

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

**MEETING: REGULAR MEETING OF THE VILLAGE BOARD**

**DATE AND TIME: MONDAY, August 1, 2016 7:00 p.m.**

**LOCATION: Germantown Village Hall Board Room**

I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*

II. **ROLL CALL**

III. **PLEDGE OF ALLEGIANCE**

IV. **PRESIDENT'S REPORT**

V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS:**

The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney and Village Clerk.

VI. **CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:**  
*Please be advised per §19.84(2), information will be received from the public. It is the policy of this municipality that there be a three (3) minute time period, per person, with time extension per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments. (15 minutes)*

VII. **CONSENT AGENDA:**

A. Approval of Village Board Minutes: July 18, 2016

B. Accounts payable/payroll

|    |               |                  |               |
|----|---------------|------------------|---------------|
| 1. | July 25, 2016 | Accounts Payable | \$ 570,629.49 |
| 2. | July 28, 2016 | Payroll (hourly) | \$ 241,817.40 |
| 3. | July 31, 2016 | Payroll (salary) | \$ 84,698.51  |

C. Operator Licenses: August 2, 2016 to June 30, 2017: [Recommended Approval]  
Heidi S. Casetta; Joseph D. Gutenkonst; Rick M. Perry; Melissa S. Recore;  
Crystal Spears

VIII. **UNFINISHED BUSINESS:** None

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

- A. Phylmack LLC, Agent for Thomas & Joan Roskopf, Property Owner and applicant for: **REZONING** of A-1: Agricultural district to the M-1: Limited Industrial District Pursuant to Section 17.14 of the Municipal Code on the Following Described Property: GTNV 173-999 - 5.57 Acres Located at Approximately N120 W19500 Freistadt Road;
- B. Village of Germantown Community Development Department for Proposed Text Amendments to the following Sections of the Zoning Code (Chapter 17) and the Subdivision & Platting Code (Section 18) of the Village of Germantown Municipal Code: 17.07 (General Provisions); 17.08 (Definitions); 17.12 (A-1 Agricultural Zoning District Regulations); 17.13 ((A-2 Agricultural Zoning District Regulations); 17.33 (M-1: Limited Industrial Zoning District Regulations); 17.43 (Site Plan Approval Requirements); 17.48 (Non-conforming Uses, Structures & Lots); 18.02 (General Provisions); 17.51 (Zoning Code Changes & Amendments); 18.03 (Land Division & Development Procedures)

**X. NEW BUSINESS:**

- A. **REZONING ORDINANCE & CERTIFIED SURVEY MAP:**  
Phylmack LLC, Agent for Thomas & Joan Roskopf, Property Owners of a 54.5-acre Parcel located on Freistadt Road (Parcel GTNV#173-999); A-1 to M-1 Rezoning Application & 2-Lot Certified Survey Map (CSM)
- B. **ZONING ORDINANCE:** Village of Germantown Community Development Department, Text Amendments to Various Sections of the Zoning Code (Chapter 17) and the Subdivision & Platting Code (Section 18) of the village of Germantown Municipal Code
- C. Acceptance of 2015 Comprehensive Annual Financial Report
- D. AT & T Long Distance Contract for Recommendation/Approval
- E. TE Brennan Company Annual Retainer for Recommendation/Approval
- F. Visit Washington County Request for \$8,000 of Tourism Funds
- G. Discussion/Action for Consideration of Special Village Board Meeting for August 29, 2016
- H. Alt Bauer Park Tennis Court Resurfacing Project for Approval
- I. The Germantown Professional Police Association Local 306. The Village Board may enter into closed session per Wi. Stats. §19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, when competitive or bargaining reasons require a closed session and may re-enter open session to take such action as it deems appropriate.

**XI. ADJOURNMENT**

**The next Village Board meeting will be on August 15, 2016 at 7:00 p.m.**

*UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For Additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.*

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

X. A

**MEETING DATE:** August 1, 2016

**AGENDA ITEM:** Public Hearing & New Business (REZONING ORDINANCE & CERTIFIED SURVEY MAP)

**ITEM TITLE:** Phylmack LLC, Agent for Thomas & Joan Roskopf, Property Owners of a 54.5-acre Parcel located on Freistadt Road (Parcel GTNV#173-999); A-1 to M-1 Rezoning Application & 2-Lot Certified Survey Map (CSM)

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

**SUMMARY EXPLANATION:**

Phylmack LLC, agent for Thomas & Joan Roskopf, property owners, has submitted a 2-lot certified survey map (CSM) to detach 5.57 acres of land from the Roskopf property and attach it to the Phylmack property (J.W. Speaker). The proposal also includes an application to rezone the 5.57 acres from A-1: Agricultural to M-1: Limited Industrial to accommodate the possible future expansion of the J.W. Speaker manufacturing facility located at N120 W19434 Freistadt Road.

Founded in 1935, the J.W. Speaker Corporation designs, manufactures and assembles innovative, high-performance vehicular lighting products for OEM and aftermarket customers around the world. Speaker specializes in LED & other lighting technologies. The existing 162,000 sqft Freistadt Road facility was constructed in 2008. The additional land is intended to accommodate plans for future expansion on the west side of the existing building.

**ATTACHMENTS:**

- ◆ 6/13/16 Staff Report
- ◆ 6/13/16 Plan Commission Meeting Minutes
- ◆ Draft Ordinance
- ◆ Preliminary CSM

**PLAN COMMISSION RECOMMENDATIONS:**

**APPROVE** rezoning the proposed 5.57-acre parcel from A-1: Agricultural to M-1: Limited Industrial; and

**APPROVE** the proposed 2-lot Certified Survey Map (CSM) for the Roskopf and Phylmack LLC parcels as drafted subject to the following conditions:

1. All technical corrections identified in the Village Surveyor's May 24, 2016 memo shall be addressed prior to recording the CSM;

**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, August 1, 2016  
**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 applicant for a **REZONING** application to rezone the following described property from the **A-1: Agricultural District** to the **M-1: Limited Industrial District** pursuant to Section 17.14 of the Municipal Code on the following described property:

**Petitioners:** Phylmack LLC, Agent for Thomas & Joan Roskopf, Property Owners  
**Property:** 5.57 acres located at approximately N120 W19500 Freistadt Road; Tax Key No. 173-999

Part of the NE ¼ and SE ¼ of the SW ¼ of Section 17, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, bounded and described as follows:

Commencing at the South ¼ corner of said Section 17; thence North 01°20'54" West along the East line of the SW ¼ of said Section, 33.01 feet to a point on the North line of Freistadt Road and the point of beginning of the lands hereafter described; thence South 89°53'20" West along said North line, 87.44 feet to a point; thence North 06°02'11" West, 1594.53 feet to a point; thence North 88°39'06" East, 217.74 feet to a point on the East line of the SW ¼ of said Section; thence South 01°20'54" East along said East line, 1591.09 feet to the point of beginning. Said lands containing 5.57 acres of land, more or less.

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

Dated this 7<sup>th</sup> day of July, 2016.  
Barbara K. D. Goeckner, Village Clerk

To Be Published On: July 14<sup>th</sup> and July 21<sup>st</sup>, 2016

# CERTIFIED SURVEY MAP (CSM) & REZONING APPLICATION

6/13/16 Plan Commission Meeting

**Thomas & Joan Roskopf / Phylmack LLC / J.W. Speaker Corporation**  
**Village Planner Report** **Germantown, Wisconsin**

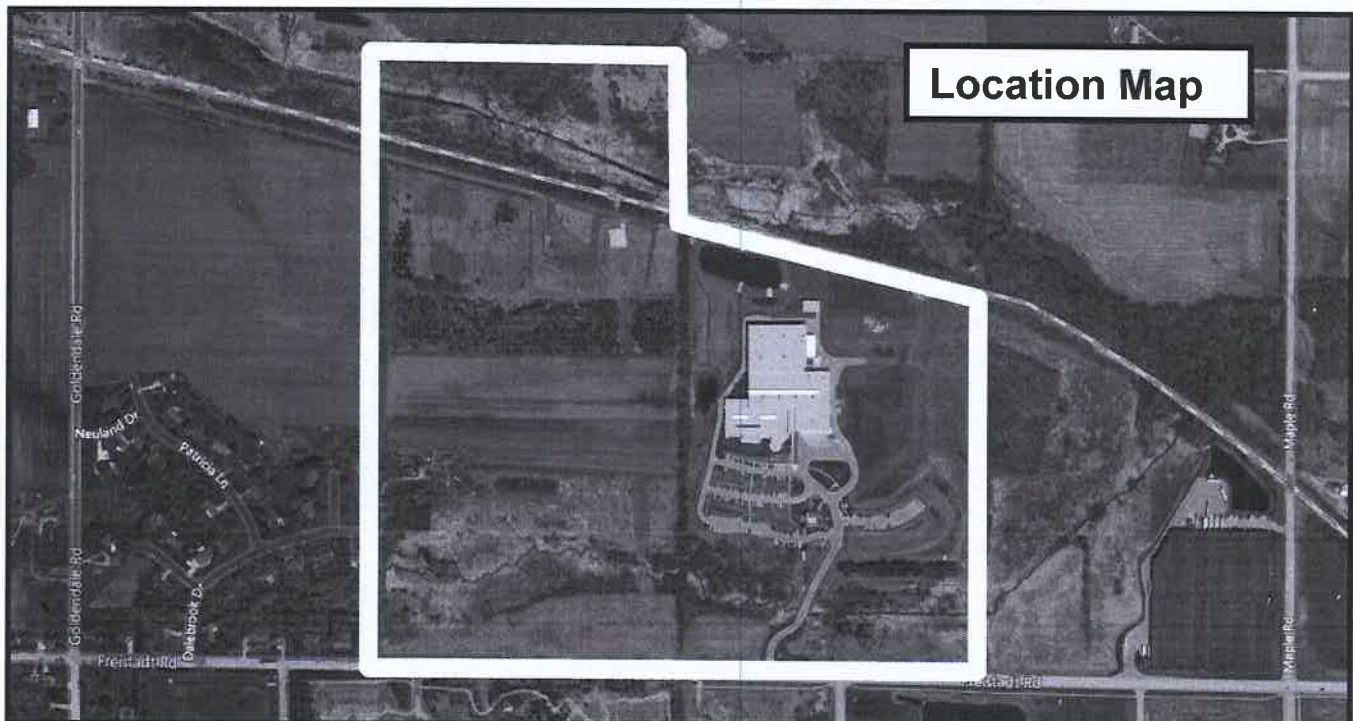
## Summary

Phylmack LLC, property owner and agent for Thomas & Joan Roskopf, property owners, has submitted a 2-lot certified survey map (CSM) to detach 5.57 acres of land from the Roskopf property and attach it to the Phylmack property (J.W. Speaker), and, an application to rezone the 5.57 acres from A-1: Agricultural to M-1: Limited Industrial for possible future expansion of the J.W. Speaker manufacturing facility located at N120 W19434 Freistadt Road.

**Property Location:** N120 W19434 Freistadt Road  
**Applicant/**  
**Property Owners:** Phylmack LLC  
c/o Richard Donner  
Reinhart Law  
1000 N. Water Street  
Milwaukee, WI  
Thomas & Joan Roskopf  
W200 N12107 Josephine Drive  
Richfield, WI

**Current Zoning:** A-1: Agricultural **Proposed Zoning:** M-1: Limited Industrial

| Adjacent Land Uses |              | Zoning |
|--------------------|--------------|--------|
| North              | Agricultural | A-1    |
| South              | Industrial   | M-1    |
| East               | Industrial   | M-1    |
| West               | Agricultural | A-1    |



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**Proposal/Background**

Phylmack LLC, property owner and agent for Thomas & Joan Roskopf, property owners, has submitted a 2-lot certified survey map (CSM) to detach 5.57 acres of land from the Roskopf property and attach it to the Phylmack property (J.W. Speaker). The proposal also includes an application to rezone the 5.57 acres from A-1: Agricultural to M-1: Limited Industrial to accommodate the possible future expansion of the J.W. Speaker manufacturing facility located at N120 W19434 Freistadt Road.

