

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

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

**DATE AND TIME: MONDAY, October 19, 2015
 7:00 p.m. or immediately following Committee of the Whole**

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. Accounts payable/payroll
- | | | | |
|----|------------------|------------------|----------------|
| 1. | September 2015 | Accounts Payable | \$ 26,059.40 |
| 2. | October 6, 2015 | Payroll (hourly) | \$ 207,157.66 |
| 3. | October 10, 2015 | Accounts Payable | \$1,540,703.89 |
| 4. | October 15, 2015 | Payroll (salary) | \$ 80,700.39 |
- B. Operator Licenses: October 20, 2015 – June 30, 2016 [Recommended Approval]
 Andrew Aldred, Patricia Bolling, Karen Gerpoltz, Deborah Jones, Kristi Love, Sangeeta Pant, Jessica Pulanco, Elaine Steele, Annette Vesper, Jessica Wilson
- The following items were forwarded from the Public Works Committee with a unanimous recommendation:
- C. Authorize Staff to Fill the Current Full Time Vacancy in the Waste Water Utility Department [Recommended Approval]

VII. CONSENT AGENDA continued:

- D. Authorize the Purchase of Snow Plow Cutting Edges from Heavy Equipment Specialists for a Total Cost of \$7,110.00 with Funds Allocated from Account #10-542-530-5400 [Recommended Approval]
- E. Authorize Contract with ITU-Absorb Tech for an Annual Cost of \$4,993.53 Which Includes the 2% Discount and Fixed Unit Rates for 36 months for the Supply of Mats, Towels and Mop Heads for Village Buildings. [Recommended Approval]
- F. Contract with TAPCO to Provide Maintenance of 15 Controlled Intersections under Village Jurisdiction at a Cost of \$2,075 with Funds Allocated from Account# 10-542-530-3540 [Recommended Approval]
- G. Resolution Approving Amendments To The 2015 Budget Line Item Transfer Of \$6,700 From The Fire Department Vehicles Account To The Building And Grounds Fire Station Account To Fund The Fire Station No. 2 Concrete Driveway Approach Replacement [Recommended Approval]

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

- H. Replacement for Vacant Police Officer Position, No Requirements regarding Wages or Term Limits Were Set With this Request To Fill a Vacancy [Recommended Approval]
- I. Class A Intoxicating Liquor (Cider Only) Licenses, Oct. 20, 2015 – June 30, 2016
 - a. (New) Speedway LLC, Mary Wicklander – Agent, W226 N7256 Woodland Creek Dr., Sussex, d/b/a Speedway 4465, W178 N9653 Riversbend Lane, and
 - b. (New) Speedway LLC, Kimberly Doran – Agent, N108 W16526 Carriage Ave., d/b/a Speedway #4495, W164 N11233 Squire Drive [Recommended Approval]

VIII. UNFINISHED BUSINESS:

IX. PUBLIC HEARINGS – 7:00 P.M. OR LATER: *The purpose of said hearing(s) is to hear any and all parties, their attorneys or agents, for or against the application(s) filed by the petitioner(s).*

- A. Village of Germantown Community Development Department, General Zoning Code text amendments to Section 17.08 (Definitions), Sections 17.12 through 17.24 (Residential Zoning Districts), Section 17.241 (Elderly Housing District) and Section 17.27 (Planned Development District) of the Village of Germantown Municipal Code.
- B. Johnathan Friess, Property Owner, Conditional Use Permit application for the construction and use of a mother-in-law suite accessory dwelling unit in the existing single-family dwelling located at N128 W17151 Holy Hill Road (Tax Key No. GTNV 152-994).

X. NEW BUSINESS:

- A. Village of Germantown Community Development Department, General Zoning Code text amendments to Section 17.08 (Definitions), Sections 17.12 through 17.24 (Residential Zoning Districts), Section 17.241 (Elderly Housing District) and Section 17.27 (Planned Development District) of the Village of Germantown Municipal Code. **[ORDINANCE]**
- B. Johnathan Friess, Property Owner, Conditional Use Permit application for the construction and use of a mother-in-law suite accessory dwelling unit in the existing single-family dwelling located at N128 W17151 Holy Hill Road (Tax Key No. GTNV 152-994). **[CONDITIONAL USE PERMIT]**
- C. Joshua Wolfgram, Agent for John & Ellen Kuber, Property Owners of a 52.5-acre Parcel, W200 N14144 Rocky Lane, Richfield, WI, Extraterritorial Plat Review of a Certified Survey Map (CSM) to create an 18.9-acre parcel in the Town of Germantown. **[CERTIFIED SURVEY MAP]**
- D. 2016 Budget
- E. Request Approval of Payment to Vermont Systems for Recreation Software
- F. Request To Approve A Change Order In The Amount \$15,000 To Badger Well Drilling For The Additional Test Pumping At Boring #1 Of The Test Well Site Located On Lannon Road At County Line Road
- G. Request To Approve A Change Order In The Amount Of \$11,000 To Foth Infrastructure & Environment, LLC For Additional Engineering Consulting Services As Related To Continued New Well Development And By Temporarily Removing The Following Service; "Prepare A Detailed Engineering Services Proposal For Constructing New Permanent Well(S) At The Site Of Boring No.1 To Include Developing Budget Amounts For Well Drilling Costs, Engineering Services For Required Activities To Develop The New Well Sources Such As Site Acquisition, Site Investigation Report Preparation, Gaining DNR Approvals, Well(S) Designing, Bidding And Construction Services
- H. Request to Award Contract To T.P. Concrete For The Amount Of \$51,700 For Concrete Driveway Approach Replacement At Fire Station #2
- I. Adoption of the 2016 Road Reconstruction Projects

XI. ADJOURNMENT

The next Village Board meeting will be on November 16, 2015 at 7:00 p.m.

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

VII. G

MEETING DATE: October 19, 2015

AGENDA ITEM: Consent Agenda

ITEM TITLE: REQUEST TO APPROVE A RESOLUTION APPROVING
AMENDMENTS TO THE 2015 BUDGET, LINE ITEM TRANSFER –
FIRE STATION NO. 2 CONCRETE DRIVEWAY

SUBMITTED BY: Brionne R. Bischke, P.E., Interim DPW Director / Village Engineer

SUMMARY EXPLANATION:

Recall that this project was bid earlier in the year and the low bid received was approximately \$60,000, which exceeded the budget of \$45,000. As a result, the Public Works & Highway Committee rejected the bids during its July 1, 2015 meeting.

The project was rebid in September and the low bid received was \$51,700.

Since the Fire Dept. purchased its fire truck for nearly \$18,000 less than budget, the Fire Dept. would like to transfer the \$6,700 from the Fire Dept. Vehicles account to the Building & Grounds Fire Station account to fund the project.

ATTACHMENTS:

Resolution

COMMITTEE ACTION:

The Public Works & Highway Committee by unanimous vote advanced this agenda item to the Village Board with a positive recommendation.

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.

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

MEETING DATE: October 19, 2015

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

ITEM TITLE: Village of Germantown Community Development Department, General Zoning Code text amendments to Section 17.08 (Definitions), Sections 17.12 through 17.24 (Residential Zoning Districts), Section 17.241 (Elderly Housing District) and Section 17.27 (Planned Development District) of the Village of Germantown Municipal Code.

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

SUMMARY EXPLANATION:

At their May 20, 2015 meeting, the Village General Government & Finance Committee (GGF) discussed concerns raised by one of its members regarding: (1) the perceived use of Planned Development Districts (PDD's) by developers in order to manipulate and/or take advantage of the residential density provisions in our Zoning Code; and (2) the lack of a definition of (and prescribed method for calculating) "net density" in our current Zoning Code.

At their July 6, 2015 meeting, the Village Board discussed these issues and generally concluded that the issue is a definition and calculation issue with respect to the calculation of allowable development units or "density" in a proposed residential development and not an issue of PDD's being used by developers to circumvent the Zoning Code. The Village Board directed the Plan Commission and staff to bring the issues to the Plan Commission for discussion, and, to create the necessary Zoning Code revisions.

Staff has prepared and the Plan Commission has recommended approval of text amendments to various parts of the Zoning Code to address the issues, including the creation of definitions for the terms "gross acre" and "net acre", as well as, revisions to the "density" provisions in the Planned Development District (PDD) regulations.

ATTACHMENTS:

- ◆ 9/14/15 & 10/12/15 Staff Reports
- ◆ 9/14/15 & 10/12/15 Plan Commission Meeting Minutes
- ◆ Misc documents on development definitions
- ◆ Draft Ordinance

PLAN COMMISSION RECOMMENDATION:

APPROVE the proposed Zoning Code amendments as drafted (see attached draft ordinance).

NOTE: *The public hearing notice references various code sections subject of the code amendments that do not appear in the draft ordinance. Since the public hearing notice was prepared and published prior to the final drafting of the code amendments, staff included code sections in the notice that might have or need some revision but, in the end, were not proposed for specific amendment at this time.*

ORDINANCE NO. _____

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

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

SECTION 1. That Section 17.08(2a) of the Zoning Code is created to read:

17.08(2a) Acre, Gross.
 The total area of land within the perimeter of a development tract or parcel of land.

SECTION 2. That Section 17.08(2b) of the Zoning Code is created to read:

17.08(2b) Acre, Net.
 A measure of developable land area computed by subtracting unbuildable features including: dedicated rights-of-way required for existing streets and highways, 100 percent of area in navigable water bodies, rivers and streams, 100 percent of area in delineated wetlands, and 100 percent of area in the 100-year floodplain. Area subject to more than one unbuildable feature shall be subtracted only once.

SECTION 3. That Section 17.27(2)(d) of the Zoning Code is revised to read as follows where words that are ~~stricken~~ are deleted and words that are underlined are added:

17.27(2)(d) Density.
 The Planned Development District may permit the transfer of density (dwelling units) from one portion of the subject site to another and will permit the clustering of dwelling units in one or more locations within the total site. ~~However, the density of use shall not exceed the density permitted in the underlying existing zoning district.~~ The Village may increase density, i.e. allowable development units greater than the amount allowed in the underlying zoning district, after considering the community benefits to be derived from the development based on the size, location, type of development, quality of building materials, and type and amount of aesthetic, architectural, and recreational features and amenities proposed for the development.

SECTION 4. This ordinance shall take effect and be in full force the day after its passage and publication, as provided by law.

Introduced by Trustee:

Adopted:

Vote: Ayes: Nays:

Dean Wolter, Village President

APPROVED AS TO FORM:

ATTEST:

Brian C. Sajdak, Village Attorney

Barbara K. D. Goeckner, Village Clerk

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, October 19, 2015
TIME: 7:00 p.m. or later

The purpose of said hearing will be to hear any and all parties, their attorneys or agents, for or against the petition filed by the Village of Germantown Community Development Department for proposed Zoning Code text amendments to Section 17.08 (Definitions), Sections 17.12 through 17.24 (all Residential Zoning Districts), Section 17.241 (Elderly Housing District) and Section 17.27 (Planned Development District) of the Village of Germantown Municipal Code.

A copy of the application is on file in the Village of Germantown Community Development Department (Planning & Zoning 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 23rd day of September, 2015
Barbara K. D. Goeckner, Village Clerk

To Be Published On: October 1st and October 8th, 2015

D. Glazer said financing would not be difficult from his experience and the lenders told him it doesn't change anything.

Trustee Baum said refinancing individual condos are more difficult to finance because there aren't many comparables.

- Chairman Wolter asked if all agreements will remain in place for Stormwater and easements for crossing parking lots held by the association.

Planner Retzlaff said that would be a priority to ensure the agreements remain in place.

This item was for discussion only. No action was taken.

Community Development Department – Discussion and action on possible Zoning Code amendments regarding Planned Development District (PDD) provisions, density and lot size definitions. Following a lengthy discussion on August 10th, the Plan Commission directed staff to develop clear definitions of the terms “net acre” and “net density” for further consideration and collect information about how other surrounding communities address this issue and use or define these terms. Planner Retzlaff presented a summary table of the definitions for the terms net and gross density and net and gross acre for 7 surrounding municipalities. His general conclusion is that the results in comparison vary greatly and are inconclusive. He found that most of the communities use the terms, net density or net acre like we do, don't have definitions and are interpretive. He said its clear the Zoning Code needs to be amended to make the calculation of allowable development units consistent for all 13 residential zoning districts and create a provision in the PDD regulations that enable the Village to increase density to some amount or percentage on a case-by-case basis given the size, location, type of development, quality of building materials, type and amount of amenities proposed by a developer.

Chairman Wolter thanked Planner Retzlaff for all his homework and how it was prepared and presented. A lengthy discussion followed. Trustee Baum said the language for net density, net acre, gross density and gross acre are standards to start with. But when a PDD or PUD is used, that means doing something different and changing the definitions to accommodate a development. Chairman Wolter said the committees would need to be in agreement, but each point could be negotiated, looked at and approved if the development were to occur. He said the definitions for net acre and gross acre need to put in because it goes across all zoning. The steps for a custom development also need to have some sort of oversight and negotiation. The real discussion comes from a PDD proposal. Trustee Baum said a PDD can be used to re-write the rules, but the Village requires more amenities of the site to make it work in exchange for accepting the developers proposal. Commissioner Laszewski said more PDD's will be proposed by creating this net definition, because it takes the calculus away from the developer and gives it to the Village. Chairman Wolter explained the underlying zoning is a determinant of density under the PDD definition. Planner Retzlaff explained there is no definition for net acre. It now falls back on the interpretation of the zoning administrator, who has said it is the gross area minus dedicated public rights of way. The proposed definition now excludes wetlands and floodplain and is somewhat a penalty, depending on the definition of a PDD.

Trustee Zabel said all the points brought up sound pretty good but they will force the creation of more PDD's. He said the Village survey information should be reviewed to see how residents see the future growth of the Village. Dan Wing commented and said the community needs to be consistent.

MOTION Baum second Shadid to accept the definition of Acre, Net 17.08(2a) as the Village definition.

Commissioner Gray asked for clarification on how the open space requirement will be determined after total net acres is calculated. Planner Retzlaff said the unbuildable areas can be counted as satisfying the open space requirement. Commissioner Nilles said he is not ready to take action until other considerations relating to where wetlands and floodplain overlap, steep slope areas or environmental corridors exist are figured in. Planner Retzlaff said excluding special features could be discussed. Trustee Baum said those things could be negotiated as part of the PDD process.

MOTION to Amend Baum second Laszewski to add the definition of Gross Acre to be: Gross acres is the acreage within the perimeter of a development tract or parcel of land.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried (5-2-Nilles & Gray)

Chairman Wolter said the results of the Village Survey should be reviewed before any action is taken on Section 17.27.

MOTION Baum second Shadid to Postpone action on Section 17.27(2)(d) until the next Plan Commission meeting.

MOTION carried unanimously.

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:51 p.m.

Respectfully submitted,

Lori Johnson
Planning Assistant

ZONING CODE AMENDMENTS: DEFINITIONS & PLANNED DEVELOPMENT DISTRICT (PDD) PROVISIONS

10/12/15 Plan Commission Meeting

Community Development Department

Village Planner Report

Germantown, Wisconsin

Background

At the September 14, 2015 meeting, staff presented and the Plan Commission considered information regarding how surrounding municipalities dealt with the calculation of dwelling units allowed within a given development based on their own definition and use of the terms "net" and "gross" density, acres and/or lot area. Staff handed out a comparison table for the following municipalities (see Table 1 attached):

- Village of Menomonee Falls
- Village of Richfield
- Village of Sussex
- Village of Jackson
- City of Mequon
- City of Hartford
- City of West Bend

As discussed, many do not have specific definitions for these terms and, as a result, it's unclear exactly how development units are calculated and what, if any, "unbuildable" features (e.g. wetlands, floodplains, steep slopes, etc.) are or are not included in the calculation.

What is clear from our discussion is that our Zoning Code needs to be amended to clarify and address the issues raised regarding the calculation of development units allowed in a given development proposal and, in so doing, create definitions and/or procedures that are not arbitrary, ambiguous or left open for differing interpretations.

It was agreed that we need to amend various provisions in the Zoning Code that make the calculation of allowable development units consistent for all of the (13) residential zoning districts. Toward that end, staff recommended and the Plan Commission agreed to amend the Zoning Code to include the following definition of "Net Acre":

Section 17.08(2a) of the Zoning Code is created to read as follows:

17.08(2a) Acre, Net.

A measure of developable land area after excluding dedicated rights-of-way, surface water, delineated wetlands and 100-year floodplain areas.

The Plan Commission, in turn, recommended that the Zoning code be amended to include the following definition of "Gross Acre":

17.08(2b) Acre, Gross.

The total area of land within the perimeter of a development tract or parcel of land.

As a result of adopting a "Gross Acre" definition, and, to further clarify how "net acre" should be calculated, staff is recommending the following revisions to the definition of "Net Acre":

17.08(2a) Acre, Net.

A measure of developable land area computed by subtracting unbuildable features including: after excluding dedicated rights-of-way required for existing streets and highways, 100 percent of area in navigable water bodies, rivers and streams surface water, 100 percent of area in delineated wetlands, and 100 percent of area in the 100-year floodplain areas. Area subject to more than one unbuildable feature shall be subtracted only once.

It was also recommended by staff that, in order to take advantage of the design flexibilities for which they are intended, the Village needs to create a specific provision in our Planned Development District (PDD) regulations that enables the Village to increase density by some amount or percentage on a case-by-case basis given the size, location, type of development, quality of building materials, and type and amount of amenities proposed by a developer for a particular development.

Toward that end, staff recommended and the Plan Commission agreed to amend the Zoning Code to include the following language in the "Density" section of the PDD regulations:

Section 17.27(2)(d) of the Zoning Code is revised to read as follows where words that are ~~stricken~~ are to be deleted and words that are underlined are to be added:

17.27(2)(d) Density.

The Planned Development District may permit the transfer of density (dwelling units) from one portion of the subject site to another and will permit the clustering of dwelling units in one or more locations within the total site. ~~However, the density of use shall not exceed the density permitted in the underlying existing zoning district.~~ The Village may increase density, i.e. allowable development units greater than the amount allowed in the underlying zoning district, after considering the community benefits to be derived from the development based on the size, location, type of development, quality of building materials, and type and amount of aesthetic, architectural, and recreational features and amenities proposed for the development.

The Plan Commission tabled further discussion of the proposed PDD amendment until after the results of the Community Opinion Survey have been reviewed.

PLANNED DEVELOPMENT DISTRICT (PDD) DENSITY PROVISIONS & DENSITY DEFINITIONS

9/14/15 Plan Commission Meeting

Community Development Department

Village Planner Report

Germantown, Wisconsin

NOTE: THE FIRST SECTION OF THIS REPORT IS REPEATED FROM THE AUGUST 10, 2015 STAFF REPORT; INCLUDING SOME OF THE SAME ATTACHMENTS. NEW INFORMATION FOR CONSIDERATION BEGINS ON PAGE 4 AND IN THE ATTACHED TABLE 1.

Background

At their May 20, 2015 meeting, the Village Board's General Government & Finance Committee (GGF) discussed concerns raised by one of its members concerning: (1) the perceived use of Planned Development Districts (PDD's) by developers in order to manipulate and/or take advantage of the residential density provisions in our Zoning Code; and (2) the lack of a definition of (and prescribed method for calculating) "net density" in our current Zoning Code.

At their July 6, 2015 meeting, the Village Board also discussed these issues. It was generally concluded that the issue is more of a definition and calculation issue with respect to the determination of allowable "density" in a proposed residential development (and not so much the use of PDD's by developers to circumvent the Zoning Code).

At the conclusion of both meetings, direction was given to the Plan Commission and staff to bring the issues to the Plan Commission for further discussion, and, as a result, create a definition of (and method for calculating) "net density" as that term is used to determine the maximum number of residential dwelling units allowed in any given development proposal.

Village of Germantown Zoning Code: Some Basics

Zoning Code Administration and Interpretation. The Village's Zoning Administrator is responsible for the interpretation and administration of the Zoning Code. In addition, the Board of Zoning Appeals has various powers, including the power to: hear appeals for and grant variances, hear applications for and decide interpretations of the Zoning Code regulations, and hear and decide appeals when it is alleged that Zoning Administrator has erred in a given decision, interpretation or action.

General Zoning. Germantown's "general" Zoning Code (Section 17 of the Municipal Code of Ordinances) which is separate from the Village's Floodplain Zoning Code (Section 23) and the Shoreland-Wetland Zoning Code (Section 24), establishes a total of (27) different zoning districts. Each district contains a separate set of allowances for land uses (permitted, accessory and conditional) and a separate set of "bulk" requirements and limitations (e.g. minimum lot size, lot width, minimum building setbacks, maximum building

height or number of stories, maximum floor-area-ratios, minimum green/open space, minimum parking, etc.). Thirteen (13) of the Village's zoning districts regulate residential development, including: (7) single-family districts, (1) one & two-family district, (3) multi-family districts, (1) elderly housing district and (1) mobile home district (see Table 1).

For example, the Rs-3: Single-family District allows for "...single-family development in predominantly rural areas not served by municipal water and sewer at a density that does not exceed 1.0 dwelling units per net acre". The Rs-3 district also has a minimum lot size requirement of 1.0 acres.

Residential Density

In the context of land use planning, zoning and development, the term "density" is a basic measure of the amount of development within a given area. With respect to residential development, the term "density" typically refers to the ideal or maximum number of dwelling units allowed per acre of land in a particular area or zoning district. When taken together with the other "bulk" requirements and limitations in a given zoning district, "density" is one of many important factors that ultimately determines how intense a particular area or tract of land can be developed. Depending on the effect of the other "bulk" requirements and limitations that are applied in a given zoning district, the actual creation and development of the ideal or maximum number of dwelling units (based on the calculated density) may not be achieved.

$$\text{Residential Density} = \frac{\text{Number of Dwelling Units}}{\text{Land Area}}$$

$$\text{Number of Dwelling Units} = \frac{\text{Land Area}}{\text{Residential Density}}$$

While the basic equations for calculating "Residential Density" and the "Number of Dwellings Units" for a given development proposal appear simplistic, the key factor in each equation is "Land Area" and what areas or components of the land a community decides it will allow to be included in the "Land Area" factor for density calculation purposes.

While some communities choose to exclude or "discount" those areas or components of a development area that cannot reasonably be developed or used by the residents of a future development, such as public road rights-of-way or other areas dedicated for public use, some communities go so far as to exclude not only dedicated rights-of-way but other "unbuildable" areas or features, such as 100-year floodplains, wetlands, surface water, areas with steep slopes (>25%), environmental corridors, archeological sites, areas that are designated as or contain federal or state protected and endangered species, all public and private streets, and drainage basins.

Many communities go so far as to specifically define the terms “gross density” and “net density” in their zoning codes to make it clear how residential density is to be calculated and, conversely, how many dwelling units a particular development proposal would be allowed based on the site-specific features or characteristics of the land and what, if any, of those features need to be excluded or discounted when planning a new residential development.

As one might guess, “Gross Density” includes all of the land area within a given tract of land proposed for to be developed (regardless of use or purpose). “Net Density” typically includes only that land area devoted to residential uses and excludes whatever “unbuildable” land area or features the community decides will not be included or credited when calculating residential density (e.g. public rights-of-way, 100-year floodplains, delineated wetlands, surface water, steep slopes, environmental corridors, drainage basins, etc.

It’s important to point out that, whether or not a community chooses to include, exclude or discount these types of features and land uses when determining residential density is entirely up to that community; there is no federal, state, county or other jurisdiction, authority or professional organization requiring or even recommending what a community should choose to adopt and administer with respect to this issue.

Historically, the Village of Germantown has adopted different definitions (or none at all) with respect to regulating residential density over the last 35+ years. As was pointed out and discussed by the GGF Committee, the Village’s Zoning Ordinance that was adopted in November, 1978 (prepared by SEWRPC) contains definitions for the terms “Gross Density” and “Net Density” (see partial definition list enclosed). As one can see, the term “Net Density” as adopted in the old 1978 Zoning Ordinance included only “...the actual sites devoted to the residential use including buildings, the required yards and open space...”. The term “Gross Density” included all of the same land area and features included in “Net Density” plus “...the proportionate area devoted to all supporting land uses including streets, school sites, other public lands or unusable lands within the neighborhood...”.

For whatever reason, when the Village repealed the 1978 Zoning Ordinance and replaced it with the current Zoning Code (adopted in January, 1988), the new Zoning Code no longer contained definitions for “Gross Density” or “Net Density”, despite adopting residential zoning districts with density limitations based on a measurement of “dwelling units per net acre”. The term “net acre” is not defined in the current Zoning Code either.

Consequently, without a specific definition for these terms contained in the Zoning Code, administration of the Zoning Code with respect to the calculation of residential density and the number of allowable dwelling units has been made by the Zoning Administrator using what is (arguably) considered to be based on what he considers to be the typical application or general usage of those terms. Which is to say that the terms “net density” or “net acre” as used in the calculation excludes only those features or areas within a property or proposed development site that are required/proposed to be dedicated for a public purpose, i.e. road rights-of-way, parks, drainage basins, etc. Given the terms and

provisions contained in the current Zoning Code (or lack thereof), features or land areas that are considered to be “unbuildable”, such as floodplains, wetlands, steep slopes, environmental corridors, etc., are NOT excluded from the general calculation. Which is not to say that those “unbuildable” features are susceptible to actual development. On the contrary, by virtue of the Village’s Floodplain and Shoreland-Wetland Zoning Codes, floodplain areas and wetlands are protected from actual development. Moreover, the other “bulk” requirements in a particular zoning district (e.g. minimum lot size, lot width, minimum building setbacks, maximum building height or number of stories, maximum floor-area-ratios, minimum green/open space, minimum parking, etc.), will also play a role in determining how much development can occur within a particular development site.

Plan Commission Direction (August 10 PC Meeting)

Following a lengthy discussion of this topic on August 10, the Plan Commission directed staff to develop clear definitions of the terms “net acre” and “net density” for further consideration, and, collect information about how other, surrounding communities address this issue and use or define these terms.

