Walker in April, 2014. Act 272 amended portions of Chapter 236 concerning Certified Survey Maps. The amendments provide municipalities the ability to expand the use of CSM's to create land divisions for more than just four (4) lots or parcels *if* the land being divided is located in a commercial, industrial or mixed-use zoning district. The amendments provide municipalities the ability to establish the maximum number of lots or parcels that can be created in their own community. The Act further provides that a CSM used to create more than 4 lots or parcels must be submitted to WisDOA for review and compliance with the layout, surveying and certification requirements in Chapter 236 (236.15, 236.20 and 236.21).

ATTACHMENTS:

- ◆ 8/11/14 Staff Report
- ◆ 8/11/14 Plan Commission Meeting Minutes
- ◆ Draft Ordinance
- ◆ 2013 Act 272; Legislation Summary

PLAN COMMISSION RECOMMENDATION:

APPROVE the proposed amendment to Section 18.06(6) as drafted.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
THE VILLAGE OF GERMANTOWN ZONING CODE**

THE VILLAGE BOARD OF THE VILLAGE OF GERMANTOWN, WASHINGTON
COUNTY, WISCONSIN, ORDAINS AS FOLLOWS:

SECTION 1. Section 18.06(6) of the Zoning Code is created to read:

18.06(6) Subject to the requirements and limitations of Wis. Stats. 236.34(1), a certified survey map may be used for the subdivision of land up to ten (10) parcels or building sites located within a business ("B" designation), industrial ("M" designation) or a mixed-use ("PDD" designation) Zoning District.

SECTION 2. This ordinance shall take effect and be in full force the day after its passage and publication, as provided by law.

Introduced by Trustee:

Adopted:

Vote: Ayes: Nays:

Dean Wolter, Village President

APPROVED AS TO FORM:

ATTEST:

Brian C. Sajdak, Village Attorney

Barbara K. D. Goeckner, Village Clerk

SUBDIVISION & PLATTING CODE AMENDMENT

8/11/14 Plan Commission Meeting

Germantown Community Development Department

Village Planner Report

Germantown, Wisconsin

Summary

The Community Development Department is proposing an amendment to Section 18.06 of the Subdivision & Platting Code (Certified Survey Maps). The proposed amendment would allow certified survey maps (CSM) to be used for the division of land into as many as ten (10) parcels or lots for land located within a commercial, industrial or mixed-use zoning district.

Background

The division of land into lots or parcels is regulated under Wis. Stats. (Chapter 236) and Village Code (Chapter 18). Generally speaking, Chapter 236 establishes a minimum set of requirements, limitations and allowances leaving local governments to adopt stricter regulations as they deem necessary and appropriate for their community. Most municipalities, including the Village of Germantown, that regulate the use and division of land are required to adopt their own zoning and subdivision regulations. Consistent with Wis. Stats. Chapter 26, the Village of Germantown currently regulates the division of land using two different legal surveying documents: Certified Survey Maps (CSM) and Subdivision Plats.

Section 18.06 in the Village Code sets forth the provisions for the use of certified survey maps (CSM) for granting minor land divisions. By definition in Section 18.11(25) a "Minor Land Division" is a legal surveying document used for the division of land into two (2) but not more than four (4) lots or parcels. Land divisions that create more than five (5) or more lots or parcels within a 5-year time period are by definition a "Subdivision" and are adopted and recorded using a subdivision plat. A CSM is typically only submitted to the municipality for review and approval (recording is done by the county register of deeds). The only exception is if the land being divided is adjacent to a state highway or connecting highway; in which case the Wisconsin DOT is also involved in the review/approval of a CSM. Subdivision plats undergo a more rigorous review process that involves not only the Village of Germantown, but also the Wisconsin Department of Administration (WisDOA), WisDOT, and Washington County. Generally speaking, CSM's are less expensive to prepare and the review process takes less time.

Wisconsin Act 272 (copy attached) was adopted by Governor Walker in April, 2014. Act 272 amended portions of Chapter 236; specifically, the provisions for Certified Survey Maps. The amendments provide municipalities the opportunity to expand the use of CSM's to create land divisions for more than just four (4) lots or parcels if the land being divided is located in a commercial, industrial or mixed-use zoning district. The amendments provide municipalities the ability to establish the maximum number of lots or parcels that can be created in their own community. The Act further provides that a CSM used to create more than 4 lots or parcels must be submitted to WisDOA for review and compliance with the layout, surveying and certification requirements in Chapter 236 (236.15, 236.20 and 236.21).

Toward that end, Staff is recommending that the Village amend the subdivision regulations in Chapter 18 as necessary to increase the number of lots or parcels that can be created with a CSM up to a maximum of ten (10).

Many times, the development of commercial, industrial or mixed-use projects involves the creation of lots or parcels that need to be re-divided either by design or circumstance. For example, many of the parcels in the northern part of Germantown Business Park needed to be re-divided in order to accommodate the specific land area (and shape) needs of those businesses given the size and dimensions of the buildings that wanted to develop. In one case (Airgas), a CSM was used to not only reconfigure the lot area but also to vacate a previously planned cul-de-sac street. For these reasons, the relative ease with which CSM's can be prepared and processed makes them very useful and convenient. However, if the Village would have created or re-created 5 or more lots within a 5-year time period, the Village would have been required to prepare a subdivision plat for the entire area affected by the previously-approved CSM's and submitted the plat to state and county agencies for under the more rigorous and lengthy review/approval process.

Ultimately, the ability to use CSM's in the Village of Germantown to create and/or re-divide more than four (4) commercial, industrial or mixed-use lots or parcels, may result in the saving of both time and money when compared to land divisions that would ordinarily be required to go through the full subdivision platting process.

Proposed Amendment

Section 18.06(6) of the Zoning Code is created to read:

18.06(6) Subject to the requirements and limitations of Wis. Stats. 236.34(1), a certified survey map may be used for the subdivision of land up to ten (10) parcels or building sites located within a business ("B" designation), industrial ("M" designation) or a mixed-use ("PDD" designation) Zoning District.

