

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

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, February 18, 2019 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 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. **CONSENT AGENDA:**
- A. Approval of Minutes: February 4, 2019 Regular Village Board Meeting.
- B. Accounts payable/payroll
- | | | | |
|----|-------------------|------------------|-----------------|
| 1. | January 31, 2019 | Accounts Payable | \$ 353,982.19 |
| 2. | February 10, 2019 | Accounts Payable | \$ 2,326,003.92 |
| 3. | February 6, 2019 | Payroll (Hourly) | \$ 238,104.08 |
| 4. | February 15, 2019 | Payroll (Salary) | \$ 103,305.91 |
- C. Operator's Licenses: Andrew Otto and Susan Schallock. [Recommended]
- The following items were forwarded from **Public Works** with a unanimous recommendation.
- D. Blanket Purchase Order in an amount not to exceed \$20,000 to hire as needed for Water Distribution System Gate Valves.
- E. Blanket Purchase Order in an amount not to exceed \$30,000 for qualified contract service labor & equipment for the continuing replacement of hydrants, lead, and valve assembly repairs.
- F. Purchase of two Knappheide Multi-Door Aluminum Service Body with Lift Gate from Casper's Truck Equipment, in an amount not to exceed \$42,024.

CONSENT AGENDA continued:

Continued: The following items were forwarded from **Public Works** with a unanimous recommendation.

- G. Purchase of 2019 2500 HD 4WD Diesel Pick Up Truck, Lights, DC Invertor, and Plow from Ewald Automotive Group, in an amount not to exceed \$30,000.
- H. Resolution 13-2019, Approval of Contract with Wachtel Tree Science as related to the Emerald Ash Bore in an amount not to exceed \$15,000.
- I. Resolution 14-2019, Award 2019 Road Improvement Projects Contract and Alternate Bids 2, 3, and 4 to Payne and Dolan, Inc., in an amount not to exceed \$1,795,928.26.
- J. Resolution 15-2019, Award Park Avenue Road Improvement Project #1801 Contract to Kruczek Construction in an amount not to exceed \$897,600.
- K. Payment of DF Tomasini Invoices in amounts not to exceed \$6,796.76 and \$18,752.36, for the Water Main and Hydrant Repairs on Mequon Road and Country Aire Drive Project and for the Village Engineer to write formal request to WDOT for repayment or negotiation of two invoices.

VIII. OLD BUSINESS:

- A. None.

IX. PUBLIC HEARING:

- A. None.

X. NEW BUSINESS:

- A. Public Grant Application – Germantown Community Scholarship Fund, Parade Permit, June 15, 2019.
- B. Conditional Use Permit, Kyle Fraser, Agent for the Cusatis Trust, Property Owner, W213 N11111 Appleton Avenue. Conditional Use Permit to operate a Major Home Occupation (Landscape Maintenance Operation).
- C. Blanket Purchase Order for the continuing purchase of water meters from Metron / Franier on an as needed basis in an amount not to exceed \$150,000.
- D. Report from the University of Wisconsin Extension - Village of Germantown Demographic Trends Presented by Paul Roback.

XI. ADJOURNMENT.

The next regular meeting of the Village Board will be on Monday, March 4, 2019 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
February 4, 2019**

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, Clerk Braunschweig, Attorney Sajdak, Director Schroeder, and Director Smith.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:

President Wolter reported that Washington County will host an open house on February 13th from 5 pm to 7 pm, in Rooms 1113 A & B at the Washington County Public Agency Center at 333 Washington Street in West Bend. The Open House will allow the public to comment on the Preliminary Draft Bikeway and Trail Network Plan.

President Wolter acknowledged a Thank You Letter from St. Bonifest School, Faculty, Staff, and Students.

**ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC
INTEREST/DEPARTMENT AND COMMITTEE REPORTS:**

Trustees provided information on upcoming meeting dates and times.

Trustee Miller provided information on the Annual Germantown Scholarship Fund Dinner to be held at Hilton Garden Inn Park Place on February 7th, 2019.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:

Terry Tschetter of Wilson Drive commented in favor of Resolution 12-2019.

Chris Yatchak of Brownstone Court came to the podium. He commented that the Public Works did a great job removing the snow.

CONSENT AGENDA:

A. Approval of Minutes: January 22, 2019 Regular Village Board Meeting.

B. Accounts payable/payroll

1.	January 25, 2019	Accounts Payable	\$1,299,616.86
2.	January 22, 2019	Payroll (Hourly)	\$ 222,299.98
3.	January 31, 2019	Payroll (Salary)	\$ 101,178.85

C. Operator's Licenses: Kristina Busniewski, Lindsay Dulek, Areil Emery, Joel Efanga, Bennet Gilsinger. [Recommendation Forthcoming]

The following items were forwarded from **General Government and Finance** with a unanimous recommendation.

D. Resolution 09-2019, Establishing 2019 Weights & Measures Device Fee Schedule.

MOTION (Baum/Myers) to approve Consent Agenda Items A-D. Roll Call Vote Carried Unanimously.

OLD BUSINESS:

None.

PUBLIC HEARING:

None.

NEW BUSINESS:

Class “B” Fermented Malt Beverage and “Class B” Liquor License, April 1, 2019 – June 30, 2019, for Metro Cigars LLC N102W19455 Willow Creek Parkway, Jennifer Groh Agent.

MOTION (Waren/Myers) to Approve Class “B” Fermented Malt Beverage and “Class B” Liquor License, April 1, 2019 – June 30, 2019, for Metro Cigars LLC N102W19455 Willow Creek Parkway, Jennifer Groh Agent. Motion Carried Unanimously.

Resolution 11-2019, 2019-2020 Crusherz Softball Field Usage Agreement.

MOTION (Baum/Zabel) to Approve Resolution 11-2019, 2019-2020 Crusherz Softball Field Usage Agreement. This is not a new fee. This is the same agreement as with the other organizations. Motion Carried Unanimously.

2019 Capital Project Listing.

Zabel commented that this is from General Government and Finance to plan for capital project borrowing. The discussion at General Government and Finance was to use some of the Firemen’s Park Portion for the Park Shelter at Dheinsville. Discussion ensued of matching funds for the Dheinsville Park Project. Miller distributed Dheinsville Festhall brochures. Director Schroeder gave information on the Fireman’s Park Phase 1 and Phase 2. Phase 1 includes Pathways, Lighting, relocation of basketball court, water and sewer, and asphalt paving. \$75,000 has been carried over from 2017 to 2018 in addition to Impact Fees. Jeff Dhein of Hwy 145 came to the Podium. He is the President of the Historical Society. Mr. Dhein reported on the matching funds for the Dheinsville Festhall from a very generous group ready to donate \$150,000 to this project. That will get closer to the needed goal. He would also like to approach the Tourism Commission. This fall will be the 25th anniversary of Oktoberfest. The total needed is at \$325,000 less the \$150,000 donation and less the Historical Society funds. He has met with the builder and they would need to break ground by May 1st to meet the September deadline. It is unknown as to how much the Tourism Commission may allow. Discussion ensued of the total borrowing of \$3,065,000.

Discussion ensued of a portion of the Firemen’s Park Line Item going to the Dheinsville Festhall. After Dheinsville Festhall is built, it would be dedicated to the Village as an asset. The \$150,000 is immediate dollars.

Discussion ensued of maintenance costs for both buildings.

Motion (Miller/Wing) Change the Line Item Fireman’s Park Shelter / Restroom with Design to Park Structures, with the Dheinsville Structure not to exceed \$150,000 with the provision that Tourism and Betterment may contribute. Discussion ensued that Tourism and Betterment could say no. Tourism and Betterment has \$158,655 in funds.

The amount for Fireman’s Park is not for the building, only the infrastructure. The Fireman’s Park Shelter facility itself would be borrowed for with future borrowings. Motion carried, Baum and Hughes voted no.

There would also be revenue potential from each shelter. Discussion ensued of the Fireman's Park Shelter Process.

Motion (Kaminski/Meyers) Approve 2019 Capital Purchases as Amended. Motion carried, Baum and Zabel voted no.

Resolution 12-2019, Benefits of Joint School District and Village Board Meeting to be held on the Fifth Monday's.

MOTION (Baum/Warren) to Approve Resolution 12-2019, Benefits of Joint School District and Village Board Meeting to be held on the Fifth Monday's. Historically, there had been joint meetings on the 5th Mondays. Zabel had suggested to bring the item back. There are four months with a 5th Mondays. Motion Carried Unanimously.

Discussion of Specific Personnel Problem relating to a Library Employee. The Village Board may convene into closed session per Wis. Stats. §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 except where par. (b) applies 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 and may convene into open session to take such action as it deems appropriate.

Motion by (Baum/Myers) to Convene into closed session at 8:04 p.m. with the Village Board, Village Administrator and Library Director Smith. Roll Call Vote Carried Unanimously.

The Board convened into open session at 8:30 p.m.

ADJOURNMENT.

ADJOURNMENT: There being no further business, the meeting adjourned at 8:30 p.m.

The next regular meeting of the Village Board will be on Monday, February 18, 2019 at 7:00 p.m.

Deanna B. Braunschweig

Deanna B. Braunschweig, WCMC/CMC
Village Clerk

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

MEETING DATE: Feb 6th, 2019

AGENDA ITEM: New Business

ITEM TITLE: Consideration to replace water distribution gate valves.

SUBMITTED BY: Paul Haugen, Water Utility Superintendent

SUMMARY EXPLANATION:

The Water Utility is requesting an open PO for contract services on a time and material bases to dig and replace water system gate valves that don't work, are hard to turn, and to install new to the system for distribution efficiency to include restoration as needed. This is an ongoing replacement program.

