

**VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022**

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, September 21, 2015 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 17, 2015 Regular & August 31, 2015 Special Village Board Meetings
 - B. Accounts payable/payroll

1.	August 25, 2015	Accounts Payable	\$ 518,125.16
2.	August 25, 2015	Payroll (hourly)	\$ 230,464.11
3.	August 31, 2015	Payroll (salary)	\$ 82,104.18
4.	August 2015	Accounts Payable	\$ 105,558.68
5.	September 8, 2015	Payroll (hourly)	\$ 230,065.12
6.	September 10, 2015	Accounts Payable	\$ 413,726.66
7.	September 15, 2015	Payroll (salary)	\$ 84,240.89
 - C. Operator Licenses: September 22, 2015 – June 30, 2016 [Recommended Approval]
Alec Billingsley, Hannah Bingham, Bridget De Leon, Vanessa Garnier, Catherine Habron, Star Herrera, Robert Kane, Tina Nelson, Conor Pitterle, Toan Kevin Tran and Tamara Waterhouse

VII. CONSENT AGENDA continued:

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

- D. Amendment to State/Municipal Agreement for Non-Participating Utility Extensions/Relays to Reflect New Costs for the Non-Participating Utility Extensions/Relays Situated Around the STH 145-Donges Bay Road Intersection [Recommended Approval]
- E. WDOT Maintenance Agreement for Crosswalk Marking-Highway Pavement Marking Within the Municipality with the Following Revision: Thermoplastic Markings to be Changed to Painted Epoxy Markings and Existing Crosswalks be Striped the Same as they are Currently [Recommended Approval]
- F. Authorization to fill current full-time vacancy for a Water Utility Maintenance Operator [Recommended Approval]
- G. Blanket Purchase Order for an Amount not to Exceed \$12,000 for the Recycling Center material processing completed by Max R Recovery [Recommended Approval]

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

- H. Invoice from T.E. Brennan, Insurance Consultant, in the Amount of \$5,626.68 for August 2015-August 2015 Retainer [Recommended Approval]
- I. 2014 Comprehensive Annual Financial report [Recommended Approval]
- J. **Resolution No. xx-15** Establishing a Fund Balance Policy in Accordance with GASB Statement No. 54
- K. Extension of Agreement for EMS Billing with 3Rivers Billing Through 12/31/2017
- L. **Resolution No. xx-15** Resolution Authorizing the Application, Acceptance, And Expending Of Wisconsin Department of Natural Resources Urban Forestry Grant Program Funds

VIII. UNFINISHED BUSINESS: None.

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. Village of Germantown Floodplain Zoning Ordinance amendment; Adoption of a revised FLOODPLAIN INSURANCE STUDY (FIS) and revised FLOODPLAIN INSURANCE RATE MAPS (FIRM) with an effective date of October 16, 2015 (Section 23 of the Village of Germantown Municipal Code);
- B. Scott Bence, Agent for Heritage Place Joint Venture, Jacobus Energy/Land15 LLC and MCB Investments LLC, Property Owners, to: (1) rezone a 1.33-acre parcel (Tax Key No. GTNV 224-025) and a .872-acre parcel (Tax Key No. GTNV 224-027) from the B-3: General Business District to the Rm-2: Multi-family Zoning District; and (2) create the "Saxony Village" Planned Development Overlay Zoning District (Rm-2/PDD) to be comprised of the above described parcels and a 21.56-acre parcel (Tax Key No. GTNV 224-992) lying south of Main Street between the east end of Castle Drive and the west end of Hilbert Lane

X. NEW BUSINESS:

- A. Village of Germantown Floodplain Zoning Ordinance amendment; Adoption of a revised FLOODPLAIN INSURANCE STUDY (FIS) and revised FLOODPLAIN INSURANCE RATE MAPS (FIRM) with an effective date of October 16, 2015 (Section 23 of the Village of Germantown Municipal Code) [**Ordinance**];
- B. Scott Bence, Agent for Heritage Place Joint Venture, Jacobus Energy/Land15 LLC and MCB Investments LLC, Property Owners, to: (1) rezone a 1.33-acre parcel (Tax Key No. GTNV 224-025) and a .872-acre parcel (Tax Key No. GTNV 224-027) from the B-3: General Business District to the Rm-2: Multi-family Zoning District [**Ordinance**]; and (2) create the "Saxony Village" Planned Development Overlay Zoning District (Rm-2/PDD) to be comprised of the above described parcels and a 21.56-acre parcel (Tax Key No. GTNV 224-992) lying south of Main Street between the east end of Castle Drive and the west end of Hilbert Lane [**Ordinance** and a Conditions and Restrictions **Resolution**]
- C. Application for Amendment of "Class B" Fermented Malt Beverage & Intoxicating Liquor License Outside Premises Extension, Gamroth's Kuhburg Junction, W140N10385 Fond Du Lac Ave., Germantown WI. 20' x 30' tent, back yard area, southwest of building, Saturday October 3, 2015 from 11:00 a.m. – 6:00 p.m.
- D. **Amendment to Ordinance No. 8-94**, Establishing Unreserved Fund Limits and **Adopt Ordinance No. xx-15** Amending Chapter 3.12 of the Municipal Code of Germantown to Make Certain Changes Relating to Unassigned Fund Balance
- E. Request to Increase Intraosseous IV Charges – Fire Department
- F. Request Approval to Extend Current "Contract for Collection of Refuse & Recyclables" with Waste Management to December 31, 2015 and Request to Postpone Start Date of the Approved Contract for Automated Refuse Collection and Automated Recyclable Collection with Waste Management to January 1, 2016
- G. Agreement for Assessment Services for 2016, 2017 and 2018. The Village Board may enter into closed session per Wis. Stats. §19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility and then re-enter open session to take such action as it deems appropriate.

XI. ADJOURNMENT

The next Village Board meeting will be on October 5, 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.

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

MEETING DATE: September 21, 2015

AGENDA ITEM: Consent Agenda

ITEM TITLE: REQUEST TO AMEND STATE/MUNICIPAL AGREEMENT FOR
NON-PARTICIPATING UTILITY EXTENSIONS/RELAYS
SITUATED AROUND THE STH 145 – DONGES BAY ROAD
INTERSECTION

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

SUMMARY EXPLANATION:

The Village Board authorized an initial version of the State/Municipal Agreement (SMA) presented by the former DPW Director during its Feb. 16, 2015 meeting. That version of the SMA presented a placeholder of \$10,000 for Village-responsible non-participating costs. In Aug. 2015, the Village received a letter in which the Wisconsin DOT estimated \$441,893.83 of Village-responsible non-participating costs. Village Engineering Dept. staff subsequently estimated \$651,873.66 of total Village-responsible non-participating costs, \$396,813.43 of which would benefit and be funded by TIF #4. Of the remainder, \$214,935.72 would be funded by the Water Utility and \$40,124.51 would be funded by the Wastewater Utility.

ATTACHMENTS:

State/Municipal Agreement Revision #1

COMMITTEE ACTION:

Unanimous approval Sep. 1, 2015

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.



1st REVISION

**STATE/MUNICIPAL AGREEMENT
FOR A STATE- LET HIGHWAY
PROJECT**

This agreement supercedes the agreement signed by the Municipality on February 19, 2015 and signed by DOT on February 23, 2015.

Revised Date: September 2 2015

Date: January 13 2015

I.D.: 2475-00-00/20/70

Road Name: STH 145

Limits: Donges Bay Road Intersection

County: Washington

Roadway Length: 0.01 miles

The signatory Village of Germantown, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility - Describe and give reason for request: Improvement

Proposed Improvement - Nature of work: As determined by project scoping.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality: A nominal amount is included to cover items in paragraph 4 (to be adjusted in the final plan).

TABLE 1: SUMMARY OF COSTS

Phase	Total Est. Cost	Federal/State Funds	%	Municipal Funds	%*
Preliminary Engineering:					
Plan Development	\$ 425,535	\$ 425,535	100%	\$ -	0%
Real Estate Acquisition:					
Acquisition	\$ 500,000	\$ 500,000	100%	\$ -	0%
Compensable Utilities	\$ -	\$ -	100%	\$ -	0%
Construction:					
Participating	\$ 2,150,000	\$ 2,150,000	100%	\$ -	0%
New Sidewalk	\$ 35,000	\$ 35,000	100%	\$ -	0%
Non-Participating	\$ 651,900	\$ -	0%	\$ 651,900	100%
Total Cost Distribution	\$ 3,762,435	\$ 3,110,535		\$ 651,900	

* See Item 9 Basis for local participation in Terms and Conditions

This request is subject to the terms and conditions that follow (pages 2 – 4) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of the Village of Germantown (please sign in blue ink)		
Name	Title	Date
Signed for and in behalf of the State (please sign in blue ink)		
Name	Title SE Region Planning Chief	Date

TERMS AND CONDITIONS:

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceed Federal/State financing commitments or are ineligible for Federal/State financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table that show Municipal funding participation. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality. The costs listed in Table 1: Summary of Costs are approximate costs unless otherwise noted. The Municipality will be responsible for actual costs incurred.
3. Funding of each project Phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or State transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
 - (a) Design engineering and state review services.
 - (b) Real Estate necessitated for the improvement.
 - (c) Compensable utility adjustment and railroad force work necessitated for the project.
 - (d) The grading, base, pavement, curb and gutter and bridge costs to State standards, excluding the cost of parking areas.
 - (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
 - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking and testing of sanitary sewer and water main.
 - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
 - (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.
 - (i) Replacement of existing driveways, in kind, necessitated by the project.
 - (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other Utility or

Facility Owner includes the following items:

- (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (c) Roadway and Bridge width in excess of standards.
 - (d) Construction inspection, staking and material testing and acceptance for construction of sanitary sewer and water main.
 - (e) Parking lane costs.
 - (f) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.
5. As the work progresses, the Municipality will be billed for work completed which is not chargeable to Federal/State funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
6. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
7. The work will be administered by the State and may include items not eligible for Federal/State participation.
8. The Municipality shall at its own cost and expense:
- (a) Maintain all portions of the project that lie within its jurisdiction for such maintenance through statutory requirements, in a manner satisfactory to the State and shall make ample provision for such maintenance each year. This agreement does not remove the current municipal maintenance responsibility.
 - (b) Maintain all items outside the travel lane along the project, to include but not limited to parking lanes, curb and gutter, drainage facilities, sidewalks, multi-use paths, retaining walls, pedestrian refuge islands, landscaping features and amenities funded by community sensitive solutions.
 - (c) Maintain and accept responsibility for the energy, operation, maintenance, repair and replacement of the lighting system.
 - (d) Prohibit angle parking.
 - (e) Regulate parking along the highway. The municipality will file a parking declaration with the state.
 - (f) Use the WisDOT Utility Accommodation Policy unless the Municipality adopts a policy which has equal or more restrictive controls.
 - (g) Provide complete plans, specifications and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions or claims resulting from the sanitary sewer and water system construction.
 - (h) Maintain all community sensitive solutions and/or enhancement funded items.
 - (i) Coordinate with the state on changes to highway access within the project limits.
 - (j) In cooperation with the state, assist with public relations for the project and announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
 - (k) Maintain signs and pavement markings not necessary for the safe and efficient movement of traffic (no

parking signs, crosswalk pavement markings not at signalized intersections, etc).

9. Basis for local participation: Participation is based on actual costs incurred, all costs listed in Table 1: Summary of Costs are approximate costs unless otherwise noted.
 - (a) Funding for preliminary engineering 100% State
 - (b) Funding for real estate required for standard roadway construction, 100% State
 - (c) Funding for construction of standard roadway items – 100% State.
 - (d) Funding for new sidewalk, on NHS route, where no Trans 75 exceptions apply is funded 100% State and funding for the multi-use path is 100% State, based upon cost share policy for multi-use paths at a round-about. The Municipality agrees to maintain the sidewalk and multi-use path.
 - (e) Funding for non-participating items 100% Municipality.

[END]

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

MEETING DATE: September 21, 2015

AGENDA ITEM: Consent Agenda

ITEM TITLE: MAINTENANCE AGREEMENT FOR CROSSWALK MARKING –
HIGHWAY 145 (FOND DU LAC AVE.)

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

SUMMARY EXPLANATION:

Wisconsin DOT is planning a maintenance mill-and-fill project along STH 145 between Francese Dr. and CTH P. They would like to stripe crosswalks at numerous intersections along the corridor; however, their practice is not to install the crosswalk striping unless the municipality agrees with maintain them.

The PWHC on Sep. 1st revised the agreement from preformed thermoplastic markings to painted epoxy markings. Additionally, the Highway Superintendent advised Wisconsin DOT to stripe the existing crosswalks the same as they are striped today.

ATTACHMENTS:

Maintenance Agreement for Crosswalk Marking – Highway Pavement Marking, Revised

COMMITTEE ACTION:

Unanimous approval Sep. 1, 2015 including aforementioned conditions

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.

Permit # SE-66-010

MAINTENANCE AGREEMENT FOR CROSSWALK MARKING - HIGHWAY PAVEMENT MARKING

APPLICANT (City, Village, Town)
Village of Germantown

COUNTY:
Washington

Is hereby authorized to maintain crosswalk pavement marking on or along the
state highway noted below

This will serve as an agreement for the requestor to maintain crosswalk pavement marking following
construction. The markings will be installed as part of Construction Project ID # 2475-12-30/60 at
WISDOT cost.

Crosswalks (Specify Type) Crosswalk Markings (See Fig. 3B-15 of the MUTCD)	Stop Lines N/A	Curbs N/A
Parking Stalls N/A	Word Message or Arrows N/A	
Location (On STH/USH) STH 145	Local Street Name See locations below and map attached	At Street Name See list below
Description/Type Pedestrian crosswalk pavement markings consisting of : (Painted epoxy) 45 degree diagonals Francesse Drive Sylvan Circle Pilgrim Rd Park Ave		
Address and phone # of municipality: Brionne Bischke, Interim DPW Director		
N112 W17001 Mequon Road		
PO Box 337		
Germantown, Wis 53022		

The above named municipality hereby assumes full responsibility for costs of maintaining all markings authorized and shall
hold harmless the State of Wisconsin and the Wisconsin Department of Transportation from any claims resulting from action

by the local unit of government. All markings will conform with the *Manual on Uniform Traffic Control Devices* as to color, size and location.

Conditions:

1. Municipality shall maintain crosswalk markings or remove them in their entirety if no longer desired.
2. see attached indemnification

Name of Authorized Official (print)	Title
✓ _____ <i>Signature</i>	✓ _____ <i>Date</i>

APPROVED for the Wisconsin Department of Transportation:	
✓ _____ <i>Traffic Operations Engineer SE Region</i>	✓ _____ <i>Date</i>

N:\spo\operations\traffic ops\permits\crosswalk marking permits\Washington county\SE 66-010 STH 145 in Village of Germantown revised 9-2-15

**Business of the Village of Germantown
The Government & Finance Committee &
Village Board**

MEETING DATE:

GGF – September 15, 2015
Village Board - Sept 21, 2015

PLACEMENT

Consent

ITEM TITLE:

Resolution – Fund Balance Policy

SUBMITTED BY:

Kim Rath, Finance Director

SUMMARY EXPLANATION:

The Village's fund balance has been over 15% since 2010. The current ordinance which has a 10 -15% limitation is inadequate to protect the Village and to maintain a prudent level of financial resources. Recommended levels for municipalities the size of Germantown are upwards of 22 - 25%. An ordinance amendment is on the Village Board agenda for Sept 21 that changes the range from 16% - 25%. The attached is a resolution to adopt a fund balance policy. The policy outlines the Village Fund Balance parameters IN accordance with GASB Statement 54. It includes statements of action when to replenish deficiencies and what to do if anything with surplus fund balance.

ATTACHED : ORDINANCE____ RESOLUTION _X_ OTHER _X_

Resolution No. xx - 15 Establish a Fund Balance Policy in Accordance with GASB
Statement No. 54
Fund Balance Policy

RECOMMENDATION

Approval

COMMITTEE ACTION

Forward to Village Board with a Positive Recommendation 4/0

Fund Balance Policy in Accordance with GASB Statement No. 54

Exhibit A

Purpose, The following policy has been adopted by the Village of Germantown in order to address the implications of Governmental Accounting Standards Board (GASB) Statement No. 54, *Fund Balance Reporting and Governmental Fund Definitions*. The policy is created in consideration of unanticipated events that could adversely affect the financial condition of the Village and jeopardize the continuation of necessary public services. This policy will ensure that the Village maintains adequate fund balances and reserves in order to:

- a. Provide sufficient cash flow for daily financial needs,
- b. Secure and maintain investment grade bonds ratings,
- c. Offset significant economic downturns or revenue shortfalls, and
- d. Provide funds for unforeseen expenditures related to emergencies.

This policy and the procedures promulgated under it supersede all previous regulations regarding the Village's fund balance and reserve policies. This policy shall only apply to the Village's governmental funds. Fund balance shall be composed of non-spendable, restricted, committed, assigned and unassigned amounts.

Fund Balance information is used to identify the available resources to repay long-term debt, reduce property taxes, add new governmental programs, expand existing ones, or enhance the financial position of the Village, in accordance with policies by the Governing Board.

Definitions:

Fund Balance - refers to the difference between assets and fund liabilities in the governmental funds balance sheet and is referred to as fund equity.

Non-Spendable Fund Balance - Amounts that are not in a spendable form (such as inventory) or are required to be maintained intact (principal of an endowment fund, for example).

Restricted Fund Balance - Amounts that can be spent only for the specific purposes stipulated by external resource providers (such as grantors), or enabling legislation. Restrictions may be changed or lifted only with the consent of the resource providers. (*externally enforceable limitations on use*)

Committed Fund Balance - Amounts that can be used only for the specific purposes determined by a formal action of the Village's highest level of decision making authority. Commitments may be changed or lifted only by the Governing Board taking the same formal action that imposed the constraint originally. (*self-imposed limitations on use*).

Assigned Fund Balance - Amounts that Village intends to use for a specific purpose. (*limitations resulting from intended use*).

Unassigned Fund Balance - The residual classification for the general fund and includes amounts that are not contained in the other classifications. Unassigned amounts are the portion of fund balance which is not obligated or specifically designated and is available for any purpose.

Classification of Fund Balance:

When expenditures are incurred for purposes for which both restricted and unrestricted fund balance is available, restricted fund balance is considered to have been spent first.

When expenditures are incurred for purposed for which amounts in any of unrestricted fund balance classifications can be used, committed amounts should be reduced first, followed by assigned amounts and then unassigned amounts.

The fund balances of the Village's governmental funds included but are not limited to:

Non-Spendable Fund Balance

- Prepaid and Revolving Cash

- The prepaid and revolving cash fund balance in established to indicate those amounts relating to prepaids and deposits that are not in spendable form.

Restricted Fund Balance

- Major Funds

- Debt Service

- Capital Projects Fund

- General Capital Projects - Unspent Proceeds

- TID No. 4

- TID No. 6

- Non-Major Funds

- Special Revenue Funds

- Police Impact Fee

- Fire Impact Fee

- Library Impact Fee

- Park and Recreation Impact Fee

- Library Fund

Committed Fund Balance

- Non-Major Funds

- Special Revenue Funds

- Senior Van Replacement

- Police Asset Forfeiture

- Police Canine

- Historic Preservation

- Recreation Facility Fee

Assigned Fund Balance

- Major Funds

- Payment in lieu of Tax

- Budget Carryovers

- General Capital Projects Fund

Unassigned Fund Balance

General Fund

Minimum Unassigned Fund Balance

The Village will maintain a minimum unassigned fund balance in its General Fund ranging from [**16**] percent to [**25**] percent of [**the subsequent year's budgeted expenditures**]. This minimum fund balance is to protect against cash flow shortfalls related to timing of projected revenue receipts and to maintain a budget stabilization commitment.

Replenishing deficiencies - when the fund balance falls to the minimum [**16**] percent range, the Village will replenish shortages/deficiencies using the budget strategies and timeframes described below.

The Village will reduce recurring expenditures to eliminate any structural deficit, or
The Village will increase revenues or pursue other funding sources, or
Some combination of the two options

Minimum fund balance deficiencies shall be replenished within the following time periods:

Deficiency resulting in a minimum fund balance between [**13.5**] percent and [**16**] percent shall be replenished over a period not to exceed one year

Deficiency resulting in a minimum fund balance between [**11**] percent and [**13.5**] percent shall be replenished over a period not to exceed three years

Deficiency resulting in a minimum fund balance of less than [**11**] percent shall be replenished over a period not to exceed five years

Surplus Fund Balance

Should unassigned fund balance of the General Fund exceed the [**20**] percent range, the Village may consider such fund balance surpluses for one-time expenditures that are nonrecurring in nature and which will not require additional staffing or recurring expenditures.

Implementation and review. Upon adoption of this policy the Village Board authorizes the General Government and Finance Committee to establish any standards or procedures which may be necessary for its implementation. The Administrator shall review the policy at least annually and make recommendations for changes to the Committee.

Adopted by the Village Board of the Village of Germantown on ____September 21, 2015

RESOLUTION - 15

Fund Balance Policy in Accordance with GASB Statement No. 54

WHEREAS, the Village of Germantown wishes to adhere to the reporting requirements as set forth by the Governmental Accounting Standards Board (GASB) Statement 54 Fund Reporting and Governmental Fund Type Definitions;

WHEREAS, the Village of Germantown will categorize according to the following components: Non-spendable (including but not limited to inventory and prepaid), Restricted (external restrictions), Committed (imposed by resolution), Assigned (general intent for specific use) and Unassigned (residual);

WHEREAS, the Village of Germantown delegates authorization to the Village Administrator and Finance Director and/or their designee to identify intended uses of assigned funds;

WHEREAS, the Village of Germantown is committed to maintain a prudent level of financial resources to protect against the need to reduce service levels because of temporary revenue shortfalls or unexpected expenditures; and

NOW THEREFORE BE IT RESOLVED that the Village Board hereby adopts the attached Exhibit A, General Fund Reserve Policy.

Introduced by Trustee:

Adopted:

Vote: Ayes:

Nays:

Absent:

Dean Wolter, Village President

ATTEST:

Barbara K.D. Goeckner, Village Clerk

SERVICE AGREEMENT

AGREEMENT made this 16 day of September, 2015 by and between **3 Rivers Billing, Inc.**, a Minnesota corporation, (3RB), and the Village of Germantown (Client);

Whereas 3RB is a company engaged in the service of handling billing and insurance claim submittals of ambulance transport invoices; and

Whereas, the Client requires that type of service and wishes to retain 3RB;

Now, Therefore, for good and valuable consideration, the parties agree as follows:

1. **TERM AND RENEWAL:** The parties agree that the term of this Agreement shall become effective on the signature date of this agreement and ending on 12/31/2017. This agreement may be automatically renewed upon its expiration date for an additional twelve (12) month period unless either party shall submit, within sixty (60) days of the expiration, a written notice to terminate.
2. **COMPENSATION:** 3RB shall charge a fee of six and one half (6.5%) percent of the net monthly receipts (any money received based on the original billing by 3RB) for EMS billing services. The fee amount shall be due within thirty (30) days of the date of the invoice from 3RB. Any amount not paid after thirty (30) days from the invoice date shall incur a One (1%) Percent per month finance charge of the outstanding balance. 3RB will have the exclusive right for billing of all ambulance services performed by the Client during the term of this Agreement.
3. **REPRESENTATION OF 3RB:** 3RB will provide the client with the ImageTrend Rescue Bridge software package as listed in our proposal. The software will be owned by Germantown and the annual support hosting will be provided by 3RB for as long as 3RB is the EMS billing provider for Germantown. Upon termination of this agreement, annual ImageTrend support fees will become the responsibility of the Client. 3RB will provide insurance claim submittals and monthly patient statements. 3RB will provide aging of accounts on a monthly basis. 3RB will provide answers to billing questions and will provide an 800 phone service where applicable. 3RB will maintain confidentiality of all patient information and will only use it per HIPAA guidelines for collection purposes. 3RB agrees to abide by the Fair Debt Collection Practices Act.
4. **REPRESENTATIONS OF CLIENT:** Client agrees to direct all billing questions to 3RB. Client agrees to direct all mail, rejections, manuals and updates relating to insurance to 3RB. Client shall grant permission to 3RB to negotiate payment arrangements with patients. Client shall provide 3RB on a timely basis all information necessary to bill and collect the related services.
5. **OBLIGATIONS OF 3RB AND CLIENT:** All money and material directed to 3RB will be in the Client's name. Client shall have a choice as to whether the money is deposited in the bank of Client or the Client can choose to receive the money and send copies of the deposits and EOMB's to 3RB.
6. **GENERAL:** Upon termination of this Agreement, if requested copies of all run/route slip information shall be returned to the Client on whatever media is currently used if the client desires.

7. **GOVERNING LAW:** This Agreement and the rights of the parties hereunder shall be interpreted in accordance with the laws of the States of Wisconsin and Minnesota.

8. **ENTIRE AGREEMENT:** This Agreement is the entire agreement between the parties hereto regarding the subject matter hereof. This agreement may only be amended in writing signed by all parties to the Agreement.

9. **EFFECT OF THIS AGREEMENT:** Except as herein expressly provided to the contrary, this agreement and all of the terms and provisions hereof shall be binding upon and inure to the benefits of all of the parties, their personal representatives, heirs, successors and assigns.

10. **COPIES:** This Agreement may be executed in one or more copies, each of which shall be for the purposes, deemed to be an original, but all of such copies together shall constitute but one and the same instrument.

11. **Special Instructions:**

IN WITNESS WHEREOF, the parties have set their hands and seals hereto as of the date first above written.

3 Rivers Billing, INC.

BY: _____
(3RB) (Date)

(CLIENT) (Date)

IX.A + X.A

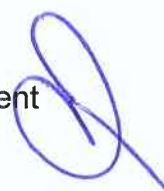
**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: September 21, 2015

AGENDA ITEM: Public Hearing & New Business **[ORDINANCE]**

ITEM TITLE: Village of Germantown Floodplain Zoning Code Revision (Section 23 Germantown Municipal Code)

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



SUMMARY EXPLANATION:

As detailed in the attached FEMA brochure entitled "*Adoption of Flood Insurance Rate Maps by Participating Communities*", participating communities like the Village of Germantown are responsible for making sure their floodplain management regulations (enforced under the Village's Floodplain Zoning Code) meet or exceed the minimum requirements of the NFIP in Title 44 of the Code of Federal Regulations (44 CFR), and, Chapter NR 116 Wisconsin Administrative Code. One of the NFIP requirements is that each time FEMA provides updated and/or additional flood hazard information concerning the Village of Germantown, the Village is required to adopt that information, as well as, the latest information or floodplain management requirements of the DNR.

As part of the ongoing effort to maintain up-to-date flood-related information (and in direct response to 2008 flooding events that affected portions of Washington County), FEMA and the DNR began conducting new hydrologic and hydraulic studies of various rivers, streams and other water courses within the Rock River watershed area of Washington County (which includes Amy Belle Creek and the Bark River in the Village of Richfield). See the Watershed Map in Attachment A.

