

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

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, AUGUST 5, 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: July 15, 2019 Regular Village Board Meeting.
 - B. Accounts payable/payroll
 - 1. July 15, 2019 Payroll (Salary) \$ 109,882.96
 - 2. July 23, 2019 Payroll (Hourly) \$ 264,594.91
 - 3. July 25, 2019 Accounts Payable \$ 986,743.47
 - 4. July 31, 2019 Payroll (Salary) \$ 109,121.32
 - 5. July 31, 2019 Accounts Payable \$ 30,472.92
 - C. Operator's Licenses: Afia Allen, Amy Boehler, Mary Buck, Jareth Cardenas, Stephen Hamilton, Matthew Jones, Katelyn Kaad, Austin Luszak, Adam Maciejczak, Samantha Schreiner, Lisa Turchi, Courtney Ziegelbauer. [Recommendation Forthcoming]
 - D. Operator's License: Micheal O'Brien - Rhodes [Recommended Denial Forthcoming] The following items were forwarded from **Public Works** with a unanimous recommendation.
 - E. Resolution 49-2019, Developer Agreement – Heritage Park North Subdivision.
 - F. Wastewater Utility - Service Body with Crane Purchase from Olson Trailer and Body in an amount not to exceed \$42,436.

- G. Change Order – Fahrner Asphalt Sealcoat Contract in an amount not to exceed \$45,500, to include the micro surfacing of Willow Creek Road from Amy Belle Road to Appleton Avenue.

VIII. OLD BUSINESS:

- A. None.

IX. PUBLIC HEARING:

- A. None.

X. NEW BUSINESS:

- A. Class “B” Fermented Malt Beverage and Class C Liquor License, August 5, 2019 – June 30, 2020, for Old Germantown LLC, W148N12696 Pleasant View Drive, Scott and Georgene Sommer, Owners.

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

- B. Temporary Outside Premise Extension Request, Gamroth’s Kuhburg Junction, W140N10385 Fond du Lac Avenue, August 10, 2019 3 PM – 10 PM. Backyard Area with Tent and Smoking Area for Pig Roast Party with Outdoor Serving Station.
- C. Change of Agent, Kristi O’Connor, Pick n Save #357. N112W16200 Mequon Road. [Recommended Approval]
- D. Change Order – Dielectric Utilities to Kruczek Construction in an amount not to exceed \$872,494 for the Extension of Public Sanitary Sewer and Watermain.
- E. Tourism Commission Presentation – Andrew Martin.
- F. Germantown Business Development Loan Pool Application – Stix Golf Entertainment. The Village Board May Convene Into Closed Session Per Wi. 19.85(1)(E) Deliberating Or Negotiating The Acquisition Of Public Property, The Investing Of Public Funds, Or Conducting Other Specified Public Business, Whenever Competitive Or Bargaining Reasons Require A Closed Session And May Re-Enter Open Session To Take Such Action As It Deems Appropriate; and,
- G. Intergovernmental Agreement with the Germantown School District for the Use of Facilities for Park and Recreation Programs. The Village Board May Convene into closed session per Wis. Stats. §19.85 (1) (e) For the Purpose of Deliberating or negotiating the contract, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session and may convene into open session to take such action as it deems appropriate; and,

- H. Notice of Claim to the Village of Germantown from the Germantown School District. The Village Board may convene into closed session per Wis. Stats. §19.85(1)(g) for the purpose of conferring with Legal Counsel who is rendering advice concerning strategy to be adopted by the Village with respect to litigation in which it is involved or is likely to become involved and then may reconvene into open session to take such action as it deems appropriate.

XI. ADJOURNMENT.

The next regular meeting of the Village Board will be on Monday, August 19, 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.

Notice is given that a majority of the Tourism Commission may attend this meeting to gather information about an agenda item over which they have decision making responsibility. This may constitute a meeting of the Tourism Commission per State Ex. Rel. Badke v. Greendale Village Board, even though the Tourism Commission will not take formal action at this meeting.

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
July 15, 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, Kaminski, Miller, Myers, Warren, Wing, and Zabel. Trustee Hughes absent excused. Also present: Administrator Kreklow, Clerk Braunschweig, Attorney Sajdak, Director Retzlaff, Planner Zandt, Director Ratayczak, and Manager Tucker.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:

President Wolter reported on the upcoming 2050 Comprehensive Plan Public Open House to be held on July 23rd from 6-8 p.m. at the Germantown Community Library.

**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:

Lynn Grgich of Ashbury Circle for the Kiwanis Club and Germantown Chamber of Commerce came to the podium to thank everyone that participated in the July 4th parade. Thank you to all for their assistance in the festivities.