Village Planner Recommendation

APPROVE the proposed amendment to Section 18.06(6) as drafted.

8. ***The landscape plan shall be revised to add a Spruce tree at the northwest corner of the building along with a Crabapple tree between the 2 entry piers, change the 2 maple trees at the handicap parking stall and entrance island to Honey Locust trees.***

Chairman Wolter said this is a difficult site to develop and thinks it is a good fit for the area.

MOTION to Approve carried unanimously.

Subdivision and Platting code Amendment to Section 18.06 (Certified Survey Map).

Planner Retzlaff summarized the proposed amendment that would allow a certified survey map to be used for the division of land into as many as 10 parcels or lots for land located within a commercial, industrial or mixed-use zoning district. He said because of Act 272, specific portions of the state statute dealing with subdivision platting were amended that now enable local communities the ability to increase the number of lots created by certified survey map to more than 4. The number chosen is determined by the municipality and staff is recommending an increase to 10 lots. He said this amendment will come into play with the creation of the new Willow Creek Business Park.

MOTION Campbell second Shadid to Approve the proposed amendment to Section 18.06(6) as drafted.

Discussion followed. Chairman Wolter said the amendment does not apply to residential development.

Trustee Baum arrived at 8:55 p.m.

MOTION carried unanimously.

ANNOUNCEMENTS: Chairman Wolter reminded everyone that tomorrow is Election Day.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant

State of Wisconsin



2013 Senate Bill 502

Date of enactment: April 16, 2014
Date of publication*: April 17, 2014

2013 WISCONSIN ACT 272

AN ACT *to renumber* 236.02 (12) (b) and 236.34 (1) (a) to (f); *to renumber and amend* 236.02 (12) (intro.), 236.02 (12) (a) and 236.34 (1) (intro.); *to amend* 77.25 (2r), 236.03 (1), 236.31 (2), 236.34 (2) (a) and 236.34 (2) (b) 2.; *to repeal and recreate* 236.34 (1) (title); and *to create* 236.02 (12) (bm), 236.34 (1) (ar), 236.34 (1m) (em) and 236.34 (1m) (er) of the statutes; **relating to:** authorizing ordinances and resolutions that specify a greater number of parcels into which certified survey maps may divide land.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 77.25 (2r) of the statutes is amended to read:

77.25 (2r) Under s. 236.29 (1) or (2) or 236.34 (1) (1m) (e) or for the purpose of a road, street, or highway, to the United States or to this state or to any instrumentality, agency, or subdivision of either.

SECTION 2. 236.02 (12) (intro.) of the statutes is renumbered 236.02 (12) (am) (intro.) and amended to read:

236.02 (12) (am) (intro.) "Subdivision" is Except as provided in par. (bm), "subdivision" means a division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where and to which any of the following applies:

SECTION 3. 236.02 (12) (a) of the statutes is renumbered 236.02 (12) (am) 1. and amended to read:

236.02 (12) (am) 1. The act of division creates 5 or more parcels or building sites of 1 1/2 acres each or less in area; or.

SECTION 4. 236.02 (12) (b) of the statutes is renumbered 236.02 (12) (am) 2.

SECTION 5. 236.02 (12) (bm) of the statutes is created to read:

236.02 (12) (bm) "Subdivision" does not include a division of land into 5 or more parcels or building sites by a certified survey map in accordance with an ordinance enacted or a resolution adopted under s. 236.34 (1) (ar) 1.

SECTION 6. 236.03 (1) of the statutes is amended to read:

236.03 (1) Any division of land ~~which that~~ results in a subdivision as defined in s. 236.02 (12) (a) (am) 1. shall be, and any other division may be, surveyed and a plat thereof approved and recorded as required by this chapter. No map or survey purporting to create divisions of land or intending to clarify metes and bounds descriptions may be recorded except as provided by this chapter.

SECTION 7. 236.31 (2) of the statutes is amended to read:

236.31 (2) Any municipality, town, county, or state agency with subdivision review authority may institute injunction or other appropriate action or proceeding to enjoin a violation of any provision of this chapter, an ordinance, or a rule adopted ~~pursuant to~~ under this chapter. Any such municipality, town, or county may impose

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

a forfeiture for violation of any such ordinance, and order an assessor's plat to be made under s. 70.27 at the expense of the subdivider or the subdivider's agent when a subdivision is created under s. 236.02 (12) ~~(b)~~ (am) 2. by successive divisions.

SECTION 8. 236.34 (1) (title) of the statutes is repealed and recreated to read:

236.34 (1) (title) DESCRIPTION AND USES.

SECTION 9. 236.34 (1) (intro.) of the statutes is renumbered 236.34 (1) (am) and amended to read:

236.34 (1) (am) A certified survey map of not more than 4 parcels of land, or such greater maximum number specified by an ordinance enacted or resolution adopted under par. (ar) 1., consisting of lots or outlots may be recorded in the office of the register of deeds of the county in which the land is situated.

(bm) A certified survey map may be used to change the boundaries of lots and outlots within a recorded plat, recorded assessor's plat under s. 70.27, or recorded, certified survey map if the reconfiguration does not result in a subdivision or violate a local ~~subdivision regulation ordinance or resolution.~~

(cm) A certified survey map may not alter areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement, or by any other manner.

(dm) A certified survey map that crosses the exterior boundary of a recorded plat or assessor's plat shall apply to the reconfiguration of ~~fewer than 5 parcels not more than 4 parcels, or such greater maximum number specified by an ordinance enacted or resolution adopted under par. (ar) 1.,~~ by a single owner, or if no additional parcels are created. Such a certified survey map must be approved in the same manner as a final plat of a subdivision must be approved under s. 236.10, must be monumented in accordance with s. 236.15 (1), and shall contain owners' and mortgagees' certificates that are in substantially the same form as required under s. 236.21 (2) (a).

(1m) PREPARATION. A certified survey must meet the following requirements:

SECTION 10. 236.34 (1) (a) to (f) of the statutes are renumbered 236.34 (1m) (a) to (f).