Table 1 presents a summary of the definitions for the terms “net density”, “gross density”, “net acre”, “gross acre” and “lot area” taken from the zoning codes for the following seven (7) municipalities in the surrounding area:

- Village of Menomonee Falls
- Village of Richfield
- Village of Sussex
- Village of Jackson
- City of Mequon
- City of Hartford
- City of West Bend

As presented, while all of these municipalities use one or more of these terms in their zoning codes, many do not have specific definitions for these terms; not unlike the Village of Germantown. In some cases, the definitions are not clear in terms of how they are/can be used in the calculation of development units and what, if any, features (e.g. wetlands, floodplains, etc.) are/are not included in the calculation. In fact, the one term that is most important to the calculation of development units under the Germantown Zoning Code as well as some of the other municipalities, i.e. “net acre”, is not defined in 5 of the 7 municipalities surveyed (6 out of 8 if we include the Village of Germantown). The two communities that do define “net acre” (Hartford and Richfield) as NOT including “...lands devoted to access to the parcel or devoted to uses attendant to or provided for service to the parcels or residents thereof”. Clear as day...right? In addition, Hartford, Richfield and Jackson have definitions of “gross density” and “net density” that are similar to the definitions that used to be in Germantown’s “old” pre-1988 Zoning Code.

Other interesting items found in the other community codes include:

- Jackson has a specific provision that allows the use of floodway areas within the Cedar Creek Floodway District to meet lot area requirements of an adjoining district;
- West Bend has a specific provision that defines “developable land” as not including wetlands, floodplains, steep slopes, public right-of-way and park dedications, but, for purposes of determining density in multi-family residential districts defines “developable land” as the total lot area, or, 1.5 times the amount of “developable land”, whichever is less;
- Richfield has a rather mixed-bag of residential zoning districts that use “gross density” in the calculation of development units for some districts, “average gross” lot area and density in other districts, and “net acre” in another;
- Richfield has a “Cluster/Open Space” residential district that has an elaborate method of calculating development units spelled out, step-by-step, in their Zoning Code;
- Menomonee Falls doesn’t use “net density” or “gross density” in most of their residential zoning districts, relying on “lot area” and a definition of “net developable acres” to determine development units.

With regard to the issue of density within PDD/PUD’s, all seven communities have residential PUD/PDD regulations. Hartford and West Bend have residential PUD/PDD regulations that require the density of the PUD/PDD to “be consistent” with that of the underlying or former zoning district. Jackson, Mequon and Sussex have residential PUD/PDD regulations that allow for “...*flexibility of the overall development design and benefits from such design flexibility...while at the same time maintaining insofar as possible the land use density and other standards...in the underlying zoning district*”. Richfield and Menomonee Falls had residential PUD/PDD regulations that are designed to “...allow for increased density through greater utilization of the land in a more efficient manner”.

While the zoning codes for these communities are the same and/or similar in many respects to Germantown’s Zoning Code, there are many differences and nuances that make it difficult to easily compare and explain... short of becoming an expert in each of the community Zoning Codes surveyed. Unfortunately, one thing that is fairly clear is that many community Zoning Codes contain provisions that fall into the “this is what it says-now let me tell you what it means” category. For that reason, it is not easily determined if/how each community actually enforces their zoning code provisions with respect to the issues of determining development units based on what, if any, features are included or excluded from the “net density” or “net acre” calculations.

In addition to the communities listed above and summarized in Table 1, I reached out to other community development professionals, planners and zoning administrators in the area through the American Planning Association (APA) Wisconsin Chapter “listserv” networking system. I asked the basic question about how they and/or their community defines these terms and generally handles the issue of determining development units allowed under their codes.

So far, the responses have been mixed and, in some cases, are opposite given different community goals and priorities. For example, I have one community response indicating that their policy to exclude wetlands, floodplains, steep slopes >20%, etc. from the calculation of development units is necessary to preclude developers from using those "unbuildable" areas to satisfy the minimum open space requirements under their residential PUD/PDD regulations. On the other hand, I have another community response indicating that a policy in their residential PUD/PDD regulations REQUIRES (i.e. "shall include") unbuildable areas such as wetlands, floodplain, steep slopes, etc. to be included in the calculation of development units in order to "maximize open space...and give the developer the units needed to ensure success of the project".

Need for Zoning Code Definitions & Text Amendments

From our discussion and comments received to date, it's clear that the Zoning Code needs to be amended to clarify and address the issues raised regarding the calculation of development units allowed in a given development proposal and, in so doing, define various terms and procedures in the Code. Like some of the other community zoning codes that have been reviewed, Germantown's Zoning Code has numerous provisions that are left for interpretation, make little if any sense and/or conflict with other provisions within the same code (for example: the phrase "acreage for density calculations shall be net of road dedications" appears in the same paragraph that states wetland and floodplain areas can be counted in the density calculation).

At this point in time, I believe that we need to amend various provisions in the Zoning Code that make the calculation of allowable development units consistent for all of the (13) residential zoning districts; and, create a provision in the PDD regulations that enable the Village to increase density to some amount or percentage on a case-by-case basis given the size, location, type of development, quality of building materials, type and amount of amenities proposed by a developer.

For purposes of initiating discussion, the following text amendments could be made to the Zoning Code (with whatever other “clean-up” amendments may be required to ensure consistency within the document):

Section 17.08(2a) of the Zoning Code is created to read as follows:

17.08(2a) Acre, Net.

A measure of developable land area after excluding dedicated rights-of-way, surface water, delineated wetlands and 100-year floodplain areas.

Section 17.27(2)(d) of the Zoning Code is revised to read as follows where words that are stricken are to be deleted and words that are underlined are to be added:

17.27(2)(d) Density.

The Planned Development District may permit the transfer of density (dwelling units) from one portion of the subject site to another and will permit the clustering of dwelling units in one or more locations within the total site. ~~However, the density of use shall not exceed the density permitted in the underlying existing zoning district.~~ The Village may increase density, i.e. allowable development units, up to an amount _____ percent greater than the amount allowed in the underlying zoning district, after considering the community benefits to be derived from the development based on the size, location, type of development, quality of building materials, and type and amount of aesthetic, architectural, and recreational features and amenities proposed for the development.

TABLE 1.
COMPARISON OF ZONING CODE DEFINITIONS & PUD PROVISIONS

MUNICIPALITY	ZONING CODE DEFINITIONS					PDD/PUD Comments	Other Comments
	"Net Density"	"Gross Density"	"Net Acre"	"Gross Acre"	"Lot" or "Lot Area"		
City of Hartford	Density, Net - Density is the area required for a residence divided into an acre (43,560 square feet). The result is expressed as "dwelling units per acre". Net areas, used in computing "net density" are the actual sites devoted to the residential use and consists of the ground floor area of the building plans, the required yards, and open space.	Density, Gross - Density is the area required for a residence divided into an acre (43,500 square feet). The result is expressed as "dwelling units per acre". Gross areas, used in computing "gross density" are the net area devoted to the residential use plus the proportionate area devoted to all supporting land uses, including streets, public lands or unusable lands, school sites, and commercial sites in a given neighborhood, section, quarter-section, or other area delineation.	Acre, Net - A parcel of land 43,560 sq. ft. in area and including no lands devoted to access to the parcel or devoted to uses attendant to or provided for service to the parcels or residents thereof.	Acre, Gross - A parcel of land 43,560 sq. ft. in area and including all lands devoted to access to the parcel or devoted to uses attendant to or providing for service to the parcels or residents thereof	Lot - For the purpose of this ordinance a lot shall be defined as a parcel of land on which a principal building and its accessory buildings are placed, together with the required open spaces; provided that no such parcel be bisected by a public street or other public or private right-of-way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of this ordinance.	Residential Planned Unit Development (PUD) such as cluster developments and detached condominiums. The district lot size and frontage and yard requirements may be varied provided that adequate space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district.	
Village of Jackson	DENSITY, NET – Density is the area required for a residence divided into an acre (43,560 square feet). The result is expressed as "dwelling units per acre." Net areas, used in computing "net density" are the actual sites devoted to the residential use and consist of the ground floor area of the building plans, the required yards, and private drives.	DENSITY, GROSS – Density is the area required for a residence divided into an acre (43,560 square feet). The result is expressed as "dwelling units per acre." Gross areas, used in computing "gross density" are the net area devoted to the residential use plus the proportionate area devoted to all supporting land uses, including streets, public lands, or usable lands, school sites, and commercial sites in a given development.	None	None	LOT – For the purpose of this Code, a lot shall be defined as a parcel of land on which a principal building and its accessory building are placed, together with the required open spaces; provided that no such parcel be bisected by a public street, and shall not include any portion of a public right-of-way. No lands dedicated to Chapter 14 10 09/2010 the public or reserved for roadway purposes shall be included in the computation of lot size for the purpose of this Code.	Density. The former zoning classification of the area under consideration shall serve as the primary requisite in determining the density of dwelling units within the proposed P.U.D. unless it was found that a reduction or increase would be in the best interest of the Village. The density of residential development shall not be greater than the number of units permitted per acre on a total acreage basis and shall include wetlands, water bodies, storm water detention basins, dedicated park land, open space owned in common, etc. so as to maximize open space, wetlands, woodlands, and views, while giving the developer the units needed for the success of the project.	FLOODWAY LANDS ELIGIBLE FOR MEETING AREA REQUIREMENTS. Where a lot is located partially within the FW Cedar Creek Floodway District and partially within any adjoining use district, that portion of the lot in the FW Cedar Creek Floodway District may be utilized to meet the area requirements of the adjoining use district.

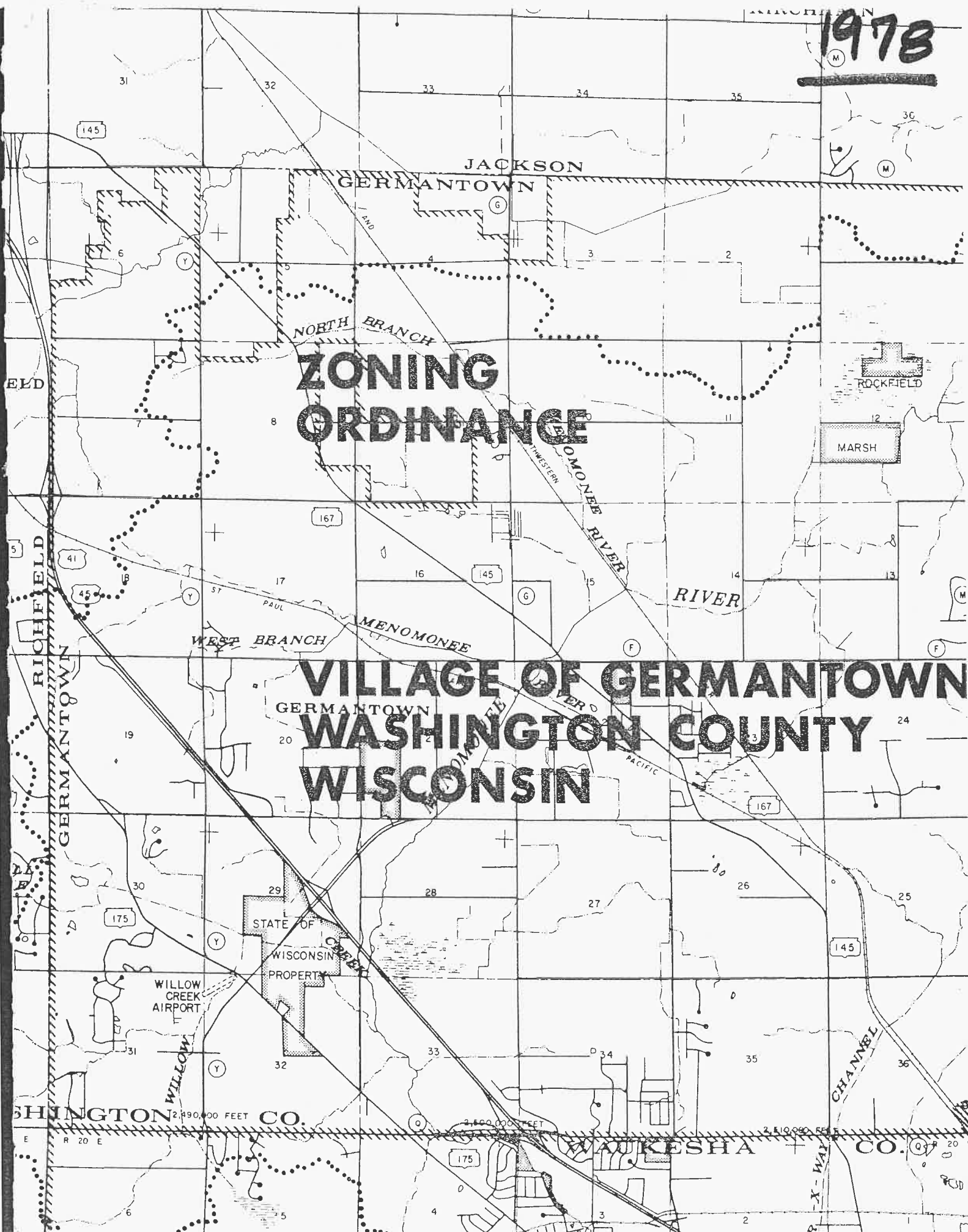
MUNICIPALITY	ZONING CODE DEFINITIONS						
	"Net Density"	"Gross Density"	"Net Acre"	"Gross Acre"	"Lot" or "Lot Area"	PDD/PUD Comments	Other Comments
City of West Bend	(45) DENSITY. Density is the number of dwelling units per acre of developable land. (46) DEVELOPABLE LAND. Developable land is the land area accommodating urban uses including buildings, yards and parking areas. The following land areas shall not be considered developable land - floodplains, wetlands, steep slopes of 15% or greater, public street right-of-way and public park land.	None	None	None	None	(c) That in the case of a proposed residential Planned Unit Development: The total net residential density within the Planned Unit Development Overlay District will be consistent with and not exceed the average intensity and density of development permitted in the underlying basic use district.	(c) Developable Land. For purposes of calculating allowed density in multifamily residential districts (RM-1, RM-2, RM-3, and RM-4), the area of a lot shall be the total area of the lot or one and one-half (1 1/2) times the area of developable land on the lot, whichever is less.
City of Mequon	Density means the number of dwelling units or housing structures per unit of land.	None	None	None	Lot area means the total square footage within the boundaries of a lot, excluding any street rights-of-way.	The PUD planned unit development overlay district under this chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements as set forth in the underlying base zoning district.	Buildable area means the space remaining on a lot after the minimum open space, offset and setback requirements of this chapter have been complied with; excepting therefrom any floodplain, wetland, or similarly designated unbuildable lands.
Village of Sussex	None	None	None	None	Lot For the purpose of this Ordinance a lot shall be defined as a parcel of land on which a principal building and its accessory building are placed, together with the required open spaces, provided that no such parcel shall be bisected by a public street and should not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes should be included in the computation of lot size.	The PDO Overlay District under this Ordinance will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district	

ZONING CODE DEFINITIONS							
MUNICIPALITY	"Net Density"	"Gross Density"	"Net Acre"	"Gross Acre"	"Lot" or "Lot Area"	PDD/PUD Comments	Other Comments
Village of Richfield	Density is the area required for a residence divided into an acre (43,560 square feet). The result is expressed as "dwelling units per acre." Net areas, used in computed net density, are the actual sites devoted to the residential use and consists of the ground floor area of the building plans, the required yards, and open space.	Gross Density is the area required for a residence divided into an acre (43,560 square feet). The result is expressed as "dwelling units per acre." Gross area, used in computing gross density, are the net area devoted to the residential use, plus the proportionate area devoted to all supporting land uses, including street, public lands or unusable lands, school sites, and commercial sites in a given neighborhood, section, quarter-section, or other aerial delineation.	Net Acre: A parcel of land one acre in size and including no lands devoted to access to the parcel or devoted to uses attendant to or provided for service to the parcels or residents thereof.	None	A parcel of land on which a principal building and its accessory building are placed, together with the required open spaces; provided, that no such parcel be bisected by a public street or other public or private right-of-way and shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of this chapter.	Residential PUD: Density. For each 1.5% of the land reserved by open space easement or in an open space outlot as defined in chapter 66. One percent may be deducted from the gross density requirement per lot, but in no case below a minimum that produces 65,000 square feet (approximately 1.5 acres) of lot area net of existing and proposed streets and net of other dedications and reservation.	Density, gross as used in this section (net of existing highway rights-of-way, but inclusive of proposed new rights-of-way
Village of Menomonee Falls	none	None	None	Gross acres. Gross acres is the acreage within the perimeter of a development tract or parcel of land.	Lot means a single parcel of contiguous land abutting and having frontage on a public street, except in a planned residential development (PRD) district, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard parking area and other open space provisions of this chapter.	The PRD district is intended to allow for greater development flexibility and greater design freedom consistent with the most advanced development techniques in use today... In keeping with current economic considerations and the utilization of condominium laws, this PRD district is specifically intended to allow for increased density through greater utilization of the land and in a more efficient manner, and at a lower cost than by applying the now existing standards.	Net developable acres. Net developable acres (NDA) is computed by taking the gross site acreage and subtracting the following: 100 percent of acreage in existing road rights-of-way, 100 percent of acreage in access or utility easements, 100 percent of floodplains, 100 percent of wetlands, 100 percent of water bodies and watercourses, 100 percent of slopes 25 percent or greater, 50 percent of slopes 15 percent—24.9 percent.

1978

ZONING ORDINANCE

VILLAGE OF GERMANTOWN WASHINGTON COUNTY WISCONSIN



j. Channel

A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

k. Conditional Uses

Uses of a special nature as to make impractical their predetermination as a principal use in a district.

l. Density, Net

Residential density is the area required for dwelling units expressed as "dwelling units per acre." Areas used in computing "net density" are the actual sites devoted to the residential use including buildings, the required yards, and open space and are then expressed as "dwelling units per net acre."

m. Density, Gross

Residential density is the area required for dwelling units expressed as "dwelling units per acre." Areas used in computing "gross density" are the net area devoted to the residential use plus the proportionate area devoted to all supporting land uses including streets, school sites, other public lands, or unusable lands within the neighborhood in which the dwelling units are located and are expressed as "dwelling units per gross acre."

n. District, Basic

A part or parts of the Village for which the regulations of this Ordinance governing the use and location of land and buildings are uniform (such as the Residential, Commercial, and Industrial District classifications).

o. Dwelling

A detached building designed or used exclusively as a residence or sleeping place. The term does not include boarding or lodging houses, motels, hotels, tents, or cabins.

p. Dwelling, Single-Family

A detached building designed for or occupied exclusively by one (1) family.

q. Dwelling, Two (2)-Family

A detached building containing two (2) separate single dwelling (or living) units designed for occupancy by not more than two (2) families.

r. Dwelling, Multiple-Family

A residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.

s. Equal Degree of Encroachment

The effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners up, down, or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the

SUMMARY OF REQUIREMENTS FOR RESIDENTIAL USES IN ZONING DISTRICTS
IN GERMANTOWN, WISCONSIN

ZONING DISTRICT (Sections in Text)	PERMITTED USES		CONDITIONAL ^a USES	MAXIMUM DWELLING UNITS PER NET ^b ACRE	LOT REQUIREMENTS		YARD REQUIREMENTS			INDIVIDUAL DWELLING UNIT REQUIREMENTS						MINIMUM OFFSTREET PARKING SPACE	MINIMUM REQUIRED UTILITY SERVICE
	Principal	Accessory			Minimum Area	Minimum Width At Front Building Setback	Front Building Setback ^c (Minimum Front Yard)	Minimum Side Yard	Minimum Rear Yard	Minimum Total Floor Area					Maximum Principal Building Height		
										No Bedroom	One Bedroom	Two Bedroom	Three Bedroom	Four or More Bedrooms			
A-1 (17.0403)	General Agriculture (see text)	Farm dwelling, farm buildings (see text)	Agricultural related and second farm dwelling (see text)	0.029 (see text)	35.0 Acres	600 Feet	60 Feet	25 Feet	50 Feet	N/A	1,200 Square Feet	1,200 Square Feet	1,300 Square Feet	1,400 Square Feet	40 Feet	-- (see text)	Electricity
A-2 (17.0404)	General and Special Agriculture	(see text)	Agriculture processing (see text)	0.10	10.0 Acres	300 Feet	60 Feet	25 Feet	50 Feet	N/A	1,200 Square Feet	1,200 Square Feet	1,300 Square Feet	1,400 Square Feet	40 Feet	-- (see text)	Electricity
Rs-1 (17.0405)	Single Family Dwelling	Home occupations and keeping of certain pets (see text)	Raising of poultry, animals, and fish (see text)	0.20	5.0 Acres	300 Feet	45 Feet	30 Feet	35 Feet	N/A	1,200 Square Feet	1,300 Square Feet	1,500 Square Feet	1,700 Square Feet	35 Feet	--	Electricity
Rs-2 (17.0406)	Single Family Dwelling	Home occupations	Keeping of certain pets (see text)	0.50	2.0 Acres	220 Feet	45 Feet	25 Feet	35 Feet	N/A	1,200 Square Feet	1,300 Square Feet	1,500 Square Feet	1,700 Square Feet	35 Feet	--	Electricity
Rs-3 (17.0407)	Single Family Dwelling	Home occupations	PUD's (see text)	1.00	1.0 Acre	150 Feet	45 Feet	20 Feet	35 Feet	N/A	1,200 Square Feet	1,300 Square Feet	1,500 Square Feet	1,700 Square Feet	35 Feet	--	Public sanitary sewer and water service, electricity
Rs-4 (17.0408)	Single Family Dwelling	Home occupations	PUD's (see text)	2.18	20,000 Square Feet	110 Feet	40 Feet	20 Feet	35 Feet	N/A	1,200 Square Feet	1,300 Square Feet	1,500 Square Feet	1,700 Square Feet	35 Feet	--	Public sanitary sewer and water service, electricity
Rs-5 (17.0409)	Single Family Dwelling	Home occupations	PUD's (see text)	2.90	15,000 Square Feet	100 Feet	35 Feet	15 Feet	35 Feet	N/A	1,200 Square Feet	1,300 Square Feet	1,400 Square Feet	1,500 Square Feet	35 Feet	--	Public sanitary sewer and water service, electricity
Rs-6 (17.0410)	Single Family Dwelling	Home occupations	PUD's (see text)	3.48	12,500 Square Feet	90 Feet	30 Feet	12 Feet	35 Feet	N/A	1,100 1,200 Square Feet	1,200 1,300 Square Feet	1,300 1,400 Square Feet	1,400 1,500 Square Feet	35 Feet	--	Public sanitary sewer and water service, electricity
Rs-7 (17.0411)	Single Family Dwelling	Home occupations	PUD's (see text)	4.36	10,000 Square Feet	80 Feet	30 Feet	10 Feet	25 Feet	N/A	1,000 1,100 Square Feet	1,100 1,200 Square Feet	1,200 1,300 Square Feet	1,300 1,400 Square Feet	35 Feet	--	Public sanitary sewer and water service, electricity
Rd-1 (17.0412)	Two Family Dwellings	Home occupations	PUD's (see text)	4.84	18,000 Square Feet	120 Feet	40 30 Feet	10 Feet	30 Feet	N/A	900 Square Feet	1,120 Square Feet	1,220 1,120 Square Feet	1,220 Square Feet	35 Feet	500 Square Feet Per Unit	Public sanitary sewer and water service, electricity
Rd-2 (17.0413)	Two Family Dwellings	Home occupations	PUD's (see text)	5.81	15,000 Square Feet	100 Feet	40 30 Feet	10 Feet	30 Feet	N/A	800 900 Square Feet	900 1,120 Square Feet	1,000 1,120 Square Feet	1,000 1,220 Square Feet	35 Feet	500 Square Feet Per Unit	Public sanitary sewer and water service, electricity
Rm-1 (17.0414)	Multiple Family Dwellings	Home occupations	PUD's (see text)	6.00	0.5 Acre	120 Feet	35 Feet	25 Feet	35 Feet	400 Square Feet	650 Square Feet	800 Square Feet	1,000 Square Feet	1,000 Square Feet	35 Feet	500 Square Feet Per Unit (see text)	Public sanitary sewer and water service, electricity
Rm-2 (17.0415)	Multiple Family Dwellings	(see text)	PUD's and mobile home parks (see text)	10.00	0.5 Acre	120 Feet	35 Feet	25 Feet	35 Feet	400 Square Feet	650 Square Feet	800 Square Feet	1,000 Square Feet	1,000 Square Feet	45 Feet	500 Square Feet Per Unit (see text)	Public sanitary sewer and water service, electricity
Rm-3 (17.0416)	Multiple Family Dwellings	(see text)	PUD's and elderly housing (see text)	14.00	0.8 Acre	150 Feet	35 Feet	25 Feet	35 Feet	350 Square Feet	525 Square Feet	650 Square Feet	750 Square Feet	850 Square Feet	45 Feet	500 Square Feet Per Unit (see text)	Public sanitary sewer and water service, electricity

^aSee also Section 17.0500 of the text.

^bIncludes only individual lot area, and does not include public streets or highways.

^cImaginary line generally paralleling the public land access right-of-way.

NOTE: N/A indicates not applicable.

TABLE 1.

