

VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022
*****AMENDED 7-14-2017*****

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

DATE AND TIME: **MONDAY, JULY 17, 2017** **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 Minutes: June 5th and 19th Regular Village Board Meetings and June 12th and July 6, 2017 Special Village Board Meetings
 - B. Accounts payable/payroll
 1. June 27, 2017 Payroll (hourly) \$ 230,356.18
 2. June 25, 2017 Accounts Payable \$ 543,442.45
 3. June 30, 2017 Payroll (salary) \$ 86,822.76
 4. June 2017 Accounts Payable \$ 26,638.38
 - C. Operator Licenses: June 14, 2017 to June 30, 2018: [Recommended Approval]
 RENEWAL: Margaret A Casey, Sha'Nahja T McClellan
 NEW: Naseem Abbas, Brian E Boettcher, Andrew D Brawn, Molly A Ebert, Lashonda M Fairchild, Amanda J Greenwood, Nathaniel D Helgeson, Jeetendra S Khinot, Kirk G Kussman, Daniel J Marchewka, Heather Nellesen, Leandra G Proft, Victoria R Ransom, Sardar M Raza, Derek J Romp, Cedric B Reed, Amanda N Schlee, Holland D Rittmann, Mehul B Soni, Cassandra L Tabbert, Brittany D Thomas, Michelle L Thomas, Joshua A Tuskiewicz, Tyrus J Welch, Samantha L Wilkinson

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

- D. Payment of invoice in the amount of \$8,876.27 to D.F. Tomasini for the emergency water lateral repair at N112 W19677 Mequon Rd. Funds allocated from Acct. #50-742-530-6750. [Recommended Approval]
- E. Offer to purchase in the amount of \$7,100.00 from the WDOT for the purchase of land located at Well #11 & Tower #3 for the proposed reconstruction of the Country Aire Drive and Mequon Road intersection. [Recommended Approval]

VIII. UNFINISHED BUSINESS:

- A. Ordinance to Prohibit Parking on the South Side of Williams Drive and to Amend the Official Traffic Map to Reflect the Same

IX. NEW BUSINESS:

- A. ORDINANCE NO. XXX-17: An Ordinance Amending Section 12.02 of the Municipal Code Relating to Noise Violations at Alcohol Licensed Outdoor Premises.
- B. 2017 Baseball Tomorrow Fund Grant – Review & Approval to Accept Grant Funding
- C. ***MLG Development, Agent for MLG Germantown Investment LLC, Property Owner of 118.7 acres located in TID#6 east of Appleton Avenue and south of Lannon Road (Parcel GTNV#294-998, 321-981, 321-984, 321-985, 321-991 & 321-999); 5-Lot Certified Survey Map (CSM)***
- D. MLG Commercial and Barry Chavin to discuss the status of the TID#6 Business Park and pending land sales and/or development. At this time the Village Board may enter into closed session per Wis. Stats. §19.85(1)(e) deliberating or negotiating the purchasing of public properties, investing of public funds, or conducting other specified public business, whenever competitive or bargaining reason require closed session and then may re-enter open session to take such action as it deems appropriate.

ADJOURNMENT

The next Village Board meeting will be on August 7, 2017 at 7:00 p.m.

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

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
June 5, 2017**

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by Village Clerk Goeckner.

ROLL CALL: Trustees Baum, Campbell, Hughes, Warren and Zabel. Absent and excused: President Wolter, Trustees Kaminski, Miller and Myers Also Present: Attorney Sajdak, Park and Rec Director Schroeder, DPW Director Ratayczak, CDD/Planner Retzlaff, Wastewater Superintendent Zimmerman, Fire Chief Weiss and Clerk Goeckner

MOTION (Hughes/Warren) to appoint Trustee Baum as President Pro-Tem in the absence of President Wolter, carried.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: None.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees provided information on upcoming meeting dates and times. Chief Weiss spoke about an upcoming Leadership and Customer Service seminar.

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

CONSENT AGENDA:

A. Approval of Minutes: March 6, 2017 and May 15, 2017, Regular Village Board Meetings and May 22, 2017 Special Village Board Meeting

B. Accounts payable/payroll

1.	May 16, 2017	Payroll (hourly)	\$ 206,764.58
2.	May 25, 2017	Accounts Payable	\$ 724,505.28
3.	May 30, 2017	Payroll (hourly)	\$199,601.21
4.	May 31, 2017	Payroll (salary)	\$ 86,075.40
5.	May 2017	Accounts Payable	\$ 33,680.43

C. Operator Licenses: July 1, 2017 to June 30, 2018: [Recommended Approval]

RENEWAL: Victoria Lynne Ahrens, William C Brockman IV, Boro Buzdum, Marie K Chilicki, Courtney M Courtemanche, Kevin S Dobson, Daniel S Frailing, Julie K Friede, Shawn P Frank, Kim A Gamroth, Judith A Greve, Joseph D Gutenkunst, Crystal J.R. Harris, Jennifer L Heisdorf, Colleen M Hettiger, Jayme L Hoff, Robert j Hovanec, Steven W Koenig, Nicholas A Koepler, Janice K Krueger, Matthew H Levesley, Cassidy R Liederbach, Vicki L Linton, Jessica M Lomibao, Adam T Maciejczak, James A Manseau, Jamie L McDonagh, Janet L Miller-Parkison, Jennifer E Murray, Luanna M Naputi, Chad M Nickerson, Nancy M Oinas, Erin L Olson, Rick M Perry, Shauna M Petri, Susan A Roxbury, Teresa L Schmitz, Nicole M Selsing, Caitlin M Siesco, Cynthia J Singsheim, Herman J Sirianni, Tara A Smith, Jay S Soni, Julia M Thimm, Joel J Timmerman Jr., Melissa M Timmerman, Rachel M Trimmer, Rebecca J Ulik, Asif A Vadsaria, Amy J Westra

NEW: Jordan A Doro, Dawn M Evans, Sherry L Gagliano, Jesse R Garcia, Matthew A Jones, Michael J Polski, Elizabeth A Reinsvold, Randi M Schmidt, Savannah M Wisth

CONSENT AGENDA continued:

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

D. Request Approval of Ehlers Investment Advisory Agreement Renewal and Investment Review for 1/1/2017 – 12/31/2017 [Recommended Approval]

E. Request Approval to Fill Village Administrator's Position [Recommended Approval]

MOTION (Zabel/Campbell) to approve Consent Agenda Items A-E, excepting Item 'A', roll call vote, carried.

UNFINISHED BUSINESS: None

PUBLIC HEARINGS – 7:00 P.M. OR LATER:

A. Public Hearing for the Proposed Resolution Discontinuing the Northern 66 feet of Public Road Right of Way Reservation Shown on CSM No. 191 With Area to be Vacated Just West of Century Lane and Part of Tax Key No. GTNV153-978. This Request is Made Pursuant to Wis. Stat. 66.1003

Director of Public Works Ratayczak presented information on this public hearing item. Information published three times. Property located on east side of Century Lane. Other two adjoining property owners agree.

President Pro Tem Baum opened the public hearing at 7:11 p.m.

No one spoke during the public hearing.

President Pro Tem Baum closed the public hearing at 7:12 p.m.

NEW BUSINESS:

A. **RESOLUTION NO. xx-17** Resolution Discontinuing the Northern 66' Public Road Right of Way Reservation Shown on CSM No. 191

MOTION (Hughes/Campbell) to approve as presented. Discussion of west 50' and need for it to remain. **MOTION (Zabel/Campbell) to amend the motion to grant the discontinuance, but to keep the west 50' of that proposed roadway/right of way, carried.** Property Owner is in agreement. **Original motion carried.**

B. Fireworks User Permit Application – Lynn Grgich for Kiwanis Club, 4th of July

MOTION (Warren/Hughes) to approve as requested, carried.

C. Action on Application for Secondhand Article Dealer License January 1 – December 31, 2017: ecoATM, Inc., 10121 Barnes Canyon Road, San Diego CA 92121, to be Located Inside Walmart W190N9855 Appleton Ave., Germantown WI 53022

MOTION (Hughes/Zabel) to approve as presented, carried.

D. Request to Approve Playground Design and Installation for Haupt Strasse Park

Park and Recreation Director Schroeder presented information on this project.

Discussion: Removal of old equipment, setbacks, different provider than last project.

MOTION (Zabel/Hughes) to approve with design and instillation from Minnesota Wisconsin Playgrounds as presented, not to exceed \$63,499.00 and staff is allowed to purchase surfacing material at a cost of \$6,501, by roll call vote, carried.

NEW BUSINESS continued:

- E. Request to Award Contract for Kinderberg Park Basketball Court Surfacing Project
Park and Recreation Director Schroeder presented information on this project.
MOTION (Zabel/Warren) to award the contract to Frank Armstrong Enterprises for an amount not to exceed \$5,797, by roll call vote, carried.
- F. **RESOLUTION NO. xx-17 Approving The Salaries And Compensation For Superintendents Within The Department Of Public Works Electing To Not Utilize A Village Vehicle On A 24 Hour Basis, Calendar Year 2017**
DPW Ratayczak presented information regarding this item. No benefit assigned to the amount of value for DPW staff who take vehicles home. Director Ratayczak has requested to make this an option for DPW Superintendents and allow for a \$4,000 salary increase if they choose not to take the vehicles home. **MOTION (Zabel/Campbell) to approve Resolution No. xx-17, with a \$4,000 annual wage increase given to the if they choose not to take their vehicle home.**
Discussion of how many may take this option. Correction to Salary Resolution to remove the new water utility Superintendent's name from the spreadsheet and leave it as title only. **By roll call vote, carried.**

ADJOURNMENT

There being no further business, the meeting adjourned at 7:28 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
June 19, 2017**

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by President Wolter

ROLL CALL: President Wolter, Trustees Baum, Campbell, Hughes, Kaminski, Miller, Myers, Warren and Zabel. Also Present: Attorney Sajdak, DPW Director Ratayczak, CDD/Planner Retzlaff, Hwy Superintendent Olszewski, Fire Chief Weiss and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter reminded everyone of the July 4th celebration, with activities out throughout the day and fireworks at the end.

Chief Wiess announced approval for them to go to compliance engine – is up and running well. New community service project starting in August with ambulance at Senior Center and Library doing free blood pressure checks and blood glucose screenings. Will provide other information on fires and emergencies also.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees provided information on upcoming meeting dates and times.

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

CONSENT AGENDA:

A. Approval of Minutes: March 6, 2017 and May 15, 2017, Regular Village Board Meetings

B. Accounts payable/payroll

1. June 13, 2017	Payroll (hourly)	\$ 216,485.63
2. June 10, 2017	Accounts Payable	\$ 924,812.10
3. June 15, 2017	Payroll (salary)	\$ 87,561.68

C. Operator Licenses: July 1, 2017 to June 30, 2018: [Recommended Approval]

RENEWAL: Andrew M Aldred, Peter J Hibscher, Denise M Harthun, April M Kintopp, Christine D Konvalinka, Ruth L Lunde, Chilistina M Monroe, Cheryl L Rhoades, Scott A Roth, Sharna Y Sinjakovic, Stephanie M Wolf

NEW: Stephanie L Berg, Ashley K Courtemanche, Lindsay A Kroll [Recommended Approval]

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

All license approvals to be conditional upon completion of all documentation, compliance of all code violations/requirements and monies owed to the village paid prior to issuance of licenses in addition to any other conditions noted.

D. **RENEWAL** of a "Class A" Fermented Malt Beverage and Intoxicating Liquor License for the period commencing July 1, 2017 and ending June 30, 2018: Aldi Inc., Michelle Kind, Agent, 5230 State Road 167, Hubertus WI 53033, d/b/a **Aldi #67**, N96 W18838 County Line Road, Germantown, WI, 53022.

Walgreen Co., Vickie Matt, Agent, 1411 Deer Trail Court, Hubertus, WI 53033, d/b/a **Walgreens #05427**, W156 N11261 Pilgrim Road, Germantown, WI 53022.

Sendik's Germantown LLC, Theodore Balistreri, Agent, 5566 N. Diversey Blvd., Whitefish Bay, WI 53217, d/b/a **Sendik's Food Market**, N112 W15800 Mequon Road, Germantown, WI 53022.

