

VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022

MEETING: **SPECIAL MEETING OF THE VILLAGE BOARD**

DATE AND TIME: **MONDAY, APRIL 13, 2015**
5:30 p.m.

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

- 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. **NEW BUSINESS:**
 - A. Application to Amend "Class B" Fermented Malt Beverage & Intoxicating Liquor License for an Outside Premises Extension, Kim & Jon LLC, KJ's Bar & Grill, N112W21209 Mequon Rd, to Include a 20'x30' Tent, West Of Building Adjacent to Parking Lot, for April 18, 2015, 2:00 pm – 10:00 pm (approved unanimously at Public Safety April 6th)
 - B. Amendment of Existing Assessment Services Agreement to Provide for Annual Market Revaluations
 - C. Release of Easements for Lots 1 and 2 of CSM 6562 (N96W17950 County Line Road)
 - D. Ordinance Repealing and Recreating Subsection 13.29(8) of the Germantown Code of Ordinances Relating to the Regulation of Private Sanitary Sewer Laterals
- IV. **ADJOURNMENT**

The next regularly scheduled Village Board meeting will be on **April 20, 2015** 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.

RECEIVED

MAR 31 2015

OFFICE OF VILLAGE CLERK
VILLAGE OF GERMANTOWN

VILLAGE OF GERMANTOWN
N112 W17001 Mequon Road; P.O. Box 337
Germantown WI 53022

III. A

**APPLICATION FOR AMENDMENT OF "CLASS B"
FERMENTED MALT BEVERAGE & INTOXICATING LIQUOR LICENSE
OUTSIDE PREMISES EXTENSION**

SEE ATTACHED GUIDELINES

Administrative Fee: \$25.00

NAME of Licensed Premises: KIM & JON LLC KJ'S BAR & GRILL

ADDRESS: N112 W 21209 MEQUON RD

CITY / STATE / ZIP: GERMANTOWN, WI 53022

Person in Charge of Event: KIM A BAMROTH

Phone Number: 414-758-9066

Current Liquor License Number: 14-24

Purpose for requesting the outside extension:

CANCER BENEFIT FUND RAISER

Dates of Event: APRIL 18 / 2015

Time of Event: 2:00 PM - 10 PM

Describe area of outside extension (INCLUDE A DETAILED DRAWING OF THE AREA with dimensions):

SAME AS ALL PREVIOUS

20' x 30' tent, west of building adjacent to parking lot.

PLEASE NOTE: Additional permits or approvals may be required by other Village Departments (sign permits, temporary use permits, electrical permits, etc.). You are responsible for obtaining those permits prior to your event. Contact the Community Development Department at 262-250-4735 for further information.

Kim A. Bamroth
Signature of Owner

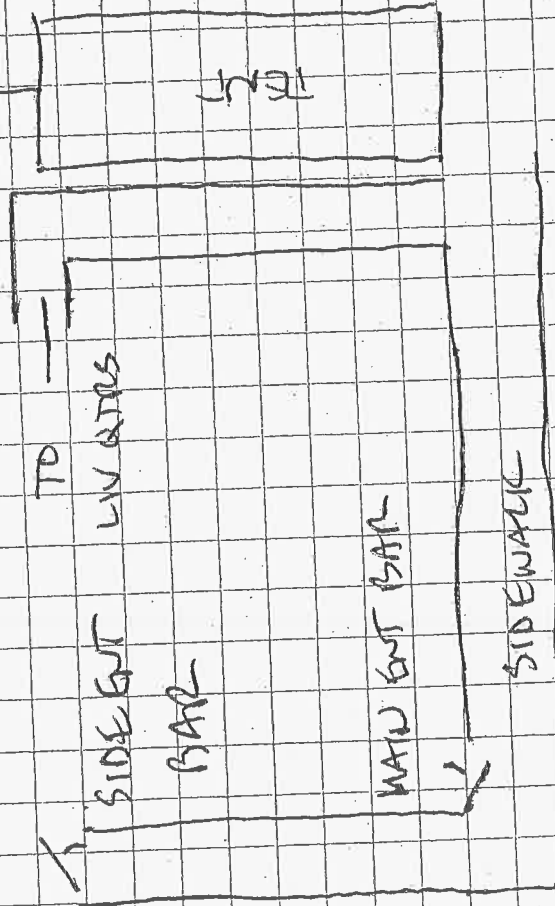
3-31-15
Date

Referred to Police Chief: _____	Referred to Fire Chief: _____
Public Safety Committee Recommendation:	
Approve: _____	Deny: _____
Date: _____	
Village Board Action:	
Approve: _____	Deny: _____
Date: _____	