VILLAGE OF GERMANTOWN GENERAL ZONING CODE- RESIDENTIAL ZONING DISTRICT SUMMARY

RESIDENTIAL ZONING DISTRICT	DENSITY (Maximum DU's per Acre)	LOT AREA (Minimum area per DU)	ROAD FRONTAGE/ LOT WIDTH (Minimum)	PRINCIPLE BUILDING SETBACKS (Minimum)
Rs-1, Single-Family Residential District	.2	5 Acres	300'	Front: 45', Side: 30', Rear: 35'
Rs-2, Single-Family Residential District	.5	2 Acres	220'	Front: 45', Side: 25', Rear: 35'
Rs-3, Single-Family Residential District	1.0	1 Acre	150'	Front: 45', Side: 20', Rear: 35'
Rs-4, Single-Family Residential District	2.2	20,000 SF	110'	Front: 40', Side: 20', Rear: 35'
Rs-5, Single-Family Residential District	2.9	15,000 SF	100'	Front: 35', Side: 15', Rear: 35'
Rs-6, Single-Family Residential District	3.5	12,500 SF	90'	Front: 30', Side: 12', Rear: 30'
Rs-7, Single-Family Residential District	4.4	10,000 SF	80'	Front: 30', Side: 10', Rear: 25'
Rd-2, One- and Two-Family Residential District	5.8	15,000 SF	100'	Front: 30', Side: 10', Rear: 25'
Rm-1, Multi-Family Residential District	6.0	7,260 SF	120'	Front: 35', Side: 25', Rear: 35'
Rm-2, Multi-Family Residential District	8.0	5,445 SF	120'	Front: 35', Side: 25', Rear: 35'
Rm-3, Multi-Family Residential District	10.0	4,356 SF	150'	Front: 35', Side: 25', Rear: 35'
EH Elderly Housing District	10.0 (avg)	10 Acres	100'	Front: 30', Side: 20', Rear: 30'
MHP Mobile Home Park Residential District	7.25	10 Acres	500'	Front: 100', Side: 40', Rear: 40'

Chapter 17.56 DENSITY COMPUTATIONS

Sections:

- 17.56.010 Purpose.
- 17.56.020 Density calculation.
- 17.56.030 Transfer of residential density.
- 17.56.040 Residential density transition.

17.56.010 Purpose.

The purpose of this chapter is to implement the comprehensive plan by establishing the criteria for determining the number of dwelling units permitted. (Ord. 2875 § 1.100.010, 2003)

17.56.020 Density calculation.

(1) Net development area, in acres, shall be determined by subtracting the following land area(s) from the gross acres, which is all of the land included in the legal description of the property:

(a) All sensitive land areas:

- (i) Land within the 100-year floodplain;
- (ii) Land or slopes exceeding 25 percent;
- (iii) Drainageways;
- (iv) Wetlands;
- (v) Fish and wildlife habitats;
- (vi) Archaeological sites;
- (vii) Federal or state protected areas for listed threatened or endangered species; and
- (viii) Designated open space and open space-design review areas;

(b) All land dedicated to the public for park purposes;

(c) All land dedicated for public right-of-way:

- (i) Single-dwelling units: allocate 20 percent of gross acres for public facilities; and
- (ii) Multiple-dwelling units: allocate 15 percent of gross acres for public facilities;

(d) All land proposed for private streets; and

(e) A lot of at least the size required by the applicable base zoning district, if an existing dwelling is to remain on the site.

(2) To calculate the net units per acre, divide the number of square feet in the net acres by the minimum number of square feet required for each lot by the applicable zoning district.

ties to rightful users and/or residents to defend themselves against intruders and criminal activity. (*California Planning Roundtable*)

■ **delicatessen** (See also *retail sales establishment, speciality*) An establishment where food is sold for consumption off-premises and no counters or tables for on-premises consumption of food are provided, but excludes groceries and supermarkets. (*Boulder, Colo.*)

■ **delivery service** (See *mail services*)

■ **demolition, partial** Any act or process that destroys or removes less than 75 percent of the exterior walls of a structure, improvement, or object. (*Oak Park, Ill.*)

■ **demolition permit** A permit that gives the applicant/owner the right to demolish a building and to ensure that no unsafe condition exists on the site when the demolition is complete. (*Edmonton, Alberta, Canada*)

■ **demolition waste** (See also *landfill, construction/demolition; solid waste*)



delivery service

■ **demolition** Any act or process that destroys in part or in whole a building or structure. (*Normal, Ill.*)

The razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing, or destruction of the facade or any significant exterior architectural features which are integral to the historic character of the resource, for whatever purpose, including new construction or reconstruction. (*Willistown Township, Pa.*)

Any dismantling, intentional destruction, or removal of public or private structures, sites, surfaces, utilities, or other improvements. (*Sedona, Ariz.*)

The tearing down or razing of 25 percent or more of a structure's external walls. (*Temple Terrace, Fla.*)

■ **demolition, complete** Any act or process that destroys or removes 75 percent or more of the exterior walls of a structure, improvement, or object. (*Oak Park, Ill.*)

Materials found in demolished buildings, roads, and other structures including but not limited to concrete, drywall, asphalt, wood, masonry, composition roofing, roofing, siding, structural metal, wire, insulation. (*Renton, Wash.*)

■ **density** (See also *intensity*) The number of dwelling units permitted per net acre of land. (*Coral Gables, Fla.*)



density

The number of dwelling units per gross area devoted to residential development. (*Baton Rouge, La.*)

The number of dwelling units per acre. (*Durham, N.C.*)

The number of dwelling units situated on or to be developed on a net acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting surface water, undevelopable lands (e.g., wetlands) and the area in rights-of-way for streets and roads. (*Muskegon, Mich.*)

The number of dwellings or principal buildings or uses permitted per net acre of land. Net acre of land shall not include land required for public streets. (*Mankato, Minn.*)

The number of dwelling units allowed on an area of land, which area of land may include dedicated streets contained within the development. (*North Liberty, Iowa*)

The permitted ratio of residential units to land area or the permitted ratio of building size to land area. (*Concrete, Wash.*)

■ **density, base** The maximum number of dwelling units permitted outright by a particular land-use classification. (*Island County, Wash.*)

The lot area per dwelling unit requirements stipulated in the district regulations. (*Ocean City, Md.*)

■ **density bonus** (See also *bonus provision; incentive zoning*) The allocation

of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location. (*California Planning Roundtable*)

The granting of the allowance of additional density in a development in exchange for the provision by the developer of other desirable amenities from a public perspective (e.g., public open spaces, plazas, art, landscaping, etc.). (*Peoria, Ill.*)

A minimum density increase of at least 25 percent over the maximum residential density. (*San Juan Capistrano, Calif.*)

Dwelling units or non-residential square footage permitted in addition to the permitted density or intensity within a zoning district. (*Concord, N.C.*)

■ **density bonus, housing** A legally binding agreement between a developer and the city to ensure that the requirements of [local affordable housing requirements] are satisfied. The agreement, among other things, shall establish: the number of target units, their size, location, terms, and conditions of affordability, and production schedule. (*San Juan Capistrano, Calif.*)

Those residential units granted pursuant to the provisions of [local affordable housing requirements] which exceed the otherwise maximum residential density for the development site. (*San Juan Capistrano, Calif.*)

■ **density, control of** A limitation on the occupancy of land. Density can be controlled through zoning in the following ways: use restrictions, minimum lot-size requirements, floor area ratios, land-use-intensity ratios, setback and yard requirements, minimum house-size requirements, ratios comparing number and types of housing units to land area, limits on units per acre, and other means. Allowable density often serves as the major distinction between residential districts. (*California Planning Roundtable*)

■ **density, employment** A measure of the number of employed persons per spe-

cific area (for example, employees/_acre). (*California Planning Roundtable*)

■ **density, gross** The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This would include all nonresidential land uses and private streets of the development, as well as rights-of-way of dedicated streets; the result being the number of dwelling units per gross acre of land. (*Gurnee, Ill.*)

The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre. (*Maryland Heights, Mo.*)

The number of dwelling units within the gross area of a project divided by the total number of gross acres. (*Lake Elsinore, Calif.*)

The ratio of dwelling units per acre utilizing the full acreage of the parcel without subtracting areas dedicated to public or private roads, schools, parks, or similar public use and open space areas or hazard areas. (*Monterey County, Calif.*)

■ **density, maximum allowable** The number of dwelling units allowed on a parcel of land based upon the gross, overall area of the parcel without any consideration for land areas required for road rights-of-way, easements, and other non-residential uses. However, in using gross area to compute allowable dwelling units, the overall area of the parcel shall be adjusted by subtracting the area of any subparcel of unbuildable or submerged lands. In computing the maximum allowable density for any parcel, any fractional dwelling count shall be equal to zero dwelling units. (*Boca Raton, Fla.*)

■ **density, net** The result of: (a) dividing the total number of dwelling units existing on a housing site by the net area in acres; or (b) multiplying the net area in acres times 43,560 square feet per acre and then dividing the product by the required minimum number of square feet per dwelling unit. "Density" or "net density" is expressed as dwelling units per acre or per net acre. (*Growing Smart Legislative Guidebook*)

The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space and associated recreational facilities within the area; the result being the number of dwelling units per net residential acre of land. Net density calculations exclude rights-of-way of publicly dedicated streets and private streets. (*Gurnee, Ill.*)

The total number of dwelling units divided by the net project area. In determining net density, all land area associated with and accessory to the dwelling unit, including private streets and driveways, off-street parking facilities, and common open space and recreational facilities, shall be included in the calculation. Net density calculations exclude rights-of-way of publicly dedicated streets and nonresidential structures, land uses, and accessory facilities. (*Maryland Heights, Mo.*)

The number of dwelling units within a project divided by the number of net acres. (*Lake Elsinore, Calif.*)

The number of dwelling units per acre of land when the average involved includes only the land devoted to residential uses and excludes such areas as street rights-of-way, parks, common open space, and other similar uses. (*Trenton Township, Ohio*)

The number of residential dwelling units permitted per net acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel not including street rights-of-way. In the determination of the number of dwellings to be permitted on a specific parcel of land, a fractional unit shall not entitle the applicant to an additional unit. (*Grand Chute, Wisc.*)

■ **density transfer** A way of retaining open space by concentrating densities—usually in compact areas adjacent to existing urbanization and utilities—while leaving unchanged historic, sensitive, or hazardous areas. In some jurisdictions, for example, developers can buy development rights of properties targeted for

IX. B +
X. B

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

MEETING DATE: October 19, 2015

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

ITEM TITLE: Johnathan Friess, Property Owner, Conditional Use Permit application for the construction and use of a mother-in-law suite accessory dwelling unit in the existing single-family dwelling located at N128 W17151 Holy Hill Road (Tax Key No. GTNV 152-994)

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

SUMMARY EXPLANATION:

Johnathan Friess, owner of a 1.1-acre parcel, is requesting a CUP in order to construct a "mother-in-law suite" (MILS) as part of a planned addition to his existing single-family dwelling located at N128 W17151 Holy Hill Road.

The existing dwelling is a one-story ranch with approximately 1,100 sqft. Friess is proposing to expand and renovate the first floor living room, bedrooms, and kitchen. A two-story addition will be constructed, including a master suite, office, recreation room and the MILS, and 3-car attached garage. The MILS is intended for occupancy by family members (Friess' mother and step-father who has been diagnosed with Alzheimer's). The MILS will be approximately 840 sqft in total area and comprise 20 percent of the total floor area of the expanded, 4211 sqft dwelling.

ATTACHMENTS:

- ◆ 9-14-15 Staff Report
- ◆ 9-14-15 Plan Commission Meeting Minutes
- ◆ Application, plans & photos
- ◆ Draft CUP

PLAN COMMISSION RECOMMENDATION:

APPROVE a Conditional Use Permit for Johnathan Friess to allow a mother-in-law suite accessory dwelling as part of the single family dwelling located at N128 W17151 Holy Hill Road subject to the following conditions:

1. The MILS shall comply with the MILS requirements as defined in Section 17.08(51a) of the Zoning code on an ongoing basis.
2. The property owner shall notify the Village Zoning Administrator if/when use of the lower level of the dwelling changes or ceases to be used as a mother-in-law suite.
3. The conditional use permit shall not be transferrable to a subsequent owner unless said owner is a member of the Friess family.

**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, October 19, 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 application filed by the following petitioner for: (1) a CONDITIONAL USE PERMIT for the construction and use of a "mother-in-law suite" accessory dwelling unit in the existing single-family dwelling located at N128 W17151 Holy Hill Road pursuant to Sections 17.16(1)(a) and 17.08(28) and 17.08(51a) of the Village Zoning Code.

Petitioner: Johnathan Friess, Property Owner
Property: N128 W17151 Holy Hill Road (Parcel ID# 152-994)

The west 300 feet of the north 200 feet of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 15, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

A copy of the application is on file in the Village of Germantown Community Development Department (Planning & Zoning 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 23rd day of September, 2015
Barbara K. D. Goeckner, Village Clerk

To Be Published On: October 1st and October 8th, 2015

CUP # xx – 15

Document No.

CONDITIONAL USE PERMIT

Document Title

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

Whereas the Applicant & Property Owner:

Johnathan Friess, Property Owner

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

Now, therefore, this permit is issued to the Applicant & Property Owner to permit the construction and use of a "mother-in-law suite" accessory dwelling unit as part of the single-family dwelling located at N128 W17151 Holy Hill Road pursuant to Sections 17.16(1)(a) and 17.08(51a) of the Village Zoning Code.

Name & Return Address:

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

Parcel Identification No:

GTNV 152-994**On the following described property located in the Village of Germantown, Washington County, Wisconsin:**

The west 300 feet of the north 200 feet of the Northwest ¼ of the Northwest ¼ of Section 15, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

Tax Key No: 152-994

Address: N128 W17151 Holy Hill Road

Pursuant to the following condition(s):

1. The MILS shall comply with the MILS requirements as defined in Section 17.08(51a) of the Zoning Code of an ongoing basis.
2. The property owner shall notify the Village Zoning Administrator if/when use of the lower level of the dwelling changes or ceases to be used as a "mother-in-law" suite.
3. The conditional use permit shall not be transferable to a subsequent owner unless said owner is a member of the Friess family.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin
on the _____ day of _____, 2015.

ATTEST:

Dean Wolter, Village President

Barbara K. D. Goeckner, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this _____ day of _____, 2015, the above
named Dean Wolter, Village President, and Barbara K. D. Goeckner, Village Clerk, to me
known to be the persons who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

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

Dated this ____ day of _____, 2015

Johnathan Friess, Property Owner

STATE OF WISCONSIN) SS
_____ COUNTY)

Personally came before me this _____ day of _____, 2015, being the above
named _____, to me known to be the person who
executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

CONDITIONAL USE PERMIT

9/14/15 Plan Commission Meeting

Johnathan Friess

Village Planner Report

Germantown, Wisconsin

Summary

Johnathan Friess, property owner of a 1.1-acre parcel, is requesting a Conditional Use Permit in order to construct a "mother-in-law suite" accessory dwelling unit as part of a planned addition to an existing single-family dwelling located at N128 W17151 Holy Hill Road.

Property Location: N128 W17151 Holy Hill Road

Property Owner/

Applicant:

Johnathan Friess

N128 W17151 Holy Hill Road

Germantown, WI

Existing Zoning: Rs-3: Single-family Residential

Adjacent Land Uses		Zoning
North	Residential	Rs-2
South	Agricultural	A-2
East	Agricultural	A-2
West	Agricultural	A-2



Proposal

Johnathan Friess, property owner of a 1.1-acre parcel, is requesting a Conditional Use Permit in order to construct a "mother-in-law suite" (MILS) as part of a planned addition to an existing single-family dwelling located at N128 W17151 Holy Hill Road.

The existing dwelling is a one-story ranch with approximately 1,100 sqft. Friess is proposing to expand and renovate the first floor living room, bedrooms, and kitchen. A two-story addition will be constructed, including a master suite, office, recreation room and the mother-in-law suite, and 3-car attached garage. The MILS is intended for occupancy by family members (Friess' mother and step-father who has been diagnosed with Alzheimer's).

The MILS will be approximately 840 sqft in total area and comprise 20 percent of the total floor area of the expanded, 4211 sqft dwelling.

Staff Analysis

As provided in the Zoning Code, a single-family dwelling may include a "mother-in-law suite" as a separate and accessory dwelling unit provided it meets the minimum requirements established under Section 17.08(51a) therein:

DWELLING, SINGLE-FAMILY. (Am. Ord. #12-08) A detached building designed, arranged, used for and occupied by one family. A single-family dwelling may include a "mother-in-law suite" as provided for and defined herein subject to the granting of a conditional use permit by the Village Board.

MOTHER-IN-LAW SUITE. (Cr. Ord. #12-08) One or more rooms within the principal dwelling that are designed, arranged and occupied by one or more members of the same family occupying the principal dwelling provided that such rooms do not constitute a separate dwelling unit. Further, for purposes of this provision, and unless otherwise provided for as a condition of approval in a conditional use permit, a "mother-in-law suite" shall meet the following minimum requirements and limitations:

- a. The "mother-in-law suite" cannot have a separate entry arranged so as to be used as the principal and exclusive means of access to the "mother-in-law" suite;*
- b. The "mother-in-law suite" must share the main entry that provides the principal means of access to the principal dwelling;*
- c. The "mother-in-law suite" can have separate rooms within the single-family dwelling such as a living room, bedroom, bathroom, kitchen and laundry room but shall also have one or more rooms or areas that are shared in common with the principal dwelling;*
- d. The "mother-in-law suite" cannot be used or occupied by a non-family member or for rental purposes;*
- e. The "mother-in-law suite" cannot be served by a separate electric, water or other utility connection or meter;*
- f. The "mother-in-law suite" cannot have a separate mailing address;*
- g. The owner of the single-family dwelling must live in the principal dwelling;*
- h. The "mother-in-law suite" cannot occupy more than 50% of the total dwelling unit floor area;*

-
- i. The principal dwelling cannot be constructed or modified such that the scale or appearance is different than a typical and customary dwelling or the single-family dwellings on surrounding properties;*
 - j. Additional restrictions and/or limitations may be adopted as part of a conditional use permit granted by the Village Board.*

All of the minimum requirements listed above appear to be met by the proposed mother-in-law suite. The only item that might be questionable for some is the access requirement "a" above. Access into the 2nd floor MILS is proposed from two locations: (1) the primary front door entrance, stairway and common rooms along the way; and (2) a secondary stairway access from the garage. While the garage stairway could be used exclusively to gain entrance to the MILS, it is another "internal" access and not entirely separate from the other dwelling unit.

In addition to the requirement for ongoing compliance with the "mother-in-law" suite limitations and requirements, the owners should be required to notify the Village if/when use of the accessory dwelling changes or ceases to be used as a "mother-in-law" suite.

Village Planner Recommendation

APPROVE a conditional use permit for Johnathan Friess to allow a "mother-in-law suite" accessory dwelling as part of the single-family dwelling located at N128 W17151 Holy Hill Road subject to the following conditions:

1. The MILS shall comply with the MILS requirements as defined in Section 17.08(51a) of the Zoning Code on an ongoing basis.
2. The property owner shall notify the Village Zoning Administrator if/when use of the lower level of the dwelling changes or ceases to be used as a "mother-in-law" suite.
3. The conditional use permit shall not be transferable to a subsequent owner unless said owner is a member of the Friess family.

Johnathan Friess – N128 W17151 Holy Hill Road. The property owner of a 1.1 acre parcel is requesting a Conditional Use Permit in order to construct a mother-in-law suite accessory dwelling unit as part of a planned addition to an existing single-family dwelling. Planner Retzlaff summarized the proposal. Johnathan Friess explained his reasons for requesting the mother-in-law suite to his home.

MOTION Baum second Gray to Approve a Conditional Use Permit for Johnathan Friess to allow a mother-in-law suite accessory dwelling as part of the single family dwelling located at N128 W17151 Holy Hill Road subject to the following conditions:

- 1. The MILS shall comply with the MILS requirements as defined in Section 17.08(51a) of the Zoning code on an ongoing basis.***
- 2. The property owner shall notify the Village Zoning Administrator if/when use of the lower level of the dwelling changes or ceases to be used as a mother-in-law suite.***
- 3. The conditional use permit shall not be transferrable to a subsequent owner unless said owner is a member of the Friess family.***

MOTION carried unanimously.

Trustee Baum left his chair 7:37- Returned at 7:40

Bethlehem Evangelical Lutheran Church – N108 W14290 Bel Aire Lane. David Miller and Anderson-Ashton, agent for the property owner, is seeking approval of site development and building plans for a 14,200 sqft two-story addition to the existing 31,700 sqft facility. Planner Retzlaff summarized the proposal.

MOTION Baum second Yokes to Approve the site development and building plans for the construction of a 14,200 sqft addition to the existing facility located at N108 W14290 Bel Aire Lane subject to the following conditions:

- 1. Approval is for the site development and building plan set date stamped 8-10-2015 (unless otherwise revised by a subsequent plan set approved by the Village Planner pursuant to revisions required herein).***
- 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. The north elevation 1st floor exit doors (D1, D2 & D10 as shown on the plans) are required to have a hard surface walkway accessing a safe meeting area that will be maintained for all weather conditions. The walkway should connect in both directions around the building. The east walkway should connect at the main entrance (or Fond du Lac Ave) and the west walkway should connect to the rear parking lot near the playground area.***
- 5. Gates within the fenced play areas cannot restrict egress from the building to the walkways.***



Village of

Germantown

Willkommen

Fee must accompany application

\$1460

Paid

Date 8-10-15

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Section 17.42 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

1 APPLICANT OR AGENT

Johnathan Friess
N128 W171 S1 Holy Hill Rd
Germantown WI 53022

Phone (262) 707-6250

Fax ()

E-Mail Jfriess@technoentertainment.com

PROPERTY OWNER

Johnathan Friess
N128 W171 S1 Holy Hill Rd
Germantown WI 53022

Phone (262) 707-6250

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

Johnathan R Friess

3 PROPERTY ADDRESS

N128 W171 S1 Holy Hill Rd

TAX KEY NUMBER

4 DESCRIPTION OF EXISTING OPERATION

Briefly describe the use as it exists today, including use, size, number of employees, hours of operation, etc. If this permit involves new construction, describe the current status of the property, e.g. "vacant." Use additional pages as necessary.

Single Family Residence

5 DESCRIPTION OF PROPOSED OPERATION

Write the name of the proposed conditional use exactly as it appears in the Municipal Code.

Mother-IN-LAW SUITE

Describe the proposed use, including size, number of employees, hours of operation and extent of any new construction/alterations.

Home addition to include a master suite, living room, kitchen renovation & the addition of a study and office. As well as the mother in law suite. Step dad was diagnosed with Alzheimers. Suite will be used by them mom & step dad.

Note step-dad has knee issues so must be ADA Compliant Access to potential lift with a back entrance to suite,

METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY — REQUIRED

6

Attach pages as necessary.

See Survey

SUPPORTING DOCUMENTATION:

7

- ☒ Site plan and elevations for new construction (can be conceptual)
- ☒ Photos of existing use and/or proposed use operating elsewhere
- ☒ Drawings of Addition
- ☒ Site Survey

READ AND INITIAL THE FOLLOWING:

8

- JRF I understand that the Village is under no obligation to issue a Conditional Use Permit and will do so only if the applicant successfully demonstrates that the proposed use is harmonious with the neighborhood and the long range goals of the Village.
- JRF I will notify the Village if any aspect of the conditional use changes. I understand that failure to do so may result in the revocation of the CUP.
- JRF I understand that a Conditional Use Permit is valid only if the conditions and restrictions of the permit are met. I understand that failure to comply with any aspect of the permit may result in revocation.

SIGNATURES — ALL APPLICATIONS MUST BE SIGNED BY OWNER!