CONSENT AGENDA continued:

B&B Inc of Milwaukee, Asif Vadsaria, Agent, W151 N11492 Potomac Cir, Germantown, WI 53022, dba **Quick Pick Food Mart**, N128 W21760 Holy Hill Rd., Richfield WI 53076.
[Recommended Approval]

- E. **RENEWAL** of "Class B" Fermented Malt Beverage and Intoxicating Liquor License for the period commencing July 1, 2017 and ending June 30, 2018:
KJ's Bar & Grill, Gerald Louis Wagner, Agent, N112 W21209 Mequon Rd., Germantown WI 53022, dba **KJ's Bar & Grill**, N112 W21209 Mequon Rd., Germantown WI 53022
[Recommended Approval]
- F. Replace and Upgrade 3 Dispatch Radio Consoles in Police Department Dispatch Center with Purchase from Harris Corporation with Install by General Communications at a Cost of \$109,707.00 with Funds Allocated from Acct. # 40-521-570-8460
[Recommended Approval]
- G. Contract with Fire Catt for 3 Years for Their Annual Fire Hose and Ladder Testing at a Cost of \$6,217.50 per Year with Funds Allocated from Fire Department Maintenance Budget [Recommended Approval]

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

- H. **RESOLUTION NO. xx-17** To Adopt The 2016 Compliance Maintenance Annual Report (CMAR) Related to WI DNR Wastewater Treatment Requirements [Recommended Approval]
- I. Contract with M&M Tree Care Service for the EAB Ash Tree Treatments at a Unit Rate of \$5.25 Per Inch at an Approximate Total Cost of \$10,631.25. Funds to be allocated from Acct. #10-553-53-5290 [Recommended Approval]

MOTION (Baum/Myers) approve Consent Agenda Items A-I, by roll call vote, carried.

UNFINISHED BUSINESS: None

PUBLIC HEARINGS – 7:00 P.M. OR LATER:

- A. Gehl Foods LLC, Property Owner and Applicant to Rezone the Following Described Property From B-3: General Business District to the M-1: Limited Industrial District Pursuant to Section 17.33 of the Municipal Code on the Property Located at N116 W16044 Main Street (Tax Key: GTNV 221-060) and N116 W15850 Main Street (Tax Key: GTNV 221-075)

CDD Retzlaff presented information regarding the application.

President Wolter opened the public hearing at 7:10 p.m.

The following persons spoke at the public hearing

Ron Nimh - 10069 Main St. Germantown Question as to use – no objection

President Wolter closed the public hearing at 7:18 p.m.

- B. Rainbow Child Care Center, Applicant and Agent for First Bank Financial Centre, Property Owner, for A Conditional Use Permit (CUP) For the Operation of A "Child Care, Day Care Center or Preschool Center" Pursuant to Section 17.28(3)(P) Of the Village Zoning Code, on the Property Located at Approximately N112 W17060 Mequon Road; Tax Key: GTNV 223-989, (Vacant Land East of First Bank)
CDD Retzlaff presented information regarding the application.

PUBLIC HEARINGS continued:

President Wolter opened the public hearing at 7:20 p.m.

No one spoke at the public hearing

President Wolter closed the public hearing at 7:21 p.m.

- C. Petition Filed by The Village of Germantown Community Development Department for Proposed Text Amendments to The Following Sections of The Zoning Code (Chapter 17) Of the Village of Germantown Municipal Code: 17.08 (Definitions); 17.41 (Residential Accessory Use, Building & Structure Restrictions); And 17.47 (Performance Standards)
CDD Retzlaff presented information regarding the application.

President Wolter opened the public hearing at 7:23 p.m.

No one spoke at the public hearing.

President Wolter closed the public hearing at 7:24 p.m.

NEW BUSINESS:

- A. **ORDINANCE NO. xx-17** to Rezone the Following Described Property From B-3: General Business District to the M-1: Limited Industrial District Pursuant to Section 17.33 of the Municipal Code and 3-Lot Certified Survey Map (**CSM**) to Combine Parcels on the Property Located at N116 W16044 Main Street (Tax Key: GTNV 221-060) and N116 W15850 Main Street (Tax Key: GTNV 221-075) Gehl Foods LLC, Property Owner & Applicant
Stacy Cooke, Agent for Gehl Foods LLC, Property Owners of two parcels located on Main Street (Parcel GTNV#221-060 & 221-075); B-3: General Business to M-1: Limited Industrial Rezoning Application & 3-Lot Certified Survey Map (CSM) to Combine Parcels
MOTION (Baum/Myers) to approve as presented. Discussion regarding additional parking on Main Street, site plan not approved yet, tanks – color – walls around, rail use, vacant house and Main Street in the future. **By roll call vote, carried. (8 in favor, 1 opposed (Zabel))**
- B. **CONDITIONAL USE PERMIT (CUP)** For the Operation of A “Child Care, Day Care Center or Preschool Center” Pursuant to Section 17.28(3)(P) Of the Village Zoning Code, on the Property Located at Approximately N112 W17060 Mequon Road; Tax Key: GTNV 223-989, (Vacant Land East of First Bank) Rainbow Child Care Center, Applicant and Agent for First Bank Financial Centre, Property Owner
MOTION (Baum/Warren) to approve as presented, roll call vote, carried.
- C. Petition Filed by The Village of Germantown Community Development Department for Proposed Text Amendments to the Following Sections of the Zoning Code (Chapter 17) Of the Village of Germantown Municipal Code: **ORDINANCE NO. XX-17** Amendments to Section 17.08 (Definitions); to Section 17.41 (Residential Accessory Use, Building & Structure Restrictions); And to Section 17.47 (Performance Standards)
MOTION (Baum/Miller) to approve as presented. Discussion: legal status of a subjective ordinance, decibels, standards, clarifying noise standards within the manufacturing district, equipment for testing which level – decibel vs. octave. Testing/training requirements regarding removal of decibel meter. **By roll call vote, carried. 2 Opposed (Campbell & Hughes)**

NEW BUSINESS continued:

- D. **ORDINANCE NO. XX-17** An Ordinance Amending Section 9.07 of the municipal Code Relating to the Prohibition of Certain Noise Disturbances

MOTION (Baum/Miller) to approve as presented. Discussion: Changes at GGF and Public Safety, no longer has Section of Chapter 9 which relates to permits and notification of all within 500 feet or currently at 300 feet. Staff determined cleaner and safer way in putting it in outdoor premises – then becomes a function of ‘if you have a premise that serves alcohol, no permit to occur. Discussion: do we want to put back permit process in part of Chapter 9 that would allow other establishments to have ability to have a permit outside for events they may have? No type of permit – didn’t seem to be a realistic need. Becomes function of if you have a premise which serves alcohol.

MOTION (Miller/Zabel) to extend time to go from 10 p.m. to 6 a.m. would now be 10 p.m. to 7 a.m. Discussion: 7 a.m. more reasonable time. Waste Management pick up time is 7 a.m. Municipal construction projects can’t start until 7 a.m. Various thoughts on 7 a.m. vs 6 a.m.

Amendment, 4 in favor, 5 opposed (Baum, Campbell, Hughes, Kaminski, Wolter), motion to amend fails. Roll call vote on original motion, carried. 1 opposed (Zabel).

E. ORDINANCE NO. XX-17 An Ordinance Amending Section 12.02 of the Municipal Code Relating to noise regulations for Alcohol Licensed Premises

MOTION (Baum/Warren) to approve as presented. Discussion: Items removed from original proposed – right to pull permit for violations, repeat of violations, procedure for revocation/renewal already provided for in Chapter 125, cleaning up the code, language within sub (b) of proposed covers noise issue, putting it in sub 12 as part of general, not just outdoor premises – in general noise violations could be potential for non-renewal/revocation. Then will come back with new ordinance for Section 9.07. This change will be placed on July 17th Board meeting. Further discussion: those who have a current outdoor premise license and if a change were requested would have to apply for a new outdoor premise and people would have to be notified, possible amendment, noise time frame. **MOTION (Zabel/Baum) to amend, adding Sub (c), in Section 12.02 (7)(q) of the code, and would read: outdoor premise operating under a liquor license issued before the effective date of this ordinance, shall continue to operate under the terms applicable at the time of approval. Any licensee who wishes to operate under this language would need to amend their license by application to the Village Board, said application requiring public notice as if the application was a new outdoor premises request, carried.** Discussion: need to make it clearer to owners, options for limitations, says it is not automatically a violation if operating after 10 p.m. and we can hear it from the property line, noise from voices vs music. **Roll call vote on original motion, carried. 2 opposed (Zabel & Campbell)**

F. Request Approval for No Parking Signs to Be Posted on South Side of Williams Drive for Special Events at Kennedy Middle School

MOTION (Baum/Warren) to approve request. Discussion: Question of intent of request, special events, location of no parking area. **MOTION (Hughes/Baum) to table this item, carried.**

NEW BUSINESS continued:

G. Request to Award Contract for 2017 Seal Coat Projects

Superintendent Olszewski presented information on contract prices for seal coat project. Fahrner Asphalt came in with a lump sum of \$278,210. Struck and Irwin came in at

\$277,610. Struck and Irwin performed work in Village in past that was a catastrophic failure and could not recommend hiring them again. Recommendation to go with Fahrner Asphalt with unit prices provided with a micro surface at \$2.40 per sq. yd., GSB 88 at \$1.19 per sq. yd., and a flex patch unit price of \$104 per joint, with funds to be allocated from Account #10-542-530-3505. **MOTION (Kaminski/Baum) to approve as recommended, using unit prices as presented. Roll call vote, carried.**

- H. **MOTION (Baum/Myers) to go into closed session at 8:54 p.m., per Wis. Stats. §19.85(1)(c) Considering Employment, Promotion, Compensation or Performance Evaluation Data of Any Public Employee Over Which the Governmental Body Has Jurisdiction or Exercises Responsibility and then Re-enter Open Session to Take Such Action as it Deems Appropriate for Filling of Interim Administrator Position and include Village Clerk, DPW Director Ratayczak and Attorney Sajdak, by roll call vote, carried.**

MOTION (Zabel/Miller) to go back into open session at 9:20 p.m., carried.

MOTION (Baum/Myers) to appoint DPW Director Lawrence Ratayczak as Interim Administrator until a new Administrator can be found and that legal and staff are to work to resolve the pay adjustment as stated in closed session, roll call vote, carried.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:23 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk

**VILLAGE OF GERMANTOWN
SPECIAL VILLAGE BOARD MEETING MINUTES
June 12, 2017**

CALL TO ORDER: The meeting was called to order at 5:34 p.m. by Village Clerk Goeckner.

MOTION (Warren/Zabel) to appoint Trustee Baum as President Pro Tem, carried.

ROLL CALL: Trustees Baum, Campbell, Miller, Myers, and Zabel. President Wolter will be late (arrived at 5:52 p.m.) Trustees Hughes, and Kaminski were absent and excused. Also Present: Administrator Schornack, Attorney Sajdak and Clerk Goeckner

NEW BUSINESS:

A. Review and Selection of Firm to Conduct Search for Village Administrator

MOTION (Zabel/Warren) to hire PAA LLC, (Public Administration Associates) to recruit the next Village Administrator. Discussion: Their guarantee, cost of \$11,500 plus materials, costs of other firms, thorough information provided, firm in business the longest of those who provided proposals, other firms who applied, PAA process of recruitment. Further discussion of parts of the process: video interviews, meet and greet, Village may want to request changes to process, liking some things and not others, options of services provided by others, pros and cons of each firm, contract language for PAA and option of Village handling process themselves. **Carried.** PAA would like to meet with Village right away to place ad and proceed with time schedule. (President Wolter arrived 5:52 p.m.)

B. Discussion and Action on Hiring Interim Village Administrator

President Wolter started discussion on options for an Interim Administrator. He and Trustee Zabel met previously and asked an internal person and they were okay with doing it if it was truly needed. Also have ability to go with someone that has been offered by recruitment firms and the option of Village Attorney and their firm. Trustee Zabel asked DPW Director Ratayczak to come forward. Director Ratayczak stated position was presented to him to keep things rolling in the position. Assumes there wouldn't be any major changes in staffing etc., or current processes to change and would proceed as it had been with Administrator Schornack. Would put additional work to the Engineer. If it goes on for 12 months may present an issue. Other Directors very good at their jobs and have not heard any bad comments when his name was passed around. Trustee Zabel confirmed he was willing to commit to time frame and had enough staff. Discussion of cost to Village to take on the position. President Wolter suggested allowing Director Ratayczak time to consider this and then meet in closed session at the June 19th meeting. He further explained he liked choosing Director Ratayczak because he has staff to spread out the work, he is a team player to make sure he can take things on without bringing someone new on that everyone has to get used to. There are standard operating procedures that need to be learned, he's not looking to make changes, just keeping things on the road and Board just there if Administrator has to make decisions within something that has to be stepped into to guide the next step. Not as much in favor of outside person, or a number of people for position, wants one person in charge. Would vote for putting Director Ratayczak in position and shorten that and get him back to his normal duties. Discussion of expectations of an interim administrator, how much work per week, never knowing when something will come up, not an emergency but you have to pull people together right

NEW BUSINESS continued:

away and bring them in. Getting into budget soon, have to work with Kim and Trustee Zabel for budget. Too many things going on in this community to not have a full-time person in that office. Needs to be just one person and one of Department Directors from inside. Someone who knows the 'Germantown Way'. Concern it will take a considerable amount of time in addition to what he is used to. **MOTION (Baum/Zabel) to table this item until the June 19th meeting, carried.**

There being no further business, the meeting adjourned at 6:08 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk

**VILLAGE OF GERMANTOWN
VILLAGE BOARD SPECIAL MEETING MINUTES
July 6, 2017**

CALL TO ORDER: The meeting was called to order at 6:09 p.m. by President Wolter.