While none of the new studies were actually done of navigable waters in or affecting the Village of Germantown (the Rock River watershed covers land immediately west of the Village of Germantown), the resulting FIS and FIRM revisions need to be adopted by the Village because: (1) the FIS that covers the Village of Germantown also covers the areas that were actually studied; and (2) the two FIRM's that were revised include land around Lake Amy Belle and Bark Lake; both located in the Village of Richfield but that appear in the same FIRM's that cover the Village of Germantown.

The revised FIS and FIRM's go into effect on October 16, 2015. The draft ordinance has been reviewed by DNR staff and have determined that, with the amendments noted therein, comply with DNR, FEMA and NFIP eligibility requirements.

ATTACHMENTS:

- ◆ 8/10/15 Staff Report
- ◆ 8/10/15 Plan Commission Meeting Minutes
- ◆ Attachment "A" Watershed Map
- ◆ *Adoption of Flood Insurance Rate Maps by Participating Communities*
- ◆ Draft Ordinance

PLAN COMMISSION RECOMMENDATION:

APPROVE the proposed Floodplain Zoning Code amendment as drafted which includes by reference the revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM's) having an effective date of October 16, 2015.

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 21, 2015

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 an amendment to the Village of Germantown Floodplain Zoning Ordinance (Section 23 of the Village of Germantown Municipal Code) that includes the adoption of revised Flood Insurance Rate Maps (FIRM's) and a revised Flood Insurance Study (FIS) with an effective date of October 16, 2015, as required by state and federal law in order for the Village of Germantown to remain compliant with and participate in the National Flood Insurance Program (NFIP). The revised FIRM floodplain maps are the latest Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA).

The Floodplain Zoning Code, Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM) are intended to protect life, health and property in floodplain areas, govern permitted uses and development activities of property located within and/or affected by mapped floodplains, and allow continued participation in the National Flood Insurance Program (NFIP).

A copy of the revised Floodplain Zoning Code, Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM's) are on file in the Planning & Zoning Division of the Community Development Department in the Village Hall, N112 W17001 Mequon Road, and are available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

All persons interested are invited to attend this public hearing and be heard. Written comments may be submitted no later than 4:00 p.m. on September 20, 2015 to: Jeff Retzlaff, Zoning Administrator, at the Village Hall address listed herein.

Dated this 27th day of August, 2015.
Barbara K. D. Goeckner, Village Clerk

To Be Published On: September 3rd and September 10th, 2015

FLOODPLAIN ZONING CODE AMENDMENT

8/10/15 Plan Commission Meeting

Village of Germantown

Village Planner Report

Germantown, Wisconsin

Summary

The Community Development Department is presenting an amended Floodplain Zoning Code (Section 23 of the Germantown Municipal Code), a revised Flood Insurance Study (FIS) and revised Flood Insurance Rate Maps (FIRM's) for consideration and adoption for purposes of maintaining the Village's eligibility in the Federal National Flood Insurance Program (NFIP).

Background/Staff Comments

As stated in the purpose section of the Village's Floodplain Zoning Ordinance (Section 23 of the Municipal Code), two of the primary purposes of the ordinance and regulations contained therein are to "protect life, health and property" and "minimize rescue and relief efforts undertaken at the expense of the taxpayers". Toward that end, the Village is a "participating community" in the National Flood Insurance Program (NFIP) that is administered through the Department of Homeland Security's Federal Emergency Management Agency (FEMA). In exchange for adopting and enforcing a floodplain management ordinance, Federally-backed flood insurance and disaster relief is made available to residents and property owners throughout the Village because of our status as a "participating community". The NFIP was established in 1968 and the Village of Germantown has been an ongoing participating community since 1974.

As detailed in the attached FEMA brochure entitled "*Adoption of Flood Insurance Rate Maps by Participating Communities*", participating communities like Germantown are responsible for making sure our floodplain management regulations (adopted and enforced under the Village's Floodplain Zoning Code) meet or exceed the minimum requirements of the NFIP in Section 60.3 Title 44 of the Code of Federal Regulations (44 CFR), and, Chapter NR 116 Wisconsin Administrative Code. One of the NFIP requirements is that each time FEMA provides updated and/or additional flood hazard information concerning the Village of Germantown, the Village is required to adopt that information, as well as, the latest information or floodplain management requirements the DNR.

Some of you may recall that, in 2013, the Village adopted a revised FIS and revised FIRM's covering the entire Village as part of FEMA's nationwide "Flood Map Modernization" program that actually began in 2006. That program was intended to create floodplain maps that are more reliable, accurate and easier to use. The resulting floodplain maps were produced in a digital format (vs. the old paper maps) and present the floodplain boundaries, hazard areas, and flood elevations superimposed over aerial photographs.

At the same time, and in an effort to assist all of Wisconsin's NFIP communities to

meeting current NFIP requirements and adopt up-to-date information and regulations, the Wisconsin Department of Natural Resources (DNR) prepared a new model Floodplain Zoning Ordinance that meets all of the requirements necessary to maintain participation in the NFIP. As a result, the Village repealed and adopted a new-and-improved Floodplain Zoning Code based on the DNR's 2012 model ordinance in October, 2013.

So why is the Village required to (once again) adopt a revised FIS and FIRM's in 2015? Beginning in 2012 as part of an ongoing effort to maintain the up-to-date information (and in response to 2008 flooding events that affected portions of Washington County), FEMA and the DNR began conducting new hydrologic and hydraulic studies of various rivers, streams and other water courses within the Rock River watershed area of Washington County (including Amy Belle Creek and the Bark River in the Village of Richfield). See the Watershed Map in Attachment A.

While none of the new studies were actually done of navigable waters in or affecting land area in the Village of Germantown (the Rock River watershed covers land west of the Village of Germantown), the resulting FIS and FIRM revisions need to be adopted by the Village because: (1) the FIS that covers the Village of Germantown also covers the areas that were actually studied; and (2) the two FIRM's that were revised include land area around Lake Amy Belle and Bark Lake; both located in the Village of Richfield but that appear in the same FIRM's that cover the Village of Germantown.

Nonetheless, the Village of Germantown is required to adopt the new FIS and FIRM's as part of our Floodplain Zoning code in order to maintain eligibility under the NFIP.

NOTE: Due to the page length of the revised FIS document and large size of the two (2) revised FIRM's, those documents are NOT included in your packet. Please contact Lori or Jeff if you would like to review those documents. Staff's presentation will include aerial and other images that will help members visualize the map revisions and land area affected.

Village Planner Recommendation

APPROVE the proposed Floodplain Zoning Code amendment as drafted which includes by reference the revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM's) having an effective date of October 16, 2015.

street and there will be nightmares in the future when people decide to cut through from one street to another. He said the Village cannot designate speed or parking restrictions with a private street and asked if it would be better if the street becomes a public street for safety and other concerns that may occur in the future. Planner Retzlaff said he has not received any comments from Public Works regarding the creation of the private versus a public street. Chairman Wolter said a public street would mean more streets to fix and plow. Discussion continued.

Chairman Wolter said he agrees with more of a Main Street feel and likes 5 buildings versus 6 because it builds a buffer towards Hilbert lane. It also gives the possibility of the amenity for storm water retention for the Village which is needed in the next 5 to 10 years for future development.

Motion to Amend Baum to have item #4 from Brionne Bischke's July 28th letter be included as a requirement at the developers cost. Motion retracted.

MOTION carried 5-1 (Baum)

Community Development Department – Floodplain Zoning Code Amendment – Revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM's) for consideration and adoption for purposes of maintaining the Village's eligibility in the Federal National Flood Insurance Program (NFIP). Planner Retzlaff explained the Village is required to adopt the revised FIS and FIRM's as a part of an ongoing effort to maintain up-to-date information. The revised FIRM's include land around Lake Amy Belle and Bark Lake, both located in the Village of Richfield, but appear in the same FIRM's that cover the Village of Germantown.

MOTION Baum second Shadid to Approve the proposed Floodplain Zoning Code amendment as drafted which includes by reference the revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM's) having an effective date of October 16, 2015.

MOTION carried unanimously.

ANNOUNCEMENTS: None

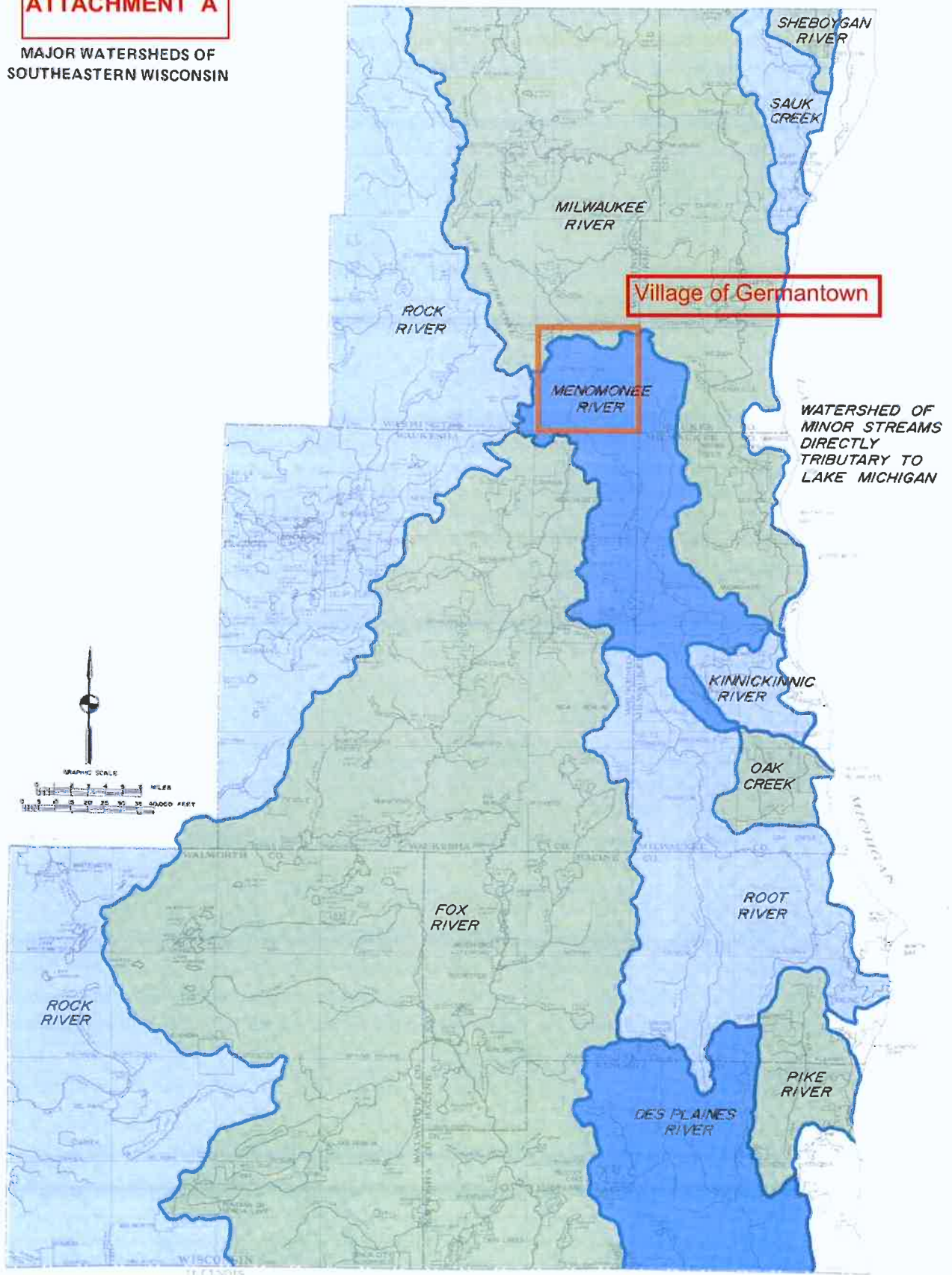
ADJOURNMENT: There being no further business, the meeting was adjourned at 9:58 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant

ATTACHMENT A

MAJOR WATERSHEDS OF SOUTHEASTERN WISCONSIN



A subcontinental divide traverses the Southeastern Wisconsin Region. That part of the Region lying east of this divide is tributary to the Great Lakes-St. Lawrence River drainage system, while that part of the Region lying west of this divide is tributary to the Mississippi River drainage system. This subcontinental divide has certain important implications for water resources planning and management, since major diversions of water across this divide are restricted by law and interstate and international compacts. The generally dendritic surface water drainage pattern of the Region, which is the result of the glacial land forms and features, divides the Region into 11 individual watersheds, three of which—the Des Plaines, Fox, and Rock River watersheds—lie west of the subcontinental divide. In addition to the 11 watersheds, there are numerous small catchment areas along the Lake Michigan shoreline that drain directly to the lake, which areas together may be considered to comprise a twelfth watershed.

Source: SEWRPC.

Adoption of Flood Insurance Rate Maps by Participating Communities

The National Flood Insurance Program (NFIP) was established with the passage of the National Flood Insurance Act of 1968. The NFIP is a Federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. Over 21,000 communities participate in the Program.

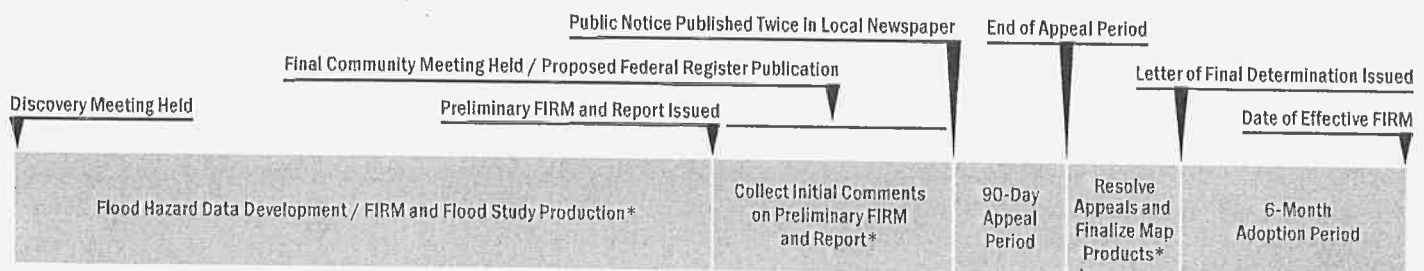
This brochure addresses several questions about community adoption of the Flood Insurance Rate Map (FIRM). As a participating community in the NFIP, your community is responsible for making sure that its floodplain management regulations meet or exceed the minimum requirements of the NFIP. By law, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) cannot offer flood insurance in communities that do not have regulations that meet or exceed these minimum requirements. These regulations can be found in **Title 44 of the Code of Federal Regulations (44 CFR) Section 60.3**. You can also find them in model ordinances developed by most States and by FEMA Regional Offices.

The basis of your community's floodplain management regulations is the flood hazard data provided to the community by FEMA. FEMA identifies flood hazards nationwide and publishes and periodically updates flood hazard data in support of the NFIP. Flood hazard data is provided to communities in the form of a FIRM and Flood Insurance Study (FIS) report, typically prepared in a countywide format. Please be aware that while an FIS report accompanies most FIRMs, it is not created for all flood studies.

The identification of flood hazards serves many important purposes. Identifying flood hazards creates an awareness of the hazard, especially for those who live and work in floodprone areas. The FIRM and FIS report provide States and communities with the information needed for land use planning and to reduce flood risk to floodplain development and implement other health and safety requirements through codes and regulations. States and communities can also use the information for emergency management.

Each time FEMA provides your community with additional flood hazard data, your community must adopt new floodplain management regulations or amend existing regulations to incorporate the new data and meet any additional requirements that result from any changes in the data, such as the designation of a regulatory floodway for the first time. Your floodplain management regulations must also meet any additional State requirements and be adopted through a process that complies with any procedural requirements established in your State for the adoption of ordinances or regulations.

Flood Study and Adoption Timeline



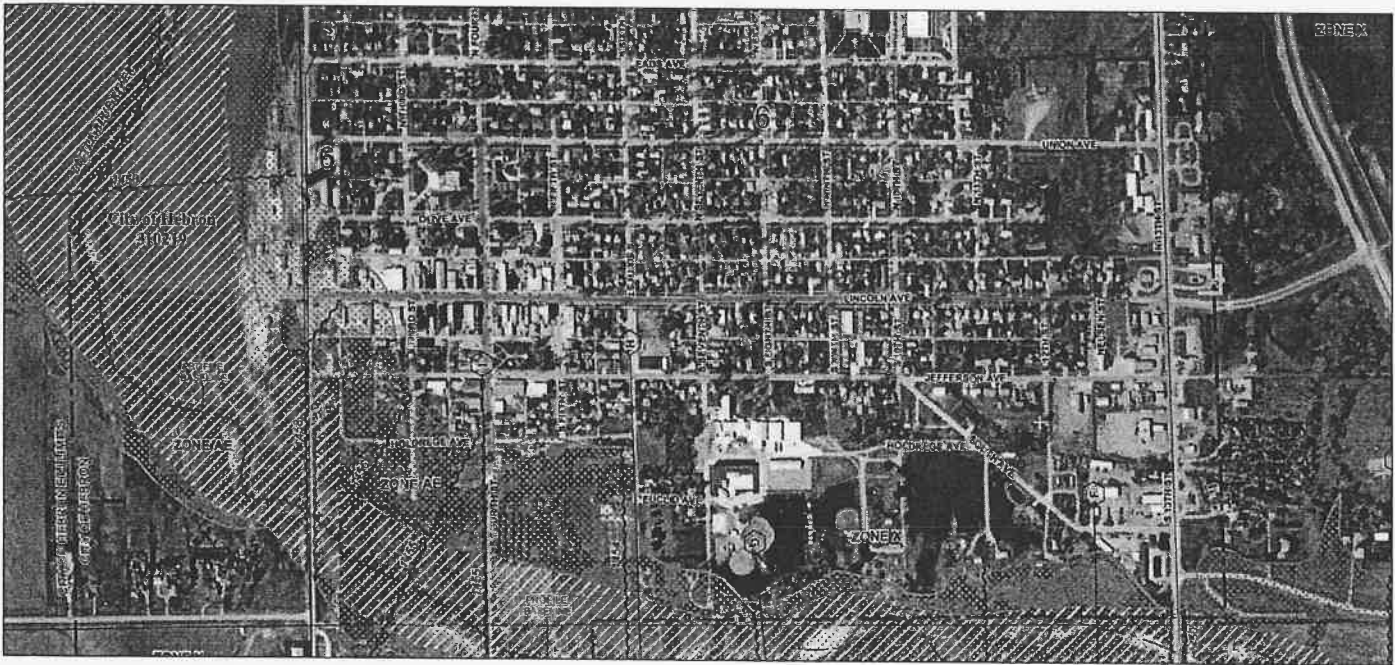
*The timeframe for completing these activities may vary.

What is the process for developing new flood hazard data or revising existing data?

FEMA coordinates closely with communities to develop new flood risk data or revise existing data during the flood study process. This coordination may lead to new or updated flood hazard mapping (i.e., the update of a community's FIRM and FIS report), flood risk assessment projects, and/or mitigation planning assistance. In general, the process includes the following activities:

- Under FEMA's Risk MAP program, FEMA engages in a Discovery process with communities and other local stakeholders to obtain a comprehensive picture of flooding issues, flood risk, and the potential for the performance of additional flood mitigation activities, including the adoption of more restrictive floodplain management criteria by communities. Stakeholders may include, but are not limited to, local officials, citizen associations, representatives of levee boards, conservation districts, Tribal Nations, and economic development organizations. Information obtained during the Discovery meeting helps determine whether a flood risk assessment project, including new or updated flood hazard data and a corresponding FIRM and FIS report, is needed.
- Once it is determined that the creation or revision of flood hazard data, including an update to the FIRM and FIS report, is needed, FEMA works with communities and other Discovery stakeholders to determine the parameters of the project, including flooding sources and the type and extent (number of stream or coastline miles) of the study.
- The mapping process typically includes development of Base Flood Elevations (BFEs) and floodways for the project area. In addition, the mapping process includes activities such as obtaining the digital base map, developing the FIRM flood hazard database and, when appropriate, incorporating or revalidating previously issued Letters of Map Change, or LOMCs. LOMCs, which include Letters of Map Revision (LOMRs), Letters of Map Revision Based on Fill and Letters of Map Amendment, serve to officially revise the effective FIRM and FIS report without requiring the physical revision and republication of these materials.
- When the study is completed, FEMA provides the community with a preliminary FIRM and FIS report for review. In addition, FEMA may hold public meetings—often referred to as the Final Meeting and Open House—to explain and obtain comments on the preliminary FIRM and FIS report.
- FEMA provides a 90-day appeal period for all new or modified flood hazard information shown on a FIRM, including additions or modifications of any BFEs, base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways. SFHAs are areas subject to inundation by the base (1-percent-annual-chance) flood and include the following flood zones: A, AO, AH, A1-A30, AE, A99, AR, AR/A1-A30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-V30, VE, and V. The regulatory floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Before the appeal period is initiated, FEMA will publish a notice of proposed flood hazard determinations in the Federal Register and notify the community's Chief Executive Officer of the determination. FEMA will then publish information about the flood hazard determinations at least twice in a local newspaper. The appeal period provides the community and owners or lessees of property in the community an opportunity to submit scientific or technical information if they believe the flood hazard determinations are scientifically or technically incorrect.
- Following the 90-day appeal period, FEMA resolves all appeals and finalizes all changes to the FIRM and FIS report.
- FEMA then issues a Letter of Final Determination (LFD), which establishes the final flood hazard data and the effective date of the new FIRM and FIS report for the community. The LFD also initiates the six-month adoption period during which the community must adopt or amend its floodplain management regulations to reference the new FIRM and FIS report.
- The FIRM and FIS report become effective at the end of the six-month period. The effective date is also the date when flood insurance rates will be based on the new flood data for new construction built after this date. The effective FIRM will be used by Federally insured or regulated lenders to determine if flood insurance is required as a condition of a loan.

FEMA has entered into agreements with nearly 250 communities, States, and regional agencies to be active partners in FEMA's flood hazard mapping program under the Cooperating Technical Partners (CTP) Program. These agencies are participating with FEMA in developing and updating FIRMs. (See the box on the inside of the back cover page for a brief description of the CTP program.)



FIRM

What must an NFIP participating community do when FEMA provides new or revised flood hazard data?

Each time FEMA provides a community with new or revised flood hazard data, the community must either adopt new floodplain management regulations, or amend its existing regulations to reference the new FIRM and FIS report. In some cases, communities may have to adopt additional floodplain management requirements if a new type of flood hazard data is provided, such as a new flood zone (e.g., going from a Zone A without BFEs to a Zone AE with BFEs or going from a Zone AE to a Zone VE – the coastal high hazard area), or with the addition of a regulatory floodway designation.

The following guide is to help you determine whether changes need to be made in your community's floodplain management regulations when a new or revised FIRM and FIS report are provided:

- If the community's floodplain management regulations are compliant with the NFIP requirements when the LFD is issued, the community needs to amend only the map reference section of their floodplain management regulations to identify the new FIRM and FIS report.
- If the community has a legally valid automatic adoption clause established in the map reference section of the regulations and the community's regulations are otherwise compliant with the NFIP requirements, then the floodplain management

regulations do not need to be amended. Automatic adoption clauses adopt all future revisions to the FIRM without further action by the community. However, keep in mind that the FIRM and FIS report update process outlined above still applies for communities with automatic adoption clauses. Automatic adoption clauses are not permitted in many States.

- If the community is provided a new type of flood hazard data, the community will need to either adopt new regulations or amend existing regulations to include the appropriate NFIP requirements, in addition to referencing the new FIRM and FIS report.

The LFD indicates the sections of the NFIP floodplain management requirements at 44 CFR Section 60.3 that a community must adopt based on the type of flood hazard data provided to the community.

You can contact the FEMA Regional Office or your State NFIP Coordinating Agency for assistance on the specific requirements your community will need to adopt. (See "For Assistance" on the back cover page for contact information.)

If your community has adopted higher standards than the minimum requirements of the NFIP, your community may qualify for a reduction in flood insurance premiums for your citizens under the Community Rating System (CRS). (See the box on the inside of the back cover for a brief description of the CRS.)



Janesville, Wisconsin, 2008

When must a community adopt the new or revised flood hazard data?

Your community must amend its existing floodplain management regulations or adopt new regulations before the effective date of the FIRM and FIS report, which is identified in the LFD. The LFD initiates the six-month adoption period.

Communities are encouraged to adopt the appropriate floodplain management regulations as soon as possible after the LFD is issued. The adopted regulations must be submitted to FEMA or the State and be approved by FEMA before the effective date of the FIRM and FIS report.

FEMA will send two letters notifying the community that it must have approved floodplain management regulations in place before the effective date of the FIRM. The first letter is a reminder letter and is sent to the community 90 days before the effective date. The second letter is sent to the community 30 days before the effective date of the FIRM. This letter is FEMA's final notification that the community will be suspended from the NFIP if it does not adopt the FIRM before the effective date. Notice of the suspension is also published in the *Federal Register*.

If the community adopts or amends its floodplain management regulations prior to the effective date of the FIRM and FIS report and the FEMA Regional Office approves the community's regulations, the suspension will not go into effect and the community will remain eligible for participation in the NFIP.

What happens if a community does not adopt the appropriate floodplain management regulations during the six-month adoption period?

If a community does not adopt new floodplain management regulations or amend its existing regulations before the effective date of the FIRM and FIS report, the community will be suspended from the NFIP.

The following sanctions apply if a community is suspended from the NFIP:

- Property owners will not be able to purchase NFIP flood insurance policies and existing policies will not be renewed.
- Federal grants or loans for development will not be available in identified flood hazard areas under programs administered by Federal agencies such as the Department of Housing and Urban Development, the Environmental Protection Agency, and the Small Business Administration.
- Federal disaster assistance will not be provided to repair insurable buildings located in identified flood hazard areas for damage caused by a flood.
- Federal mortgage insurance or loan guarantees will not be provided in identified flood hazard areas such as those written by the Federal Housing Administration and the Department of Veteran Affairs.
- Federally insured or regulated lending institutions, such as banks and credit unions, are allowed to



Elevated home on pile foundation



Elevated home on crawl space foundation

make conventional loans for insurable buildings in flood hazard areas of non-participating communities. However, the lender must notify applicants that the property is in a flood hazard area and that the property is not eligible for Federal disaster assistance. Some lenders may voluntarily choose not to make these loans.

If a community is suspended, it may regain its eligibility in the NFIP by enacting the floodplain management measures established in 44 CFR Section 60.3 of the NFIP regulations. If development takes place in your community during suspension that does not meet the minimum NFIP requirements, your community will be asked to take actions to reduce the increased flood hazard prior to reinstatement.

Digital Flood Hazard Information Resources

In accordance with the Flood Insurance Reform Act of 2004, FEMA has implemented a policy that allows the use of digital data for official NFIP purposes. All FEMA's flood mapping products are now prepared digitally, and a number of different digital options are available to view the flood hazard information shown on community FIRMs. All digital flood hazard resources referenced below can be accessed through FEMA's Map Service Center (MSC) at <http://msc.fema.gov>.

