

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

MEETING:	REGULAR MEETING OF THE VILLAGE BOARD Revised
DATE AND TIME:	<u>MONDAY, December 3, 2018</u> <u>7:00 p.m.</u>
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 AND DEPARTMENT 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, Village Clerk, And Department Heads.
- 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. **APPOINTMENTS:**
- A. Plan Commission Appointment
 Member William Shadid Present - 04/30/2020
- VIII. **CONSENT AGENDA:**
- A. Approval of Minutes: November 19, 2018 Regular Village Board Meeting.
- B. Accounts payable/payroll
1. November 25, 2018 Accounts Payable \$ 371,702.33
2. November 27, 2018 Payroll (Hourly) \$ 223,893.15
3. November 30, 2018 Payroll (Salary) \$ 106,997.74
- C. Operator’s Licenses: Dominique Jordan, Valerie Palkowski, Dana Wells.
 [Recommended]
- The following items were forwarded from **General Government and Finance** with a unanimous recommendation.
- D. Resolution 85-2018, Amendment to ICMA-RC 457 Deferred Compensation Plan, Roth 457 Selection.

IX. OLD BUSINESS:

- A. None.

X. PUBLIC HEARING:

- A. First Choice Tree Care, Inc., Agent for Kenneth G. Schaefer & RDK Investments, LLC, Property Owner – N120 W15916 Freistadt Road. Conditional Use Permit for the Operation of Horticulture & Landscaping Services.

XI. NEW BUSINESS:

- A. Conditional Use Permit for the Operation of Horticulture & Landscaping Services, First Choice Tree Care, Inc., Agent for Kenneth G. Schaefer & RDK Investments, LLC, Property Owner – N120 W15916 Freistadt Road.
- B. January Meeting Date Change from January 21, 2019 to January 22, 2019.
- C. “Class B” Liquor License for Stix Golf W164N11271 Squire Drive, Robert Stafford Agent.
- D. Change of Agent, Daniel Moran, Wal-Mart Stores East, DBA Walmart 1515, W190 N9855 Appleton Ave.
- E. Resolution 86-2018 Awarding the BID for the Goldendale Road Sanitary Sewer – Phase 2.
- F. Administrator Performance Review. The Village Board may convene 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 may convene into open session to take such action as it deems appropriate

XII. ADJOURNMENT.

The next regular meeting of the Village Board will be on December 17, 2018 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
November 19, 2018**

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

ROLL CALL: Present: President Wolter, Trustees Baum, Hughes, Kaminski, Miller, Myers, Warren, Wing, and Zabel. Also present: Administrator Kreklow, Director Rath, Clerk Boldrey, and Attorney Sajdak.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:

President Wolter thanked all involved with the Candy Cane Run, Parade and Tree Lighting.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/DEPARTMENT AND 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: November 5, 2018 Regular Village Board Meeting.
- B. Accounts payable/payroll
 - 1. November 10, 2018 Accounts Payable \$1,107,309.34
 - 2. November 13, 2018 Payroll (Hourly) \$ 244,081.44
 - 3. November 15, 2018 Payroll (Salary) \$ 94,208.28
- C. Operator's Licenses: Adam Gauthier, Jude Barbieri. [Recommended]
The following items were forwarded from **Public Safety** with a unanimous recommendation.
- D. Resolution 81-2018, Amendment to Fee Schedule for Ambulance And EMT Services.
- E. Resolution 82-2018, Resolution Approving the Upgrade from AEMT to Paramedic for Ambulance and EMT Services.

MOTION (Baum/Myers) to approve Consent Agenda Items A-E. Zabel requested to pull items D. and E. Roll Call Vote Carried Unanimously.

MOTION (Baum/Myers) to approve Resolution 81-2018, Amendment to Fee Schedule for Ambulance and EMT Services. Discussion of non-transport fees ensued. Discussion of policies of who pays if the person does not want the service. Fire Chief Delain reported that there is not a policy in place as everything goes to the billing company. The billing is dependent on the care, procedure, or supply that is provided. Roll Call Vote Carried. Zabel voted no.

MOTION (Baum/Myers) to approve Resolution 82-2018, Resolution Approving the Upgrade from AEMT to Paramedic for Ambulance and EMT Services. The item is for 2019. Fire Chief Delain reported that this will take in effect when returned from the State.

AMENDMENT MOTION (Zabel/Myers) Resolution 82-2018, will not go into effect before January 1, 2019. Administrator Kreklow clarified that the resolution is in support of the Upgrade to Paramedic. The State will give approval. The billing would only be for the billing that requires paramedic. Amendment motion carried. Original Motion as Amended, Roll Call Vote Carried. Zabel voted no.

OLD BUSINESS:

None.

PUBLIC HEARING:

2019 Village of Germantown Budget and 2018 Tax Levy.

Director Rath explained and reviewed the 2019 Budget. She reported on the debt service, mil rate, and Capital Projects.

President Wolter read the Public Notice and opened the Public Hearing at 7:20 p.m.

No one spoke.

President Wolter closed the Public Hearing at 7:22 p.m.

NEW BUSINESS:

Resolution 83-2018, Adopting the 2019 Village Budget and the 2018 Tax Levy.

MOTION (Myers/Kaminski) to approve Resolution 83-2018, Adopting the 2019 Village Budget and the 2018 Tax Levy. This is the Village portion only. Roll Call Vote Carried, Baum and Zabel voted no.