Founded in 1935, the J.W. Speaker Corporation designs, manufactures and assembles innovative, high-performance vehicular lighting products for OEM and aftermarket customers around the world. Speaker specializes in LED & other lighting technologies. The existing 162,000 sqft Freistadt Road facility was constructed in 2007-08 with plans for future expansion on the west side of the building.

**Staff Comments**Consistency with Village's Land Use Plan.

The 2020 Land Use Plan map classifies both the Roskopf and Phylmack LLC properties as "Industrial/Office". The proposed M-1 rezoning for the 5.57-acre area is consistent with the 2020 Land Use Plan. The 67.34-acre Roskopf property (Lot 1 and Outlot 1 as shown in the proposed CSM) will remain in the A-1: Agricultural Zoning District unless/until subsequent rezoning and development plans are submitted to the Village.

Conformance with Zoning District & Subdivision Requirements.

The proposed land division will not create any compliance issues for the Roskopf or Phylmack LLC parcels; both will continue to meet the A-1 and M-1 Zoning Districts, respectively.

Soil evaluations for the 5.57-acre area have not been prepared given the intent to simply attach the area to the existing Phylmack LLC parcel (Lot 2 of the proposed CSM). Because Lot 1 is not intended for any further development at this time, soil evaluations are not required (there is an existing dwelling and functioning POWTS on the Roskopf parcel).

As shown on the CSM, portions of the 5.57-acre area lie within wetland and 100-year floodplain associated with the West Branch of the Menomonee River that runs east-west through the property to the south. At this time, no development is proposed in/near those environmentally-sensitive areas.

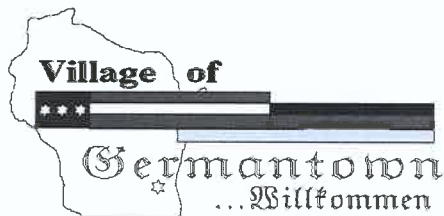
The Village Surveyor has identified a few technical corrections in a May 24, 2016 memo (copy attached) that will need to be addressed prior to recording the CSM.

**Village Planner Recommendation**

**APPROVE** the proposed rezoning of the 5.57-acre area from A-1: Agricultural to M-1: Limited Industrial;

**APPROVE** the proposed 2-lot Certified Survey Map (CSM) for the Roskopf and Phylmack LLC parcels as drafted subject to the following conditions:

1. All technical corrections identified in the Village Surveyor's May 24, 2016 memo shall be addressed prior to recording the CSM;



## Engineering Department Memorandum

**To:** Jeff Retzlaff Village Planner

**CC:**

**From:** Bob Beilfuss, PLS, Village Surveyor

**Date:** May 24, 2016

**Re:** Speaker CSM

Jeff,

Here are my review comments for the CSM received 5-6-2016.

### **Certified Survey Map**

**Applicant or Owner:** Speaker

**Land Surveyor/Firm:** Don Chaput, PLS, Chaput Land Surveying

**Current Zoning**      **New Zoning:** No rezoning required

1. There is a gap in deeds between the exterior of the CSM and the adjoining subdivision plat. The amount of the gap is not shown on the map. Are the owners working to resolve the gap issue and claim the gap area as part of their property?
2. 25' wetland setback line is missing on Sheet 2.
3. No building setback line shown for either Lot 1 or Lot 2
4. No soil boring shown on proposed Lot 1.
5. No soil boring report provided.
6. **Mortgagee's Certificate** (Required if land is mortgaged)
  - ☐ Complete statements per Chapter 236.21(2)(a)
  - ☐ Lending institution name, signature of bank officer and date.
  - ☐ Notary statement, seal, signature and date.

The mortgage certificate requirement is waived if owner can provide written proof of ownership that the property is free of mortgage from the lending institution.

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.

C:\Users\lori\AppData\Local\Microsoft\Windows\Temporary Internet Files\OLK84BA\5-24-2016 Speaker-Chaput CSM.doc

May 24, 2016

**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 2013 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.

**PLAN COMMISSION MINUTES  
JUNE 13, 2016**

**CALL TO ORDER:** 6:30 pm

**ROLL CALL:** Chairman Dean Wolter, Commissioners Mary Ellen Gray, Bill Shadid, Peter Nilles, Tony Laszewski and Ben Goetter were present. Trustee Representative David Baum was absent and excused. Also present were Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

**PUBLIC INPUT:** None

**APPROVAL OF MINUTES:** ***MOTION Laszewski second Gray to Approve the minutes from 5-9-16.***

***MOTION carried (Shadid abstained).***

**Robert & Lori Snow – W148 N12301 Pleasant View Drive.** The property owners of a 29.4 acre parcel are requesting approval of a 3-lot Certified Survey Map (CSM) in order to create three (3) residential parcels. Planner Retzlaff summarized the proposal. He indicated that the owners have proposed to change the 60 foot easement as shown on the CSM to a 40 foot wide easement that is consistent with the private street regulations. A revised CSM will need to be submitted showing the change. Discussion followed.

***MOTION Gray second Shadid to Approve the proposed 3-lot Certified Survey Map (CSM) for the Robert and Lori Snow property on Pleasant View Drive subject to the following conditions:***

- 1. All requirements and technical corrections identified in the Village Surveyor's May 24, 2016 memo shall be addressed in a revised CSM prior to Village Board approval.***
- 2. A shared driveway/access easement agreement applicable to the 40' ingress/egress easement across the interior property lines shall be prepared and submitted to the Village for review prior to review of the CSM by the Village Board. At a minimum, the agreement shall address construction of the driveway to the minimum design standards set forth in Section 18.07(d) of the Village's Subdivision Code, and, ownership and maintenance responsibilities for the easement and driveway.***

Discussion continued. Mr. Snow said his attorney is drafting the easement agreement and shared driveway maintenance agreement.

***MOTION carried unanimously.***

**Phylmack LLC for J.W. Speaker – N120 W19434 Freistadt Road & Thomas & Joan Roskopf – Freistadt Road.** Phylmack LLC, property owner and agent for the Roskopf's has submitted a 2-lot certified survey map (CSM) to detach 5.57 acres of land from the Roskopf property and attach it to the Phylmack property (J.W. Speaker) and an application to rezone the 5.57 acres from A-1: Agricultural to M-1: Limited Industrial District for possible future expansion of the J.W. Speaker manufacturing facility. Planner Retzlaff summarized the proposal.

***MOTION Gray second Nilles to Approve the proposed rezoning of the 5.57 acre area from A-1: Agricultural to M-1: Limited Industrial; and***

***Approve the proposed 2-lot Certified Survey Map (CSM) for the Roskopf and Phylmack LLC parcels as drafted subject to the following conditions:***

- 1. All technical corrections identified in the Village Surveyor's May 24, 2016 memo shall be addressed prior to recording the CSM.***

George Lehnerer, J.W. Speaker, said the technical corrections have been completed. Planner Retzlaff confirmed they had been received but have not been approved yet by the Village Surveyor. Chairman Wolter congratulated J.W. Speaker on their continued growth and continued success in the Village of Germantown.

***MOTION carried unanimously.***

**Ravinia Communities for Hilltop Highlands & Brookside Meadows Mobile Home Parks Hilltop Drive.** The owner is seeking approval of a revised site plan in order to realign/reorient six (6) existing mobile home sites within the mobile home park located on Hilltop Drive south of Freistadt Road. Planner Retzlaff summarized the proposal. Herb Wolf, Wolf & Associates, explained the change will reduce the need for contouring the lots, include a new office trailer and help dress up the entrance to the Park.

***MOTION Gray second Shadid to Approve a revised site development plan for the Hilltop Highlands Mobile Home Park that realigns six (6) sites (#87 through #94) as shown on the plan maps dated May 10, 2016.***

***Motion carried unanimously.***

Mr. Wolf introduced Joshua Barron the new operations and project manager for the park.

**Compass Properties Germantown – W164 N11269-71 Squire Drive.** Perspective Design, agent for Compass Property Management, property owner of a 4.6 acre parcel located in the Germantown Marketplace II Planned Development District (PDD) and existing commercial retail center located on Mequon Road, is requesting approval of an amendment to the Planned Development District (PDD) and a 2 lot Certified Survey Map (CSM) application in order to divide the property into two separate parcels. Planner Retzlaff summarized the proposal. He explained the current Germanic themed building architecture that exists today is uncertain for the future because language in the draft resolution is vague as far as where one can take the architecture and materials in the future. He said if there is a desire to ensure that the Germanic architecture remain in place, language could be added to that effect or deal with it if and when it is proposed down the road. Discussion continued regarding the contemporary architecture of Life Church and how the proposed resolution language could allow that type of architectural change for the remaining buildings in the future.

Chairman Wolter said commercial properties have always been held to the Germanic architectural theme along the Mequon Road corridor but churches have never been held to that standard. Discussion continued. Commissioner Laszewski said holding the

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP  
OF THE VILLAGE OF GERMANTOWN ZONING CODE**  
(Thomas & Joan Roskopf, Property Owners)

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

**SECTION 1.** That the zoning map of the Village of Germantown is amended by rezoning from the A-1: Agricultural District to the M-1: Limited Industrial District the following described property:

Part of the NE ¼ and SE ¼ of the SW ¼ of Section 17, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, bounded and described as follows:

Commencing at the South ¼ corner of said Section 17; thence North 01020'54" West along the East line of the SW ¼ of said Section, 33.01 feet to a point on the North line of Freistadt Road and the point of beginning of the lands hereafter described; thence South 89053'20" West along said North line, 87.44 feet to a point; thence North 06002'11" West, 1594.53 feet to a point; thence North 88039'06" East, 217.74 feet to a point on the East line of the SW ¼ of said Section; thence South 01020'54" East along said East line, 1591.09 feet to the point of beginning. Said lands containing 5.57 acres of land, more or less.

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

Introduced by Trustee: \_\_\_\_\_

Adopted: \_\_\_\_\_, 2016

Vote:           Ayes: \_\_\_\_\_  
              Nays:     \_\_\_\_\_

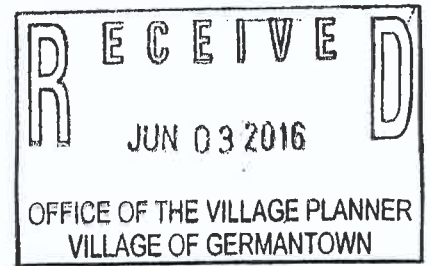
\_\_\_\_\_  
Dean Wolter, Village President

ATTEST:

\_\_\_\_\_  
Barbara K. D. Goeckner, Village Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian Sajdak, Attorney  
Published:



# CERTIFIED SURVEY MAP NO.

A redivision of Lot 1 in Certified Survey Map No. 6215 and lands being part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4, and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 all in Section 17, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

- Indicates found 1/2" rebar
- Indicates found 1" iron pipe.
- Indicates set 1.315" O.D. iron pipe 18" in length, weighing 1.68 lbs. per lineal foot.
- ⓓ Indicates land dedicated to the Village of Germantown for Public Road Purposes.

Note: See sheet 2 for Wetlands Boundary & Zoning Setback lines.

Note: There is a gap in legal descriptions between the West line of this map and the East line of Neuland Subdivision.