- Once effective, copies of the FIRM panels in digital format will be provided to your community and will also be available through the MSC. Note that Letters of Map Change (LOMCs) are also available through the MSC in .pdf format.
- FIRMettes show a desired section of a FIRM panel specified by a user, plus map scale, and other legend information from the FIRM. FIRMettes can be created online through the MSC, and printed or saved in .pdf format at no cost.
- The FIRM database is designed for use with specialized Geographic Information System (GIS) software. Users are able to integrate local data sets with the FEMA flood hazard data in the FIRM database to assist with floodplain management or mitigation planning measures. The FIRM

database is provided to your community once the FIRM becomes effective and is also available for download through the MSC.

- The National Flood Hazard Layer (NFHL) contains all effective digital flood hazard information from FIRM databases and LOMRs produced by FEMA in one integrated nationwide dataset. It also contains point locations of other LOMCs, such as Letters of Map Revision Based on Fill and Letters of Map Amendment. The NFHL is available for viewing through FEMA's online map viewer which can be accessed through the MSC. The NFHL can also be viewed as a layer in Google Earth or accessed via Web Map Service (WMS), a web-based method of viewing map information using commercial GIS software, such as ESRI's ArcGIS. Additional information on these services is available through the MSC.

Note for communities that do not yet have digitally produced FIRMs: scanned digital versions of the paper FIRM panels are available through the MSC. However, since the FIRMs were not produced digitally, a FIRM database will not be available and the flood hazard information shown on the FIRMs will not be included in the NFHL.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 23 (FLOODPLAIN ZONING CODE) OF THE
VILLAGE OF GERMANTOWN ZONING CODE**

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

SECTION 1. That Section 23 of the Village of Germantown Municipal Code is amended as set forth in Exhibit 1 where words underlined are to be added and words ~~stricken~~ are to be deleted (with all sections to be renumbered upon codification).

SECTION 2. This ordinance shall take effect and be in full force the day after its passage and publication as provided by law and approval by the Wisconsin Department of Natural Resources (DNR) and Federal Emergency Management Agency (FEMA) of the United States Department of Homeland Security.

Introduced by Trustee: _____

Adopted: September 21, 2015

Vote: Ayes: _____
Nays: _____

Dean Wolter, Village President

ATTEST:

Barbara K. D. Goeckner, Village Clerk

APPROVED AS TO LEGALITY:

Brian Sajdak, Attorney

Published:

EXHIBIT 1

DRAFT

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for the Village of Germantown, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of

the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. 8.0 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Zoning Administrator, Village of Germantown, Wisconsin. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) OFFICIAL MAPS : Based on the Flood Insurance Study (FIS):

4. Flood Insurance Rate Map (FIRM) panel number 55131C0268D, 55131C0269D, 55131C0288D, 55131C0290D, ~~55131C0356D~~, 55131C0357D, ~~55131C0358D~~ 55131C0359D, 55131C0376D, 55131C0377D, 55131C0378D and 55131C0379D, dated November 20, 2013; and panel numbers 55131C356E and 55131C0358E, dated October 16, 2015 with corresponding profiles that are based on the Flood Insurance Study (FIS) dated October 16, 2015 Volume #55131CV001B, #55131CV002B and #55131CV003B

Approved by: The DNR and FEMA

(b) OFFICIAL MAPS: Based on other studies:

1. Letters of Map Revision:
 - Case No. 95-05-2144A issued 11/21/1995
 - Case No. 96-05-2562A issued 10/04/1996
 - Case No. 99-05-688C issued 01/22/1999
 - Case No. 99-05-6616A issued 09/19/2000
 - Case No. 03-05-3125A issued 12/31/2003
 - Case No. 06-05-BZ48A issued 01/11/2007

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The regional floodplain areas are divided into three districts as follows:

- (a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
- (b) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
- (c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use/zoning compliance permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: September 21, 2015

AGENDA ITEM: Public Hearing & New Business [ORDINANCES & RESOLUTION]

ITEM TITLE: Scott Bence, Agent for Heritage Place Joint Venture, Jacobus Energy/Land15 LLC and MCB Investments LLC, Property Owners; Applications for (1) Rezoning of a 1.33-acre and a .872-acre parcel from the B-3: General Business District to the Rm-2: Multi-family Zoning District; and (2) Rezoning to create the "Saxony Village" Planned Development Overlay Zoning District (Rm-2/PDD) to include the above described parcels and a 21.56-acre parcel all lying south of Main Street between the east end of Castle Drive and the west end of Hilbert Lane.

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

NOTE: VILLAGE BOARD MEMBERS SHOULD CONSIDER BRINGING ALONG THE SAXONY VILLAGE MATERIALS THEY RECEIVED AS PART OF THEIR AUGUST 10, 2015 PLAN COMMISSION PACKETS FOR ADDITIONAL SUPPORT INFORMATION.

SUMMARY EXPLANATION:

Scott Bence, agent for the property owners has submitted applications that include: (1) a rezoning petition to rezone two small parcels totaling 2.2 acres from the current B-3: General business District to the Rm-2: Multi-family District; and (2) a rezoning petition and General Development Plan to create a "Planned Development District" with Rm-2: Multi-family Residential District zoning for the 23.76-acre area known as "Saxony Village" (see attached plan) located south of Main Street (east of Castle Drive and west of Hilbert Lane). The proposed Saxony Village development (see Attached Site Plan "B") is proposed to include:

- (2) 3-story buildings & three 2-story buildings
- Up to 190 dwelling units
 - 1, 1+den, 2 & 3-bedroom units
 - 800-1,300 sqft/unit w/ private balconies
- 2,500 sqft private clubhouse
- Pedestrian trail system within and around the open space
- 374 private parking stalls (2 per DU w/ 190 stalls enclosed/underground)
- 24 public parking stalls (separate parking lot adjacent to Main Street)
- 18.15 acres (34%) of open space (7.9 acres of wetland/floodplain)
- Vehicle access to Main Street & Hilbert Drive via private streets
- Pedestrian access to Main Street, Castle Drive, Hilbert Lane & Squire Drive via sidewalks and trails
- Storm water management area set aside for future use as regional basin

Although the Plan Commission recommended approval of the rezoning and creating a Saxony Village PDD, numerous comments and objections concerning the layout, building height, orientation, appearance and other elements of the development were received from both the public and PC. In an effort to address those comments and concerns, the that Developer has submitted a revised site plan (see Attached Site Plan "D")

ATTACHMENTS:

- 8/10/15 Staff Report
- 8/10/15 Plan Commission Meeting Minutes
- Site Plan Alternative "B"
- Site Plan Alternative "D"
- Draft Rezoning Ordinances
- Saxony Village Traffic impact Analysis

PLAN COMMISSION RECOMMENDATIONS:

APPROVE the proposed rezoning of Parcel II (1.33 acres) and Parcel III (.872 acres) from the B-3: General Business Zoning District to the Rm-2: Multi-family residential Zoning District subject to (2) conditions:

1. All requirements and conditions of approval recommended by the Public Works Department/Village Engineer (see July 28 and April 24, 2015 review memos) and Fire Department (see July 30, 2015 review email) shall be addressed as part of the detailed site development and building plan process.
2. A traffic impact study shall be prepared and submitted for review and approval by the Village prior to or concurrent with submission of detailed site development and building plans. At a minimum, said traffic study shall assess the impact of, need for and minimum on-site and off-site street improvements necessary to provide safe and efficient vehicle and emergency vehicle access via internal street connections to Castle Drive, Hilbert Lane and/or Main Street.

APPROVE creating a Rm-2 Planned Development District (PDD) for the entire 23.76-acre Saxony Village development area subject to (4) conditions:

1. The Rm-2 Zoning District regulations shall constitute the basic conditions, restrictions, limitations and requirements for the Saxony Village PDD except that the specific list of allowances requested by the applicant as cited herein (i.e. 3-story building height for Buildings #3, #4, and #5 only) shall be included in the conditions & restrictions resolution submitted to the Village Board for consideration and approval.
2. All requirements and conditions of approval recommended by the Public Works Department/Village Engineer (see July 28 and April 24, 2015 review memos) and

Fire Department (see July 30, 2015 review email) shall be addressed as part of the detailed site development and building plan process and/or included in the Saxony Village PDD conditions & restrictions resolution as may be necessary.

3. Subject to further revision required by the Plan Commission and/or Village Board, Site Plan B dated August 4, 2015 shall constitute the General Development Plan required under Section 17.27 of the Zoning Code. In the event that, further revisions to the General Development Plan are required by the Village Board prior to adoption of the PDD rezoning ordinance and PDD conditions & restrictions resolution, a revised General Development Plan shall be prepared and submitted to Village staff for review and approval prior to execution of the ordinance and/or resolution.
4. A traffic impact study shall be prepared and submitted for review and approval by the Village prior to or concurrent with submission of detailed site development and building plans. At a minimum, said traffic study shall assess the impact of, need for and minimum on-site and off-site street improvements necessary to provide safe and efficient vehicle and emergency vehicle access via internal street connections to Castle Drive, Hilbert Lane and/or Main Street.

NOTE:

On September 16, the Developer submitted a detailed traffic study as required by the Plan Commission. The results of this study are under review by Village staff. No staff comments or conclusions with respect to the traffic study are available at this time.

PLANNED DEVELOPMENT DISTRICT (PDD) REZONING & CONDITIONAL USE PERMIT (CUP) APPLICATION

8/10/15 Plan Commission Meeting

Saxony Village / Heritage Place Joint Venture

Village Planner Report

Germantown, Wisconsin

Summary

Scott Bence, agent for JBJ Development and Heritage Place Joint Venture, MCB Investments LLC and Jacobus Energy/Land 15 LLC, property owners, has submitted a Planned Development District (PDD) rezoning and conditional use permit (CUP) applications for a proposed 190-unit multi-family community called Saxony Village on 23.76 acres located at approximately N116 W16200 Main Street.

Property Location: N116 W16200 Main Street (south of Main Street @ Park Avenue)

Applicant/Owners: Scott Bence, JBJ Development
Heritage Place Joint Venture LLC
MCB Investments LLC
Jacobus Energy LLC
W178 N9912 Rivercrest Drive, Germantown, WI

Current Zoning: Rm-2: Multi-family Residential & B-3: General Business

Proposed Zoning: Rm-2/PDD

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

Location Map



Background

The 23.76 acre area is comprised of three (3) separate parcels owned or under contract by entities associated with JBJ Development (see enclosed plat of survey and legal descriptions). Parcel I (21.56 acres) is located in an Rm-2: Multi-family Zoning District and Parcels II (1.33 acres) and Parcel III (.872 acres) are located in a B-3: General Business Zoning District.

As shown on the plat of survey and alternative site plans, the 23.76-acre area contains a large area of delineated wetland (7.9 acres) that bisects the property from north to south. Running through and within the wetland is an unnamed navigable stream and associated floodplain (1.6 acres) that meanders north to southwest through the property into the Lake Park ponds.

The entire 23.76 acres are designated on the Village's 2020 Land Use Plan map as "Village Mixed Use". The purpose of this designation is to encourage the preservation of historic and architecturally significant structures while accommodating re-development of the area into an entertainment district and higher-density pedestrian-oriented neighborhood. Specifically, larger, undeveloped parcels such as these are encouraged to develop with high-quality, higher-density residential uses that would further support the commercial uses along Main Street.

The Saxony Village project was originally presented to the Plan Commission as a discussion item on May 11, 2015, and subject of a Village Board Committee-of-the-Whole (COW) discussion on June 8, 2015. At the May 11 PC meeting, a number of Village residents and property owners expressed concern with the proposal; most indicating that they are not in favor of the development for a variety of reasons, including: school over-crowding, traffic impacts, # of units, rental apartments vs. condominiums. Plan Commission members expressed both support for and concern with the proposal, indicating that a number of issues, e.g. # of units, building height, traffic & roadway access, would need to be further addressed. (May 11 PC meeting minutes enclosed). At the June 8 Village Board COW meeting, consensus favored the plan with 2-story buildings and street connections to Main Street, Castle Drive and Hilbert Lane (June 8 COW meeting minutes enclosed).

Development Proposal/Applications

At this time, Scott Bence, agent for the property owners, has submitted rezoning and conditional use permit (CUP) applications for a proposed 190-unit multi-family community to be called Saxony Village on the 23.76 acres located south of Main Street.

Rezoning Application

As discussed in the rezoning application supporting information, there are actually two (2) rezoning options being proposed; each with a slightly different site plan and only one option requiring the creation of a planned development district. Under both options, the maximum number of dwelling units permitted in the Rm-2 Zoning District are proposed (not to exceed 8 DU's per 23.76 net acres). In this case, the 23.76 acre land area is the same in net acres because no further public land dedication is proposed or required (at

this time the 24-stall public parking lot is intended to be part of the overall development with the public's right to use the parking lot being granted by easement).

Option A (Site Plan A)

Option A involves rezoning the two smaller parcels from the B-3: General Business District to the Rm-2: Multi-family District (so all 3 parcels and all 23.76 acres are zoned Rm-2). While all three parcels would be required to be combined with a certified survey map (CSM), Option A does not involve the creation of a planned development district (PDD) given that the proposed development as presented in Site Plan A meets the base Rm-2 Zoning District regulations with the following features:

- Six 2-story buildings
- 190 total dwelling units
 - 1, 1+den, 2 & 3-bedroom units
 - 800-1,300 sqft/unit w/ private balconies
- 2,500sqft private clubhouse
- Pedestrian trail system within and around the open space
- 403 private parking stalls (>2 per DU w/ 190 stalls enclosed/underground)
- 24 public parking stalls (separate parking lot adjacent to Main Street)
- 16.65 acres (30%) of open space (7.9 acres of wetland/floodplain)
- On-site storm water basin (w/ potential expansion as regional basin)
- Vehicle access to Main Street & Hilbert Drive via private streets
- Pedestrian access to Main Street, Castle Drive, Hilbert Lane & Squire Drive via sidewalks and trails

Option B (Site Plan B)

Option B also involves rezoning the two smaller parcels from the B-3: General Business District to the Rm-2: Multi-family District AND creating a development-specific planned development district (PDD). Option B also requires that all three parcels be combined with a certified survey map (CSM). Option B requires a PDD in order to modify the maximum height allowance in the Rm-2 Zoning District because Option B proposes three (3) buildings with 3-stories (Building #3, #4 and #5 as shown in Site Plan B). Other than building height, Option B as presented in Site Plan B meets the other Rm-2 Zoning District regulations with the following features:

- Two 2-story buildings & three 3-story buildings
- 190 dwelling units
 - 1, 1+den, 2 & 3-bedroom units
 - 800-1,300 sqft/unit w/ private balconies
- 2,500sqft private clubhouse
- Pedestrian trail system within and around the open space
- Two 2-story buildings & three 3-story buildings
- 374 private parking stalls (<2 per DU w/ 190 stalls enclosed/underground)
- 24 public parking stalls (separate parking lot adjacent to Main Street)
- 18.15 acres (34%) of open space (7.9 acres of wetland/floodplain)
- Vehicle access to Main Street & Hilbert Drive via private streets

- Pedestrian access to Main Street, Castle Drive, Hilbert Lane & Squire Drive via sidewalks and trails

NOTE: Under either option, the requirement to combine the three parcels with a CSM would necessitate compliance with provisions of the Village's Subdivision Code; specifically, the requirement for a minimum 30' "planting strip" along the railroad right-of-way and the requirement to maintain a minimum driveway separation distance from the railroad right-of-way [see Section 18.07(2) of the Subdivision Code]. The Developer has indicated that they may seek a variance from these requirements as provided for in the Subdivision Code [see Section 18.02(5)]. Any such variance request would have to be considered at the time a CSM was presented for consideration and approval by the Village.

Conditional Use Permit (CUP) Application

Both Option A and Option B propose: (1) the extension of Hilbert Lane over an existing navigable stream requiring replacement of an existing substandard culvert and associated wetland fill; and (2) the disturbance of land area with grading for storm water basins and pedestrian trails within the 25' wetland and 75' navigable stream setbacks.

Pursuant to Section 24.04(3) (c)(1) of the Village's Shoreland-Wetland Zoning Code, the extension of Hilbert Lane across the navigable stream and through the wetlands adjacent to the existing culvert to be replaced can be permitted with a CUP as follows:

- (1) *The construction and maintenance of roads which are necessary for the continuity of the Village street system, the provision of essential utility and emergency services or to provide access to uses permitted under this subsection, provided that:*
 - a. *The road cannot, as a practical matter, be located outside the wetland;*
 - b. *The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in section 24.07(3) of this chapter;*
 - c. *The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;*
 - d. *Road construction activities are carried out in the immediate area of the roadbed only;*
 - e. *Any wetland alteration must be necessary for the construction or maintenance of the road.*

As shown on the plat of survey and two Site Plan A exhibits attached to the CUP application supporting information, the delineated wetland area across the property narrows at a point just west of the existing Hilbert Lane terminus. An existing culvert located in this vicinity is proposed to be replaced with whatever minimum-sized culvert or bridge is required to traverse the stream with the proposed street extension (actual type, size and materials to be determined). As shown on site Plan A, it is expected that approximately 5,350 sqft (.12 acres) of wetland around the culvert will need to be filled. At this time, the Developer is working with the DNR and Army Corp. of Engineers (ACOE) to determine what permits or approvals would be required from those agencies

in order to extend Hilbert Lane as proposed. In the meantime, the Developer is seeking CUP approval from the Village as provided under the “street system continuity” provisions discussed above in our Shoreland-Wetland Zoning Code (Village CUP approval would be subject to DNR and ACOE permit approval).

In addition to the approximate 5,350 sqft wetland fill needed for the culvert replacement and street extension, additional development is proposed that will encroach into approximately 50,870 sqft (1.17 acres) of the 25' wetland setback area adjacent to the wetlands, and, another approximately 17,600 sqft (37,000 – 19,400 sqft or .4 acres) of disturbed area within the 75' navigable stream setback (a total amount of 1.57 acres of disturbed setback area).

Under the Village's Shoreland-Wetland Code, development may be permitted within the 25' wetland and 75' navigable stream setbacks provided that additional buffering and/or other compensation for the affected area is provided on the property. The ratio of compensation required is based on a 1:1 ratio for any “horizontal” development (grading with <3' of elevation change) or a 2:1 ratio for “vertical” development (any structural improvements or grading with >3' of elevation change).

As detailed in the applicant's Wetland Buffer Mitigation Narrative (document dated August 5, 2015), the total amount of area within the 25' wetland and 75' stream setbacks will be disturbed by the wetland fill and through site grading necessary for storm water basin and pedestrian trail construction as follows:

- “Horizontal” (1:1 ratio) = 1.57 ac = 1.57 ac of compensation required
- “Vertical” (2:1 ratio) = .12 ac = .24 ac of compensation required
- Total = = 1.81 ac of compensation required

The minimum amount of compensation required totals 1.81 acres. As presented in the Mitigation Plan, the applicant proposes to mitigate these impacts with native plantings in the fringe areas adjacent to the delineated wetlands across the property.

Staff Comments (*Rezoning Application*)

As presented above, the entire 23.76 acre area is designated on the Village's 2020 Land Use Plan map as “Village Mixed Use” where the larger, undeveloped parcels such as this are encouraged to develop with high-quality, higher-density residential uses that would further support the commercial uses along Main Street. Further, the adjacent land on all three sides south of Main Street are already zoned for and developed with Rm-2 and Rm-3 multi-family land uses. The proposed rezoning to Rm-2 or Rm-2/PDD is consistent with the 2020 LUP and neighborhood development.

With respect to Main Street and the re-development issues discussed over the last year, this type of multi-family residential development is what was originally envisioned when the Village Mixed Use District was first created. As has been the case, however, as we explore the issues associated with re-development and more closely examine the

existing developed conditions (e.g. traffic circulation and intersections, storm water management facilities, the type, amount and relative location of existing land uses, etc.), future development and re-development may create short-term negative impacts for those existing residents and property owners in the area as the transition of this area occurs over time. Therefore, one of the tasks charged to each new development proposal has to be to conduct whatever detailed impact studies or analyses may be necessary in order to ensure that development can be accommodated by existing (or planned improvements to) infrastructure, including streets, utilities and storm water management facilities. In this case, the most significant issue appears to be traffic and the potential traffic impacts on the surrounding street system. Typically, multi-family apartment development can generate 4 to 8 vehicle trips/day with as much as 10 percent of those trips occurring in the a.m. and p.m. peak-hours. Consequently, a development of 190 apartment units could generate as many as 1,520 vehicle trips/day with 150 trips in the morning (6:00 to 8:00am) and evening (4:00 to 6:00pm) peak-hours. As discussed at the May 11 consultation, potential traffic impacts on the adjacent neighborhoods and street system is a concern. Consequently, the Plan Commission should consider if a traffic impact study is warranted and, if so, require that a study be conducted either prior to approving the creation of a planned development district (which would effectively "lock in" the General Development Plan for 190 dwelling units), or, prior to or concurrent with submission of detailed site development and building plans.

Under either option, access to the development is proposed from both Main Street (primary entrance) and Hilbert Lane via private streets running through and circulating around the buildings and parking areas of the development. The internal streets would not be public streets (although there's been no mention of installing private "resident-only" entrance features) and is laid out in a manner that will discourage non-local "cut through" traffic. Hilbert Lane is a public street that currently terminates at the east property line. Castle Drive is currently a sub-standard private lane serving the Lake Park East condominiums to the west, although Castle Drive is located within a 40' public right-of-way reservation. While the Public Works Department has expressed a desire to NOT extend Castle Drive into the site for vehicle access due to the severe disrepair, the Village Board has expressed a desire that all three access alternatives be utilized. Conduct of a traffic study may shed light on which of the three access connections (if not all three) are critical to the development and dispersion of traffic to the adjacent street system.

Despite the PC's May 11 comments/concerns regarding 3-story buildings and the Village Board's stated preference for 2-story buildings at their June 8 COW meeting, the Developer is proposing a modified plan (Option B) that is different from the earlier alternative plans presented for Village consideration. Option B contains both 2-story and 3-story buildings with the thought that the 3-story buildings are clustered nearest to the railroad tracks and Main Street side of the development and further away from the existing residential development to the east and west. Because the Developer has not yet provided renderings, photo-simulations or detailed elevations of the proposed buildings, it's difficult to compare the 2-story vs. 3-story building options, and, visualize

each in the relative setting of the neighborhood. If the Plan Commission wants to give further consideration to Option B with 3-story buildings, they may want to require that the Developer provide renderings, detailed elevations or even a photo-simulation of the building alternatives in the context of the neighborhood.

The Village Engineer has provided comments and recommendations concerning the proposed development in a July 28 and April 24, 2015 memo (copies attached). These items will need to be addressed if/when the proposed development moves forward and as part of any detailed plans submitted to the Village. The most notable comments concern: (1) support for the proposed Hilbert Lane and Main Street driveway connections (and NOT for a Castle Drive vehicle connection); (2) the need to connect to/extend the existing water mains at the end of Castle Drive and Hilbert Lane in order to "loop" the system; (3) abandoning existing sanitary sewer to Main Street and connecting an existing sanitary sewer main from the south through the Saxony Village property to Main Street; and (4) ongoing interest in the possibility of creating a regional storm water basin in the southeast corner of the property to serve potential Main Street re-development (Option B only).

The Fire Department has provided the following preliminary comments that will need to be addressed and/or reflected in detailed site development and building plans as the project moves forward:

1. Additional water supply with fire hydrants connecting to village water utility will be required with the locations spaced at intervals of 300 feet along all fire access roads and approved by the Village Water Utility and Fire Department.
2. All fire access roads shall be at least 20 feet wide with no parking allowed on either side;
3. The roundabout proposed in the private roadway connecting Hilbert Lane and Main Street should be designed to accommodate emergency vehicles with restrictions on the height of any trees planted in the island;
4. A right-turn lane should be added on Main Street (east to south movement) or removal of the proposed median to allow ladder truck access;
5. All buildings will require fire sprinklers, standpipes and fire alarm systems requiring state DSPS approvals. The location of all fire department connections and alarm panels will need to be approved by the GFD as part of the site plan application.

As discussed previously, there continue to be development issues and/or restrictions that may affect this property due to the existing "brownfield" parcels located near the project entrance at Main Street. The developer will need to discuss those issues and possible solutions with the Village as the project moves forward.

Also, Site Plan/Option B provides only 374 parking stalls (vs. the minimum 2 stalls per unit or 380 required parking stalls). Additional stalls will need to be provided (or request that the minimum requirement be modified under the PDD being created for this option).

Issues that the Plan Commission will need to discuss prior to rendering a recommendation include (but not limited to):

- Requiring street extensions to Hilbert Lane, Castle Drive or both;
- Requirement for and timing of a Traffic Impact Study;
- Requirement for detailed renderings and/or photo-simulations of the 2-story (Option A) and 3-story (Option B) buildings.

Staff Comments (*Conditional Use Permit Application*)

The Developer has indicated that:

1. *The road cannot, as a practical matter, be located outside the wetland;*
2. *The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland;*
3. *The road will be designed and constructed with the minimum cross-sectional area practical to serve the intended use;*
4. *Road construction activities are carried out in the immediate area of the roadbed only;*
5. *The wetland alteration is necessary for the construction/extension of the road and installation of electric, telephone, water, gas, and sewage collection facilities serving the development.*

With regard to the CUP for development within the 25' wetland and 75' stream setbacks, staff supports the proposed mitigation plan. However, because the amount of impact on the wetland and associated setbacks is estimated based on conceptual plans at this point in time, its reasonable to assume that the amount and location of development affecting these setback areas could be further minimized as detailed site development and grading plans are developed.

Therefore, as part of the site development plan process, the Developer should be required to: (1) make every attempt to further limit development within the 25' wetland and 75' stream setback areas; (2) update the calculation and presentation of the impacted wetland and setback areas on the final site plan option (only Site Plan A is presented in the CUP application); and (3) update the Mitigation Plan prior to final consideration of the CUP application by the Village Board. Any CUP approval should be contingent upon the Developer obtaining any/all permits or approval required by the WI DNR and ACOE.

Village Planner Recommendation:

Rezoning Application

APPROVE the proposed rezoning of Parcel II (1.33 acres) and Parcel III (.872 acres) from the B-3: General Business Zoning District to the Rm-2: Multi-family residential Zoning District subject to the following;

1. All requirements and conditions of approval recommended by the Public Works Department/Village Engineer (see July 28 and April 24, 2015 review memos) and Fire Department (see July 30, 2015 review email) shall be addressed as part of the detailed site development and building plan process.
2. A traffic impact study shall be prepared and submitted for review and approval by the Village prior to or concurrent with submission of detailed site development and building plans. At a minimum, said traffic study shall assess the impact of, need for and minimum on-site and off-site street improvements necessary to provide safe and efficient vehicle and emergency vehicle access via internal street connections to Castle Drive, Hilbert Lane and/or Main Street.