Resolution 84-2018, Authorizing the Placement of Special Charges on the 2018 Tax Roll Against Certain Properties.

MOTION (Baum/Warren) to approve Resolution 84-2018, Authorizing the Placement of Special Charges on the 2018 Tax Roll Against Certain Properties. Roll Call Vote Carried Unanimously.

Stop Loss Insurance Coverage Renewal.

MOTION (Baum/Miller) to approve Stop Loss Insurance Coverage Renewal of Gerber Life / Auxiant and to include Transplant Care, Option 1. Roll Call Vote Carried Unanimously.

Trio Engineering, LLC, Agent for JDV Real Estate Holdings, LLC, Property Owner of Enviro Safe – W130 N10500 Washington Drive. Certified Survey Map (CSM) to Combine Parcels.

MOTION (Baum/Myers) to approve Certified Survey Map for Trio Engineering, LLC, Agent for JDV Real Estate Holdings, LLC, Property Owner of Enviro Safe – W130 N10500 Washington Drive. Certified Survey Map (CSM) to Combine Parcels. Motion Carried Unanimously.

Virtus Development, Agent for Victory Center LLC, Property Owners – W140 N10385 & W140 N10393 Fond du Lac Avenue and Michael & Angela Krause, Property Owners – N104 W14063 Donges Bay Road. Certified Survey Map (CSM) to Combine Parcels.

MOTION (Baum/Zabel) to approve Certified Survey Map for Virtus Development, Agent for Victory Center LLC, Property Owners – W140 N10385 & W140 N10393 Fond du Lac Avenue and Michael & Angela Krause, Property Owners – N104 W14063 Donges Bay Road. Certified Survey Map (CSM) to Combine Parcels. Motion Carried Unanimously.

Stop Sign Request – Maple and Freistadt Roads Intersection.

MOTION (Baum/Warren) to approve the Stop Sign Request – Maple and Freistadt Roads Intersection and to Purchase upgraded stop signs for Maple Road at Freistadt Road. The stop signs are to be LED solar powered signs. The cost estimate is \$1,600 per sign, and two signs are to be ordered. Purchase two (2) LED solar powered radar speed signs to be installed on Freistadt Road. The cost estimate is approximately \$4,000 per sign. Solicit Requests for Proposals to complete design and bid specifications for signalized intersection at Freistadt Road and Maple Road.

Wing reported that he would like to see an all way stop warrant study.

MOTION (Wing/ Zabel) to postpone to a certain time, for the completion of an all way traffic study.

Engineer Nitschke reported that they have been working with Tadi Traffic Analysis and Design. Previous study did not have any recommendation for a four way stop or fully controlled intersection. The study recommendation was interim measures until a signalized intersection is possible. The Public Works Committee recommended interim measures as well as directed Engineer to have consulting work done by Tadi for the assessment of the intersection.

Engineer Nitschke reported on possible funding with a deadline of February 15, 2019. There would have to be a reprioritization of projects to meet the deadline.

Tadi would do an assessment of the intersection and upgrades to see what it would take for a signalized intersection.

The funding is Highway Safety Improvement Program (HSIP). It is administered by the State but is a Federal program. It is 90% by the federal program and 10% by the local government.

Kaminski reported on the Public Works Committee and the interim safety measures.

Warren commented that he is employed by Graef and is a Transportation Engineer not a Traffic Engineer. He reported that Tadi is a Traffic Analysis company and is appropriate for writing of the HSIP application.

The motion to postpone was withdrawn.

Roll Call of Original Motion carried unanimously.

Resolution 85-2018, Awarding the BID for the Goldendale Road Water Extension – Phase II.

MOTION (Baum/Myers) to approve Resolution 85-2018, Awarding the BID for the Goldendale Road Water Extension – Phase II. Roll Call Vote Carried Unanimously.

Intergovernmental Agreement with the Germantown School District and Village Park and Recreation. The Village Board may Convene into closed session per Wis. Stats. §19.85 (1) (e) For the Purpose of deliberating or negotiating the agreement, where competitive or bargaining reasons require a closed session and may convene into open session to take such action as it deems appropriate; and,

Purchase of easements for TID 8 sewer line. The Village Board may Convene into closed session per Wis. Stats. §19.85 (1) (e) For the Purpose of Deliberating or negotiating the purchasing of public properties, where competitive or bargaining reasons require a closed session and may convene into open session to take such action as it deems appropriate.

Motion by (Myers/Baum) to Convene into closed session at 8:04 p.m. The Village Board, Administrator Kreklow and Attorney Sajdak were included in the entire closed session. Director Schroeder was included in Closed Session for Item H. the Intergovernmental Agreement with the Germantown School District and Village Park and Recreation. Director Rataycak was included in closed session for item I. Purchase of easements for TID 8 sewer line. Roll Call Vote Carried Unanimously.

Motion (Kaminski/Baum) to Reconvene into open session at 8:39 p.m. Motion Carried Unanimously.

MOTION (Baum/Miller) to authorize staff to execute an offer to purchase with property owner in an amount not to exceed \$325,000 with those terms and conditions deemed appropriate by the Village Attorney. Roll Call Motion Carried. Zabel, Baum, and Hughes voted no.