ROLL CALL: President Wolter and Trustees Baum, Campbell, Hughes, Kaminski, Miller, Myers, Warren and Zabel were present. Also present: Attorney Sajdak, Administrator Schornack and Clerk Goeckner

NEW BUSINESS:

A. Village Clerk Performance

MOTION (Baum/Myers) to adjourn into Closed Session per Wis. Stats. § 19.85(1)(c) Considering Employment, Promotion, Compensation or Performance Evaluation Data of Any Public Employee Over Which the Governmental Body Has Jurisdiction or Exercises Responsibility and/or Wis. Stat. § 19.85(1)(f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations to include Administrator Schornack and legal counsel but excluding Clerk Goeckner.

Upon roll call vote, all in favor, carried.

MOTION (Kaminski/Baum) to adjourn the meeting directly from the closed session. Motion carried unanimously upon voice acclamation.

ADJOURNMENT

The meeting adjourned at 7:16 p.m.

**Brian C. Sajdak
Village Attorney**

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

MEETING DATE: July 17, 2012

AGENDA ITEM: Unfinished Business

ITEM TITLE: Ordinance to Prohibit Parking on the South Side of Williams Drive and to Amend the Official Traffic Map to Reflect the Same

SUBMITTED BY: Brian C. Sajdak, Village Attorney

SUMMARY EXPLANATION:

The Public Safety Committee advanced a recommendation that parking be prohibited on the south side of Williams Drive near Kennedy Middle School. At the last Village Board meeting, given my uncertainty concerning what the actual intent of the recommendation was, that item was tabled to allow the preparation of an ordinance to accomplish the goal. The proposed ordinance prohibits parking along the south side of Williams drive from western entrance to the parking lot on the south side of the school to the end of the home driveway located just east of the other parking lot entrance. This is shown on the attached map. The parking prohibition in this ordinance is always in effect (as opposed to a prohibition that is applicable only during school events, or similar limitations).

ATTACHMENT: ORDINANCE X RESOLUTION OTHER

- An Ordinance to Prohibit Parking on the South Side of Williams Drive and to Amend the Official Traffic Map to Reflect the Same

RECOMMENDATION:

1. Motion to take the item off the table.

Once off the table:

2. Motion to adopt Ordinance No. XX-17, An Ordinance to Prohibit Parking on the South Side of Williams Drive and to Amend the Official Traffic Map to Reflect the Same.

ORDINANCE TO PROHIBIT PARKING ON THE SOUTH SIDE OF WILLIAMS DRIVE
AND TO AMEND THE OFFICIAL TRAFFIC MAP TO REFLECT THE SAME

WHEREAS, Wis. Stat. § 349.13 authorizes municipalities to regulate the stopping, standing and parking of vehicles upon streets and highways within their corporate limits; and

WHEREAS, the Village Board, having previously adopted § 7.05 of the Municipal Code of Germantown, regulates the stopping, standing and parking of vehicles upon the streets and highways within the Village; and

WHEREAS, the Village Board previously adopted an Official Traffic Map dated November 1, 1988 which identifies, among other things, locations where stopping, standing and parking are prohibited within the Village; and

WHEREAS, the Village's Public Safety Committee unanimously recommended that stopping, standing and parking be prohibited on certain areas of the South side of Williams Drive; and

WHEREAS, the regulation of parking within the Village promotes the health, safety and welfare of the Community;

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

SECTION I:

Stopping, standing or parking of vehicles in the following area is prohibited:

1. The south side of Williams Drive commencing 150 feet from the eastern right-of-way line of Crusader Court to the east for a distance of 660 feet.

SECTION II:

The Official Traffic Map of the Village of Germantown, as kept by the Chief of Police pursuant to § 7.02 of the Municipal Code of Germantown, is hereby amended to reflect the prohibition specified in Section I.

SECTION III:

The Director of Public Works is hereby directed and shall install appropriate traffic signals reflecting the prohibition specified in Section I.

SECTION IV:

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

SECTION V:

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

SECTION VI:

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

Introduced by Trustee:

Adopted: July 17, 2017 Vote: Ayes: Nays: Absent:

Dean Wolter, Village President

ATTEST:

Barbara K.D. Goeckner, Village Clerk

Approved as to form:

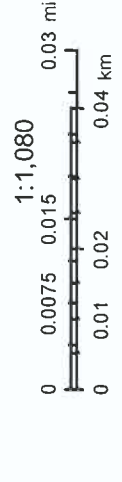
Brian C. Sajdak, Village Attorney

Published:_____



July 14, 2017

- ☒ County Boundary
- ☒ City, Village or Town Hall
- ☒ Libraries
- ☒ Washington County Landmarks
- ☒ Airports
- ☒ Trails
- ☒ Public Open Spaces
- ☒ Current Parcel
- ☒ Landhook



Washington County
Washington County, Wisconsin

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

MEETING DATE: July 17, 2012

AGENDA ITEM: New Business

ITEM TITLE: An Ordinance Amending Section 12.02 of the Municipal Code Relating to Noise Violations at Alcohol Licensed Outdoor Premises

SUBMITTED BY: Brian C. Sajdak, Village Attorney

SUMMARY EXPLANATION:

At the last Village Board meeting, the Board approved certain changes to the Village's noise ordinances and also outdoor premises of establishments holding alcohol licenses. During the discussion of these items, it was suggested that violations of the Village's noise regulations (Sec. 9.07 of the Municipal Code) be added to the potential grounds for suspension, revocation and/or non-renewal of an alcohol license. The proposed ordinance accomplishes this task.

ATTACHMENT: ORDINANCE X RESOLUTION OTHER

- An Ordinance Amending Section 12.02 of the Municipal Code Relating to Noise Violations at Alcohol Licensed Outdoor Premises

RECOMMENDATION:

Motion to adopt Ordinance No. XX-17, An Ordinance Amending Section 12.02 of the Municipal Code Relating to Noise Violations at Alcohol Licensed Outdoor Premises.

ORDINANCE NO. -17

AN ORDINANCE AMENDING SECTION 12.02 OF THE MUNICIPAL CODE
RELATING TO NOISE VIOLATIONS AT ALCOHOL LICENSED OUTDOOR PREMISES

WHEREAS, the Village Board previously adopted Section 12.02 of the Municipal Code which establishes licensing provisions for intoxicating liquor and fermented malt beverages; and

WHEREAS, the Village Board, wishes to further clarify that violations of Village noise regulations may constitute grounds for suspension, revocation or non-renewal of a license; and

WHEREAS, the regulation of noise disturbances promotes the health safety and welfare of the Community;

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

SECTION I

Section 12.02(12)(a)1 of the Germantown Village Code, is amended to read as follows (Note: Additions are underlined; Deleted text is ~~struck-through~~):

(a) Procedure. The provisions of §125.12(2) and (3), Wis. Stats., shall be applicable to proceedings for the revocation, suspension and refusal to renew all licenses granted under this section. Revocation or suspension proceedings may be instituted by the Village Board upon its own motion by adoption of a resolution. In any proceedings during which the decision to revoke, suspend or refusal to renew is made, the Village Board may consider the following causes in addition to those provided in §125.12(2)(ag), Wis. Stats.

1. Subject to §125.12(1)(b), Wis. Stats., any violation of this subsection, sections 9.07 or 9.09 of this Code, or Ch. 125, Wis. Stats.
2. Discontinuance or abandonment of the use of a licensed premises for a period exceeding 90 days without the express approval of the Village Board pursuant to subsection (7)(o) above.

SECTION II:

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

SECTION III:

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

SECTION IV:

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

Introduced by Trustee:

Adopted: Vote: Ayes: Nays: 0 Absent:

Dean Wolter, Village President

ATTEST:

Barbara K.D. Goeckner, Village Clerk

Approved as to form:

Brian C. Sajdak, Village Attorney

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

MEETING DATE: Monday, July 17, 2017

AGENDA ITEM: New Business

ITEM TITLE: 2017 Baseball Tomorrow Fund Grant - Review & Approval to Accept Grant Funding

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

SUMMARY EXPLANATION:

The Village of Germantown was selected to receive a Baseball Tomorrow Fund (BTF) Grant in conjunction with its participation in the BTF/MLB Field Maintenance Program. This \$5,000 grant is to be used for the purchase of field maintenance equipment, services, or supplies to improve youth baseball and/or softball fields in the community. There is no requirement that the village provide matching funds to receive this grant.

One of the goals of the department is to continue to provide safe and well-maintained facilities. These monies will be used for materials and labor to upgrade the baseball diamond infields, backstops, and fencing at to be determined park locations. The village must use the grant funding in 2017.

ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER X

RECOMMENDATION:

At the June 28th, 2017 Park and Recreation Commission Meeting, a motion was made by Commissioner Miller, seconded by Commissioner Stapelman, to send forth a positive recommendation to the Village Board to accept the Baseball Tomorrow Fund (BTF) Grant in the amount of \$5,000, to be used to improve the village park system's baseball/softball facilities. Motion carried unanimously.



The Baseball Tomorrow Fund

June 21, 2017

Mr. Dean Wolter
Village President
Village of Germantown
N112 W17001 Mequon Road
Germantown, WI 53022

Dear Mr. Wolter:

Congratulations! The Village of Germantown was selected to receive a Baseball Tomorrow Fund (BTF) grant in conjunction with its participation in the BTF/MLB Field Maintenance Education Program. On behalf of Major League Baseball and the Major League Baseball Players Association, the Baseball Tomorrow Fund is pleased to award a grant in the amount of \$5,000. Please note that this grant award expires and will not be disbursed if a signed letter of agreement is not provided to the Baseball Tomorrow Fund within 30 days.

Specifically, it is understood that:

1. This grant is to be used for the purchase field maintenance equipment, services or supplies to improve youth baseball and/or softball fields used by your organization.
2. The funds will be administered by the Village of Germantown, under the supervision of Mr. Mark Schroeder, Park & Recreation Director. Your organization will be responsible for all aspects of the purchases, including without limitation, oversight and administrative responsibilities. Any additional expenditures shall be the sole responsibility of the Village of Germantown, it being understood that its grant in the amount of \$5,000 defines the limit of responsibility for the Baseball Tomorrow Fund.
3. The Village of Germantown will furnish the Baseball Tomorrow Fund with a full and complete accounting of funds expended in connection with this grant on or before December 31, 2017. A link to an online report form is attached.
4. The Baseball Tomorrow Fund will pay \$5,000 within one month of receipt by the Baseball Tomorrow Fund of the executed letter of agreement, and the Village of Germantown agrees that the use of grant funds will be completed on or before

**245 Park Avenue
New York, NY 10167
(212) 931-7991
fax (212) 949-5405**



The Baseball Tomorrow Fund is a joint
Initiative of Major League Baseball and the
Major League Baseball Players Association



The Baseball Tomorrow Fund

December 31, 2017. The Village of Germantown agrees that any unexpended grant funds will be remitted back to the Baseball Tomorrow Fund.

5. The Village of Germantown agrees to comply with all applicable guidelines, grant requirements and policies of the Baseball Tomorrow Fund, a copy of which is attached.

6. The Village of Germantown agrees to defend, indemnify and hold harmless the Baseball Tomorrow Fund, its members, employees, officers, and agents from and against any and all claims arising out of or in connection with the purchase and use of equipment, services or supplies and the use of the youth baseball and/or softball facilities.

7. The Village of Germantown agrees to allow the Baseball Tomorrow Fund use of its name and logo for the purpose of public relations and media materials concerning this grant.

The Baseball Tomorrow Fund is pleased to make this contribution to the future of baseball and softball. Please signify your agreement with the foregoing conditions by signing and returning to me all pages of this letter by e-mail to cathy.bradley@mlb.com.

Thank you for your continued support of baseball and softball. Please call me at 212-931-7991 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Cathy Bradley". The signature is fluid and cursive.