JUN 1

OFFICE OF VILLAGE
VILLAGE OF GERMAN

K.I.'s BAR AND URTUL



PARK LOT

NEW PLAN

STEVE SMITH & CRAIG OK WITH THIS PLAN (PREFER IT TO OLD

CHIEF IDEU HAS NO PROBLEM WITH THIS PLAN

NO FENCE WITH WASTELANDS

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

MEETING DATE: April 13, 2015

AGENDA ITEM: New Business

ITEM TITLE: Annual Market Revaluation

SUBMITTED BY: Dave Schornack, Village Administrator

SUMMARY EXPLANATION:

Jim Danielson of Accurate Appraisal met with staff regarding performing annual revaluations of the Village. He stated that there are advantages to the Village to have an annual revaluation. He will attend the meeting to explain why. If a revaluation was performed this year, it would need to be completed by the end of June. Jim Danielson stated that if a revaluation was performed this year there would not be additional cost incurred by the Village over and above the Village's current agreement with Accurate. According to Jim Danielson, the average cost of performing an annual revaluation over a ten-year period would be about the same as the average cost over a ten-year period to perform the revaluation less frequently as we do now. Currently, according to Jim Danielson, sales are showing that the Village is between 99 and 100% of assessed value. Accurate performs annual revaluations for approximately 20 of the approximately 100 municipalities that they perform assessment work for.

ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER_____

RECOMMENDATION:

As desired

III. C

Release of Easements

Document Number

Document Title

This Release ("**Release**") is entered into this _____ day of April, 2015, by the Village of Germantown, a Wisconsin municipal corporation (the "Village") for the purposes herein expressed.

RECITALS

WHEREAS, the Village is the owner of those certain rights and interests in real property conveyed by that certain Dedication of Utilities to the Village of Germantown recorded in the Washington County Register's Office in Volume 794, Page 555 as Document #454027 and that certain Easement recorded in the Washington County Register's Office in Volume 794, Page 563 as Document #454028; (the "**Easements**") and

WHEREAS, the Easements affect certain real property in the Village of Germantown, Washington County, State of Wisconsin, as more particularly described on the attached and incorporated Exhibit A (the "**Property**") .; and

WHEREAS, the Village obtained replacement rights to the Easements in an Access Easement Agreement and Sanitary Sewer and Water Main Easement which were recorded with the Washington County Register of Deeds on January 15, 2015 as document numbers 1373997 and 1373996, respectively, and now therefore desires to terminate the Easements as it they pertains to the Property.

RELEASE

NOW, THEREFORE, in consideration of One and 00/100 Dollars (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, IT IS AGREED as follows:

1. The Property shall no longer have any rights or obligations under the Easements (Document Nos. 454027 and 454028), and all such rights and obligations granted or imposed in the Easements as they pertain to the Property are hereby terminated.
2. The terms and conditions contained herein shall be covenants running with the land and shall be perpetual. This Release shall be effective as to the Village and its successors in title, notwithstanding the fact that the other parties to the Easements have not executed this Release.