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER _____

RECOMMENDATION:

Staff recommends authorizing Water Utility staff to hire as needed a contract service for the replacement of water system gate valves to include restoration costs not to exceed \$20,000.00.

\$20,000.00 was the approved 2019 budgeted amount with funds to be allocated from Account #50-180-183-3430.

COMMITTEE ACTION:

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

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

MEETING DATE: Feb 6th, 2019

AGENDA ITEM: New Business

ITEM TITLE: Consideration to replace old fire hydrants.

SUBMITTED BY: Paul Haugen, Water Utility Superintendent

SUMMARY EXPLANATION:

The Water Utility is requesting an open PO for contract services on a time and material bases to dig and replace as needed fire hydrants, lead and valve assemblies. Services will also include restoration as needed. The non-functioning hydrants are hard to turn and need to be installed for system efficiency. This is an ongoing replacement program, as we identify old and malfunctioning hydrants.

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER _____

RECOMMENDATION:

Staff recommends authorizing Water Utility staff to contract as needed, a service for the replacement of the hydrant, lead and valve assembly not to exceed \$30,000.00.

\$30,000.00 was the approved budgeted amount and funds to be allocated from Acct. #50-180-183-3480.

COMMITTEE ACTION:

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

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

MEETING DATE: February 6th, 2019

AGENDA ITEM: New Business

ITEM TITLE: Consideration of Purchase – Two (2) new utility boxes

SUBMITTED BY: Paul Haugen, Water Utility Superintendent

SUMMARY EXPLANATION:

One new utility service box with lift gate will be installed on the Diggers Hotline shared utility vehicle that was purchase in 2018. Approval for the conversion of this truck was granted at the July 5th, 2018 Public Works Committee meeting.

The other utility service box will be installed on the 2019 Chevy 2500HD-4WD replacement truck being requested tonight.

- Casper's Truck Equipment was one of two vendors locally that we looked at. We found Casper best to provide what we needed for this specialized piece of equipment. The current truck bed will be removed and sold by us at auction.

Casper's Truck Equipment 12655 W. Silver Spring Rd. Butler, WI 53077 \$42,024.00

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER _____

RECOMMENDATION:

The Water Utility is requesting authorization to purchase two (2) new Knappheide Multi-door aluminum service bodies with lift gate.

The total amount of \$42,024.00 for both Utility Boxes will come from the \$12,000.00 approved rollover funds requested from the 2018 budget cycle and the balance of \$30,024.00 will be taken from Account #50-180-185-3920.

COMMITTEE ACTION:

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

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

MEETING DATE: February 6th, 2019

AGENDA ITEM: New Business

ITEM TITLE: Consideration to purchase and replace existing water utility truck.

SUBMITTED BY: Paul Haugen, Water Utility Superintendent

SUMMARY EXPLANATION:

Three quotes were received for the purchase of a Chevy 2500HD 4WD double cab truck with lights and DC inverter. The final prices below include the trade in of the Department's 2005 GMC diesel with 141,000 miles and approximately 5,000 hrs.

- | | |
|---------------------|-------------|
| • Ewald | \$29,489.00 |
| • Griffin Chevrolet | \$31,068.00 |
| • Holz | \$31,123.00 |

Ewald Automotive Group-36833 E. Wisconsin Ave. Oconomowoc, WI 53066 \$29,489.00

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER _____

RECOMMENDATION:

The Water Utility is requesting authorization to purchase from the low State Bid of Ewald Automotive Group, a new Chevy 2500HD-4WD double cab truck with lights and DC inverter for a cost not to exceed \$30,000.00.

The 2019 estimated approved budget amount for entire truck package with lift gate and service body is \$54,000.00. Funds to be taken from Account #50-180-184-3972.

COMMITTEE ACTION:

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

**VILLAGE OF GERMANTOWN
WASHINGTON COUNTY**

RESOLUTION NO. 13-2019

**CONTRACT WITH WACHTEL TREE SCIENCE AS RELATED TO THE EMERALD
ASH BORER IN AN AMOUNT NOT TO EXCEED \$15,000**

WHEREAS, the Village of Germantown will contract for the forestry services throughout the Village; and,

WHEREAS, the Public Works Committee met on February 6, 2019 and recommended authorization to contract Wachtel Tree Science, in the amount not to exceed \$15,000.00 as it relates to the handling of Emerald Ash Borer, review of landscape & tree plans for new development, provide certified value on damaged trees, assist in preparation of treatment and planting bid process, etc.; and,

NOW THEREFORE BE IT RESOLVED that the Village Board of the Village of Germantown, does hereby approve the contract with Wachtel Tree Science in the amount not to exceed \$15,000.00 for forestry services throughout the Village.

Introduced by: _____

Adopted: February 18, 2019

Vote: Ayes: ____ Nays: ____

Dean M. Wolter, Village President

ATTEST:

Deanna Braunschweig, WCMC/CMC
Village Clerk

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

MEETING DATE: Wednesday February 6th, 2019

AGENDA ITEM: New Business

ITEM TITLE: Contract-Forestry Services- Wachtel Tree Science

SUBMITTED BY: Jay Olszewski, Highway Superintendent

SUMMARY EXPLANATION:

Staff is requesting permission to contract with Wachtel Tree Service to provide specific consultation services as it relates to the handling of Emerald Ash Borer (EAB), review of landscape and tree plans for new development, provide certified value on damage trees, assists in preparation of treatment and planting bid process, etc. The cost of the service will be on a time and material basis in the amount not to exceed \$15,000 (\$140/hr. Project Manager, \$110/hr. Certified Arborist). NO change from 2018 in hourly rate or not to exceed figure.

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER __x__

RECOMMENDATION:

Staff recommends contracting with Wachtel Tree Service for an amount not to exceed \$15,000. If approved funds shall be allocated from Parks Line Item account 10-553-530-5290.

COMMITTEE ACTION:

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

**VILLAGE OF GERMANTOWN
WASHINGTON COUNTY**

RESOLUTION NO. 14-2019

**AWARD 2019 ROAD IMPROVEMENT PROJECT CONTACT AND
ALTERNATE BIDS 2, 3, 4, TO PAYNE AND DOLAN, INC
IN AN AMOUNT NOT TO EXCEED \$1,795,928.26**

WHEREAS, the Village of Germantown will contract for the 2019 road improvement projects and alternates 2, 3 and 4; and,

WHEREAS, the Public Works Committee met on February 6, 2019 and recommended authorization to contract with Payne and Dolan for the 2019 road improvement projects and include alternates 2, 3, and 4 in the amount not to exceed \$1,795,928.26 which includes 10% contingency; and,

NOW THEREFORE BE IT RESOLVED that the Village Board of the Village of Germantown, does hereby approve contract with contract with Payne and Dolan for the 2019 road improvement projects and include alternates 2, 3, and 4 in the amount not to exceed \$1,795,928.26 which includes 10% contingency.

Introduced by: _____

Adopted: February 18, 2019

Vote: Ayes: ____ Nays: ____

Dean M. Wolter, Village President

ATTEST:

Deanna Braunschweig, WCMC/CMC
Village Clerk

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

MEETING DATE: February 6, 2019

AGENDA ITEM: New Business

ITEM TITLE: Discussion and possible action regarding the 2019 Road Program

SUBMITTED BY: Eric Nitschke, P.E., Village Engineer 

SUMMARY EXPLANATION:

The Public Works and Highway Committee directed staff to design, bid and oversee construction of the 2019 Road Program. Within the 2019 Road Program there is a base bid and four alternate bids. The alternates are comprised of sections of Old Farm Road, Lilac Avenue, Holy Hill Road and Highland Road. The base bid for the 2018 Road Program consists of sections of Deppert Road, Creek View Lane, Merkel Drive, Woodland Drive, Oakview Avenue, Rosewood Avenue, Jamestree Road, Edgewood Drive, Fox Lane and Hilltop Drive.

Bids were opened on Thursday, January 31. A brief synopsis of the bids are as follows:

2019 Road Program

- Estimated cost for the base bid in the 5-Year Plan - \$752,669.15
 - o Stark's bid - \$838,489.70
 - o Payne and Dolan's bid - \$774,470.77
- Estimated cost for Alternate #1 – Old Farm Road – \$504,948.49
 - o Stark's bid - \$654,635.80
 - o Payne and Dolan's bid - \$603,662.95
- Estimated cost for Alternate #2 - Lilac Avenue - \$335,963.26
 - o Stark's bid for - \$355,444.80
 - o Payne and Dolan's bid - \$348,462.33
- Estimated cost for Alternate #3 – Holy Hill Road – \$324,822.93
 - o Stark's bid - \$344,451.98
 - o Payne and Dolan's bid - \$336,312.35
- Estimated cost for Alternate #4 – Highland Road - \$161,936.94
 - o Stark's bid for - \$178,635.45
 - o Payne and Dolan's bid - \$173,416.60

ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER X

RECOMMENDATION:

Staff recommends that the Public Works and Highway Committee and Village Board approve awarding the 2019 Road Program Base bid and Alternate Bid # 2, 3 and 4 to Payne and Dolan. The total project cost is \$1,632,662.05. When including a 10% contingency, the total project cost is \$1,795,928.26. Funds for the project will come from the 2018 and 2019 Roadway Capital Improvement account. The total mileage proposed to be completed in 2019 is 4.69 miles. It is further recommended that Alternate #1 for Old Farm Road be scheduled for public bid in 2020.