CONSENT AGENDA:

- A. Approval of Minutes: July 1, 2019 Regular Village Board Meeting.
- B. Accounts payable/payroll
 - 1. June 30, 2019 Accounts Payable \$ 29,712.18
 - 2. July 9, 2019 Payroll (Hourly) \$ 281,321.94
 - 3. July 10, 2019 Accounts Payable \$ 591,273.71
- C. Operator's Licenses: Joel Efanga, Brian Hower, Matthew Jones, Thomas Keesler, Emily Lipke, David Markgraf, Danielle Mattingly, Thomas Mosey, Lisa Nelson, Mehul Soni, Charlotte Underwood, Ramalakshmi Vootkur. [Recommended]

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

OLD BUSINESS:

None.

PUBLIC HEARING:

Central Land Company III, LLC Agent for GGWW, LLC, Property Owner – W204 N12839 Goldendale Road (45.5 acres in Southwest corner of Rockfield Road @ Goldendale Road). Rezoning Application to Rezone 45.5 acres from the A-1 Agricultural District to the M-1: Limited Industrial District for a 240,500 sqft Industrial Building.

Planner Zandt came to the podium to present the Rezoning Application. This is to Rezone 45.5 acres from the A-1 Agricultural District to the M-1: Limited Industrial District for a 240,500 sqft foot Industrial Building. The Site Location Map and Site Plan were shown. The Plan Commission held a Public Hearing on July 8th and recommended approval of the item.

Planner Zandt reviewed the zoning on the site location. The previous amendments to the Land Use Map and Sewer Service Area were reviewed. The area is within TID #8. The proposal summary was reviewed. This is to Rezone 45.5 acres from A-1 Agricultural to M-1 Limited Industrial for the Construction of 240,468 square feet manufacturing facility on North 20 acres. Future construction of other industrial buildings on South 26 acres was mentioned. This is for the distribution facility for plastic containers with limited onsite production. The business would be operated Monday – Friday, 7 am to 6 pm with some Saturday operational hours.

President Wolter read the Public Hearing Notice and Opened the Public Hearing at 7:11 P.M.

Susan White of Goldendale Road came to the podium. She lives across from the development area. She is concerned of the wooded area. It was clarified that the wooded area will remain and the pond will be moved. There will be ornamental & landscaping trees around the building. The building height is 33-34 feet tall. There will not be a sidewalk.

President Wolter closed the Public Hearing at 7:12 P.M.

GTOWN Properties LLC, Agent and Property Owner for North Shore Bank – N112 W15800 Mequon Road. Rezoning Application to Create a B-2 Planned Development District (PDD) and Rezone 10.16 acres from the B-2: Community Business & B-3: General Business Districts into the B-2/PDD; for a 2,250 sqft Bank. (Public Hearing Only)

Planner Zandt came to the podium to present the Rezoning Application. The applicant has requested to hold off on action until all items come forward together. The request is to Create a B-2 Planned Development District (PDD) and Rezone 10.16 acres from the B-2: Community Business & B-3: General Business Districts into the B-2/PDD; for a 2,250 sqft Bank. The Site Location Map and Site Plan were shown. The Plan Commission held a Public Hearing on July 8th and recommended approval of the items and CSM.

Planner Zandt reviewed the zoning on the site location. This is for the Creation of the Sendik's Village Centre PDD and the development of lot two for the construction of a 2,250 sqft foot Bank. The proposed CSM was reviewed.

President Wolter read the Public Hearing Notice and Opened the Public Hearing at 7:25 P.M.

No One Spoke.

President Wolter closed the Public Hearing at 7:26 P.M.

Discussion of why B-2 instead of B-1 ensued and the use of PDD. This is due to the code.

Ger & Chia Vang, Koa Vang & Ly & Sy Vang, Property Owners – 29.6 acres west of Pleasant View Drive ¼ mile south of Rockfield Road. Rezoning Application to Rezone 5.03 acres from the A-1: Agricultural District to the Rs-1: Single Family Residential District, and, to Rezone 24.57 acres from the A-1: Agricultural District to the A-2: Agricultural District.

Planner Zandt came to the podium to present the Rezoning Application. The request is to Rezone 5.03 acres from the A-1: Agricultural District to the Rs-1: Single Family Residential District, and, to Rezone 24.57 acres from the A-1: Agricultural District to the A-2: Agricultural District. The Site Location Map and Site Plan were shown. The Plan Commission held a Public Hearing on July 8th and recommended approval of the items. The Site Location Map and Site Plan were shown. The proposed CSM was reviewed. Proposed Lot 1 of 5.028 to be Zoned Rs-1 Single Family and Proposed Lot 2 24.58 acres to be Zoned A-2 Agricultural. This is consistent with the 2020 Land Use Plan Map designation.