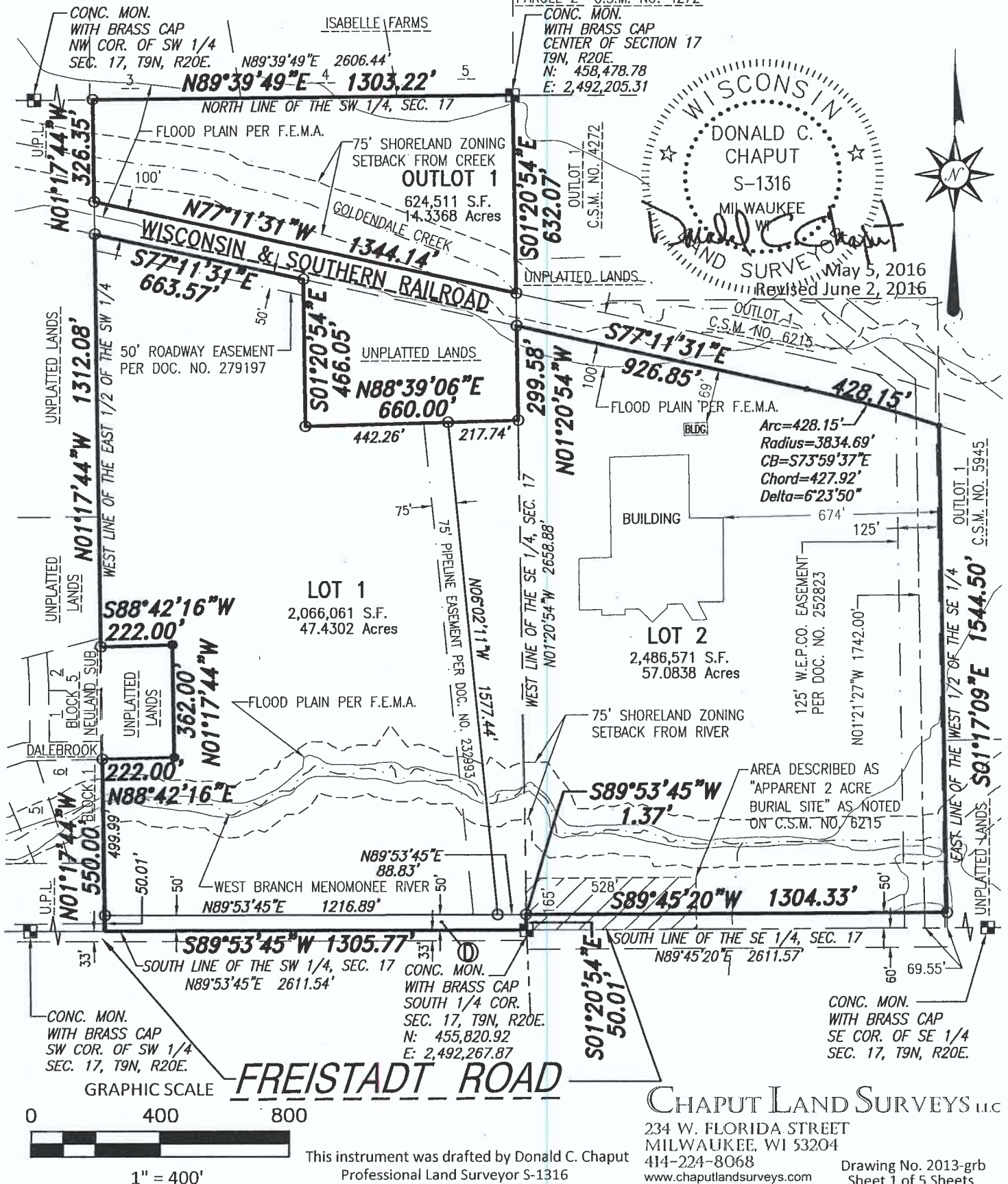
Subdivider: (Lot 2)  
Phylmack LLC  
P.O. Box 1011  
Germantown, WI 53022

Subdivider: (Lot 1 & Outlot 1)  
Thomas Roskopf  
Joan F. Roskopf  
W200N12107 Josephine Dr.  
Richfield, WI 53076

Note: Outlot 1 ownership must remain with the owner of Lot 1 or an adjacent property until such time that access is provided.

Bearings are referenced to grid North of the Wisconsin State Plane Coordinate System (South Zone) NAD 27, in which the West line of the Southeast 1/4 of Section 17, bears N01°20'54"W.

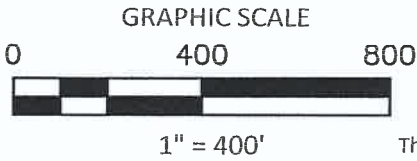
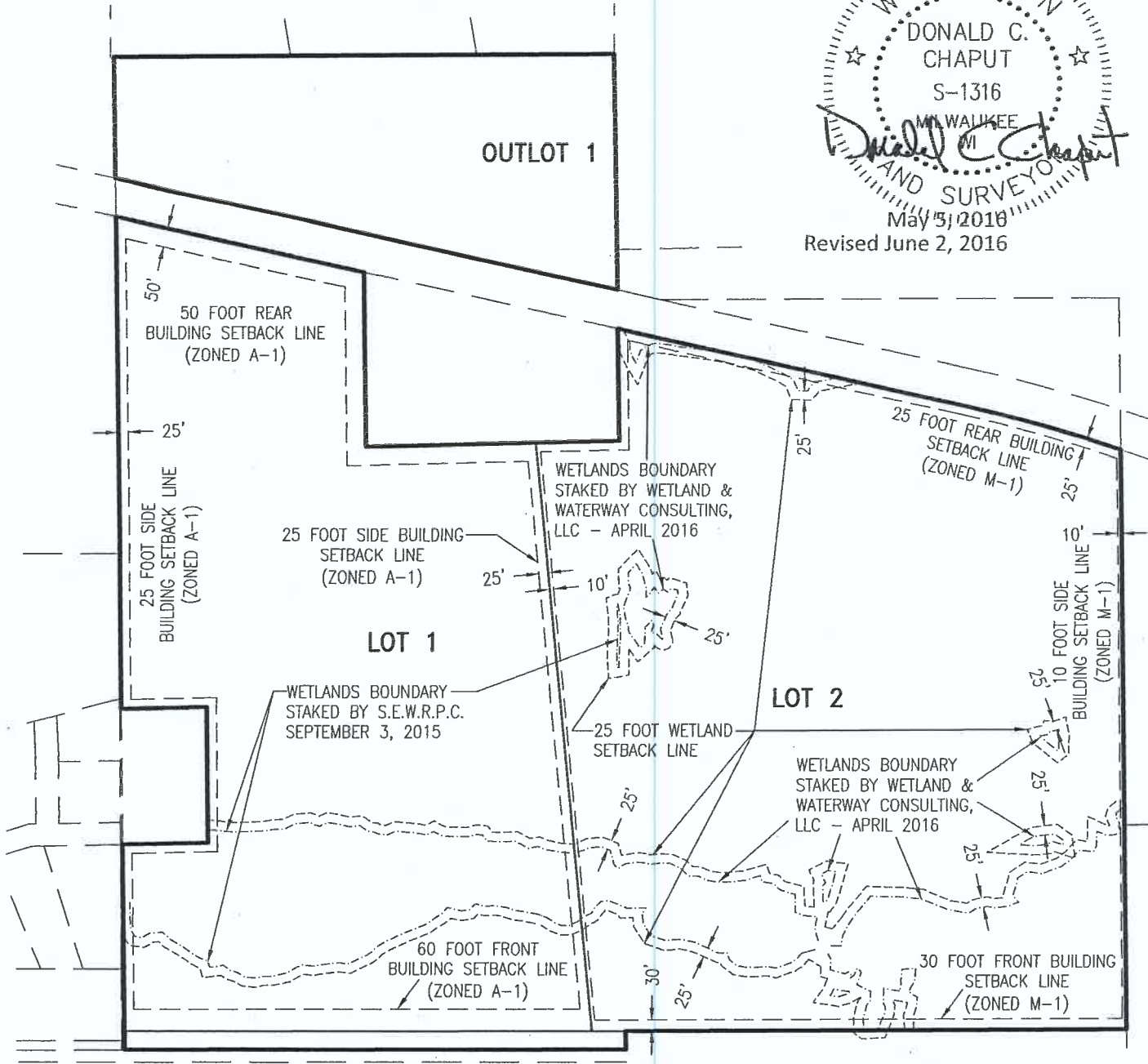
PARCEL 2 C.S.M. NO. 4272



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A redivision of Lot 1 in Certified Survey Map No. 6215 and lands being part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4, and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 all in Section 17, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

WISCONSIN  
DONALD C. CHAPUT  
S-1316  
MILWAUKEE, WI  
LAND SURVEYOR  
May 5, 2016  
Revised June 2, 2016



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A redivision of Lot 1 in Certified Survey Map No. 6215 and lands being part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4, and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 all in Section 17, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

## SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN}  
:SS  
MILWAUKEE COUNTY}

I, DONALD C. CHAPUT, a Professional land surveyor, do hereby certify:

THAT I have survey, divided and mapped a redivision of Lot 1 in Certified Survey Map No. 6215 and lands being part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4, and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 all in Section 17, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, bounded and described as follows:

BEGINNING at the South 1/4 corner of said Section; thence South 89°53'45" West along the South line of the Southwest 1/4 of said Section 1305.77 feet to a point on the West line of the East 1/2 of the Southwest 1/4 of Section 17; thence North 01°17'44" West along said West line 550.00 feet to a point; thence North 88°42'16" East 222.00 feet to a point; thence North 01°17'44" West 362.00 feet to a point; thence South 88°42'16" West 222.00 feet to a point on the West line of the East 1/2 of the Southwest 1/4 of Section 17; thence North 01°17'44" West along said West line 1312.08 feet to a point on the South line of the Wisconsin & Southern Railroad lands; thence South 77°11'31" East along said South line 663.57 feet to a point; thence South 01°20'54" East 466.05 feet to a point; thence North 88°39'06" East 660.00 feet to a point on the West line of the Southeast 1/4; thence North 01°20'54" West along said West line 299.58 feet to a point on the South line of the Wisconsin & Southern Railroad lands; thence South 77°11'31" East along said South line 926.85 feet to a point; thence Southeasterly 428.15 feet along said South line and arc of a curve, whose center lies to the Southwest, whose radius is 3834.69 feet and whose chord bears South 73°59'37" East 427.92 feet to a point on the East line of the West 1/2 of the Southeast 1/4 of Section 17; thence South 01°17'09" East along said East line 1544.50 feet to a point on the North line of Freistadt Road; thence South 89°45'20" West along said North line 1304.33 feet to a point; thence South 89°53'45" West along said North line 1.37 feet to a point on the West line of the Southeast 1/4 of Section 17; thence South 01°20'54" East along said West line 50.01 feet to the point of beginning.

TOGETHER WITH:

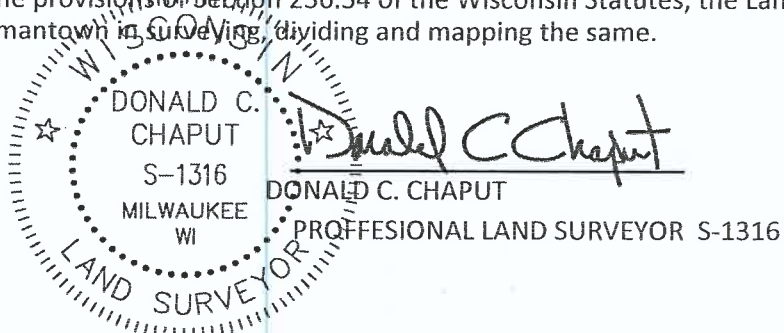
COMMENCING at the South 1/4 corner of said Section; thence North 01°20'54" West along the West line of the Southeast 1/4 of Section 17 a distance of 2658.88 feet to a point marking the Center of Section 17 and the point of beginning of the lands herein to be described; thence South 01°20'54" East along said West line 632.07 feet to a point on the North line of the Wisconsin & Southern Railroad lands; thence North 77°11'31" West along said North line 1344.14 feet to a point on the West line of the East 1/2 of the Southwest 1/4 of Section 17; thence North 01°17'44" West along said West line 326.35 feet to a point on the North line of the Southwest 1/4 of Section 17; thence North 89°39'49" East along said North line 1303.22 feet to the point of beginning.

Containing 5,242,430 square feet or 120.3496 acres of land.

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

THAT I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes, the Land Division Ordinance of the Village of Germantown in surveying, dividing and mapping the same.