XI. ADJOURNMENT.

ADJOURNMENT: There being no further business, the meeting adjourned at 8:40 p.m.
The next regular meeting of the Village Board will be on December 3, 2018 at 7:00 p.m.

Deanna B. Braunschweig, WCMC/CMC
Village Clerk

DRAFT

STATE OF WISCONSIN VILLAGE OF GERMANTOWN WASHINGTON COUNTY

RESOLUTION NO. 85 – 2018

**AMENDMENT TO ICMA-RC 457 DEFERRED COMPENATION PLAN
ROTH 457 CONTRIBUTIONS**

WHEREAS, the Village of Germantown has a deferred compensation plan for its employees through ICMA-RC, and,

WHEREAS, ICMA-RC offers a 457 Roth contribution in which the Village would like to incorporate into its existing agreement, and

NOW THEREFORE BE IT RESOLVED by the Village Board of Germantown, Washington County, Wisconsin do hereby approve the amended ICMA RC Plan Document to include the optional provision of Roth 457 selection, which shall henceforth be used and shall constitute as the Village's ICMA-RC Deferred Compensation Plan Document, until such time it is amended or rescinded by further resolution of the Village Board.

Introduced by: _____

Adopted: _____

Vote: Ayes: _____ Nays: _____ Absent: _____

Dean M. Wolter, Village President

ATTEST:

Deanna L. Braunschweig, WCMC/CMC
Village Clerk

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

MEETING DATE: GGF – November 20, 2018
Village Board – December 3rd, 2018

PLACEMENT: New Business

ITEM TITLE: 457 Deferred Compensation Plan
Amendment – Adding Roth 457 Option

SUBMITTED BY: Kim Rath, Finance Director

SUMMARY EXPLANATION:

To amend our current ICMA-RC Deferred Compensation Plan Document to include 457 Roth Contributions as a choice for employee investment of their funds.

Roth – 457 Plans allow for greater after-tax savings – Tax free withdrawals

Eligible at all income levels, unlike Roth IRA's, a participants ability to make Roth contributions to a 457 Plan are not restricted by income

Tax Planning – having both pre-tax and Roth assets allow a participant to choose the source of funds most advantageous to their situation at the time of distribution.

ATTACHED : ORDINANCE____ RESOLUTION XX__ OTHER _X_

RECOMMENDATION

COMMITTEE ACTION

Custom



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Your 457 Plan – The Roth Contribution Option*

In addition to pre-tax deferrals, your employer's 457 plan *may* also permit Roth deferrals, which are made on an after-tax basis. Roth deferrals **and associated earnings** can be withdrawn tax-free in retirement if the requirements for a "qualified distribution" are met. If the Roth contribution option is available in your 457 plan, you can designate a portion (or all) of your contributions to the plan as Roth.

Qualified "Tax-Free" Distributions

Distributions of Roth assets (contributions *and associated earnings*) are qualified if:

- a period of five years has passed since January 1 of the year in which the first contribution (including rollovers) was made to your Roth account; and
- you are at least 59½ years old (or disabled or deceased)

If the requirements for a qualified distribution are not met, and the assets are not rolled-over to another eligible plan, the *earnings* portion of the distribution will be taxable.

Benefits of Roth Contributions

In addition to potentially tax-free distributions in retirement, the ability to make Roth contributions to your 457 plan has the following benefits:

- ***Higher after-tax contribution limits than Roth IRAs*** - 457 plans allow for greater after-tax savings.
- ***Eligibility at all income levels*** - Unlike Roth IRAs, everyone with earned income is eligible to make Roth contributions to their employer's 457 plan.
- ***Tax planning*** - Having both pre-tax assets and Roth assets available in retirement can be a valuable benefit, allowing you to choose the source of funds most advantageous to your situation at the time of the distribution.

Which is better: Roth or pre-tax contributions?

Everyone's situation is different and you may want to consult a tax advisor before making a decision. The [Roth Analyzer](#) will help you evaluate the benefit of making Roth contributions to your 457 plan. Ultimately, you may find that contributing a combination of pre-tax and Roth deferrals makes the most sense.

- [Begin using the Roth Analyzer](#)

How do I start making Roth contributions?

You should contact your employer or ICMA-RC to confirm that your plan permits Roth deferrals. Provided that you have already enrolled in the plan, you can use the [457 Deferred Compensation Plan Amount of Deferral Change Form](#) to start making Roth contributions.

- [Introduction to 457 Plan Roth Deferrals - A New Way for You to Save for a Secure Retirement](#)

When can I withdraw Roth assets from my 457 plan?

The same eligibility requirements that apply to other distributions from your 457 plan also apply to Roth assets in the plan.

For additional information, please review the [457 Plan Roth Provisions Employee Questions & Answers](#) document or contact ICMA-RC's Investor Services toll-free at 800-669-7400.

* Not available in all plans. Please check with your employer to confirm whether or not Roth deferrals are offered in your plan.

Helpful Links

- [National Save for Retirement Week](#)
- [Scholarship Fund](#)
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**VILLAGE OF GERMANTOWN
GENERAL GOVERNMENT & FINANCE COMMITTEE
MEETING MINUTES
November 20, 2018**

CALL TO ORDER: The meeting was called to order at 6:00 p.m. by Chairperson Zabel.