COMMITTEE ACTION:

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

**VILLAGE OF GERMANTOWN
WASHINGTON COUNTY**

RESOLUTION NO. 15-2019

**AWARD PARK AVENUE ROAD IMPROVEMENT PROJECT #1801 CONTACT TO
KRUCZEK IN AN AMOUNT NOT TO EXCEED \$897,600**

WHEREAS, the Village of Germantown will contract for the Park Avenue Road Improvement Project #1801; and,

WHEREAS, the Public Works Committee met on February 6, 2019 and recommended authorization to contract with Kruczek for the Park Avenue Road Improvement Project #1801 in the amount of \$897,600, which includes a 10% contingency; and,

NOW THEREFORE BE IT RESOLVED that the Village Board of the Village of Germantown, does hereby approve to contract with Kruczek for the Park Avenue Road Improvement Project #1801 in the amount of \$897,600, which includes a 10% contingency.

Introduced by: _____

Adopted: February 18, 2019

Vote: Ayes: ____ Nays: ____

Dean M. Wolter, Village President

ATTEST:

Deanna Braunschweig, WCMC/CMC
Village Clerk

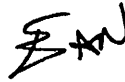
**BUSINESS OF THE PUBLIC WORKS AND HIGHWAY COMMITTEE
GERMANTOWN, WI**

MEETING DATE: February 6, 2019

AGENDA ITEM: New Business

ITEM TITLE: Discussion and possible action regarding Mequon Road and Country Aire Drive Water Main and Hydrant Relocation / Repair Payments

SUBMITTED BY: Eric Nitschke, P.E., Village Engineer



SUMMARY EXPLANATION:

During WisDOT's project to reconstruct the intersection of Country Aire Drive and Mequon Road, water main and hydrants needed to be repaired and relocated. Due to complexities with the required work, WisDOT indicated that the relocations and repairs should be paid for by the Village of Germantown. Since the work completed was on Germantown's water system, village staff contacted DF Tomasini requesting the work be completed so as not to disrupt water service or the WisDOT reconstruction project. The work was covered under two invoices. The first invoice is for \$18,752.36 and the second invoice is for \$6,796.76. The total amount owed to DF Tomasini is \$25,549.12.

ATTACHMENT: ORDINANCE____ RESOLUTION____ OTHER X

DF Tomasini's invoices

RECOMMENDATION:

Staff recommends approval to pay DF Tomasini for the work completed in the amount of \$25,549.12. Staff also recommends making a formal request of the Wisconsin Department of Transportation to reimburse the Village's Water Utility for the costs.

COMMITTEE ACTION:

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

DFTOMASINI, INC.
CONTRACTORS
262/820-8300

N70 W25176 INDIAN GRASS LANE, SUSSEX, WI 53089
FAX 262/820-8400
dft@dftomasini.com

October 3, 2018

Village of Germantown
N122 W17177 Fond du Lac Ave.
Germantown, WI 53022

Attn: Paul Haugen

Re: Hydrant Repair
Mequon Rd. & Country Aire Dr.
DFT #2057-66

The following is our billing for a hydrant repair, per your direction, at the above referenced location.

LABOR & EQUIPMENT:

25.5 Hrs	Labor (9/28/18)	\$90.00	\$2,295.00
1.0 Hrs	Premium Time	35.00	35.00
8.5 Hrs	Pickup Truck w/ Misc. Hand Tools	40.00	340.00
7.5 Hrs	Backhoe	110.00	825.00
7.5 Hrs	OSHA Repair Shield	35.00	262.50
2.0 EA	Road Plates	85.00	170.00
6.0 Hrs	2" Electric Pump and Generator	25.00	150.00
2.0 EA	Equipment Moves	350.00	700.00
	Total Labor & Equipment		\$4,777.50

MATERIALS & SUBCONTRACTORS

1 LS	Fuel	\$131.25	\$131.25
1 LS	Stone	214.06	214.06
1 LS	Concrete	43.04	43.04
1 LS	Hardwood	21.65	21.65
1 LS	Slurry	1,182.72	1,182.72
1 LS	Dump Fee	90.00	90.00
	Subtotal Materials		\$1,682.72
	Markup on Materials		336.54
	Total Materials & Subcontractors		\$2,019.26

TOTAL AMOUNT DUE

\$6,796.76

Please let me know if you have any questions regarding the information provided

Sincerely,
D.F. TOMASINI CONTRACTORS, INC.



Kirk Dexheimer
President

KD/kk

GENERAL PUBLIC WORKS CONTRACTORS

D.F. TOMASINI, INC.
CONTRACTORS
262/820-8300

N70 W25176 INDIAN GRASS LANE, SUSSEX, WI 53089
FAX 262/820-8400
dft@dftomasini.com

September 20, 2018

Village of Germantown Engineering Dept.
N122 W17177 Fond du Lac Ave.
Germantown, WI 53022

Attn: Eric Nitschke

Re: Water Main Repair
Mequon Rd. & Country Aire Dr.
DFT #2057-48

The following is our billing for a water main repair, relocation of water service, valve box replacement, and hydrant relocation per your direction, at the above referenced location.

LABOR & EQUIPMENT:

113.5 Hrs	Labor (7/26/18, 7/27/18, 8/3/18, 8/15/18)	\$90.00	\$10,215.00
9.5 Hrs	Premium Time	35.00	332.50
14.5 Hrs	Backhoe (50,000#)	110.00	1,595.00
1.0 Hrs	Tractor Backhoe	85.00	85.00
14.0 Hrs	OSHA Repair Shield	35.00	490.00
32.5 Hrs	Pickup Truck w/ Misc. Hand Tools	40.00	1,300.00
1.0 Hrs	2" Electric Pump and Generator	25.00	25.00
8.0 EA	Equipment Moves	350.00	2,800.00
	Total Labor & Equipment		\$16,842.50

MATERIALS & SUBCONTRACTORS

1 LS	Fuel	\$253.75	\$253.75
1 LS	Stone	121.28	121.28
1 LS	Slurry	504.48	504.48
1 LS	Fittings	180.43	180.43
1 LS	Curb Stop Box Assembly	260.45	260.45
1 LS	Repair Band	271.16	271.16
	Subtotal Materials		\$1,591.55
	Markup on Materials		318.31
	Total Materials & Subcontractors		\$1,909.86

TOTAL AMOUNT DUE

\$18,752.36

Please let me know if you have any questions regarding the information provided above.

Sincerely,
D.F. TOMASINI CONTRACTORS, INC.



Kirk Dexheimer
President

KD/kk

GENERAL PUBLIC WORKS CONTRACTORS

Deanna Braunschweig

From: Janice Wick
Sent: Wednesday, February 13, 2019 1:35 PM
To: Deanna Braunschweig
Subject: FW: Public Works Committee Agenda Items - VB Feb. 18, 2019 (UPDATE #3)
Attachments: RESOLUTIONS - February 6, 2019.docx

From: Janice Wick
Sent: Wednesday, February 13, 2019 12:22 PM
To: Deanna Braunschweig <dbraunschweig@village.germantown.wi.us>
Subject: FW: Public Works Committee Agenda Items - VB Feb. 18, 2019 (UPDATED 2-13-19)

From: Janice Wick
Sent: Tuesday, February 12, 2019 1:47 PM
To: Deanna Braunschweig <dbraunschweig@village.germantown.wi.us>
Subject: Public Works Committee Agenda Items - VB Feb. 18, 2019

CONSENT AGENDA:

BLANKET PURCHASE ORDER – WATER DISTRIBUTION SYSTEM GATE VALVES:

MOTION made by Hughes, seconded by Warren to forward to the Village Board with a positive recommendation to approve the allocation of \$20,000 in the form of a blanket purchase order to hire as needed, a contract service for the replacement of water system gate valves to include restoration costs. Funds to be allocated from Acct. #50-180-183-3430.

Motion carried unanimously.

BLANKET PURCHASE ORDER – HYDRANT REPLACEMENTS:

MOTION made by Hughes, seconded by Warren to forward to the Village Board with a positive recommendation to approve the allocation of \$30,000 in the form of a blanket purchase order for a qualified contract service to provide labor & equipment for the continuing replacement of hydrants, lead and valve assembly repairs. Funds to be allocated from Acct. #50-180-183-3480.

Motion carried unanimously.

TRUCK UTILITY BOX – WATER UTILITY:

MOTION made by Warren, seconded by Kaminski to forward to the Village Board with a positive recommendation authorizing the purchase of two Knappheide multi-door aluminum service body(s) with lift gates from Casper's Truck Equipment for a cost not to exceed \$42,024.00. Funds to be allocated from Acct.'s #50-180-185-3920 & #50-180-184-3972.

Motion carried unanimously.

WATER UTILITY TRUCK PURCHASE:

MOTION made by Warren, seconded by Hughes to forward to the Village Board with a positive recommendation authorizing the purchase of a 2019 Chevy 2500HD 4WD diesel pickup truck and plow from Ewald Automotive Group for an amount not to exceed \$30,000.00. Funds to be allocated from Account #50-180-184-3972.

Motion carried unanimously.

FORESTRY SERVICES CONTRACT – WACHTEL TREE SCIENCE:

MOTION made by Warren, seconded by Zabel to forward to the Village Board with a positive recommendation to contract Wachtel Tree Science to provide specific consultation services as it related to the handling of the Emerald Ash Bore (EAB) at a cost not to exceed \$15,000.00. Funds to be allocated from Acct. #10-553-530-5290.

Motion carried unanimously.

2019 ROAD PROGRAM – BIDS:

MOTION made by Hughes, seconded by Warren to forward to the Village Board with a positive recommendation to award the 2019 Road Improvement Projects and Alternate Bids #2, #3 and #4 to Payne and Dolan, Inc. for an amount of \$1,795,928.26 which includes a 10% contingency.