9

Applicant

Date

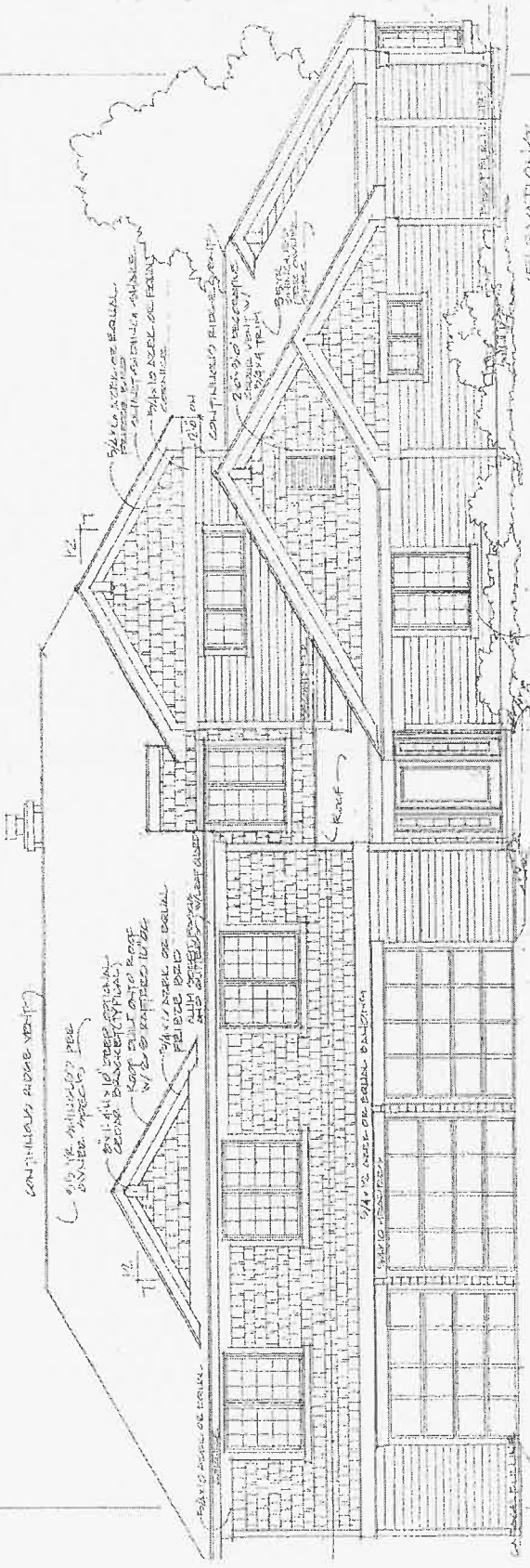
Owner

Date

Future State Square footage

N128W17151 Holy Hill Road

1st floor	Current area	1099
	Addition	978
2nd floor	Upstairs area for us	1382
	Mom and Step Dads area	841
2nd floor total		2223
Over all Total Square footage		4211
% total of dwelling in-law suit		20%
% of second floor in-law suit		38%

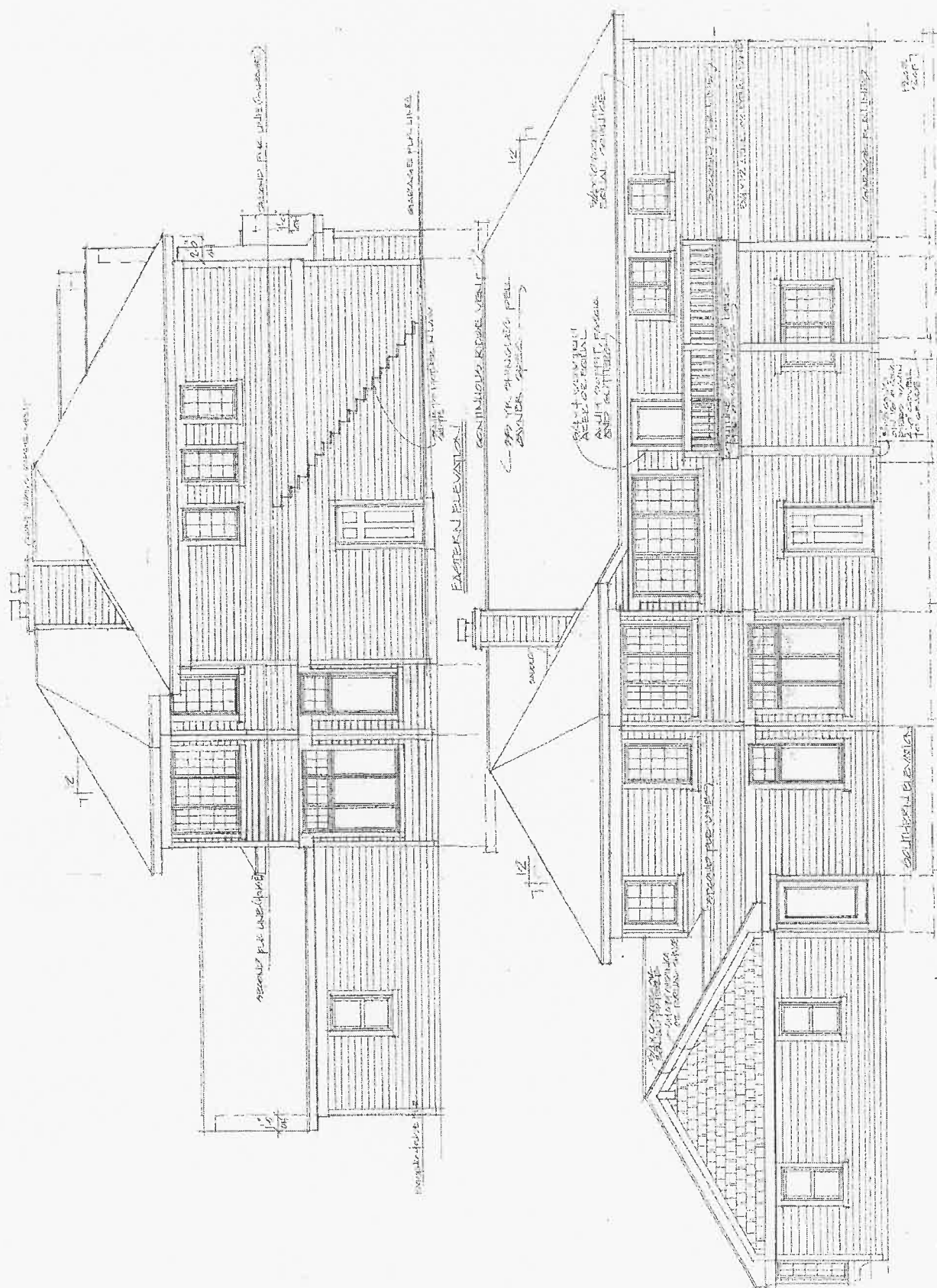


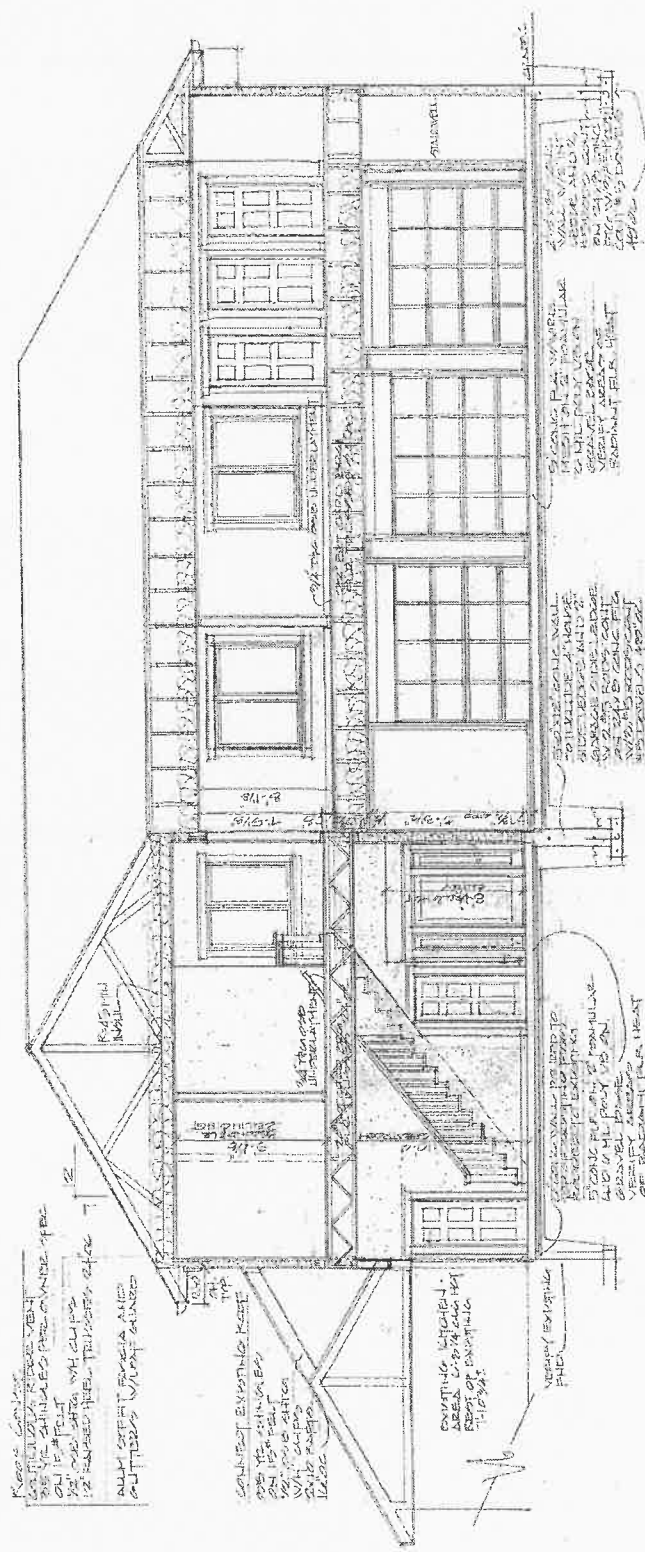
ELEVATION	DATE	BY	SCALE
FRONT	10/10/10	J. Smith	1/8" = 1'-0"
REAR	10/10/10	J. Smith	1/8" = 1'-0"
SIDE	10/10/10	J. Smith	1/8" = 1'-0"
SECTION	10/10/10	J. Smith	1/8" = 1'-0"

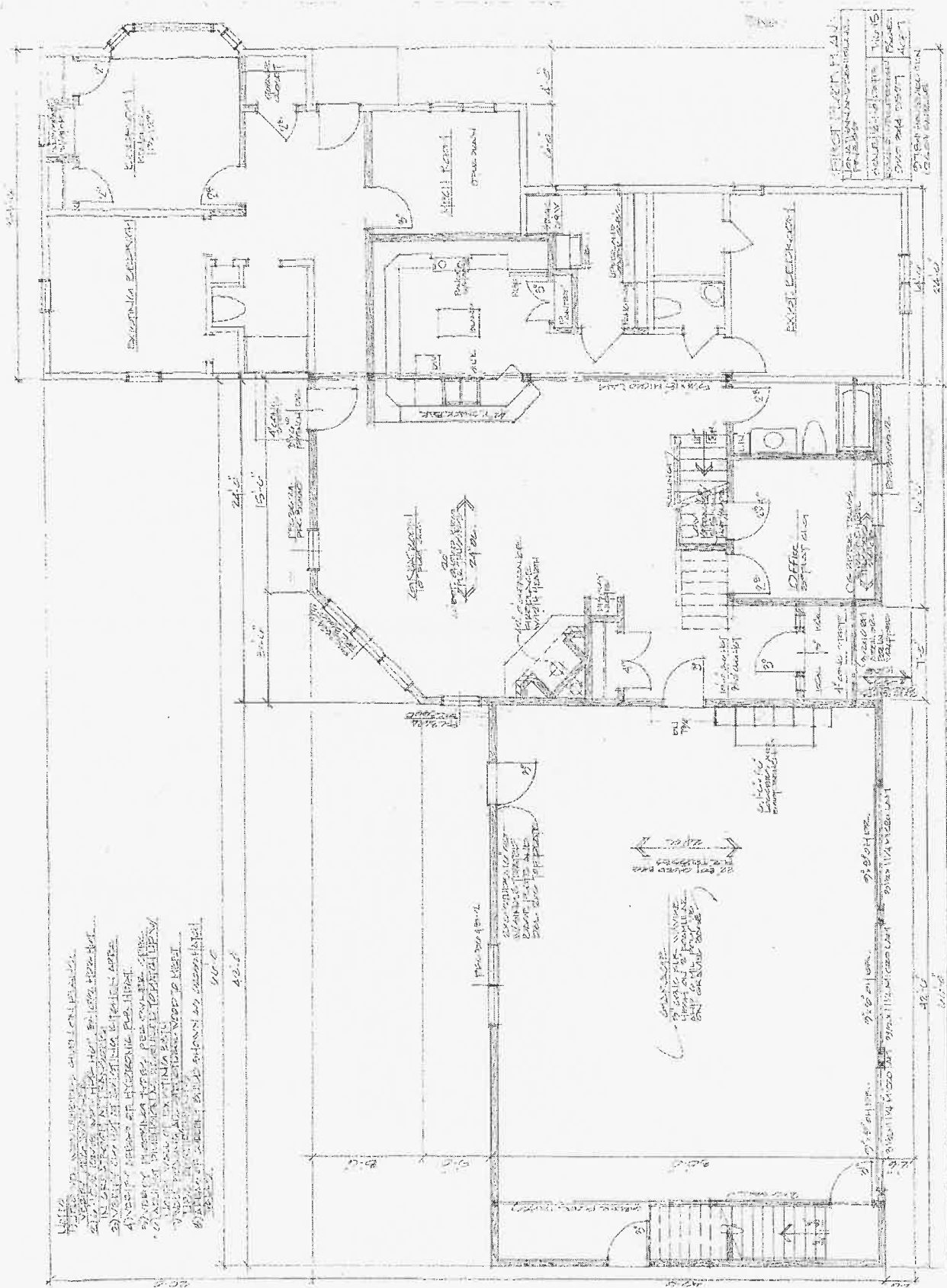
CONTINUOUS RIDGE VENT
SHINGLES
ROOF
SHEATHING

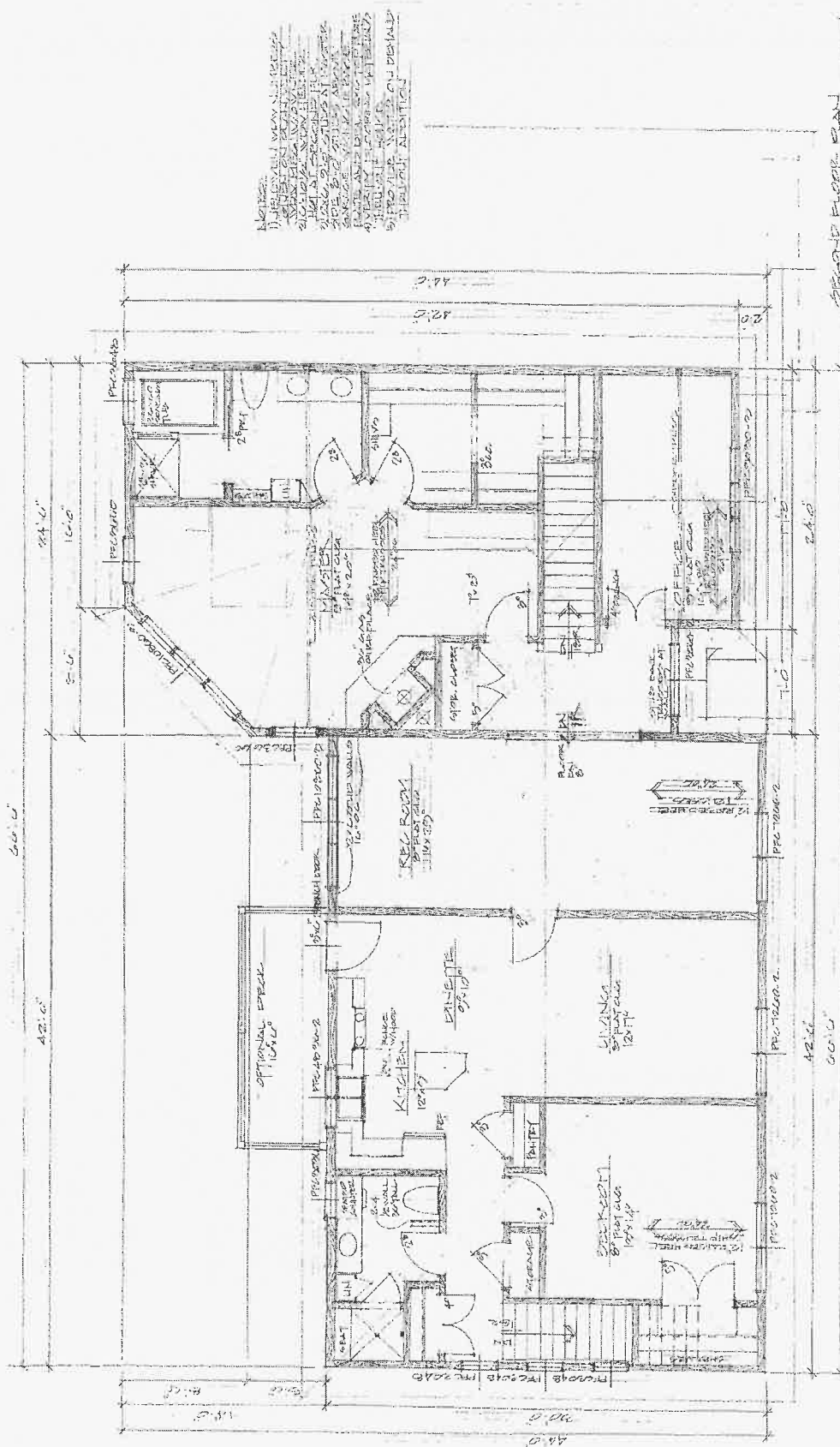
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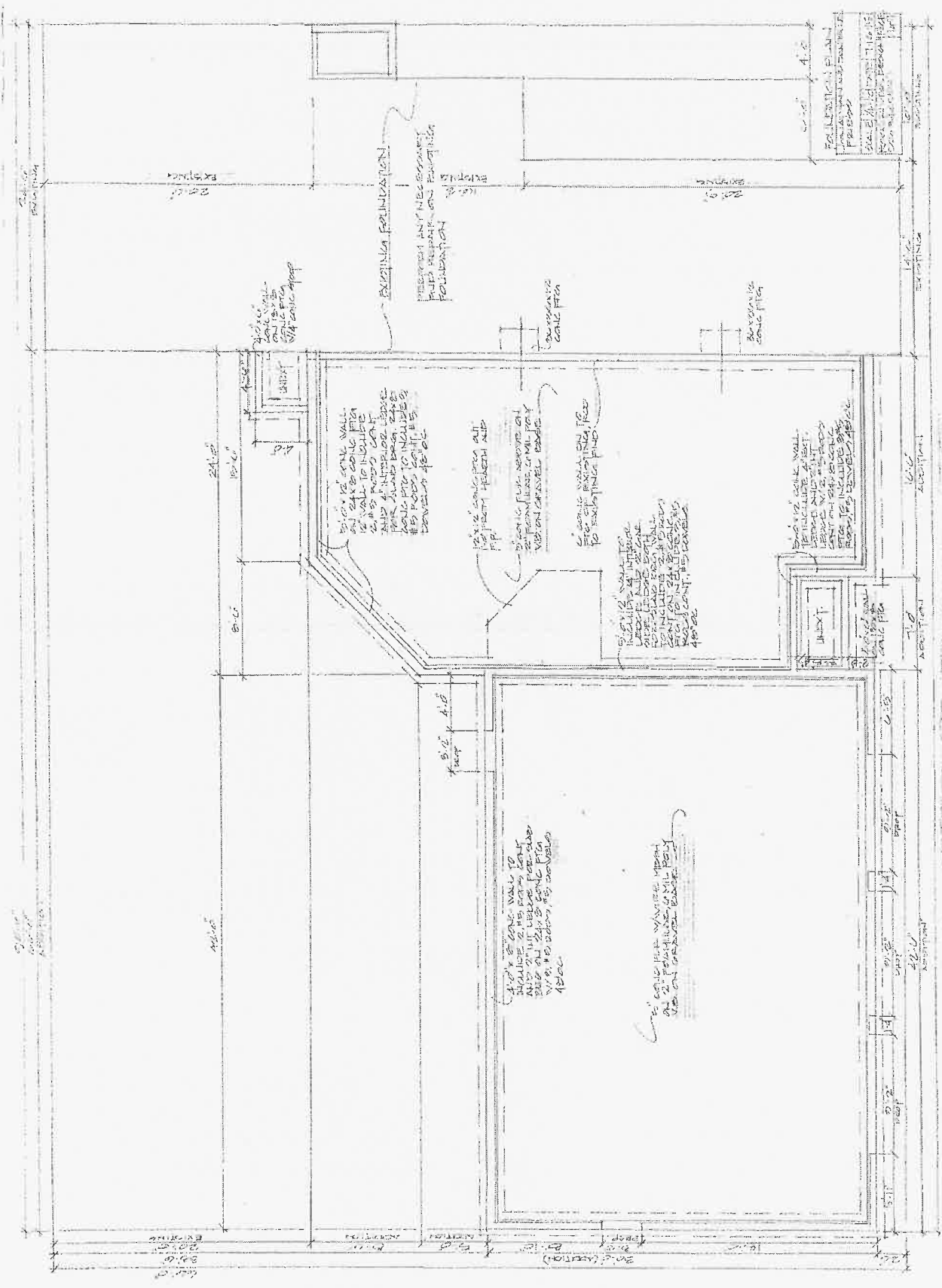
[illegible]





NOTES:
 1. ALL WALLS 12" THICK
 2. ALL DOORS 36" WIDE
 3. ALL WINDOWS 48" WIDE
 4. ALL STAIRS 36" WIDE
 5. ALL HALLS 36" WIDE
 6. ALL BATHS 36" WIDE
 7. ALL BED ROOMS 12' X 12'
 8. ALL LIVING ROOMS 12' X 12'
 9. ALL DINING ROOMS 12' X 12'
 10. ALL KITCHENS 12' X 12'
 11. ALL BATHS 36" WIDE
 12. ALL STAIRS 36" WIDE
 13. ALL HALLS 36" WIDE
 14. ALL BED ROOMS 12' X 12'
 15. ALL LIVING ROOMS 12' X 12'
 16. ALL DINING ROOMS 12' X 12'
 17. ALL KITCHENS 12' X 12'

SPECIAL FLOOR PLAN	
SOUTHERN AND DANIELS, JR. PR. 1924	
SCALE 1/4" = 1'-0"	DATE JUL 15 1924
ROOM INCLUDES: DINING, LIVING, BED, BATH, STAIRS	
PREPARED BY: J. D. DANIELS, JR.	CHECKED BY: J. D. DANIELS, JR.
DESIGNED BY: J. D. DANIELS, JR.	



EXISTING FOUNDATION
REPAIR AND REINFORCE
FOUNDATION

2" CONCRETE WALL
ON EXISTING FLOOR
12" WALL TO INCLUDE
2" x 8" STUDS, GYPSUM
AND 1/2" INTERIOR BOARD
FOR ALL INTERIOR WALLS
FOR ROOMS, CORRIDORS
BATHS, ETC.

2" CONCRETE WALL
ON EXISTING FLOOR
12" WALL TO INCLUDE
2" x 8" STUDS, GYPSUM
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AND 1/2" INTERIOR BOARD
FOR ALL INTERIOR WALLS
FOR ROOMS, CORRIDORS
BATHS, ETC.

REVISIONS

NO.	DESCRIPTION	DATE
1	AS SHOWN	11-15-55
2	REVISION	11-15-55
3	REVISION	11-15-55
4	REVISION	11-15-55
5	REVISION	11-15-55

Plat of Survey for Jonathan Friess

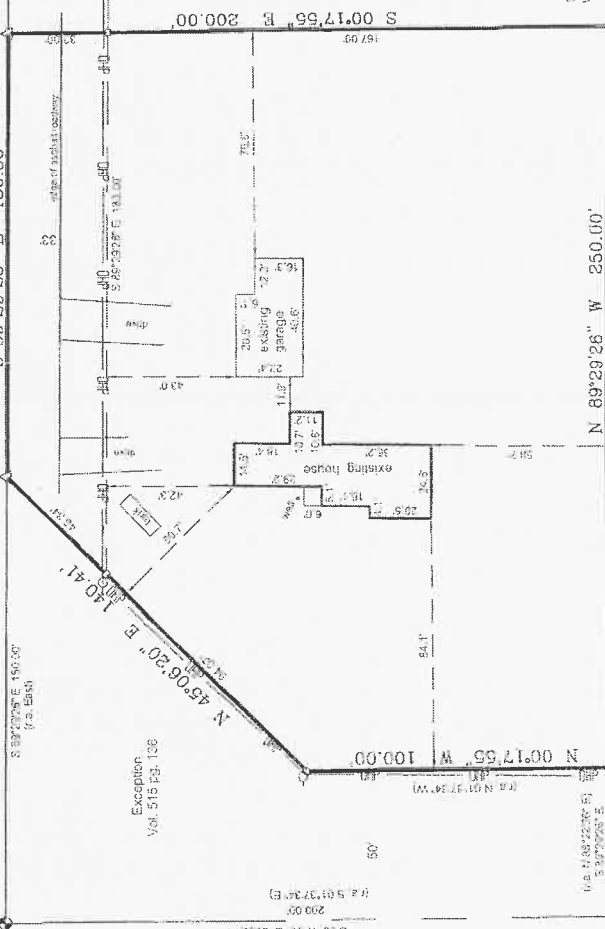
This West 300 feet of the North 250 feet of the Northwest 1/4 of Section 15, Township 3 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, EXCEPTING THEREFROM that portion thereof heretofore conveyed to Washington County as described in Deed recorded March 21, 1972 in Volume 513 of Records at Page 136, as Document No. 323931.

Lot 2
CSM No. 4475

Holy Hill Road

Northwest corner
Sec. 15-9-20
common base cap found

S 89°29'26" E 150.00'



I certify that I have surveyed the above described (Property), and the above map is a true representation thereof and of its size and location of the Property, its extent to adjacent lands, the location and dimensions of all visible structures thereon and roadways, to the best of my knowledge and belief.

This survey is made for the exclusive use of the present owners of the Property, for one (1) year from date hereof.

Field quarter corner
Sec. 15-9-20
common from cap found

Surveying & Engineering, L.P. 2011 Wildlife Lane, Richfield, WI 53476 Phone: 262.867.2120

Dated this 28th day of July, 2015.