Cathy Bradley
Executive Director





The Baseball Tomorrow Fund

Attachments

Agreed:

VILLAGE OF GERMANTOWN

By:

Dean Wolter
Village President

Date:

**245 Park Avenue
New York, NY 10167
(212) 931-7991
fax (212) 949-5405**



The Baseball Tomorrow Fund is a joint
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Major League Baseball Players Association

BASEBALL TOMORROW FUND TERMS AND CONDITIONS

By signing the application form, the applicant hereby assures and certifies that it will comply with Baseball Tomorrow Fund regulations, policies, principles and guidelines as stated in the grant application. The Applicant also assures or agrees that:

1. It possesses legal authority to apply for the grant, that a resolution and/or motion of similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application, and to provide such additional information as may be required;
2. It will comply with all national, state, and provincial mandates which prohibit discrimination on the basis of race, color, national origin, age, gender or disability;
3. It will fulfill, to the greatest extent possible, all project tasks, goals, objectives, and expenditures stated in the application;
4. It will not expend Baseball Tomorrow Fund grant funds for any other purpose other than that identified in the grant application without the prior written approval of the Baseball Tomorrow Fund.
5. It will not expend any funds other than for the purposes of the approved grant during the grant term, and it will immediately return to the Baseball Tomorrow Fund any unused funds;
6. It will provide quarterly reports to the Baseball Tomorrow Fund concerning the use of the grant funds, and a final report one month following the end of the grant period. Each report will include a narrative account of what was accomplished by the expenditure of funds (including a description of progress made toward achieving the goals of the grant) and a detailed financial statement attested by the responsible financial officer of the grantee or a certified public accountant. The Baseball Tomorrow Fund may withhold further grant payments from any grantee in the event that a report is not received in a timely manner, and may terminate the grant if the report is not received within thirty (30) days following the date on which it is due;
7. It will provide to the Baseball Tomorrow Fund any copies of original publications directly resulting from the grant;
8. It will show grant funds separately on its books for ease of reference and verification; although, grant funds need not be physically segregated;
9. It will keep records of receipts, vouchers, bills, canceled checks and expenditures under the grant, as well as copies of reports submitted to the Baseball Tomorrow Fund, for at least four years following completion of the grant term;
10. It will make books and records available for inspection by authorized representatives of the Baseball Tomorrow Fund at reasonable times for the purpose of making such financial audits, verifications, or program evaluations as the Baseball Tomorrow Fund deems necessary concerning the grant;
11. It will provide the Baseball Tomorrow Fund with immediate notification of any change in its tax-exempt status as soon as it occurs;
12. It will acknowledge that the grant will not be used for any organization or individual other than the grantee without the prior written approval of the Baseball Tomorrow Fund;

13. It will be solely responsible for the selection of any other organization or individual to receive a portion of the proceeds of the grant. The Baseball Tomorrow Fund will list only the grantee's name as the recipient of the grant and the grantee agrees to provide the Baseball Tomorrow Fund with progress and expenditure reports, as and when they become due, for the total grant amount paid to grantee;
14. It will represent that the grant will not cause grantee to lose its status as a public charity as described in Section 170(b)(1)(A) of the Internal Revenue Code, and it will represent that the determination letter from the Internal Revenue Service stating that that grantee is a public charity is still valid and has not been revoked;
15. It will not use the names, logos or trademarks of the Baseball Tomorrow Fund, Major League Baseball, the Major League Baseball Players Association, or any of their affiliated entities in the titles of programs or other grant-related activities or materials without prior written approval from the Baseball Tomorrow Fund;
16. It will acknowledge the support of the Baseball Tomorrow Fund for its organization and include the name of the Baseball Tomorrow Fund, in a manner approved in advance in writing, on any printed and visual materials produced as a result of the grant;
17. It will defend, indemnify and hold harmless the Baseball Tomorrow Fund, its members, employees, officers, and agents from and against any and all claims arising out of or in connection with the purpose for which grant is being made;
18. It will sign a letter of agreement provided by the Baseball Tomorrow Fund outlining the approved use of the grant funds and indemnification clause in order to receive the grant payment(s);
19. The grantee acknowledges that the foregoing conditions are in accordance with obligations imposed on the Baseball Tomorrow Fund by law to make reasonable efforts and establish adequate procedures to see that grant funds are spent solely for the purposes for which they were granted, and to obtain full and complete reports on how grant funds have been expended;
20. Changes in federal or state law, or in regulations interpreting same, may require the Baseball Tomorrow Fund to require that more detailed reports be submitted or that other steps be taken. The Baseball Tomorrow Fund will promptly inform the grantee of any such changes;
21. Any violation of the foregoing conditions will require the refund to the Baseball Tomorrow Fund of any and all amounts subject to the violation;
22. The Baseball Tomorrow Fund may discontinue, modify or withhold any payments due under the grant award or require a refund of any unexpended grant funds if, in its sole judgment, such action is necessary to comply with the requirements of any law or regulation affecting its responsibilities under the grant award;
23. The state and federal courts of the State of New York shall have exclusive and final jurisdiction over any dispute that might arise in connection with the grant, and the laws of the State of New York shall govern the interpretation of the terms of the grant.

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

MEETING DATE: July 17, 2017

AGENDA ITEM: New Business (CERTIFIED SURVEY MAP)

ITEM TITLE: MLG Development, Agent for MLG Germantown Investment LLC, Property Owner of 118.7 acres located in TID#6 east of Appleton Avenue and south of Lannon Road (Parcel GTNV#294-998, 321-981, 321-984, 321-985, 321-991 & 321-999); 5-Lot Certified Survey Map (CSM)

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

SUMMARY EXPLANATION:

MLG Germantown Investment LLC, has submitted a 5-lot certified survey map (CSM) to establish the road and lot layout for the 118.7-acre Willow Creek Business Park located within TID#6, along with the dedication of right-of-way for the public cul-de-sac, dedicate outlots to the Village, and establish necessary utility, landscape, drainage and storm water basin access easements. In addition to three (3) outlots containing four storm water management basins, five (5) buildable lots are being created with this CSM.

The Plan Commission reviewed a similar 2-lot CSM in January and recommended APPROVAL at that time with two conditions and a recommendation to change the street name from "Nimitz Court" to "Willow Creek Way" (as shown in the proposed 5-lot CSM). Since January, MLG has been working on further dividing the buildable area to serve a specific business owner wanting to locate within the Business Park, and, to create the other lots based on physical constraints of the property, e.g. wetlands, floodplain, gas pipeline and electric utility power line easements, etc. The Plan Commission has revised its recommendation for APPROVAL of the CSM with two conditions.

ATTACHMENTS:

- ◆ 7/10/17 Staff Report
- ◆ 7/10/17 Plan Commission Meeting Minutes
- ◆ Preliminary CSM

PLAN COMMISSION RECOMMENDATIONS:

APPROVE the 5-lot Certified Survey Map land division for the 118.7-acre Willow Creek Business Park property located north of Appleton Avenue west of Maple Road in the Village of Germantown's Tax Incremental District (TID) #6 subject to the following conditions:

1. All technical corrections identified by the Village Surveyor as summarized in the July 6, 2017 memo shall be made prior to recording the CSM.
2. Once approved by the Village Board, the CSM shall be submitted to the WI Dept of Administration (WisDOA) and Dept of Transportation (WisDOT) for review and certification by the State as required under Chapter 236.34 for CSM's creating more than five (5) lots.

MOTION to change the street name from "Nimitz Court" to "Willow Creek Way".

CERTIFIED SURVEY MAP (CSM) APPLICATION

7/10/17 Plan Commission Meeting

MLG Germantown Investments LLC / Willow Creek Business Park

Village Planner Report

Germantown, Wisconsin

Summary

MLG Development, agent for MLG Germantown Investments LLC, property owner, has submitted a 5-Lot Certified Survey Map (CSM) for the 118.7 acre Willow Creek Business Park located north of Appleton Avenue west of Maple Road in the Village of Germantown's Tax Incremental District (TID) #6.

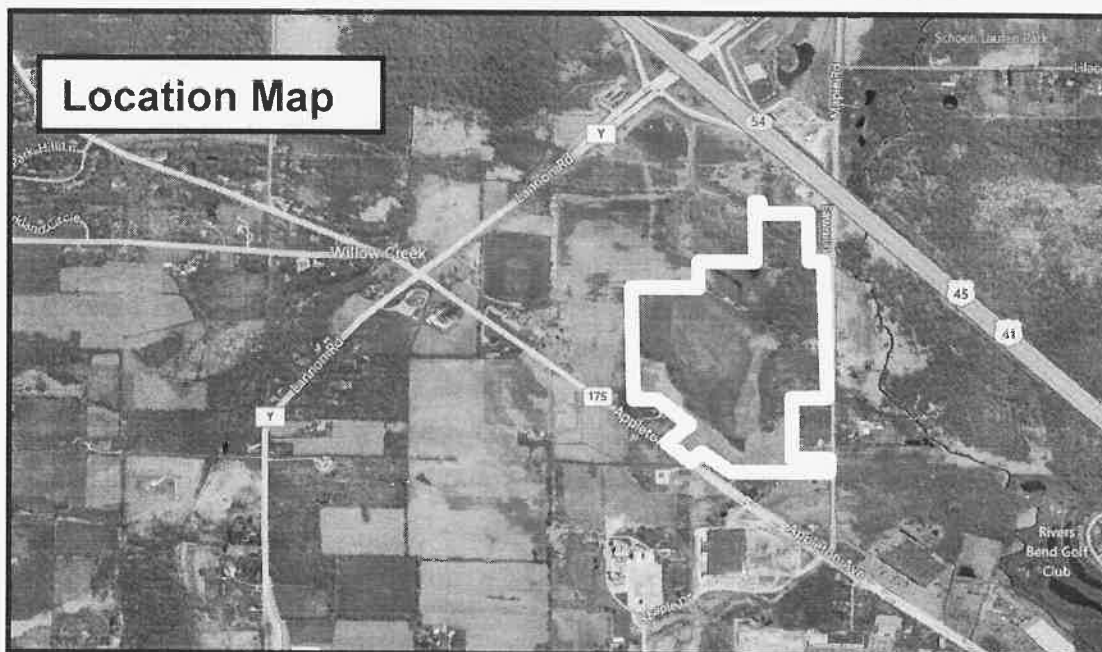
Location: Appleton Avenue (west of Maple Road)

Agent/

Property Owner: MLG Germantown Investments LLC
13400 Bishop's Woods Suite 270
Brookfield, WI

Existing Zoning: M-1: Limited Industrial

Adjacent Land Uses		Zoning
North	Agricultural/Institutional	A-1/I
South	Residential	Rs-1/Rs-3
East	Residential/Agricultural	Rs-3/A-2
West	Institutional/Agricultural	I/A-1



Background

MLG Germantown Investments LLC, owns approximately 118 acres of land north of Appleton Avenue and west of Maple Road, most of which is located within the Village of Germantown's Tax Incremental District (TID) #6. TID #6 contains a total of approximately 192.5 acres of land that was established in June, 2014 for the development of both industrial and commercial development.

Proposal

As shown in the preliminary CSM, the 118-acres currently owned by MLG is being divided into five (5) lots containing all of the developable land and three outlots which contain four storm water basins, wetlands and floodplain that surrounds the 118 acre area known as the "Willow Creek Business Park".

NOTE: A 2-lot CSM was originally reviewed by the Plan Commission back in January, 2017. At that time it was explained that further division of the land within the Business Park would occur as businesses seek to acquire specific land area to meet their needs in the future. At this time, the proposed CSM creates a lot that will satisfy the needs of a prospective business owner.

Staff Comments

As noted on the CSM, Outlot 1 (37.9 acres) and Outlot 2 (5.4 acres) are to be dedicated to the Village of Germantown along with the public road "Willow Creek Way" for ongoing maintenance responsibility. There are three separate storm water basins constructed in Outlot 1 and a fourth basin in Outlot 2; all of which are to be maintained by the Village. Outlot 3 is to be retained by the Willow Creek Business Park Association. At this time, utility installation and road construction within the business park are complete.

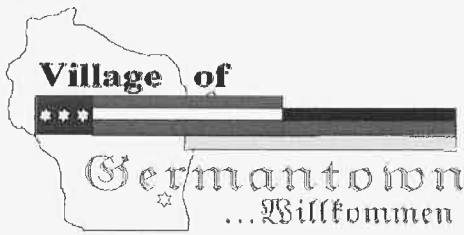
Ordinarily, a certified survey map (CSM) can only be used for a minor land division if four (4) or fewer lots or parcels are created. However, in 2014, pursuant to Wisconsin Act 272 that went into effect April, 2014, the Village took advantage of changes made to the State's platting requirements found in Chapter 236 Wis. Stats. Specifically, the Village expanded the use of CSM's for minor land divisions creating more than four (4) lots (up to a maximum of 10 lots) if the land being divided is located in a commercial, industrial or mixed-use zoning district. Act 272 requires a CSM used to create more than 4 lots to be submitted to the WI Dept of Administration (WisDOA) and WisDOT for review and compliance with the layout, surveying and certification requirements in Chapter 236 (236.15, 236.20 and 236.21). Therefore, this 5-lot CSM will be submitted to the WisDOA and WisDOT for certification once approved by the Village Board.

The Engineering Department (Village Surveyor) has identified a few technical corrections in a July 6, 2017 memo (copy attached) that will have to be corrected prior to recording of the CSM.

Village Planner Recommendation

APPROVE the 5-lot Certified Survey Map land division for the 118.7-acre Willow Creek Business Park property located north of Appleton Avenue west of Maple Road in the Village of Germantown's Tax Incremental District (TID) #6 subject to the following conditions:

1. All technical corrections identified by the Village Surveyor as summarized in the July 6, 2017 memo shall be made prior to recording the CSM.
2. Once approved by the Village Board, the CSM shall be submitted to the WI Dept of Administration (WisDOA) and Dept of Transportation (WisDOT) for review and certification by the State as required under Chapter 236.34 for CSM's creating more than five (5) lots.