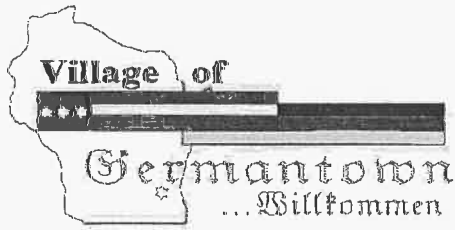
APPROVE creating a Rm-2 Planned Development District (PDD) for the entire 23.76-acre Saxony Village development area subject to the following:

1. The Rm-2 Zoning District regulations shall constitute the basic conditions, restrictions, limitations and requirements for the Saxony Village PDD except that the specific list of allowances requested by the applicant as cited herein (i.e. 3-story building height for Buildings #3, #4, and #5 only) shall be included in the conditions & restrictions resolution submitted to the Village Board for consideration and approval.
2. All requirements and conditions of approval recommended by the Public Works Department/Village Engineer (see July 28 and April 24, 2015 review memos) and Fire Department (see July 30, 2015 review email) shall be addressed as part of the detailed site development and building plan process and/or included in the Saxony Village PDD conditions & restrictions resolution as may be necessary.
3. Subject to further revision required by the Plan Commission and/or Village Board, Site Plan B dated August 4, 2015 shall constitute the General Development Plan required under Section 17.27 of the Zoning Code. In the event that, further revisions to the General Development Plan are required by the Village Board prior to adoption of the PDD rezoning ordinance and PDD conditions & restrictions resolution, a revised General Development Plan shall be prepared and submitted to Village staff for review and approval prior to execution of the ordinance and/or resolution.
4. A traffic impact study shall be prepared and submitted for review and approval by the Village prior to or concurrent with submission of detailed site development and building plans. At a minimum, said traffic study shall assess the impact of, need for and minimum on-site and off-site street improvements necessary to provide safe and efficient vehicle and emergency vehicle access via internal street connections to Castle Drive, Hilbert Lane and/or Main Street.

VILLAGE PLANNER RECOMMENDATION:
Shoreland-Wetland Setback CUP

APPROVE a Conditional Use Permit to allow the proposed wetland fill and development within the 25' wetland and 75' navigable stream setback areas as presented in the application exhibits and Mitigation Plan (dated August 5, 2015) pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

1. As part of the site development and building plan review process, the Developer shall: (1) make every attempt to further limit development within the 25' wetland and 75' stream setback areas; (2) update the calculations and presentation of the impacted wetland, wetland setback and stream setback areas on the final site plan (only Site Plan A is presented in the CUP application); and (3) update the Mitigation Plan prior to final consideration of the CUP application by the Village Board.
2. CUP approval shall be contingent upon the Developer obtaining any/all permits or approval required by the WI DNR and ACOE. In the event that DNR and/or ACOE permits/approvals are not issued, Village CUP approval shall become null and void.
3. The applicant shall prepare and submit an annual monitoring report to Village staff concerning the various management activities proposed in the mitigation plan, including the installation of native grasses and plantings within disturbed setback areas. Said report shall, at a minimum, detail the type and amount of plantings and all activities carried out in the previous year, the observed success of 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 with the calendar year following the year during which construction activities have commenced, and, continuing annually thereafter for three (3) years.



Engineering Department Memorandum

To : Jeffrey W. Retzlaff, AICP, Village Planner/Zoning Administrator

From : Brionne R. Bischke, P.E., Interim DPW / Village Engineer 

Date : July 28, 2015

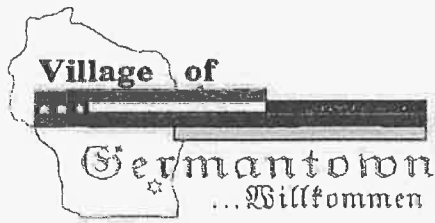
Re : JBJ and Saxony Village – Main Street South of Railroad Tracks – Rezoning and CUP Application

DPW and Engineering Depts. offer the following comments:

1. All comments presented in the Village Engineer's April 24, 2015 consultation review memo are reaffirmed.
2. Existing water main stubs between Castle Dr. and Hilbert Ln. should be connected by at least a 12" dia. public water main situated in public easement within the Saxony Village development.
3. Existing sanitary sewer to Main St. should be entirely abandoned for two reasons: 1) the middle manhole has already been abandoned, and 2) the Main St. sanitary sewer is back-pitched and undergoing capacity stresses.
4. The Wastewater Utility is going to have to divert sanitary sewer from Main St. through the Saxony Village parcel to connect to existing sanitary sewer traversing the Saxony Village south property line. Sanitary sewer service should be extended from the south to service Saxony Village, and the Village should pay for over-sizing that sewer to accommodate the Main St. diversion. The extension of this sewer through the Saxony Village parcel to Main St. should be overlain with a public easement.

Enclosure:

Village Engineer's April 24, 2015 memo



Engineering Department Memorandum

To : Jeffrey W. Retzlaff, AICP, Village Planner/Zoning Administrator

From : Brionne R. Bischke, P.E., Village Engineer *[Signature]*

Date : April 24, 2015

Re : JBJ Development/Scott Bence – Main Street south – west of railroad tracks. Rezoning consultation

The Village DPW/Engineering Dept. offers the Plan Commission the following conditions that **must** be satisfied before approval of a Village building permit application:

A) GRADING & EROSION CONTROL:

- 1) A grading & erosion control plan will be required.

B) STORM SEWER, ROOF DRAINS & LATERALS:

- 1) A storm sewer, roof drain and lateral plan will be required.

C) SANITARY SEWER & LATERALS:

- 1) A sanitary sewer and lateral plan will be required.
- 2) A 30" dia. sanitary sewer traverses along the south property line.

D) WATER MAIN & LATERALS:

- 1) A water main and lateral plan will be required.
- 2) A 16" dia. water main traverses along the south property line, and 12" dia. stubs extend from Hilbert Ln. and Castle Dr. Connecting these loops would best secure potable water supply and quality.

E) STORMWATER MANAGEMENT:

- 1) A storm water management plan will be required.
- 2) Village would be interested in a future expansion of the pond situated near the southeast property corner for use as a regional storm water management pond for future Main St. corridor development.

F) ROADWAYS, DRIVEWAYS & PARKING LOTS:

- 1) A paving plan will be required.
- 2) Village would prefer two public access ways to the development, such as the two proposed off of Main St. and Hilbert Ln. Castle Dr. is in severe disrepair so avoiding access via Castle Dr. would be in the Village's best interest.
- 3) Proposed public parking lot off Main St. entrance could follow Wisconsin DOT park and ride lot policies.

G) WISCONSIN PROFESSIONAL ENGINEER SEAL & SIGNATURE:

- 1) Wisconsin Professional Engineer seals and signatures will be required for drawings and reports.

H) VILLAGE DESIGN, DRAFTING & CONSTRUCTION STANDARDS & SPECIFICATIONS

- 1) Include a note that requires contractor conformance with these Village standards and specifications, and including their locations on the Village's web page:
 - a) Section 3.0: Grading and Erosion Control Requirements:
<http://www.village.germantown.wi.us/DocumentCenter/View/74>
 - b) Section 4.0: Storm Water Conveyance System Requirements:
<http://www.village.germantown.wi.us/DocumentCenter/View/75>
 - c) Section 5.0: Sanitary Sewer System Requirements:
<http://www.village.germantown.wi.us/DocumentCenter/View/76>
 - d) Section 6.0: Water Distribution System Requirements:
<http://www.village.germantown.wi.us/DocumentCenter/View/77>
 - e) Section 7.0: Storm Water Management Requirements:
<http://www.village.germantown.wi.us/DocumentCenter/View/78>
 - f) Section 8.0: Roadway Requirements:
<http://www.village.germantown.wi.us/DocumentCenter/View/79>

I) PERMITS:

- 1) Driveway permit from Village Engineering Dept. is required for the new driveway.
- 2) Work in right-of-way permit from Village Engineering Dept. is required for utility and pavement work in Village-owned Bunsen Dr.
- 3) Erosion control permit from Village Building Inspection Dept. is required for land disturbance > 1/2 ac.
- 4) General WPDES Construction NOI permit from Wisconsin DNR is required for land disturbance > 1 ac.
- 5) Exterior plumbing plan review from Wisconsin DSPS is required for private utilities construction.

Jeff Retzlaff

From: Steve Smith <ssmith@germantownfiredept.com>
Sent: Thursday, July 30, 2015 4:17 PM
To: Jeff Retzlaff
Cc: Gary Weiss; Craig Rossman
Subject: Plan Commission Agenda- August 10, 2015

Jeff:

Attached are GFD comments for August 10, 2015 Plan Commission Agenda:

1. JBJ Development/Saxony Village- Main Street south-west of railroad tracks. Rezoning and CUP Application. Recommend approval with the following:

- Ref: NFPA 1 Chapter 18, 2012 edition.

a. Approved water supply with fire hydrants connecting to village water utility. Locations to be spaced at intervals of 300 ft. along all fire access roads. Actual locations to be approved on future site plan application. Per NFPA 1 Chapter 18, 2012 edition.

b. Fire access roads shall be at least 20 feet wide with no parking allowed on either side.

c. Adding right turn lane on Main Street or removing north center island at Main Street intersection improves overall access by ladder truck.

d. In the Round About center island: restrict tree or bush height to 7 feet to allow better access for the ladder truck.

e. These buildings will likely require fire sprinkler, standpipes and fire alarm system requiring state DSPS approvals. Building FDC and alarm panels actual location will need to be approved by GFD on site plan application.

f. Site Alternative A: Building 6- Fire department access drive is excessive in length. Add approved turnaround, loop building or supply access to another road.

2. Enterprise Rent A Car- W!()N10953 Kleinmann Drive- Sign Review: no comment.

Steven Smith
Fire Inspector
Germantown Fire Department
W162N11862 Park Avenue
Germantown WI 53022
262 253 7795 ext 1733
262 253 7797 fax
ssmith@germantownfiredept.com

PLAN COMMISSION MINUTES
May 11, 2015

COPY

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:30 p.m.

ROLL CALL: Chairman Dean Wolter, Trustee Representative David Baum, Commissioners Mary Ellen Gray, Tim Yokes, Bill Shadid, Tony Laszewski and Peter Nilles were present. Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson were also present.

PUBLIC INPUT: The following residents spoke against the Saxony Village agenda item:

- 
- A handwritten asterisk is located to the left of a large curly bracket that encompasses the entire list of public input items.
1. Jerry Myszewski, W159 N11435 Red Oak Circle, concerned with apartments and would rather see condominiums or individual homes.
 2. Loren Doll, W159 N11447 Red Oak Circle, concerned with traffic, 3 story buildings are obtrusive, already too many apartments.
 3. Nicki Broetzmann, W163 N11502 Windsor Court, doesn't want development, concerned with traffic, too many units.
 4. Bruce Warnimont, N112 W12467 Mequon Road, concerned with school enrollment, some schools are over capacity.
 5. Betsy DeVilbiss, W159 N11548 Oakwood Drive, said buyers are concerned with total number of rentals in Germantown
 6. Lisa Filla, W148 N12133 Pleasant View Drive, Doesn't think development is a good plan and there is no sense of ownership with rentals, schools are overcrowded.
 7. Liz Chizek, W163 N11545 Windsor Court, concerned with wildlife living there, schools are over crowded and safety hazards.
 8. Charles Brown, W162 N11979 Park Avenue, concerned with aesthetics, not appropriate for community, too crowded.
 9. Shawn Gehrig, W163 N11456 Windsor Court, concerned with too many apartments and traffic concerns.

PREVIOUS MINUTES: *MOTION Baum second Shadid to Approve the minutes from 4-13-15.*

MOTION carried unanimously.

Village of Germantown & Germantown Little League W162 N11870 Park Avenue. The Village of Germantown is requesting approval of a 2-lot CSM for purposes of adjusting an existing property line for the Firemen's Park property on Park Avenue. Planner Retzlaff summarized the proposal.

MOTION Baum second Gray to Approve the CSM as proposed.

MOTION carried unanimously.

Bradley Way Partners LLC – N106 W13131 Bradley Way. The applicant is seeking approval of site development and building plans for a 13,544 sqft warehouse addition to the existing office/light industrial building. Planner Retzlaff summarized the proposal.

MOTION Baum second Yokes to Approve the site development and building plans for the 13,544 sqft warehouse addition to the existing office/light industrial building located at N106 W13131 Bradley Way in the Germantown Business Park subject to the

6. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.

Discussion followed. Commissioner Gray said the landscaping on the east side could be enhanced with more evergreens. Planner Retzlaff explained that area would be used for future additional parking.

MOTION carried unanimously.

Koenig Industries – W188 N11820 Maple Road. The applicant is seeking approval of site development and building plans for a 12,453 sqft building addition to the existing manufacturing facility. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the site development and building plans for the proposed 12,453 sqft addition to the existing facility located at W188 N11820 Maple Road in the Germantown Industrial Park subject to the following conditions:

- 1. This approval is subject to all of the conditions and requirements set forth herein and adopted by the Plan Commission. Approval is granted for the site development and building plan set dated March 27, 2015 unless superseded by subsequent plan sheets approved by the Village Planner pursuant to revisions required herein and/or by the Plan Commission.**
- 2. All landscaping, screening, grading, and paving improvements shown on the approved site plans shall be installed as proposed prior to issuance of an occupancy permit unless a cash bond or letter of credit in an amount equal to 120 percent of the estimated installation and material costs reviewed and approved by the Village is submitted to the Village as necessary to ensure that installation of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.**
- 3. 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.**
- 4. All technical corrections identified by the Village Engineer in the April 30, 2015 memo shall be addressed prior to issuance of a building permit.**
- 5. State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.**

MOTION carried unanimously.

JB Development & Scott Bence for Heritage Place Joint Venture – 23.7 Acres on Main Street, east of Lake Park East Condominiums and west of Oakwood Village Condominiums. Multi-Family Residential Planned Development District (PDD) Rezoning & Site Plan Consultation for a 225 unit apartment community. Planner Retzlaff summarized the proposal. He said if the plan moves forward several approvals would be required including a planned development district rezoning, a rezoning to Rm-2 for two properties, detailed site development and building plans and a developers agreement for any public improvements including water, sewer and utilities. Other issues that need to be discussed as part of the approval process include cleanup of a brownfield area, density and building scale, traffic impact, Hilbert Lane and Castle Drive connections, stormwater management, Main Street redevelopment and the proposed public parking lot.

Scott Bence, JBJ Development, said he's been involved with this project since 1996. He explained he has been dealing with the neighboring properties, Jacobus Quickflash and the railroad company to rectify contamination issues which are now cleaned up. He said acquiring these two properties would enable the creation of another road entry off Main Street. The concept plan would also create opportunities like the regional pond, additional parking for businesses on Main Street, and provide a connection for neighboring properties from east to west.

Gene Guskowski, AG Architecture, said the idea for the development was to create a walkable urban environment to support the Main Street area. They believe the Land Use Plan calls for a mixed use higher density, pedestrian oriented neighborhood. He said they are trying to create some community benefit while doing that by providing a trail system and parking, creating an urban feel and sense of community.

A lengthy discussion followed. The Plan Commission and the applicant addressed the following concerns:

- Yokes – Why condo's?
JBJ/Bence – Condo's are tough to market. The market has shifted to high end apartments.
- Gray – How do you get around the school situation? Would rather see some mixed use development with storefronts and apartments on top.
- Bence – There is a lot of business vacancy already that can't be filled. The need is for more people. Market research shows no support for retail storefronts.
- Laszewski – Agrees retail will not work but struggles with the density.
- Bence – The average is about ½ school age student per unit.
- Wolter – Asked the number of 3 bedroom units.
- Bence – The development has 15 three bedroom apartments
- Shadid – Doesn't mind the density but is concerned with the quality of life for the people living on Red Oak Circle and Hilbert Lane.
- Bence– There are 3 potential street connections, he is looking for input. He said that is why he sent notices to all the abutting neighbors to inform them. The property is already zoned multi-family, but he wants to work with the community and provide some benefits.
- Tom Dueppen, Himalayan Consultants, said he has been working on the contamination management plan for the development of this property. He said the property has received conditional closure from the DNR in 2013. He would propose a green team meeting with state regulators that would be able to provide the Planning Commission with a better idea of what options are available to address the brownfield issues. The site still needs to be monitored and there is a ground water use restriction.
- Wolter – The site is remediated and can be conditionally developed.
- Retzlaff – Asked if underground parking structures that are outside the contaminated properties be affected.
- Dueppen – Said there might be some offsite vapor migration contamination but it can be addressed. He said locating the parking lot at the north end is a good way to reduce the amount of contaminate migration that would occur by bringing in permeable surface in that area.
- Shadid - Asked if the buildings could be re-orientated and not be so close to Windsor Court. He suggested an exit out to Squire Drive to isolate the development from Hilbert Lane and Red Oak Circle.

- Bence - Said Squire Drive cannot be accessed there because of flood plain.
He said he took on the 2 other properties to be able to connect to Main Street and it took 7 years to acquire them. He said the buildings can be twisted and turned but he needs to know where the road connections will be before a traffic study can be done.
- Yokes – He agrees there will be some impact to traffic, but doesn't think it will be as massive as other projects. Better traffic controls will be needed. He is concerned with the density and the height of the buildings.
- Bence – A proposal was brought forward in 2007 and the direction from the Village Board at that time was to work on getting access to Main Street which he has been done.
- Wolter – A number of things need to be discussed and addressed. Castle Drive and Windsor Court look like secondary roads. Hilbert Lane is more of a normal width street so that access through make sense. A traffic study will help define how many people will be using Hilbert Lane as a regular path. Information is needed on how to get past the need for additional classroom space. Maybe limiting the number of children in the area by proposing more 2 or single bedroom apartments will help. Three story buildings is a concern. Providing some visuals to show how they will look from other street views would help. Is 225 the high end for density or is there some movement there. He is thankful for the parking lot. But is there a possibility for more spaces, maybe 30 or more to help with the Main Street parking congestion and traffic issues the Fire Department has. A traffic study is needed to show what the pattern is. Is the 5 building pattern set or could 7 buildings with 2 stories work.
- Bence – Said his new apartment building on Fond du Lac Avenue opened May 1st and is at 100 percent occupancy. He said the renters are young, dual income, couples and retirees. He said the three bedroom apartments are taken by empty nesters that have too much furniture for a 2 bedroom unit.
- Wolter - Said he appreciates Mr. Bence's willingness to work with the Village on the retention pond, brownfield areas and parking issues.
- Retzlaff – The Gables has 3 story buildings with architectural features added on to provide a Germanic feel. He asked if that was something this development would consider. What is a green team meeting.
- Guskowski – 3 story buildings are more efficient for underground parking; they don't want to be held to the Bavarian look. A green team meeting clarifies liability issues and potential funding options associated with government based entities. The Village would be allowed to apply for grants. Some cleanup costs would be associated with the putting in the parking lot or the roads. A larger parking lot would improve the contaminant issues in that area.
- Baum – Thinks retail will not work here. The potential is for a large density owner occupied buildings. The residents don't want a rental property. Post graduates don't want to buy, they want the flexibility of renting. Townhouses seemed to be acceptable. A higher density development is needed to get to Main Street developed. He'd like to see lower density and 2 story buildings. There are problems on Main Street with traffic. Hilbert Lane will become a thoroughfare. He'd rather see Castle Drive get improved and extended but all three connections need to be enhanced. He can see either contemporary or Germanic design but would like the buildings broken up a little more.
- Gray – Is it possible to apply to the DNR for approval to run the road through the wetland.

- Retzlaff – The property has a navigable stream, flood plain and wetlands to deal with. He said justification would be needed providing how or why the need to connect in some other manner can't be attained.
- Wolter – the Army Corps of Engineers would get involved and that could take years to be approved.

Betsy DeVilbiss said speaking as a realtor, there is a need for mid range condominiums. Jerry Myszewski asked why the development needs to be so dense. Jim Kapus said Sylvan Circle needs a lot of work and Hilbert Lane is not as wide as Sylvan to accommodate a large amount of traffic. Trustee Zabel commented on the density of the development and said he reads the code as 8 units per net acre not 8 units per acre. He said there are 15 acres of buildable area which would allow 120 units, not 225 as proposed. Mr. Bence said they worked with staff and feel the number of units proposed is correct.

Chairman Wolter said this was a consultation and that Mr. Bence will take all comments into consideration. He said if this item comes back to Plan Commission for review it will be noticed by agenda postings only. He said he appreciates all those that attended and spoke tonight.

ANNOUNCEMENTS: Chairman Wolter said Mai Fest starts Friday and runs through Sunday. And on Thursday there is a ceremony to honor police officers who have lost their lives at the Washington County Fair Grounds.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant

VILLAGE OF GERMANTOWN
COMMITTEE OF THE WHOLE
MEETING MINUTES
JUNE 8, 2015

COPY

CALL TO ORDER: The meeting was called to order at 5:30 p.m. by President Wolter at the Village Hall Boardroom.

ROLL CALL: President Wolter, Trustees Baum, Kaminski, Miller, Myers, and Zabel. Trustee Daniels, Hughes, and Warren were absent. Also present were Administrator Schornack, Fire Chief Weiss, Planner Retzlaff and Deputy Clerk Tamborino.

APPROVAL OF MINUTES: March 30, 2015

MOTION (Baum/Kaminski) to approve the minutes as presented, motion carried.

SAXONY VILLAGE PLANNED DEVELOPMENT DISTRICT DISCUSSION:

President Wolter started the discussion by informing the public and committee members that this is an informational meeting with discussion only. There will be no public input or motions made by the committee at this meeting. Public input is allowed at the Plan Commission meeting or Village Board meeting for this item. Village Planner Retzlaff gave a brief overview of the proposal explaining the alternative plan presented tonight versus the plan presented at Plan Commission has fewer units available and also eliminates the public parking lot and large area in the southeast corner of the property for future use as a regional storm water basin.

Scott Bence of JBJ Development along with Gene Guskowski from AG Architecture and Tom Dueppen of Himalayan Consultants presented the two different plans, Concept A featuring 5 three-story residential buildings and Concept B showing 6 two-story buildings, both with underground parking and a 2500 square foot clubhouse with swimming pool and trail system. Rental range will be between \$1100-1800 a month for rent.

Discussion included two-story versus three story buildings, access to Hilbert Lane and Castle Drive, zoning issues, traffic impact, process and compliance from Concept A to Concept B, Conditional Use Permit needed to cross stream and wetland to install driveway by Hilbert Lane, and public benefits.

President Wolter stated JBJ Development is looking for input on which plan the Village Board is more interested in, Concept A (3-story) or Concept B (2-story). Consensus for developer direction is to go forward with Concept B (2-story buildings) and opening all avenues of traffic access including the extension of Hilbert Lane, Castle Drive and an access driveway to Main Street.

ADJOURNMENT:

There being no further business the meeting was adjourned at 6:35 p.m.

Timmerly Tamborino
Deputy Clerk

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 21, 2015

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 the applications filed by the petitioners to: (1) rezone the following described property from the B-3: General Business District to the Rm-2: Multi-family Zoning District; and (2) create the "Saxony Village" Planned Development Overlay Zoning District (Rm-2/PDD) for the following described property:

Petitioners: Scott Bence, Agent for Heritage Place Joint Venture, Jacobus Energy/Land15 LLC and MCB Investments LLC, Property Owners

Property Subject of Rezoning from the B-3: General Business District to the Rm-2: Multi-Family Residential District, AND, to be included within the proposed Saxony Village Rm-2/PDD Overlay Zoning District:

Outlot 5 of Assessor's Plat of the Northwest 1/4 and the Southeast 1/4 of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin. Except that part taken in Award of Damages recorded as Document No. 465242 (Tax Parcel #GTNV224-025; 1.33 acres); and

Outlot Four (4) and that part of Outlot Three (3) of Assessor's Plat of the Village of Germantown, Northwest 1/4 of the Southeast 1/4 of Section 22, Township 9 North of Range 20 East, Washington County, Wisconsin, bounded and described as follows:

Commencing at the center of said Section 22, Town 9 North of Range 20 East; thence east along the North line of said Southeast 1/4 Section and on the center line of Main Street 217 feet; thence South 62°06' East (measured South 63°30'56" East) 177.05 feet to the place of beginning of the parcel to be described; thence South (measured South 01°24'56" East), 169.75 feet to a point; thence South 62°06' East (measured South 63°30'56" East), 213.52 feet to a point; thence North 27°54'00" East (measured North 26°29'04" East), 150.00 feet to a point; thence North 62°06' West (measured North 63°30'56" West), 292.95 feet to the place of beginning (Tax Parcel #GTNV224-027; .872 acres).

Additional Property to be included within the proposed Saxony Village Rm-2/PDD Overlay Zoning District:

That part of Outlot Three (3) in Assessor's Plat of the Village of Germantown, Northwest 1/4 of the Southeast 1/4 of Section 22, Town 9 North of Range 20 East, Washington County, Wisconsin, described as follows:

Commencing at the center of said Section 22; thence South 88°33'42" West along the North line of the Southwest 1/4 of said Section, 135.00 feet to a point; thence South 01°58'28" East along the East line of Squire Drive, 240.00 feet to the point of beginning of the land to be described; thence North 88°33'14" East, 135.00 feet to a point on the North-South 1/4 line of said Section; thence North 88°37'44" East, 371.13 feet to a point, said point being the Southeast corner of Certified Survey Map No. 2386; thence South 01°24'56" East, 12.49 feet to a point; thence South 63°30'56" East, 213.52 feet to a point; thence North 26°29'04" East, 150.00 feet to a point; thence South 63°30'56" East 274.54 feet to a point; thence

North 26°29'04" East, 60.00 feet to a point; thence South 63°30'56" East, 60.00 feet to a point; thence North 26°29'04" East, 60.00 feet to a point in the Southwesterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 63°30'56" East along said right of way line, 383.50 feet to a point; thence South 01°56'58" East, 878.04 feet to the Southeast corner of the Northwest 1/4 of the Southeast 1/4 of said Section 22; thence South 88°35'23" West, 1208.33 feet to a point on the East line of Squire Drive, said point being 110.00 feet North 88°35'23" East of the Southwest corner of the Northwest 1/4 of the Southeast 1/4 of said Section 22; thence North 01°58'28" West, 113.97 feet to a point; thence Northwesterly, 384.07 feet along the arc of a curve whose center lies to the West whose radius is 1186.28 and whose chord bears North 11°14'58" West, 382.39 feet to a point; thence North 20°31'28" West, 458.55 feet to a point; thence North 14°49'57" West, 168.40 feet to the point of beginning (Tax Parcel #GTNV224-992; 21.56 acres net of exceptions described below);

Excepting therefrom the following described land:

Commencing at the Northwest corner of said Southeast 1/4 Section; thence South 01°58'28" East along the West line of said Southeast 1/4 Section, 240.00 feet to the point of beginning of the land to be described; thence North 88°37'44" East along the South line of Certified Survey Map No. 2386 and parallel with the North line of said 1/4 Section, 371.13 feet to a point; thence South 01°24'56" East, 12.49 feet to a point; thence South 63°30'56" East, 85.00 feet to a point; thence South 00°54'18" East, 880.31 feet to a point; thence North 89°09'27" West 320.90 feet to a point in the East line of Squire Drive; thence Northerly along said East line, 330.28 feet on the arc of a curve whose center lies to the Southwest whose radius is 1186.28 and whose chord bears North 12°31'24" West, 329.22 feet to a point; thence North 20°31'28" West along said East line, 458.55 feet to a point; thence North 14°49'57" West along said East line and parallel with the North line of said Southwest 1/4 Section, 135.00 feet to the point of beginning. Note: The above excepted parcel is also known as Buildings 24, 26, 27, 28, 29 and 31 in Lake Park Extension, a recorded condominium; and Parcel 1 of Certified Survey Map No. 3501, recorded in the Washington County Registry on January 25, 1990 in Volume 21 of Certified Surveys on pages 168-172, as Document No. 554789.