DATE: May 5, 2016  
Revised June 2, 2016



CHAPUT LAND SURVEYS LLC  
234 W. FLORIDA STREET  
MILWAUKEE, WI 53204  
414-224-8068  
www.chaputlandsurveys.com

This instrument was drafted by Donald C. Chaput  
Professional Land Surveyor S-1316

Drawing No. 2013-grb  
Sheet 3 of 5 Sheets

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A redivision of Lot 1 in Certified Survey Map No. 6215 and lands being part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4, and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 all in Section 17, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

## OWNER'S CERTIFICATE

Thomas Roskopf and Joan F. Roskopf, as owner of Lot 1 and Outlot 1, hereby certify that we caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the provisions of Section 236.34 of the Wisconsin Statutes, the Land Division Ordinance of the Village of Germantown in surveying, dividing and mapping the same. As owners, we hereby dedicate that part of Freistadt Road to the Village of Germantown for public road purposes as represented on Sheet 1 of 4 of this Certified Survey Map.

\_\_\_\_\_  
Thomas Roskopf

\_\_\_\_\_  
Joan F. Roskopf

STATE OF WISCONSIN}  
:SS  
COUNTY}

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2016, the above named \_\_\_\_\_, to me known as the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission expires. \_\_\_\_\_  
My commission is permanent.

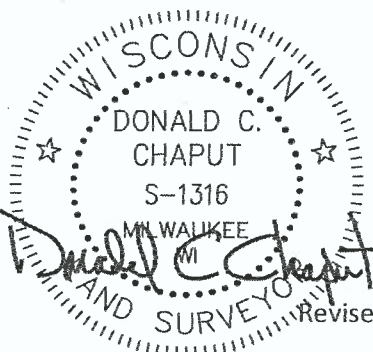
## OWNER'S CERTIFICATE

Phylmack LLC, as owner of Lot 2, hereby certify that we caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with the provisions of Section 236.34 of the Wisconsin Statutes, the Land Division Ordinance of the Village of Germantown in surveying, dividing and mapping the same.

STATE OF WISCONSIN}  
:SS  
COUNTY}

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2016, the above named \_\_\_\_\_, to me known as the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission expires. \_\_\_\_\_  
My commission is permanent.



May 5, 2016  
Revised June 2, 2016

This instrument was drafted by Donald C. Chaput  
Professional Land Surveyor S-1316

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Sheet 4 of 5 Sheets

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A redivision of Lot 1 in Certified Survey Map No. 6215 and lands being part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4, and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 all in Section 17, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

## VILLAGE OF GERMANTOWN PLANNING COMMISSION APPROVAL

This Certified Survey Map is hereby approved by the Planning Commission of the Village of Germantown on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Dean Wolter, Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Laura A. Johnson, Secretary

\_\_\_\_\_  
Date

## VILLAGE BOARD APPROVAL

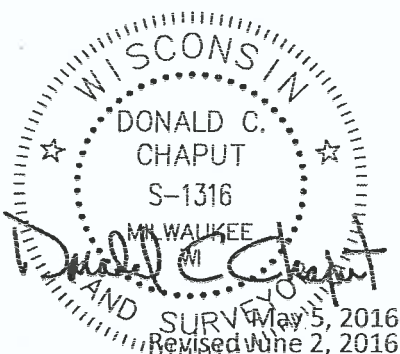
This Certified Survey Map, being a division of part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4, and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 all in Section 17, Town 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin is approved and the dedication of that part of Freistadt Road for public road purposes as shown on sheet 1 of 4 hereby accepted by the Village Board of Trustees of the Village of Germantown on this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Dean Wolter, Village President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Barbara K. D. Goeckner, Village Clerk

\_\_\_\_\_  
Date



This instrument was drafted by Donald C. Chaput  
Professional Land Surveyor S-1316

**CHAPUT LAND SURVEYS LLC**  
234 W. FLORIDA STREET  
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Drawing No. 2013-grb  
Sheet 5 of 5 Sheets

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

X.B

**MEETING DATE:** August 1, 2016

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

**ITEM TITLE:** Village of Germantown Community Development Department, Text amendments to various sections of the Zoning Code (Chapter 17) and the Subdivision & Platting Code (Section 18) of the Village of Germantown Municipal Code

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

**SUMMARY EXPLANATION:**

The Community Development Department is proposing amendments to the following sections to Chapter 17 (Zoning Code) and Chapter 18 (Subdivision & Platting Code). The amendments are proposed in order to: bring these provisions up-to-date in light of changes to Wisconsin statutes; reflect recent actions and/or policy decisions by the Village; or clarify and otherwise improve staff's ability to administer and enforce these particular regulations.

- 17.08 (Definitions);
- 17.12 (A-1 Agricultural Zoning District regulations);
- 17.13 (A-2 Agricultural Zoning District regulations);
- 17.33 (M-1: Limited Industrial Zoning District regulations);
- 17.43 (Site Plan Approval requirements);
- 17.48 (Non-conforming Uses, Structures & Lots);
- 18.02 (General Provisions);
- 18.03 (Land Division & Development Procedures).

A detailed explanation of the proposed amendment and justification is contained in the Staff Report dated 5/9/2016 (copy attached).

**ATTACHMENTS:**

- ♦ 5/9/16 Staff Report
- ♦ 5/9/16 Plan Commission Meeting Minutes
- ♦ Draft Ordinance

**PLAN COMMISSION RECOMMENDATION:**

**APPROVE** the proposed Zoning Code amendments (as presented in the attached draft ordinance).

**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, August 1, 2016**  
**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 text amendments to the following sections of the Zoning Code (Chapter 17) and the Subdivision & Platting Code (Section 18) of the Village of Germantown Municipal Code: 17.07 (General Provisions); 17.08 (Definitions); 17.12 (A-1 Agricultural Zoning District regulations); 17.13 (A-2 Agricultural Zoning District regulations); 17.33 (M-1: Limited Industrial Zoning District regulations); 17.43 (Site Plan Approval requirements); 17.48 (Non-conforming Uses, Structures & Lots); 18.02 (General Provisions); 17.51 (Zoning Code Changes & Amendments); 18.03 (Land Division & Development Procedures).**

**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 7<sup>th</sup> day of July, 2016**  
**Barbara K. D. Goeckner, Village Clerk**

**To Be Published On: July 14<sup>th</sup> and July 21<sup>st</sup>, 2016**

# ZONING & SUBDIVISION CODE AMENDMENTS

5/9/16 Plan Commission Meeting

## Germantown Community Development Department

Village Planner Report

Germantown, Wisconsin

### Summary

The Community Development Department is proposing amendments to various provisions to Section 17 (Zoning Code) and Section 18 (Subdivision & Platting). The amendments are proposed in order to: bring these provisions up-to-date in light of changes to Wisconsin statutes; reflect recent actions and/or policy decisions by the Village; or clarify and otherwise improve staff's ability to administer and enforce these particular regulations.

### Amendment #1

Section 17.48(5) provides an allowance for non-conforming residential structures to be enlarged or expanded subject to certain limitations. The intent is to expand this allowance to also include agricultural structures.

*17.48(5) NONCONFORMING CHARACTERISTICS OF RESIDENTIAL STRUCTURES. Subject to subsection (3)(c) above, residential structures which encroach upon setback and other yard requirements, but which met setback and yard requirements at the time of construction, may be structurally altered and expanded provided that:*

- 1. Said structure is not located in any right-of-way;*
- 2. Such alteration or expansion does not create a greater degree of encroachment;*
- 3. The extent or size of any such alteration or expansion (measured in square feet), either separately or cumulatively when combined with a previous alteration or expansion, does not exceed 50% of the footprint (in square feet) of the structure at the time said structure became nonconforming.*

The following text amendment to Section 17.48(5) is proposed where words ~~stricken~~ are to be deleted and words underlined are to be added:

*17.48(5) NONCONFORMING CHARACTERISTICS OF RESIDENTIAL AND AGRICULTURAL STRUCTURES.*

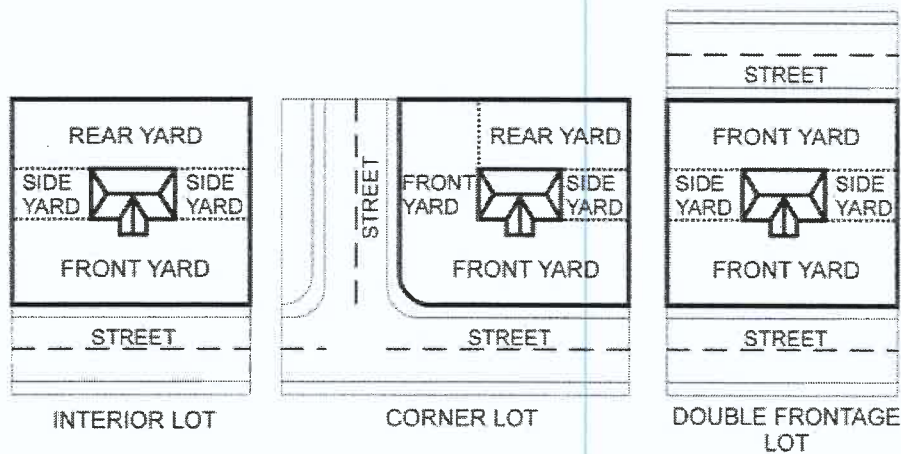
*Subject to subsection (3)(c) above, residential and agricultural structures which encroach upon setback and other yard requirements, but which met setback and yard requirements at the time of construction, may be structurally altered and expanded provided that:*

- 1. Said structure is not located in any right-of-way;*
- 2. Such alteration or expansion does not create a greater degree of encroachment;*
- 3. The extent or size of any such alteration or expansion (measured in square feet), either separately or cumulatively when combined with a previous alteration or expansion, does not exceed 50% of the footprint (in square feet) of the structure at the time said structure became nonconforming.*

**Amendment #2**

Section 17.08(48) defines what a “double frontage lot” is and how said lots are viewed in terms of which yards (i.e. front, street, rear and side) are what for purposes of determining setbacks and other applicable building restrictions. The current definition was adopted in 1988 when the Zoning Code underwent a comprehensive revision and/or replacement of the previous code adopted back in 1978.

*17.08(48) LOT, DOUBLE FRONTAGE. A lot having a pair of opposite lot lines along 2 more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.*



As shown in the figure above, a “double frontage lot” has two street or front yards by the current definition (1988). This is significant when one considers that the ability of a property to install such things as accessory buildings and fences is limited/prohibited depending on the type of and location of the “yards” are on their property. For example, in almost all residential zoning districts, accessory buildings are only allowed in a rear or side yard, and, in all residential districts, fences cannot exceed a height of 4’ in a front/street yard but can be as high as 6’ in a side and rear yard. These restrictions can be significant for double frontage lots where, by definition, there are two (2) front yards and no rear yards (see figure above).

There are a number of double frontage lots in the Village, including lots along several major arterials including Pilgrim Road and Mequon Road. As is the case with almost all double frontage lots, only one of the street frontages serves as the principal means of access, and, is usually the street to which the front door and façade of the dwelling faces (with the rear of the dwelling and other rear yard features located on the opposite side).

Over time, and particularly in recent years, the owners of double frontage lots have had to appeal for variances and special Plan Commission approval to install accessory buildings and fences where/when the owners of interior and corner lots do not. What we have discovered in some situations (and assume to be the case in others) is that these restrictions have caused many owners to simply ignore the regulations and install either accessory buildings or fences without obtaining necessary permits and without meeting

applicable setbacks and other restrictions. This is particularly true with respect to some double frontage lots located along Pilgrim Road.

What has complicated matters is the fact that the “old” 1978 Zoning Code definition attempted to resolve such an inequity by specifically assigning yard designations based on which street frontage the dwelling faced and to which access was provided. By this definition, there was only one front or street yard and one rear yard. As a result, property owners of double frontage lots installed accessory buildings and fences in their rear yards which then became front or street yards after the definition was changed in the 1988 Zoning Code. As a result, when owners seek permits to install replacement fences or accessory buildings in the same size and location, they have to get a variance or special permission from the Plan Commission.