Recording Area

Instrument Drafted by & Return To:

Brian C. Sajdak, Village Attorney
Village of Germantown
N112W17001 Mequon Road
Germantown, WI 53022

Parcel Identification Number (PIN)
GTNV 333949 and GTNV 333950

4. This Release shall be recorded in the records of Washington County, Wisconsin.

(remainder of page intentionally left blank)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

VILLAGE OF GERMANTOWN

Dean M. Wolter, Village President

ATTEST:

Barbara K.D. Goeckner, Village Clerk

STATE OF WISCONSIN)
) ss.
WASHINGTON COUNTY)

| Personally came before me this _____ day of _____, 20154, the above-named Dean M. Wolter and Barbara K.D. Goeckner, to me know to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My commission: _____

EXHIBIT A

Legal Description of Property

Lot 1 and Lot 2 of Certified Survey Map No. 6562 recorded in the office of the Register of Deeds for Washington County, Wisconsin, on May 23, 2014 in Volume 50 of Certified Survey Maps, at Page 75, as Document No. 1359986, being a part of the Southwest 1/4 of the Southeast 1/4 of Section 33, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

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

MEETING DATE: April 13, 2015

AGENDA ITEM: New Business

ITEM TITLE: Ordinance Repealing and Recreating Subsection 13.29(8) of the Germantown Code of Ordinances Relating to the Regulation of Private Sanitary Sewer Laterals

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

SUMMARY EXPLANATION:

During the Public Works & Highway Committee's March 3, 2015 meeting, staff was asked to explore other communities whom had explicit private sanitary sewer lateral point-of-sale inspection requirements in their ordinances. Jerome Flogel, MMSD, helped identify the following communities having such ordinances within the District's 28 municipalities:

Brown Deer	Sec. 66-442.a
Bayside	Sec. 102-32.a, 102.32.f
Whitefish Bay	Sec. 13.56.1

The Committee also asked staff to explore other communities' use of educational materials used for notifying residents about their PPI/I programs. Jerome also helped to provide two examples used by Brookfield and Muskego.

Application of the previously approved 30% Village – 70% Property Owner cost sharing formula has also been considered. One reasonable proposal would be that the Village fund 100% of the lateral situated in the right-of-way and that the 30%-70% formula be applied to the portion of the lateral situated in private property.

Village Attorney Brian Sajdak reviewed the proposed ordinance, which is attached.

ATTACHMENTS:

1. Ordinance (9 pages)
2. Brookfield PPI/I educational flyers
3. Muskego PPI/I educational flyer

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

STAFF RECOMMENDATION TO COMMITTEE:

1. Recommend to Village Board to approve the ordinance repealing and recreating Subsection 13.29(8) of the Germantown Code of Ordinances relating to the regulation of private sanitary sewer laterals.
2. Approve the practice that the Village fund 100% of the lateral situated in the right-of-way and that the 30%-70% formula be applied to the portion of the lateral situated in private property.

PUBLIC WORKS & HIGHWAY COMMITTEE ACTION (April 7, 2015):

1. Recommend to Village Board to approve the ordinance repealing and recreating Subsection 13.29(8) of the Germantown Code of Ordinances relating to the regulation of private sanitary sewer laterals. 3 Ayes vs. 1 No (Zabel).
2. Approve the practice that the Village fund 100% of the lateral situated in the right-of-way and that the 30%-70% formula be applied to the portion of the lateral situated in private property. Unanimous.

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.

STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

ORDINANCE NO. ____-15

ORDINANCE REPEALING AND RECREATING SUBSECTION 13.29(8)
OF THE GERMANTOWN CODE OF ORDINANCES RELATING TO THE
REGULATION OF PRIVATE SANITARY SEWER LATERALS

WHEREAS, the Village Board having previously adopted Section 10.065 of the Municipal Code of Germantown which regulates the lawn and yard maintenance requirement for certain properties within the Village; and

WHEREAS, the Village Board having determined that the maintenance requirements should apply to additional properties; and

WHEREAS, the Village Board having determined that the imposition of law and yard maintenance requirements promotes the health, safety and welfare of the Community;

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

SECTION I:

Section 13.29(8) of the Municipal Code of Germantown is hereby repealed as recreated to read as shown in the attached Exhibit A.

SECTION II:

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

SECTION III:

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

SECTION IV:

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

ORDINANCE NO. ____-15

Page 2

Introduced by _____ on March 30, 2015.