ROLL CALL: Present: Chairperson Zabel, Trustee Members: Kaminski, Miller, and Baum. Also present: Administrator Kreklow, Clerk Boldrey, Finance Director Rath.

APPROVAL OF MINUTES: October 16, 2018 – **MOTION (Kaminsky/Baum) to approve.**
Motion carried unanimously.

PUBLIC COMMENT: No public comment.

NEW BUSINESS:

- A. Resolution 85-2018, Amendment to ICMA-RC 457 Deferred Compensation Plan, Roth 457 Selection.
Director Rath reported on the item. The Village of Germantown offers a plan 457 to the employees. The Roth 457 is now being offered as an additional component. MOTION (Kaminski/Miller) to recommend Resolution 85-2018, Amendment to ICMA-RC 457 Deferred Compensation Plan, Roth 457 Selection. Motion carried unanimously.
- B. Contingency Wage Allocation.
Administrator Kreklow reviewed the summary explanation memo, this is for one-time payments not included in the base pay. The contingency wage allocation was set aside for Fire Department and employee pay. The Village is on track for a successful year.
The memo reviewed a lump sum of 1% for general Village employees and .34% lump sum payment for represented public works employees. Discussion ensued of payment based on merit.
MOTION (Zabel/Kaminski) to allocate the \$50,367 to 2019 to be used for merit based pay programs. Could be used for lump sums or for wages. Motion carried unanimously.
- C. November 6, 2018 Election Statistics.
Clerk Braunschweig reported on the November 6 election. The Village has a population of 20,183, with 15,231 at an estimated voting age. This is a uniquely high possible registered voter percentage. There are 13,023 registered voters. The Village saw a voter percentage turn out of 87% at the November 6th election. On Friday, November 16th, District Four had an audit held at Washington County. The results were the same as election night.

OLD BUSINESS:

- A. Update on Fire Station 1.
Administrator Kreklow reported no new activity at this point.

REPORTS:

- A. **Monthly Year to Date Financials:**
1. Revenue and Expense Report All Funds: Finance Director Rath reviewed the reports. Nothing significant for the budget year to date. It was noted that the recreation department expenses are higher; however, there are revenues to match the expenses.
 2. Health and Dental Plans: Director Rath reviewed the reports. Dental is doing well. The health will need a closer watch.
 3. TIF 6 Summary: The TIF is moving in the right direction. The increment will be \$76,000. There will be a Joint Review Board meeting in December.

- B. **Impact Fees Financial Reports:** The report was reviewed. Projects are planned and covering their costs.
- C. **Accounts Payable:** October 25, 2018 and November 10, 2018 payables were reviewed.
- D. **Code Violation Reports:** The reports were reviewed. There was a stop order issued on Appleton Ave.
 - 1. Building Inspection Department.
 - 2. Planning Department.
- E. **C.I.P. PROJECTS:** The reports were reviewed.
- F. **Letter of Credit Summaries:** The Letter of Credit Summaries were reviewed.
 - 1. Building Inspection Department – Reviewed.
 - 2. Public Works Department– Reviewed.
 - 3. Planning Department – None.
- G. **Summary of all Village Contracts:** No Report.

SCHEDULE NEXT MEETING: The next meeting will be on December 17, 2018 at 6 pm.

ADJOURNMENT: Chairman Zabel adjourned meeting at 6:57 p.m.

Respectfully Submitted,

Deanna Braunschweig
Village Clerk

NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, December 3, 2018
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following Applicants for a CONDITIONAL USE PERMIT for the operation of a "Horticulture & Landscaping Services" operation from the property described below pursuant to Section 17.30(3)(p) of the Village Zoning Code:

Petitioner: Kenneth A. Ottman, First Choice Tree Care, Inc., Agent for Kenneth G. Schaeffer & RDK Investments, LLC, Property Owners

Property: N120 W15916 Freistadt Road (Tax Key: GTNV 154-995)

Part of the W ½ of the SE ¼ of the SE ¼ of Section 15, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

A copy of the application is on file in the Planning & Zoning Division of the Community Development Department, N112 W17001 Mequon Road, and available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

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

Deanna Braunschweig, Village Clerk
Dated this 8th day of November 2018

To Be Published On: November 14th and November 21st, 2018

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: December 3, 2018

AGENDA ITEM: Public Hearing & New Business **(CONDITIONAL USE PERMIT)**

ITEM TITLE: Ken Ottman, First Choice Tree Care Inc., agent for Ken Schaefer, RDK Investments LLC, Property Owner, N120 W15916 Freistadt Road; Conditional Use Permit (CUP) to operate a Horticulture & Landscape Maintenance Operation

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

SUMMARY EXPLANATION:

First Choice Tree Care Inc., has a tentative agreement with RDK Investments LLC, to acquire the property for use as their new office and base location for the tree and landscaping maintenance business currently operating in Mequon. First Choice provides a variety of services, including: tree planting, pruning, removal, stump grinding, landscape consultation services, design & installation of turf, trees, shrubs and flowers, weed control, retaining wall and patio construction, fertilization, mowing, aeration and snow removal.

Hours of operation are generally 6:30am to 6:00pm, Monday through Friday. First Choice has 15 employees: 12 field staff (arborists & landscape technicians) and 3 administrative staff (management, sales & clerical). There are two (2) existing buildings on the property that will be used for administrative functions and heated storage of equipment and supplies (south building) and storage for equipment in the accessory (north) building. Additional storage of larger equipment unable to be enclosed (long aerial lift truck and trailers) will be kept between the two buildings with storage of landscape supplies, e.g. plants, trees, mulch, stone, etc. stored north of the accessory building.