It is staff’s recommendation that the definition of “double frontage lot” be revised to include the same language as the “old” 1978 definition. The following text amendment to Section 17.08(48) is proposed where words stricken are to be deleted and words underlined are to be added:

*17.08(48) LOT, DOUBLE FRONTAGE. A lot having a pair of opposite lot lines along 2 more or less parallel public streets and which is not a corner lot. ~~On a through lot, both street lines shall be deemed front lot lines.~~ For the purpose of this ordinance, double frontage lots in residential districts shall be deemed to have one front yard on the street to which the dwelling faces and from which principal access is provided.*

### **Amendment #3**

On land located in the Village’s two agricultural zoning districts (A-1 and A-2), specifically Sections 17.12(2)(m) & (gg) and Sections 17.13(2)(s) & (mm), property owners are eligible to apply for a conditional use permit that would allow them to use such land for the storage of recreational vehicles, boat storage, commercial vehicles and similar equipment provided such storage is “...completely enclosed within a building”. Typically, such storage is done on a “commercial” basis where storage space is leased for a specified period of time and fee as agreed upon by the property owner and leasee.

#### **A-1: Agricultural**

- |              |                                                                                               |
|--------------|-----------------------------------------------------------------------------------------------|
| 17.12(2)(m)  | <i>Recreational vehicle and boat storage if completely enclosed within a building.</i>        |
| 17.12(2)(gg) | <i>Storage of commercial vehicles and equipment if completely enclosed within a building.</i> |

#### **A-2: Agricultural**

- |              |                                                                                               |
|--------------|-----------------------------------------------------------------------------------------------|
| 17.13(2)(s)  | <i>Recreational vehicle and boat storage if completely enclosed within a building.</i>        |
| 17.13(2)(mm) | <i>Storage of commercial vehicles and equipment if completely enclosed within a building.</i> |

By definition, the use of property in the A-1 and A-2 Districts for “commercial” storage purposes is only allowed with a conditional use permit (CUP) that is issued by the Village Board following review and recommendation by the Plan Commission and a public hearing before the Board. The Board cannot issue a CUP unless it is determined that the use is “...found to not be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community”, and, is subject to “...conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or park requirements” that may be recommended by the Plan Commission upon its finding that such conditions are necessary to fulfill those findings.

CUP’s are evaluated for compliance and necessary conditions of approval in light of the specific circumstances of the proposal, including the type, magnitude, and relative location of the proposed use and potential impact on surrounding properties and overall community.

As currently provided, the allowance for storage in the A-1 & A-2 Districts provided such storage is completely enclosed within a building limits the circumstances that can/should be considered and effectively pre-determines that storage outside of a building is hazardous, harmful, offensive or otherwise adverse to the environment or value of the neighborhood.

As was discussed in the most recent case of a property owner seeking a CUP for commercial storage use on their A-2 zoned property on Bonniwell Road, the Plan Commission and Village Board discussed how the type of storage (recreational vehicles) and the location relative to US41 and the nearest neighbors is such that outside storage within the area adjacent to the metal buildings proposed for storage would not be adverse to the neighborhood and could be allowed... if not for the code limitation that such storage be completely enclosed within a building.

Staff is recommending that these code sections be revised to remove the “completely enclosed within a building” requirement so that the CUP process can be used to consider the specific circumstances of any such outside storage proposals and determine on a case-by-case basis if such storage should be limited to being completely enclosed within a building, and, if storage outside of a building may be permitted, what, if any, conditions such storage would have to meet (e.g. enclosed within a fence, completely obscured from view with landscaping, only on the east side of the building opposite from the nearest residential dwelling, etc.). The following text amendment to these sections is proposed where words stricken are to be deleted and words underlined are to be added:

**A-1: Agricultural**

- 17.12(2)(m) *Recreational vehicle and boat storage ~~if completely enclosed within a building.~~*
- 17.12(2)(gg) *Storage of commercial vehicles and equipment ~~if completely enclosed within a building.~~*

**A-2: Agricultural**

- 17.13(2)(s) *Recreational vehicle and boat storage ~~if completely enclosed within a building.~~*
- 17.13(2)(mm) *Storage of commercial vehicles and equipment ~~if completely enclosed within a building.~~*

**Amendment #4**

Section 17.33(1) specifies the types of uses that are allowed “by right” in the M-1: Limited Industrial Zoning District. The M-1 District is the primary zoning district within which manufacturing, fabrication, warehousing, distribution, and other “light industrial” uses are allowed to operate in the Village. The M-1 District includes the Germantown Industrial Park, Germantown Business Park, Willow Creek Business Park, and numerous other parcels scattered throughout in the Village.

However, unlike other zoning district regulations, the M-1 District contains a series of descriptions of the type of uses that are permitted vs. a simple list. Based on these descriptions, one type of use that has been deemed allowable in the M-1 District is “self-storage” uses and buildings.

Staff is recommending that the M-1 regulations be revised to specifically include commercial “self-storage” buildings where items are kept within a building as a permitted use, and, where items are allowed to be stored outside of a building as a conditional use. The following text amendment to these sections is proposed where words stricken are to be deleted and words underlined are to be added:

17.33(1)(d) Commercial self-storage buildings where all storage is conducted within an enclosed building or individual unit within a building.

17.33(3)(e) Commercial self-storage buildings where storage is conducted within an enclosed building, individual unit within a building, or outside of a building but within a secure area screened from view.

**Amendment #5**

Consistent with Wis. Stats. Chapter 236, Section 18.02 provides a series of general provisions governing the platting and division of land in the Village. By statute, the Village's subdivision and platting regulations must contain the same, minimum requirements as Wis. Stats. Chapter 236, but can be more restrictive. Basically, the division of land into lots or parcels is accomplished in one of three ways: (1) recording a Subdivision Plat (used to create 5 or more lots or parcels); (2) recording a Certified Survey Map (used to create 4 or fewer parcels); or (3) recording a deed. As provided under Wis. Stats. Chapter 236, both Subdivision Plats and CSM's are required to be reviewed and approved by the Village under Section 18.

Also consistent with Wis. Stats. 236, Section 18.02(1) specifically exempts certain land divisions from the requirements of and regulation under Section 18 of the Village Code. The land divisions that are exempt from Section 18 can and typically are processed with the recording of a deed. It's fair to say that while all exempt land divisions are recorded with a deed, not all land divisions that can be recorded with a deed should be exempt from regulation.

Historically, non-exempt land divisions that can be recorded by deed that can and have result in problems for the Village and/or affected property owners (present and future), typically involve the sale of land from one owner to an adjacent owner where additional lots or parcels are not created (where a common property line between two parcels is essentially moved to increase land area of one parcel while simultaneously reducing the land area of another). Land divisions accomplished by deed are submitted directly to the Washington County Register of Deeds and not to the Village. Because the Register of Deeds is not a "gate keeper" for the Village who might be on the lookout for land divisions that don't comply with the Village's zoning or other regulations, such land divisions often result in parcels that are smaller than required under the applicable zoning or parcels that are located in two or more different zoning districts.

While not necessarily a "loophole", there currently is a gray area between when a CSM, Subdivision Plat or deed can or should be used to regulate these types of land divisions. More often than not, because the preparation, review and approval of a CSM or Subdivision Plat requires significant time and money (not to mention the risk of being denied due to non-compliance with the applicable zoning district regulations), property owners opt for the most convenient, inexpensive and legal means of accomplishing a the land division they need or want.

Like many communities in Wisconsin, Staff is recommending that the Village revise its subdivision and platting regulations to require Subdivision Plats or CSM's for all land divisions that are not explicitly exempt from regulation by Wis. Stats. Chapter 236.

The following text amendments are proposed where words stricken are to be deleted and words underlined are to be added:

18.02(2a) Division of Land Other than a Subdivision or Minor Land Division.  
Any division of land, other than a subdivision or minor land division as defined herein, shall be surveyed and a certified survey map prepared and recorded as provided in Wis. Stats. Chapter 236.34. Such land divisions shall also comply with the requirements and applicable procedures for the review, approval and recording of certified survey maps set forth in this chapter.

18.03(7)(a) Certified Survey Map Required.

When it is proposed to divide land into not more than 4 building parcels or lots, any one of which is less than 20 acres in size, or when it is proposed to create by land division not more than 4 lots within a recorded subdivision plat without changing the boundaries of said block, lot or outlot, or as required under Section 18.02(2a), the subdivider shall may subdivide by use of a certified survey map. The subdivider shall prepare the certified survey map in accordance with this chapter and shall file the required number of copies ~~6 copies of the map~~ and a letter of application ~~with the Village Planner at least 15 days prior to the meeting of the Plan Commission as specified by the Village Planner.~~

18.03(7)(b)4.

The Village Board shall approve, approve conditionally or reject such map within ninety (90) ~~60~~ days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider.

#### **Amendment #6**

The division of land in the Village using a Subdivision Plat or Certified Survey Map (CSM) requires the preparation of a preliminary plat or CSM containing specific data and information, including the location and boundary of any environmentally sensitive areas such as floodplains and wetlands. Similarly, the development of lots or parcels regulated under the Zoning Code also requires the location and boundary of environmentally sensitive areas including floodplains and wetlands.

Currently, the delineation of wetland boundaries is conducted by DNR-certified personnel qualified under the DNR's "professional assurance program", or, by other qualified professionals whose work is ultimately reviewed and certified by DNR staff. In either case, certified wetland boundaries are flagged out in the field, surveyed by a licensed land surveyor, and ultimately presented to the Village as part of a preliminary plat or CSM.

The calculation of wetland (as well as floodplain) areas and the boundaries of both are used when determining the location of suitable areas for new lots and development. Moreover, as the result of recent changes to the Village's Zoning Code last year, wetland areas are also used in the determination of the number of development units allowed in certain residential zoning districts.

While wetland delineations are conducted by qualified professionals meeting stringent standards and requirements under Wisconsin Admin. Code NR 103, NR 352 and in

compliance with strict standards and guidelines contained in the 1987 US Army Corp of Engineers Wetland Delineation Manual, wetland areas are subject to change over time. Consequently, its common practice to only accept wetland delineations as being valid for a prescribed period of time; typically for no more than five (5) years. Physical changes to a particular wetland and/or surrounding upland areas that affect the condition and/or maintenance of a wetland area may necessitate a re-delineation sooner than every five years.

It's common knowledge that the Wisconsin DNR typically only accepts wetland delineations for purposes of evaluating development proposals for compliance with their rules and regulations if such delineations are less than five (5) years old. Unfortunately, DNR staff cannot point to any specific DNR Admin. Code requirement specifying a maximum five (5) year time period for valid wetland delineations. Currently, the Village does not specify a time period for the validity of a wetland delineation for purposes of evaluating development proposals in the Village. At the risk of being viewed as redundant, Staff is recommending that Section 18 be amended to include a five (5) year "validity period" for wetland delineations based on current practice implemented by the DNR. The following text amendments are proposed where words stricken are to be deleted and words underlined are to be added:

18.03(9) Wetland Delineation Requirements.

The delineation of wetland boundaries required herein shall follow current recommended procedures and practices of the Wisconsin Department of Natural Resources (DNR) as specified under Admin. Code NR103 and NR352 (as may be amended). The boundaries of wetlands presented on Subdivision Plats and Certified Survey Maps required under this section for purposes of reviewing and approving land divisions shall be based on wetland delineations conducted no sooner than five (5) years before the date of submission of a Subdivision plat or Certified Survey Map application unless it is determined by Village staff that significant physical changes have been made to the wetland area(s) being delineated or the upland area(s) adjacent thereto, or, other circumstances exist that can reasonably be expected to have affected the extent of such wetland(s). In which case, a new wetland delineation shall be required.

17.43(3a) Wetland Delineation Requirements.

The delineation of wetland boundaries required herein shall follow current recommended procedures and practices of the Wisconsin Department of Natural Resources (DNR) as specified under Admin. Code NR103 and NR352 (as may be amended). The boundaries of wetlands presented on Site Plans required under this section for purposes of reviewing and approving development shall be based on wetland delineations conducted no sooner than five (5) years before the date of submission of a Site Plan application unless it is determined by Village staff that significant physical changes have been made to the wetland area(s) being delineated or the upland area(s) adjacent thereto, or, other circumstances exist that can reasonably be expected to have affected the extent of such wetland(s). In which case, a new wetland delineation shall be required.