Professional Land Surveyor

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AUG 10 2015
OFFICE OF THE VILLAGE PLANNER
VILLAGE OF GERMANTOWN

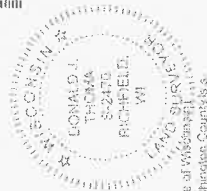
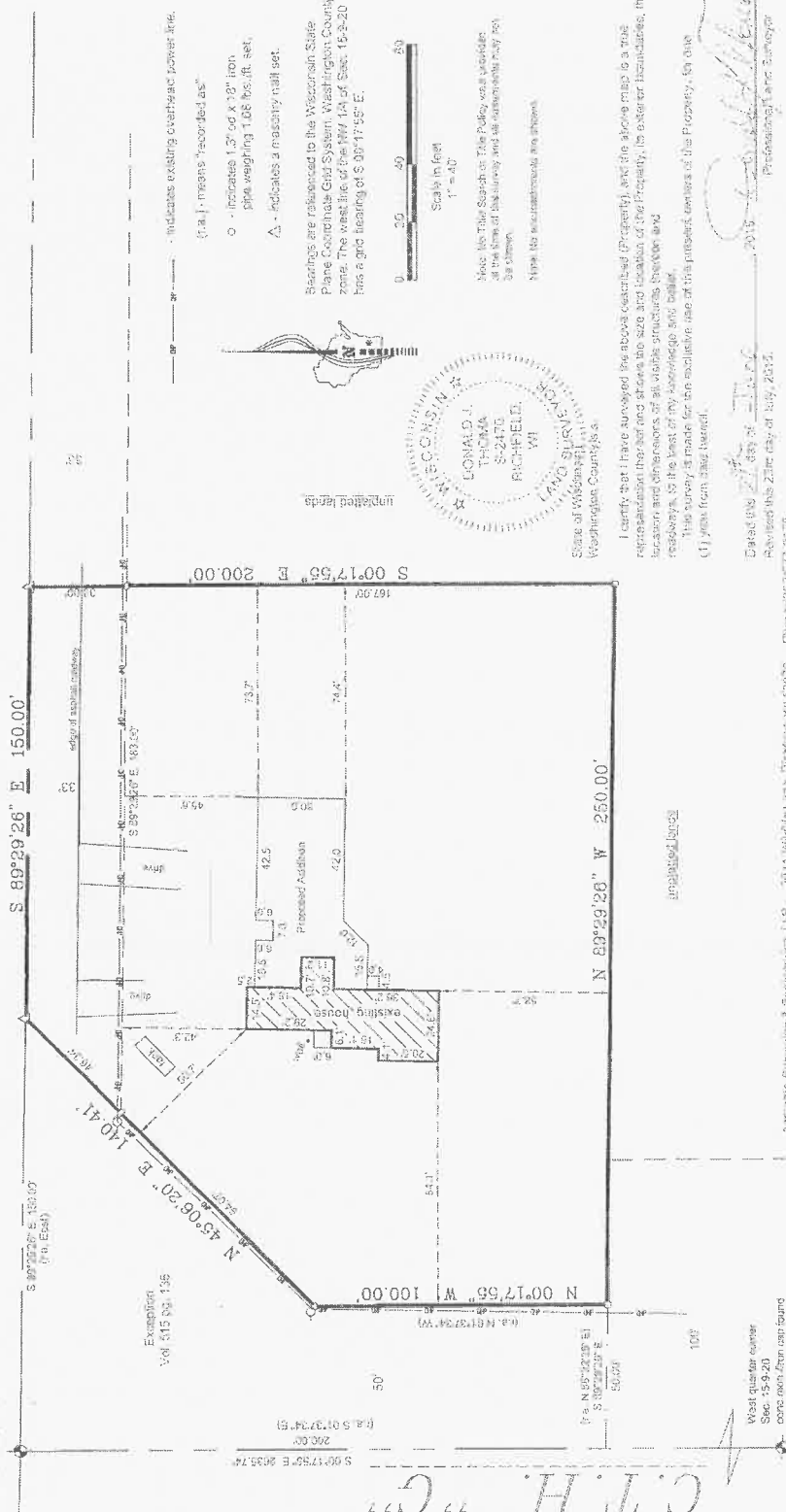
Plat of Survey for Johnathan Friess

The West 300 feet of the North 250 feet of the Northwest 1/4 of Section 15, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, EXCEPTING THEREFROM that portion thereof hereafter conveyed to Washington County as described in Deed recorded March 21, 1972 in Volume 516 of Records at Page 135, as Document No. 328921.

Lot 2,
CSM No. 4475

Holy Hill Road

Northwest corner
Sec. 15-20
containing brass cap found



I certify that I have surveyed the above described property, and the above map is a true representation of the land and shows its size and location of the property, its exterior boundaries, the location and dimensions of all visible structures, buildings and roads, as far as they are known or can be ascertained by the surveyor.

This survey is made for the exclusive use of the person or persons of the property, for the (1) year from this date.

West quarter corner
Sec. 15-20
containing brass cap found

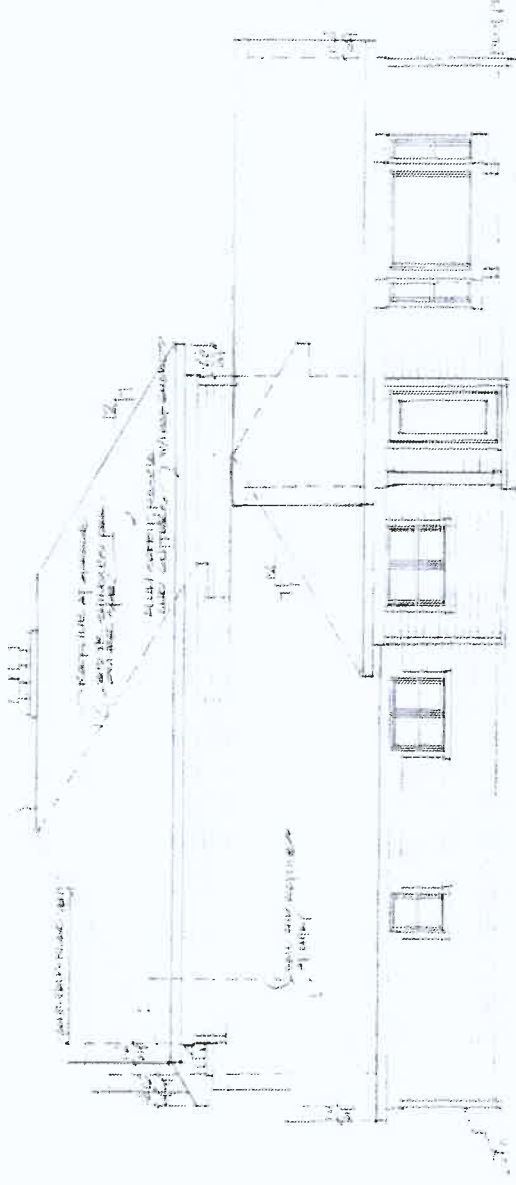
Dated this 21st day of July, 2015.
Reviewed this 21st day of July, 2015.

AUGUSTINE SURVEYING & ENGINEERING, LLP, 2811 Whittier Lane, Rockford, WI 53086 Phone: (262) 877-2120

RECEIVED
AUG 10 2015
OFFICE OF THE VILLAGE PLANNER
VILLAGE OF GERMAN TOWN

Side Elevation

Future State

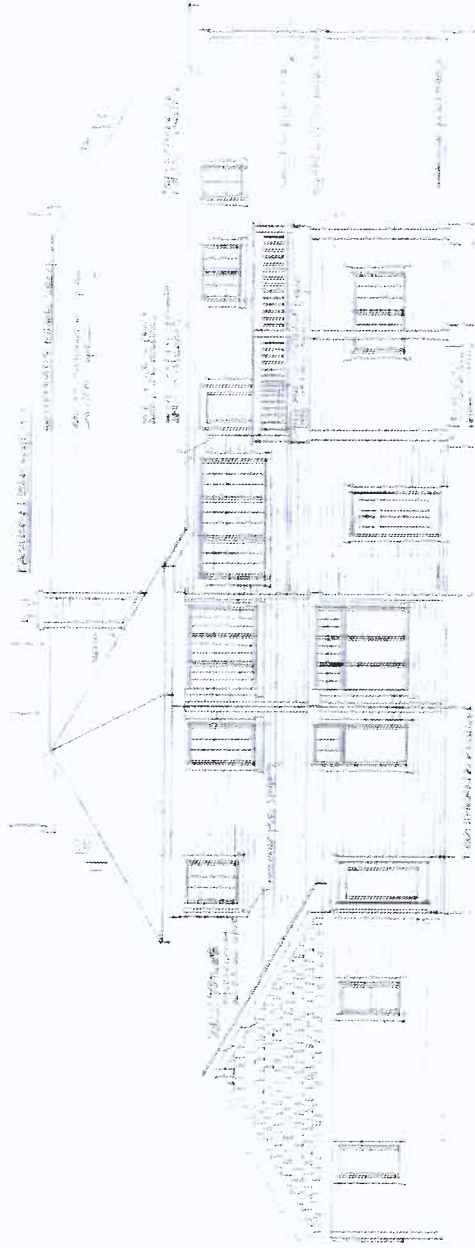


Current State



Rear Elevation

Future State



Current State



X.C

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: October 19, 2015

AGENDA ITEM: New Business (CERTIFIED SURVEY MAP)

ITEM TITLE: Joshua Wolfgram, Agent for John & Ellen Kuber, Property Owners of a 52.5-acre, W200 N14144 Rocky Lane, Richfield, WI, Extraterritorial Plat Review of a Certified Survey Map (CSM) to create an 18.9-acre parcel in the Town of Germantown.

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

SUMMARY EXPLANATION:

Joshua Wolfgram, agent for John & Ellen Kuber, owners of a 52.5-acre parcel on Rocky Lane in the Town of Germantown is seeking approval of a 2-lot Certified Survey Map (CSM) in order to create an 18.9-acre parcel. The Kuber property is located in the Town of Germantown and within the Village's 1.5 mile "extraterritorial" plat review boundary.

Under the Village's extraterritorial plat review authority, the Village has the responsibility to approve or deny land divisions within a 1.5 mile area extending outward from the Village's municipal boundary into any adjacent, unincorporated town (except where the Village's 1.5 mile boundary overlaps the Village of Richfield's 1.5-mile boundary and where such boundaries are then equally divided so only one village has extraterritorial authority over any given parcel of land in an adjacent unincorporated town). The primary purpose for this authority is to give incorporated villages and cities the opportunity to effectively regulate the division of land in an adjacent unincorporated area so that land divisions in such areas do not negatively impact and/or preclude future annexation and development of such areas in accordance with the future land use plans of those villages and cities. However, unlike many villages and cities that exercise the extraterritorial plat authority granted under Wisconsin statutes, the Village of Germantown's 2020 Future Land Use Plan does not extend into the 1.5-mile extraterritorial area. Nevertheless, the proposal to create an 18.9-acre parcel within the Town's agricultural zoning district for this area can be assumed to be "consistent" with the Village's 2020 Land Use Plan given that the adjacent area in the Village is classified as "Agricultural/Conservation Residential" with a 10-acre minimum parcel size requirement for agricultural land and a 5-acre minimum parcel size requirement for residential.

The proposed land division has already been reviewed and approved by the Town of Germantown (see August 11, 2015).

ATTACHMENTS:

- ◆ 9/14/15 Staff Report
- ◆ 9/14/15 Plan Commission Meeting Minutes
- ◆ Preliminary CSM

PLAN COMMISSION RECOMMENDATION:

APPROVE the 2-lot Certified Survey Map land division of the 52.5-acre parcel owned by John and Ellen Kuber located off Rocky Lane (in the Town of Germantown) subject to the following conditions:

1. All requirements and technical corrections identified in the Village Surveyor's August 31, 2015 review memo shall be addressed in a revised CSM prior to recording the CSM.

CERTIFIED SURVEY MAP (CSM) APPLICATION

9/14/15 Plan Commission Meeting

Joshua Wolfgram / John & Ellen Kuber

Village Planner Report

Germantown, Wisconsin

Summary

Joshua Wolfgram, agent for John & Ellen Kuber, property owners of a 52.5-acre parcel on Rocky Lane in the Town of Germantown is seeking approval of a 2-lot Certified Survey Map (CSM) in order to create an 18.9-acre parcel (Extraterritorial Plat Review).

Location: W200 N14144 Rocky Lane (1/2 mile north of Cedar Lane)

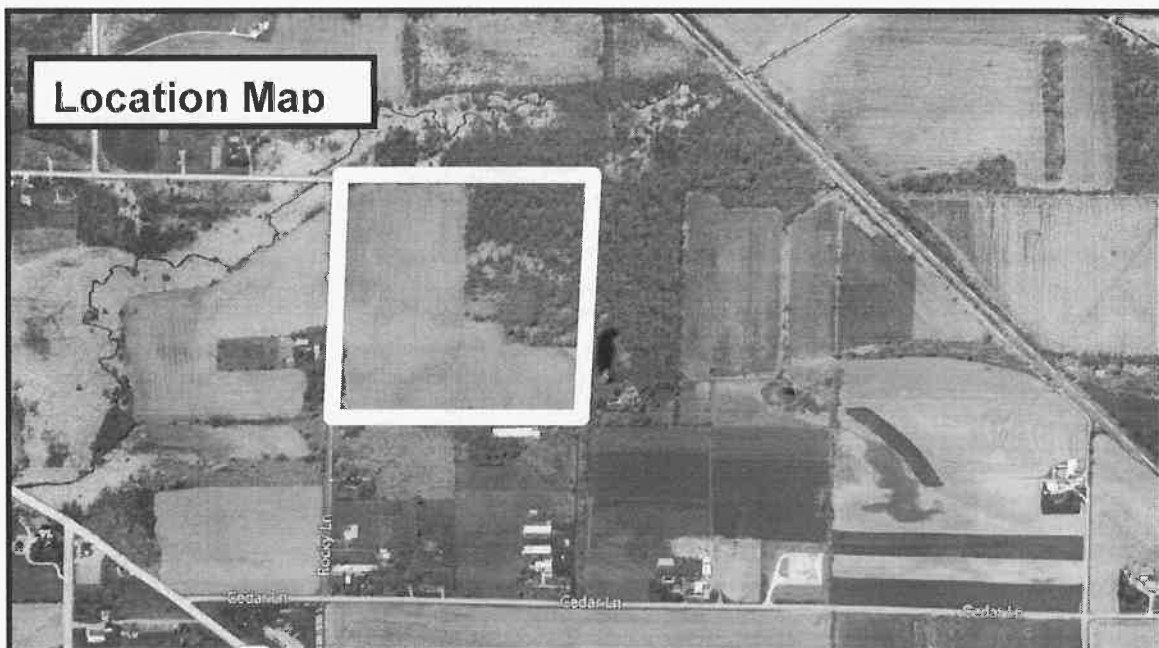
Applicant/

Property Owner: John & Ellen Kuber
W200 N14144 Rocky Lane
Richfield, WI

Joshua Wolfgram
2392 Cedar Crest
Slinger, WI

Zoning District: A-1: Agricultural (Town of Germantown)

Adjacent Land Uses		Zoning
North	Agricultural (T. of Jackson)	A-1
South	Agricultural (T. of Germantown)	A-1
East	Agricultural (V. of Germantown)	A-1
West	Residential (T. of Germantown)	R-1



Proposal

Joshua Wolfgram, agent for John & Ellen Kuber, property owners of a 52.5-acre parcel on Rocky Lane in the Town of Germantown is seeking approval of a 2-lot Certified Survey Map (CSM) in order to create an 18.9-acre parcel (Extraterritorial Plat Review). The Kuber property is located in the Town of Germantown and within the Village's 1.5 mile "extraterritorial" plat review boundary.

Staff Analysis

Under the Village's extraterritorial plat review authority, the Village has the responsibility to review and approve or deny land divisions within a 1.5 mile area extending outward from the Village's municipal boundary into any adjacent, unincorporated town (except where the Village's 1.5 mile boundary overlaps the Village of Richfield's 1.5-mile boundary and where such boundaries are then equally divided so only one village has extraterritorial authority over any given parcel of land in an adjacent unincorporated town). The primary purpose for this responsibility and approval authority is to give incorporated villages and cities the opportunity to effectively regulate the division of land in an adjacent unincorporated area so that land divisions in such areas do not negatively impact and/or preclude future annexation and development of such areas in accordance with the future land use plans of those villages and cities. However, unlike many villages and cities that exercise the extraterritorial plat authority granted under Wisconsin statutes, the Village of Germantown's 2020 Future Land Use Plan does not extend into the 1.5-mile extraterritorial area.

Nevertheless, the proposal to create an 18.9-acre parcel within the Town's agricultural zoning district for this area can be assumed to be "consistent" with the Village's 2020 Land Use Plan given that the adjacent area in the Village is classified as "Agricultural/Conservation Residential" with a 10-acre minimum parcel size requirement for agricultural land and a 5-acre minimum parcel size requirement for residential.

The proposed land division has already been reviewed and approved by the Town of Germantown (see August 11, 2015 letter from Deanne Hapka, Town Clerk).

Proposed Lot 1 contains delineated wetlands across the eastern portion of the property with about ½ of the north portion of the proposed lot located within the 100-Year Floodplain. However, the parcel contains more than the minimum one (1) acre of land at least 2' above the floodplain elevation required under the Village's Subdivision Platting Code. (The Village's 25' wetland setback is a Shoreland-Wetland Zoning Code requirement and does NOT apply in the Town of Germantown).

Proposed Lot 2 will remain undeveloped and continue to be used for agricultural purposes.

Soil evaluations have been completed and indicate that Lot 1 is suitable for the installation of an on-site (mound-type) sanitary system.

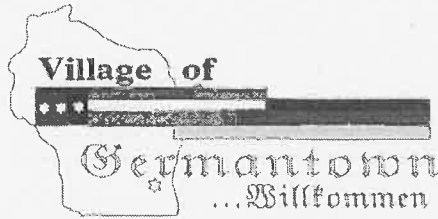
The 52.5-acre parcel is bisected by a 100' wide utility easement/right-of-way owned by ANR Pipeline. The owner has received tentative approval for the proposed utility and driveway extension across the 100' wide easement subject to further review at the time of construction, and, a required Encroachment Agreement between the owner and ANR Pipeline.

The Village Surveyor has reviewed the proposed CSM and has identified a series of minor corrections in his August 31, 2015 memo (copy attached). While it is understood that most of the items listed in the memo have already been corrected and are reflected in the proposed CSM, all items will need to be addressed prior to recording the CSM.

Village Planner Recommendation

APPROVE the 2-lot Certified Survey Map land division of the 52.5-acre parcel owned by John and Ellen Kuber located off Rocky Lane (in the Town of Germantown) subject to the following conditions:

1. All requirements and technical corrections identified in the Village Surveyor's August 31, 2015 review memo shall be addressed in a revised CSM prior to recording the CSM.



Engineering Department Memorandum

To: Jeff Retzlaff Village Planner
CC:
From: Bob Beilfuss, PLS, Village Surveyor
Date: August 31, 2015
Re: Kuber CSM

Jeff,

Here are my review comments for the CSM received 8-21-2015.

Certified Survey Map

Applicant or Owner: John Kuber
Land Surveyor/Firm: KW Surveying Inc.
Current Zoning: Unknown

1. This parcel with a parcel number of T5_0137 has a total area of 53.8 acres. This CSM leaves a remnant unplatted parcel of approximately 34.3 acres which should be included as a second lot on this current CSM. Approval of this submitted CSM will leave the remnant parcel with an untraceable and undefined legal description.

It is the Village's policy to not leave undefined/described parcels from the same parent parcel after a land division has been recorded and remove the future possibility of junior and senior land rights being an item of contention in the future.

2. No building setbacks shown. I am not aware if the Town of Germantown requires building setback to be shown, but the Village of Germantown does.
3. The map on the sheet 1 does not scale.
4. The status of the lands adjoining the east boundary line (along the line measured as 307.34') is unplatted.
5. We have not received the CADD file from the previous CSM (CSM No. 6624) from the same property owner/surveyor which was recorded on June 8, 2015. Receiving this file was a standard review comment for that CSM. The CSM was submitted by the Clerk's office.

As that previous CSM was recorded, the Engineering Department has no recourse in obtaining the missing CADD file.

6. I do not recommend approval of this CSM in the current state it was submitted.

August 31, 2015

Document Submittals and Data Conversion

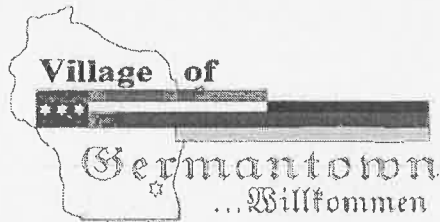
As of October, 2005, the Village of Germantown requires a digital copy of all Certified Survey Maps, Condominium Plats and Subdivision Plats in addition to the documents as required by Wisconsin Statute and Village Ordinances as part of the land division approval.

Prior to Recording the Certified Survey Map, the professional land surveyor is responsible for submitting a copy of the AutoCad drawing file (.dwg) of the document in version 2007 on compact disk (CD) or via email to the Village Surveyor.

All digital professional land surveyor seals and signatures will be purged from the digital copy prior to submittal.

The model space of the drawing will be done in Wisconsin State Plane Coordinate System, South Zone (NAD 1927 datum) and the Grid Bearing basis.

Prior to Recording the Certified Survey Map, the Village Engineering Department will verify that the boundary markers have been installed as described on the submitted map. All boundary corners are to be clearly marked in the field by the professional land surveyor of record.



Engineering Department Memorandum

To: Jeff Retzlaff Village Planner
CC:
From: Bob Beilfuss, PLS, Village Surveyor
Date: September 11, 2015
Re: Kuber CSM

Jeff,

Here are my review comments for the CSM received 9-9-2015.

Certified Survey Map

Applicant or Owner: John Kuber
Land Surveyor/Firm: KW Surveying Inc.
Current Zoning: Unknown

1. This parcel with a parcel number of T5_0137 has a total area of 53.8 acres. This CSM leaves a remnant unplatted parcel of approximately 34.3 acres which should be included as a second lot on this current CSM. Approval of this submitted CSM will leave the remnant parcel with an untraceable and undefined legal description.

It is the Village's policy to not leave undefined/described parcels from the same parent parcel after a land division has been recorded and remove the future possibility of junior and senior land rights being an item of contention in the future.

This comment has been addressed and a second lot has been added to the original map.

2. No building setbacks shown. I am not aware if the Town of Germantown requires building setback to be shown, but the Village of Germantown does.
This comment has been addressed.

3. The map on the sheet 1 does not scale. This comment has been addressed.

4. The status of the lands adjoining the east boundary line (along the line measured as 307.34') is unplatted. This comment has been addressed.

5. We have not received the CADD file from the previous CSM (CSM No. 6624) from the same property owner/surveyor which was recorded on June 8, 2015. Receiving this file was a standard review comment for that CSM. The CSM was submitted by the Clerk's office.

As that previous CSM was recorded, the Engineering Department has no recourse in obtaining the missing CADD file. This comment has been addressed. A new CADD file for this new CSM will be required prior to recording of the document.

August 31, 2015

6. I do not recommend approval of this CSM in the current state it was submitted.
I do recommend approval of this CSM in the current state it was submitted with the minor corrections.
7. On sheet 2 of 5, Ken needs to change his initials from RLS to PLS on his signature line.
8. On sheet 3 of 5 in the Owners Certificate, on the first sentence replace "Registered" with "Professional".

No further review comments.

Document Submittals and Data Conversion

As of October, 2005, the Village of Germantown requires a digital copy of all Certified Survey Maps, Condominium Plats and Subdivision Plats in addition to the documents as required by Wisconsin Statute and Village Ordinances as part of the land division approval.

Prior to Recording the Certified Survey Map, the professional land surveyor is responsible for submitting a copy of the AutoCad drawing file (.dwg) of the document in version 2007 on compact disk (CD) or via email to the Village Surveyor.

All digital professional land surveyor seals and signatures will be purged from the digital copy prior to submittal.

The model space of the drawing will be done in Wisconsin State Plane Coordinate System, South Zone (NAD 1927 datum) and the Grid Bearing basis.

Prior to Recording the Certified Survey Map, the Village Engineering Department will verify that the boundary markers have been installed as described on the submitted map. All boundary corners are to be clearly marked in the field by the professional land surveyor of record.

6. ***The building is currently fully sprinkled with a monitored fire alarm system. The new addition will need state approval for the sprinkler and alarm systems per DSPS.***
7. ***The child care operates unlicensed via church exception under state rules. All daycare related licensing requirements including building construction and operations shall meet the requirements per Department of Children and Families.***
8. ***An updated emergency plan shall be required at the time of occupancy for all operating groups within the building; including the school, child care and church services to be included within plan.***
9. ***State approved plans and a \$20,000 occupancy bond are required by the Building Inspection Department as part of the building permit application.***

Dave Miller, Anderson-Ashton said he will meet with the Fire Chief to determine exactly what is required regarding the walkway.

MOTION to Amend Gray second Baum that the low level plantings around the north perimeter of the building be re-designed by adding viburnum or other taller plants that can handle the shade.

MOTION to Amend carried unanimously.

Commissioner Gray asked the Church to consider creating a garden on the property to teach kids about plants.

MOTION to Approve as Amended carried unanimously.

John & Ellen Kuber – 52.5- acres in the Town of Germantown on Rocky Lane in the Town of Germantown. Joshua Wolfram is seeking approval of a 2-lot Certified Survey Map (CSM) in order to create an 18.9-acre parcel (Extraterritorial Plat Review). Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the 2-lot Certified Survey Map land division of the 52.5-acre parcel owned by John and Ellen Kuber located off Rocky Lane (in the Town of Germantown) subject to the following conditions:

1. ***All requirements and technical corrections identified in the Village Surveyor's August 31, 2015 review memo shall be addressed in a revised CSM prior to recording the CSM.***

Josh Wolfram said the 18.9 total acres listed is incorrect and should be 19.56 acres. He said his surveyor will correct the error.

MOTION to Amend Baum second Shadid to allow the Village Planner to address the change in the site plan for the additional acreage.

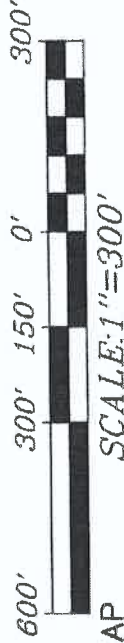
MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

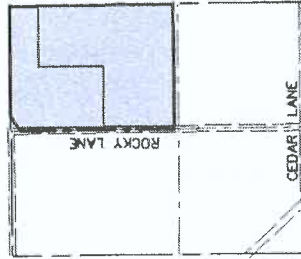
RECEIVED
OCT 12 2015
OFFICE OF THE VILLAGE PLANNER
VILLAGE OF GERMANTOWN

CERTIFIED SURVEY MAP NO.

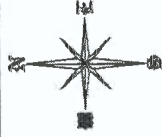
PART OF THE NE FRACTIONAL 1/4 OF THE NW FRACTIONAL 1/4 OF SECTION
5, TOWN 9 NORTH, RANGE 20 EAST, TOWN OF GERMANTOWN,
WASHINGTON COUNTY, WISCONSIN.



LOCALITY MAP



NOTE: THE FLOODPLAIN AND WETLAND LIMITS
ARE BASED ON WASHINGTON COUNTY GIS
MAPPING AND ARE APPROXIMATE.



BEARINGS ARE REFERENCED TO THE WISCONSIN STATE
PLANE COORDINATE SYSTEM SOUTH ZONE (NAD 1927)
THE EAST LINE OF THE NW 1/4 OF SEC.5 T9N.
R20E. AS S 00°32' 54" E

NW FRACTIONAL 1/4 OF
SECTION 5-9-20

N 55°58' 57" E unplatted lands

N 89°42' 30" E 1159.60'

TOWN OF JACKSON

TOWN OF GERMANTOWN

SW COR.
SEC.32-10-20
CONC. MON W/
BRASS CAP FND.