The former business use of the property was by the Schaefer Bros. Pump Co., Inc. (current property owner). Conditional Use Permit No. 13-70 was granted to the property owner for the business back in 1970; however, only one specific condition pertaining to sign approval was included in CUP #13-70 (copy attached).

ATTACHMENTS:

- ◆ 11/12/18 Staff Report
- ◆ 11/12/18 Plan Commission Meeting Minutes
- ◆ Draft CUP

PLAN COMMISSION RECOMMENDATIONS:

APPROVE the Conditional Use Permit subject to six (6) conditions (see draft CUP for recommended conditions of approval).

Ken Ottman, First Choice Tree Care, Inc., Agent for Ken Schaefer & RDK Investments, LLC, Property Owner N120 W15916 Freistadt Road. Request for approval of a Conditional Use Permit to operate a tree and landscape maintenance operation from the 4-acre property. Planner Retzlaff summarized the proposal.

MOTION Baum second Nilles to Approve a conditional use permit (CUP) for the First Choice Tree Care Inc. tree & landscaping maintenance operation proposed for the 4.0-acre property located at N120 W15916 Freistadt Road subject to the following conditions:

- 1. The tree service and landscape maintenance operation, including the outdoor storage of trucks, equipment and supplies shall meet and continuously comply with all applicable nuisance and property maintenance provisions, limitations and regulations in Section 10 (Public Nuisances) of the Municipal Code.***
- 2. If the use, activities and/or operation subject of this permit falls out of conformity with the operational characteristics stated in the application and supporting information dated November 7, 2018, or where there is a change in the nature, character, intensity or extent of the permitted conditional use which causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to ameliorate or eliminate harmful effects associated with the use but are insufficient to do so, or for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.***
- 3. All temporary and permanent signs require a permit from the Village Community Development Department. All signs shall comply with current sign regulations under Section 17.46 of the Zoning Code.***
- 4. All site and building improvements, including but not limited to: building additions & renovations, accessory structures, increased impervious area, exterior lighting, fencing, require Zoning Permit or Site Plan approval from the Village.***
- 5. The retail sale or use of the property for the retail sale of plants, landscaping supplies, etc. is not permitted from the property.***
- 6. Outside storage of trucks, trailers, equipment unable to be enclosed (e.g. long aerial lift truck and trailers) shall be kept between the two buildings or along the west property line north of the northernmost accessory building but not closer than 75 feet from the east property line. Outside storage of landscape supplies, e.g. plants, trees, mulch, stone, etc. shall be north of the northernmost accessory building and also not closer than 75 feet from the east property line. The intent is to keep all business activity and outside storage away from the residential property to the east.***

Discussion followed. Planner Retzlaff said he had visited the site and didn't see a need to add screening to the site because of the existing tree lines on the west and east property lines. Mr. Ottman said he would be willing to plant more trees if needed. He explained brush is chipped on the job site and disposed of to several nurseries in the area. Chairman Wolter asked if there was a chipper on site or if a chainsaw would be used to cut down trees. Mr. Ottman said he may have some occasions for high quality splitting, but it is not a vital part of business. Chairman Wolter asked if he could for see any daily activity that would cause concern to neighbors. Mr. Ottman said possibly the moving of trucks on a daily basis that includes the beeping sound of trucks backing up. He added that he had spoken to the neighbor on the east who said he is OK with his business locating there. Mr. Ottman said he has 1 snow plow truck and may need to go out at 4 am to service clients.

MOTION carried unanimously.

CUP # xx-18

Document No.

CONDITIONAL USE PERMIT

Document Title

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

Whereas the Applicants:

**Kenneth A. Ottman, First Choice Tree Care, Inc., Operator
and Agent for Kenneth G. Schaefer & RDK Investments,
LLC, Property Owner**

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

Now, therefore, this permit is issued to the Applicants for purposes of operating a "Horticulture & Landscaping Services" operation from the property located at N120 W15916 Freistadt Road pursuant to Section 17.30(3)(p) of the Village Zoning Code.

Name & Return Address:

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

Parcel Identification No:

GTNV 154-995

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

Part of the W ½ of the SE ¼ of the SE ¼ of Section 15, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

Tax Key No: 154-995

Address: N120 W15916 Freistadt Road

Pursuant to the following condition(s):

1. The tree service and landscape maintenance operation, including the outdoor storage of trucks, equipment and supplies shall meet and continuously comply with all applicable nuisance and property maintenance provisions, limitations and regulations in Section 10 (Public Nuisances) of the Municipal Code.
2. If the use, activities and/or operation subject of this permit falls out of conformity with the operational characteristics stated in the application and supporting information dated November 7, 2018, or where there is a change in the nature, character, intensity or extent of the permitted conditional use which causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to ameliorate or eliminate harmful effects associated with the use but are insufficient to do so, or for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.
3. All temporary and permanent signs require a permit from the Village Community Development Department. All signs shall comply with current sign regulations under Section 17.46 of the Zoning Code.