SECTION 11. 236.34 (1) (ar) of the statutes is created to read:

236.34 (1) (ar) 1. Notwithstanding s. 236.45 (2) (ac) and (am), a municipality, town, or county that has established a planning agency may enact an ordinance or adopt a resolution that specifies a maximum number of parcels that is greater than 4 into which land that is situated in the municipality, town, or county and zoned for commercial, industrial, or mixed-use development may be divided by certified survey map.

2. Before the enactment of an ordinance or the adoption of a resolution under subd. 1., the governing body of

the municipality, town, or county shall receive the recommendation of its planning agency and shall hold a public hearing on the ordinance or resolution. Notice of the hearing shall be given by publication of a class 2 notice, under ch. 985. Any ordinance enacted or resolution adopted shall be published in a form suitable for public distribution.

3. Notwithstanding subd. 1., an ordinance enacted or resolution adopted under subd. 1. by a municipality may specify the number of parcels into which land within the extraterritorial plat approval jurisdiction of the municipality, as well as land within the corporate limits of the municipality, may be divided by certified survey map if the municipality has the right to approve or object to plats within that area under s. 236.10 (1) (b) 2. and (2).

4. If more than one governing body has authority to enact an ordinance or adopt a resolution under subd. 1. with respect to the same land and those governing bodies enact ordinances or adopt resolutions with conflicting provisions, any certified survey map affecting that land must comply with the most restrictive provisions.

SECTION 11m. 236.34 (1m) (em) of the statutes is created to read:

236.34 (1m) (em) 1. Except as provided in subd. 2., if the certified survey map divides land into more than 4 parcels in accordance with an ordinance enacted or resolution adopted under sub. (1) (ar) 1., notwithstanding pars. (b) and (c), the survey and the map shall comply with ss. 236.15, 236.20, and 236.21 (1) and (2) and the map shall be submitted to the department of administration for a review of the compliance with those sections.

2. Subdivision 1. does not apply if any of the following applies:

a. The certified survey map is only changing the boundaries of lots and outlots in a recorded plat, recorded assessor's plat under s. 70.27, or recorded certified survey map, regardless of whether the certified survey map crosses the exterior boundary of the recorded plat, assessor's plat, or certified survey map.

b. The certified survey map is dividing land that is wholly situated in a 1st class city.

c. The certified survey map is dividing unincorporated land in a county with a population of 500,000 or more.

SECTION 11r. 236.34 (1m) (er) of the statutes is created to read:

236.34 (1m) (er) 1. Except as provided in subd. 2., the certified survey map and survey shall comply with the rules of the department of transportation described in s. 236.13 (1) (e) and the map shall be submitted to the department of transportation for a review of the compliance with those rules if all of the following apply:

a. The certified survey map divides land into more than 4 parcels in accordance with an ordinance enacted or resolution adopted under sub. (1) (ar) 1.

2013 Senate Bill 502

— 3 —

2013 Wisconsin Act 272

b. The certified survey map is changing the external boundary of a recorded plat, recorded assessor's plat, or recorded certified survey map.

c. The certified survey map or recorded plat, recorded assessor's plat, or recorded certified survey map shows lots that abut or adjoin a state trunk highway or connecting highway.

2. Subdivision 1. does not apply if any of the following applies:

a. The certified survey map is dividing land that is wholly situated in a 1st class city.

b. The certified survey map is dividing unincorporated land in a county with a population of 500,000 or more.

SECTION 12. 236.34 (2) (a) of the statutes is amended to read:

236.34 (2) (a) Certified survey maps prepared in accordance with ~~sub. subs.~~ (1) and (1m) shall be numbered consecutively by the register of deeds and shall be recorded in a bound volume to be kept in the register of deeds' office, known as the "Certified Survey Maps of County".

SECTION 13. 236.34 (2) (b) 2. of the statutes is amended to read:

236.34 (2) (b) 2. The certified survey map shows on its face all of the certificates and affidavits required under ~~sub. subs.~~ (1) and (1m).

RESOLUTION NO. ____

RESOLUTION AWARDING THE SALE OF \$5,685,000
GENERAL OBLIGATION COMMUNITY DEVELOPMENT
BONDS, SERIES 2014B; PROVIDING THE FORM OF THE BONDS;
AND LEVYING A TAX IN CONNECTION THEREWITH

WHEREAS, on August 18, 2014, the Village Board of the Village of Germantown, Washington County, Wisconsin (the "Village") adopted a resolution entitled: "Resolution Authorizing the Borrowing of Not to Exceed \$6,000,000; and Providing for the Issuance and Sale of General Obligation Community Development Bonds Therefor" (the "Authorizing Resolution") which authorized the issuance and sale of general obligation community development bonds for the purpose of paying the project costs of the Village's Tax Incremental District No. 6 including capitalized interest and bond issuance costs (the "Project");

WHEREAS, pursuant to the Authorizing Resolution, the Village Finance Director (in consultation with the Village's financial advisor) caused an Official Notice of Sale to be distributed, offering the aforesaid general obligation community development bonds for public sale on September 15, 2014; and

WHEREAS, sealed bid proposals were received as summarized on Exhibit C attached hereto; and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by _____, _____, _____, fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the Village. A copy of said bid is attached hereto as Exhibit A and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village that:

Section 1. Award of the Bonds. The bid proposal of _____, _____, _____ (the "Purchaser") is hereby accepted, said proposal offering to purchase the \$5,685,000 Village of Germantown General Obligation Community Development Bonds, Series 2014B (the "Bonds") for the sum of _____ DOLLARS (\$ _____), plus accrued interest to the date of delivery, resulting in a net interest cost of _____ DOLLARS (\$ _____) and a true interest rate of _____ %.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Community Development Bonds, Series 2014B," shall be dated October 1, 2014; shall be in the denomination of \$5,000 or any integral multiple thereof; shall bear interest at the rates per annum and mature on March 1 of each year, in the years and principal amounts as set forth in the Pricing Summary attached hereto as Exhibit D and incorporated herein by this reference. Interest is payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2015. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit E and incorporated herein by this reference (the "Schedule").