Adopted: March 30, 2015 Vote: Ayes: Nays: Absent:

Dean Wolter, Village President

ATTEST:

Approved as to form:

Barbara Goeckner, Village Clerk

Brian C. Sajdak, Village Attorney
Published: _____

EXHIBIT A TO ORDINANCE NO. ____-15

13.29(8) PRIVATE SANITARY SEWER LATERAL CONNECTIONS

- (a) **Definitions.** The following definitions apply to this subsection and augment definitions found in the Uniform plumbing Code:

Commercial Building – shall mean any building in a commercially zoned area of the village, which is in use as a commercial occupancy, or which would be entitled to a commercial occupancy permit.

Cleanout – Shall mean a segment of pipe connected to a sewer lateral rising vertically to the surface. Cleanout shall also provide access to the lateral for the purpose of routine flushing and rodding to free plugs or remove blockages.

Maintenance – shall mean routine flushing or rodding to maintain a free flowing condition.

Private Sewer System – shall mean a sewer or system of sewers which is not owned by the Village, and which serves more than one building.

Rehabilitation – shall mean to restore to a like new condition utilizing technologies and methods approved by the Village Engineer.

Repair – shall mean the physical exposure of a section of pipe and or appurtenances and for the purpose of resuming proper operating condition.

Replacement – shall mean removal and replacement of existing pipe and/or appurtenances.

Sanitary Sewer – shall mean a pipe or conduit that carries sanitary sewage and to which stormwater and ground waters are not permitted.

Sanitary sewer overflow (SSO) is a condition whereby untreated sewage is discharged into the environment prior to reaching treatment facilities thereby escaping wastewater treatment. Also referred to as a sewage spill.

Sewage – shall mean all water or combination of liquid and water-carried solid, bio-solids, or semi-solid wastes conducted away from any dwellings, residences, business buildings, institutions, unit, firm, association, organization, public corporation, political subdivision (including the Village of Germantown), county, or district; or the State of Wisconsin; or the United States of America, or any department or agency thereof and other sources, which is known as domestic sewage, together with liquid or

water-carried solid or semi-solid wastes resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning, or drain water from such process, which is known as industrial waste.

Sewer Facilities – shall mean and include the sanitary and storm sewage collection system owned and operated by the Village, all appurtenances thereto, and all portions thereof.

Sewer Lateral or Lateral – shall mean a sewer pipe that conveys sewage from plumbing of a building or structure to a Village maintained sewer main, also referred to as a “building sewer” in the Uniform Plumbing Code.

Sewer or Sewer Main – when used herein means any Village-owned sewer pipe within a Village street or public right-of-way receiving or intended to receive the discharges of more than one sewer lateral. No sewer main constructed henceforth shall be less than eight inches in diameter nor be laid or constructed in any Village street, easement, or right-of-way, under the control of the Village, except to the lines, grades and specifications approved by the Village Engineer.

Storm Sewer or Storm Drain – shall mean a pipe or conduit that carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Subdivider – shall mean a person, firm, corporation, partnership, or association that causes land to be divided into a subdivision for person, firm, corporation, partnership, or association, or for others.

User – shall mean and include any dwelling, unit, firm, association, organization, public corporation, political subdivision including the Village of Germantown), county, district, the State of Wisconsin, or the United States of America, or any department or agency thereof.

Village Authorized Representative – shall mean the Director of Public Works or a Village employee designated by the Director of Public Works to sign certificates of inspection for the purpose of lateral inspections.

Village's Fee and Rate Schedule – the most recently adopted schedule of all Village service, penalty, interest, permit fees, and hourly equipment and personnel rates.

Village of Germantown – for the purpose of this code chapter shall include the Germantown Wastewater Utility.

(b) Property Owner's Responsibility for Lateral Repairs and Maintenance.

- (1) Property owners shall inspect, and provide to the Village a report of the results of an inspection of, the laterals on their property prepared by a licensed

plumber or contractor using closed circuit television (CCTV) inspection, and if found defective, repair the lateral, as follows:

- (A) When building a new structure on property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral;
 - (B) Prior to the closing when the property is transferred via sale or other transfer of ownership by deed, instrument or writing; as further provided in Section 13.29(8)(d)(1)(2) below.
 - (C) Whenever the Village finds that a sewage overflow emanating from a lateral has reached public property, including but not limited to a city street or the city storm drain system, or has flowed onto private property owned by another property owner;
 - (D) Whenever the Village finds that a sewage overflow emanating from a lateral presents a threat to public health, even if it has not flowed across a property line.
 - (E) As part of its periodic construction and maintenance of sewer mains, the Village may discover defective laterals. The Village may order the property owner to conduct an inspection, repair or replacement of any lateral that the Village knows or reasonably suspects to be defective.
 - (F) As required by MMSD policy or rule.
- (2) The lateral shall be considered defective if it has any of the following conditions: displaced or off-set joints, root intrusion, mineral encrustation, substantial deterioration of the lines, damaged clean-out, defective clean-out, inflow, infiltration of extraneous water, exfiltration of wastes, illegal surface or ground water connections, or other conditions likely to substantially increase the chance for a lateral blockage, or if, within a period of one year, a lateral suffers two or more blockages resulting in overflows.
- (A) Whenever defective laterals are found, the property owner, at the sole expense of the property owner, or Village Board authorized subsidized cost-share program, shall repair or replace the lateral. The Village authorized representative shall determine the extent of repair required, and more limited repair than complete replacement of the lateral may be permitted at the sole discretion of the Village Public Works and Highways Committee. The following requirements shall be met:
 - (i) A replaced or repaired lateral shall not be covered or backfilled until it has been inspected by a representative of the Village.

(ii) All new and repaired laterals must pass a visual inspection as specified by the Village.

(iii) All repaired or replaced laterals shall be brought into compliance with the requirements of Section 13.29(8).

(iv) In the absence of a specific deadline, all inspection work shall be completed within sixty days of notification by the Village that such inspection is required.

(B) When a lateral is completely replaced, the property owner is not required to inspect the lateral upon sale of the property for a period of ten years following the date of complete replacement of the lateral.

(C) When roots, grease, or other material which have accumulated in a lateral is cleaned or maintained, it shall be prevented from entering the sewer main during the maintenance or repair of the lateral. In the event that material is permitted to enter the main causing or contributing to the cause of a sewage overflow, the same shall be a violation of this ordinance, and the property owner and/or contractor performing such maintenance work, in addition to any civil penalties imposed, shall be held civilly liable to the Village for any fines or other expenses incurred by the Village resulting from the overflow.

(c) **Right of Entry.** The Director of Public Works or their designee, may enter, inspect, collect wastewater samples, and test any buildings, structures, or premises to secure compliance or prevent a violation of any portion of this chapter. The Director of Public Works, or said Director of Public Work's designee, shall also be authorized to review repair/maintenance records. Refusal of entry or failure to comply with requests for information shall be deemed a nuisance and is a violation of this ordinance. Such refusal or reasonably suspected non-compliance which threatens or potentially threatens public health or safety shall constitute an appropriate and adequate basis for the Village to seek a special inspection warrant.

(d) **Change of Ownership.**

(1) Any person, firm or corporation proposing to effect the change in ownership of any single family, duplex, apartment, condominium, commercial or industrial building serviced by a sanitary sewer shall not do so until such time as certificates of compliance have first been obtained from the Village Inspection Department and Department of Public Works, as provided below. Changing ownership or accepting change of ownership without such certificate of compliance shall constitute a violation of the Germantown

Village Code and shall be subject to the penalties set forth in this Code, and to mandatory injunction.

Comment [BS1]: To soften the impact, maybe limit it to laterals that are X # of years old and/or have had Y # of years between certifications?

- (2) *Exemption:* This section shall not apply to a *pro forma* change of ownership without change in beneficial ownership, such as conveyance to a trust, or between spouses, or pursuant to a decree of divorce or partition unless the conveyance is made to a third party.

(e) Inspections Required.