Motion carried unanimously.

PARK AVENUE – BIDS:

MOTION made by Hughes, seconded by Warren to forward to the Village Board with a positive recommendation to award the Park Avenue Road Improvement Project #1801 to Kruczek Construction for an amount of \$897,600.00 which includes a 10% contingency.

Motion carried unanimously.

DF TOMASINI INVOICES:

MOTION made by Hughes, seconded by Zabel to forward to the Village Board with a positive recommendation authorizing payment of two invoices in the amounts of \$6,796.76 & \$18,752.36 to DF Tomasini for the Water Main and Hydrant repairs for the Mequon Road and Country Aire Drive project and authorize the Village Engr. to write a formal request to the WDOT for the repayment or negotiate the two invoice payments.

Motion carried unanimously.

NEW BUSINESS:

BLANKET PURCHASE ORDER – WATER METERS:

MOTION made by Hughes, seconded by Kaminski to forward to the Village Board with a positive recommendation to approve the allocation of \$150,000 in the form of a blanket purchase order for the continuing purchase of water meters from Metron/Franier on an as needed basis. Funds to be allocated from Acct. #50-180-183-3460.

Motion carried 3-1 (Zabel)

RECEIVED

FEB 11 2019

VILLAGE OF GERMANTOWN
APPLICATION FOR PUBLIC GRANT PROGRAM

Application Date: 2-11-19

VILLAGE OF GERMANTOWN
**DEADLINE 60 DAYS BEFORE FIRST CLERK OFFICE

Organization/Group Name: Germanatown Community Scholarship Fund
Address: W. 180 N 11501 River Lane
Phone: 2624426984

Applicant

Name: Dani Yegge
Address: W 164 N 11124 Kings Way
Phone: _____
Email: _____

Purpose or Mission Statement: GCSF is a non profit org. whose primary purpose is to award scholarships to Germanatown School district students pursuing higher education

EVENT #1: GCSF Mud Run Date(s) Of Event: 6-15-19

Event Description: Family Mud Run at GHS to raise funds for teacher Schbraships in Germanatown

Estimated Attendance: 400-500 Times of Event: 7am - 3pm

Location of Event: Germanatown High School

Permits, Licenses & User fee(s) requested for waiver: (list every permit, license and user permit separately along with fee(s) for each and attach application for each)

parade permit \$15

EVENT #2: Date(s) Of Event: _____

Event Description: _____

Estimated Attendance: _____ Times of Event: _____

Location of Event: _____

Permits, Licenses & User fee(s) requested for waiver: (list every permit, license and user permit separately along with fee(s) for each and attach application for each)

GCSF

organization or individual shall hold harmless, defend and indemnify the Village of Germantown and its officers, agents, officials, employees and volunteers from and against any and all liability, loss damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with the organization's or individual's performance or work related to the event(s) or gathering(s) which are the subject of the grant award or any failure to comply with any obligations or conditions contained in the Public Grant Program, except such loss or damage which was caused by the sole negligence or willful misconduct of the Village.

Date: 2/11/19

[Signature]
Signature
Dani Yegge
Print Name of Signatory
W164N11124 Kings Way
Street Address
Germantown WI 53022
City, State & Zip Code

Additional information to be included with submission of application:

- ☐ Insurance submitted \$1,000,000 (minimum limit) – required for events having over 100 people in attendance. **Must also name the Village of Germantown as additional insured.**
- ☐ A budget stating projected expenses, revenues and funding source(s) specific to the event(s) or gathering(s), which projects a break-even or profitable event(s) or gathering(s) when calculated using the Grant request.
- ☐ Proof of non-profit status or like capacity
- ☐ Applications for or issued permits, licenses and use permits required for event.

PLEASE RETURN TO: VILLAGE OF GERMANTOWN
CLERK'S DEPARTMENT
N112 W17001 MEQUON ROAD, P.O. BOX 337
GERMANTOWN, WI 53022-0337
Phone: 262-250-4740 Fax: 262-253-8255

(Office use only)
Date received by Village Clerk: February 11, 2019
Date to Village Board: February 18, 2019
Approval by Village Board: (YES OR NO) _____ Date: _____
Verify which fee(s) listed on application were approved or note those which were not approved:
Date and signature of Clerk staff verification _____
Notification to Departments of fees waived: _____
(List Dept. and Amount, date and initials of Clerk staff notifying them)
Request to Finance Department for reimbursement to Organization/Individual of fees granted:
Date submitted, initials of person submitting request & amount requested _____

Deanna Braunschweig

From: Dani Yegge <daniyegge34@gmail.com>
Sent: Tuesday, February 12, 2019 3:18 PM
To: Deanna Braunschweig
Subject: Re: Application for Public Grant Program

Hi Deanna,

Since 2015, Mudsplash mud run has raised and donated over \$20,000 back to the teachers of the Germantown a school District. (2015,2016,&2017 as 2018 the event wasn't completed due to construction at GHS).

All the profits from the event go directly into a scholarship fund for any educator in Germantown to apply for.

The event specifically, is for families including children as young as 5. It's a great community event that brings 400-500 people out to participate and support on the Saturday before Father's Day.

Let me know if this is what you are looking for or if you need me to expand.

Thanks

Dani

On Tue, Feb 12, 2019 at 3:10 PM Deanna Braunschweig <dbraunschweig@village.germantown.wi.us> wrote:

Danni,

In review of your Application for Public Grant Program, do you have any detail to include in regards to the question of:

How will the Event benefit the Village?

This may seem obvious; however, do you have any additional history or detail to give that I could include in the packet for the Village Board?

Thank you very much,

Deanna

Deanna Braunschweig, WCMC/CMC

Village Clerk

Village of Germantown



GERMCOM-01

MCKE

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/17/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis of Wisconsin, Inc. 122 E. College Avenue P.O. Box 877 Appleton, WI 54912-0877	CONTACT NAME: Kelly McEvoy	
	PHONE (A/C, No, Ext): 262-780-3351	FAX (A/C, No): 414-475-0559
INSURED Germantown Community Scholarship Fund W180N11501 River Lane Germantown, WI 53022	E-MAIL ADDRESS: Kelly.McEvoy@willis.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: SECURA Supreme Insurance Company	
	INSURER B:	
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADOL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY		CP3203160	3/1/2015	3/1/2016	EACH OCCURRENCE \$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR					MED EXP (Any one person) \$ Excluded
						PERSONAL & ADV INJURY \$ Excluded
	GEN'L AGGREGATE LIMIT APPLIES PER:					GENERAL AGGREGATE \$ 2,000,000
	☒ POLICY ☐ PROJECT ☐ LOC					PRODUCTS - COM/PROP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
	☐ ANY AUTO					BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS	☐ SCHEDULED AUTOS				BODILY INJURY (Per accident) \$
	☐ HIRED AUTOS	☐ NON-OWNED AUTOS				PROPERTY DAMAGE (PER ACCIDENT) \$
	UMBRELLA LIAB	☐ OCCUR				EACH OCCURRENCE \$
	EXCESS LIAB	☐ CLAIMS-MADE				AGGREGATE \$
	DED	RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					WC STATUTORY LIMITS OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	☐ Y/N	N/A			E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Mini Mudder Event Sunday June 28, 2015 at Germantown High School. Germantown, Wisconsin.

CERTIFICATE HOLDER**CANCELLATION**

Germantown School District
N104W13840 Donges Bay Road
Germantown, WI 53022-

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2010 ACORD CORPORATION. All rights reserved.

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: February 18, 2019

AGENDA ITEM: New Business (CONDITIONAL USE PERMIT)

ITEM TITLE: Kyle Fraser, Agent for the Cusatis Trust, Property Owner, W213 N11111 Appleton Avenue; Conditional Use Permit to operate a Major Home Occupation (Landscape Maintenance Operation)

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

SUMMARY EXPLANATION:

Kyle Fraser, agent for the Cusatis Trust, property owner is requesting approval of a Conditional Use Permit (CUP) to operate a “major” home-occupation lawn & landscape maintenance business from the 6.5-acre residential property located at W213 N11111 Appleton Avenue.

Fraser, prospective purchaser, proposes to re-locate his family and business to operate a landscape maintenance operation from the Rs-1: Single-Family zoned property. Oak Leaf Landscape provides landscape maintenance services, e.g. mowing, tree trimming, stump removal, snow plowing and removal and other “industry standard” maintenance, as well as landscape and hardscape design services, e.g. patios, walls, arbors, pergolas, plant installations. Sub-contractors used to fulfill hardscape construction services are not based at nor will they operate from the property. All landscaping business vehicles, equipment and associated activities will be located in the northern portion of the property in and around a detached accessory building. A total of four (4) pick-up trucks, one (1) non-CDL dump truck and four (4) utility trailers are currently part of the operation. Hours would be 7:00am to 5:00pm Monday to Friday. Fraser has one (1) full-time and 2-3 part-time employees.

A public hearing of the CUP application and proposed operation was conducted at both the January 14 and February 11 Plan Commission meetings.

ATTACHMENTS:

- ◆ 2/11/19 Staff Report
- ◆ 2/11/19 Plan Commission Meeting Minutes
- ◆ Draft CUP

PLAN COMMISSION RECOMMENDATIONS:

APPROVE a conditional use permit (CUP) for Kyle Fraser, agent for the Cusatis Trust, property owner for the operation of a “major” home-occupation lawn & landscape maintenance business from the 6.5-acre residential property located at W213 N11111 Appleton Avenue subject to (6) conditions.