Engineering Department Memorandum

To: Jeff Retzlaff Village Planner

CC:

From: Bob Beilfuss, PLS, Village Surveyor

Date: August 8, 2016

Revised November 7, 2016

Revised January 4, 2017

Revised July 6, 2017

Re: Willow Creek-TIF6 CSM

Jeff,

Here are my review comments for the CSM received 7/6/2017

Certified Survey Map

Applicant or Owner: MLG-Barry Chavin

Land Surveyor/Firm: Don Chaput, PLS, Chaput Land Surveys

1. The angular and distance accuracy statement is missing and needs to be added.
This item has been addressed.
2. There are four (4) adjoining unplatted parcels common to the east line of proposed Lot 2 and Outlot 2 that are not shown on pages 1, and 4 thru 6. That is not one large lot.
This item has been addressed.
3. Building setback lines and widths are missing on Lot 1 and Lot 2.
There are still building setback lines and dimension missing on Lot 2. See attached PDF page (2)
4. The exterior line along Appleton Avenue from Nimitz Court NW and SE needs to follow the road centerline and a 60' strip northeasterly from the centerline dedicated to the Village for public road purposes. The associated sideline dimensions will need to be recomputed and corrected for the R/W dedication.
This item has been addressed.
5. The north line of Lot 1 and Lot 2 need to be moved to the south as they currently run thru the detention ponds the village will be acquiring title to. The lot lines need to be located at the bottom of the berm or toe of slope to the berms.
This item has been addressed.
6. There are no public access easements to get to any of the 4 detention ponds.
This item has been addressed with conversations with the owner. Access and electric easements will be provided to each of the four (4) detention ponds when the individual

buildings plans are submitted or subsequent certified survey maps are submitted that would further divide Lot 1 and Lot 2

7. To power the aerators located in each pond, the village needs to have private electric utility easements for each of the four ponds.
This item has been addressed. See No. 6
8. There is a 10' wide x 73.27' long sanitary sewer easement needed around MH-9. This easement is located adjacent to the north R/W of Nimitz Court between Curve 1 and Curve 2. This item has been addressed in that the 10' easement is located on the map, (sheet 3 of 9) but there are dimensions missing that would tie this strip to a corner of Lot 1 or a point of curvature or tangency of the road R/W.
9. The "variable width drainage easement shown on Lot 1 on sheet 3 of 9 does not encompass all of the two drainage ditches and needs to be redone. This drainage easement is to be shown as a private drainage easement
This item has been addressed.
10. In addition to the drainage easement mentioned in No. 12, there are 5 other major drainage ditches that need to be shown as private drainage easements of a variable width as well.
This item has been addressed.
11. On sheet 3 of 9, there is a 30' drainage easement stub located on the NW side of the cul de sac bulb. As there is a storm sewer discharge and drainage ditch located in the same general area, this stub easement needs to be relocated over the new pipe alignment. The alignment shown was changed in 2015.
This item has been addressed.
12. On sheet 3 of 9, there is a 15' general utility easement shown on Lot 1 and Lot 2 and adjacent to the road R/W. The Village is only going to install light poles on the north side of Nimitz Court, from Appleton Ave. to the midpoint of the cul de sac bulb.
This item has been addressed.
13. A sign easement for the future monument sign will be needed once the sign location has been determined. This sign easement will not be located within the vision corners and the sign will not be located within Village Road R/W.
This item has not been addressed.
14. On sheet 4 of 9 there is a small 20' x 28.69 bump out in the public sanitary and watermain easement which was intended for a vehicle turnaround.

The vehicle turnaround has been relocated. This bump out in the easement can be removed and the adjacent easement line that bears North 47°58'02" West (312.54') can be extended to the southeast and intersect with the development south exterior boundary line.

This item has not been addressed. See PDF Page 1

15. The wetland delineation line and 25' wetland offset line need to be defined on sheet 6 of 9. Which line is defining the actual wetland and which one is the setback?
This item has been addressed.
16. Building setback lines appear to vanish on sheet 1 of 9 as they run into wetland setback lines which would dictate the building setback in those areas. While the wetland line and setback line information are shown on sheet 6 of 9, the wetland setback line should also be shown and noted as such on sheet 1 of 9.

Right now, it appears the building setback lines appear to be incomplete.
17. Future westerly extension of the sanitary sewer across Lot 1 requires a 20' public sanitary sewer easement. The attached CADD file has the proposed pipe and easement alignment.
This item has been addressed
18. Change all dates in the document to 2017. All year specific locations on the signature sheet have been replaced.
19. On sheet 3 of 12, the northeast corner of Lot 1 is showing a 15' wetland setback line which needs to be changed to a 25' wetland setback as in other areas of the development.
20. Per the original wetland delineation and mapping in 2014, an isolated wetland has been missing from previous submittals. This wetland is located just west of Outlot 2. The wetland delineation and 25' setback lines need to be re-added back into the map.
21. As this map now contains a 5th lot, this CSM now needs to be submitted to the Department of Administration-Plat Review and the Department of Transportation for their review and comment. This review can take up to 20 business days and has a review fee of \$100.

No further review comments.

Document Submittals and Data Conversion

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

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

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

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

July 6, 2017

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 with lath and flags by the professional land surveyor of record.

MLG Development – Willow Creek Business Park located north of Appleton Avenue west of Maple Road in TID #6. The property owner, MLG Germantown Investments LLC, has submitted a 5-lot Certified Survey Map (CSM) for the 118.7-acre Willow Creek Business Park. Planner Retzlaff summarized the proposal.

MOTION Baum second Laszewski to Approve the 5-lot Certified Survey Map land division for the 118.7-acre Willow Creek Business Park property located north of Appleton Avenue west of Maple Road in the Village of Germantown's Tax Incremental District (TID) #6 subject to the following conditions:

- 1. All technical corrections identified by the Village Surveyor as summarized in the July 6, 2017 memo shall be made prior to recording the CSM.***
- 2. Once approved by the Village Board, the CSM shall be submitted to the WI Dept. of Administration (WisDOA) and Dept. of Transportation (WisDOT) for review and certification by the State as required under Chapter 236.34 for CSM's creating more than five (5) lots.***

Trustee Baum asked why the land needs to be divided now because as buyers come in the lot lines end up changing to satisfy the needs of the developer. Planner Retzlaff explained there are a number of constraints due to the wetlands, road configurations and layout that the other sites just naturally fell out through the design process. Joe Bukovich, MLG Development, explained that due to some large WE Energies gas/electric easements and wetlands on the site the lots fell together due to site constraints. Trustee Baum asked why define the lots if someone else may come in and change them. Chairman Wolter said it is understood that there is some movement within the lot lines without taking too much from another lot. Mr. Bukovich said the lots allow for enough room for docks and loading docks. Discussion continued.

Commissioner Gray asked why the developer doesn't keep the outlots and pay taxes on them. Planner Retzlaff said the agreement was to dedicate to them to the Village and then the Village would possibly use them as part of an open space recreation system with trails and a potential well site. Chairman Wolter asked if they could be used for any mitigation. Planner Retzlaff said we could propose that but the wetland banks for mitigation purposes are specifically developed and closely monitored. He said we don't have the capabilities to maintain the wetland areas to the DNR's satisfaction. Chairman Wolter said we could enhance what's there for mitigation.

MOTION carried unanimously.



Village of

Germantown

Willkommen

Fees must accompany application

☐ \$2,900 with public improvements

☐ \$1,960 no public improvements

☒ Paid 8 Date 7-27-16

CERTIFIED SURVEY MAP APPLICATION

Pursuant to Section 18.06 of the Municipal Code

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

1

APPLICANT OR AGENT

Joe Bukovich

MLG Development

13400 Bishop's Lane, Suite 270

Brookfield, WI 53005

Phone (262) 424-5997

Fax (414) 908-9157

E-Mail jbukovich@mlgdevelopment.com

PROPERTY OWNER

MLG Germantown Investment LLC

c/o Andrew C. Teske

13400 Bishop's Lane, Suite 270

Brookfield, WI 53005

Phone (262) 797-9400

ateske@mlgcompanies.com

PROPERTY ADDRESS OR GENERAL LOCATION

TAX KEY NUMBER

2

Willow Creek Business Park, Appleton Avenue

GTNV 321999, GTNV 321984

GTNV 321991, GTNV 321985
GTNV 321981

3

PURPOSE OF LAND SPLIT

Development of property into a business park. Dedicate roads and easements and create lot 1 for third party development.

Will the land split require rezoning?

No

From

To

4

READ AND INITIAL THE FOLLOWING:

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

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

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

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

5 SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Joseph A. Bukovich
Applicant

7/26/16
Date

By: Andrew C. Teske, VP
Owner

7/26/2016
Date

CERTIFIED SURVEY MAP NO. 15.16

Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32, and part of the Southeast 1/4 of the Southeast 1/4 of Section 29 all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

All dimensions shown are measured to the nearest hundredth of a foot.

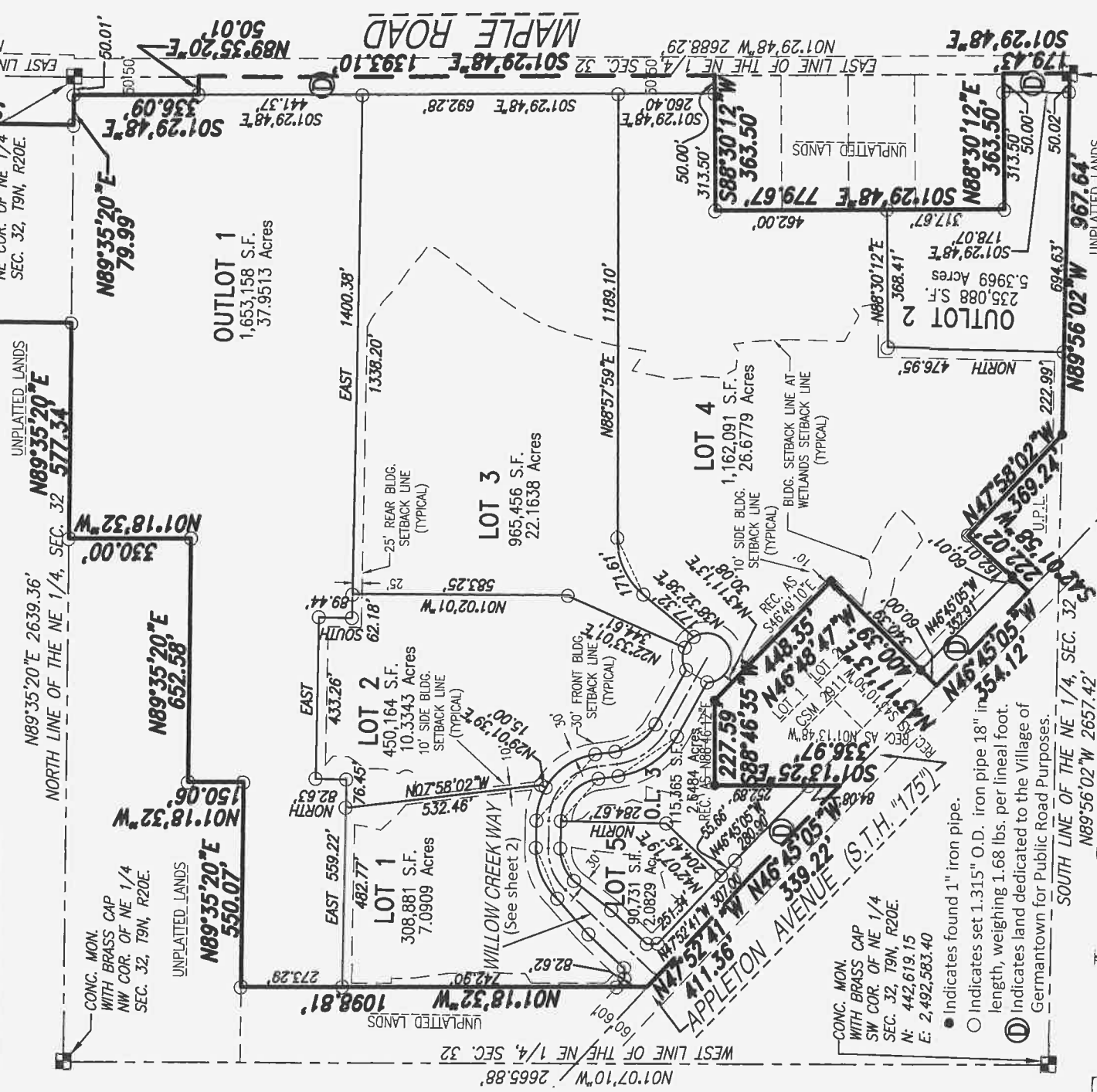
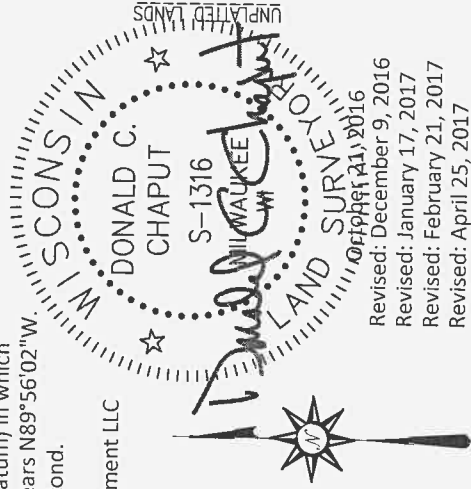
Bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone (NAD 1927 datum) in which the South line of the NE 1/4 of Section 32 bears N89°56'02"W. All bearings are measured to the nearest second.