OWNER & SUBDIVIDER
JOHN KUBER
W200N14144 ROCKY LANE
RICHFIELD WI 53076

DEDICATED TO THE
PUBLIC FOR ROAD
PURPOSES

BUILDING SETBACKS
100' FROM CENTER RD.
SIDE-12' MINIMUM 30' TOTAL
WETLAND -25'

NE COR. NW 1/4
SEC.5-9-20
CONC. MON W/
BRASS CAP FND.
472144.18
2491954.73

RIGHT-OF-WAY PER VOL.208
& VOL.175 PG 617

FLOODPLAIN
LIMITS

LOT 1
852136 S.F.

N 02°21' 22" W 990.20'

N 00°24' 29" W 912.93'

U/G PIPE LINES

ROCKY LANE

KW SURVEYING, INC.
725 PALMYRA STREET
P.O. BOX 32
SULLIVAN, WI. 53178
(262)-593-5800

LOT 2
1381776 S.F.

unplatted lands

S 00°32' 54" E

E. LINE OF THE NW 1/4 SEC.5

S 89°35' 31" W 595.08'

S 00°24' 29" E 680.00'

WETLAND
LIMITS

1754.28'

1446.94'

(3125.20')

BUILDING SETBACK LINE

761.78'

S 02°21' 22" E 762.45'

S 89°35' 31" W

680.77'

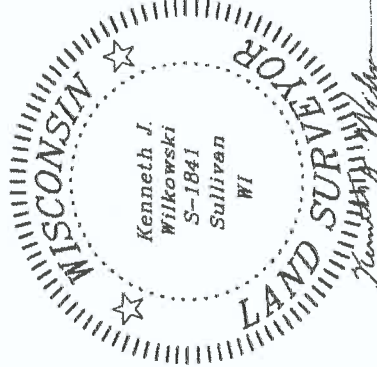
(SEE COURSE TABLE SHEET 2)

6 OUTLOT 1

CSM NO. 6624

SE COR. NW 1/4
SEC.5-9-20
CONC. MON W/
BRASS CAP FND.
469019.46
2491984.63

- - INDICATES MAG NAIL SET
- ◆ - INDICATES MAG NAIL FOUND
- - INDICATES SOIL TEST HOLE
- - INDICATES 3/4" X 18" IRON ROD SET
WEIGHING 1.5 LBS./FT.



REVISED THIS 8TH DAY OF OCTOBER, 2015.
DATED THIS 4TH DAY OF SEPTEMBER, 2015.

THIS INSTRUMENT WAS DRAFTED BY KENNETH J. WILKOWSKI, S-1841

JOB NO. 1629

SHEET 1 OF 5

CERTIFIED SURVEY MAP NO.

PART OF THE NE FRACTIONAL 1/4 OF THE NW FRACTIONAL 1/4 OF SECTION 5,
TOWN 9 NORTH, RANGE 20 EAST, TOWN OF GERMANTOWN,
WASHINGTON COUNTY, WISCONSIN.

SURVEYORS CERTIFICATE

I, Kenneth J. Wilkowski, Registered Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a part of the NE fractional 1/4 of the NW fractional 1/4 of Section 5, Town 9 North, Range 20 East, Town of Germantown, Washington County, Wisconsin, bounded and described as follows:

Commencing at the NE corner of the NW fractional 1/4 of said Section 5, said point being the POINT OF BEGINNING of the following description:

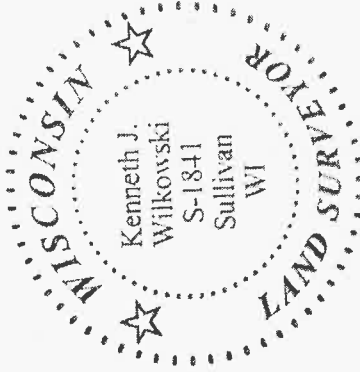
Thence South 00°32'54" East along the East line of the said NW 1/4 a distance of 1754.28 feet to a point; Thence South 89°29'07" West a distance of 21.21 feet to a point; Thence North 84°25'06" West a distance of 61.64 feet to a point;
Thence South 86°57'25" West a distance of 133.94 feet to a point; Thence South 89°38'37" West a distance of 317.52 feet to a point; Thence North 89°11'40" West a distance of 190.17 feet to point; Thence South 89°39'17" West a distance of 588.44 feet to a point on the centerline of Rocky Lane; Thence North 00°24'29" West along said centerline a distance of 1652.74 feet to a point; Thence North 55°58'57" East a distance of 178.31 feet to a point on the North line of said NW 1/4; Thence North 89°42'30" East along said North line a distance of 1159.60 feet to the POINT OF BEGINNING; and containing 2,288.816 square feet or 52.5440 acre(s) of land, more or less.

That I have made such survey, land division, and map by the direction of, John C. and Ellen M. Kuber, owners of said land.

That such map is a correct representation of all exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of Wisconsin Statutes and the Subdivision Regulations of the Town of Germantown.


Kenneth J. Wilkowski, R.L.S.



COURSE	BEARING	DISTANCE
1	S 89°29'07" W	21.21'
2	N 84°25'06" W	61.64'
3	S 86°57'25" W	133.94'
4	S 89°38'37" W	317.52'
5	N 89°11'40" W	190.17'
6	S 89°39'17" W	588.44'

TOWN OF GERMANTOWN APPROVAL

Approved by the Town of Germantown this _____

_____ day of _____, 20____

REVISED THIS 8TH DAY OF OCTOBER, 2015
DATED THIS 4TH DAY OF SEPTEMBER, 2015
SHEET 2 OF 5

THIS INSTRUMENT WAS DRAFTED BY KENNETH J. WILKOWSKI, S-1841

CERTIFIED SURVEY MAP NO.

**PART OF THE NE FRACTIONAL 1/4 OF THE NW FRACTIONAL 1/4 OF SECTION 5,
TOWN 9 NORTH, RANGE 20 EAST, TOWN OF GERMANTOWN AND VILLAGE OF GERMANTOWN,
WASHINGTON COUNTY, WISCONSIN.**

OWNERS CERTIFICATE

As owners of the lands described in the foregoing certificate of Kenneth J. Wilkowski, Registered Land Surveyor, we hereby certify that we caused the said lands to be surveyed, divided, mapped and dedicated as represented on the map of said survey in accordance with the provisions of Chapter 236 of the Wisconsin Statutes. We also certify that this plat is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: Village of Germantown.

Witness the hand and seal of said owners this _____ day of _____, 201_____.

John C. Kuber

Ellen M. Kuber

**STATE OF WISCONSIN)
WASHINGTON COUNTY)**

Personally came before me this _____ day of _____, 201_____ the above named, **John C. and Ellen M. Kuber**, owners known to me to be the persons who executed the foregoing instrument and acknowledged the same.
My commission expires: _____

Notary public, _____ Co., WI

VILLAGE OF GERMANTOWN BOARD APPROVAL

This Certified Survey Map, being a division of the NE fractional 1/4 of the NW fractional 1/4 of Section 5, Township 9 North Range 20 East, Village of Germantown, Washington, County, Wisconsin, having been approved by the Planning Commission being the same, is hereby approved and accepted by the Village Board of Trustees of the Village of Germantown on this _____ day of _____, 20_____.

Dean Wolter, Chairman of Village Planning Commission

Barbara K.D. Goeckner, Village Clerk

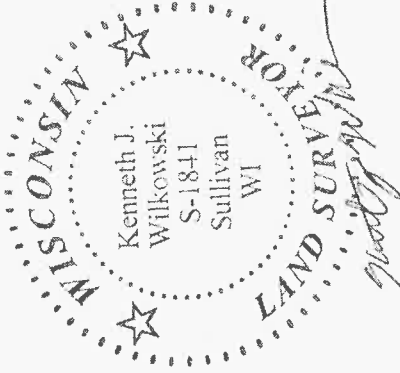
VILLAGE OF GERMANTOWN PLAN COMMISSION APPROVAL

This Certified Survey Map is hereby approved by the Plan Commission of the Village of Germantown on

this _____ day of _____, 20_____.

Dean Wolter, Chairman of the Village Planning Commission

Laura A. Johnson, Planning Commission Secretary



REVISED THIS 8TH DAY OF OCTOBER, 2015
DATED THIS 4TH DAY OF SEPTEMBER, 201
SHEET 3 OF 5

THIS INSTRUMENT WAS DRAFTED BY KENNETH J. WILKOWSKI, S-1841

PART OF THE NE FRACTIONAL 1/4 OF THE NW FRACTIONAL 1/4 OF SECTION 5,
TOWN 9 NORTH, RANGE 20 EAST, TOWN OF GERMANTOWN AND VILLAGE OF GERMANTOWN,
WASHINGTON COUNTY, WISCONSIN.

First Bank Financial Centre, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, a mortgagee of the above described land, does hereby certify that said corporation caused the land described on this plat, to be surveyed, divided mapped and dedicated as represented on this plat.

IN WITNESS WHEREOF, the said First Bank Financial Centre has caused these presents to be signed by

secretary(cashier), at _____, Wisconsin, and its corporate seal to hereunto affixed this

In the presence of:

Secretary or Cashier

Personally came before me this _____ day of _____, 20____,

(Notary Seal)

My commission expires



THIS INSTRUMENT WAS DRAFTED BY KENNETH J. WILKOWSKI, S-1841

**PART OF THE NE FRACTIONAL 1/4 OF THE NW FRACTIONAL 1/4 OF SECTION 5,
TOWN 9 NORTH, RANGE 20 EAST, TOWN OF GERMANTOWN AND VILLAGE OF GERMANTOWN,
WASHINGTON COUNTY, WISCONSIN.**

State Bank of Newburg, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, a mortgagee of the above described land, does hereby certify that said corporation caused the land described on this plat, to be surveyed, divided mapped and dedicated as represented on this plat.

IN WITNESS WHEREOF, the said State Bank of Newburg has caused these presents to be signed by

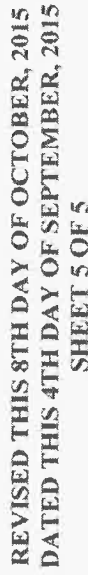
secretary (cashier), at _____ Wisconsin, and its corporate seal to hereunto affixed this _____ day of 20 _____.

President	
Secretary or Cashier	

Personally came before me this _____ day of _____, 20____,

of the above named corporation, to me known to be such President and Secretary (cashier) of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

My commission expires



THIS INSTRUMENT WAS DRAFTED BY KENNETH J. WILKOWSKI, S-1841



Village of
Germantown
...Willkommen

\$ 980.00

Fee must accompany application

☐ \$2,900 with public improvements

☐ \$1,960 no public improvements

Paid h. Date 8-12-15

CERTIFIED SURVEY MAP APPLICATION

Pursuant to Section 18.06 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

1 APPLICANT OR AGENT

Joshua Wolfgram
2392 Cedar Crest Dr.
Slinger, WI 53086

Phone (414) 550-0959

Fax ()

E-Mail jwolf444@hotmail.com

PROPERTY OWNER

John & Ellen Kuber
W200N14144 Rocky Ln
Richfield, WI 53076

Phone (414) 416-9000

2

PROPERTY ADDRESS OR GENERAL LOCATION

TAX KEY NUMBER

<u>NW 19.5 (appx) acres on Rocky Ln</u>	<u>T5_0137</u>
---	----------------

3

PURPOSE OF LAND SPLIT

<u>sale</u>	Will the land split require rezoning?	
	<u>no</u>	
	From	To

4

READ AND INITIAL THE FOLLOWING:

JW I understand that the Certified Survey Map is not valid until recorded at the Washington County Register of Deeds. The Village will record the document and charge the applicant all applicable recording fees.

JW I understand that the Map will not be placed on the Village Board agenda until all the technical corrections to the CSM are made, the payment of any outstanding impact fees are paid to the Village Clerk's Department, and the original signed and stamped copy of the Map is submitted on the proper paper.

JW I understand that parcels created outside the Sewer Service Area will require a soil test. I also understand that all properties abutting a State Highway will require DOT approval and I will be responsible for securing such approval prior to recording.

JW I understand all delinquent property taxes on any of the properties involved shall be paid prior to recording.

5

SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Joshua Wolfgram 8/6/15
Applicant Date

[Signature] 8/6/15
Owner Date

[Print](#)[Close](#)**RE: Need letter ok to cross pipeline"**

From: **Lawrence Huber** (Lawrence_Huber@transcanada.com)

Sent: **Thu 7/23/15 7:51 AM**

To: **Josh Wolfgram** (jwolf444@hotmail.com)

 1 attachment

Fax Message - 10.pdf (264.0 KB)

Josh: ANR Pipeline Company works with owners proposing crossing like you mentioned. I have attached ANR's guidelines which reference utility and driveway crossings as being encroachments that we allow. There will be steps needed before your proposal can be approved. You will need to provide me with a sketch of the proposed driveway and utility crossings along with the depth of our pipelines in that crossing area. ANR requires 18" of separation between our pipelines and your utilities and our Engineering Dept. will have to review your driveway crossing to determine if your proposed crossing will need to have additional cover added which quite often is the case. Please provide this e-mail to the Town of Germantown that ANR generally has no problem with these types of crossings after all steps are taken to review and approve your proposal. After a project is reviewed an Encroachment Agreement prepared by me will need to be signed by the owner and ANR's field personnel will need to be on site when work occurs in the easement area. Please let me know if you have question or concerns.

TransCanada Pipelines Limited

ANR Pipeline Company

Community & Sustainability

Larry Huber, Land Rep.

W3925 Pipeline Lane

Eden, WI 53019

(920) 477-2235

(920) 477-2240 fax

From: Josh Wolfgram [mailto:jwolf444@hotmail.com]

Sent: Wednesday, July 22, 2015 4:10 PM

To: Lawrence Huber

Cc: Josh Wolfgram

Subject: Need letter ok to cross pipeline

Hello Larry,

I just spoke with you about a parcel of land that I am looking to purchase in the town of Germantown Wisconsin (T5_0137 Washington County). I am looking to purchase approximately 19.5 acres from the above mentioned parcel. I will look to build a single family home in the sound end of the split parcel (near the soil test holes) East of the transcanada pipelines on the property. The village and town have asked that I get something in writing stating I will be able to cross this with a driveway and utilities.

I have attached the preliminary survey for review as well as the original paperwork that you had sent to Ken (surveyor). Please let me know if you have any questions and/or guidelines that might be relevant as I look to get the village to agree split the parcel and future home site.

Thanks again for the help

Josh Wolfgram

jwolf444@hotmail.com

cell 414-550-0959

> From: kwsurvey@charter.net
> To: jwolf444@hotmail.com
> Subject: Fw: Message from "RNP0026739141C3"
> Date: Wed, 22 Jul 2015 13:25:50 -0500

>
> -----Original Message-----
> From: Lawrence Huber
> Sent: Tuesday, April 07, 2015 1:42 PM
> To: kwsurvey@charter.net
> Subject: FW: Message from "RNP0026739141C3"

>
> Ken: Here are the two agreements for this property as I can best determine
> from your information. This would be considered a 100' total width easement
> being 25' east of our eastern pipeline and 75' west of the eastern pipeline
> with our second pipe being laid 25' west and parallel to the eastern pipe.
> Let me know if you have any questions.
>

> TransCanada Pipelines Limited
> ANR Pipeline Company
> Community & Sustainability
> Larry Huber, Land Rep.
> W3925 Pipeline Lane
> Eden, WI 53019
> (920) 477-2235
> (920) 477-2240 fax
>

We respect your right to choose which electronic messages you receive. To stop receiving this message and similar communications from TransCanada PipeLines Limited please reply to this message with the subject "UNSUBSCRIBE". This electronic message and any attached documents are intended only for the named addressee(s). This communication from TransCanada may contain information that is privileged, confidential or otherwise protected from disclosure and it must not be disclosed, copied, forwarded or distributed without authorization. If you have received this message in error, please notify the sender immediately and delete the original message. Thank you. Nous respectons votre droit de choisir quels messages électroniques vous désirez recevoir. Pour ne plus recevoir ce message et les communications similaires, de la part de TransCanada PipeLines Limited, veuillez répondre à ce message en inscrivant dans l'objet « SE DÉSINSCRIRE ». Ce message électronique et tous les documents joints sont destinés exclusivement au(x) destinataire(s) mentionné(s). Cette communication de TransCanada peut contenir des renseignements privilégiés, confidentiels ou par ailleurs protégés contre la divulgation; ils ne doivent pas être divulgués, copiés, communiqués ou distribués sans autorisation. Si vous avez reçu ce message par erreur, veuillez en avertir immédiatement l'expéditeur et détruire le message original. Merci

Nicole Wolfgram

Subject: FW: Soil Test T5_0137

From: Phil.Gaudet@co.washington.wi.us
Date: August 10, 2015 at 1:24:14 PM CDT
To: Josh Wolfgram <jwolf444@hotmail.com>
Cc: Dave.Seils@co.washington.wi.us
Subject: Re: Soil Test T5_0137

Yes.

Phillip J. Gaudet
Land Resources Manager
Washington County Planning & Parks Department
P.O. Box 2003
West Bend, WI. 53095
262-335-4445
FAX, 262-335-6868

Josh Wolfgram ---08/10/2015 11:49:22 AM---Thank you. Am I correct in using this email to show the village / town of Germantown that Washington

From: Josh Wolfgram <jwolf444@hotmail.com>
To: "Phil.Gaudet@co.washington.wi.us" <Phil.Gaudet@co.washington.wi.us>,
Date: 08/10/2015 11:49 AM
Subject: Re: Soil Test T5_0137

Thank you. Am I correct in using this email to show the village / town of Germantown that Washington County has approved the soil test based on the survey and soil test provided?

Sent from my iPhone

On Aug 10, 2015, at 11:26 AM, Phil.Gaudet@co.washington.wi.us wrote:

Josh,

I got the survey and checked for reference point to the tested area on the soil test report. It is good to use the soil test in combination with the survey you submitted. Any questions please ask.

Phillip J. Gaudet
Land Resources Manager
Washington County Planning & Parks Department

P.O. Box 2003
West Bend, WI. 53095
262-335-4445
FAX, 262-335-6868

<graycol.gif> Josh Wolfgram ---08/08/2015 06:46:34 AM---Good morning Phil and Dave, Attached is the survey of land that I am looking to split off from parc

From: Josh Wolfgram <jwolf444@hotmail.com>
To: "phil.gaudet@co.washington.wi.us" <phil.gaudet@co.washington.wi.us>,
"dave.seils@co.washington.wi.us" <dave.seils@co.washington.wi.us>,
Cc: Josh Wolfgram <jwolf444@hotmail.com>
Date: 08/08/2015 06:46 AM
Subject: RE: Soil Test T5_0137

Good morning Phil and Dave, Attached is the survey of land that I am looking to split off from parcel T5 0137. You will see that the test holes are on the south end of the parcel that I am looking to buy.

Thanks again and please let me know if you have any questions.
Josh Wolfgram

jwolf444@hotmail.com
(c) 414-550-0959

SOIL EVALUATION REPORT

#1962

Page 1 of 3

Associates Soil Testing, Inc.

in accordance with SPS 385, Wis. Adm. Code

Attach complete site plan on paper not less than 8½ x 11 inches in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and percent slope, scale or dimensions, north arrow, and location and distance to nearest road.

Please print all information.

Personal information you provide may be used for secondary purposes (Privacy Law, s. 15.04 (1) (m))

Property Owner Wolfgram, Josh		Property Location Govt. Lot NE1/4, NW1/4, S5, T9N, R20E	
Property Owner's Mailing Address 2392 Cedarcrest Dr		Lot #	Block # Subd. Name or CSM#
City Slinger	State Zip Code WI 53086	Phone Number	☐ City ☐ Village ☒ Town Nearest Road Germantown Rocky Road

☒ New Construction Use: ☒ Residential / Number of bedrooms _____ Code derived design flow rate _____ GPD
☐ Replacement ☐ Public or commercial - Describe: _____
 Parent material Glacial Till Flood plain elevation, if applicable _____ ft.
 General comments Prop. Mound Site Established
 and recommendations:

1 Boring # ☐ Boring ☒ Pit Ground surface elev. 88.4 ft. Depth to limiting factor 16 in. Soil Application Rate									
Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft² *Eff#1 *Eff#2
1	0-11	10yr3/2	-	SicL	2FSBK	MVFR	AS	1f	.4 .6
2	11-16	10yr4/4	-	CL	2MSBK	MFR	CS	1f	.4 .6
3	16-18	10yr4/4	fif10yr5/6	CL	2FSBK	MFR	CS	1vf	.4 .6
4	18-30	10yr5/4	c2d10yr5/6 6/8	SicL	1FSBK	MFI	-	-	.2 .3

2 Boring # ☐ Boring ☒ Pit Ground surface elev. 88.4 ft. Depth to limiting factor 16 in. Soil Application Rate									
Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft² *Eff#1 *Eff#2
1	0-11	10yr3/2	-	SicL	2FSBK	MVFR	AS	1f	.4 .6
2	11-16	10yr4/4	-	CL	2MSBK	MFR	CS	1f	.4 .6
3	16-18	10yr4/4	fif10yr5/6	CL	2FSBK	MFR	CS	1vf	.4 .6
4	18-22	10yr5/4	c2d10yr5/6 6/8	SicL	1FSBK	MFI	-	-	.2 .3

* Effluent #1 = BOD₅ > 30 < 220 mg/L and TSS > 30 < 150 mg/L

* Effluent #2 = BOD₅ ≤ 30 mg/L and TSS ≤ 30 mg/L

CST Name (Please Print) Lance Petrsek	Signature:	CST Number 224315
Address Associates Soil Testing, Inc. N6938 Northwood Drive Elkhorn, WI 53121		Telephone Number 262 495-7004
Date Evaluation Conducted 7/23/2015		

ORIGINAL

3 Boring # ☐ Boring ☒ Pit Ground surface elev. 88.7 ft. Depth to limiting factor 16 in. Soil Application Rate

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft ²	
									*Eff#1	*Eff#2
1	0-11	10yr3/2	-	SicL	2FSBK	MVFR	AS	1f	.4	.6
2	11-16	10yr4/4	-	CL	2MSBK	MFR	CS	1f	.4	.6
3	16-18	10yr4/4	ff10yr5/6	CL	2FSBK	MFR	CS	1vf	.4	.6
4	18-20	10yr5/4	c2d10yr5/6 6/8	SICL	1FSBK	MFI	-	-	.2	.3

☐ Boring # ☐ Boring ☐ Pit Ground surface elev. _____ ft. Depth to limiting factor _____ in. Soil Application Rate

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft ²	
									*Eff#1	*Eff#2

☐ Boring # ☐ Boring ☐ Pit Ground surface elev. _____ ft. Depth to limiting factor _____ in. Soil Application Rate

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft ²	
									*Eff#1	*Eff#2

* Effluent #1 = BOD₅ > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

* Effluent #2 = BOD₅ ≤ 30 mg/L and TSS ≤ 30 mg/L

ROCKY LANE

912.93'

BM

Gas Lines

PROPERTY OWNER
Josh Wolgram
2392 Cedarcrest Drive
Slinger, WI 53086

LOCATION
NE NW 5-9-20E
Town of Germantown
Washington County

SCALE
1" = 60'
(except as Noted)

BENCHMARK = 100'
Top of spike in fence post

Scaled Area

Un-Scaled Area

Prop. Mound Area

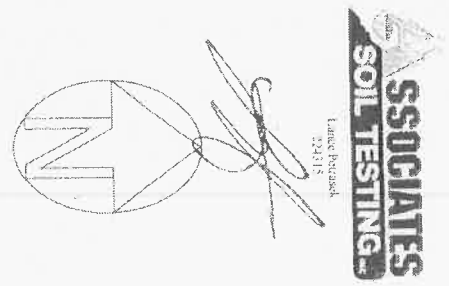
B3
88.7'

B2
88.4'

B1
88.4'

6.37'

99/6



Town of Germantown
Washington County, Wisconsin
Est. 1846

August 11, 2015

Village of Germantown
N112W17001 Mequon Rd.
Germantown, WI 53022

RE: SPLITTING 19.5624 ACRES OFF JOHN KUBERS 53.80 ACRE PARCEL

Dear Village Board,

The Town of Germantown met last night to approve the recommendation from the Town Planning Board and from the Public meeting to split 19.5624 acres off John Kuber's 53.78 acre parcel.

Paul A. Little motioned to approve the recommendation from the planning board & from the Public hearing to separate 19.5624 acre of land (Divided & mapped a part of the NE fractional 1/4 of the NW Fractional 1/4 of Section 5, Town 9 North, Range 20 east, Town of Germantown, Wash. County. See page 2 of 5 of the Certified Survey Map (Surveyors Certificate) for further description of the property) off John Kuber's 53.78 acre parcel (Tax Key #T5 0137, NE NW V1487 P532, Sec 5-9-20, 53.78AC).

Dale Dhein seconded the motion and carried to a unanims voice vote to approve the splitting of 19.5624 acres off John Kuber's 53.78 acre parcel.

Sincerely,

TOWN OF GERMANTOWN



Deanne R. Hapka
Town Clerk

cc: Paul Metz-Chairman

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

MEETING DATE: Monday, October 19, 2015

AGENDA ITEM: New Business

ITEM TITLE: Request for Approval – Registration Software Update

SUBMITTED BY: Mark Schroeder, Park & Recreation Director

SUMMARY EXPLANATION:

Vermont Systems (VSI) RecTrac registration software has been utilized by the Park and Recreation Department for several years to accept program registrations and facility reservations, including online registration capabilities. In October 2014, staff received a cost proposal from VSI for software, installation, and training to update the current version to the new 3.1 version software. Monies were included in the 2015 Recreation Facility Fund Budget for this project, with the update scheduled for September 18-25, 2015. While this project was included in the 2015 Budget, and installation and training scheduled with VSI in late 2014, this item wasn't officially reviewed and approved by the General Government & Finance Committee and Village Board.

ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER_____

RECOMMENDATION:

Recommendation by Parks & Recreation staff to send this item to the Village Board to approve payment to Vermont Systems, in an amount not to exceed \$6,036.73, for software, installation, and staff training for the RecTrac 3.1 software update. Monies to come from Recreation Facility Fund Account 16-567-530-3100.

**APPROVING AMENDMENTS TO THE 2015 BUDGET
LINE ITEM TRANSFER – FIRE STATION No. 2 CONCRETE DRIVEWAY**

WHEREAS, the Village Board of the Village of Germantown approved 2015 Capital Budget on November 17, 2014; and

WHEREAS, the 2015 Capital Borrowing included funds for Heavy Rescue/Fire Truck; and

WHEREAS, the actual expense for Heavy Rescue/Fire Truck resulted in \$17,865 less than budgeted; and

WHEREAS, there are funds remaining to cover the \$6,700 deficiency between bids and budget for the Fire Station No. 2 concrete driveway project rebid.

NOW, THEREFORE BE IT RESOLVED, that the \$6,700 be transferred from line item 40-522-570-8520 (Fire Dept. Vehicles) to 40-519-570-8222 (Building & Grounds Fire Station).

Introduced by: _____

Adopted: _____

Vote: Ayes: _____ Nays: _____

Dean M. Wolter, President

ATTEST:

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

X. F

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

MEETING DATE: October 19, 2015

AGENDA ITEM: New Business

ITEM TITLE: Request for Change Order for \$15,000 to "Badger Well Drilling"
for additional Test Pumping

SUBMITTED BY: Lawrence W. Ratayczak, P.E., Director of Public Works

SUMMARY EXPLANATION:

Original contract to "Badger Well Drilling" for the amount of \$40,716.00 has been completed to the point of drilling 3 test wells and resolving that one (1) of the wells should receive extended continuous pumping (bore #1). The extended pumping is an attempt to flush dolomite rock fractures of clay and well drilling debris. Additional pumping required to obtain information as to the estimated capacity of the well and to evaluate improvement to water quality. Recommended pumping rate is 150 gpm for a period of up to 14 continuous days. Contractor "Badger Well Drilling" has agreed to a reduced rate of \$67.00 per hour from \$125.00 per hour for the continuous pumping. Currently, the contractor has been paid \$25,610.00 with \$5,090.00 of contract items remaining to complete. Estimated additional cost for pumping is \$22,875.00 for an estimated total cost of \$53,575.00. Staff is requesting a Change Order in the amount of \$15,000.00.

ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER X

Letter from Greg Bolin (Foth Infrastructure)
Original contract with Badger Well Drilling
Project Summary letter from Ted Powell, Senior Hydrogeologist

RECOMMENDATION:

The Public Works Committee recommends the Village Board to approve the Change Order to Badger Well Drilling in the amount of \$15,000.00 for extended pumping at Boring #1 of the test well site located on Lannon Road at County Line Road.

COMMITTEE 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.

Lawrence Ratayczak

From: Bolin, Greg [Greg.Bolin@Foth.com]
Sent: Friday, October 02, 2015 1:25 PM
To: Lawrence Ratayczak
Subject: FW: Revised Revised Contractor Cost for Additional Test Pumping at Boring No. 1

From: Bolin, Greg
Sent: Tuesday, September 29, 2015 11:22 AM
To: 'lratayczak@village.germantown.wi.us'
Cc: jdriver@village.germantown.wi.us; Schultz, Andy
Subject: FW: Revised Contractor Cost for Additional Test Pumping at Boring No. 1

Hi Larry,

This is to confirm our telephone conversations of September 29 and October 2, 2015, regarding the referenced subject. I have negotiated a lower test pumping price with Badger Well Drilling for extended continuous pumping of Boring No. 1. His new rate is \$1,600 per day (\$66.67 per hour) compared to his original quoted rate of \$125 per hour. Based on this, the additional contractor cost for extended test pumping is estimated as follows:

1. Furnish, install, and remove test pump, lump sum: \$350
2. Furnish, install, and remove inflatable packer, lump sum: \$125
3. Perform additional test pumping, estimate 14 days @ \$1,600/day: \$22,400

Total estimated additional cost is \$22,875.

In addition to the above, certain tasks included in the original specification still need to be completed. These are as follows:

1. Perform plumbness and alignment measurements for Boring No.1, lump sum: \$650
2. Abandon Boring No. 2, lump sum: \$2,220
3. Abandon Boring No. 3, lump sum: \$2,220

The total of these is \$5,090.

Recall that the original amount quoted by Badger Well Drilling, and the amount authorized by the village board for this work was \$40,716. You had indicated at our meeting that the village has paid Badger an amount of \$25,610 for work completed to date. Based on the revised daily rate for additional test pumping, the maximum amount estimated to be paid to Badger is \$53,575 (\$25,610 + \$22,875 + \$5,090). This exceeds the amount authorized by the village board by about \$12,859.

I recommend that the village authorize an additional \$15,000 for drilling contractor costs associated with the additional test pumping. This amount provides some "cushion" for unknowns and additional or extended tasks. I will not tell Badger to proceed until I get the "OK" from you.

Thanks and please contact me with questions/discussion.

Gregory E. Bolin, PE
Senior Project Manager
Wisconsin Water Supply Manager
Foth Infrastructure & Environment, LLC

UNIT PRICE BID SCHEDULE
VILLAGE OF GERMANTOWN TEST BORINGS

A. Test Boring No.1 (TB1)

Item No.	Description	Unit	Estimated Quantity	Unit Price	Price
1	Mobilization and Demobilization	L.S.	1	\$	\$ 700.00
2	Drill hole in unconsolidated formation to receive 6 inch casing	V.F.	25	\$ 25.00	\$ 625.00
3	Furnish and install 6 inch steel casing	V.F.	27	\$ 16.00	\$ 432.00
4	Drill 6 inch open hole in bedrock	V.F.	345	\$ 20.00	\$ 6900.00
5	Develop boring	Hour	5	\$ 135.00	\$ 675.00
6	Furnish, install, and remove inflatable packer	L.S.	1	\$ 125.00	\$ 125.00
7	Furnish, install, and remove test pump	L.S.	1	\$ 350.00	\$ 350.00
8	Perform pumping test	Hour	8	\$ 125.00	\$ 1000.00
9	Perform plumbness and alignment logging	L.S.	1	\$ 650.00	\$ 650.00
10	Abandon test boring	L.S.	1	\$ 6.00	\$ 2220.00
Subtotal price for TB1				\$	13677.00

B. Test Boring No.2 (TB2)

Item No.	Description	Unit	Estimated Quantity	Unit Price	Price
1	Mobilization and Demobilization	L.S.	1	\$	\$ 700.00
2	Drill hole in unconsolidated formation to receive 6 inch casing	V.F.	20	\$ 25.00	\$ 500.00
3	Furnish and install 6 inch steel casing	V.F.	22	\$ 16.00	\$ 352.00
4	Drill 6 inch open hole in bedrock	V.F.	350	\$ 20.00	\$ 7000.00
5	Develop boring	Hour	5	\$ 135.00	\$ 675.00
6	Furnish, install, and remove inflatable packer	L.S.	1	\$ 125.00	\$ 125.00
7	Furnish, install, and remove test pump	L.S.	1	\$ 350.00	\$ 350.00
8	Perform pumping test	Hour	8	\$ 125.00	\$ 1000.00
9	Perform plumbness and alignment logging	L.S.	1	\$ 650.00	\$ 650.00
10	Abandon test boring	L.S.	1	\$ 6.00	\$ 2220.00
Subtotal price for TB2				\$	13572.00

C. Test Boring No.3 (TB3)

Item No.	Description	Unit	Estimated Quantity	Unit Price	Price
1	Mobilization and Demobilization	L.S.	1	\$	\$ 700.00
2	Drill hole in unconsolidated formation to receive 6 inch casing	V.F.	15	\$ 25.00	\$ 375.00
3	Furnish and install 6 inch steel casing	V.F.	17	\$ 16.00	\$ 272.00
4	Drill 6 inch open hole in bedrock	V.F.	355	\$ 20.00	\$ 7100.00
5	Develop boring	Hour	5	\$ 135.00	\$ 675.00
6	Furnish, install, and remove inflatable packer	L.S.	1	\$ 125.00	\$ 125.00
7	Furnish, install, and remove test pump	L.S.	1	\$ 350.00	\$ 350.00
8	Perform pumping test	Hour	8	\$ 125.00	\$ 1000.00
9	Perform plumbness and alignment logging	L.S.	1	\$ 650.00	\$ 650.00
10	Abandon test boring	L.S.	1	\$ 6.00	\$ 2220.00
Subtotal price for TB3				\$	\$ 13467.00

Total of prices for TB1, TB2 and TB3

\$ 40,716.00

This pricing is submitted by (Firm name, printed): Badger Well Drilling

Authorized Signature: Daniel J. Steffen

Submitted on (date): 3-15-15

STANDARD FORM OF AGREEMENT BETWEEN
OWNER AND CONTRACTOR FOR CONSTRUCTION
CONTRACT ON THE BASIS OF A STIPULATED PRICE

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this AGREEMENT. Counterparts have been delivered to OWNER and CONTRACTOR. All portions of the CONTRACT DOCUMENTS have been signed or have been identified by OWNER and CONTRACTOR or on their behalf.

This AGREEMENT will be effective on the date signed by both parties (which is the Effective Date of the Agreement).

OWNER:

Village of Germantown

By: *[Signature]*

Title: Village President

Attest: *[Signature]*

Title: Village Clerk

Address for giving notices:

N112 W17001 Mequon Road

P.O. Box 337

Germantown, WI 53022

CONTRACTOR

Badger Well Drilling

By: *[Signature]*

Title: President

(If CONTRACTOR is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest: *[Signature]*

Title: Notary

Address for giving notices:

N7900 Locust Lane

Mt. Calvary, WI

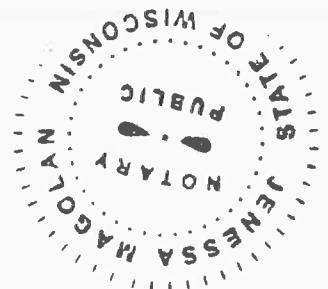
53057

License No.: _____

(Where applicable)

(If OWNER is a corporation, attach evidence of authority to sign. If OWNER is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of this Agreement.)

Agent for service of process:



LEGGETTE, BRASHEARS & GRAHAM, INC.

PROFESSIONAL GROUNDWATER AND ENVIRONMENTAL ENGINEERING SERVICES

8 Pine Tree Drive, Suite 250
St. Paul, MN 55112
651-490-1405
FAX 651-490-1006
www.lbgweb.com

October 1, 2015

Mr. Larry Ratayczak, P.E.
Director of Public Works
Village of Germantown
P.O. Box 337
Germantown, WI 53022

RE: Test Boring Results and Recommendations
Site 2 Potential Dolomite Aquifer Well
Germantown, WI

Dear Mr. Ratayczak:

Leggette, Brashears & Graham, Inc. (LBG) is pleased to present you with the results of the recently completed dolomite aquifer test boring activities at Site 2 located in the southwest corner of the Village, adjacent to the northeast corner of the intersection of Lannon Road and CTH "Q". The test boring activities were conducted as part of an exploration program to site a new high capacity dolomite aquifer well for the Village.

The test boring locations were based on the results obtained from surface geophysical surveys conducted in late May/early June 2014, the results of which were presented to the Village in the *Draft Geophysical Survey Results Report* dated September 18, 2014. As part of the test boring activities, three borings were completed in the dolomite bedrock at Site 2 (TB-1, TB-2 and TB-3). Test Boring TB-1 encountered water bearing fractured formation and was converted to a temporary well to permit the collection of aquifer chemical and hydraulic data. The driller reported several zones of soft rock when drilling test borings TB-2 and TB-3, but the borings did not penetrate significant water bearing fractures and were sealed with bolt-on removable and re-sealable well caps, which allow access to the wells for monitoring water levels as needed. The test boring locations are shown in **Figure 1**.

Evaluation of the preliminary test pumping data at test boring TB-1 indicates that the aquifer at this location is fractured and permeable but in its current condition, the well bore at TB-1 is limited in capacity due to plugging of the fractures with clay or drill cuttings and the boring has water quality concerns. Completion of additional pumping and stimulation activities at this boring may be able to increase the water quality and transmitting capacity of the fractured dolomite aquifer such that this location may provide a sufficient supply of acceptable quality and quantity of water necessary to support a high capacity well for the Village. Review of the water chemistry data collected during the pumping test activities indicates that total dissolved solids

(TDS) and sulfate were detected in the water sample collected from TB-1 at concentrations exceeding their respective Federal Secondary Drinking Water Standard. This report presents a brief description of the field methodologies, results of the hydraulic and water chemistry testing activities, and options for proceeding with additional testing activities at TB-1.

Test Boring Activities

Test boring activities at the Site were designed to facilitate the collection of subsurface geologic and hydraulic data necessary to confirm the results of the resistivity surveys and to properly design a new dolomite aquifer well, if favorable formation was encountered. Badger Well Drilling (Badger) of Malone, Wisconsin was retained by the Village to perform the drilling and testing activities at the Site. Badger utilized the casing hammer drilling technique to advance each test boring. Total drilled depths of the test borings ranged from 315 feet below ground surface (ft bgs) at TB-1 to 336 ft bgs at TB-2 and TB-3. Composite soil samples were collected and described by Badger personnel at five-foot intervals. The Well Construction Reports (WCR's) completed by Badger are presented in **Attachment A**. The test boring coordinate locations, as surveyed by LBG field staff using a Garmin hand-held Global Positioning System (GPS) are included on the WCR's.

Temporary Test Well Activities

To facilitate the collection of initial aquifer hydraulic and water chemistry data, a packer and submersible well pump was installed into TB-1 following advancement of the boring through the dolomite formation, which was terminated upon encountering the underlying Maquoketa Shale. Several areas of water producing fractured dolomite were identified by Badger during drilling activities. Prior to test pumping, TB-1 was developed by pumping with the well pump until clear, sediment-free water was obtained.

Following development activities at TB-1 the packer was inflated and an approximately 5-hour step drawdown pumping test (step test) was conducted at TB-1 to determine the aquifer hydraulic properties and to allow for the collection of formation water samples from the aquifer material adjacent to the well bore. A step drawdown test facilitates the collection of data so that an estimate of the well efficiency and aquifer transmissivity may be determined. The step test consisted of three steps, with the pump discharge rate incrementally increased with each step. The pumping rates during the step test were approximately: 31.5 gallons per minute (gpm) for the first step, 71 gpm during the second step, and 125 gpm during the final step. Each step was run for approximately 90 minutes. At the end of the third step, the pump was shut off and drawdown recovery data was collected until approximately 80 percent of recovery was attained.

During step testing activities the discharge rate was periodically measured by manually gauging the length of time to fill a container of known volume. The pumped water was discharged directly to the ground surface, approximately 50 to 75 feet away from the well.

Water level measurements were obtained using an electronic water level indicator throughout the testing activities. Water levels were monitored prior to the start of the test to obtain static conditions, during the test to measure drawdown and after shutting off the pump to measure recovery. The test pumping data were analyzed for relative drawdown only. Water level changes due to barometric influences, diurnal fluctuations, and long term trends were not accounted for.

Results

Review of the field data indicate that test boring TB-1 may appear favorable for constructing a new high capacity well. Test borings TB-2 and TB-3 did not penetrate sufficient water producing fractured formation during drilling, so they were not pumped as part of this investigation.

Data obtained during the test pumping activities at each of the temporary test wells were utilized to estimate the transmissivity and specific capacity of the dolomite aquifer immediately adjacent to the well bore. Transmissivity (T) is the measure of the ability of water to flow through an aquifer and is defined as the rate of flow in gallons per day (gpd) through a one-foot of vertical section of the saturated aquifer under a head drop of one foot. Specific capacity represents the relationship between well yield and drawdown in the pumped well, and is measured in units of gallons per minute per foot of drawdown (gpm/ft). An aquifer suitable for supporting a high capacity municipal well will typically require transmissivity values of greater than 10,000 gallons per day per foot (gpd/ft).

Estimated transmissivity values were calculated for TB-1 from the step drawdown data using the method of Eden and Hazel (1973) and from recovery data using the Cooper-Jacob (1946) semi-log method. The specific capacity was derived from the pumping rate and the final drawdown measured at the end of the third step.

Utilizing the method of Eden and Hazel to calculate the transmissivity of the dolomite aquifer formation adjacent to the well bore based on the analysis of the step test drawdown data generated during pumping, resulted in an estimated aquifer T of 5,756 gpd/ft. The calculated T values using the step test residual drawdown on the recovery data was 5,480 gpd/ft. The average transmissivity value obtained using these two methods was 5,618 gpd/ft. Based on the data collected during the step drawdown test, the specific capacity at the end of step three was approximately 6.4 gpm/ft. However, it is important to note that this specific capacity value is over estimated because the drawdown observed in TB-1 during the step test was not stable, and significant drawdown, owing to pumping the well was still occurring. Therefore the actual specific capacity is unknown, but based on the drawdown curve obtained from the step test, the actual specific capacity while pumping at 125 gpm is much lower than 6.4 gpm/ft.

Jansen (1995) reviewed logs of 1,003 dolomite wells in the Village of Germantown and found a median specific capacity value of 1.2 gpm/ft. Typical dolomite wells have specific capacity values much lower than TB-1 indicating that this boring is located in a permeable

Mr. Larry Ratayczak, P.E.
Director of Public Works
Village of Germantown
October 1, 2015
Page 4

portion of the aquifer and that the geophysical survey successfully located a site with a specific capacity in the upper 1% of the dolomite wells in the Village. Short-term hydraulic testing (pumping) of the test boring well bore is limited by the borehole diameter, duration of pumping, and degree of development of the dolomite formation adjacent to the well bore. Step drawdown tests only measure the properties of the aquifer immediately around the well bore and do not account for variations in aquifer properties at greater distances from the well that can affect the bulk average transmissivity of the aquifer. Additionally, error is entered into the calculations due to assumptions in the analytical methods. Therefore, the actual aquifer transmissivity after pumping for a longer period of time and at higher rates will likely vary somewhat from the results presented here. Graphical analysis of the step test data and transmissivity calculations are presented in **Attachment B**.

Based on the calculated specific capacity obtained from the step test data, an estimate of the efficiency of the test boring well was calculated as part of our analysis. The estimated efficiency of the test boring well allows for a better understanding of the potential yield of the aquifer from a properly constructed and developed test well and production well. The efficiency of a well takes into account the drawdown in the well due to turbulent flow within the well bore and laminar flow (smooth) within the aquifer. The observed and theoretical drawdown of the well can be compared, and an estimate of the drawdown attributable to turbulent well loss can be calculated. Turbulent well loss is strongly influenced by factors such as a plugged formation or fractures, which may be able to be cleaned out via mechanical or chemical means. The efficiency of the test boring temporary wells, as calculated from the final drawdown measured during the third step of each step test (using the methodology of Kawecky (1995) and others, ranged from approximately 7% while pumping at 31.5 gpm to 2% while pumping at 125 gpm. These values are very low and indicate that the fractures in the dolomite formation are plugged and that the capacity of a well at this location could potentially be significantly improved by stimulating the formation with acid and an air gun. Assuming a typical efficiency of 50 to 80% for a properly developed dolomite well, the capacity of TB-1 could be substantially increased if the efficiency of the well was raised by stimulation to more typical levels.

To aid in the determination of the suitability of the water obtained from the dolomite aquifer at TB-1, samples of the discharge water were collected near the end of the step test from a sample tap in the wellhead assembly. The discharge samples were submitted to Northern Lake Service, Inc., of Crandon, Wisconsin for laboratory chemical analysis of select organic and inorganic parameters. Review of laboratory data indicates that the quality of water in the aquifer is very hard, exhibiting elevated concentrations of TDS and sulfate. TDS was detected at a concentration of 870 milligrams per liter (mg/L), which exceeds the Federal Secondary Drinking Water Standard of 500 mg/L. Sulfate was detected at a concentration of 330 mg/L. The Secondary Drinking Water Standard for sulfate is 250 mg/L. Federal Secondary Drinking Water Standards are non-enforceable guidelines regulating contaminants that may cause cosmetic or aesthetic effects in drinking water such as color, taste, odor or turbidity. The United States Environmental Protection Agency (EPA) recommends secondary standards to water systems but the EPA does not require the systems to comply with the standards. No other constituents were

detected at a concentration that was greater than or equal to its respective Federal Secondary or Primary Drinking Water Standard.

The detected concentrations of both arsenic and nitrate (nitrate as N and nitrate + nitrite as N) were well below their respective Federal Primary Drinking Water Standard, or Maximum Contaminant Level [MCL], of 0.01 mg/L and 10 mg/L, respectively. The highest concentration of arsenic was 0.0027 mg/L, while the highest concentration of nitrate was 1.6 mg/L. The low concentrations of nitrate in the water samples indicates that the upper silty and clayey unit is sufficiently low in permeability such that agricultural sources of nitrate have not migrated to the dolomite aquifer that TB-1 is drawing its water from.

Sodium was detected at 30 mg/L. There is no primary or secondary standard for sodium. However, there is a USEPA Drinking water Equivalency Guideline of 20 mg/L for people with a sensitivity to hypertension. Chloride was detected at 64 mg/L, which is well below the Secondary Drinking Water Standard of 250 mg/L. While both sodium and chloride are at levels acceptable for drinking water, both constituents are above typical background concentrations for the dolomite aquifer in southeastern Wisconsin and could indicate either some degree of road salt contamination or natural sources within the aquifer potentially related to the elevated sulfate and TDS levels. Hardness was also above typical levels, but the elevated value could be caused by the elevated sulfate levels.

Two volatile organic compounds (VOC's) were detected in the water samples collected at TB-1. Both toluene and MTBE were detected at very low concentrations (0.0005 and 0.0083 mg/L, respectively). Both of these constituents were detected at a concentration that was above the detection limit but lower than the quantification limit (they were both detected by laboratory analysis, but the concentrations were too low to be accurately measured, as such the results are an approximation). There is currently no Federal Primary or Secondary Drinking Water Standard for either toluene or MTBE. All of the other constituents that were submitted for laboratory analysis including; semi-volatile organic compounds (VOC's), polycyclic aromatic hydrocarbons (PAH's), pesticides and herbicides were not detected at a concentration which exceeded their respective limit of detection. A summary of the groundwater analytical results obtained from the samples collected during test pumping activities at the temporary wells is presented in **Table 1**. A copy of the laboratory report is included in **Attachment C**.

Recommendations

Based on the evaluation of the aquifer hydraulic and water chemistry parameters obtained during the testing activities at test boring TB-1, it appears that in its current condition the aquifer at TB-1 is fractured and permeable but the fractures are plugged by clay or drill cuttings which greatly reduces the efficiency of a well at higher pumping rates. In addition, the water quality of the aquifer at this location is a concern.

The detected concentrations of TDS and sulfate in the samples collected during the step drawdown test are elevated with both of these parameters exceeding the Secondary Drinking

Mr. Larry Ratayczak, P.E.
Director of Public Works
Village of Germantown
October 1, 2015
Page 6

Water Standard. Elevated sulfate concentrations, and to some extent TDS concentrations, have been attributed to isolated gypsum deposits within the dolomite aquifer. Regional data (SEWRPC Technical Report 37, 2002) indicated that isolated wells with elevated TDS levels in the dolomite aquifer are present in the Village but this site was predicted to have TDS levels in the range of 400 to 500 ppm, which is more typical of the aquifer and of the Villages other dolomite wells.

We have observed in the past that the concentrations of TDS and sulfate have declined to acceptable levels as a newly installed well was pumped for a longer period. Without conducting extended pumping from TB-1, a reliable prediction of the future trend of TDS and sulfate in the dolomite aquifer in the vicinity of this temporary well is not possible. There is however no guarantee that the TDS and sulfate concentrations will drop to below their respective Federal Secondary Standard, and treatment or blending may be necessary to provide acceptable water quality to the Utility's customers.

In addition to the above water quality concerns, the current capacity of TB-1 in its present state is limited due to low well efficiency at higher pumping rates. This low capacity (low efficiency) condition observed in TB-1 may be the result of a poorly developed formation adjacent to the well bore, and to plugging of the fractures by rock flour (dolomite rock that was pulverized during drilling), which was subsequently injected under pressure into the existing fractures in the formation). The plugged fractures can sometimes clear (become unplugged or less plugged) with pumping. At other times the fractures need to be stimulated by chemical and/or mechanical means.

When siting a new dolomite well it is rarely clear what methods will be required to maximize the capacity, while acquiring or maintaining acceptable quality water for the Utility. It is also important to note that as part of the well siting and permitting process, water level measurements will need to be obtained at various observation wells, and potentially private wells at some point, to demonstrate that pumping from a new dolomite well installed at the Site will not adversely impact private well owners.

Therefore, to confirm the dolomite aquifer water quality and capacity of the aquifer in the vicinity of TB-1, we recommend that TB-1 should be pumped at the highest maintainable rate for a period of up to two weeks, while collecting discharge samples of the pumped formation water for laboratory analysis of TDS, sulfate and other select indicator parameters every two or three days. The water quality should be field screened using a conductivity meter as an indicator of TDS each time the well is sampled. The change in conductivity will indicate if the water quality is changing during the pumping period. If the water quality appears to have improved, the water samples should be submitted for laboratory analysis. This may exceed the hold times for some of the early samples but since the data will be used to evaluate trends in water quality the small errors introduced by exceeding the specified hold times will not be significant. If the field screening indicates that the water quality did not improve or got worse, a smaller set of samples should be submitted for analysis, including the last sample, for confirmation of the water quality.