*** See Draft CUP for recommended conditions.*

PLAN COMMISSION MINUTES
February 11, 2019

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

ROLL CALL: Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Tony Laszewski, Peter Nilles, Bill Shadid were present. Commissioner Bob Williams arrived at 6:35 p.m. Commissioner Matt Kimmler was absent and excused. Also present were Community Development Director/Village Planner Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT: None

APPROVAL OF MINUTES: *MOTION Baum second Shadid to Approve the minutes from 1-14-19. MOTION carried unanimously.*

PUBLIC HEARINGS:

Kyle Fraser, agent for the Cusatis Trust, Property Owner W213 N11111 Appleton Avenue. Conditional Use Permit for a major home occupation for the operation of a landscape maintenance operation. Planner Retzlaff summarized the proposal. The public hearing held at the January 11th Plan Commission meeting was kept open until additional information was received from the applicant. Chairman Wolter re-opened the Public Hearing. Dennis Meyers, N115 W20309 Woodland Drive, thanked Fraser for locating his business in Germantown. He said Appleton Avenue is a County highway and would be responsible for installing a sign warning of the entrance to this business. He indicated backup beeper alarms could also be a potential problem. Chairman Wolter closed the Public Hearing.

Consideration and Action: Planner Retzlaff explained the conditions of approval address Trustee Myers concerns and stated the site was formerly used by a construction company without any issues or complaints. Kyle Fraser addressed the Commission and explained his business does maintenance and design, not landscape construction. He indicated there would not be much noise generated at the site and added he had only one vehicle with a backup alarm.

MOTION Baum second Shadid to Approve a conditional use permit (CUP) for Kyle Fraser, agent for the Cusatis Trust, property owner for the operation of a “major” home-occupation lawn & landscape maintenance business from the 6.5-acre residential property located at W213 N11111 Appleton Avenue subject to the following conditions:

- 1. The landscape services operation shall operate consistent as described in the application and as described by the operator operational while continuously meeting and comply with all applicable provisions, limitations and regulations in Section 17.61 (Home Occupations and Professional Home Offices) of the Zoning Code; specifically, Section 17.61(5)(b) and 17.61(4)(a) through (q) except (n)1. which shall be as set forth below.***
- 2. Pursuant to Section 17.61(4)(n)1. of the Zoning Code, the maximum time period for which this major home occupation CUP will remain valid shall be ten (10) years from the date of issuance subject to ongoing compliance with all conditions set forth herein.***
- 3. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or where there is a change in the nature, character, intensity or extent of the business operation and activities permitted under this conditional use permit that causes special problems or harmful effects associated with the business***

operation, or, where conditions imposed herein that were anticipated to ameliorate or eliminate harmful effects associated with the use but are no longer capable or 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.

- 4. The wholesale or retail sale of plants, stone, mulch or any other hardscape or landscape-related products shall be prohibited from the property.*
- 5. The use and operation of business-related equipment on the property (e.g. back-up warning devices, warm-up and/or maintenance idling) shall be conducted in a manner that does not disrupt the surrounding residential properties. Operations shall be conducted in compliance with all Village Code provisions regarding noise (Section 9.07 Village Code) and other potential nuisances.*
- 6. In the event that the Village and/or Washington County Highway Department determines that the driveway intersection serving the subject property is or has become a danger to or problem for the travelling public as a result of business-related equipment operating on or traveling to/from the property, the owner shall cooperate with said agencies to mitigate said danger or problems (i.e. debris sweeping, warning signage, sight-vision improvements, etc).*

MOTION carried unanimously.

CUP # xx-19

Document No.

CONDITIONAL USE PERMIT

Document Title

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

Whereas the Applicant:

Kyle Fraser, Property Owner/Business Operator

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

Now, therefore, this permit is issued to the Applicant to allow the operation of a "major" home occupation lawn & landscape maintenance business operation from the property located at W213 N11111 Appleton Avenue pursuant to Section 17.61 of the Village Zoning Code.

Name & Return Address:

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

Parcel Identification No:

GTNV 302-967

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

Parcel 2 of Certified Survey Map (CSM) 1708 of Section 30, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

Tax Key No: 302-967

Address: W213 N11111 Appleton Avenue

Pursuant to the following condition(s):

1. The landscape services operation shall operate consistent as described in the application and as described by the operator operational while continuously meeting and comply with all applicable provisions, limitations and regulations in Section 17.61 (Home Occupations and Professional Home Offices) of the Zoning Code; specifically, Section 17.61(5)(b) and 17.61(4)(a) through (q) except (n)1. which shall be as set forth below.
2. Pursuant to Section 17.61(4)(n)1. of the Zoning Code, the maximum time period for which this major home occupation CUP will remain valid shall be ten (10) years from the date of issuance subject to ongoing compliance with all conditions set forth herein.
3. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or where there is a change in the nature, character, intensity or extent of the business operation and activities permitted under this conditional use permit that causes special problems or harmful effects associated with the business operation, or, where conditions imposed herein that were anticipated to ameliorate or eliminate harmful effects associated with the use but are no longer capable or 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.

4. The wholesale or retail sale of plants, stone, mulch or any other hardscape or landscape-related products shall be prohibited from the property.
5. The use and operation of business-related equipment on the property (e.g. back-up warning devices, warm-up and/or maintenance idling) shall be conducted in a manner that does not disrupt the surrounding residential properties. Operations shall be conducted in compliance with all Village Code provisions regarding noise (Section 9.07 Village Code) and other potential nuisances.
6. In the event that the Village and/or Washington County Highway Department determines that the driveway intersection serving the subject property is or has become a danger to or problem for the travelling public as a result of business-related equipment operating on or traveling to/from the property, the owner shall cooperate with said agencies to mitigate said danger or problems (i.e. debris sweeping, warning signage, sight-vision improvements, etc).
7. This permit is not valid if the Applicant, Kyle Fraser, does not purchase the property as proposed in the application.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin on the ____ day of _____, 2019.

Dean Wolter, Village President

ATTEST:

Deanna Boldrey, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this ____ day of _____, 2019, the above named Dean Wolter, Village President, and Deanna Boldrey, 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

As business operator, Kyle Fraser, I hereby accept the terms and conditions set forth in this Permit, and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2019

Kyle Fraser, Property Owner

STATE OF WISCONSIN) SS
_____) COUNTY)

Personally came before me this ____ day of _____, 2019, 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)

2/11/19 Plan Commission Meeting

Kyle Fraser/ Cusatis Trust

Village Planner Report

Germantown, Wisconsin

Summary

Kyle Fraser, agent for the Cusatis Trust, property owner is requesting approval of a Conditional Use Permit (CUP) to operate a “major” home-occupation lawn & landscape maintenance business from the 6.5-acre residential property located at W213 N11111 Appleton Avenue.

Location: W213 N11111 Appleton Avenue

Applicant/

Property Owner: Kyle Fraser
Oak Leaf Landscape
1501 S. 55th St
Milwaukee, WI

Cusatis Trust
5974 Artist Bay Road
West Bend, WI

Zoning: Rs-1: Single-Family Residential

Adjacent Land Uses		Zoning
North	Residential	Rs-2
South	Agricultural	A-2
East	Business	B-3
West	Residential	Rs-1



Proposal

Kyle Fraser, agent for the Cusatis Trust, property owner is requesting approval of a Conditional Use Permit (CUP) to operate a “major” home-occupation lawn & landscape maintenance business from the 6.5-acre residential property located at W213 N11111 Appleton Avenue.

As stated in the application, Fraser proposes to re-locate and operate a landscape maintenance operation from the property (Oak Leaf Landscape). The business would provide landscape maintenance (e.g. mowing, tree trimming, stump removal, snow plowing and removal and other “industry standard” maintenance services), as well as landscape and hardscape construction and services (e.g. patios, walls, arbors, pergolas, plant installations). As noted in a January 15 email response from Fraser (copy attached), the primary focus and specialty of Oak Leaf Landscape is maintenance and design. Sub-contractors are used to fulfill other services (and are not based at nor will such sub-contractors operate from the subject property). As shown in the aerial photo renderings of the site, the landscaping business vehicles, equipment and associated activities will be located in the northern portion of the property.

A total of four (4) pick-up trucks, one (1) non-CDL dump truck and four (4) utility trailers for transporting equipment will be located on the property. Hours of operation would be 7:00am to 5:00pm Monday to Friday. Fraser has one (1) full-time and 2-3 part-time employees.

Staff Comments

Consistency with Village’s Land Use Plan & Rs-1 Zoning District.

The 2020 Land Use Plan map classifies this property as “Low Density Residential”. The current zoning of the property (and adjacent properties to the west) is Rs-1: Single-Family Residential; all consistent with the 2020 LUP classification.

Conformance with Home Occupation Requirements.

Section 17.61 of the Zoning Code provides for and regulates home-occupations. While “minor” home-occupations are allowed in all residential zoning districts “by right” and do not need special permits or approvals, a “major” home-occupation is allowed in the Rs-1 (5 acre minimum parcel size) single-family residential districts. Major home-occupations can be more intense in terms of their operation characteristics, have more employees (up to 5 non-resident employees), can operate from an accessory building, and have outside storage of materials and equipment provided it is screened from the public view.

Two requirements for “major” home occupations that concern staff as they relate to landscaping operations such as this are: outside storage of vehicles, equipment and materials; and # of employees.