A copy of the application is on file in the Village Planning Department office and is available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Dated this 27th day of August, 2015.
Barbara K. D. Goeckner, Village Clerk

To Be Published On: September 3rd and September 10th, 2015

could have something different and there is a lot more discussion needed to clearly define net and gross.

MOTION Baum second Shadid to Table this item until Planner Retzlaff brings forward a clear definition of what other communities around us are using for net and gross density.

MOTION carried unanimously.

JB Development for Heritage Place Joint Venture, MCB Investments LLC and Jacobus Energy/Land 15 LLC -23.7 acres on Main Street (approximately N116 W16200) east of Lake Park East Condominiums and west of Oakwood Village Condominiums. The property owners have submitted a Planned Development District (PDD) Rezoning application (B-3 to Rm-2) for a 190-unit multi-family residential development called Saxony Village on 23.76 acres and a Conditional Use Permit application for a wetland fill (wetland & navigable stream crossing). Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the proposed rezoning of Parcel II (1.33 acres) and Parcel III (.872 acres) from the B-3: General Business Zoning District to the Rm-2: Multi-family residential Zoning District subject to the following:

- 1. All requirements and conditions of approval recommended by the Public Works Department/Village Engineer (see July 28 and April 24, 2015 review memos) and Fire Department (see July 30, 2015 review email) shall be addressed as part of the detailed site development and building plan process.***
- 2. A traffic impact study shall be prepared and submitted for review and approval by the Village prior to or concurrent with submission of detailed site development and building plans. At a minimum, said traffic study shall assess the impact of, need for and minimum on-site and off-site street improvements necessary to provide safe and efficient vehicle and emergency vehicle access via internal street connections to Castle Drive, Hilbert Lane and/or Main Street.***

Planner Retzlaff explained a concept plan is required as part of the rezoning application so there is a better understanding of what the development could be like. If a Planned Development District is created, that particular site plan comes with an adopted general development plan that locks in the future development.

MOTION carried unanimously.

Trustee Baum questioned how the density was calculated.

MOTION Baum second Gray to Approve the Conditional Use Permit to allow the proposed wetland fill and development within the 25' wetland and 75' navigable stream setback areas as presented in the application exhibits and Mitigation Plan (dated August 5, 2015) pursuant to Section 24.04 of the Shoreland-Wetland Zoning Code and subject to the following conditions:

- 1. As part of the site development and building plan review process, the Developer shall: (1) make every attempt to further limit development within the 25' wetland and 75' stream setback areas; (2) update the calculations and presentation of the***

- impacted wetland, wetland setback and stream setback areas on the final site plan (only Site Plan A is presented in the CUP application); and (3) update the Mitigation Plan prior to final consideration of the CUP application by the Village Board.*
- 2. CUP approval shall be contingent upon the Developer obtaining any/all permits or approval required by the WI DNR and ACOE. In the event that DNR and/or ACOE permits/approvals are not issued, Village CUP approval shall become null and void.*
 - 3. The applicant shall prepare and submit an annual monitoring report to Village staff concerning the various management activities proposed in the mitigation plan, including the installation of native grasses and plantings within disturbed setback areas. Said report shall, at a minimum, detail the type and amount of plantings and all activities carried out in the previous year, the observed success of 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 with the calendar year following the year during which construction activities have commenced, and, continuing annually thereafter for three (3) years.*

Trustee Baum said something will be developed here and the access is needed. Planner Retzlaff clarified that option A goes with the straight B-3 to Rm-2 zoning and no PDD. The development of a PDD provides the ability to go to 3 story buildings without development in the southeast corner and removal of the Stormwater basin. Chairman Wolter said the CUP approves the process of building in the wetland for road access. He said the zoning change as proposed, B-3 to Rm-2 multi-family zoning district approves plan A which is 6 buildings at 2 stories and development of a Stormwater basin. He said locating a Stormwater basin in this plan would eliminate the need for a creating one when Main Street properties are developed further in the future.

MOTION carried unanimously.

Planner Retzlaff discussed the PDD option that would allow a 3 story building option. He said the developer has not presented any potential elevations or architecture that might weigh in on the Plan Commission's decision regarding 2 versus 3 story buildings. He stated that under the Rm-2 zoning district the maximum height allowance is 45 feet and the number of stories allowed is 2. If 3 stories were allowed, the building height maximum would still be 45 feet tall. He asked Commissioners if they want to consider 2 versus 3 stories in terms of appearance and architecture, before they completely vote on it one way or the other.

Trustee Baum said he couldn't support the PDD because he doesn't know the character of the development or the amenities. Gene Guskowski, AG Architecture, said the development team is looking for some direction to proceed before significant money is spent exploring different solutions. He said both a flat and pitched roof have been explored to stay within the 45 foot limit depending on the construction design. Commissioner Gray said she has seen 3 story buildings in Menomonee Falls, Waukesha and Brookfield would support them. Commissioner Laszewski felt this location is a good spot to put 3 story buildings. Jenine Eihlers said she didn't want to see that this development out of her window and wants the green space. Chairman Wolter said businesses are growing here and need the additional housing to attract a better educated workforce that doesn't want to buy. The future development would also create

foot traffic that will help to support the downtown area. He said Mr. Bence has a right to develop the property as an owner and the residents may voice their concerns at a public hearing. Discussion continued.

Trustee Baum said he doesn't have enough information on amenities, height, and character of the buildings and doesn't like the layout of the development. He wants more of a downtown, walking community feel like Oakland Avenue in Shorewood. Scott Bence asked for either a recommendation of the PDD with conditions the Plan Commission feels are appropriate and if

he if decides to work with those conditions, he will bring the plan back or, he will just move forward with the 2 story buildings proposal. He said is asking for an extra half story to allow for three story buildings. He is more than happy to work with the Village to commit the area for a regional basin and provide a public parking lot and trail system.

MOTION Gray second Shadid to Approve creating a Rm-2 Planned Development District (PDD) for the entire 23.76-acre Saxony Village development area subject to the following:

- 1. The Rm-2 Zoning District regulations shall constitute the basic conditions, restrictions, limitations and requirements for the Saxony Village PDD except that the specific list of allowances requested by the applicant as cited herein (i.e. 3-story building height for Buildings #3, #4, and #5 only) shall be included in the conditions & restrictions resolution submitted to the Village Board for consideration and approval.***
- 2. All requirements and conditions of approval recommended by the Public Works Department/Village Engineer (see July 28 and April 24, 2015 review memos) and Fire Department (see July 30, 2015 review email) shall be addressed as part of the detailed site development and building plan process and/or included in the Saxony Village PDD conditions & restrictions resolution as may be necessary.***
- 3. Subject to further revision required by the Plan Commission and/or Village Board, Site Plan B dated August 4, 2015 shall constitute the General Development Plan required under Section 17.27 of the Zoning Code. In the event that, further revisions to the General Development Plan are required by the Village Board prior to adoption of the PDD rezoning ordinance and PDD conditions & restrictions resolution, a revised General Development Plan shall be prepared and submitted to Village staff for review and approval prior to execution of the ordinance and/or resolution.***
- 4. A traffic impact study shall be prepared and submitted for review and approval by the Village prior to or concurrent with submission of detailed site development and building plans. At a minimum, said traffic study shall assess the impact of, need for and minimum on-site and off-site street improvements necessary to provide safe and efficient vehicle and emergency vehicle access via internal street connections to Castle Drive, Hilbert Lane and/or Main Street.***

Trustee Zabel said the proposed development with have a private street that goes to a public street and there will be nightmares in the future when people decide to cut through from one street to another. He said the Village cannot designate speed or parking restrictions with a private street and asked if it would be better if the street becomes a public street for safety and other concerns that may occur in the future. Planner Retzlaff said he has not received any comments from Public Works regarding the creation of the private versus a public street. Chairman Wolter said a public street would mean more streets to fix and plow. Discussion continued.

Chairman Wolter said he agrees with more of a Main Street feel and likes 5 buildings versus 6 because it builds a buffer towards Hilbert lane. It also gives the possibility of the amenity for storm water retention for the Village which is needed in the next 5 to 10 years for future development.

Motion to Amend Baum to have item #4 from Brionne Bischke's July 28th letter be included as a requirement at the developers cost. Motion retracted.

MOTION carried 5-1 (Baum)

Community Development Department – Floodplain Zoning Code Amendment – Revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM's) for consideration and adoption for purposes of maintaining the Village's eligibility in the Federal National Flood Insurance Program (NFIP). Planner Retzlaff explained the Village is required to adopt the revised FIS and FIRM's as a part of an ongoing effort to maintain up-to-date information. The revised FIRM's include land around Lake Amy Belle and Bark Lake, both located in the Village of Richfield, but appear in the same FIRM's that cover the Village of Germantown.

MOTION Baum second Shadid to Approve the proposed Floodplain Zoning Code amendment as drafted which includes by reference the revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM's) having an effective date of October 16, 2015.

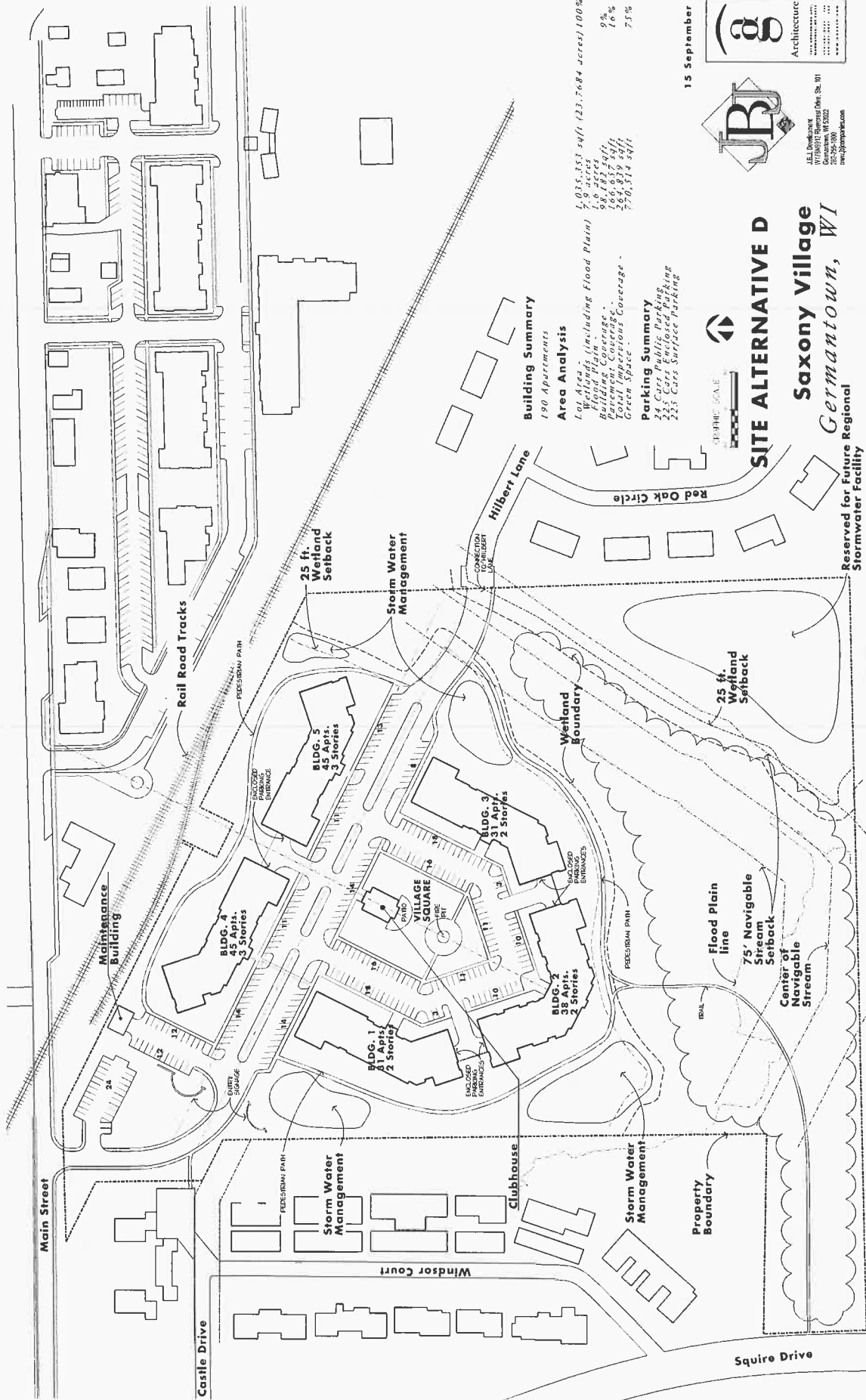
MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:58 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant



Building Summary

190 Apartments

Area Analysis

Lot Area: 1,035,353 sqft (23.7684 Acres) 100%
 Wetlands (including Flood Plain): 7.9 acres
 Flood Plain: 6.6 acres
 Flood Plain Coverage: 9%
 Total Impervious Coverage: 266,839 sqft
 Total Impervious Coverage: 16%
 Green Space: 770,514 sqft
 Green Space: 75%

Parking Summary

24 Cars Public Parking
 255 Cars Enclosed Parking
 255 Cars Surface Parking



GRAPHIC SCALE
 0 10 20 Feet

SITE ALTERNATIVE D

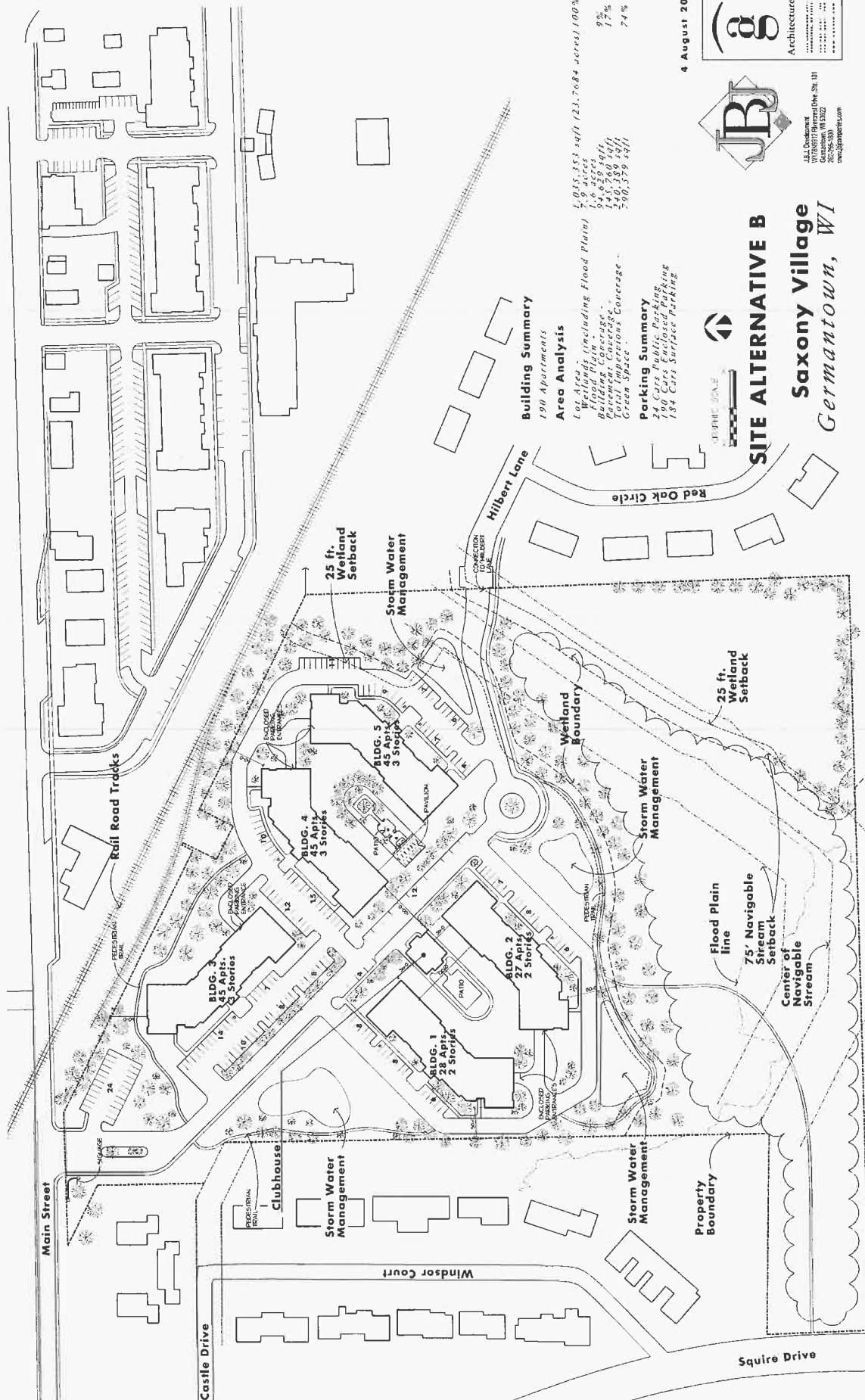
**Saxony Village
 Germantown, WI**

Reserved for Future Regional
 Stormwater Facility

15 September 2015



J.B. Architecture
 11111 Wisconsin Avenue
 Germantown, WI 53022
 www.jbarchitecture.com



Building Summary

190 Apartments

Area Analysis

Lot Area (including Flood Plain) 1,015,363 sqft (23.7684 acres) 100%
 Flood Plain 1.6 acres 9%
 Building Coverage 140,760 sqft 17%
 Total Impervious Coverage 240,339 sqft 74%
 Green Space 790,579 sqft

Parking Summary

24 Cars Public Parking
 190 Cars Enclosed Parking
 184 Cars Surface Parking



SITE ALTERNATIVE B

Saxony Village
Germantown, WI



J.B. Development
 1000 Wisconsin Drive, Ste. 101
 Germantown, WI 53032
 262-336-1000
 info@jbd.com



ag Architecture
 1000 Wisconsin Drive, Ste. 101
 Germantown, WI 53032
 262-336-1000
 info@ag.com

4 August 2015

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP
OF THE VILLAGE OF GERMANTOWN ZONING CODE**

(Scott Bence, Agent for Heritage Place Joint Venture,
Jacobus Energy/Land15 LLC and MCB Investments LLC, Property Owners)

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

SECTION 1. That the zoning map of the Village of Germantown is amended by rezoning from the B-3: General Business District to the Rm-2: Multiple-Family District the following described parcels:

Parcel II (1.33 acres)

Outlot 5 of Assessor's Plat of the Northwest 1/4 and the Southeast 1/4 of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin. Except that part taken in Award of Damages recorded as Document No. 465242 (Tax Parcel #GTNV224-025; 1.33 acres); and

Parcel III (.872 acres)

Outlot Four (4) and that part of Outlot Three (3) of Assessor's Plat of the Village of Germantown, Northwest 1/4 of the Southeast 1/4 of Section 22, Township 9 North of Range 20 East, Washington County, Wisconsin, bounded and described as follows:

Commencing at the center of said Section 22, Town 9 North of Range 20 East; thence east along the North line of said Southeast 1/4 Section and on the center line of Main Street 217 feet; thence South 62°06' East (measured South 63°30'56" East) 177.05 feet to the place of beginning of the parcel to be described; thence South (measured South 01°24'56" East), 169.75 feet to a point; thence South 62°06' East (measured South 63°30'56" East), 213.52 feet to a point; thence North 27°54'00" East (measured North 26°29'04" East), 150.00 feet to a point; thence North 62°06' West (measured North 63°30'56" West), 292.95 feet to the place of beginning (Tax Parcel #GTNV224-027; .872 acres).

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: _____, 2015

Vote: Ayes: _____ Nays: _____

Dean Wolter, Village President

ATTEST:

Barbara K. D. Goeckner, Village Clerk

APPROVED AS TO FORM:

Brian Sajdak, Attorney Published:

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP
OF THE VILLAGE OF GERMANTOWN CREATING
THE SAXONY VILLAGE PLANNED DEVELOPMENT DISTRICT (PDD)**

(Scott Bence, Agent for Heritage Place Joint Venture,
Jacobus Energy/Land15 LLC and MCB Investments LLC, Property Owners)

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

SECTION 1. That the zoning map of the Village of Germantown be amended by rezoning the following three (3) parcels totaling 23.76 acres from Rm-2: Multiple-Family Residential to Rm-2/PDD (hereafter to be known as the "Saxony Village Planned Development District"):

Parcel I (21.56 acres)

That part of Outlot Three (3) in Assessor's Plat of the Village of Germantown, Northwest 1/4 of the Southeast 1/4 of Section 22, Town 9 North of Range 20 East, Washington County, Wisconsin, described as follows: Commencing at the center of said Section 22; thence South 88°33'42" West along the North line of the Southwest 1/4 of said Section, 135.00 feet to a point; thence South 01°58'28" East along the East line of Squire Drive, 240.00 feet to the point of beginning of the land to be described; thence North 88°33'14" East, 135.00 feet to a point on the North-South 1/4 line of said Section; thence North 88°37'44" East, 371.13 feet to a point, said point being the Southeast corner of Certified Survey Map No. 2386; thence South 01°24'56" East, 12.49 feet to a point; thence South 63°30'56" East, 213.52 feet to a point; thence North 26°29'04" East, 150.00 feet to a point; thence South 63°30'56" East 274.54 feet to a point; thence North 26°29'04" East, 60.00 feet to a point; thence South 63°30'56" East, 60.00 feet to a point; thence North 26°29'04" East, 60.00 feet to a point in the Southwesterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 63°30'56" East along said right of way line, 383.50 feet to a point; thence South 01°56'58" East, 878.04 feet to the Southeast corner of the Northwest 1/4 of the Southeast 1/4 of said Section 22; thence South 88°35'23" West, 1208.33 feet to a point on the East line of Squire Drive, said point being 110.00 feet North 88°35'23" East of the Southwest corner of the Northwest 1/4 of the Southeast 1/4 of said Section 22; thence North 01°58'28" West, 113.97 feet to a point; thence Northwesterly, 384.07 feet along the arc of a curve whose center lies to the West whose radius is 1186.28 and whose chord bears North 11°14'58" West, 382.39 feet to a point; thence North 20°31'28" West, 458.55 feet to a point; thence North 14°49'57" West, 168.40 feet to the point of beginning (Tax Parcel #GTNV224-992; 21.56 acres net of exceptions described below);

Excepting therefrom the following described land:

Commencing at the Northwest corner of said Southeast 1/4 Section; thence South 01°58'28" East along the West line of said Southeast 1/4 Section, 240.00 feet to the point of beginning of the land to be described; thence North 88°37'44" East along the South line of Certified Survey Map No. 2386 and parallel with the North line of said 1/4 Section, 371.13 feet to a point; thence South 01°24'56" East, 12.49 feet to a point; thence South 63°30'56" East, 85.00 feet to a point; thence South 00°54'18" East, 880.31 feet to a point; thence North 89°09'27" West 320.90 feet to a point in the East line of Squire Drive; thence Northerly along said East line, 330.28 feet on the arc of a curve whose center lies to the Southwest whose radius is 1186.28 and whose chord bears North 12°31'24" West, 329.22 feet to a point; thence North 20°31'28" West along said East line, 458.55 feet to a point; thence North 14°49'57" West along said East line and parallel with the North line of said Southwest 1/4 Section, 135.00 feet to the point of beginning. Note: The above excepted parcel is also known as Buildings 24, 26, 27, 28, 29 and 31 in Lake Park Extension, a recorded condominium; and Parcel 1 of

Certified Survey Map No. 3501, recorded in the Washington County Registry on January 25, 1990 in Volume 21 of Certified Surveys on pages 168-172, as Document No. 554789.

Parcel II (1.33 acres)

Outlot 5 of Assessor's Plat of the Northwest 1/4 and the Southeast 1/4 of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin. Except that part taken in Award of Damages recorded as Document No. 465242 (Tax Parcel #GTNV224-025; 1.33 acres); and

Parcel III (.872 acres)

Outlot Four (4) and that part of Outlot Three (3) of Assessor's Plat of the Village of Germantown, Northwest 1/4 of the Southeast 1/4 of Section 22, Township 9 North of Range 20 East, Washington County, Wisconsin, bounded and described as follows:

Commencing at the center of said Section 22, Town 9 North of Range 20 East; thence east along the North line of said Southeast 1/4 Section and on the center line of Main Street 217 feet; thence South 62°06' East (measured South 63°30'56" East) 177.05 feet to the place of beginning of the parcel to be described; thence South (measured South 01°24'56" East), 169.75 feet to a point; thence South 62°06' East (measured South 63°30'56" East), 213.52 feet to a point; thence North 27°54'00" East (measured North 26°29'04" East), 150.00 feet to a point; thence North 62°06' West (measured North 63°30'56" West), 292.95 feet to the place of beginning (Tax Parcel #GTNV224-027; .872 acres).

SECTION 2. Pursuant to Section 17.27 (Zoning) of the Municipal Code, specific conditions and restrictions governing development within the Riversbend PDD shall be adopted by a separate resolution of the Village Board.

SECTION 3. This ordinance shall take effect and be in full force the day after passage and publication, as provided by law.

Introduced by Trustee:

Adopted:

Vote: Ayes: Nays:

Dean Wolter
Village President

APPROVED AS TO FORM:

Brian Sajdak, Village Attorney

ATTEST:

Barbara K. D. Goeckner, Village Clerk

Published:



TRAFFIC ANALYSIS & DESIGN, INC.