4. All site and building improvements, including but not limited to: building additions & renovations, accessory structures, increased impervious area, exterior lighting, fencing, require Zoning Permit or Site Plan approval from the Village.
5. The retail sale or use of the property for the retail sale of plants, landscaping supplies, etc. is not permitted from the property.
6. Outside storage of trucks, trailers, equipment unable to be enclosed (e.g. long aerial lift truck and trailers) shall be kept between the two buildings or along the west property line north of the northernmost accessory building but not closer than 75 feet from the east property line. Outside storage of landscape supplies, e.g. plants, trees, mulch, stone, etc. shall be north of the northernmost accessory building and also not closer than 75 feet from the east property line. The intent is to keep all business activity and outside storage away from the residential property to the east.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin on the ____ day of _____, 2018.

Dean Wolter, Village President

ATTEST:

Deanna Braunschweig, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this ____ day of _____, 2018, the above named Dean Wolter, Village President, and Deanna Braunschweig, Village Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY OPERATOR

Kenneth A. Ottman, as Owner/Operator of First Choice Tree Care, Inc., does hereby accept the terms and conditions set forth in this Permit, and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2018

Print Name, Kenneth A. Ottman, Agent for First Choice Tree Care, Inc.

Signature, Kenneth A Ottman, Agent for First Choice Tree Care, Inc.

STATE OF WISCONSIN) SS
_____) COUNTY)

Personally came before me this ____ day of _____, 2018, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

Kenneth G. Schaefer for RDK Investments, LLC, as Property Owner, does hereby accept the terms and conditions set forth in this Permit, and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2018

Print Name, Kenneth G. Schaefer, Agent for RDK Investments, LLC

Signature, Agent for RDK Investments, Kenneth G. Schaefer

STATE OF WISCONSIN) SS
_____) COUNTY)

Personally came before me this ____ day of _____, 2018, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

CONDITIONAL USE PERMIT (CUP)

11/12/18 Plan Commission Meeting

First Choice Tree Care, Inc. / RDK Investments, LLC

Village Planner Report

Germantown, Wisconsin

Summary

Ken Ottman, First Choice Tree Care Inc., agent for Ken Schaefer, RDK Investments LLC, property owner is requesting approval of Conditional Use Permit (CUP) to operate a tree & landscape maintenance operation from the 4.0-acre property located at N120 W15916 Freistadt Road.

Location: N120 W15916 Freistadt Road

Applicant/

Property Owner: Ken Ottman, President
First Choice Tree Care Inc.
9900 N. Granville Road
Mequon, WI

Ken Schaefer
RDK Investments LLC
342 Scenic Ct
Slinger, WI

Zoning: B-3: General Business

Adjacent Land Uses		Zoning
North	Agricultural	A-1
South	Institutional (school)	I
East	Residential	Rs-2
West	Business (Legion Post)	B-3



Proposal

Ken Ottman, First Choice Tree Care Inc., agent for Ken Schaefer, RDK Investments LLC, property owner is requesting approval of a Conditional Use Permit (CUP) to operate a tree & landscape maintenance operation from the 4.0-acre property located at N120 W15916 Freistadt Road.

As indicated in the application, First Choice Tree Care Inc. is a tree and landscaping maintenance business currently operating in Mequon. First Choice provides a variety of services, including: tree planting, pruning, removal, stump grinding, landscape consultation services, design & installation of turf, trees, shrubs and flowers, weed control, retaining wall and patio construction, fertilization, mowing, aeration and snow removal.

Hours of operation are generally 6:30am to 6:00pm, Monday through Friday. First Choice has 15 employees: 12 field staff (arborists & landscape technicians) and 3 administrative staff (management, sales & clerical). There are two (2) existing buildings on the property that will be used for administrative functions and heated storage of equipment and supplies (south building) and storage for equipment in the accessory (north) building. Additional storage of larger equipment unable to be enclosed (long aerial lift truck and trailers) will be kept between the two buildings with storage of landscape supplies, e.g. plants, trees, mulch, stone, etc. stored north of the accessory building.

Staff Comments

Consistency with Village's Land Use Plan & B-3 Zoning District.

The Plan map classifies this property as "Commercial" because of the pre-existing commercial uses when the 2020 Land Use Plan was adopted. The current zoning of the subject property (and the American Legion Post property to the west) is B-3: General Business. These are the only commercially-zoned parcels north of Freistadt Road in this vicinity. The proposed use is generally consistent with the "Commercial" Land Use Plan classification but requires a conditional use permit (CUP) under the B-3 Zoning District regulations.

The former business use of the property is/was by the Schaefer Bros. Pump Co., Inc. (the current property owner). Conditional Use Permit No. 13-70 was granted to the property owner for the business back in 1970; however, only one specific condition pertaining to sign approval was included in CUP #13-70 (copy attached).

Given the size and characteristics of the business as described in the application, staff's only concern is that the business operate in a manner that does not become a nuisance to the residential properties to the east. Consequently, the storage of landscaping supplies outside, e.g. mulch, stone, soil, plants, etc. need to be stored in a manner and in a location on the property that does not result in any negative impacts, such as stagnant water or run-off carrying soil or mulch onto the adjacent properties, becoming an unattractive nuisance or breeding area for mice or other pests, etc. All of which are potential nuisances regulated under Section 9 of the Village Code. Also, the parking and

operation of work vehicles and equipment should also be done in a manner and location that does not become a nuisance to the residential properties, particularly the idling and/or backing in & out of work trucks in the early morning hours (6:00am to 10:00pm is the standard time period within which noise from work vehicles and property maintenance equipment is allowed). If not enclosed in the buildings, work vehicles should be kept along the west side of the property adjacent to the other B-3 zoned property (American Legion Post) and not along the east property line shared with the residential property.