Section 17.61(5)(b)2. requires:

The display, storage or parking of materials, goods, supplies, or equipment outside of the dwelling is permitted in an enclosed accessory building, or in the side or rear yard of the subject property provided the yard area used for such display, storage or parking is completely screened from view from all public streets and adjacent property. Screening shall be accomplished through the use of natural landscaping materials (i.e., trees, plants, berms, rocks), or, a combination of natural landscaping and other manmade or fabricated screening materials (e.g., fencing, etc.) provided that all screening shall be instantaneous and continuously maintained;

In this case, the subject property is heavily wooded on the north and south areas of the property with a significant perimeter buffer of trees lining the west property line (Appleton Ave lies to the east). As indicated in the application and supporting photos, all vehicles and equipment are intended to be kept on the north side of the property in and around an existing detached accessory garage and generally out of sight from the adjacent residential properties.

Indications are that none of the adjacent property owners nor public traveling STH 175/Appleton Avenue will see the items being kept on the property. All landscaping services will be performed off-site, so the only evidence of the business would be vehicles travelling to/from the property at the beginning and end of the work day, and, any vehicle repair and/or equipment maintenance conducted on the property.

Section 17.61(5)(b)3. Provides that:

The number of part-time or full-time nonresident employees working upon the premises for which a home occupation permit has been granted shall not exceed the following:

- a. Five nonresident employees for home occupations in the Rs-1 Zoning District;*
- b. Two nonresident employees for home occupations in the Rs-2 or Rs-3 Zoning Districts.*

In this case, while the number of non-resident employees is currently only one (1) full-time employees, the business is restricted from having more than 5 non-resident employees work from or on the premises.

Another issue that the Village has experienced as it relates to landscaping operations such as this is the snow removal component. By design, snow removal operations involve the staging and operation of plowing and/or salting vehicles and equipment at very early and very late times in the day that are not typical and customary for home-based businesses and, consequently, have the potential for causing early morning/late night disruption in a residential neighborhood.

At the January 2018 meeting, a public hearing was held before the Plan Commission. Three (3) residents from the surrounding appeared and ask questions and/or expressed concerns about:

-
- Potential filling on the property (as was done by the previous owner)
 - Operation of a shop for vehicle and equipment maintenance
 - Chipping and/or mulch production on the property
 - The existing “dangerous” driveway intersection on Appleton Ave that may be compounded by deliveries of mulch, stone and other products used for the business and retail customers coming to/from the property

As was discussed at the January meeting, the subject property has been used in the past for a “major” home-occupation that did NOT have the requisite conditional use permit. Cusatis Construction, a concrete and hardscape contractor operation, operated from the property for many years with a number of vehicles and equipment stored on and staged from the property greater than that proposed by Fraser for his landscape maintenance operation.

Finally, as has been experienced in other parts of the Village related to other, similar landscaping operations being run as home-occupations, Fraser has indicated his desire to maintain and/or improve his property in terms of the landscaping, hardscaping, and other typical and customary aspects of property maintenance. For example, Fraser indicated at the public hearing that he intends to remove dead, dying and other nuisance trees and plants from the property. All should be aware that doing so, even if done by his own landscaping employees and with his own equipment, is allowed and would not constitute a violation of the home occupation regulations in the Village’s Zoning Code nor the terms of the conditional use permit.

For these reasons and the information summarized above, staff supports the proposed “major” home-occupation subject to a series of conditions that are intended to mitigate, if not preclude, potential issues for the surrounding property owners, and, give the Village the ability to re-consider the allowance of this business in the event impacts are created that exceed those anticipated as part of the initial review of the application.

Village Planner Recommendation

APPROVE a conditional use permit (CUP) for Kyle Fraser, agent for the Cusatis Trust, property owner for the operation of a “major” home-occupation lawn & landscape maintenance business from the 6.5-acre residential property located at W213 N11111 Appleton Avenue subject to the following conditions:

1. The landscape services operation shall operate consistent as described in the application and as described by the operator operational while continuously meeting and comply with all applicable provisions, limitations and regulations in Section 17.61 (Home Occupations and Professional Home Offices) of the Zoning Code; specifically, Section 17.61(5)(b) and 17.61(4)(a) through (q) except (n)1. which shall be as set forth below.
2. Pursuant to Section 17.61(4)(n)1. of the Zoning Code, the maximum time period for which this major home occupation CUP will remain valid shall be ten (10) years from the date of issuance subject to ongoing compliance with all conditions set forth herein.
3. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or where there is a change in the nature, character, intensity or extent of the business operation and activities permitted under this conditional use permit that causes special problems or harmful effects associated with the business operation, or, where conditions imposed herein that were anticipated to ameliorate or eliminate harmful effects associated with the use but are no longer capable or 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.
4. The wholesale or retail sale of plants, stone, mulch or any other hardscape or landscape-related products shall be prohibited from the property.
5. The use and operation of business-related equipment on the property (e.g. back-up warning devices, warm-up and/or maintenance idling) shall be conducted in a manner that does not disrupt the surrounding residential properties. Operations shall be conducted in compliance with all Village Code provisions regarding noise (Section 9.07 Village Code) and other potential nuisances.
6. In the event that the Village and/or Washington County Highway Department determines that the driveway intersection serving the subject property is or has become a danger to or problem for the travelling public as a result of business-related equipment operating on or traveling to/from the property, the owner shall cooperate with said agencies to mitigate said danger or problems (i.e. debris sweeping, warning signage, sight-vision improvements, etc).



Village of

★★★

Germantown

Willkommen

Fee must accompany application

☒ \$1460 Paid ✓ Date 12-10-18

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

KYLE FRASER
1501 S. 55th St.
West Milwaukee, WI 53214

Phone (414) 745-6270

Fax ()

E-Mail Kylefraser@aol.com

PROPERTY OWNER

Cusatis - deceased
Property is up for sale

Phone ()

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

KYLE + MELISSA FRASER

3 PROPERTY ADDRESS

W213 N11111 Appleton Ave., Germantown, WI

TAX KEY NUMBER

302967

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.

Residence where a concrete construction company operated for 20 years.

5 DESCRIPTION OF PROPOSED OPERATION

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

Landscape Maintenance

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

Landscape Maintenance. We would like to house operations for a small landscape maintenance company. There is 1 full time employee and a few part time employees. No new construction or alterations necessary. Current facilities are sufficient.

7am-5pm hours of operation M-F. We mow, trim trees/bushes and perform general industry standard maintenance.

METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY — REQUIRED

6 Attach pages as necessary.

Location NE-NW, Sect. 30, T9N, R20E

Description PT NE NN PRCL 2 CSM 1708 Doc 881014 + 137355 + 1459700
(HWY Doc 1360421)

See attached sheets if they help

SUPPORTING DOCUMENTATION:

- 7
- ☐ Site plan and elevations for new construction (can be conceptual) *NONE*
 - ☐ Photos of existing use and/or proposed use operating elsewhere
 - ☐ _____
 - ☐ _____

READ AND INITIAL THE FOLLOWING:

- 8 KSF 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.
- KSF 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.
- KSF 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 Kyle S. Fraser 12/10/18
Applicant Date

DECEASED -
Owner property up for sale Date



**Workshop - all
business occurs here**

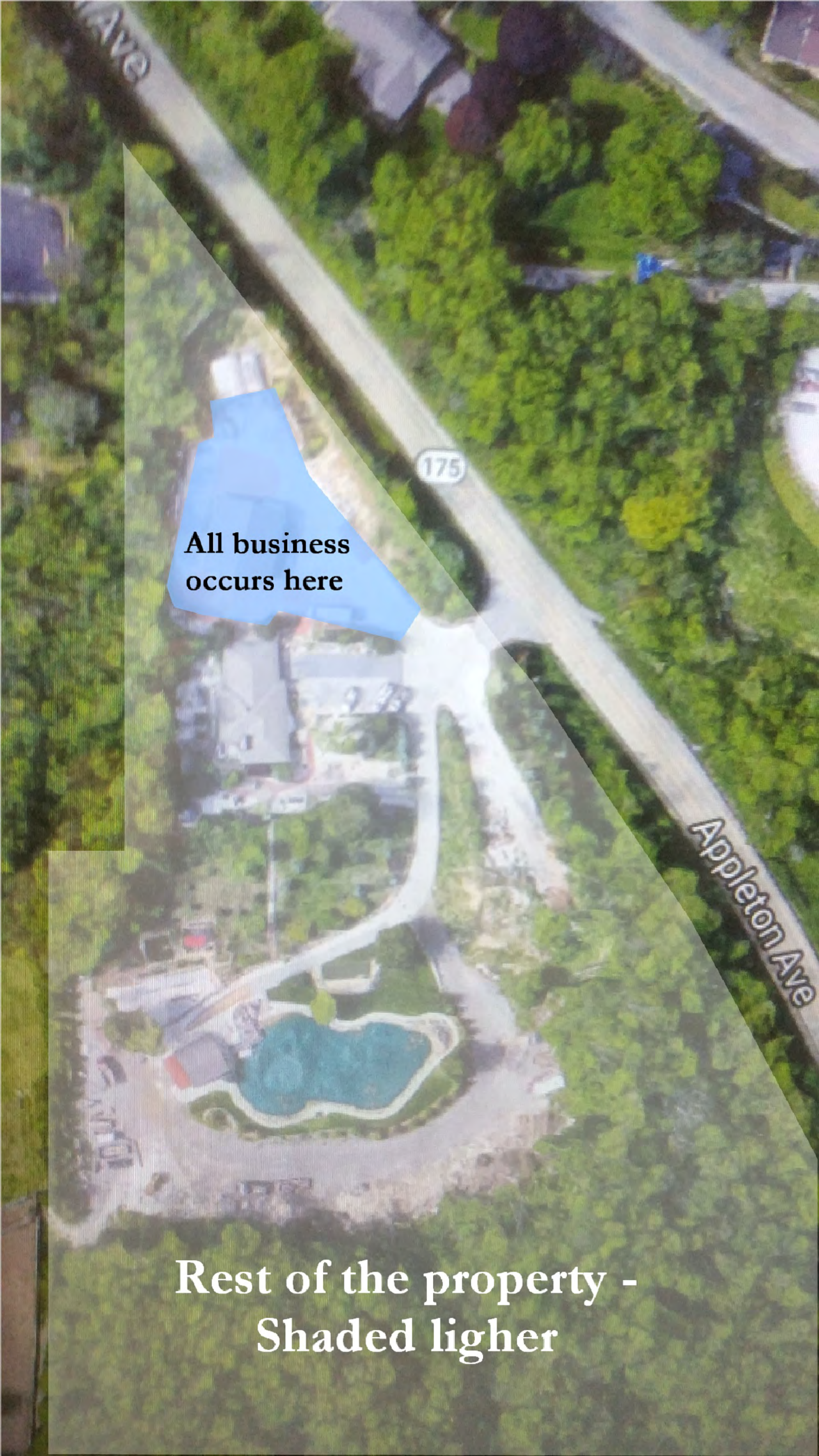
Village of Germantown
Plan Commission Meeting - Conditional Use Permit
Fraser, Kyle
W213 N11111 Appleton Ave
Germantown, WI 53022
January 14th, 2019