N36 W7505 Buchanan Court
Cedarburg, WI 53012
800.605.3091
www.tadi-us.com

SAXONY VILLAGE

Traffic Impact Analysis

Village of Germantown
Washington County, Wisconsin
September 16, 2105



TRAFFIC IMPACT ANALYSIS FOR:

SAXONY VILLAGE
GERMANTOWN, WISCONSIN

September 14, 2015



PREPARED FOR:

JBj Development/Heritage Place, JT Ventures
W178 N9912 Rivercrest Drive, Suite 101
Germantown, WI 53022
Phone: 262-255-1800 ext. 17
Contact Person: Scott Bence
e-mail: scott@jbjcompanies.com

PREPARED BY:

Traffic Analysis & Design, Inc.
N36 W7505 Buchanan Ct.
Cedarburg, WI 53012
Phone: (262) 377-1845
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Contact Persons: Tammi Czewski, P.E., PTOE
John A. Bieberitz, P.E., PTOE

TABLE OF CONTENTS

LIST OF EXHIBITS.....	ii
LIST OF APPENDICES.....	iii
CHAPTER I - DEVELOPMENT	1
PART A - INTRODUCTION.....	1
PART B - STUDY AREA	1
PART C - ON-SITE DEVELOPMENT	1
PART D - OFF-SITE LAND USE AND DEVELOPMENT	1
CHAPTER II – EXISTING & PROJECT TRAFFIC.....	2
PART A - EXISTING DATA COLLECTION & TRAFFIC FORECASTING	2
PART B – EXISTING & NEW DEVELOPMENT TRIPS.....	2
PART C – TRAFFIC GAP STUDY	3
CHAPTER III - TRAFFIC OPERATIONAL ANALYSIS.....	5
PART A – DESCRIPTION OF LEVEL OF SERVICE.....	5
PART B –BACKGROUND TRAFFIC CAPACITY/LEVEL OF SERVICE ANALYSIS.....	5
PART C –BUILD TRAFFIC CAPACITY/LEVEL OF SERVICE ANALYSIS.....	6
CHAPTER IV - RECOMMENDATIONS AND CONCLUSION.....	9
PART A – SUMMARY/RECOMMENDATIONS	9
PART B – CONCLUSIONS.....	9

LIST OF EXHIBITS

- Exhibit 1.....Project Location Map
- Exhibit 2.....Existing Transportation System
- Exhibit 3.....Conceptual Site Plan – Saxony Village
- Exhibit 4.....Year 2016 Background Traffic Volumes
- Exhibit 5.....Saxony Village Trip Generation Table
- Exhibit 6.....Trip Distribution
- Exhibit 7A.....Site Development New Trips Option A – No Castle Drive Connection to Saxony Village
- Exhibit 7B.....Site Development New Trips Option B – With Castle Drive Connection to Saxony Village
- Exhibit 8A.....Year 2016 Build Traffic Volumes Option A – No Castle Drive Connection to Saxony Village
- Exhibit 8B.....Year 2016 Build Traffic Volumes Option B – With Castle Drive Connection to Saxony Village
- Exhibit 9.....Year 2016 Background Traffic 95th Percentile Queues
- Exhibit 10A....Year 2016 Build Traffic 95th Percentile Queues Option A – No Castle Drive Connection to Saxony Village
- Exhibit 10B....Year 2016 Build Traffic 95th Percentile Queues Option B – With Castle Drive Connection to Saxony Village
- Exhibit 11.....Recommended Improvements

LIST OF APPENDICES

Appendix A – Data Collection

- A1. Traffic Turning Movement Counts
- A2. Gap Counts/Gap Study Calculations

Appendix B – Background Traffic Capacity/Level of Service Analysis

Appendix C – Build Traffic Capacity/Level of Service Analysis

- C1. Option A – No Castle Drive Connection to Saxony Village
- C2. Option B – With Castle Drive Connection to Saxony Village

CHAPTER I - DEVELOPMENT

PART A - INTRODUCTION

A 190-unit apartment complex is proposed to be constructed in an area generally bounded by Main Street, Squire Drive, Sylvan Circle and Hilbert Lane within the Village of Germantown, Wisconsin. The location of the proposed development with respect to the surrounding street system and the proposed access points is shown on Exhibit 1.

This traffic impact analysis (TIA) report was prepared to estimate the number of peak hour trips generated by the development, operations of existing traffic and queues at the study intersections, operations of future conditions with the proposed site traffic at these intersections, and improvement options for acceptable traffic operations during the weekday morning and evening peak hours.

PART B - STUDY AREA

The study area for the proposed development includes the following stop-controlled intersections:

- Squire Drive & Castle Drive
- Squire Drive & Main Street
- Proposed Saxony Village Driveway to Main Street
- Park Avenue & Main Street
- Fond du Lac Avenue & Main Street
- Fond du Lac Avenue & Park Avenue
- Sylvan Circle & Pilgrim Road
- Sylvan Circle & Hilbert Lane

The existing geometrics and traffic control within the study area are shown in Exhibit 2.

PART C - ON-SITE DEVELOPMENT

The site plan for the proposed Saxony Village development is shown on Exhibit 3. The development is planned to have 190 apartment units in approximately five two and three-story buildings. An access road is proposed through the development that will connect to Main Street on the north and Hilbert Lane to the south. This TIA also evaluates an optional access connecting to Castle Drive to the west.

PART D - OFF-SITE LAND USE AND DEVELOPMENT

No off-site developments impacting the study intersections have been identified to be constructed by the buildout year 2016 for this TIA.

CHAPTER II – EXISTING & PROJECT TRAFFIC

PART A - EXISTING DATA COLLECTION & TRAFFIC FORECASTING

A1. Data Collection

TADI collected turning movement counts at the study intersections over several weekdays between August 24 and August 27. These counts were collected when schools were not in session, so all turning movements were increased by about 10 percent in order to simulate higher peak hour traffic volumes that can occur during school days. The Wisconsin Department of Transportation's seasonal adjustment factors were not used to generate in-school traffic since the adjustment between August and September through June would result in lower volumes than what was counted at the study intersections.

Traffic counts were collected from 6:00-9:00 a.m. and from 3:00- 6:00 p.m. Based on the traffic count, the peak hours were determined to be:

- Weekday morning (AM) peak hour: 7:15-8:15 a.m.
- Weekday evening (PM) peak hour: 4:15-5:15 p.m.

The turning movement count data collected at the study intersections is located in Appendix A1. The existing peak hour traffic volumes were increased by 10 percent and balanced between intersections for the AM and PM peak hours. The resulting traffic volumes are shown on Exhibit 4 as the Year 2016 Background Traffic Volumes.

PART B – EXISTING & NEW DEVELOPMENT TRIPS

B1. Trip Generation

The trip generation for Saxony Village was developed using Apartment trip rates published in the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 9th Edition*. The trip generation tables are shown on Exhibit 5. As shown, the 190 apartment units are expected to generate about 1,260 total daily trips, with 95 (20 entering and 75 exiting) occurring during the weekday AM peak hour and 120 (80 entering and 40 exiting) occurring during the weekday PM peak hour.

B2. Trip Distribution

The trip distribution for the site was determined based on the existing traffic patterns of daily traffic on the major commuter roadways through the study area. The trip distribution is listed below and also shown graphically on Exhibit 6.

- 20% to and from the northwest on Fond du Lac Avenue
- 5% to and from the north on Park Avenue
- 5% to and from the north on Pilgrim Road
- 35% to and from the south on Squire Drive
- 35% to and from the south on Pilgrim Road

B3. Traffic Assignment

Traffic generated by Saxony Village was assigned to the adjacent roadway system based on the above directional distributions to determine additional turning movement traffic volumes at the study intersections. The traffic assignment was developed for Option A – no Castle Drive

connection to Saxony Village (shown on Exhibit 7A) and Option B – with Castle Drive connection to Saxony Village (shown on Exhibit 7B).

B4. Future Traffic Volumes

The Year 2016 Background traffic volumes represent base traffic conditions throughout the study area. The Year 2016 Build traffic volumes add the new trips expected from the proposed Saxony Village to the Year 2016 Background traffic volumes. The Year 2016 Build traffic volumes for Option A – no Castle Drive connection to Saxony Village are shown on Exhibit 8A. The Year 2016 Build traffic volumes for Option B – with Castle Drive connection to Saxony Village are shown on Exhibit 8B.

PART C – TRAFFIC GAP STUDY

Traffic gap studies measure the length of gaps, in time, between vehicles in roadway traffic streams to determine the ease of completing a turning maneuver onto a roadway. A gap study for this project was conducted along Main Street in the vicinity of the new Saxony Village driveway. The gap counts were completed for the AM and PM peak hour time periods.

The calculations for the critical gaps and follow-up times for turning movements were based on the Highway Capacity Manual (HCM) equations 17-1 and 17-2. These equations include adjustment factors for heavy vehicles, grade, divided roadways, and intersection geometry. The gap analysis worksheet calculations and compiled gap counts are located in Appendix A2.

Minor Street Left Turns:

According to the HCM calculations, a vehicle can make a left-turn from the driveway onto westbound Main Street in a combined eastbound/westbound gap time of 6.4 seconds during the AM and PM peak hours. If gaps are long enough (gap times would include turning time for each vehicle plus follow-up time in between), two or three vehicles can make the turning movements in succession. Follow-up time for a left-turn vehicle is 3.5 seconds.

Minor Street Right Turns:

A vehicle can complete a right-turn from the driveway onto eastbound Main Street in an eastbound gap of 5.5 seconds. Two or three vehicles can make the turn in succession with a gap time that includes time for each vehicle to turn plus follow up time in between each vehicle. Follow-up time for a right-turn vehicle is 3.3 seconds.

Major Street Left Turns:

A vehicle can complete a left-turn into the driveway from westbound Main Street in an eastbound gap of 3.4 seconds. Two or three vehicles can make the turn in succession with a gap time that includes time for each vehicle to turn plus follow up time in between each vehicle. Follow-up time for a left-turn vehicle is 2.2 seconds.

Gap Study Results:

Equivalent gaps (or capacity of gaps) are calculated by adding the number of gaps available for only one vehicle to turn, gaps long enough for two vehicles to turn, and gaps long enough for three vehicles to turn (without counting the same gaps twice). The equivalent gaps represent the number of additional turning movements that could be made above and beyond the existing turning movements already occurring. Table 1 summarizes the findings of the gap study.

Table 1. Gap Study: Saxony Village Driveway at Main Street

Turn Direction	Peak Hour	1-Vehicle Gaps	2-Vehicle Gaps	3-Vehicle Gaps	Equivalent Gaps
Left-Turn from Driveway	AM	40	60	98	199
	PM	79	72	74	225
Right-Turn from School Driveway	AM	14	27	130	171
	PM	36	57	146	239
LT from WB Main Street into Driveway	AM	2	25	169	196
	PM	10	57	229	295

As shown, there are an ample number of gaps available for all left and right-turn movements at the proposed new Saxony Village driveway to Main Street. Even if there is a greater amount of development on Main Street that reduces the equivalent gaps in the future, there is still expected to be enough gaps to accommodate the expected turning movements.

CHAPTER III - TRAFFIC OPERATIONAL ANALYSIS

PART A – DESCRIPTION OF LEVEL OF SERVICE

The study area intersections were analyzed based on the procedures set forth in the 2010 *Highway Capacity Manual* (HCM) using the Synchro 8 traffic analysis software program. Intersection operation is defined by “level of service”. Level of Service (LOS) is a quantitative measure that refers to the overall quality of flow at an intersection ranging from very good, represented by LOS ‘A’, to very poor, represented by LOS ‘F’. For this study, LOS D was used to define acceptable peak hour operating conditions. Descriptions of the various levels of service are as follows:

LOS A is the highest level of service that can be achieved. Under this condition, intersection approaches appear quite open, turning movements are easily made, and nearly all drivers find freedom of operation. At signalized intersections, average delays are less than 10 seconds. At unsignalized intersections, average delays are less than 10 seconds.

LOS B represents stable operation. At signalized intersections, average vehicle delays are 10 to 20 seconds. At unsignalized intersections, average delays are 10 to 15 seconds.

LOS C still represents stable operation, but periodic backups of a few vehicles may develop behind turning vehicles. Most drivers begin to feel restricted, but not objectionably so. At signalized intersections, average vehicle delays are 20 to 35 seconds. At unsignalized intersections, average delays are 15 to 25 seconds.

LOS D represents increasing traffic restrictions as the intersection approaches instability. Delays to approaching vehicles may be substantial during short peaks within the peak period, but periodic clearance of long lines occurs, thus preventing excessive backups. At signalized intersections, average vehicle delays are 35 to 55 seconds. At unsignalized intersections, average delays are 25 to 35 seconds.

LOS E represents the capacity of the intersection. At signalized intersections, average vehicle delays are 55 to 80 seconds. At unsignalized intersections, average delays are 35 to 50 seconds.

LOS F represents jammed conditions where the intersection is over capacity and acceptable gaps for unsignalized intersections in the mainline traffic flow are minimal. At signalized intersections, average vehicle delays exceed 80 seconds. At unsignalized intersections, average delays exceed 50 seconds.

PART B –BACKGROUND TRAFFIC CAPACITY/LEVEL OF SERVICE ANALYSIS

The Year 2016 Background traffic capacity analysis represents the analysis of existing peak hour traffic counts adjusted to represent in-school conditions at the study intersections. The analysis was conducted with the Year 2016 Background traffic volumes, existing geometrics, and existing traffic control at the study intersections.

The Year 2016 Background traffic LOS table is shown in Table 2. Synchro analysis input/output sheets for this analysis are located in Appendix B.

Table 2
Year 2016 Background Traffic LOS

Intersection	Traffic Control	Peak Hour	Level of Service per Movement by Approach											
			Eastbound			Westbound			Northbound			Southbound		
			LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Squire Drive & Castle Drive	Stop Sign	AM	-	-	-	A	-	A	-	A	A	A	A	-
		PM	-	-	-	A	-	A	-	A	A	A	A	-
Squire Drive & Main Street	Stop Sign	AM	-	A	A	A	A	-	B	-	A	-	-	-
		PM	-	A	A	A	A	-	B	-	A	-	-	-
Park Avenue & Main Street	Stop Sign	AM	A	A	-	-	A	A	-	-	-	A	-	A
		PM	A	A	-	-	A	A	-	-	-	A	-	A
Fond du Lac Avenue & Main Street	Stop Sign	AM	B	-	B	-	-	-	A	A	-	-	A	A
		PM	B	-	B	-	-	-	A	A	-	-	A	A
Fond du Lac Avenue & Park Avenue	Stop Sign	AM	A	A	A	A	A	A	C	C	C	B	B	B
		PM	A	A	A	A	A	A	C	C	C	C	C	C
Sylvan Circle & Pilgrim Road	Stop Sign	AM	B	B	B	C	C	C	A	A	A	A	A	A
		PM	D	D	D	E	E	E	A	A	A	A	A	A
Sylvan Circle & Hilbert Lane	Stop Sign	AM	A	A	-	-	A	A	-	-	-	A	-	A
		PM	A	A	-	-	A	A	-	-	-	A	-	A

As shown, all turning movements at the study intersections operate acceptably at LOS C or better during the weekday AM and PM peak hours with the Year 2016 Background traffic volumes, except for the Sylvan Circle/Pilgrim Road intersection. The eastbound movements operate at LOS D and the westbound movements operate LOS E in the PM peak hour. Based on the analysis, the 20 westbound vehicles are only expected to be delayed about 37 seconds per vehicle, which is just over the LOS D threshold of 35 seconds per vehicle. Adding additional turn lanes is not expected to improve operations to acceptable levels, and traffic control improvements such as all-way stop control, traffic signal control, or roundabout control are not considered practical alternatives since the number of vehicles being delayed is so low.

The Synchro 95th percentile traffic queues for all turning movements at the study intersections are shown on Exhibit 9. As shown, all queues are reasonably low at about one-to-two car lengths (assuming an average car length of about 25 feet per vehicle) during peak traffic times.

PART C –BUILD TRAFFIC CAPACITY/LEVEL OF SERVICE ANALYSIS

The Year 2016 Build traffic capacity analysis represents the analysis of peak hour traffic volumes with buildout of Saxony Village in 2016. The analysis was conducted with the Year 2016 Build traffic volumes, existing geometrics, and existing traffic control at the study intersections.

C1. Option A – No Castle Drive Connection to Saxony Village

The Year 2016 Background traffic LOS table for Option A – no Castle Drive connection to Saxony Village is shown in Table 3. Synchro analysis input/output sheets for this analysis are located in Appendix C1.

Table 3
Year 2016 Build Traffic LOS
Option A – No Castle Drive Connection to Saxony Village

Intersection	Traffic Control	Peak Hour	Level of Service per Movement by Approach											
			Eastbound			Westbound			Northbound			Southbound		
			LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Squire Drive & Castle Drive	Stop Sign	AM	-	-	-	A	-	A	-	A	A	A	A	-
		PM	-	-	-	B	-	B	-	A	A	A	A	-
Squire Drive & Main Street	Stop Sign	AM	-	A	A	A	A	-	B	-	A	-	-	-
		PM	-	A	A	A	A	-	B	-	A	-	-	-
Proposed Saxony Village Access to Main Street	Stop Sign	AM	-	A	A	A	A	-	A	-	A	-	-	-
		PM	-	A	A	A	A	-	A	-	A	-	-	-
Park Avenue & Main Street	Stop Sign	AM	A	A	-	-	A	A	-	-	-	A	-	A
		PM	A	A	-	-	A	A	-	-	-	B	-	B
Fond du Lac Avenue & Main Street	Stop Sign	AM	B	-	B	-	-	-	A	A	-	-	A	A
		PM	B	-	B	-	-	-	A	A	-	-	A	A
Fond du Lac Avenue & Park Avenue	Stop Sign	AM	A	A	A	A	A	A	C	C	C	B	B	B
		PM	A	A	A	A	A	A	C	C	C	C	C	C
Sylvan Circle & Pilgrim Road	Stop Sign	AM	B	B	B	C	C	C	A	A	A	A	A	A
		PM	D	D	D	E	E	E	A	A	A	A	A	A
Sylvan Circle & Hilbert Lane	Stop Sign	AM	A	A	-	-	A	A	-	-	-	A	-	A
		PM	A	A	-	-	A	A	-	-	-	A	-	A

With the additional traffic from Saxony Village, the study intersections are expected to operate with very similar levels of service, delays, and queues for each turning movement during each peak hour. This is because the additional traffic to any one movement at the study intersections is not expected to exceed 30 vehicles, with most movements having only 0-15 additional trips during the peak hours. The 0-15 trips equates to about one additional vehicle about every four minutes.

The Synchro 95th percentile traffic queues for all turning movements at the study intersections with the Year 2016 Build – Option A traffic volumes are shown on Exhibit 10A. As shown, all queues are expected to continue to be reasonably low at about one-to-two car lengths during peak traffic times.

C2. Option B – With Castle Drive Connection to Saxony Village

The Year 2016 Background traffic LOS table for Option B – with Castle Drive connection to Saxony Village is shown in Table 4. Synchro analysis input/output sheets for this analysis are located in Appendix C2.

Table 4
Year 2016 Build Traffic LOS
Option B – With Castle Drive Connection to Saxony Village

Intersection	Traffic Control	Peak Hour	Level of Service per Movement by Approach											
			Eastbound			Westbound			Northbound			Southbound		
			LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Squire Drive & Castle Drive	Stop Sign	AM	-	-	-	A	-	A	-	A	A	A	A	-
		PM	-	-	-	B	-	B	-	A	A	A	A	-
Squire Drive & Main Street	Stop Sign	AM	-	A	A	A	A	-	B	-	A	-	-	-
		PM	-	A	A	A	A	-	B	-	A	-	-	-
Proposed Saxony Village Access to Main Street	Stop Sign	AM	-	A	A	A	A	-	A	-	A	-	-	-
		PM	-	A	A	A	A	-	A	-	A	-	-	-
Park Avenue & Main Street	Stop Sign	AM	A	A	-	-	A	A	-	-	-	A	-	A
		PM	A	A	-	-	A	A	-	-	-	B	-	B
Fond du Lac Avenue & Main Street	Stop Sign	AM	B	-	B	-	-	-	A	A	-	-	A	A
		PM	B	-	B	-	-	-	A	A	-	-	A	A
Fond du Lac Avenue & Park Avenue	Stop Sign	AM	A	A	A	A	A	A	C	C	C	B	B	B
		PM	A	A	A	A	A	A	C	C	C	C	C	C
Sylvan Circle & Pilgrim Road	Stop Sign	AM	B	B	B	C	C	C	A	A	A	A	A	A
		PM	D	D	D	E	E	E	A	A	A	A	A	A
Sylvan Circle & Hilbert Lane	Stop Sign	AM	A	A	-	-	A	A	-	-	-	A	-	A
		PM	A	A	-	-	A	A	-	-	-	A	-	A

With the connection to Saxony Village from Castle Drive, it is expected that 15 fewer AM and 20 fewer PM peak hour trips will travel between Squire Drive and the Saxony Village driveway to Main Street. These vehicles will instead get to/from Saxony Village via Castle Drive. In addition, about 10 fewer AM and 15 fewer PM peak hour trips will travel between Squire Drive and the Saxony Village driveway connection to Hilbert Lane. Since these peak hour volume shifts are very low, the impact to the study intersections is very minor and is expected to result in very similar peak hour operations as Option A – no Castle Drive connection to Saxony Village. The positive impact of having the Castle Drive connection is that it provides a closer access point to Saxony Village for vehicles traveling to/from the south on Squire Drive, without having to divert east to Hilbert Lane from Sylvan Circle or travel north to Main Street.

The Synchro 95th percentile traffic queues for all turning movements at the study intersections with the Year 2016 Build – Option B traffic volumes are shown on Exhibit 10B. As shown, all queues are expected to continue to be reasonably low at about one-to-two car lengths during peak traffic times.

CHAPTER IV - RECOMMENDATIONS AND CONCLUSION

PART A – SUMMARY/RECOMMENDATIONS

The 190-unit Saxony Village apartment complex is expected to generate low additional traffic volumes for any one movement at each of the study intersections. At most intersection turning movements, the additional traffic is expected to be 0-15 vehicles, or one new vehicle every four minutes or more. This is due to the relatively low trip generation for the apartment complex and the fact that access is proposed along both the north and south sides of the development. If a third access is provided through Castle Drive, even less additional traffic is expected to travel along Main Street, west of the proposed Saxony Village driveway and along Sylvan Circle, west of Hilbert Lane. Either with or without the Castle Drive connection, there is expected to be very little additional delay or LOS change between the background (no development) and build (with development) traffic conditions.

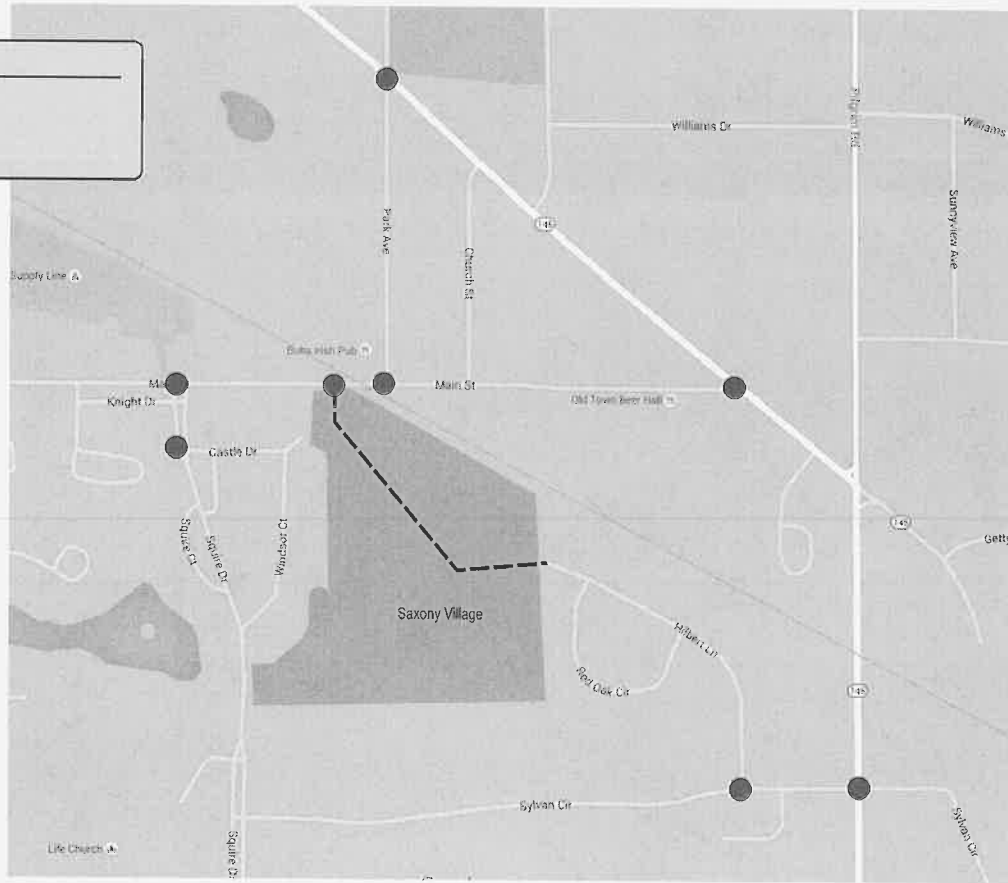
Since no significant impacts to traffic operations are expected with the additional traffic from the proposed Saxony Village development, no changes are recommended to the existing geometrics or traffic control at the study intersections. Recommendations for the proposed Saxony Village driveway to Main Street include constructing the northbound approach with stop sign control and a shared left-turn/right-turn lane. This improvement is shown on Exhibit 11.

PART B – CONCLUSIONS

With the recommended improvements listed above, the study area intersections are expected to operate efficiently with buildout of the proposed Saxony Village development and the Year 2016 Build traffic volumes. Both Option A – no Castle Drive connection to Saxony Village and Option B – with Castle Drive Connection to Saxony Village result in low delays, acceptable LOS, and short queues during the peak hour. Either option would provide acceptable access opportunities to and from the development.