Section 3. Designation of Purchaser as Agent. The Village hereby designates the Purchaser as its agent for purposes of distributing the Final Official Statement relating to the Bonds to any participating underwriter in compliance with Rule 15c2-12 of the Securities and Exchange Commission.

Section 4. Redemption Provisions. At the option of the Village, the Bonds maturing on March 1, 2024 and thereafter shall be subject to redemption prior to maturity on March 1, 2023 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, from maturities selected by the Village and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption. [If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on Exhibit F attached hereto and incorporated herein by this reference.]

Section 5. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit B and incorporated herein by this reference.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the Village are hereby irrevocably pledged and a direct annual irrepealable tax is hereby levied upon all taxable property of the Village. Said direct annual irrepealable tax shall be levied in the years 2014 through 2033 for payments due in 2015 through 2034 in the amounts as set forth on the Schedule.

The aforesaid direct annual irrepealable tax hereby levied shall be collected in addition to all other taxes and in the same manner and at the same time as other taxes of the Village levied in said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax herein above levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created herein, including any capitalized interest funded with the proceeds of the Bonds.

Section 7. Debt Service Fund Account. There is hereby established in the Village treasury a fund account separate and distinct from every other Village fund or account designated "Debt Service Fund Account for \$5,685,000 Village of Germantown General Obligation Community Development Bonds, Series 2014B, dated October 1, 2014." There shall be deposited in said fund account any premium plus accrued interest paid on the Bonds at the time of delivery to the Purchaser, all money raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay interest on the Bonds when the same shall become due and to retire the Bonds at their respective maturity dates. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished.

Section 8. Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into

an account separate and distinct from all other funds and be disbursed solely for the purposes for which borrowed or for the payment for the principal of and the interest on the Bonds.

Section 9. Arbitrage Covenant. The Bond Proceeds may be temporarily invested in legal investments until needed provided, however, that the Village hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account in connection with the Bonds, whether or not such moneys were derived from the proceeds of the sale of the Bonds or from any other source, will not be used or invested in a manner which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable regulations including Sections 1.148-1 through 1.148-11 of the income tax regulations, as the same exist on this date, or may from time to time hereafter be amended, supplemented or revised.

The Village Clerk, or other officer of the Village charged with responsibility for issuing the Bonds shall provide an appropriate certificate of the Village, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the Village regarding the amount and use of the Bond Proceeds and the facts and estimates on which such expectations are based, all as of the date of delivery and payment for the Bonds.

Section 10. Additional Tax Covenants; Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The Village hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout their term. The Village Clerk or other officer of the Village charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the Village as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the Village to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Bonds will continue to be obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes.

The Village anticipates that the Bonds will qualify for the construction expenditure exemption from the rebate requirements of the Code. The Village Clerk or other officer of the Village charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the Village as of the Closing, for inclusion in the transcript of proceedings, with respect to said exemption from the rebate requirements, and said Village Clerk or other officer is hereby authorized to make any election on behalf of the Village in order to comply with the rebate requirements of the Code. If, for any reason, the Village did not qualify for any exemption from the rebate requirements of the Code, the Village covenants that it would take all necessary steps to comply with such requirements.

The Village hereby designates the Bonds to be "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation,

the Village Clerk or other officer of the Village charged with the responsibility for issuing the Bonds, shall provide an appropriate certificate of the Village, all as of the Closing.

Section 11. Persons Treated as Owners; Transfer of Bonds. The Village Clerk shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Village Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Village Clerk shall deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Village Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Village Clerk shall cancel any Bond surrendered for transfer.

The Village shall cooperate in any such transfer, and the Village President and Village Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

The 15th day of each calendar month next preceding each interest payment date shall be the record date for the Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the Village maintained by the Village Clerk at the close of business on the corresponding record date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only-System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the Village has heretofore agreed to the applicable provisions set forth in the DTC Blanket Issuer Letter of Representation and an official of the Village has executed such Letter of Representation and delivered it to the DTC on behalf of the Village.

Section 13. Official Statement. The Village Board hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the Village in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with Closing, the appropriate Village official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The appropriate Village official shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 14. Execution of the Bonds. The Bonds shall be issued in typewritten form, one Bond for each maturity, executed on behalf of the Village by the manual or facsimile signatures of the Village President and Village Clerk (except that one of the foregoing signatures shall be

manual), sealed with its official or corporate seal, if any, and delivered to the Purchaser upon payment to the Village of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the Closing.

Section 15. Payment of the Bonds. The principal of and interest on the Bonds shall be paid by the Village Clerk or his or her agent in lawful money of the United States.

Section 16. Continuing Disclosure. The Village hereby covenants and agrees that it will comply with and carry out all of the provisions of its Continuing Disclosure Certificate, which the Village will execute and deliver on the Closing Date. Any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Village to comply with its obligations under this Section.

Section 17. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Village or any parts thereof in conflict with the provisions hereof shall be and the same are hereby rescinded insofar as they may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted this 15th day of September, 2014.

Dean Wolter,
Village President

(SEAL)

ATTEST:

Barbara K.D. Goeckner,
Village Clerk

EXHIBIT B

(Form of Bond)

REGISTERED
NO. R-___

UNITED STATES OF AMERICA
STATE OF WISCONSIN
WASHINGTON COUNTY
VILLAGE OF GERMANTOWN
GENERAL OBLIGATION COMMUNITY
DEVELOPMENT BOND, SERIES 2014B

MATURITY DATE: ORIGINAL DATE OF ISSUE INTEREST RATE: CUSIP:

MARCH 1, 20___ OCTOBER 1, 2014 _____% 374118___

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS
(\$ _____)

KNOW ALL MEN BY THESE PRESENTS, that the Village of Germantown, Washington County, Wisconsin (the "Village"), hereby acknowledges itself to owe and for value received promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2015 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable in lawful money of the United States. The principal of this Bond shall be payable only upon presentation and surrender of the Bond at the office of the Village Clerk. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by the Village Clerk at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date").