Village Planner Recommendation

APPROVE a conditional use permit (CUP) for the First Choice Tree Care Inc. tree & landscaping maintenance operation proposed for the 4.0-acre property located at N120 W15916 Freistadt Road subject to the following conditions:

1. The tree service and landscape maintenance operation, including the outdoor storage of trucks, equipment and supplies shall meet and continuously comply with all applicable nuisance and property maintenance provisions, limitations and regulations in Section 10 (Public Nuisances) of the Municipal Code.
2. If the use, activities and/or operation subject of this permit falls out of conformity with the operational characteristics stated in the application and supporting information dated November 7, 2018, or where there is a change in the nature, character, intensity or extent of the permitted conditional use which causes special problems or harmful effects otherwise associated with the use to be no longer ameliorated or eliminated, or where conditions imposed were anticipated to ameliorate or eliminate harmful effects associated with the use but are insufficient to do so, or for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.
3. All temporary and permanent signs require a permit from the Village Community Development Department. All signs shall comply with current sign regulations under Section 17.46 of the Zoning Code.
4. All site and building improvements, including but not limited to: building additions & renovations, accessory structures, increased impervious area, exterior lighting, fencing, require Zoning Permit or Site Plan approval from the Village.
5. The retail sale or use of the property for the retail sale of plants, landscaping supplies, etc. is not permitted from the property.
6. Outside storage of trucks, trailers, equipment unable to be enclosed (e.g. long aerial lift truck and trailers) shall be kept between the two buildings or along the west property line north of the northernmost accessory building but not closer than 75 feet from the east property line. Outside storage of landscape supplies, e.g. plants, trees, mulch, stone, etc. shall be north of the northernmost accessory building and also not closer than 75 feet from the east property line. The intent is to keep all business activity and outside storage away from the residential property to the east.

✓

VILLAGE of GERMANTOWN

CONDITIONAL USE ZONING PERMIT

OFFICE OF ZONING INSPECTOR

No. 13-70

DATE Nov. 9, 1970

Whereas, Schaefer Bros. Pump Co., Inc. owner / agent agrees to comply with the requirements of the Village of Germantown, Washington County Wis., relating to Zoning and Building Codes and all the changes alterations, or amendments thereto, and further agrees that all work done pursuant to the permission granted herewith, will conform with the applications and drawings filed with the Zoning Inspector and Planning Commission for the purpose of obtaining this permit.

Pursuant to said conditions:

That the placement of the sign be approved by the Village
Engineer and Building Inspector.

this Conditional Use Permit is issued for the following described real estate in the Village of Germantown, Washington County, Wis. to wit:

N120 W15916 Freistadt Road, Germantown, Wisconsin

Owners name Schaefer Bros. Pump Co., Inc.

Property address N120 W15916 Freistadt Road

Fee \$25.00 Date paid Sept. 17, 1970

APPROVED

Vernon Kauth
Zoning Inspector

15



Village of



Germantown

...Willkommen

Fee must accompany application

☒ \$1460 Paid ☒ Date 11/7/18

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Section 17.42 of the Municipal Code

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

1 APPLICANT OR AGENT

First Choice Tree Care, Inc.
Kenneth A. Ottmann, President
9900 N. Granville Rd.
Mequon, WI 53097

Phone (262) 242-1274 Cell (414) 254-5604

Fax (262) 242-8974

E-Mail Ken@firstchoicetreecare.com

PROPERTY OWNER

KENNETH G. SCHAEFER
342 SCENIC CT UNIT 4
SLINGER WI 53086

Phone (262) 225-8307

KENSCHPUMP@GMAIL.COM

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

First Choice Tree Care, Inc.

3 PROPERTY ADDRESS

N120WIS916 FREISTAOT RD GERMANTOWN

TAX KEY NUMBER

154-995

4 DESCRIPTION OF EXISTING OPERATION

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

SEE ATTACHMENT

5 DESCRIPTION OF PROPOSED OPERATION

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

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

SEE ATTACHMENT

METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY — REQUIRED

6

Attach pages as necessary.

SUPPORTING DOCUMENTATION:

7

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

☐ _____

☐ _____

READ AND INITIAL THE FOLLOWING:

8

KAO I understand that the Village is under no obligation to issue a Conditional Use Permit and will do so only if the applicant successfully demonstrates that the proposed use is harmonious with the neighborhood and the long range goals of the Village.

KAO I will notify the Village if any aspect of the conditional use changes. I understand that failure to do so may result in the revocation of the CUP.

KAO I understand that a Conditional Use Permit is valid only if the conditions and restrictions of the permit are met. I understand that failure to comply with any aspect of the permit may result in revocation.

SIGNATURES — ALL APPLICATIONS MUST BE SIGNED BY OWNER!