LEGEND

- Study Area Intersection
- Development Area

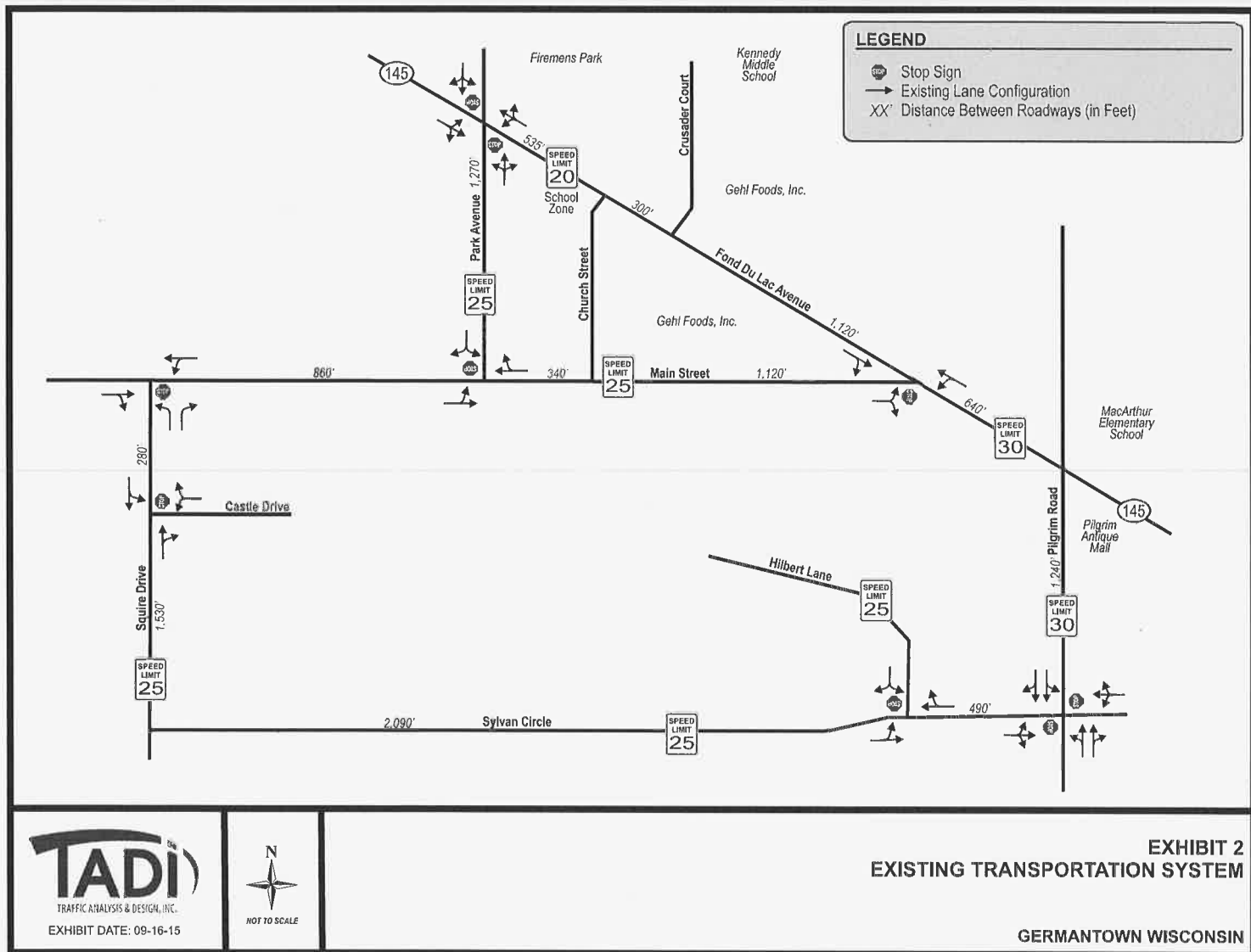


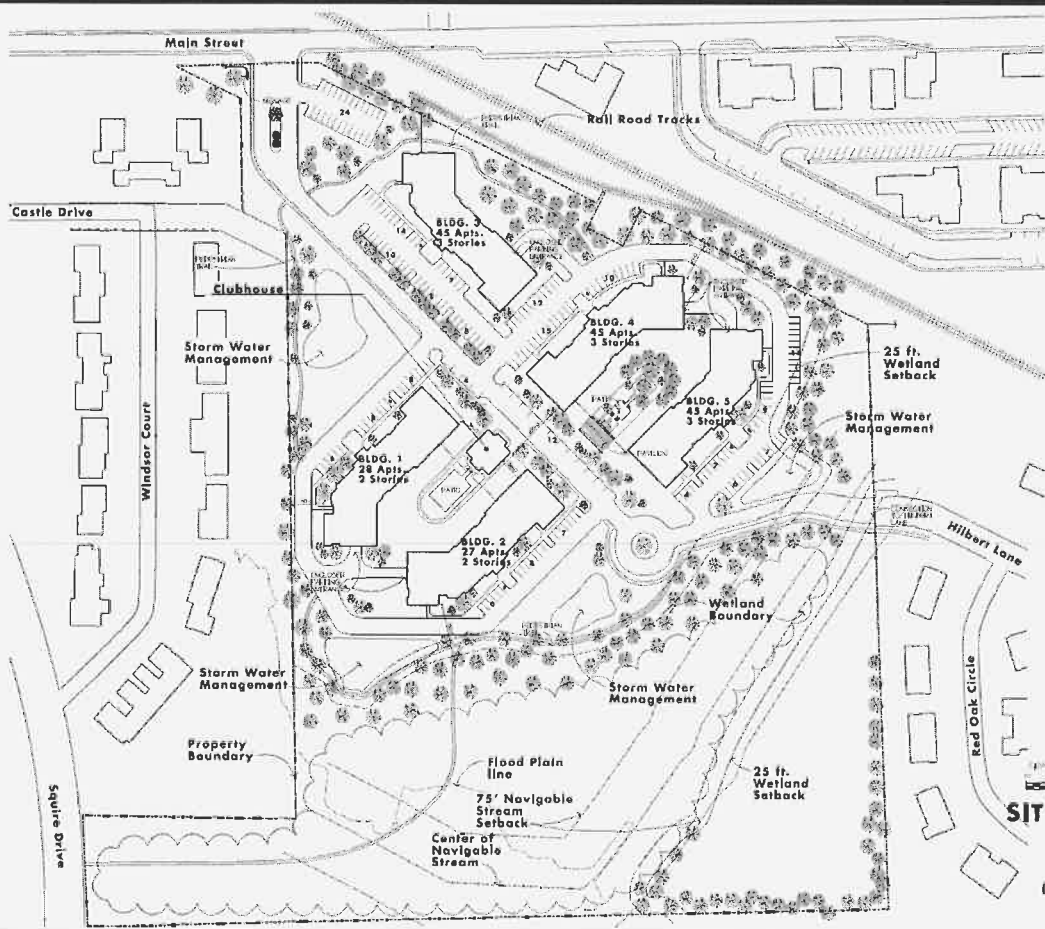
TADI
TRAFFIC ANALYSIS & DESIGN, INC.
EXHIBIT DATE: 09-16-15



EXHIBIT 1 PROJECT LOCATION MAP SAXONY VILLAGE DEVELOPMENT STUDY AREA

GERMANTOWN, WISCONSIN





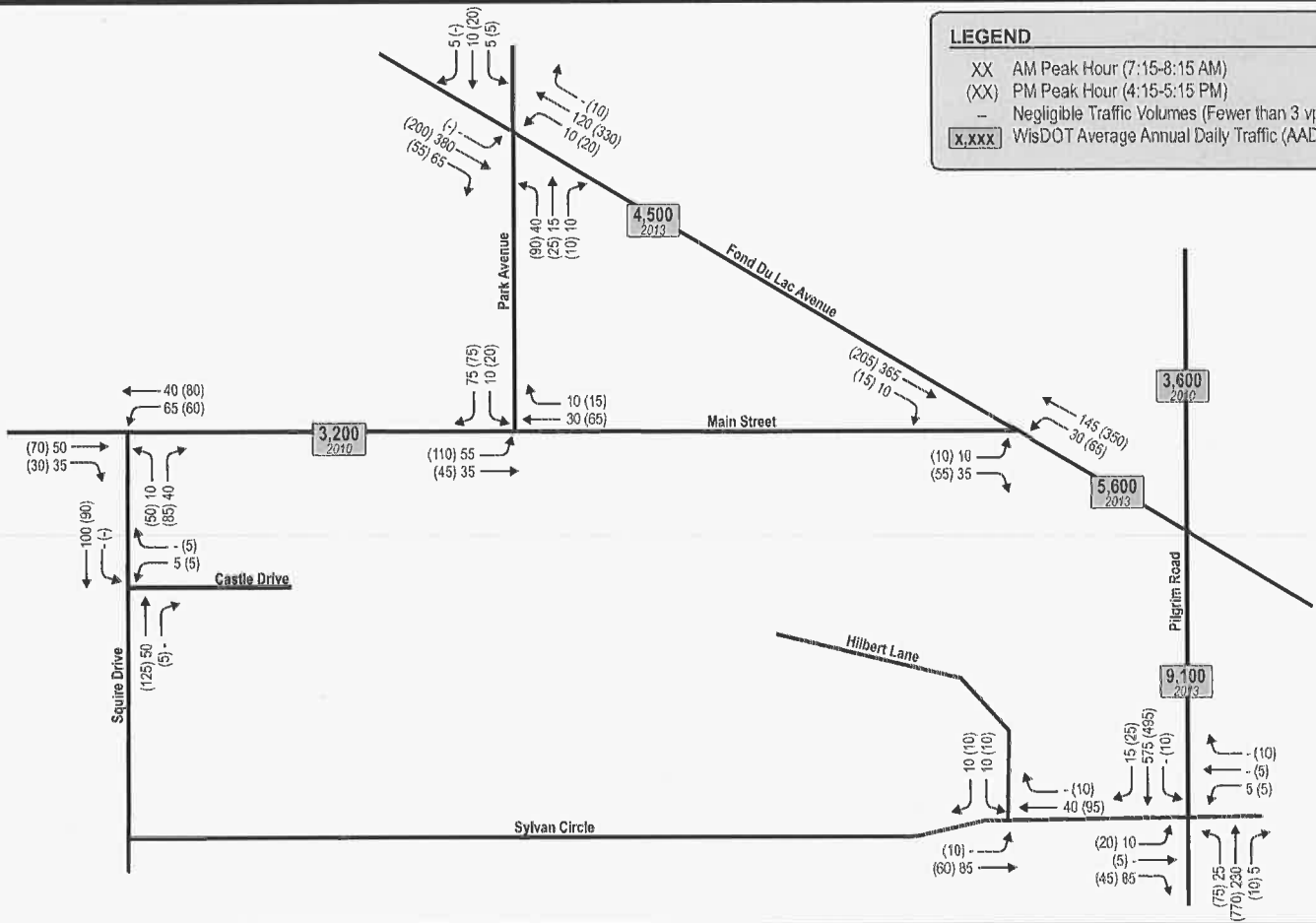
TADI
TRAFFIC ANALYSIS & DESIGN, INC.
EXHIBIT DATE: 09-16-15



EXHIBIT 3
CONCEPTUAL SITE PLAN
SAXONY VILLAGE
GERMANTOWN, WISCONSIN

LEGEND

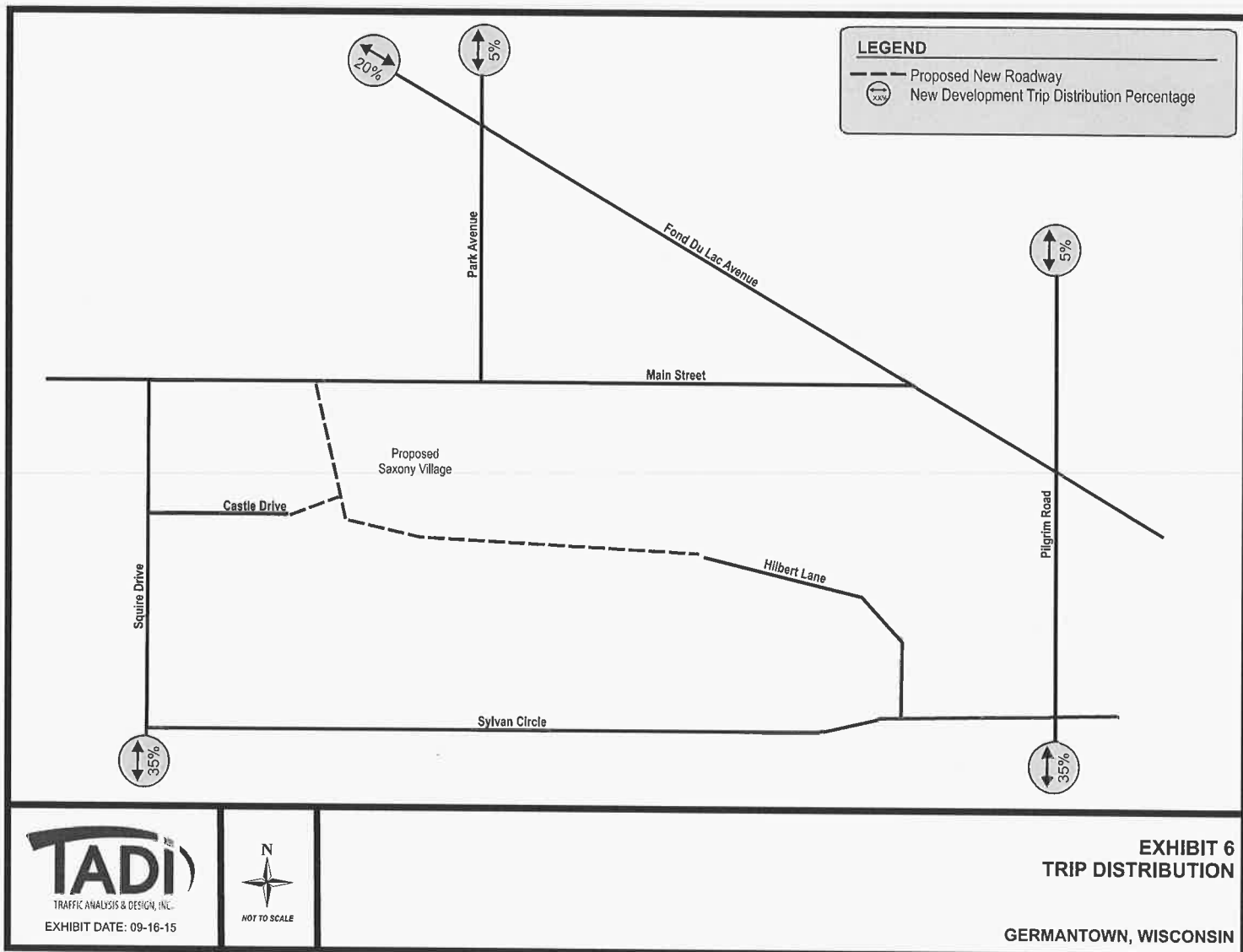
- XX AM Peak Hour (7:15-8:15 AM)
- (XX) PM Peak Hour (4:15-5:15 PM)
- Negligible Traffic Volumes (Fewer than 3 vph)
- x,xxx WisDOT Average Annual Daily Traffic (AADT)



Trip Generation Table

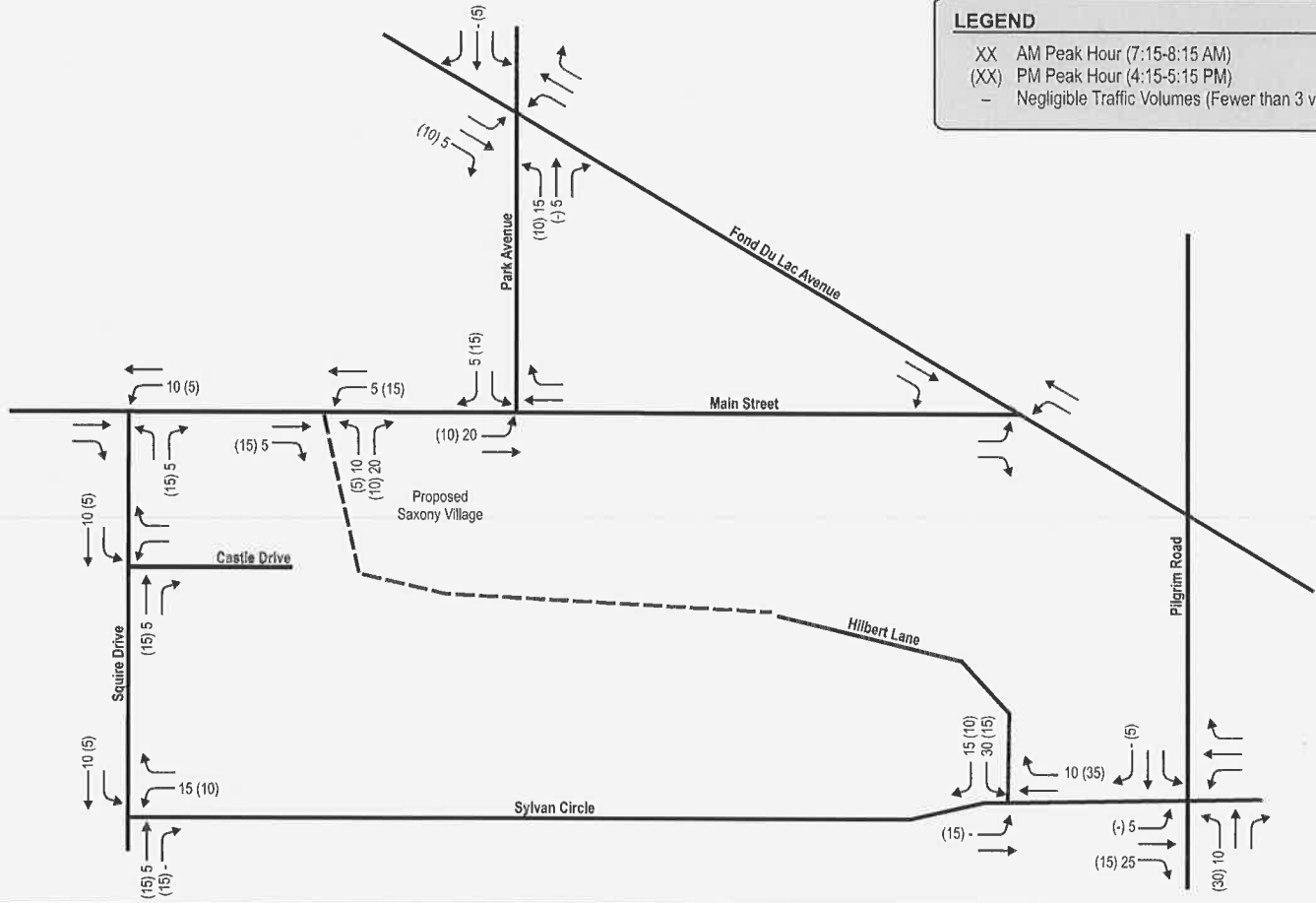
Land Use	ITE Code	Proposed Size	Weekday Daily	AM Peak			PM Peak		
				In	Out	Total	In	Out	Total
Apartment	220	190 Units	1,260 (6.65)	20 (20%)	75 (80%)	95 (0.51)	80 (65%)	40 (35%)	120 (0.62)
Total New Trips			1,260	20	75	95	80	40	120

Note: Trip rates obtained from ITE Trip Generation Manual, 9th Edition



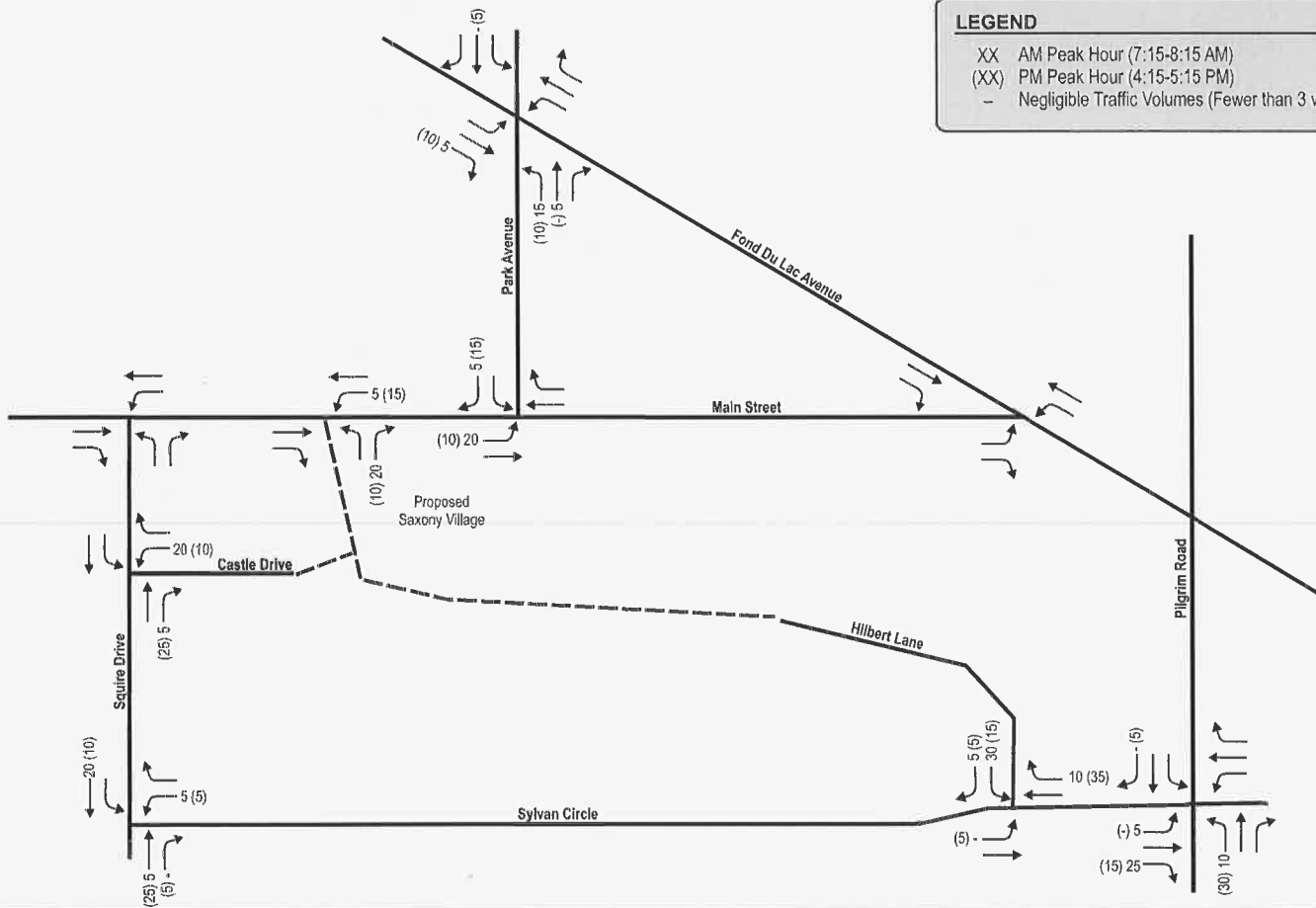
LEGEND

- XX AM Peak Hour (7:15-8:15 AM)
- (XX) PM Peak Hour (4:15-5:15 PM)
- Negligible Traffic Volumes (Fewer than 3 vph)



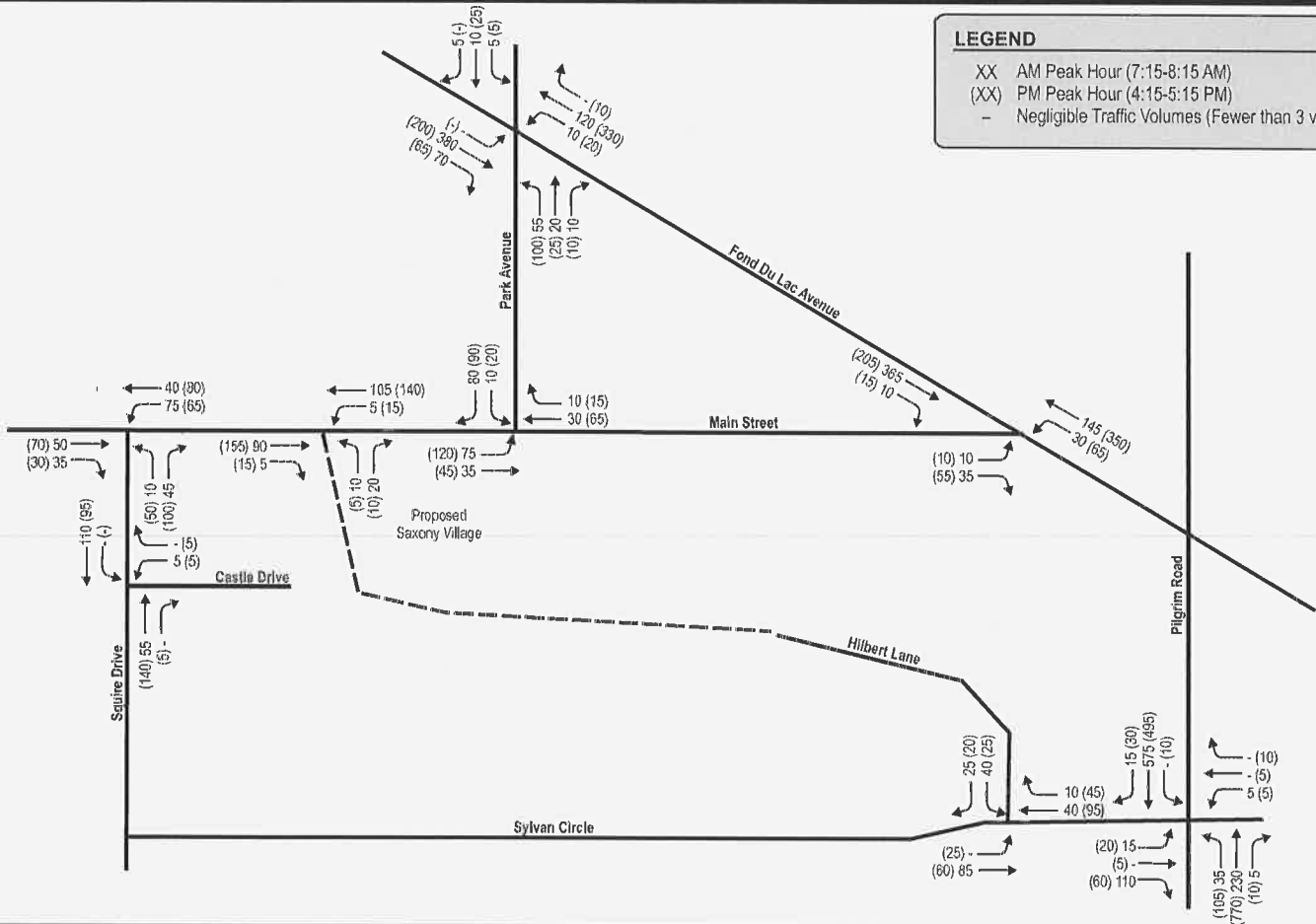
LEGEND

- XX AM Peak Hour (7:15-8:15 AM)
- (XX) PM Peak Hour (4:15-5:15 PM)
- Negligible Traffic Volumes (Fewer than 3 vph)



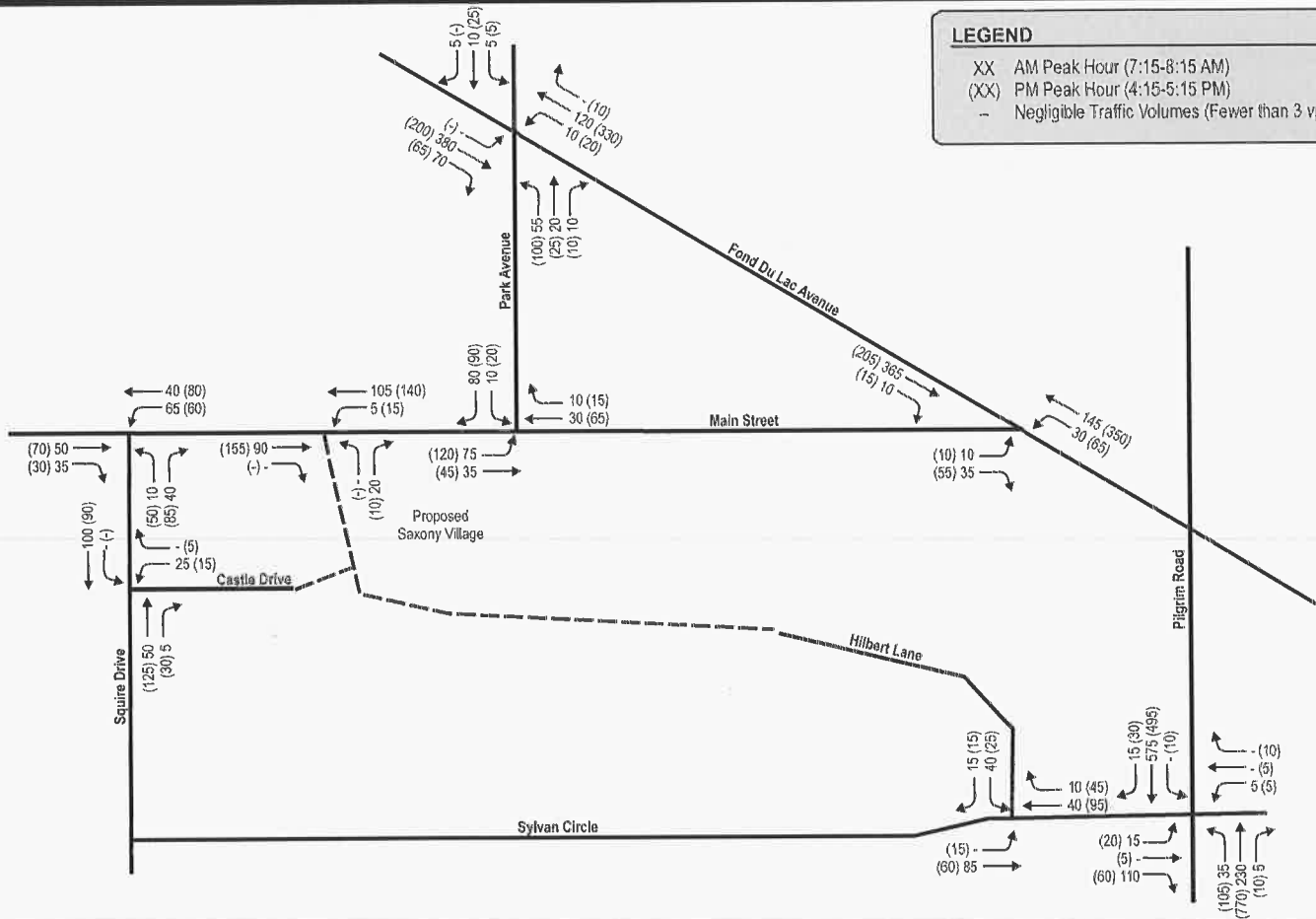
LEGEND

- XX AM Peak Hour (7:15-8:15 AM)
- (XX) PM Peak Hour (4:15-5:15 PM)
- Negligible Traffic Volumes (Fewer than 3 vph)