Owner/Subdivider: MLG Germantown Investment LLC
13400 Bishops Lane
Suite 270
Brookfield, WI 53005

Note:

Outlot 1 and 2 are to be dedicated to the Village of Germantown.
Outlot 3 is to be dedicated to the Willow Creek Business Park Association, Inc.
See sheet 2 for cul-de-sac detail.
See sheets 2 - 5 for easement details.
See sheet 6 for wetlands detail.

Revised: December 9, 2016
Revised: January 17, 2017
Revised: February 21, 2017
Revised: April 25, 2017



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

Drawing No. 1665-grb
This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

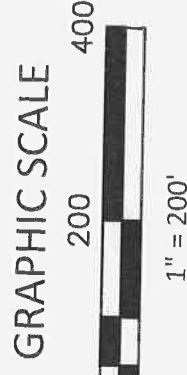


CERTIFIED SURVEY MAP NO. _____
Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32, and part of the Southeast 1/4 of the Southeast 1/4 of Section 29 all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

CURVE DATA



WISCONSIN
DONALD C.
CHAPUT
S-1316
MILWAUKEE
WI
LAND SURVEYOR



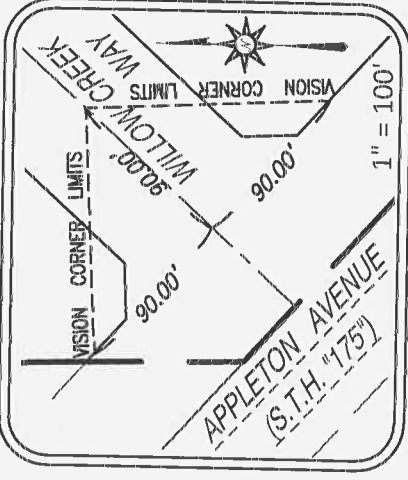
Drawing No. 1665-grb
Sheet 2 of 12 Sheets

CERTIFIED SURVEY MAP NO.

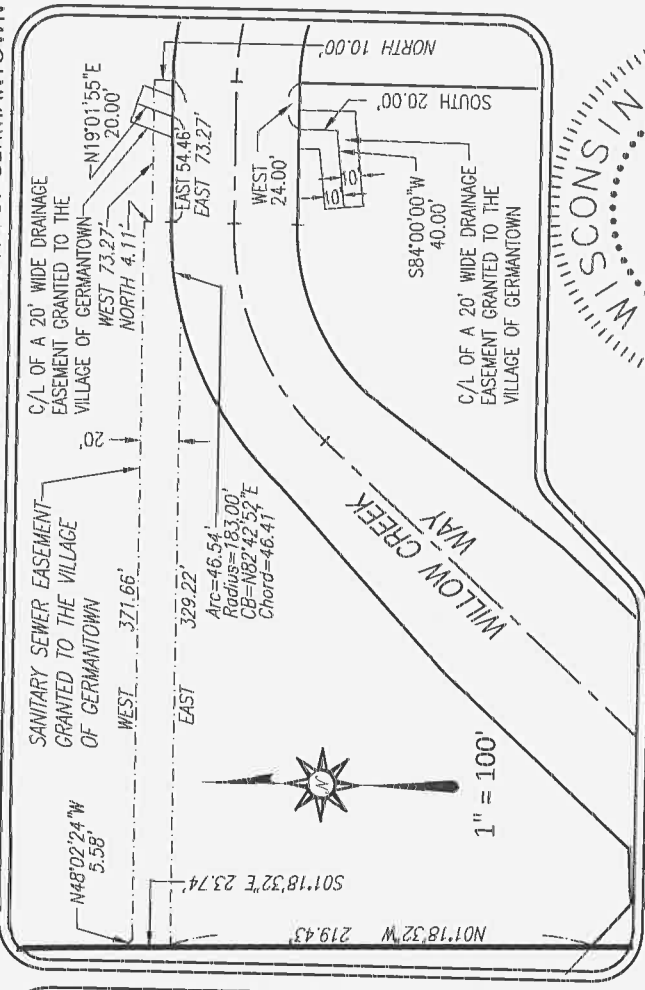
Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32, and part of the Southeast 1/4 of the Southeast 1/4 of Section 29 all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

VISION CORNER RESTRICTION BY THE
VILLAGE OF GERMANTOWN ZONING CODE

SANITARY SEWER EASEMENT GRANTED TO THE VILLAGE OF GERMANTOWN AND
20 FOOT WIDE DRAINAGE EASEMENT GRANTED TO THE VILLAGE OF GERMANTOWN



EASEMENT DETAILS



OUTLOT 1

LOT 1
NET AREA
268,323 S.F.
6.1598 Acres
(NET AREA IS 15' INTO DRAINAGE
EASEMENT AND WETLANDS)

VARIABLE WIDTH DRAINAGE EASEMENT
GRANTED TO THE VILLAGE OF GERMANTOWN
N01°28'34"W 147.13'
N05°22'59"W 246.27'
N02°23'58"E 133.68'
N01°18'32"E 219.43'

SANITARY SEWER EASEMENT
GRANTED TO THE VILLAGE
OF GERMANTOWN SEE DETAIL
ABOVE

LOT 2

LOT 3

NET AREA
478,957 S.F.
10.9953 Acres
(EXCLUDING WETLANDS, 100 YEAR
FLOODPLAIN AND LANDS MORE THAN 15
FEET INTO THE W.E.P.CO. EASEMENT)

15' GENERAL UTILITY EASEMENT
GRANTED TO THE PUBLIC

N87°07'10"E 28.94'

N01°18'32"W 214.70'
N46°34'54"E 31.40'

N47°22'41"W 172.48'
N42°07'19"E 30.00'

LOT 5

C/L OF A 20' WIDE
DRAINAGE EASEMENT
GRANTED TO THE
VILLAGE OF
GERMANTOWN

OUTLOT 3

30' LANDSCAPE AND
SIGNAGE EASEMENT
GRANTED TO THE WILLOW
CREEK BUSINESS PARK
ASSOCIATION, INC.

0 200 400

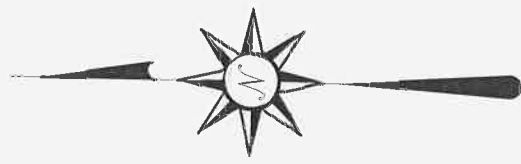
GRAPHIC SCALE
1" = 200'

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

Drawing No. 1665-grb
Sheet 3 of 12 Sheets

WISCONSIN
DONALD C.
CHAPUT
S-1316
MILWAUKEE
WI

Revised: December 9, 2016
Revised: January 17, 2017
Revised: February 21, 2017
Revised: April 25, 2017



CERTIFIED SURVEY MAP NO.

Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32, and part of the Southeast 1/4 of the Southeast 1/4 of Section 29 all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

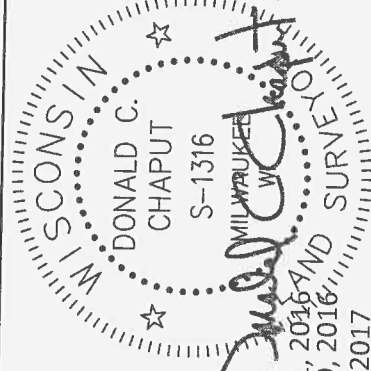
EASEMENT DETAIL

OUTLOT 1

LOT 2

LOT 3

October 21, 2016
Revised: December 9, 2016
Revised: January 17, 2017
Revised: February 21, 2017
Revised: April 25, 2017



LOT 5

OUTLOT 3

WILLOW CREEK WAY

Arc=30.36'
Radius=66.00'
CB=S67°06'55"W
Chord=30.09'
Delta=26°21'16"

LOT 4

APPLETON AVENUE (S.T.H. "175")

PUBLIC SANITARY &
WATERMAIN EASEMENT
GRANTED TO THE VILLAGE
OF GERMANTOWN.

OUTLOT 2

CONC. MON.
WITH BRASS CAP
SE COR. OF NE 1/4
SEC. 32, T9N, R20E
N: 442,616.08
E: 2,495,240.55
(POINT OF BEGINNING)



GRAPHIC SCALE

1" = 300'

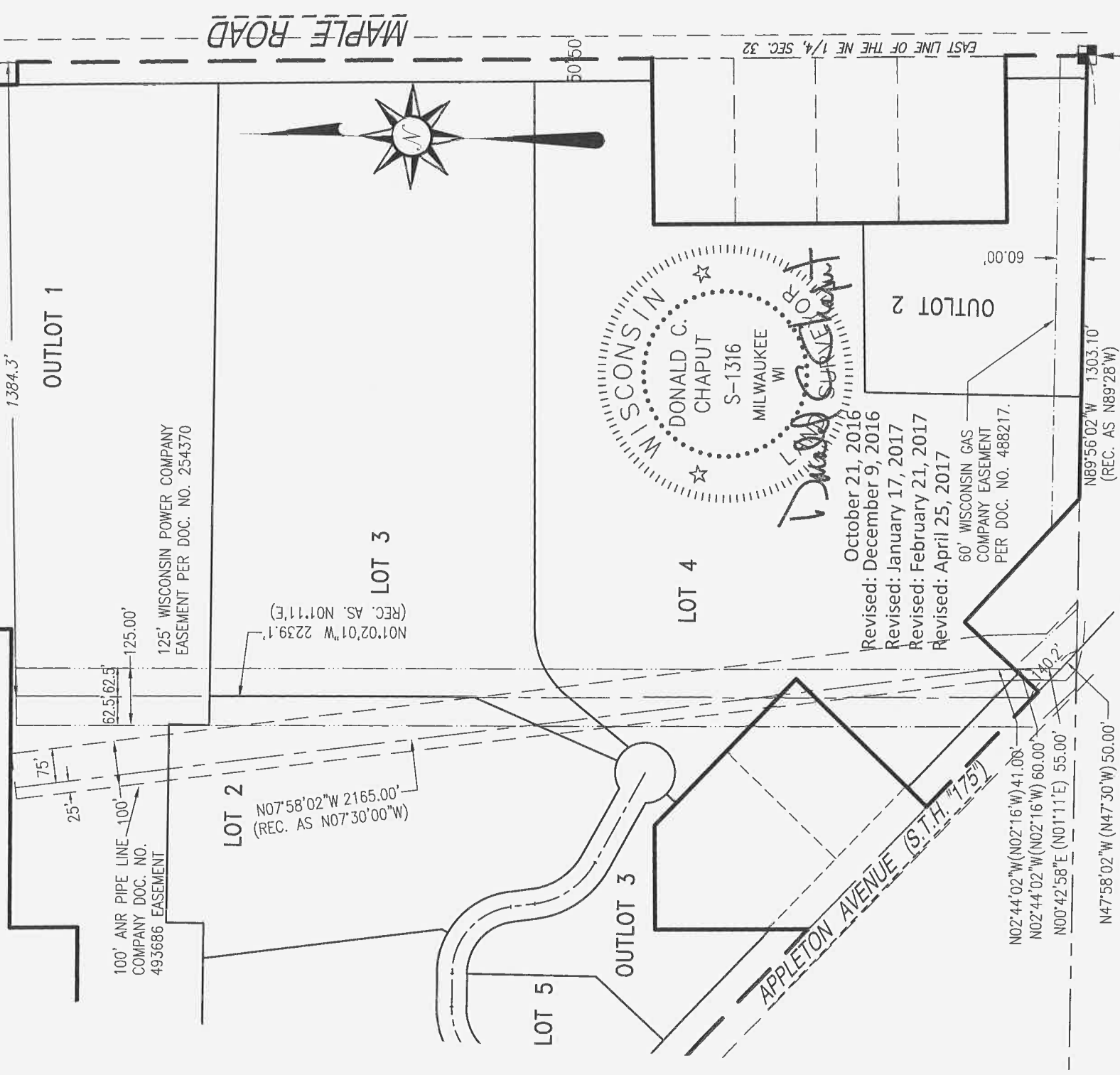
This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Drawing No. 1665-grb
Sheet 4 of 12 Sheets

CERTIFIED SURVEY MAP NO. 1

Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32, and part of the Southeast 1/4 of the Southeast 1/4 of Section 29 all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

EXISTING EASEMENTS BY OTHER DOCUMENTS



CONC. MON.
WITH BRASS CAP
SE COR. OF NE 1/4
SEC. 32, T9N, R20E.
N: 442,616.08
E: 2,495,240.55
(POINT OF BEGINNING)