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the Village are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$5,685,000 all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption

provision, issued by the Village pursuant to the provisions of Chapter 67, Wisconsin Statutes, for the purpose of paying the project costs of the Village's Tax Incremental District No. 6 including capitalized interest and bond issuance costs, all as authorized by resolutions of the Village Board duly adopted by said governing body at meetings held on August 18, 2014 and September 15, 2014. Said resolutions are recorded in the official minutes of the Village Board for said dates.

At the option of the Village, the Bonds maturing on March 1, 2024 and thereafter are subject to redemption prior to maturity on March 1, 2023 or on any date thereafter. Said Bonds are redeemable as a whole or in part, from maturities selected by the Village and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Bonds maturing in the years 20__, 20__, 20__, 20__ and 20__ are also subject to mandatory redemption by lot as provided in the resolution awarding the sale of the Bonds at the redemption price of par plus accrued interest to the date of redemption and without premium.]

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, or overnight express delivery, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the Depository receives the notice. The Bonds shall cease to bear interest on the specified redemption date, provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the Village, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable. It is hereby further certified that the Village has designated this Bond to be a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Bond is transferable only upon the books of the Village kept for that purpose at the office of the Village Clerk. In the event that the Depository does not continue to act as depository for the Bonds, and the Village Board appoints another depository, new fully registered Bonds in the same aggregate principal amount shall be issued to the new depository upon surrender of the Bonds to the Village Clerk, in exchange therefor and upon the payment of a charge sufficient to reimburse the Village for any tax, fee or other governmental charge required to be paid with respect to such registration. The Village Clerk shall not be obliged to

make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Village may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever.

IN WITNESS WHEREOF, the Village of Germantown, Washington County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the signatures of its duly qualified Village President and Village Clerk; and to be sealed with its official or corporate seal, if any, all as of the 1st day of October, 2014.

VILLAGE OF GERMANTOWN
WASHINGTON COUNTY, WISCONSIN

By: _____
Dean Wolter
Village President

(SEAL)

By: _____
Barbara K.D. Goeckner,
Village Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____ Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or its Nominee
Name)

(Authorized Officer)

NOTICE: The above-named
or Depository or its Nominee Name must
correspond with the name as it appears upon the
face of the within Bond in every particular,
without alteration or enlargement or any change
whatever.

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: September 15, 2014

AGENDA ITEM: New Business

ITEM TITLE: Award of Contract – TID 6 Neu-NMMR Grading & Erosion Control

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

Summary of Work:

Grading & Erosion Control of two neighboring sites on the north side of Appleton Ave. bisected by two underground high pressure gas transmission mains and overhead electricity transmission lines. The aforementioned transmission lines cross Appleton Ave. 1,800± ft. northwest of Maple Rd. The easterly site is 29.9± acres in area and the westerly site is 23± acres in area. The easterly site must be completed in November, 2014 before starting work on the westerly site. Project scope includes, but is not limited to, tracking pads, silt fence, sediment basins with interim tributary drainage swales, dewatering, clearing & grubbing, cutting & filling, top soil stripping & re-spreading, hydro-seeding, other landscaping & restoration, storm water ponds with clay liners and tributary drainage swales, grading roads to proposed sub-grade, winter-season polyacrylamide stabilization, and bedrock blasting & excavation.

A qualified geotechnical engineer will be contracted by the Village via separate contract to test and document fill prior to placement.

Schedule:

Open Bids:	September 11, 2014
Village Board (VB) Review:	September 15, 2014
Award Contract (assuming VB approval):	September 16, 2014
Preconstruction Meeting:	No later than one week before construction
Probable Start of Construction:	CONTRACTOR's Gantt Chart
Substantial Completion of Easterly Project Site:	November, 2014
Final Completion of Project:	May, 2015
PWHC Acceptance of Improvements	Next available meeting after Final Invoice and Lien Waiver
PWHC Release of Retainer:	One year after Acceptance of Improvements

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

Excerpt of Bid Form:

ITEM NO.	BASE ITEMS:				
	BID ITEM	UNIT	EST. QUANTITY	UNIT PRICE	EXTENDED AMOUNT
A01	Mobilization/Demobilization (one-time max. payout)	L.S.	2		
A02	Traffic Control (one-time max. payout)	L.S.	2		
A03	Tracking Pad (see dwg. detail)	L.S.	2		
A04	Silt Fence (Incl. installation & removal; see dwg. detail)	L.F.	9231		
A05	Snow Fence (Incl. installation & removal)	L.F.	2300		
A06	Clearing & Grubbing (Incl. removal & disposal)	S.Y.	10582		
A07	Crop Removal	AC	51		
A08	Topsoil Stripping & Stockpiling	C.Y. (Loose)	34542		
A09	Common Excavation (Higher qty. of cuts or fills, incl. disked, dried & compacted) (see Geotech. Rpt.)	C.Y. (Loose)	131244		
A10	Scarify & Compact 18" Clay Barrier Layer for Ponds (see Geotech. Rpt.)	S.Y.	21423		
A11	Culvert Pipe, CMP, 12" Dia. (Incl. FES)	L.F.	220		
A12	Storm Sewer Pipe, HDPE, 24" Dia. (Incl. FES)	L.F.	1417		
A13	Storm Sewer Pipe, HDPE, 15" Dia. (Incl. FES)	L.F.	94		
A14	Storm Sewer Pipe, HDPE, 12" Dia. (Incl. FES)	L.F.	134		
A15	Storm Sewer Pipe, HDPE, 8" Dia. (Incl. FES)	L.F.	678		
A16	Storm Sewer Manhole Assembly, Nyloplast, 30" Dia.	V.F.	49		
A17	Outlet Structure, Pond 1 (Incl. Inlet Type 10) (see dwg. detail)	L.S.	1		
A18	Outlet Structure, Pond 2 (Incl. Inlet Type 10) (see dwg. detail)	L.S.	1		
A19	Outlet Structure, Pond 3 (Incl. Inlet Type 10) (see dwg. detail)	L.S.	1		