Mr. Schmit said he was ok with what was approved and that he would contact the new owners. Planner Retzlaff said he would help Mr. Schmit with that.

***MOTION to Approve as Amended carried unanimously.***

Chairman Wolter called a recess at 7:15 p.m.  
Meeting reconvened at 7:17 p.m.

**Village of Germantown – Municipal Code Chapter 17 (Zoning) and Chapter 18 (Subdivision & Platting) Code Amendments.** Planner Retzlaff summarized the amendments.

Amendment #1: Section 17.48(5) provides an allowance for non-conforming residential structures to be enlarged or expanded subject to certain limitations. The intent is to expand this allowance to also include agricultural structures. Commissioner Nilles asked if the code defined residential and agricultural structures. Trustee Baum said those definitions should be brought forward on a future amendment.

***MOTION Baum second Gray to Approve Amendment #1:***

***17.48(5) NONCONFORMING CHARACTERISTICS OF RESIDENTIAL AND AGRICULTURAL STRUCTURES.***

***Subject to subsection (3)(c) above, residential and agricultural structures which encroach upon setback and other yard requirements, but which met setback and yard requirements at the time of construction, may be structurally altered and expanded provided that:***

- 1. Said structure is not located in any right-of-way;***
- 2. Such alteration or expansion does not create a greater degree of encroachment;***
- 3. The extent or size of any such alteration or expansion (measured in square feet), either separately or cumulatively when combined with a previous alteration or expansion, does not exceed 50% of the footprint (in square feet) of the structure at the time said structure became nonconforming.***

***MOTION carried unanimously.***

Amendment #2: Section 17.08(48) defines what a “double frontage lot” is and how said lots are viewed in terms of which yards (i.e. front, street, rear and side) are what for purposes of determining setbacks and other applicable building restrictions. Staff’s recommendation is that the definition of “double frontage lot” be revised to include the same language as the “old” 1978 definition. Trustee Baum said he’d like to add language “and the other frontage should be considered a rear yard” to clarify the definition.

***MOTION Baum second Gray to Approve Amendment #2 with the additional language to specifically state that the property facing the second road is the rear yard or some language to that effect.***

***17.08(48) LOT, DOUBLE FRONTAGE. A lot having a pair of opposite lot lines along 2 more or less parallel public streets and which is not a corner lot. ~~On a through lot, both street lines shall be deemed front lot lines.~~ For the purpose of this ordinance, double frontage lots in residential districts shall be deemed to have one front yard on the street to which the dwelling faces and from which principal access is provided.***

Terry Bessler, W157 N9780 Glenwood Road, spoke in favor of the amendment.

***MOTION carried unanimously.***

Amendment #3: On land located in the Village's two agricultural zoning districts (A-1 and A-2), specifically Sections 17.12(2)(m) & (gg) and Sections 17.13(2)(s) & (mm), property owners are eligible to apply for a conditional use permit that would allow them to use such land for the storage of recreational vehicles, boat storage, commercial vehicles and similar equipment provided such storage is "...completely enclosed within a building". Typically, such storage is done on a "commercial" basis where storage space is leased for a specified period of time and fee as agreed upon by the property owner and leasee. The amendment would allow storage outside and the CUP review and approval process would decide what conditions should be attached to that proposal.

***MOTION Gray second Baum to Approve Amendment # 3:***

***A-1: Agricultural***

***17.12(2)(m)           Recreational vehicle and boat storage if ~~completely enclosed within a building.~~***

***17.12(2)(gg)           Storage of commercial vehicles and equipment if ~~completely enclosed within a building.~~***

***A-2: Agricultural***

***17.13(2)(s)           Recreational vehicle and boat storage if ~~completely enclosed within a building.~~***

***17.13(2)(mm)           Storage of commercial vehicles and equipment if ~~completely enclosed within a building.~~***

***MOTION carried unanimously.***

Amendment #4: Section 17.33(1) specifies the types of uses that are allowed "by right" in the M-1: Limited Industrial Zoning District. The M-1 District is the primary zoning district within which manufacturing, fabrication, warehousing, distribution and other "light industrial" uses are allowed to operate in the Village. The M-1 District includes the Germantown Industrial Park, Germantown Business Park, Willow Creek Business Park and numerous other parcels scattered through the Village. The amendment would revise the M-1 regulations to specifically include commercial "self-storage" buildings where items are kept within a building as a permitted use and where items are allowed to be stored outside of a building as a conditional use.

Trustee Baum was concerned that sometimes outdoor storage is not entirely screened behind a fence and should include some taller landscaping. Planner Retzlaff said that could be addressed as part of the CUP review process.

***MOTION Baum second Nilles to Approve Amendment #4:***

***17.33(1)(d) Commercial self-storage buildings where all storage is conducted within an enclosed building or individual unit within a building.***

***17.33(3)(e) Commercial self-storage buildings where storage is conducted within an enclosed building, individual unit within a building, or outside of a building but within a secure area screened from view.***

***MOTION carried unanimously.***

Amendment #5: Consistent with Wis. Stats. Chapter 236, Section 18.02 provides a series of general provisions governing the platting and division of land in the Village. By statute, the Village's subdivision and platting regulations must contain the same, minimum requirements as Wis. Stats. Chapter 236, but can be more restrictive. Basically, the division of land into lots or parcels is accomplished in one of three ways: (1) recording a Subdivision Plat (used to create 5 or more lots or parcels); (2) recording a Certified Survey Map (used to create 4 or fewer parcels); or (3) recording a deed. As provided under Wis. Stats. Chapter 236, both Subdivision Plats and CSM's are required to be reviewed and approved by the Village under Section 18.

Also consistent with Wis. Stats. 236, Section 18.02(1) specifically exempts certain land divisions from the requirements of and regulation under Section 18 of the Village Code. The land divisions that are exempt from Section 18 can and typically are processed with the recording of a deed. It's fair to say that while all exempt land divisions are recorded with a deed, not all land divisions that can be recorded with a deed should be exempt from regulation. Like many communities in Wisconsin, Staff is recommending that the Village revise its subdivision and platting regulations to require Subdivision Plats or CSM's for all land divisions that are not explicitly exempt from regulation by Wis. Stats. Chapter 236

***MOTION Baum second Nilles to Approve Amendment #5:***

***18.02(2a)Division of Land Other than a Subdivision or Minor Land Division.***  
***Any division of land, other than a subdivision or minor land division as defined herein, shall be surveyed and a certified survey map prepared and recorded as provided in Wis. Stats. Chapter 236.34. Such land divisions shall also comply with the requirements and applicable procedures for the review, approval and recording of certified survey maps set forth in this chapter.***

***18.03(7)(a) Certified Survey Map Required.***

***When it is proposed to divide land into not more than 4 building parcels or lots, any one of which is less than 20 acres in size, or when it is proposed to create by land division not more than 4 lots within a recorded subdivision plat without changing the boundaries of said block, lot or outlot, or as required under Section 18.02(2a), the subdivider shall may subdivide by use of a certified survey map. The subdivider shall prepare the certified survey map in accordance with this chapter and shall file the required number of copies ~~6 copies of the map~~ and a letter of application with the Village Planner at least 15 days prior to the meeting of the Plan Commission as specified by the Village Planner.***

***18.03(7)(b)4.***

***The Village Board shall approve, approve conditionally or reject such map within ninety (90) 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider.***

Planner Retzlaff said the amendment brings the code into consistency with the State Statutes. Commissioner Gray asked if a Certified Survey is required when a property is sold. Planner Retzlaff said a Certified Survey Map is only required if a property is divided.

***MOTION carried unanimously.***

Amendment #6: The division of land in the Village using a Subdivision Plat or Certified Survey Map (CSM) requires the preparation of a preliminary plat or CSM containing specific data and information, including the location and boundary of any environmentally sensitive areas such as floodplains and wetlands. Similarly, the development of lots or parcels regulated under the Zoning Code also requires the location and boundary of environmentally sensitive areas including floodplains and wetlands.

The calculation of wetland (as well as floodplain) areas and the boundaries of both are used when determining the location of suitable areas for new lots and development. Moreover, as the result of recent changes to the Village's Zoning Code last year, wetland areas are also used in the determination of the number of development units allowed in certain residential zoning districts. The Wisconsin DNR typically only accepts wetland delineations for purposes of evaluating development proposals for compliance with their rules and regulations if such delineations are less than five (5) years old. Staff is recommending that Sections 17 and 18 be amended to include a five (5) year "validity period" for wetland delineations based on current practice implemented by the DNR.

***MOTION Baum second Laszewski to Approve Amendment #6:***

**18.03(9) Wetland Delineation Requirements.**

**The delineation of wetland boundaries required herein shall follow current recommended procedures and practices of the Wisconsin Department of Natural Resources (DNR) as specified under Admin. Code NR103 and NR352 (as may be amended). The boundaries of wetlands presented on Subdivision Plats and Certified Survey Maps required under this section for purposes of reviewing and approving land divisions shall be based on wetland delineations conducted no sooner than five (5) years before the date of submission of a Subdivision plat or Certified Survey Map application unless it is determined by Village staff that significant physical changes have been made to the wetland area(s) being delineated or the upland area(s) adjacent thereto, or, other circumstances exist that can reasonably be expected to have affected the extent of such wetland(s). In which case, a new wetland delineation shall be required.**

**17.43(3a) Wetland Delineation Requirements.**

**The delineation of wetland boundaries required herein shall follow current recommended procedures and practices of the Wisconsin Department of Natural Resources (DNR) as specified under Admin. Code NR103 and NR352 (as may be amended). The boundaries of wetlands presented on Site Plans required under this section for purposes of reviewing and approving development shall be based on wetland delineations conducted no sooner than five (5) years before the date of submission of a Site Plan application unless it is determined by Village staff that significant physical changes have been made to the wetland area(s) being delineated or the upland area(s) adjacent thereto, or, other circumstances exist that can reasonably be expected to have affected the extent of such wetland(s). In which case, a new wetland delineation shall be required.**

Commissioner Laszewski asked if there were certain areas where floodplain didn't change much and the delineation would not be necessary. Planner Retzlaff said there are locations where the 5 year requirement is erroneous. But the code requires that wetlands are delineated on an entire property, even though no development will occur on part of the

property. However, staff may waive the delineation and require that the CSM state that no development can occur until a wetland delineation is completed.

***MOTION carried unanimously.***

**ANNOUNCEMENTS:** None

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Lori Johnson  
Planning Assistant

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 17 (ZONING) and  
CHAPTER 18 (SUBDIVISION & PLATTING) OF THE VILLAGE OF GERMANTOWN CODE**

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

**SECTION 1.** That Section 17.48(5) is revised to read as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

**17.48(5) NONCONFORMING CHARACTERISTICS OF RESIDENTIAL AND AGRICULTURAL STRUCTURES.**

Subject to subsection (3)(c) above, residential and agricultural structures which encroach upon setback and other yard requirements, but which met setback and yard requirements at the time of construction, may be structurally altered and expanded provided that:

1. Said structure is not located in any right-of-way;
2. Such alteration or expansion does not create a greater degree of encroachment;
3. The extent or size of any such alteration or expansion (measured in square feet), either separately or cumulatively when combined with a previous alteration or expansion, does not exceed 50% of the footprint (in square feet) of the structure at the time said structure became nonconforming.

**SECTION 2.** That Section 17.08(48) of the Zoning Code is created to read as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

**17.08(48) 17.08(48) LOT, DOUBLE FRONTAGE.**

A lot having a pair of opposite lot lines along 2 more or less parallel public streets and which is not a corner lot. ~~On a through lot, both street lines shall be deemed front lot lines.~~ For the purpose of this ordinance, double frontage lots in residential districts shall be deemed to have one front yard on the street to which the dwelling faces and from which principal access to the dwelling is provided, and, one rear yard for purposes of determining the type, height, location and setback requirements for accessory buildings and fences to be installed on any double frontage lot.