GRAPHIC SCALE

1" = 300'

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

Drawing No. 1665-grb
Sheet 5 of 12 Sheets

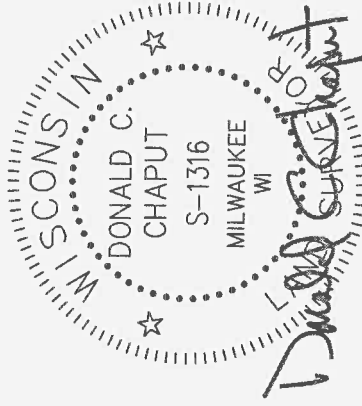
CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32, and part of the Southeast 1/4 of the Southeast 1/4 of Section 29 all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

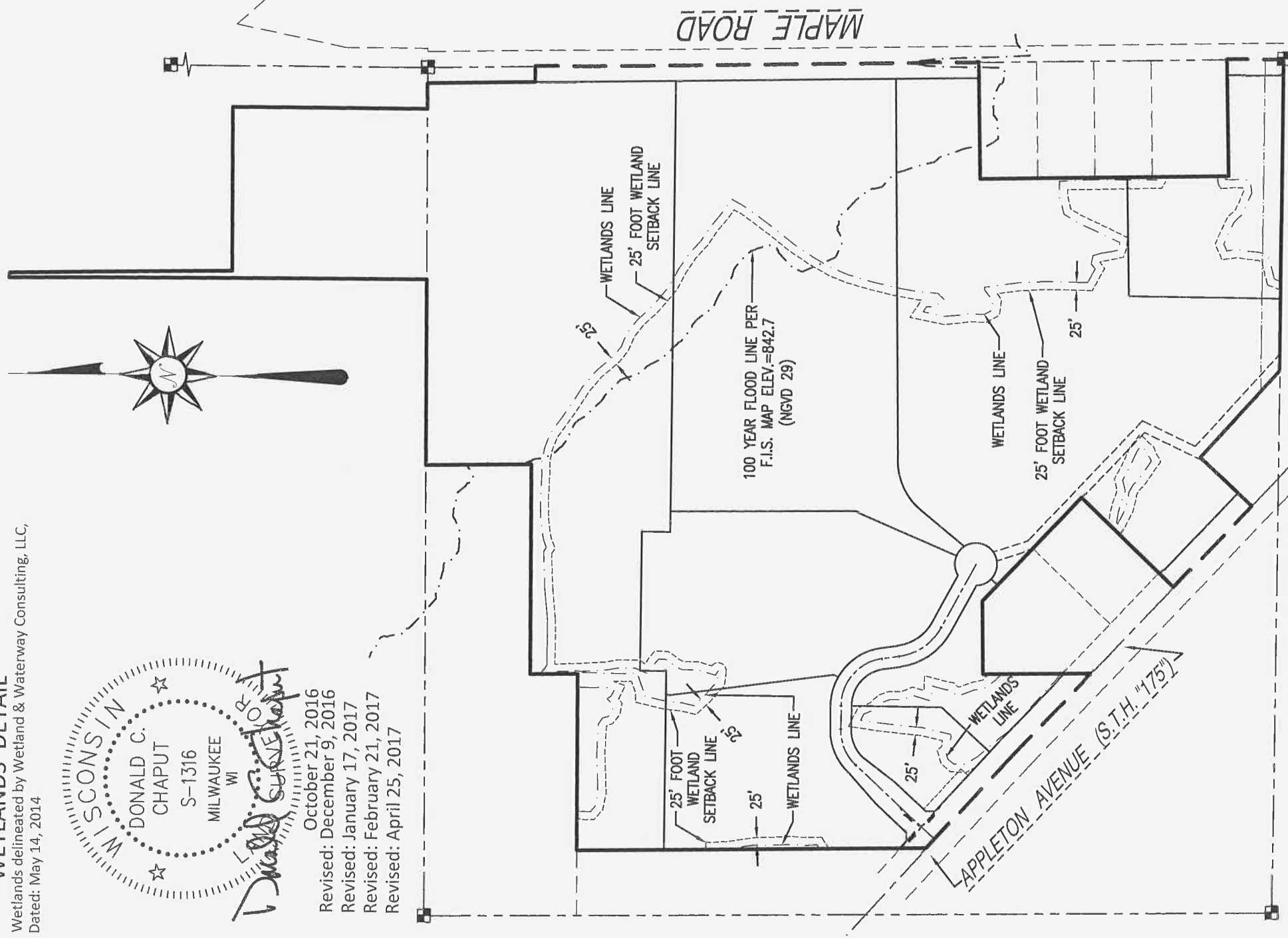
WETLANDS DETAIL

Wetlands delineated by Wetland & Waterway Consulting, LLC,

Dated: May 14, 2014



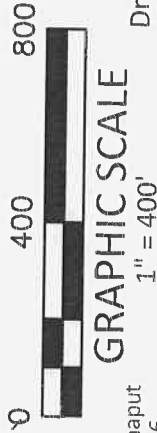
October 21, 2016
Revised: December 9, 2016
Revised: January 17, 2017
Revised: February 21, 2017
Revised: April 25, 2017



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



CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32, and part of the Southeast 1/4 of the Southeast 1/4 of Section 29 all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

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

THAT I have survey, divided and mapped a part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32, and part of the Southeast 1/4 of the Southeast 1/4 of Section 29 all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin, , bounded and described as follows:

BEGINNING at the Southeast corner of said Northeast 1/4 Section, thence North 89°56'02" West along the South line of said Northeast 1/4 Section 967.64 feet to a point; thence North 47°58'02" West 369.24 feet to a point; thence South 42°01'58" West 222.02 feet to a point on the centerline of Appleton Avenue (S.T.H. " 175"); thence North 46°45'05" West along said centerline 354.12 feet to a point; thence North 43°11'13" East along the Southeasterly line of Certified Survey Map No. 2911 and its extension 400.39 feet to a point; thence North 46°48'47" West along the Northeasterly line of said Certified Survey Map 448.35 feet to a point; thence South 88°46'35" West along the Northerly line of said Certified Survey Map 227.59 feet to a point; thence South 01°13'25" East 336.97 feet to a point on the centerline of Appleton Avenue (S.T.H. " 175"); thence North 46°45'05" West along said centerline 339.22 feet to a point; thence North 47°52'41" West along said centerline 411.36 feet to a point; thence North 01°18'32" West 1098.81 feet to a point; thence North 89°35'20" East 550.07 feet to a point on the West line of the East 35 acres of the West 1/2 of the Northeast 1/4 of Section 32; thence North 01°18'32" West along said West line 150.06 feet to a point; thence North 89°35'20" East 652.58 feet to a point; thence North 01°18'32" West 330.00 feet to a point on the North line of the Northeast 1/4 of Section 32; thence North 89°35'20" East along said North line 577.34 feet to a point; thence North 00°30'22" West 1307.93 feet to a point; thence North 89°38'41" East 509.45 feet to a point on the West line of Maple Road; thence South 00°21'19" East along said West line 610.45 feet to a point on the North line of the Northeast 1/4 of Section 32; thence North 89°35'20" East along said North line 79.99 feet to a point on the West line of Maple Road; thence South 01°29'48" East along said West line 336.09 feet to a point; thence North 89°35'20" East 50.01 feet to a point on the East line of the Northeast 1/4 of Section 3; thence South 01°29'48" East along said East line 1393.10 feet to a point; thence South 88°30'12" West 363.50 feet to a point; thence South 01°29'48" East 779.67 feet to a point; thence North 88°30'12" East 363.50 feet to a point on the East line of the Northeast 1/4 of Section 32; thence South 01°29'48" East along said East line 179.43 feet to the point of beginning. Containing 5,215,935 or 119.7414 acres of land.

THAT I have made this survey, land division and map by the direction of MLG Germantown Investment LLC, owner of said 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: October 21, 2016
Revised: December 9, 2016
Revised: January 17, 2017
Revised: February 21, 2017
Revised: April 25, 2017



The following "Dedication and Easement Provisions" were drafted by the Village of Germantown and are shown hereon as a condition of map approval. Inclusion thereof on this document is not to be considered practicing law in the State of Wisconsin by the above signed Land Surveyor, the Land Surveyor is not responsible for rights granted, perceived or otherwise stated herein.

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

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

Drawing No. 1665-grb
Sheet 7 of 12 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32, and part of the Southeast 1/4 of the Southeast 1/4 of Section 29 all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

Utility Easement

Lots 1, 2, 3 and 4 of the Certified Survey Map shall be subject to a 15' wide General Utility Easement on, over, under, across and upon those parts of Lots 1, 2, 3 and 4 as more particularly identified on this Certified Survey Map as the "15' General Utility Easement" ("Easement"). The Easement is granted for the purposes of permitting public utilities or private providers (collectively "Providers") to install, lay, operate, repair, maintain and reconstruct as necessary from time to time underground pipes and conduits and related appurtenances for cable television, internet, gas, telephone and electric service. The Easement is restricted to the use of the land as stated herein and shall run with the land and shall be binding upon any future owners of the land and their successors and assigns.

The right, permission and authority is also granted to Providers using the Easement to enter the Easement in order to trim and/or cut down trees and/or brush where said trees and/or brush interfere with the Easement and to perform such regular and customary, or extraordinary or emergency maintenance, repairs or replacement to the improvements as the Providers shall deem necessary and appropriate. Upon completion of any such work, the Provider undertaking such activity shall repair at its sole cost all damage caused by activities associated with such repairs or maintenance and restore the Easement to the condition existing prior to such entry by the Provider or its agents. The restoration, however, does not apply to any brush or trees that may be removed at any time pursuant to the rights herein granted.

The land included in the Easement shall be restricted as follows:

- (1) The land will only be put to uses consistent with this Easement and may include lawn areas, parking areas and small and easily movable structures that will not interfere with access to the facilities or appurtenances.
- (2) No obstruction of access to the Easement shall be created in the future and no trees or other structures or items that may interfere with inspection, maintenance or repair shall be located in the space over and within vertical planes located on both sides of the Easement and/or its appurtenances.

The Providers utilizing the Easement will indemnify and hold MLG Germantown Investment LLC ("Developer"), including its members, officer, employees, successors and assigns, harmless from and against any and all claims, litigation, liability, loss, injury, damage, cost and/or expense on account of injury to or death of any person or persons whomsoever in any way arising out of caused, connected with, or attributed to the Easement or the rights herein granted, and the Provider will defend by counsel satisfactory to Developer any suit or action brought against same based on any alleged injury, death, or damage and shall pay all damages, costs and expenses, including attorneys' fees connected therewith or resulting therefrom.

Drainage Easements

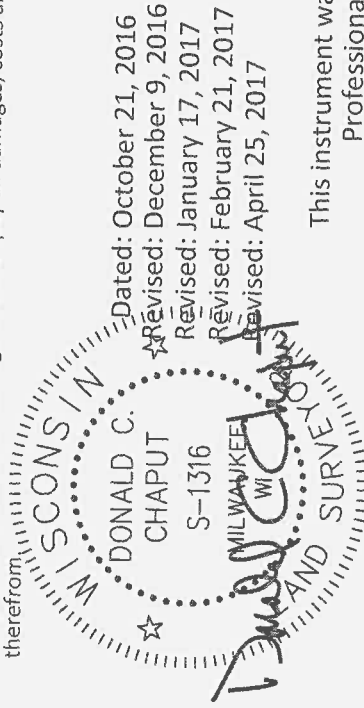
The Village of Germantown ("Village") is hereby granted Drainage Easements over, under, across and upon those parts of Lots 1, 3 and 5 as more particularly identified on this Certified Survey Map as "20' Wide Drainage Easement" and "Variable Width Drainage Easement" ("collectively identified as "Easement"). The Easement is granted for the purposes of installing, operating, maintaining, repairing, replacing and reconstructing as necessary from time to time, facilities used in connection with stormwater drainage and detention and retention, including, but not limited to, stormwater drainage pipes and surface swales. The Easement is restricted to the use of the land as stated herein and shall run with the land and shall be binding upon and inure to the benefit of the Village and its successors and assigns.

The right, permission and authority is also granted to the Village to enter the Easement in order to trim and/or cut down trees and/or brush where said trees and/or brush interfere with the Easement and to perform such regular and customary, or extraordinary or emergency maintenance, repairs or replacement to the improvements as the Village shall deem necessary and appropriate. Upon completion of any such work, the Village shall repair at its sole cost all damage caused by activities associated with such repairs or maintenance to the condition existing prior to such entry by the Village or its agents. The restoration, however, does not apply to any brush or trees that may be removed at any time pursuant to the rights herein granted.

The land included in the Easement shall be restricted as follows:

- (1) The land will only be put to uses consistent with this Easement and no pavement, or improvements that will interfere with the use of the Easement shall be placed on or in the Easement without the prior written consent of the Village.
- (2) No obstruction of access to the drainage facilities or its appurtenances shall be created in the future and no trees or other structures or items that may interfere with inspection, maintenance or repair shall be located in the space over and within vertical planes located on both sides of the Easement and/or its appurtenances.
- (3) The surface elevation of the land within the Easement shall not be raised or lowered without the prior written approval of the Village Engineer of the Village of Germantown.