Mr. Larry Ratayczak, P.E.
Director of Public Works
Village of Germantown
October 1, 2015
Page 7

If the laboratory analysis of the samples collected during the extended pumping indicate that the concentrations of TDS and sulfate have declined with pumping, we will then recommend that well bore of TB-1 be stimulated with high pressure pulsed gas (either air or nitrogen) techniques, such as AirShock or AirBurst, which utilizes bursts of compressed gas to clean out filled fractures in bedrock formations, followed by an acidization treatment using muriatic acid. The boring should be pumped at the highest sustainable rate for at least 24 hours following treatment to access the results of the stimulation. Water quality samples should be collected at the midpoint and near the end of pumping to confirm that the water quality is still acceptable. To assess the potential impact to the dolomite aquifer owing to pumping from TB-1 for an extended duration, the water levels in test borings TB-2 and TB-3 should be monitored via manual water level measurements periodically before, during and after the pumping activities.

We trust this information meets your needs. If you have any questions or would like to discuss the options or findings presented in this report further, please do not hesitate to contact us.

Very truly yours,

LEGGETTE, BRASHEARS & GRAHAM, INC



Ted L. Powell, P.G.
Hydrogeologist



John R. Jansen, P.G., P.GP., Ph.D.
Senior Associate

Reviewed By:



J. Kevin Powers
Senior Vice President

TLP:

0315.GERMA > Germantown 2015 Test Borings > Reports\Draft Germantown Test Boring Results and Recommendations Report_8-24-2015.doc

Enclosures

cc:

File

LEGGETTE, BRASHEARS & GRAHAM, INC.

X. G

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

MEETING DATE: October 19, 2015

AGENDA ITEM: New Business

ITEM TITLE: Request for Change Order in the amount of \$11,000 to Foth Infrastructure & Environment, LLC

SUBMITTED BY: Lawrence W. Ratayczak, P.E., Director of Public Works

SUMMARY EXPLANATION:

Foth Infrastructure & Environmental, LLC was contracted by the Village of Germantown to provide Professional services for the location, testing & analysis of three test wells and Foth has reached the current contracted amount of \$17,500.00 as stated in the "Agreement of Professional Services". They have satisfied all items of the Agreement and will incur additional cost due to the extended work to continue the evaluation of test well no. 1. Extension of the contract will provide professional services to the Village staff during and after the extended continuous pumping of test well no.1.

ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER X

Original contract with Foth Infrastructure & Environmental, LLC

RECOMMENDATION:

The Public Works Committee recommends the Village Board to approve the Change Order to Foth Infrastructure & Environmental, LLC in the amount of \$11,000.00

COMMITTEE 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.

Lawrence Ratayczak

From: Bolin, Greg [Greg.Bolin@Foth.com]
Sent: Friday, October 02, 2015 1:49 PM
To: Lawrence Ratayczak
Cc: Ludwig, Tom; Schultz, Andy; Jim Driver
Subject: Proposal and Budget for Foth Well Site Exploration Work

Hi Larry,

This is to follow up on our telephone conversation of this morning regarding the referenced subject.

As we have discussed, we are at the engineering budget for well site exploration work authorized by the village in an agreement dated January 22, 2015. Additional tasks need to be performed which were not included in Foth's original scope of work. These relate to our recommendation to perform extended test pumping at Boring No. 1, and that the village is committed to developing new well source(s) at the site of Boring No. 1. These source(s) would either be a combination upper limestone aquifer/deep sandstone aquifer wells, or only a deep sandstone aquifer well. Based on these, we recommend the village authorize an amount of \$15,800 for additional engineering services. Of this amount, approximately \$7,000 is for hydrogeologic consultant services, based on two weeks of continuous pumping of Test Boring 1. The above amount does not include the cost of laboratory analyses of water samples. Foth proposes to provide the following services:

1. Coordinate extended test pumping of Boring No. 1 with drilling contractor and hydrogeologic consultant on timing, duration, routing and disposal of discharge water, collection and analysis of water samples.
2. Provide hydrogeologic consultant oversight of extended pumping of Boring No. 1 for up to two weeks of extended pumping. This includes up to seven field visits to collect data and water samples. Prepare a brief letter report on the results of the extended pumping with conclusions and recommendations for next steps.
3. Present the results of the extended pumping and water sampling to the Utilities Committee with recommendations for next steps.
4. Review drilling contractor invoicing to confirm billing amounts and quantities are accurate.
5. Prepare a detailed engineering services proposal for constructing new permanent well(s) at the site of Boring No. 1. The proposal would develop budget amounts for well drilling costs. It would cover engineering services for required activities to develop the new well sources, such as site acquisition, site investigation report preparation, gaining DNR approvals, well(s) designing, bidding, and construction services.

Thanks for the opportunity to provide this proposal and please contact me with questions.

Gregory E. Bolin, PE
Senior Project Manager
Wisconsin Water Supply Manager
Foth Infrastructure & Environment, LLC
Lincoln Center II
2514 South 102nd Street
West Allis, WI 53227
Ph: (414) 336-7903 / Fax: (414) 336-7901
greg.bolin@foth.com



Go Green, keep it on the screen. Please do not print this email unless necessary.

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**STANDARD FORM OF ADDENDUM
(Agreement for Professional Services)**

This Agreement shall be an addition to, and subject to the conditions contained in that Agreement for Services dated January 22, 2015 between Foth Infrastructure & Environment, LLC (ENGINEER), and the Village of Germantown, Wisconsin (OWNER).

WHEREAS the OWNER wishes to engage the ENGINEER to provide various services as described below, in accordance with ENGINEER procedures, standards, and normal billing practices, and

WHEREAS the project to which such services apply is referred to as the PROJECT and described generally as follows: drill up to three test borings, perform limited duration pumping tests, and collect aquifer and water quality data to determine the suitability of previously identified locations for new village well(s)

NOW, THEREFORE, and in consideration of the above, the ENGINEER and the OWNER do hereby agree and covenant as follows:

SECTION 1 – SERVICES BY ENGINEER

1. Prepare specifications, scope, and unit price bid schedule for up to the test borings, and associated test pumping work.
2. Recommend at least two drilling contractors who are competent and capable of performing the test boring work. Forward the specifications and bid schedule to these contractors.
3. Review the bids received and recommend a drilling contractor for this work.
4. Conduct a preconstruction meeting with the contractor and village. Provide meeting minutes.
5. Direct and monitor test boring drilling. Coordinate and direct constant rate and/or step-drawdown pumping tests, packer settings, and test pumping data collection for each boring.
6. Collect water samples during test pumping of each boring. Submit samples to a certified laboratory for analysis.
7. Analyze the pumping test data and review water quality data. Based on the results of this review, determine the suitability of converting any of the test borings to a test well and then a permanent well.
8. Prepare a report documenting the results of the test boring activities, and recommendations for next steps. Present the results to the Public Works Committee.

SECTION 2 – COMPENSATION

The ENGINEER will be compensated for services under Section 1 on lump sum basis. The lump sum compensation includes all costs including labor, overhead, direct expense, and professional fee, and is an amount of \$ 17,500.00. This amount includes the cost of services provided by the ENGINEER's sub-consultant. It does not include drilling contractor costs, and costs for

laboratory analyses of water samples.

Payments are due and payable 30 days from the date of the ENGINEER's invoice. Amounts unpaid for thirty days after the invoice date shall bear interest at the rate of one percent per month from invoice date.

SECTION 3 – OWNER'S RESPONSIBILITIES

The OWNER will be responsible for contacting property owners and arranging for permission to access private lands to enable performance of tasks.

All other provisions of the Agreement referred to above shall remain in force unless otherwise modified or deleted above.

IN WITNESS WHEREOF the parties hereto set their hands and seals dated this

22ND day of January, 2015.

For ENGINEER:

For OWNER:

Foth Infrastructure & Environment, LLC

Village of Germantown, Wisconsin

By: _____

By: _____

Name (Please print): Thomas Ludwig

Name (Please print): Dean M. Uebler

Title: State Operations Director

Title: Village President

By: _____

By: _____

Name (Please print): Gregory Bolin

Name (Please print): Barbara K. D. Goeckner

Title: Senior Project Manager

Title: Village Clerk

AGREEMENT FOR PROFESSIONAL SERVICES

(BETWEEN OWNER AND ENGINEER)

THIS IS AN AGREEMENT made as of January 22, 2015 between the Village of Germantown, Wisconsin hereinafter referred to as "OWNER" and Poth Infrastructure & Environment, LLC a Wisconsin corporation with its principle place of business in Green Bay, Wisconsin, hereinafter referred to as "ENGINEER."

WHEREAS the OWNER intends to drill test borings, perform limited duration pumping tests, and collect aquifer and water quality data to determine the suitability of previously identified locations for new village well(s), hereinafter referred to as "PROJECT," and

WHEREAS the ENGINEER has the necessary personnel and facilities to provide the professional services described and,

WHEREAS the ENGINEER desires to contract with the OWNER for the purpose of rendering professional services for the PROJECT.

NOW, THEREFORE, for and in consideration of the mutual covenants hereinafter contained, subject to the terms and conditions set forth below, on the reverse side, and/or attached hereof, the OWNER and the ENGINEER do hereby covenant and agree as follows:

PART I - SERVICES

Services of ENGINEER are described in the Addendum attached to this Agreement.

PART II - COMPENSATION

Compensations amount and terms are described in the Addendum attached to Agreement.

PART III - STANDARD CONDITIONS

Standard Conditions are attached to this Agreement (Form RSK001, Rev. 10/97).

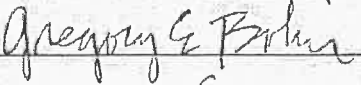
IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and date first above written.

FOR ENGINEER:

Foth Infrastructure & Environment, LLC

By: 
Name (Please print): THOMAS LUDWIG

Title: State Operations Director

By: 
Name (Please print): Gregory Bolin

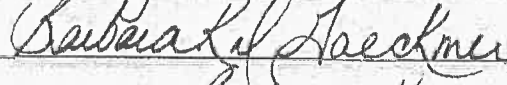
Title: Senior Project Manager

FOR OWNER:

Village of Germantown, Wisconsin

By: 
Name (Please print): Deon M. Wojcik

Title: Village President

By: 
Name (Please print): Barbara K.D. Goeckner

Title: Village Clerk

X. H

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

MEETING DATE: October 19, 2015

AGENDA ITEM: New Business

ITEM TITLE: REQUEST TO AWARD CONTRACT FOR FIRE STATION #2
CONCRETE DRIVEWAY APPROACH REPLACEMENT REBID

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

SUMMARY EXPLANATION:

Recall that the Public Works & Highway Committee rejected initial bids for this project during its July 1, 2015 meeting because bids received exceeded the budget by nearly 37%. Also recall that during the time of bidding unfounded speculation anticipated dramatically-inflated concrete pricing across the industry, which was ultimately dispelled by the Wisconsin Concrete Pavement Association after this project's bid period.

Bids were reissued September 17, 2015 for an October 1, 2015 bid opening. Following are results:

\$51,700.00	T.P. Concrete
\$57,755.00	D.C. Burbach
\$60,995.00	Ray Stadler Construction
\$73,296.00	Zenith Tech
\$87,281.10	LaLonde Contractors

Work is to be completed before this year's Thanksgiving holiday.

ATTACHMENTS: None

COMMITTEE ACTION:

The Public Works & Highway Committee by majority vote advanced this agenda item to the Village Board with a positive recommendation.

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

X.I

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: October 19, 2015

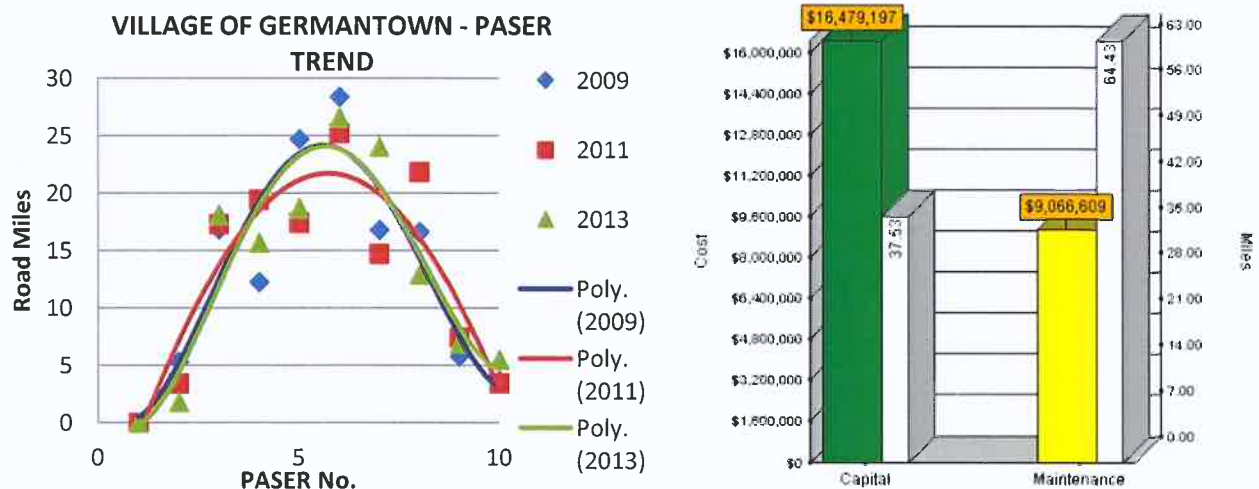
AGENDA ITEM: New Business

ITEM TITLE: ADOPTION OF THE 2016 ROAD RECONSTRUCTION PROJECTS

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

SUMMARY EXPLANATION:

The selection of annual road projects within the Village is extraordinarily difficult because the \$1.5 million typically budgeted annually only maintains the status quo and on-going need for \$16.5 million of road projects.



Selection criteria can range from objective, decontextualized criteria (e.g., PASER) to subjective, politicized criteria. The Engineering Dept. has been trying its best over past years to use a combination of PASER ratings, traffic volumes, neighborhood clustering, and construction sequencing to organize and select annual road projects that hopefully successfully overcome politicization. Using these criteria, the Engineering Dept. proposes the following road projects for 2016:

Project	Consultant Recommendation	2013 PASER Rating	Average Daily Traffic	Latest Surface Con./Recon.	Est. Cost
Donges Bay Rd (Pilgrim Rd to Magnolia Dr)	Pulverize & Overlay w/ some Reconstruction	3	2,400 (Yr. 1998)	1976	\$822±K
Maple Rd (Cedar Ln to Rockfield Rd)	Pulverize & Overlay	2	350 (Yr. 2003)	1981	\$294±K
Fieldstone Pass (Wagon Trl to Donges Bay Rd)	Remove & Replace Asphalt	3 5 (528')	150 (Yr. 2000)	1987, 91, 95	\$344±K
Mequon Rd. Sidewalk (south side east of Pilgrim Rd.)	N/A	N/A	N/A	N/A	\$37±K
Country Aire Dr N (Bonniwell Rd to Pioneer Rd) (Carry over from 2015)	Pulverize & Overlay w/ some Reconstruction	3	550 (Yr. 2003)	1971	\$419±K
Year 2016 Total					\$1.916± million
To Be Borrowed in 2016					\$1.555± million
Carried Over from 2015					\$361±K

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

The Public Works & Highway Committee asked staff to explore substituting:

1. Hedge Way and Ridgeview Ln. for one-half of Fieldstone Pass; and
2. Concord Rd from Division Rd. to Colonial Dr. for Maple Rd.

Project	Consultant Recommendation	2013 PASER Rating	Average Daily Traffic	Latest Surface Con./Recon.	Est. Cost
Hedge Way (Ridgeview Ln to Old Farm Rd)	Remove & Replace Asphalt	3 4 (158')	40 (317' Yr. 2000) 150 (Yr. 2000)	1987, 91, 92	\$120±K
Ridgeview Ln (Old Farm Rd to Donges Bay Rd)	Remove & Replace Asphalt	3	150 (Yr. 2000)	1987, 95	\$145±K
Concord Rd (Division Rd S to Colonial Dr)	Full depth Removal & Reconstruction	3	350 (Yr. 2000)	1973	\$341±K

These substitutions would increase the amount of borrowing required in 2016:

1. Hedge Way and Ridgeview Ln. (\$245±K) vs. ½ of Fieldstone Pass (\$172±K); and
2. Concord Rd. (\$341±K) vs. Maple Rd. (\$294±K).

The Old Farm Subdivision substitutions would disrupt typical “from branch to trunk” construction sequencing and disrupt subdivision residents lives for two construction seasons instead of one.

Staff does not recommend these substitutions.

ATTACHMENTS:

Staff memo from Public Works & Highway Committee’s August 6, 2015 meeting

COMMITTEE ACTION:

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

**BUSINESS OF THE PUBLIC WORKS & HIGHWAY COMMITTEE
GERMANTOWN, WI**

MEETING DATE: August 6, 2015

AGENDA ITEM: Unfinished Business

ITEM TITLE: ADOPTION OF THE 2016 ROAD RECONSTRUCTION PROJECTS

SUBMITTED BY: Brionne R. Bischke, P.E., Interim DPW Director / Village Engineer 

SUMMARY EXPLANATION:

The Village's geotechnical engineering consultants have already completed surveys, evaluations and reconstruction recommendations for the following roads:

Old Farm East Subdivision:

Project	Consultant Recommendation	2013 PASER Rating	Average Daily Traffic	Latest Surface Con./Recon.	Est. Cost
Auburn Ln (Fieldstone Pass to Hedge Way)	Remove & Replace Asphalt ¹	3	80 (Yr. 2000)	1987	\$145±K
Brook Hollow Ct (Termini to Brook Hollow Dr)	Remove & Replace Asphalt ¹	4	40 (Yr. 2000)	1991	\$21±K
Brook Hollow Dr (Hedge Way to Old Farm Rd)	Remove & Replace Asphalt ¹	4	150 (Yr. 2000)	1991	\$111±K
Fieldstone Pass (Wagon Trl to Donges Bay Rd)	Remove & Replace Asphalt ¹	3 5 (528')	150 (Yr. 2000)	1987, 91, 95	\$344±K
Hedge Way (Ridgeview Ln to Old Farm Rd)	Remove & Replace Asphalt ¹	3 4 (158')	40 (317' Yr. 2000) 150 (Yr. 2000)	1987, 91, 92	\$120±K
Old Farm Rd (Wagon Trl to Field Stone Pass)	Remove & Replace Asphalt ¹	3	150 (Yr. 2000)	1987, 92, 95	\$289±K
Ridgeview Ln (Old Farm Rd to Donges Bay Rd)	Remove & Replace Asphalt ¹	3	150 (Yr. 2000)	1987, 95	\$145±K
Timberline Ct (Old Farm Rd to Termini)	Remove & Replace Asphalt ¹	3	80 (Yr. 2000)	1991	\$111±K
Subdivision Total					\$1.286± million

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

Other Projects:

Project	Consultant Recommendation	2013 PASER Rating	Average Daily Traffic	Latest Surface Con./Recon.	Est. Cost
Donges Bay Rd (Pilgrim Rd to Magnolia Dr)	Pulverize & Overlay w/ EBS ⁵	3	2,400 (Yr. 1998)	1976	\$822±K
Concord Rd (Division Rd S to Pilgrim Rd)	Full depth Removal & Reconstruction ²	3	350 (Yr. 2000)	1973	\$475±K
Concord Rd. (Nighbor Dr to Water St)	Connect water main system gap ³	n/a	n/a	n/a	\$251±K ⁴
Maple Rd (Cedar Ln to Rockfield Rd)	Pulverize & Overlay ¹	2	350 (Yr. 2003)	1981	\$294±K

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

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

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

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

**BUSINESS OF THE PUBLIC WORKS & HIGHWAY COMMITTEE
GERMANTOWN, WI**

It would be prudent stewardship to complete this existing menu of projects before adding projects that would require additional geotechnical engineer survey, evaluation and recommendation.

We project that this existing menu of projects would be depleted in Year 2017; therefore, it would be prudent to develop another five year (2018-2022) list of projects and contract a geotechnical engineer in Year 2017 to survey, evaluate and make reconstruction recommendations.

ATTACHMENTS:

1. Wisconsin DOT Rudimentary Needs exhibit
2. Wisconsin DOT Condition Needs exhibit

STAFF RECOMMENDATION TO COMMITTEE:

Adopt the following roads into the 2016 Road Reconstruction Projects:

Project	Consultant Recommendation	2013 PASER Rating	Average Daily Traffic	Latest Surface Con./Recon.	Est. Cost
Donges Bay Rd (Pilgrim Rd to Magnolia Dr)	Pulverize & Overlay w/ EBS	3	2,400 (Yr. 1998)	1976	\$822±K
Maple Rd (Cedar Ln to Rockfield Rd)	Pulverize & Overlay	2	350 (Yr. 2003)	1981	\$294±K
Fieldstone Pass (Wagon Trl to Donges Bay Rd)	Remove & Replace Asphalt	3 5 (528')	150 (Yr. 2000)	1987, 91, 95	\$344±K
Mequon Rd. Sidewalk (south side east of Pilgrim Rd.) ⁶	N/A	N/A	N/A	N/A	\$37±K
Year 2016 Total					\$1.497± million

⁶ Public Works & Highway Committee, Mar. 3 and Apr. 7, 2015

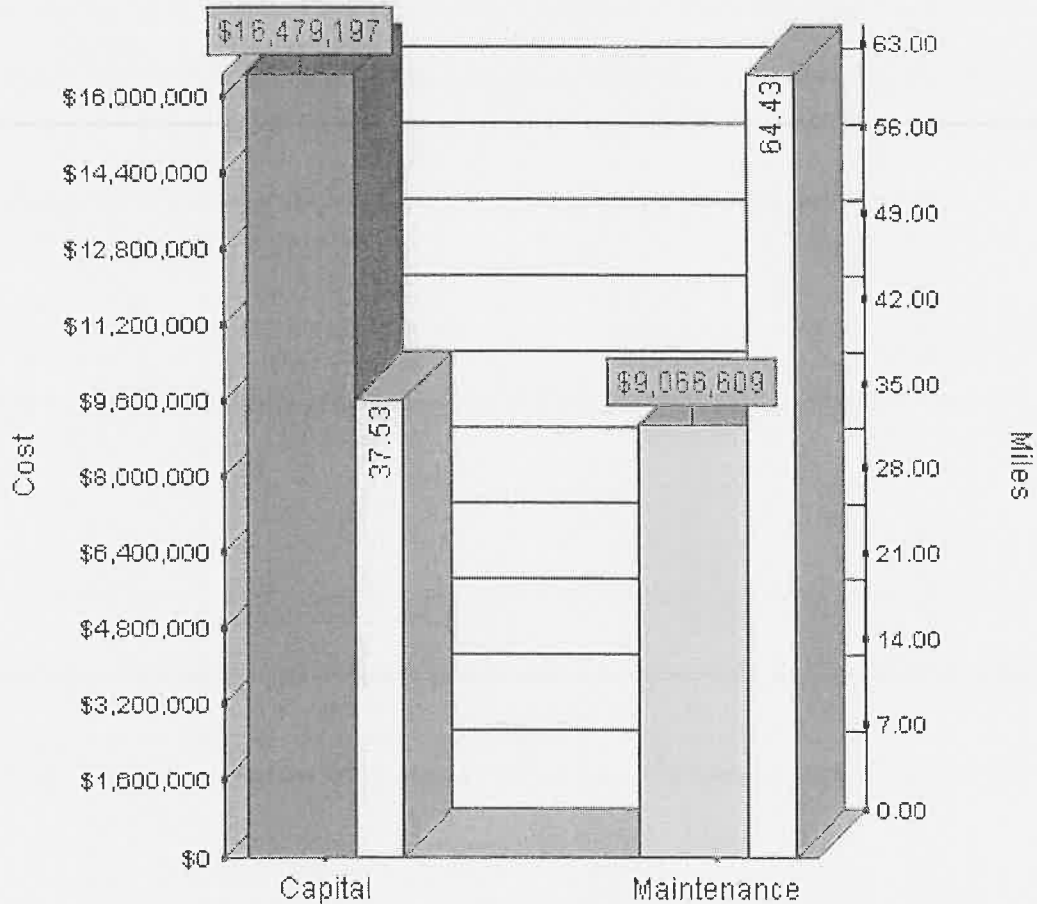
COMMITTEE ACTION:

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.

Rudimentary Needs Analysis

Village of Germantown

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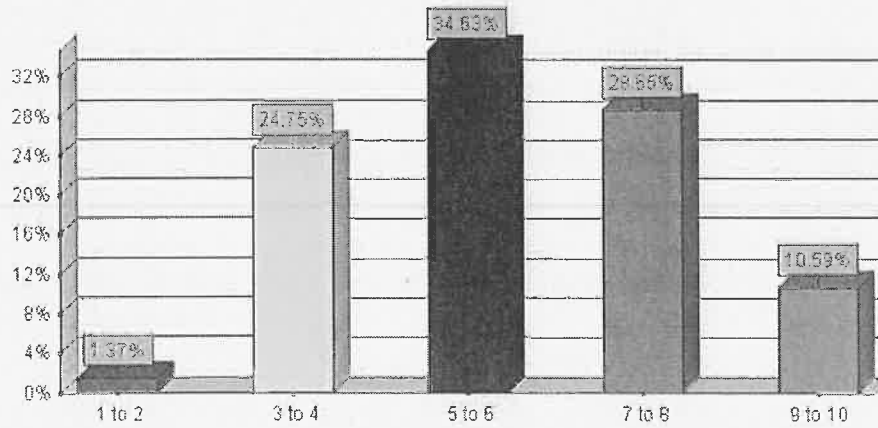
- 0.00% of needs attributed to this year's data
- 0.00% of needs attributed to one year old data
- 98.09% of needs attributed to two year old data
- 1.91% of needs are potentially unreliable - Rating Data > 2 years old
- 0.00% of needs are estimated - No Data
- 0.00% of needs are estimated - Data Too Old (> 5 years old)

**The information shown is based on actual data. Pavement sections without actual rating data were not included in this analysis.

There are 130.37 miles of rated roadways and 0.00 miles of unrated roadways. Please note that mileage listed with the graph shown above is the portion of the rated roadway miles indicating need (designated as capital or maintenance).

Condition Frequency Report - Paved Village of Germantown

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Rating Range

- Based on 130.37 miles of rated roadways.
- Paved: 45,50,52,53,57,60,65,70,75