- (1) Upon request submitted in writing to the plumbing inspector by the owner or agent for the owner, an inspection shall be conducted by the plumbing inspector, of the premises to ensure compliance with the provisions of article 15.08, plumbing code and MMSD Chapter 3 relating to illegal surface or ground water connections into the sanitary sewer system. Such inspection shall occur on or before the sale or transfer of title of any such dwelling.
- (2) The owner shall additionally cause to be conducted a closed circuit television (CCTV) inspection of any sanitary sewer lateral serving the property greater than ten (10) years old or for which a certificate of compliance has not been issued. The CCTV inspection shall be performed by a contractor who shall be selected from a list pre-designated as approved by the Village.
- (A) The contractor shall televise the sanitary sewer lateral from the vent pipe of stack clean out to the main line connection point. In the case of a shared lateral, only that portion of the shared lateral downstream of the subject dwelling or structure needs to be televised.
- (B) A copy of the televised inspection shall be certified as a true and accurate televised recording of the property lateral and provided to the Public Works Department by the contractor within 2 business days of the completion of the inspection.
- (C) The sewer lateral shall be certified by the contractor as well as the Public Works Department as being free from infiltration and other defects as provided in 13.29(8)(b.) (2) above, the plumbing inspector shall issue a certificate of compliance of the lateral.
- (D) If the sewer lateral shall not be so certified, then the owner shall cause the lateral to be repaired or replaced so that it is restored to a condition of being free from infiltration and other defects, and certified as such. Upon such repair/replacement and certification, the plumbing inspector shall issue a certificate of compliance of the lateral.

(f) Certificate of Compliance Required.

- (1) A certificate of compliance shall be issued by the plumbing inspector if the building is found to be in compliance with the provisions of the plumbing code and of this section.
- (2) If non-compliance is found, the plumbing inspector shall prepare work order listing the items required to be brought into compliance with the plumbing code, and the Village Engineer shall prepare a work order which shall reasonably apprise the owner of the defects and work necessary to bring the sewer lateral into compliance, before a certificate of compliance may be issued.
- (3) The owner shall be given 90 days to comply with work order, which period may be extended at the reasonable discretion of the building inspector or the Village engineer. A subsequent inspection shall be made within 90 days of the issuance of the notice of noncompliance and work order or extension thereof, to determine if the building and/or the lateral is in compliance. If the state of noncompliance still exists, no new occupancies of the building shall be permitted, unless a transferee shall expressly agree in writing assume the obligation to comply with any outstanding work order, shall agree to a date certain by which such compliance shall be achieved, and shall provide such security in the form of a cash deposit to guarantee performance as shall be approved by the building inspector or Village Engineer, in which case a conditional occupancy permit may be provided. Any person, firm, or corporation who occupies or causes to occupy any building without first obtaining a certificate of compliance or a conditional occupancy permit shall be subject to the penalties of this code.

(g) Permit Fees. The request for a certificate of compliance shall be accompanied by a fee in the amount established from time to time by the board.

(h) Re-inspection. In the event a request for a certificate of compliance is made within (10) ten years of the issuance of a previous certificate of compliance, a re-inspection of the premises will not be required.

(i) Penalties

- (1) The Village shall have the authority to recover from a property owner the Village's expenses incurred in responding to sewer overflows on private property. In addition to any actual expenses incurred by the Village resulting from an overflow, a property owner who fails to perform any act required in this section, which failure results in an overflow reaching public or private property other than the property owner's property, shall be subject to citation and a civil penalty according to the following schedule:

(A) Up to \$250.00, plus court costs and assessments for the first violation.

(B) Up to \$500.00, plus court costs and assessments for a second violation occurring within three years after the first violation.

(C) Up to \$1,250.00, plus court costs and assessments for each additional violation exceeding two violations within a three-year period.

(2) The Village Administrator shall have the authority to establish, waive, suspend or otherwise modify any civil administrative penalty imposed by this section that exceeds the direct costs of the Village upon a showing by the property owner of severe financial hardship, or upon a showing that the property owner has satisfactorily repaired the lateral to a degree sufficient to ensure avoidance of further violations.

(j) **Appeal.** Any present or proposed owner of a building feeling aggrieved by the issuance of a notice of noncompliance may appeal to the board of appeals by following the procedure as outlined in the zoning code.

(k) **No Warranty.** A certificate of compliance indicates that so far as can be reasonably determined by a visual inspection of the premises and review of village records, the premises meet the requirements of this article. Neither the Village nor the plumbing inspector assume any liability in the inspection or issuance of a certificate of compliance, and the issuance of a certificate of compliance does not guarantee or warrant as to the condition of the premises inspected.