Rest of property - shaded lighter
6.5 acres entire property
0.6 acres business use

Workshop - all business
occurs here

← Hill blocking view of all business operations →
to Appleton Ave



An aerial photograph of a property. A blue shaded area is located near the top left, adjacent to a road labeled '175'. A white shaded area is located in the center, near a road labeled 'Appleton Ave'. The rest of the property is shaded in a lighter green color. The text 'All business occurs here' is overlaid on the blue shaded area. The text 'Rest of the property - Shaded lighter' is overlaid on the white shaded area.

**All business
occurs here**

**Rest of the property -
Shaded lighter**

From: Kyle Fraser <oakleafwi@gmail.com>
Sent: Tuesday, January 15, 2019 8:33 AM
To: Jeff Retzlaff <jretzlaff@village.germantown.wi.us>
Subject: Seven Questions

Good morning Jeff,

I will answer the questions in numbered order for ease.

1. Yes we are Oak Leaf Landscape

2. We do intend to offer the same services described on the website, but we have to understand that we subcontract or refer people to companies who do services we do not provide. Some of these are hardscape (patios, walls, etc.), concrete, tree removal, stump removal, among other services. We want to be able to provide everything to our clients if they ask, but we do not provide these services ourselves. Our basics are design and maintenance. Subcontractors fill in the gaps, and no subcontractor would be on the property in question on Appleton Ave.

3. I am a landscape designer and do designs for clients. I am a certified lawn applicator. I am an ASCA Certified Snow Manager. We do hire additional summer help (i.e. a few college kids), but we do currently have one full time employee and a few part time. Our entire payroll for last year was \$11,800. Payroll will increase this coming year with the addition this year of the full time employee. In landscaping there is a lot of turnover, so we frequently do have many employees working for us any given year, but only so many at a time. I hope that helps. We've never had anywhere near your 5 full time employees allowance for the conditional use permit. If we grow beyond a point, we won't be able to operate off of Appleton Avenue anyway.

4. Attached are aerials of the property with the business area shaded in BLUE. The property boundaries shaded a light white. I had these yesterday, but since you had property photos already available, I didn't think they were necessary.

5. Current vehicles which would be kept on the property:

- a. 2016 GMC Sierra 1500
- b. 2011 Chevrolet Silverado 1500
- c. 2011 Chevrolet Silverado 3500
- d. 1997 Chevrolet Silverado 2500
- e. 1994 GMC dump truck (which we are selling once it's fixed)
- f. 12' Enclosed trailer, 18' utility trailer, 14' utility trailer and 12' alum utility trailer

So 4 pick-ups and a non-CDL dump truck. Compare that to Cusatis' 20-some dump trucks they've told us they had. Those were heavy duty multiple axel CDL trucks.

6. The owner of Cusatis Construction is now deceased. Died in July of 2018. If you look at their website, they say they are a 2.5 to 5 million company offering decorative and normal concrete, as well as general contracting. They are still in operation, some still going on at the Appleton Ave property, some to the site they moved to in West Bend. This is what I have come to know through this sale, but we don't know a lot about them.

7. My wife, son and I would be living in the house on site and maintaining the property.

If you have any further questions please let me know.

Have a good day,
Kyle
Kyle Fraser
Oak Leaf Landscape
414-745-6270
www.OakLeafLandscape.net
OakLeafWI@gmail.com

17.61 - HOME OCCUPATIONS AND PROFESSIONAL HOME OFFICES. (Cr. Ord. #24-07)**(1) PURPOSE AND INTENT.**

- (a) The purpose of this section is to establish the requirements and criteria for permitting the use of and/or activities from residential dwellings located in residential and agricultural zoning districts for home-based occupations, businesses, professions, or trades where such uses and activities are:
 - 1. Accessory and subordinate to the primary residential or agricultural use of the property;
 - 2. Conducted in a manner that is compatible with the residential premises and agricultural zoning districts within such residential premises are located; and
 - 3. Not detrimental to the residential character, appearance and livability of the surrounding properties and neighborhood within which such uses and activities are to be conducted.
- (b) With respect to existing nonconforming residential dwellings and properties located in commercial or industrial zoning districts, the provisions of this article apply only to the extent that such occupations or businesses are accessory and subordinate uses and are not a principal or conditional use that may be allowed in those districts through the site plan review and/or conditional use permitting procedures specified in the Zoning Code.

(2) DEFINITIONS. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) Home Occupation means a business, occupation, profession or trade use or activity conducted for financial gain or profit on a reoccurring basis within or from a residential dwelling and/or accessory building by one or more occupants residing in the dwelling where the conduct of such use or activity is clearly incidental and subordinate to the primary or principal use of the dwelling and property for residential purposes, and, does not change the residential character or appearance of the dwelling or accessory building.
- (b) Professional Home Office, for purposes of this section, shall be the same as a home occupation. See definition of "home occupation".
- (c) For purposes of this section, "nonresident employee" shall mean an employee of a home occupation who does not reside on the property from which the home occupation is operated. (Cr. Ord. #18-09)

(3) HOME OCCUPATION CLASSIFICATIONS. A home occupation shall be classified as either a minor or major home occupation based on the specific characteristics of and activities associated with the home occupation. The determination as to whether a home occupation is to be classified as a minor or major home occupation shall be made by the Village Planner/Zoning Administrator as set forth in this section.

- (a) Minor Home Occupation. Minor home occupations are occupations that, by their nature, appearance and inherent operational activities and characteristics, are potentially less intensive and less likely to have a noticeable and negative impact on the residential or agricultural character

of the subject property and surrounding neighborhood. Minor home occupations are allowed "by right" as a permitted accessory use. Minor home occupations are allowed in the following agricultural and residential zoning districts:

1. A-1, A-2.
2. Rs-1, Rs-2, Rs-3, Rs-4, Rs-5, Rs-6, Rs-7, Rd-2, Rm-1, Rm-2, Rm-3.
3. B-3.

(b) Major Home Occupation. Major home occupations are occupations that, by their nature, appearance and inherent operational activities and characteristics, are potentially more intensive in character and activity and are, therefore, more likely to have more noticeable and potentially negative impacts on the residential or agricultural character of the subject and surrounding properties. Major home occupations are allowed as a conditional use and require the granting of a conditional use permit by the Village Board. Major home occupations are only allowed in the following agricultural and larger lot, lower density residential zoning districts:

1. A-1, A-2.
2. Rs-1, Rs-2 and Rs-3. (Am. Ord. #18-09).
3. B-3.

(4) **GENERAL REQUIREMENTS AND PERFORMANCE CRITERIA.** All home occupations, including those classified as both minor and major home occupations, shall comply with all of the following requirements prior to or as a result of compliance with any conditions of approval required for issuance of a home occupation permit:

- (a) All applicable State, Federal and local business and/or occupational licenses and any other approvals required shall be obtained as necessary and kept up-to-date throughout the duration of the home occupation. All activities associated with a home occupation and the residential dwelling, accessory building, structure, and overall property from which such home occupation is being conducted shall comply with all local, county, and state building, fire, sanitary, health and other applicable requirements and regulations including homeowner's association, subdivision and other recorded property restrictions and covenants. Noncompliance with any applicable requirement and/or regulations may be grounds for issuing a notice of zoning code violation, denial of a home occupation permit application, or revocation of a home occupation permit.
- (b) The owner/proprietor of a home occupation shall be responsible for notifying the Village Planner/Zoning Administrator of any changes in the conduct of the home occupation that are different from that included in the description provided as part of the application or from any conditions or restrictions imposed as part of the permit. Such changes may result in the need for reclassification of the home occupation.
- (c) The owner/proprietor of a home occupation shall reside in the dwelling from which the home occupation is being conducted.
- (d)

Activities associated with a home occupation shall not generate any traffic, parking, solid or liquid waste, water consumption, noise, vibrations, smoke, dust, odor, heat, glare, disturbance or interference with the provision of electrical, television or other utility services, or create any safety hazards exceeding those which are typically and customarily produced by and/or associated with a residential dwelling and residential uses in the zoning district and surrounding neighborhood within which the subject property and home occupation is located.