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

A20	Outlet Structure, Pond 4 (Incl. Inlet Type 10) (see dwg. detail)	L.S.	1		
A21	Turf Reinforcement Mat (North American Green C-350 or equal)	S.Y.	284		
A22	Rip-Rap, Medium, Incl. Fabric	Ton (Weight Ticket)	810		
A23	Topsoil, On-site Screening & Spreading, 6" depth (Incl. screened deleterious mat'l disposal)	C.Y. (Loose)	18282		
A24	Temporary Erosion Bales (see dwg. detail)	L.F.	315		
A25	Anionic Polyacrylamide Binding Agent, Non-Growing Season Application (PAM-12 Plus or equal)	LBS	58000		
A26	Turf Restoration, Hydroseeding, Growing Season (Incl. watering)	S.Y.	108973		
A27	Turf Restoration, Special Pond Seed Mix (see dwg. Detail)	S.Y.	3693		
A28	Turf Restoration, Seed and Photodegradable Erosion Control Mat (North American Green DS75 or equal), (Incl. watering)	S.Y.	22159		
CONTINGENCY ITEMS:					
ITEM NO.	BID ITEM	UNIT	EST. QUANTITY	UNIT PRICE	EXTENDED AMOUNT
C01	Rock Excavation & On-site Crushing to WisDOT Spec. Sec. 305 1-1/4" Sieve Size	C.Y. (In Situ)	12850		
C02	Dewatering Filter Bag (Incl. install., dewatering & disposal)	EA	20		
C03	Soil Stabilization, Lime/Lime kiln dust mix, 12" Deep (see Geotech. Rpt.)	S.Y.	28500		
CONTINGENCY ITEMS (May replace or supplement Bid Item C01):					
ITEM NO.	BID ITEM	UNIT	EST. QUANTITY	UNIT PRICE	EXTENDED AMOUNT
Z01	Rock Excavation & Removal	C.Y. (In Situ)	12850		
Sum(A01 thru A28) + Sum(C01 thru C03), Number:					
Sum(A01 thru A28) + Sum(C01 thru C03), Words:					

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

Plan Holders (Sep. 8, 2014):

	08/29/14 12:27 pm	BCF Construction Corp. 1321 E Wabash Ave Waukesha, WI 53186	Bryan Fischer Tel: 262-548-9259 Fax: 262-548-9392
	09/02/14 7:55 am	C. W. Purpero Inc. 5770 S. 13th Street Milwaukee, WI 53221	Todd Schmidt Tel: 414-856-2850 Fax: 414-856-2856
	09/08/14 12:15 pm	HD Supply Waterworks 15655 W Rogers Drive New Berlin, WI 53215	Robyn Munesue Tel: 262-786-5186 Fax: 262-786-4240
	08/29/14 1:20 pm	new berlin grading W220 N1600 Jericho Court Waukesha, WI 53186	shea steidl Tel: 262 542 1772 Fax: 262 542 2894
	08/29/14 9:04 am	Rams Contracting, Ltd 20079 W. Main St. Lannon, WI 53046	Tammy Ristow Tel: 414-530-9041 Fax: 414-921-9705
	08/29/14 8:35 am	Reesmans Excavating and Grading, Inc. 28815 Bushnell Road Burlington, WI 53105	Jim Pieters Tel: 262-539-2124 Fax: 262-539-2665
	08/28/14 3:59 pm	RG Huston Company 2561 Coffeytown Road Cottage Grove, WI 53548	Brian Steinke Tel: 608-255-9223 Fax:
	08/29/14 8:46 am	Super Western N60 W14224 Kaul Ave Menomonee Falls, WI 53051	Taylor Placek Tel: 262-252-5995 Fax: 262-252-5397
	09/02/14 11:03 am Completed	SX Blasting N59 W14601 Bobolink Ave. Menomonee Falls, WI 53051	Richard Boening Tel: 414-235-0890 Fax: 262-252-3200
	08/29/14 9:12 am	Veit & Company 2445 S 179th Street, Suite E New Berlin, WI 53146	Cate Dassow Tel: 414-372-9803 Fax: 414-372-9804
	09/05/14 7:31 am	Vinton Construction Company P.O. Box 1987 Manitowoc, WI 54221-1987	Barbara Kollath Tel: 920-682-0375 Fax: 920-682-2838
	09/03/14 10:31 am	Wondra Construction Inc W2874 Graylog Road Iron Ridge, WI 53035	Roger Thimm Tel: 920-387-5840 Fax: 920-387-4734

ATTACHMENTS:

A bid tabulation will be sent via e-mail when available, with a copy provided during the Village Board meeting.

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

STAFF RECOMMENDATION TO COMMITTEE:

Staff will make a recommendation during the Village Board meeting.

BOARD ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: September 15, 2014

AGENDA ITEM: New Business

ITEM TITLE: Award of Contract – TID 6 Neu-NMMR Geotechnical Inspection Services

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

Summary of Work:

The Village is requesting an all-inclusive, all-incidental hourly rate from proposing geotechnical firms for Geotechnical Inspection services for this project that will include, but not be limited to, satisfying compaction and soil stabilization requirements presented in the geotechnical report and contract specifications.

Schedule:

Open Bids:	September 11, 2014
Village Board (VB) Review:	September 15, 2014
Award Contract (assuming VB approval):	September 16, 2014
Preconstruction Meeting:	No later than one week before construction
Probable Start of Construction:	CONTRACTOR's Gantt Chart
Substantial Completion of Easterly Project Site:	November, 2014
Final Completion of Project:	May, 2015
PWHC Acceptance of Improvements	Next available meeting after Final Invoice and Lien Waiver
PWHC Release of Retainer:	One year after Acceptance of Improvements

Geotechnical Firms Solicited:

- Himalayan Consultants, Inc. (Germantown, WI)
- PSI (Pewaukee, WI)
- GZA Geoenvironmental (Waukesha, WI)

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

ATTACHMENTS:

A bid tabulation will be sent via e-mail when available, with a copy provided during the Village Board meeting.

STAFF RECOMMENDATION TO COMMITTEE:

Staff will make a recommendation during the Village Board meeting.

BOARD ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: September 15, 2014

AGENDA ITEM: New Business

ITEM TITLE: TID #6 Utilities Easement thru W190 N9950 Appleton Ave.