9

Joseph A. Altman 11/5/18
Applicant Date

Kenneth D. Schaefer 11/1/18
Owner Date



9900 N. Granville Road
Mequon, WI 53097

Questions, #4, 5 & 6

Current state of the property: The property is currently vacant. The property consists of a 1) large landscaped lawn fronting on Friestadt Rd., 2) concrete block building (south structure) housing office space and two heated garage bays, 3) an unheated storage building (north structure), 4) asphalt parking and storage area, 5) two compacted gravel storage areas, and a large open and mowed area at the rear of the property.

About First Choice Tree Care, Inc.

First Choice Tree Care, Inc., is a tree and landscape maintenance contractor incorporated in 1997. It currently maintains offices in Mosinee and Mequon, Wisconsin. The firm has extensive experience in the assessment, planting, maintenance, and removal of trees growing on the properties of over 9000 municipal, commercial, and residential clients. Additionally, the firm is engaged in residential landscape maintenance and construction and limited residential snow plowing..

First Choice Tree Care, Inc. has successfully performed contract work for the following Wisconsin Communities: The cities of Milwaukee, West Allis, Cedarburg, Oak Creek, Shorewood, Wauwatosa, Stevens Point, and Wausau; the Villages of Whitefish Bay, Fox Point, Spencer, Miladore, Whiting, Park Ridge, and Rothschild; the State of Wisconsin Department of Natural Resources; The Wisconsin Department of Transportation,; and various townships and school districts.

We propose moving the Mequon operation to Germantown.

Hours of operation: Work is contact activity, primarily done off-site. Typical hours of operation are Monday thru Friday from 6:30am thru 6:00pm. Some Saturday work is scheduled during the growing season. Additionally, evening and weekend hours are required to respond to windstorm based tree damage emergencies and snow/ice control events.

Staffing: The Mequon location currently employs 15 individuals - 12 field employees (four ISA Certified Arborists, 8 landscape technicians), and 3 administrative employees (management,sales and clerical).

Work Activities: Tree related work consists of tree planting, pruning, removal, and stump grinding; plant health care activities including diagnosis, fertilizing, bolt and cable installation, treatment for insect, disease, and nutritional problems, root collar excavation, etc. Consulting with individuals and municipalities is an additional function for senior staff. Landscape activities include design and installation of turf, trees, shrubs and flowers; mulching and weed control of planting beds; construction of patios and retaining walls; spring and fall bed and leaf clean up; fertilization, mowing and aerating of turf; and snow removal.

Site Use: The concrete block facility (south structure) will be used to house sales and administrative staff and to store equipment and supplies requiring a heated structure. Crews will be dispatched to various off-site work locations in the morning and return at the end of the work day. For the most part, equipment will be stored in the attached heated garage and in the detached unheated pole barn. Certain equipment (an aerial lift truck and several open 16' equipment trailers) will be stored outside, in the area between the two buildings. Automobiles and light trucks (company and and/or employee owned). Will occupy the parking lot east and south of the block building.

Landscape supplies (plant material, mulch, soil, stone etc.) will be delivered to the site and dispatched to work locations (under normal circumstances, no more than 20 cubic yards of each of these products will occupy the site at any given time. These items will be temporarily stored on site pending consumption. Hardscape materials (i.e. boulders, stone, pavers, timbers) will be stored on pallets and located out of public view on the north side of the pole building.

Woody debris (i.e. logs, brush, wood chips, limited amounts of firewood) may be temporarily staged in the area located north of the pole barn out of public view. These materials are regularly distributed to other locations to be consumed or disposed.

**VILLAGE OF GERMANTOWN
WASHINGTON COUNTY**

RESOLUTION NO. 86-2018

**AWARDING THE BID FOR THE GOLDENDALE ROAD SANITARY SEWER
– PHASE II**

WHEREAS, the Village of Germantown will contract for the Sanitary Sewer extension of Goldendale Road; and,

WHEREAS, the Public Works Committee met on December 3, 2018 and recommended authorization to contract with _____, in the amount of \$_____ and a contingency of 10%, \$_____, for a total approved project amount of \$_____; and,

NOW THEREFORE BE IT RESOLVED that the Village Board of the Village of Germantown, does hereby approve contract with _____, in the amount of \$_____ and a contingency of 10%, \$_____, for a total approved project amount of \$_____.

Introduced by: _____

Adopted: December 3, 2018

Vote: Ayes: ____ Nays: ____

Dean M. Wolter, Village President

ATTEST:

Deanna Braunschweig, WCMC/CMC
Village Clerk

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

MEETING DATE: December 3, 2018

AGENDA ITEM: New Business

ITEM TITLE: Goldendale Rd /Holy Hill Rd Sanitary Sewer PH 2

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

SUMMARY EXPLANATION:

Staff advertised and will receive proposals on Monday December 3, 2018 for the construction of the proposed extension of 18" sanitary sewer on Goldendale Road from approximately 50 feet north of the rail road tracks on Goldendale Road crossing through easement to Holy Hill Rd ending at Gateway Crossing (5,232 lf). The project is included in the feasibility study for TID #8.

Staff will review the bids and have a listing of the bids received and a recommendation for the Village Board prior to the start of the meeting.

All bidding contractors have submitted Prequalification Documents and all are approved to bid.

The Public Works and Highway Committee, at a Special meeting held earlier tonight, reviewed the above referenced bids.

ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER XX

- Bid Summary to be handed out at the meeting

RECOMMENDATION:

Staff will make a recommendation to the Village Board.