- (e) The total area used to conduct activities associated with a home occupation shall not exceed one-third of the total gross floor area of the residential dwelling, including basements or other similar areas.
- (f) The residential dwelling, accessory buildings and structures, and overall property shall remain residential in character and appearance that are typical and customary for residential property located in the zoning district within which the home occupation is located. Structural and other alterations and alterations in the exterior or interior appearance that will make the dwelling, buildings, and/or the site appear or function similar to a commercial operation are prohibited. Prohibited alterations may include, but not be limited to the creation of a separate or exclusive entrance for business purposes, use of signage or other advertising other than that allowed as set forth in this section and commercial-like exterior lighting.
- (g) Wholesale or retail sales from within a residential dwelling, accessory building or structure, or from a residential property on a regular or year round basis, or in a substantial volume, or as a primary activity or function of the home occupation shall be prohibited except for sales conducted entirely via the mail, telephone or internet. No goods or products intended for sale shall be displayed outside of a dwelling, accessory building or structure, or elsewhere on the property. This provision is not intended to limit or prohibit "rummage sales" as defined and regulated under section 17.70 of the Zoning Code nor the occasional and/or seasonal sale, resale or purchase of goods or products from a residential or agricultural property nor the occasional sale of items, e.g., Amway, Avon, Tupperware, Schwanns, etc., or the occasional conduct of home-based parties or gatherings where friends, family and other nonresident attendees are asked to sit through presentations or view products for purchase.
- (h) Truck deliveries or pick-up of supplies or products associated with a home occupation shall be limited to the type of vehicles and pick-up/delivery hours that are typical and customary for residential dwellings and uses located in the zoning district within which the home occupation is located.
- (i) In order to ensure that a home occupation does not become a nuisance to the surrounding properties and property owners, the Village Planner/Zoning Administrator, Plan Commission, and Village Board may impose reasonable conditions as deemed necessary and made part of a home occupation permit (if applicable) to protect the health, safety and welfare of such properties, property owners, and general public.
- (j)

Multiple home occupations may be permitted from a single residence provided that the general requirements and specific performance criteria set forth in this section can be met based on an accumulation of the activities, characteristics, etc., of all home occupations conducted from such dwelling.

- (k) Except as otherwise provided in section 17.46 of the Zoning Code, the use of exterior signs shall be limited to one sign not greater than 3 square feet in area, mounted to the residential dwelling, and if illuminated, internally illuminated or illuminated with a full cut-off fixture where the light source is completely shielded from view from adjacent property and public roads. If the residential dwelling is set back more than 100 feet from the abutting public road or otherwise obstructed from view due to topography or landscaping, the area of the sign may be increased up to 6 square feet, or, not greater than 2 square feet in area but allowed to be located at the driveway access along the property line.
- (l) Owners/proprietors of a "major" home occupation shall permit a reasonable inspection of the premises by the Zoning Administrator, Village Board, or other duly authorized agent of the Village Board or other agency having jurisdiction or responsibility for enforcing applicable laws, requirements, and regulations at the time of application or after the home occupation has commenced operation in order to determine compliance with the requirements of this article and/or the conditions of the permit.
- (m) Reserved.
- (n) All major home occupation permits shall be deemed valid for a period of time not to exceed 4 years unless:
 - 1. Otherwise provided for as a condition of the approval of the permit;
 - 2. If changes occur in the activities or character of the home occupation being conducted that warrant additional review and approval by the Village Planner/Zoning Administrator, Plan Commission or Village Board;
 - 3. The provisions of subsection (4)(n) or (o) apply.
- (o) Whenever the Village Planner/Zoning Administrator or Village Board has reasonable cause to believe that any of the general or specific requirements and/or performance criteria set forth in this article, or, that conditions imposed as part of the home occupation or conditional use permit are being or have been violated, the Village Planner/Zoning Administrator or Village Board shall have the right to issue a notice of zoning code violation and pursue appropriate remedies, or, revoke or modify the home occupation permit, including but not limited to, imposing stricter conditions upon operation of the home occupation and/or owner/proprietor.
- (p) The granting of a home occupation permit shall not constitute a covenant running with the property from which such home occupation is being conducted. A home occupation permit shall not be transferable to another property and shall automatically and immediately terminate and become null and void upon the sale, lease, or transfer of the property to a party different than to whom the home occupation permit was originally granted.

- (q) Failure to comply with the provisions of this article, including failure to obtain a home occupation permit as provided for herein, shall constitute a violation of the Village Zoning Code and be subject to the penalties set forth therein.

(5) SPECIFIC REQUIREMENTS AND PERFORMANCE CRITERIA.

- (a) Minor home occupations shall comply with all of the following performance criteria:
 - 1. Activities associated with a home occupation shall be conducted entirely within a residential dwelling (including an attached garage, or one detached garage when no attached garage exists);
 - 2. The display, storage or parking of materials, goods, supplies or equipment outside of the dwelling or within an accessory building (excluding an attached garage) is prohibited; and
 - 3. The number of part-time or full-time nonresident employees working upon the residential property for which a home occupation permit has been granted shall not exceed the following:
 - a. Two nonresident employees for home occupations in the Rs-1, Rs-2 or Rs-3 Zoning Districts;
 - b. One nonresident employee for home occupations in the Rs-4, Rs-5, Rs-6 or Rs-7 Zoning District.
 - c. No nonresident employees in the Rd-2, Rm-1, Rm-2, Rm-3, or B-3.
- (b) Major home occupations shall comply with all of the following performance criteria:
 - 1. Activities associated with a home occupation shall be conducted entirely within the residential dwelling and/or in an enclosed accessory building or structure;
 - 2. The display, storage or parking of materials, goods, supplies, or equipment outside of the dwelling is permitted in an enclosed accessory building, or in the side or rear yard of the subject property provided the yard area used for such display, storage or parking is completely screened from view from all public streets and adjacent property. Screening shall be accomplished through the use of natural landscaping materials (i.e., trees, plants, berms, rocks), or, a combination of natural landscaping and other manmade or fabricated screening materials (e.g., fencing, etc.) provided that all screening shall be instantaneous and continuously maintained; and (Am. Ord. #18-09)
 - 3. The number of part-time or full-time nonresident employees working upon the premises for which a home occupation permit has been granted shall not exceed the following: (Am. Ord. #18-09)
 - a. Five nonresident employees for home occupations in the Rs-1 Zoning District;
 - b. Two nonresident employees for home occupations in the Rs-2 or Rs-3 Zoning Districts.

(6) HOME OCCUPATIONS PROHIBITED.

- (a) Any occupation involving the repetitive purchase and resale, exchange, production, refinement, packaging or handling of explosives, or hazardous materials or substances, as defined pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 USC

§960, as amended by the Superfund Amendments and Reauthorization Act (SARA), and including any judicial interpretation thereof by any person who devotes time or attention to such items as a regular or part-time course of trade or business with the objective of livelihood or principle means of profit is prohibited. (Am. Ord. #3-12)

- (b) Any home occupation involving the on-site sale, resale, repair of automobiles, trucks, boats, trailers, or other motorized vehicles is prohibited.

(7) APPLICATION PROCEDURES.

- (a) Application for a major home occupation permit shall be made to the Village Planner/Zoning Administrator on a form provided by the Administrator and shall be accompanied by all supporting information required therein and an application fee established by the Village Board for such permits.
- (b) The Village Planner/Zoning Administrator shall make a determination as to whether a home occupation qualifies as a major home occupation within 20 days after the date the application has been received. In the event that the Administrator determines that the home occupation for which an application has been received does not conform to one or more of the general requirements and performances criteria, the Administrator has the right to deny the application.
- (c) Minor home occupations are allowed as an accessory use by right and do not require the issuance of a permit.
- (d) An application for a home occupation that has been determined to be a major home occupation shall be reviewed and processed as a conditional use permit as set forth in section 17.42 of the Village Zoning Code.
- (e) Copies of all major home occupation applications shall be forwarded to the appropriate Village, County, State, and Federal agencies for review and comment concerning applicable laws, regulations, and requirements and whether or not a proposed occupation complies with such laws, regulations, or requirements, or under what conditions compliance can be met.
- (f) Variances from the provisions of this article or an appeal of any decision of the Zoning Administrator, Plan Commission or Village Board shall be processed and considered by the Board of Zoning Appeals as set forth in section 17.52 of the Village Zoning Code.
- (g) The owner/proprietor of all existing major home occupations already being conducted from residential and agricultural property on the effective date of this article shall have a period of 6 months from the effective date to apply or reapply for the necessary home occupation permit required under this section. The owner/proprietor of any such home occupation may continue to conduct such occupations pending final action by the Administrator and/or Village Board on his home occupation permit application. If the Administrator or Village Board denies a home occupation permit application for a major home occupation being conducted on the effective date of this article, the conduct of such home occupations shall cease within 3 months from the date such application is denied.

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

MEETING DATE: February 6th, 2019

AGENDA ITEM: New Business

ITEM TITLE: Consideration for blanket PO – for the ongoing purchase of Metron water meters.

SUBMITTED BY: Paul Haugen, Water Utility Superintendent

SUMMARY EXPLANATION:

The Water Utility is requesting authorization to have an ongoing PO to purchase water meters for the on-going meter replacement program.

Metron/Franier	Boulder, CO	\$150,000.00
-----------------------	--------------------	---------------------

ATTACHMENT : ORDINANCE _____ RESOLUTION _____ OTHER _____

RECOMMENDATION:

Staff recommends authorization to purchase water meters from Metron/Franier as needed throughout the 2019 meter install season for a total not to exceed \$150,000.00.

Funds to be allocated from Capital budget Acct #50-180-183-3460.

COMMITTEE ACTION:

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