**SECTION 3.** That Sections 17.12(2)(m) & (gg) and Sections 17.13(2)(s) & (mm) of the Zoning Code are revised to read as follows where words that are ~~stricken~~ are deleted and words that are underlined are added:

**17.12 A-1: Agricultural**

17.12(2)(m) Recreational vehicle and boat storage ~~if completely enclosed within a building.~~  
17.12(2)(gg) Storage of commercial vehicles and equipment ~~if completely enclosed within a building.~~

**17.13 A-2: Agricultural**

17.13(2)(s) Recreational vehicle and boat storage ~~if completely enclosed within a building.~~  
17.13(2)(mm) Storage of commercial vehicles and equipment ~~if completely enclosed within a building.~~

**SECTION 4.** That Sections 17.33(1) and 17.33(3) of the Zoning Code are created to read as follows:

17.33(1)(d) Commercial self-storage buildings where all storage is conducted within an enclosed building or individual units within a building.

17.33(3)(e) Commercial self-storage buildings where storage is conducted within an enclosed building, individual units within a building, or outside of a building but within a secure area screened from view.

**SECTION 5.** That Section 18.02 and Section 18.03 of the Subdivision & Platting Code are revised to read as follows where words that are ~~stricken~~ are deleted and words that are underlined are added:

18.02(2a) Division of Land Other than a Subdivision or Minor Land Division.  
Any division of land, other than a subdivision or minor land division as defined herein, shall be surveyed and a certified survey map prepared and recorded as provided in Wis. Stats. Chapter 236.34. Such land divisions shall also comply with the requirements and applicable procedures for the review, approval and recording of certified survey maps set forth in this chapter.

18.03(7)(a) Certified Survey Map Required.  
When it is proposed to divide land into not more than 4 building parcels or lots, any one of which is less than 20 acres in size, or when it is proposed to create by land division not more than 4 lots within a recorded subdivision plat without changing the boundaries of said block, lot or outlot, or as required under Section 18.02(2a), the subdivider shall may subdivide by use of a certified survey map. The subdivider shall prepare the certified survey map in accordance with this chapter and shall file the required number of copies 6 copies of the map and a letter of application with the Village Planner at least 15 days prior to the meeting of the Plan Commission as specified by the Village Planner.

18.03(7)(b)4.

The Village Board shall approve, approve conditionally or reject such map within ninety (90) 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider.

**SECTION 6.** That Section 17.43(3a) of the Zoning Code is created to read as follows:

**17.43(3a) Wetland Delineation Requirements.**

The delineation of wetland boundaries required herein shall follow current recommended procedures and practices of the Wisconsin Department of Natural Resources (DNR) as specified under Admin. Code NR103 and NR352 (as may be amended). The boundaries of wetlands presented on Site Plans required under this section for purposes of reviewing and approving development shall be based on wetland delineations conducted no sooner than five (5) years before the date of submission of a Site Plan application unless it is determined by Village staff that significant physical changes have been made to the wetland area(s) being delineated or the upland area(s) adjacent thereto, or, other circumstances exist that can reasonably be expected to have affected the extent of such wetland(s). In which case, a new wetland delineation shall be required.

**SECTION 7.** That Section 18.03(9) of the Subdivision & Platting Code is created to read as follows:

**18.03(9) Wetland Delineation Requirements.**

The delineation of wetland boundaries required herein shall follow current recommended procedures and practices of the Wisconsin Department of Natural Resources (DNR) as specified under Admin. Code NR103 and NR352 (as may be amended). The boundaries of wetlands presented on Subdivision Plats and Certified Survey Maps required under this section for purposes of reviewing and approving land divisions shall be based on wetland delineations conducted no sooner than five (5) years before the date of submission of a Subdivision plat or Certified Survey Map application unless it is determined by Village staff that significant physical changes have been made to the wetland area(s) being delineated or the upland area(s) adjacent thereto, or, other circumstances exist that can reasonably be expected to have affected the extent of such wetland(s). In which case, a new wetland delineation shall be required.

**SECTION 8.** 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:

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Brian C. Sajdak, Village Attorney

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Barbara K. D. Goeckner, Village Clerk

X.C

**BUSINESS OF  
VILLAGE OF GERMANTOWN**

**THE GENERAL GOVERNMENT & FINANCE COMMITTEE  
& VILLAGE BOARD**

MEETING DATE: July 28, 2016 – GGF  
August 1, 2016 – VB

PLACEMENT: New Business

ITEM TITLE: Acceptance of the 2015 Comprehensive Annual Financial Report

SUBMITTED BY: Kim Rath, Finance Director

SUMMARY EXPLANATION:

The 2015 Comprehensive Annual Financial report has been completed and is presented to the General Government & Finance Committee. The audit report was e-mailed to the board members and placed on the Village of Germantown website. If you have any questions before the meeting, please contact me. A representative from Baker Tilly Virchow Krause will be available for questions.

ATTACHMENT: ORDINANCE\_\_\_\_ RESOLUTION \_\_\_\_ OTHER \_xx\_\_\_\_

2015 Comprehensive Annual Financial Report  
Communication to Those Charged with Governance & Management

RECOMMENDATION:

Acceptance

COMMITTEE ACTION

Unanimous Approval – Forward to Village Board

X.D

**VILLAGE OF GERMANTOWN  
BUSINESS OF THE GENERAL GOVERNMENT & FINANCE COMMITTEE  
AND THE VILLAGE BOARD**

MEETING DATE: July 28, 2016 GGF  
August 1, 2016 VB

PLACEMENT New Business

ITEM TITLE: AT&T Long Distance Contract

SUBMITTED BY: Kim Rath, Finance Director

SUMMARY EXPLANATION:

Attached is a contract with AT&T for Long Distance Service. We use AT&T for Centrex and all other phone service. The prior contract expires at the end of the year. The prior agreement shows the ending date to be July 11, 2016, but the actual phone billings show a run date of 12/13/2013 – 12/12/2016.

This agreement is the same as the prior three year contract, although AT&T is giving the Village the option of a one year term.

Long Distance service for the Village runs around \$90 - \$115 per month for all sites.  
\$.0437 per minute

ATTACHMENT: ORDINANCE \_\_\_\_ RESOLUTION \_\_\_\_ OTHER \_XX

AT&T Long Distance Service Agreement – Prior  
AT&T Long Distance Service Agreement – New  
Long Distance Billing June 6, 2016 for reference

RECOMMENDATION:

ACTION BY Committee

Unanimous Approval – 3 Year Contract with AT&T Long Distance



**AT&T HIGH VOLUME CALLING IV<sup>SM</sup>**  
**Up To \$12,000 MARC**  
**Service Agreement**

|                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Customer</b>                                                                                                                                                                                                                                                                                              | <b>AT&amp;T</b>                                                                                                                                                                                                                                                                                                                                                                               |
| Village of Germantown<br>Street Address: N112 W17001 Mequon Rd<br>City: Germantown State/Province: WI<br>Zip Code: 53022 Country: USA                                                                                                                                                                        | AT&T Corp.                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Customer Contact (for Notices)</b>                                                                                                                                                                                                                                                                        | <b>AT&amp;T Contact (for Notices)</b>                                                                                                                                                                                                                                                                                                                                                         |
| Name: Dean Wolter<br>Title: Village President<br>Street Address: N112 W17001 Mequon Rd<br>City: Germantown<br>State/Province: WI<br>Zip Code: 53022<br>Country: USA<br>Telephone: 262-250-4700<br>Email: dwolter@village.germantown.wi.us<br>Customer Account Number or Master Account Number: 262R531234123 | Name: Jo Ellen Milkie<br>Street Address:<br>City: State/Province:<br>Zip Code: Country: USA<br>Telephone: 262-574-7270<br>Email: jm6738@att.com<br>Sales/Branch Manager:<br>SCVP Name:<br>Sales Strata: Sales Region:<br><b><u>With a copy (for Notices) to:</u></b><br>AT&T Corp.<br>One AT&T Way<br>Bedminster, NJ 07921-0752<br>ATTN: Master Agreement Support Team<br>Email: mast@att.com |
| <b>AT&amp;T Solution Provider or Representative Information (if applicable)</b> <input type="checkbox"/>                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                               |
| Name: Company Name:<br>Agent Street Address: City: State: Zip Code:<br>Telephone: Fax: Email: Agent Code                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                               |

Customer agrees to purchase the Service identified below in accordance with this Service Agreement and the following documents, which are incorporated by reference: (i) applicable Tariffs, Guidebooks found at [att.com/servicepublications](http://att.com/servicepublications); and (ii) the AT&T Business Services Agreement ("BSA") located <http://www.corp.att.com/agreement/>. AT&T may revise Tariffs, Guidebooks and the BSA (collectively "Service Publications") at any time and may direct Customer to websites other than listed above. The order of priority of the documents that form this Agreement is: this Service Agreement, and the applicable Service Publications; provided that Tariffs will be first in priority in any jurisdiction where applicable law or regulation does not permit contract terms to take precedence over inconsistent Tariff terms. This Agreement continues so long as Services are provided under this Agreement.

The Effective Date of this Service Agreement is the date signed by the last party.

**AT&T reserves the right to reject this Service Agreement if not signed by Customer and submitted to AT&T on or before July 11, 2016.**

|                                                       |                                                       |
|-------------------------------------------------------|-------------------------------------------------------|
| <b>Customer</b><br>(by its authorized representative) | <b>AT&amp;T</b><br>(by its authorized representative) |
| By:                                                   | By:                                                   |
| Name: Dean Wolter                                     | Name:                                                 |
| Title: Village President                              | Title:                                                |
| Date:                                                 | Date:                                                 |



**AT&T HIGH VOLUME CALLING IV<sup>SM</sup>**  
**Up To \$12,000 MARC**  
**Service Agreement**

**1. SERVICE, SERVICE PROVIDER and SERVICE PUBLICATION**

|                            |                                                                                                                                                                                                                                    |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Service</b>             | AT&T High Volume Calling IV <sup>SM</sup> – an optional calling plan for outbound and inbound long distance services                                                                                                               |
| <b>Service Provider</b>    | SBC Long Distance, LLC d/b/a AT&T Long Distance ("AT&T")                                                                                                                                                                           |
| <b>Service Publication</b> | AT&T Long Distance Voice Product Reference and Pricing Guidebook ("Guidebook") and applicable state tariff or guidebook: <a href="http://cpr.att.com/pdf/sbclid/sbclidmain.html">http://cpr.att.com/pdf/sbclid/sbclidmain.html</a> |

**2. SERVICE AGREEMENT TERM and EFFECTIVE DATES**

|                                                      |                                                                                                           |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>Service Agreement Term</b>                        | Selected below.                                                                                           |
| <b>Start Date of Service Agreement Term</b>          | When this Service Agreement is implemented in the AT&T billing system.                                    |
| <b>Effective Date of Rates and Discounts</b>         | Start Date of Service Agreement Term.                                                                     |
| <b>Rates Following end of Service Agreement Term</b> | Non-stabilized out of Term rates applicable to Customer's plan then in effect in the Service Publication. |

**3. MARC, MINIMUM NUMBER of ACCESS LINES, RATES and CHARGES**

**A. Domestic Interstate Rates and Charges**

|                                                                                          |
|------------------------------------------------------------------------------------------|
| Domestic: \$600, \$2,400, \$6,000, \$9,000 OR \$12,000 MARC<br>Minimum of 2 access lines |
| <b>Term and Interstate Rates*</b>                                                        |
| 3 Year Term \$600 MAC - Sw \$.0430                                                       |

**B. Domestic Intrastate Rates and Charges.** The following rates shall apply for intrastate interlata and intralata DDD and TFS calls.

**California**  
Not Applicable

**Nevada**  
Not Applicable

**Texas, Oklahoma and Kansas**  
Not Applicable

**Michigan, Illinois, Indiana & Ohio**  
Not Applicable

**Arkansas**  
Not Applicable

**Wisconsin**  
3 Year Term \$600 MAC - Sw \$0.0437

**Missouri**  
Not Applicable

The MARC and term commitment selected above must match those selected in Section 3.A. Otherwise, the rates selected above shall be void and the applicable rates shall be those listed in the applicable Tariffs.