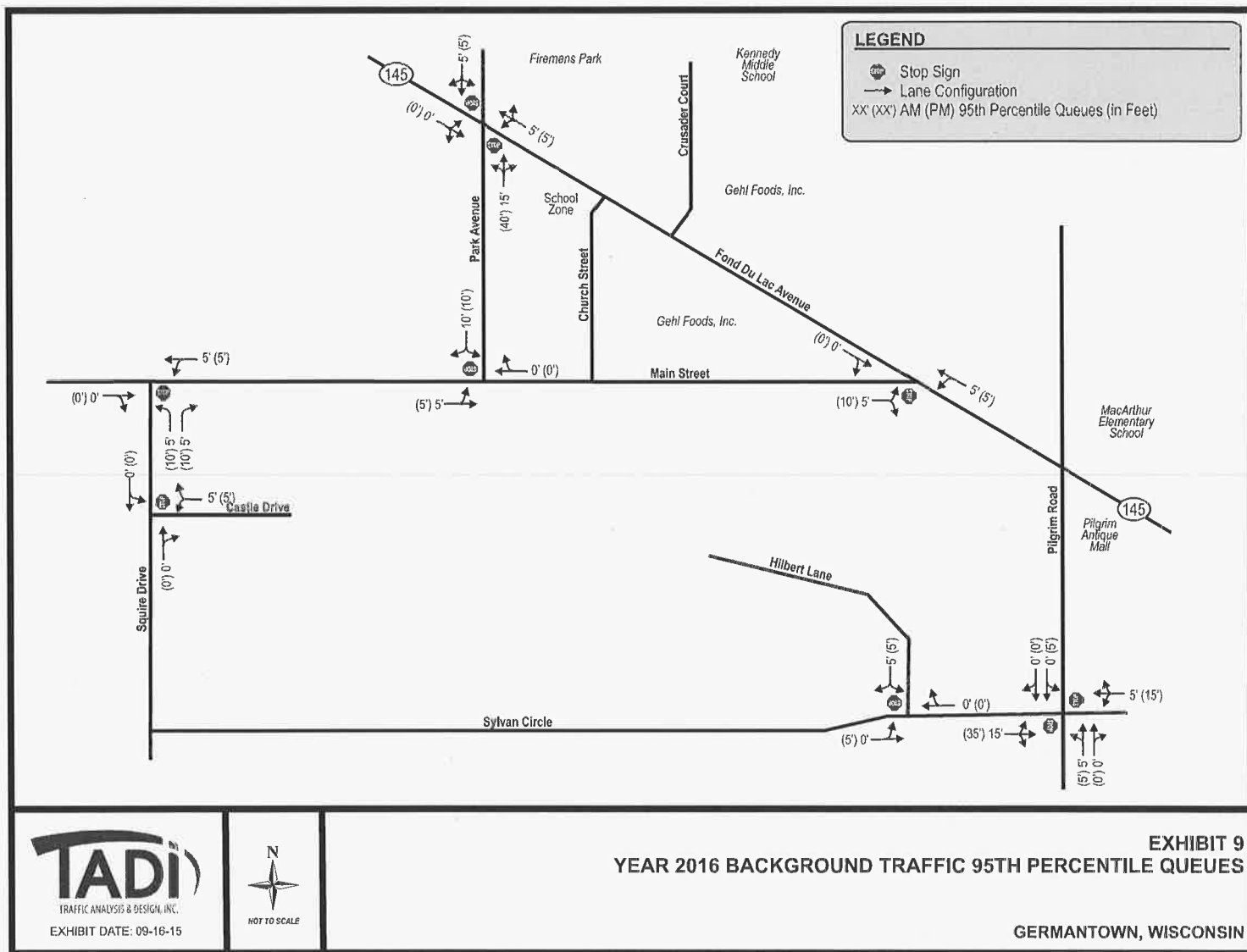


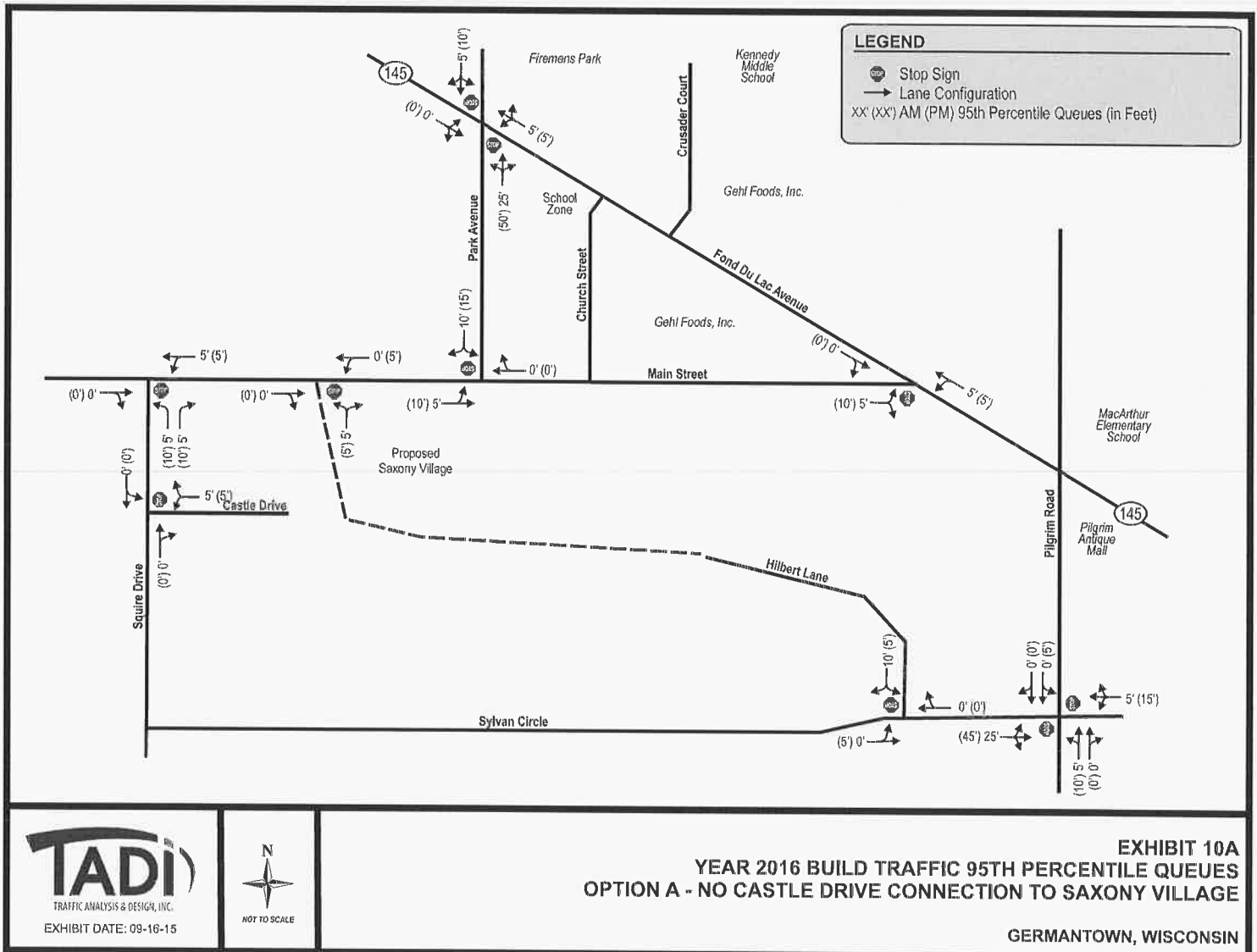
LEGEND

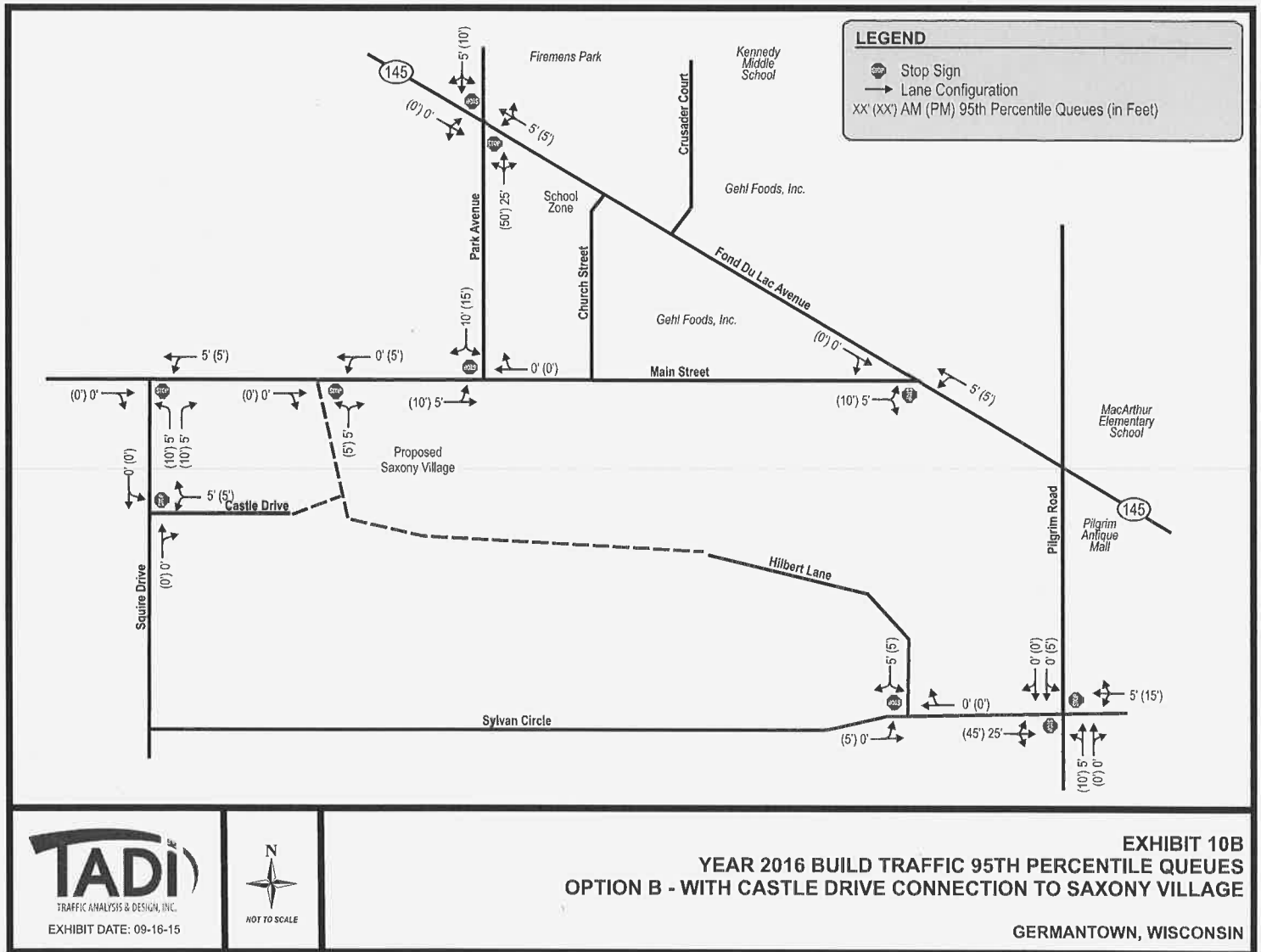
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- (XX) PM Peak Hour (4:15-5:15 PM)
- Negligible Traffic Volumes (Fewer than 3 vph)

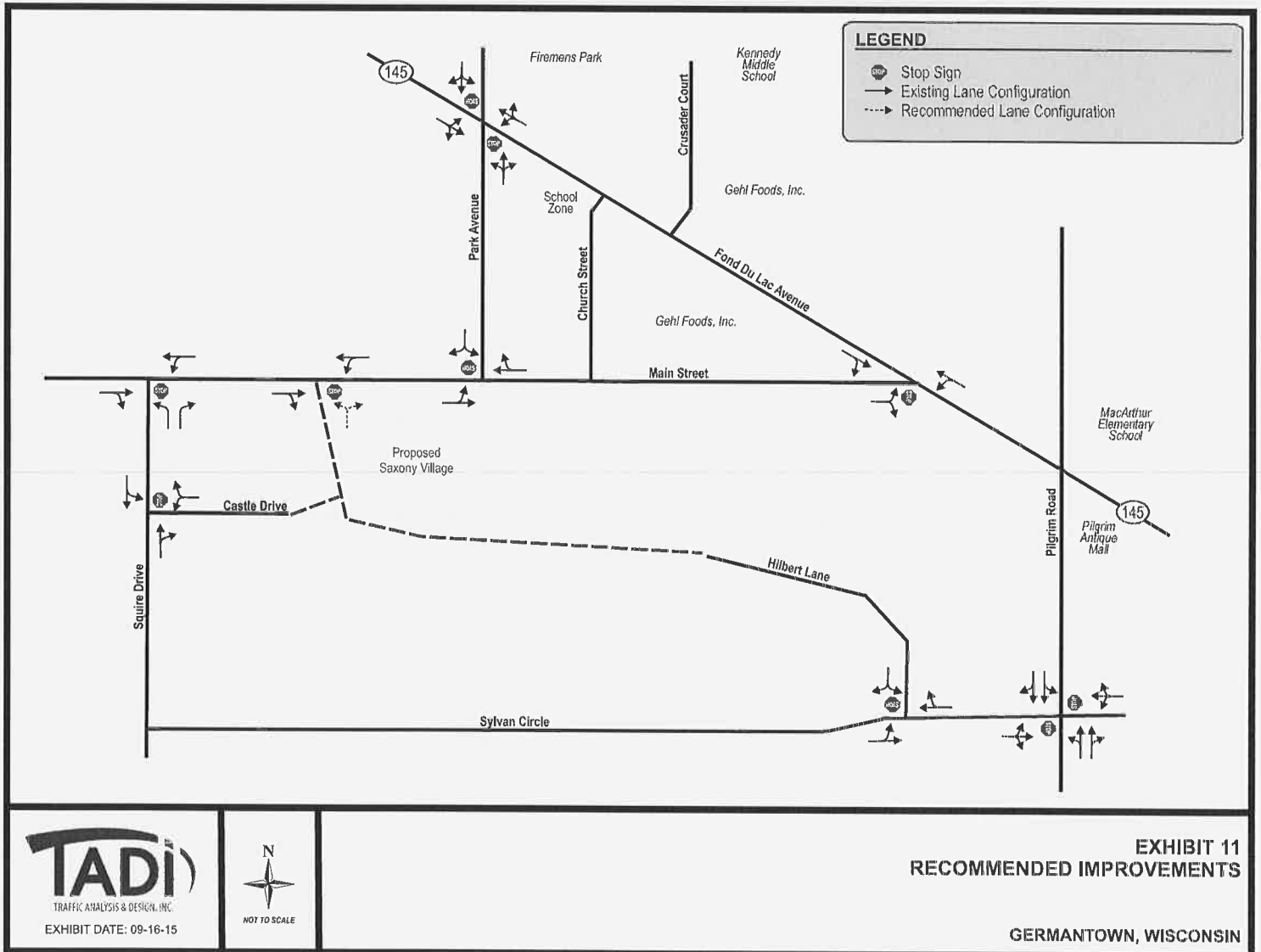


NOT TO SCALE









X.C

MEMORANDUM

TO: Public Safety Committee
Village Board

FROM: Timmerly Tamborino, Deputy Clerk

DATE: September 14, 2015

SUBJECT: Amended Outside Premise Extension – Gamroth's Kuhburg Junction

Attached is an application submitted by Gamroth's Kuhburg Junction, W140 N10385 Fond du Lac Avenue to hold an outdoor cribbage tournament on October 3, 2015.

The application has been approved by the Police Chief and Fire Chief. Letters have been sent to adjacent property owners notifying them of the event. They are aware of the Public Safety meeting, in case they have any objections.

PAID

SEP -3 2015

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

VILLAGE OF GERMANTOWN

**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: LAMROTH'S KUHRLER JUNCTION

ADDRESS: W 140 N 10305 FOND DU LAZ AVE

CITY / STATE / ZIP: GERMANTOWN, WI 53022

Person in Charge of Event: KIM A LAMROTH

Phone Number: 414 758 9066

Current Liquor License Number: 15-11

Purpose for requesting the outside extension:

OUTDOOR CRIBBAGE TOURNAMENT

Dates of Event: SAT OCT 3 2015

Time of Event: 11:00 AM - 6:00 PM

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

BACK YARD AREA W/ SMOKING LOUNGE

INCLUDES 20X30 TENT

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.

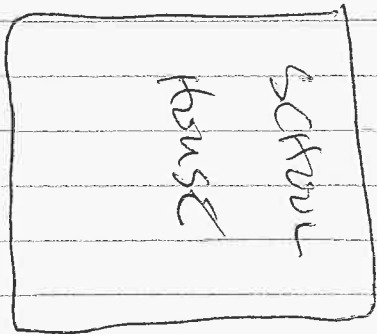
[Signature]
Signature of Owner

9-03-15
Date

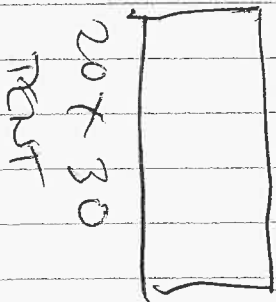
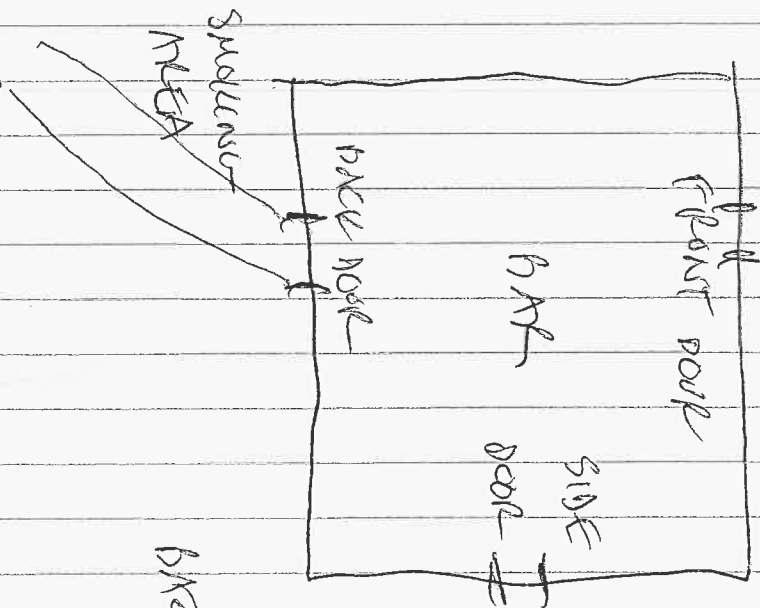
Referred to Police Chief: <u>9.4.15</u>	Referred to Fire Chief: <u>9.4.15</u>
Public Safety Committee Recommendation:	
Approve: _____;	Deny: _____; Date: _____
Village Board Action:	
Approve: _____;	Deny: _____; Date: _____

DONGES BAT RD

FOOD IN LANE AVE



FRONT LOT



BACK YARD

BACK YARD

X. 7

**Business of the Village of Germantown
The Government & Finance Committee &
Village Board**

MEETING DATE:

GGF - August 27, 2015
Village Board - Sept 21, 2015

PLACEMENT:

New Business

ITEM TITLE:

Amending Ordinance No. 8-94
Establishing Unreserved Fund Limits

And Adopt Ordinance No. xx - 15
Amending Chapter 3.12 of the Municipal
Code of Germantown to make certain
changes relating to Unassigned Fund
Balance

SUBMITTED BY:

Kim Rath, Finance Director

SUMMARY EXPLANATION:

To amend Ordinance No. 8 - 94 that had established an Unreserved Fund Balance limited to not less than 10% or more than 15% of the total budget. The Village's fund balance has been over 15% since 2010. The 10 -15% limitation is inadequate to protect the Village and to maintain a prudent level of financial resources. Recommended levels for municipalities the size of Germantown are upwards of 22 - 25%. The attached ordinance established a fund balance range of 16 – 25% of the subsequent year's budgeted expenditures.

Attached : ORDINANCE_X___ RESOLUTION_X___ OTHER_X_

Ordinance No. 8 - 94

Resolution No. xx - 15 Establish a Fund Balance Policy in Accordance with GASB
Statement No. 54

RECOMMENDATION

Approval

COMMITTEE ACTION

Pass to Village Board Positive Recommendation 3/1 16% - 25%

ORDINANCE NO. 8-94

AN ORDINANCE TO ESTABLISH
UNRESERVED FUND LIMITS

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

Section 1 Section 3.12 of the Municipal Code is created as follows:

3.12 UNRESERVED FUND BALANCE LIMITS ESTABLISHED.

The Village Board hereby determines that it is sound fiscal policy and is in the best interest of the Village to incorporate into each annual budget an unreserved fund equal to not less than 10% or more than 15% of the total budget.

Section 2. This ordinance shall take effect and be in force from and after its passage and publication.

Introduced by : David Smach

Adopted: February 7, 1994

Vote: Ayes: Brady, Brzezinski, Gierach, Lalk, McCauley,
Skibinski, Spence, Wetterau, Hargan

Nays: None

Ayes: 9

Nays: 0
Charles J. Hargan
Charles J. Hargan
Village President

APPROVED AS TO LEGALITY:

Joan R. Beck
Joan R. Beck
Attorney

ATTEST:

Jane A. Wilms
Jane A. Wilms
Village Clerk

Published: February 17, 1994

ORDINANCE NO. xx-15

AN ORDINANCE AMENDING CHAPTER 3.12 OF THE MUNICIPAL CODE OF
GERMANTOWN TO MAKE CERTAIN CHANGES RELATING TO UNASSIGNED
FUND BALANCE LIMITS

WHEREAS, the Village Board previously adopted Chapter 3.12 of the Municipal Code of Germantown, which established unassigned fund balance limits, and,

WHEREAS, The Village of Germantown wishes to adhere to the reporting requirements as set forth by the Governmental Accounting Standards Board (GASB) Statement 54 Fund Reporting and Governmental Fund Type Definitions, and

WHEREAS, the Village Board feels that the previous fund balance ordinance No. 8-94 which limited the unassigned fund balance to not less than 10% or more than 15% of the total budget was inadequate to maintain a prudent level of financial resources to protect the Village from unanticipated events that could adversely affect the financial condition of the Village and jeopardize the continuation of necessary public services, and

WHEREAS, The Village Board has adopted Resolution No. xx - 15 which establishes a Fund Balance Policy in Accordance with GASB Statement No. 54, and

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

SECTION I:

Section 3.12(4) of the Municipal Code of Germantown is hereby amended to read as follows (NOTE: Additions are Underlined; Deleted Text is ~~Struckthrough~~):

3.12 **UNRESERVED UNASSIGNED FUND BALANCE LIMITS**

~~The Village Board hereby determines that it is sound fiscal policy and is in the best interest of the Village to incorporate into each annual budget an unreserved fund equal to no less than 10% or more than 15% of the total budget. The Village will maintain a minimum unassigned fund balance in its General Fund ranging from [16] percent to [25] percent of [the subsequent year's budgeted expenditures]. This minimum fund balance is to protect against cash flow shortfalls related to timing or projected revenue receipts and to maintain a budget stabilization commitment.~~

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.

Introduced by: Trustee

Adopted: Vote: Ayes: Nays: Absent:

Dean M. Wolter, Village President

ATTEST:

Approved as to form:

Brian C. Sajdak, Village Attorney
Published: _____

Barbara K. D. Goeckner, Village Clerk

X.E

BUSINESS OF THE BOARD OF TRUSTEE'S
GERMANTOWN, WI
Fire Department

MEETING DATE: September 21, 2015

AGENDA ITEM: New Business

ITEM TITLE: Intraosseous IV Charges

SUBMITTED BY: Chief Gary L. Weiss 

SUMMARY EXPLANATION:

The GFD Firefighter-EMT Technicians will be authorized to establish Intraosseous (IO) IV's. Currently our charge of an IO is \$175.00 dollars. The cost of the needle is \$121.00, the multi-use drills are \$295.00. The cost range in the area is \$190.00 to \$250.00. I would suggest an increase of our charge to \$220.00.

ATTACHMENT: ORDINANCE___ RESOLUTION___ OTHER___

RECOMMENDATION:

The Fire Department respectfully requests approval with the rate adjustment for IO's.

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

MEETING DATE: September 21, 2015

AGENDA ITEM: New Business

ITEM TITLE: Request approval to extend current "Contract for Collection of Refuse & Recyclables" with Waste Management to December 31, 2015 and request to postpone start date of the approved contract for automated refuse collection & automated recyclable collection with Waste Management to January 1, 2016

SUBMITTED BY: Lawrence Ratayczak, Public Works Director

SUMMARY EXPLANATION:

The current contract with Waste Management expires on September 31, 2015 and the new contract for automated refuse & automated recyclable collection was to begin October 1, 2015. Due to a vacancy in the Director of Public Works position some of the key elements to maintain the implementation schedule of the new program have fell behind schedule. Contract extension will maintain current rates.

ATTACHMENT: ORDINANCE____ RESOLUTION____ OTHER ____

NONE

RECOMMENDATION:

Director of Public Works recommends the Village Board approve the request to extend the current contract with Waste Management to December 31, 2015 and approve the request to start implementation of the approved contract with Waste management for the automated collection of refuse & recyclables to January 1, 2016.

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.