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

The Engineering Dept. has determined that the most efficient and effective sanitary and water utilities route to service the TID #6 Neu and NMMR parcels is through the north side of W190 N9950 Appleton Ave. just south of the TransCanada pumping station. Staff met with the property owner to initiate negotiations for the utilities easement. Discussion included the following items:

- 0.1028 ac area
- \$5,000.00 potential offer without appraisal
- Village to include lateral stubs for property owner
- Property owner connection to not be mandatory, but voluntary
- Restoration to be done to property owner's satisfaction

ATTACHMENTS: None

STAFF RECOMMENDATION:

Authorize staff to make offer to Owner with above-listed conditions.

BOARD ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

X. I

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: September 15, 2014

AGENDA ITEM: New Business

ITEM TITLE: Adoption of Donges Bay Rd., Country Aire Dr. N., and River Crest Dr. into Year 2015 Local Road Improvement Projects

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

Purpose:

Determine which local roads should also be adopted into the Years 2015 and 2016 Local Road Improvement Projects, in addition to the Donges Bay Road project.

Reasons:

1. Wisconsin Information System for Local Roads (WISLR) shows the following:
 - a. At least \$17.2 million (39) miles of roadway capital projects are immediately needed within the Village.
 - b. 1.4% of the Village's roadways have Pavement Surface Evaluation and Rating (PASER) ratings of 1 (Failed) to 2 (Very Poor).
2. Increasing frequency and intensity of residents' and businesses' outcry.
3. During Committee discussion August 4, 2014, Committee suggested budgeting \$1.4-1.5 million for Year 2015.
4. Several roads evaluated by the Village's geotechnical engineering consultants remain in queue for reconstruction and need to be completed before adopting additional roads.

Prospective Local Roads Projects:

Old Farm East Subdivision:

Project	Consultant Recommendation	2013 PASER Rating	Average Daily Traffic	Est. Cost in Yr. 2015
Auburn Ln (Fieldstone Pass to Hedge Way)	Remove & Replace Asphalt ¹	3	80 (Yr. 2000)	\$145K
Brook Hollow Ct (Termini to Brook Hollow Dr)	Remove & Replace Asphalt ¹	4	40 (Yr. 2000)	\$21K
Brook Hollow Dr (Hedge Way to Old Farm Rd)	Remove & Replace Asphalt ¹	4	150 (Yr. 2000)	\$111K
Fieldstone Pass (Wagon Trl to Donges Bay Rd)	Remove & Replace Asphalt ¹	3 5 (528')	150 (Yr. 2000)	\$344K
Hedge Way (Ridgeview Ln to Old Farm Rd)	Remove & Replace Asphalt ¹	3 4 (158')	40 (317' Yr. 2000) 150 (Yr. 2000)	\$120K
Old Farm Rd (Wagon Trl to Field Stone Pass)	Remove & Replace Asphalt ¹	3	150 (Yr. 2000)	\$289K
Ridgeview Ln (Old Farm Rd to Donges Bay Rd)	Remove & Replace Asphalt ¹	3	150 (Yr. 2000)	\$145K
Timberline Ct (Old Farm Rd to Termini)	Remove & Replace Asphalt ¹	3	80 (Yr. 2000)	\$111K
Subdivision Total				\$1,286K

¹ GZA GeoEnvironmental Geotechnical Engineering Report, Aug. 23, 2012

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

Other Projects:

Project	Consultant Recommendation	2013 PASER Rating	Average Daily Traffic	Est. Cost in Yr. 2015
Concord Rd (Division Rd S to Pilgrim Rd)	Full depth Removal & Reconstruction ²	3	350 (Yr. 2000)	\$475K
Concord Rd. (Nigbor Dr to Water St)	Connect water main system gap ³	n/a	n/a	\$251K ⁴
Country Aire Dr N (Bonniwell Rd to Pioneer Rd)	Full depth Removal & Reconstruction ¹	3	550 (Yr. 2003)	\$531K
Maple Rd (Cedar Ln to Rockfield Rd)	Pulverize & Overlay ¹	2	350 (Yr. 2003)	\$234K
River Crest Dr (County Line Rd to Termini)	Full depth Removal & Reconstruction ²	3 5 (211')	150 (422' Yr. 2000) 350 (Yr. 2000)	\$254K

¹ GZA GeoEnvironmental Geotechnical Engineering Report, Aug. 23, 2012

² PSI Geotechnical Engineering Services Report, Sep. 16, 2011

³ Earth Tech Water System Master Plan, Nov., 2003

⁴ Other funding source (e.g., Water Utility, Special Assessment)

Donges Bay Road Projects:

Project	Consultant Recommendation	2013 PASER Rating	Average Daily Traffic	Est. Cost in Yr. 2015
Donges Bay Rd (Division Rd to Pilgrim Rd)	Pulverize & Overlay w/ EBS ⁵	3 5 (792') 6 (581')	2,100 (581' Yr. 2013) 1,500 (Yr. 1998)	\$722K
Donges Bay Rd (Pilgrim Rd to Magnolia Dr)	Pulverize & Overlay w/ EBS ⁵	3	2,400 (Yr. 1998)	\$639K

⁵ R.A. Smith National Pavement Type Selection Report, Dec. 21, 2012

ATTACHMENTS:

None

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

STAFF RECOMMENDATION TO COMMITTEE:

1. Adopt the following roads into the Year 2015 Local Road Improvement Projects:

Project	Consultant Recommendation	2013 PASER Rating	Average Daily Traffic	Est. Cost in Yr. 2015
Donges Bay Rd (Division Rd to Pilgrim Rd)	Pulverize & Overlay w/ EBS	3 5 (792') 6 (581')	2,100 (581' Yr. 2013) 1,500 (Yr. 1998)	\$722K
Country Aire Dr N (Bonniwell Rd to Pioneer Rd)	Full depth Removal & Reconstruction	3	550 (Yr. 2003)	\$531K
River Crest Dr (County Line Rd to Termini)	Full depth Removal & Reconstruction	3 5 (211')	150 (422' Yr. 2000) 350 (Yr. 2000)	\$254K
Year 2015 Total				\$1.507 million

If Committee authorizes delaying Riversbend Ln. Reconstruction Project to Year 2015, then that \$86.5K budget would be carried over into Year 2015 and not require additional capital borrowing.