The Village will indemnify and hold MLG Germantown Investment LLC ("Developer"), including its members, officer, employees, successors and assigns, harmless from and against any and all claims, litigation, liability, loss, injury, damage, cost and/or expense on account of injury to or death of any person or persons whomsoever in any way arising out of caused, connected with, or attributed to the Easement or the rights herein granted, and the Village will defend by counsel satisfactory to Developer any suit or action brought against same based on any alleged injury, death, or damage and shall pay all damages, costs and expenses, including attorneys' fees connected therewith or resulting therefrom.



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. 1665-grb
Sheet 8 of 12 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32, and part of the Southeast 1/4 of the Southeast 1/4 of Section 29 all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

Public Sanitary and Watermain Easement

The Village of Germantown ("Village") is hereby granted a Public Sanitary and Watermain Easement over, under, across and upon that part of Lot 4 as more particularly identified on this Certified Survey Map as the "Public Sanitary and Watermain Easement" ("Easement"). The Easement is granted for the purposes of installing, operating, maintaining, repairing and replacing as necessary sanitary sewer and municipal water facilities including but not limited to laterals, connections, watermain and related facilities used to provide public sanitary sewer and municipal water services. The Easement is restricted to the use of the land as stated herein and shall run with the land and be binding upon and inure to the benefit of the Village and its successors and assigns.

The right, permission and authority is also granted to the Village to enter the Easement in order to trim and/or cut down certain trees and/or brush where said trees and/or brush interfere with the Easement and to perform such regular and customary, or extraordinary or emergency maintenance, repairs or replacement to the improvements as the Village shall deem necessary and appropriate. Upon completion of any such work, the Village shall repair at its sole cost all damage caused by activities associated with exercising rights under this Public Sanitary and Water Main Easement to the condition existing prior to such entry by the Village or its agents. The restoration, however, does not apply to any brush or trees that may be removed at any time pursuant to the rights herein granted.

The land included in the Easement shall be restricted as follows:

- (1) The land will only be put to uses consistent with this Easement and may include lawn areas, driveways, paved parking areas and small and easily movable structures that will not interfere with access to the facilities or appurtenances.
- (2) No obstruction of access to the sanitary sewer or water main or their appurtenances shall be created in the future and no trees or other structures or items that may interfere with inspection, maintenance or repair shall be located in the space over and within vertical planes located on both sides of the facility.

The Village will indemnify and hold MLG Germantown Investment LLC ("Developer"), including its members, officer, employees, successors and assigns, harmless from and against any and all claims, litigation, liability, loss, injury, damage, cost and/or expense on account of injury to or death of any person or persons whomsoever in any way arising out of caused, connected with, or attributed to the Easement or the rights herein granted, and the Village will defend by counsel satisfactory to Developer any suit or action brought against same based on any alleged injury, death, or damage and shall pay all damages, costs and expenses, including attorneys' fees connected therewith or resulting therefrom.

Sanitary Sewer Easement

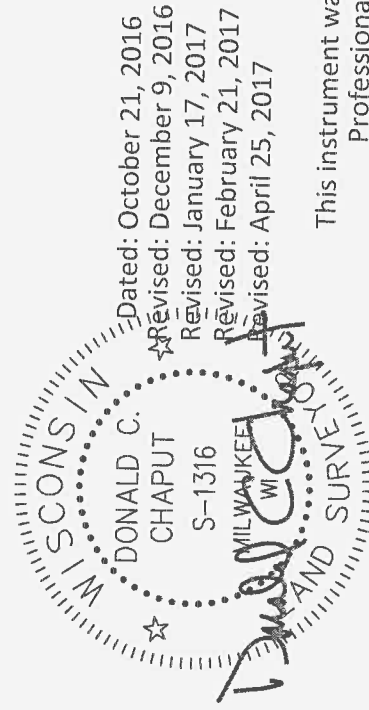
The Village of Germantown ("Village") is hereby granted a Sanitary Sewer Easement over, under, across and upon that part of Lot 1 as more particularly identified on this Certified Survey Map as the "Sanitary Sewer Easement" ("Easement"). The Easement is granted for the purposes of installing, operating, maintaining, repairing, replacing and reconstructing as necessary sanitary sewer facilities including but not limited to laterals and connections used in connection with providing municipal sanitary sewer. The Easement is restricted to the use of the land as stated herein and shall run with the land and shall be binding upon and inure to the benefit of the Village and its successors and assigns.

The right, permission and authority is also granted to the Village to enter the Easement in order to trim and/or cut down certain trees and/or brush where said trees and/or brush interfere with the Easement and to perform such regular and customary, or extraordinary or emergency maintenance, repairs or replacement to the improvements as the Village shall deem necessary and appropriate. Upon completion of any such work, the Village shall repair at its sole cost all damage caused by activities associated with exercising rights under this Sanitary Sewer Easement to the condition existing prior to such entry by the Village or its agents. The restoration, however, does not apply to any brush or trees that may be removed at any time pursuant to the rights herein granted.

The land included in the Easement shall be restricted as follows:

- (1) The land will only be put to uses consistent with this Easement and may include lawn areas, driveways, paved parking areas and small and easily movable structures that will not interfere with access to facility or its appurtenances.
- (2) No obstruction of access to the sanitary sewer or its appurtenances shall be created in the future and no trees or other structures or items that may interfere with inspection, maintenance or repair shall be located in the space over and within vertical planes located on both sides of the facility and/or its appurtenances.

The Village will indemnify and hold MLG Germantown Investment LLC ("Developer"), including its members, officer, employees, successors and assigns, harmless from and against any and all claims, litigation, liability, loss, injury, damage, cost and/or expense on account of injury to or death of any person or persons whomsoever in any way arising out of caused, connected with, or attributed to the Easement or the rights herein granted, and the Village will defend by counsel satisfactory to Developer any suit or action brought against same based on any alleged injury, death, or damage and shall pay all damages, costs and expenses, including attorneys' fees connected therewith or resulting therefrom.



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. 1665-grb
Sheet 9 of 12 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32, and part of the Southeast 1/4 of the Southeast 1/4 of Section 29 all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

Landscape and Signage Easement

The Willow Creek Business Park Association, Inc. ("Association") is hereby granted a Landscape and Signage Easement ("Easement") over and across that part of Lot 5 identified on this Certified Survey Map as the "30' Landscape and Signage Easement Granted to Willow Creek Business Park Association" ("Easement"). The Easement is granted for the purposes of constructing, installing, maintaining, repairing, replacing and reconstructing as necessary an entrance monument and adjacent landscaping and lighting. This Grant of Easements shall run with the land and shall be binding upon and inure to the benefit of the Association and its successors and assigns. The Association shall maintain and repair the entrance monument and adjacent landscaping at its expense as may be required from time to time. No structure or improvement other than the entrance monument and associated landscaping and lighting shall be placed on the Easement.

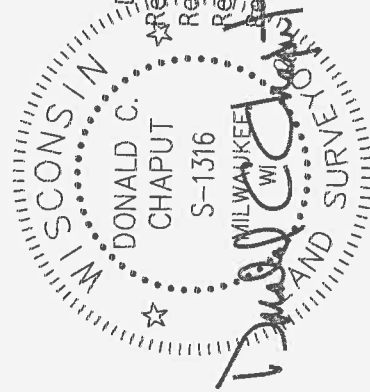
The Village and its agents shall have the right to enter upon the Easement in order to trim and/or cut down certain trees and/or brush where said trees and/or brush interfere with the Easement and to perform such regular and customary, or extraordinary or emergency maintenance, repairs or replacement to the improvements as the Village shall deem necessary and appropriate. Upon completion of any such work, the Village shall repair at its sole cost all damage caused by activities associated with exercising rights under this Sanitary Sewer Easement to the condition existing prior to such entry by the Village or its agents. The restoration, however, does not apply to any brush or trees that may be removed at any time pursuant to the rights herein granted.

Temporary Access and Drainage Easement

The Village of Germantown ("Village") is hereby granted a temporary access easement over, across and through Lots 1, 2, 3 and 4 for the purposes of ingress and egress to maintain, repair, replace and reconstruct as necessary the stormwater ponds owned by the Village on Outlots 1 and 2 ("Access Easement"). The Village shall repair all damage caused by activities associated with exercising rights under this Access Easement at its sole cost and to the condition that existed prior to exercising the Village's rights. The rights conveyed to the Village under this Access Easement shall terminate upon approval of a development plan for each lot and when a permanent stormwater access easement for each pond is recorded by the Village.

All drainage ditches located outside of the road right of way of Willow Creek Way on Lots 1, 2, 3 and 4 and future land divisions, are considered private. The individual property owners are responsible for the maintenance and upkeep if each drainage way at their cost whether it is an open drainage way or an enclosed drainage way with a storm pipe.

The Village of Germantown will be granted an access easement to each of the four (4) detention ponds from Willow Creek Way upon site development submittals from the future owners of Lots 1, 2, 3 and 4 and the future land divisions of these two Lots.



Dated: October 21, 2016
Revised: December 9, 2016
Revised: January 17, 2017
Revised: February 21, 2017
Revised: April 25, 2017

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Drawing No. 1665-grb
Sheet 10 of 12 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32, and part of the Southeast 1/4 of the Southeast 1/4 of Section 29 all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

OWNER'S CERTIFICATE

MLG Germantown Investment LLC, a Wisconsin limited liability company, duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, hereby certifies that said limited liability company caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of the Village of Germantown.

MLG Germantown Investment LLC, as owner, does further certify that this map is required by S.236.20 or 236.12 to be submitted to the following for approval or objection: Village of Germantown.

MLG Germantown Investment LLC, as owner, hereby dedicate that part of Maple Road and Appleton Avenue (S.T.H. "175") to the Village of Germantown for public road purposes as represented on Sheet 1 of 9 of this Certified Survey Map.

IN WITNESS WHEREOF, MLG Germantown Investment LLC, has caused these presents to be signed by the hand of ANDREW C. TESKE, Vice President, on this _____ day of _____, 2017

In the presence of:

(Witness) ANDREW C. TESKE, Vice President

STATE OF WISCONSIN}
:SS
WASHINGTON COUNTY}

Personally came before me this _____ day of _____, 2017, ANDREW C. TESKE, Vice President of MLG Germantown Investment LLC, to me known as the person who executed the foregoing instrument and acknowledged that he executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.

Notary Public
State of Wisconsin
My commission expires. _____
My commission is permanent.

CONSENT OF CORPORATE MORTGAGEE

Gloria A. Neu Revocable Living Trust, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping the land described on this map and does hereby consent to the above certificate of MLG Germantown Investment LLC, OWNER.

By: _____
Gloria A. Neu, Trustee

STATE OF WISCONSIN}
:SS
_____ COUNTY}

Personally came before me this _____ day of _____, 2017, _____ of _____, to me known as the person who executed the foregoing instrument and acknowledged that he executed the foregoing instrument as such officer as the deed of said corporation, by its authority.



Notary Public
State of Wisconsin
My commission expires. _____
My commission is permanent.

Revised: December 9, 2016
Revised: January 17, 2017
Revised: February 21, 2017
Revised: April 25, 2017

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Drawing No. 1665-grb
Sheet 11 of 12 Sheets

CERTIFIED SURVEY MAP NO. _____

Part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32, and part of the Southeast 1/4 of the Southeast 1/4 of Section 29 all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

CONSENT OF CORPORATE MORTGAGEE

NMMR & Associates, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping the land described on this map and does hereby consent to the above certificate of MLG Germantown Investment LLC, OWNER.

By: _____

Name: _____

Title: _____

STATE OF WISCONSIN} :SS
_____ COUNTY}

Personally came before me this _____ day of _____, 2017, _____ of _____, to me known as the person who executed the foregoing instrument and acknowledged that he executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

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

VILLAGE OF GERMANTOWN PLANNING COMMISSION APPROVAL

This Certified Survey Map is hereby approved by the Planning Commission of the Village of Germantown this _____ day of _____, 2017.

Dean Wolter, Chairperson

Date

Laura A. Johnson, Secretary

Date

VILLAGE OF GERMANTOWN BOARD APPROVAL

This Certified Survey Map being a division of part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 32, and part of the Southeast 1/4 of the Southeast 1/4 of Section 29 all in Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin, having been approved by the Planning Commission being the same, is hereby approved and the dedication of part of Maple Road and Appleton Avenue (S.T.H. "175") for public road purposes as shown on Sheet 1 of 12 is hereby accepted by the Village Board of Trustees of the Village of Germantown on this _____ day of _____, 2017.

Dean Wolter, Village President

Date

Barbara K. D. Goeckner, Village Clerk

Date



Revised: December 19, 2016
Revised: January 17, 2017
Revised: February 21, 2017
Revised: April 25, 2017

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

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