**C. International Rates and Charges (Select One)**

|                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> International – High Volume Calling IV Option C Rates<br>Non-recurring charge: \$9.95<br><input checked="" type="checkbox"/> Standard International Rates<br>No additional non-recurring charge |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



**AT&T HIGH VOLUME CALLING IV<sup>SM</sup>**  
**Up To \$12,000 MARC**  
**Service Agreement**

**4. GENERAL TERMS**

- A. If Customer fails to maintain the minimum number of access lines, Customer will be moved to a High Volume Calling Plan II with the same MARC and term commitments at the then-current usage rates in the Guidebook.
- B. **Additional Services, Rates and Charges:** The rates and charges for the following are not stabilized for the Service Agreement Term: International, International Mobile Termination Charges, Operator Toll Assistance Services, Directory Assistance Services, and any applicable payphone origination and other third-party pass through charges, regulatory fees, surcharges, and TFS charges. All such rates and charges are as set forth in the then-current Guidebook or Tariffs, and are subject to change at any time.
- C. **Automatic Dialer Devices.** CUSTOMER SHALL NOT USE AUTODIALERS, PREDICTIVE DIALERS OR OTHER DEVICES THAT GENERATE AUTOMATED OUTBOUND CALLS IN CONJUNCTION WITH SERVICE OR SERVICE COMPONENTS PROVIDED UNDER THIS SERVICE AGREEMENT IS STRICTLY PROHIBITED. AT&T MAY TERMINATE THIS SERVICE AGREEMENT IMMEDIATELY IF CUSTOMER USES SUCH DEVICES.
- D. **Cancellation.** If Customer is non-responsive or not ready to have AT&T provision/fulfill the Service, AT&T may cancel this Service Agreement: (1) ninety (90) Days after Customer executes this Service Agreement; or (2) if Customer appropriately applies for E-Rate funding, (a) the later of (i) ninety (90) days after July 1<sup>st</sup> of the applicable E-Rate funding year or (ii) ninety (90) days after the date of the E-Rate Funding Commitment Decision Letter (FCDL)\* for the Service in such E-Rate funding year, but, in any event, (b) upon expiration of the last day of such E-Rate funding year.

|                                     |                                                                                                                                                                                                |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     | <i>New or upgrade to an existing AT&amp;T Long Distance Agreement</i>                                                                                                                          |
| <input type="checkbox"/>            | This is a new AT&T Long Distance Service Agreement                                                                                                                                             |
| <input checked="" type="checkbox"/> | This is an upgrade to an existing AT&T Long Distance Agreement and the guidelines from Section 3.9.7 Revenue and Term plan Commitments of the Guidebook will apply to such existing agreement. |

X.E

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

MEETING DATE:

GGF – July 28, 2016  
Village Board - August 1, 2016

PLACEMENT:

New Business

ITEM TITLE:

T.E. Brennan Company  
Annual Retainer

SUBMITTED BY:

Kim Rath, Finance Director

SUMMARY EXPLANATION:

Attached is an invoice from T.E. Brennan in the amount of \$6,062.04. The statement reflects expenses incurred during the previous year of \$1,062.04, which included charges for the property insurance RFP in which we picked Chubb, and their annual retainer for the upcoming year of \$5,000 (Aug 15 2016 – August 15, 2017). T.E. Brennan is our property insurance consultant. They perform several services for Germantown. They review our policies, help mitigate claims through each insurance carrier, review worker's compensation claims and rates, plus help with new insurance carrier quotes.

ATTACHED: ORDINANCE\_\_\_\_ RESOLUTION\_\_\_\_ OTHER X

Statement #D00001

RECOMMENDATION

COMMITTEE ACTION

**Unanimous Approval - \$5000 Retainer for August 2016 – August 2017  
Unanimous Approval - \$1062.04 – Prior Year Expenses – Total Invoice \$6062.04**



X.F

July, 2016

Thank you for this opportunity to once again continue our relationship growing the Business of Tourism in Germantown.

The Wisconsin Department of Tourism puts out an Annual Report of Visitor Spending per County and with your financial support we once again we INCREASED the revenue to Washington County!

Here are the facts:

- 2011 - \$93.2 million in visitor spending in Washington County
- 2012 - \$100.3 million in visitor spending in Washington County
- 2013 - \$106.2 million in visitor spending in Washington County
- 2014 - \$111.7 million in visitor spending in Washington County
- 2015 - \$115.1 million in visitor spending in Washington County

Below is a summary of our accomplishments.

- Extensive advertising campaigns reached residents in the northern suburbs of Chicago, visitors to the Milwaukee area and around Wisconsin.
- Germantown hotels saw an increase in bookings
- Feature in 60,000 Visitor Guides promoting Germantown. Inserted 15,000 Visitor Guides into the Journal Topics newspapers in the Chicago suburbs.
- Germantown brochures displayed during Washington County Day at the Wisconsin State Fair.
- Germantown brochures on display at the Washington County Fair Park & Cabela's
- Promotion on visitwashingtoncounty.com website with over 213,000 visits per year

#### **Marketing Plan**

A comprehensive marketing plan will continue to be used to spend dollars wisely in 2016 and 2017 to attract specific target markets to the region. Germantown promoted in all publications.

- Key Milwaukee Magazine
- Journal Topics Newspapers
- Chicago Daily Herald
- Travel Wisconsin Official Travel Guide
- Silent Sports Magazine
- TMJ4 Radio – monthly interview with promotion
- Midwest Living Magazine

#### **Twitter & Facebook**

Germantown received numerous Tweets & Facebook posts promoting events and attractions.

X F

**TOURISM/COMMUNITY BETTERMENT COMMITTEE**  
**Meeting Minutes for July 12, 2016**

**1. Meeting Called to Order:**

6:00pm by Jeffrey Hughes, Chairman of the Tourism/Community Betterment Committee

**2. Members Present:**

Chairperson Hughes, Members Adair, Ciurro, Grgich, Rogers, new member Meyer

Excused: Merry

Absent: Brady

**3. Approval of Minutes:** A correction was made to the minutes of the March 24, 2016 meeting: In the Request for Funds #4 by the Eastern Kettle Moraine Moose Lodge, it looks like there was a typographical or addition error for the amount approved. The 12 double-sided banners came to \$909.60 plus the 3'X8' banner at \$206, adds up to \$1,115.60 versus the \$1,015.60 reflected in the minutes. Adair moved the minutes of the March 24, 16 meeting amend the amount approved for the Eastern Kettle Moraine Moose Lodge to be \$1,115.60; Ciurro seconded. Motion carried.

With the correction of the minutes of the approved amount for the Eastern Kettle Moraine Moose Lodge to \$1,115.60, Rogers moved to approve the March 24, 2016 minutes; Meyer seconded; the motion carried.

**4. New Business:**

**A. Election of Secretary for Tourism/Community Betterment Committee:** Adair moved to elect Lynn Grgich as secretary for the Tourism/Community Betterment Committee; Ciurro seconded. Motion carried

**B. Request for Funds:**

**Grgich made a motion to move request #3 to top of list; Adair seconded. Motion carried.**

1. Germantown Historical Society Request for \$2,500 presented by Jeff Dhein

- The historical society is planning four bier garden events this summer at Dheinsville Park
- The hours are 2pm-8pm, once a month. Schedule is dependent on when they can get volunteers to man the event
- It is felt the audience for their bier gardens is Washington County
- Newspaper advertising in Washington County Insider \$650 for 3 months, and local newspapers such as the Express News \$400/issue to run 4x

Grgich moved to approve up to \$2,500 requested by the Germantown Historical Society for advertising their bier gardens; seconded by Meyer. Motion carried.

2. Visit Washington County request for \$8,000 presented by Elaine Motl

- The Visitors Guide has a new format; communities and their amenities are listed separately rather than lumping all dining, all shopping, all lodging together. Easier to learn what is available within one community to help in planning your visit.

- The Germantown Park & Rec is listed on the back page among other spots within the guide
- Germantown events such as the 4<sup>th</sup> of July, Mai Fest, Veterans Memorial are promoted
- Events such as the 5k Run are promoted in Silent Sports publications
- Key Milwaukee is a publication that targets visitors in Milwaukee. Ads are placed here several times a year.
- Tourism is the #3 industry in Wisconsin and visitor spending has been increasing since 2011

Grgich moved to forward a recommendation to the Village Board with an approval for the \$8,000 requested by Visit Washington County; Ciurro seconded. Motion carried.

3. Imagination Theatre of Germantown request for \$2,500 presented by Eric Salter

- Each production brings 75% of the crew and cast from outside of Germantown
- Each production brings 80% of the attendees from outside of Germantown
- New this time are the use of yard signs to promote their presentations. In the past it was one banner on Pilgrim Road. The yard signs allow their cast and crew to promote outside of Germantown.
- With theatre productions, the means to get folks to attend isn't always advertising
- Recognition for funding provided by the Tourism Committee will be provided via an insert in each program
- We did discuss approvals in the past for the royalties (rights for the show) and how changes may prevent this committee from approving those requests in the future

Ciurro moved to give Imagination Theatre \$2,500 this year; Meyer seconded. Motion carried.

4. American Legion Post #1 four requests at \$2,500 each presented by Jim Heiman and Dale Schuldt

- The American Legion Post #1 presented very complete descriptions of the scope of each area covered by the individual requests along with detailed cost itemizations
- The Daily News has been carrying weekly stories of the 14 fallen soldiers from Washington County
- The WI EMS Association magazine, a state wide publication, ad
- A list of events and parades the Germantown Moving Wall has been a part of, was presented
- If funding is approved, the Tourism/Community Betterment Committee will be acknowledged in all future printed materials

Grgich moved to approve \$2,500 to the American Legion Post #1 for expenses for the Vietnam Era Education Hall and the Full-color Keepsake book; Adair seconded. Motion carried.

Rogers moved to approve \$2,500 to the American Legion Post #1 for expenses for The Moving Wall and The Healing Field Display; Grgich seconded. Motion carried.

Adair moved to approve \$2,500 to the American Legion Post #1 for expenses for the American Huey 369; Meyer seconded. Motion carried.

Rogers moved to approve \$2,500 to the American Legion Post #1 for expenses for the Welcome Home Parade; Meyer seconded. Motion carried.

**Adjournment:**

The meeting was adjourned by Chairman Hughes. At 7:15pm

Respectfully Submitted by:  
Lynn Grgich

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

MEETING DATE: Monday, August 1, 2016

AGENDA ITEM: New Business

ITEM TITLE: Alt Bauer Park Tennis Court Resurfacing Project

SUBMITTED BY: Mark Schroeder, Park & Recreation Director *MS*

SUMMARY EXPLANATION:

Monies were included in the 2016 CIP Budget to resurface the three tennis courts at Alt Bauer Park. In general, outdoor courts need to be re-surfaced/color coated every 7-10 years depending on drainage, court location, weather, and type of use. The Alt Bauer Park courts were last re-surfaced in 2003. The base bid scope of work included cleaning, patching, crack filling, two coats of resurfacing material, two coats of color, and court lining. As an option, contractors were also asked to submit a bid for materials and labor to install the Amor Crack Repair System.

Four companies that specialize in this type of work reviewed project plans, but only one, Frank Armstrong Enterprises submitted a bid for this project as follows:

- Base Bid \$26,387
- Option #1 (Amor Crack Repair System) \$10,690

The three companies that did not submit a bid decided their schedule was too full for the 2016 season.

In reviewing the Frank Armstrong bid, the prices for the Base Bid and Option #1 were actually less than the budget proposal submitted in September 2015 of \$28,187 and \$13,662.

ATTACHMENT: ORDINANCE\_\_\_\_ RESOLUTION\_\_\_\_ OTHER X

RECOMMENDATION:

At the July 20<sup>th</sup>, 2016 Park and Recreation Commission Meeting, a motion was made by Commissioner Depies, seconded by Commissioner Miller, to send forth a positive recommendation to the Village Board to award the contract to Frank Armstrong Enterprises, in an amount not to exceed \$37,077, for materials and labor to resurface the Alt Bauer Park tennis courts. Motion carried unanimously. Monies to come from 2016 CIP Budget Account #40-552-570-8310.