2. Adopt the following roads into the Year 2016 Local Road Improvement Projects:

Project	Consultant Recommendation	2013 PASER Rating	Average Daily Traffic	Est. Cost in Yr. 2015
Donges Bay Rd (Pilgrim Rd to Magnolia Dr)	Pulverize & Overlay w/ EBS	3	2,400 (Yr. 1998)	\$639K
Fieldstone Pass (Wagon Trl to Donges Bay Rd)	Remove & Replace Asphalt	3 5 (528')	150 (Yr. 2000)	\$344K
Maple Rd (Cedar Ln to Rockfield Rd)	Pulverize & Overlay	2	350 (Yr. 2003)	\$234K
Concord Rd (Division Rd S to Pilgrim Rd)	Full depth Removal & Reconstruction	3	350 (Yr. 2000)	\$475K
Concord Rd. (Nigbor Dr to Water St)	Connect water main system gap	n/a	n/a	\$251K ⁴
Year 2016 Total				\$1.692 million

⁴ Other funding source (e.g., Water Utility, Special Assessment)

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

COMMITTEE ACTION:

Recommend that Village Board adopt the following roads into the Year 2015 Local Road Improvement Projects:

Project	Consultant Recommendation	2013 PASER Rating	Average Daily Traffic	Est. Cost in Yr. 2015
Donges Bay Rd (Division Rd to Pilgrim Rd)	Pulverize & Overlay w/ EBS	3 5 (792') 6 (581')	2,100 (581' Yr. 2013) 1,500 (Yr. 1998)	\$722K
Country Aire Dr N (Bonniwell Rd to Pioneer Rd)	Full depth Removal & Reconstruction	3	550 (Yr. 2003)	\$531K
River Crest Dr (County Line Rd to Termini)	Full depth Removal & Reconstruction	3 5 (211')	150 (422' Yr. 2000) 350 (Yr. 2000)	\$254K
Year 2015 Total				\$1.507 million

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

**BUSINESS OF THE VILLAGE BOARD
VILLAGE OF GERMANTOWN**

MEETING DATE: September 15, 2014

AGENDA ITEM: New Business

ITEM TITLE: A Resolution Amending Resolution No. 01A-14 Relating to Salaries and Compensation for Exempt Salaried and Other Non-Represented Support Staff Calendar Year 2014 to Provide Compensation for Additional Police and Fire Commission Meetings

SUBMITTED BY: Barbara K. D. Goeckner, Village Clerk 

SUMMARY EXPLANATION:

Chair of the Police and Fire Commission, Pat Adair, has requested an increase in the number of meetings to be allowed annually, for 2014, from 12 to 17. PFC has already had 12 meetings this year and will need to meet to hire additional Police Department staffing.

ATTACHMENT: ORDINANCE _____ RESOLUTION X OTHER _____

RECOMMENDATION:

STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

RESOLUTION NO. -14

A RESOLUTION AMENDING RESOLUTION NO. 01A-14 RELATING TO SALARIES
AND COMPENSATION FOR EXEMPT SALARIED AND OTHER NON-
REPRESENTED SUPPORT STAFF CALENDAR YEAR 2014 TO PROVIDE
COMPENSATION FOR ADDITIONAL POLICE AND FIRE COMMISSION MEETINGS

WHEREAS, the Village Board of the Village of Germantown having previously adopted the 2014 Budget on November 18, 2013, and,

WHEREAS, the Village Board of the Village of Germantown having previously adopted Resolution No. 01A-14, which set salaries and compensation for exempt salaried and other non-represented support staff; and

WHEREAS, as a result of unforeseen circumstances, the Police and Fire Commission will be required to meet more than the budgeted 12 meetings in 2014; and

WHEREAS, the Village Board wishes to ensure PFC members are appropriately compensated for their time by increasing the maximum number of paid meetings for the Police and Fire Commission in 2013 from 12 to due to the preparation to hire a Police Officer;

NOW, THEREFORE, BE IT RESOLVED that the Village Board hereby adopts the attached amended Salary and Compensation Schedule for fiscal year January 1 through December 31, 2014.

Introduced by Trustee: Vanderheiden

Adopted: September 15, 2014 Vote: Ayes: Nays: Absent:

Dean M. Wolter, Village President

ATTEST:

Barbara K.D. Goeckner, Village Clerk

POLICE & FIRE COMMISSION

2014 Meetings

Date	3/18	4/3	4/8	4/22	5/6	5/17	
Chairperson Patrick Adair 421	12 P	P	P	P	P	P	6
Secretary Dennis Myers 452	12 P	P	P	P	P	P	6
Member Dan Campbell 485	12 P	P	P	P	P	P	6
Member Homer Jack Daniels 422	11 P	P	P	P	P	A	5
Member Scott Scheife 498	12 P	P	P	P	P	P	6

Signature of Chairperson: Patrick Adair

Approved by Village Clerk: BK

Chairperson paid @\$25.00 per meeting

Secretary paid @\$22.00 per meeting

Members paid @\$20.00 per meeting

Account #10-521-510-1850

POLICE & FIRE COMMISSION

2014 Meetings

Date	✓ Jan. 13	2/10 [✓]	2/17 [✓]	2/27 [✓]	3/4 [✓]	3/11 [✓]	
Chairperson Patrick Adair 421	 P	P	P	P	P	P	6
Secretary Dennis Myers 452	 P	P	P	P	P	P	6
Member Dan Campbell 485	 P	P	P	P	P	P	6
Member Homer Jack Daniels 422	 P	P	P	P	P	P	6
Member Scott Scheife 498	 P	P	P	P	P	P	6

Signature of Chairperson:



Approved by Village Clerk:



Chairperson paid @\$25.00 per meeting

Secretary paid @\$22.00 per meeting

Members paid @\$20.00 per meeting

Account #10-521-510-1850