President Wolter read the Public Hearing Notice and Opened the Public Hearing at 7:32 P.M.

No One Spoke.

President Wolter closed the Public Hearing at 7:33 P.M.

NEW BUSINESS:

President Wolter stepped out of the meeting. 7:34 P.M.

MOTION (Kaminski/Warren) to Appoint Baum as ProTem until President Wolter's return to the meeting. Motion Carried Unanimously.

Ordinance 07-2019, Rezoning Application to Rezone 45.5 acres from the A-1 Agricultural District to the M-1: Limited Industrial District; for a 240,500 sqft Industrial Building for Central Land Company III, LLC Agent for GGWW, LLC, Property Owner – W204 N12839 Goldendale Road (45.5 acres in Southwest corner of Rockfield Road @ Goldendale Road).

MOTION (Kaminski/Miller) Ordinance 07-2019, Rezoning Application to Rezone 45.5 acres from the A-1 Agricultural District to the M-1: Limited Industrial District; for a 240,500 sqft Industrial Building for Central Land Company III, LLC Agent for GGWW, LLC, Property Owner – W204 N12839 Goldendale Road (45.5 acres in Southwest corner of Rockfield Road @ Goldendale Road). The well on -site will be abandoned by the developer per DNR Code. The ponds will be pumped down and filled. Motion Carried Unanimously.

Ordinance 09-2019, Rezoning Application to Rezone 5.03 acres from the A-1: Agricultural District to the Rs-1: Single Family Residential District, and, to Rezone 24.57 acres from the A-1: Agricultural District to the A-2: Agricultural District; and a 2-Lot Certified Survey Map for Ger & Chia Vang, Koa Vang & Ly & Sy Vang, Property Owners – 29.6 acres west of Pleasant View Drive ¼ mile south of Rockfield Road.

MOTION (Kaminski/Myers) Ordinance 09-2019 Rezoning Application to Rezone 5.03 acres from the A-1: Agricultural District to the Rs-1: Single Family Residential District, and, to Rezone 24.57 acres from the A-1: Agricultural District to the A-2: Agricultural District; and a 2-Lot Certified Survey Map for Ger & Chia Vang, Koa Vang & Ly & Sy Vang, Property Owners – 29.6 acres west of Pleasant View Drive ¼ mile south of Rockfield Road.

Zabel questioned the setback for the property on the back of the property and existing field road for driveway. This is a shared driveway. They can use the field road for agricultural purposes. The shared driveway will have to comply with the shared driveway requirements for land use divisions. The original CSM was revised per the surveyor requirements. The set back for lot 2 is not shown. President Wolter returned 7:50 P.M.

**Amendment Motion (Myers/Zabel) to revise the CSM and require that the CSM show the building set-backs on lot two. Amendment Motion Carried Unanimously.
Motion as amended Carried Unanimously.**

Ordinance 10-2019, for Historic Designation for Frank & Irene Blau, Property Owners – W148 N12297 Pleasant View Drive, Tax Key #143-990.

MOTION (Zabel/Baum) Ordinance 10-2019, for Historic Designation for Frank & Irene Blau, Property Owners – W148 N12297 Pleasant View Drive, Tax Key #143-990. Motion Carried Unanimously.

Tourism Commission Presentation.

**Carroll Merry, Chair of the Tourism Commission, came to the podium.
Chair Merry presented information on the Vision of the Tourism Commission. Merry reported on the 2017 Legislative Changes and their intent to focus outside of Germantown to generate overnight stays, “Heads in Beds”.**

Local recipients and organizations in recent years have received funding. This list includes Mai Fest, Octoberfest, Washington County Tourism, Kiwanis Santa Breakfast, Moose Lodge, and Gehl Pavilion Development.

He reported on becoming proactive with the organizations.

The Commission contracted with Elaine Motl to promote Germantown and do the day to day work of the Commission. She is advising the Commission and Organizations on how to create greater exposure for their events.

**The recent article newspaper article was shown with reference to their website.
<https://visitgermantown.com/> Merry reviewed the features of the website.**

Merry reviewed the possibility and use of billboards. Germantown as a destination was reviewed.

Discussion ensued after the presentation.

Discussion included how metrics are measured and the support of future Municipal Development and Funding.

Future advertising possibilities include billboards, the Wisconsin Magazine, Chicago Market, and Rack Cards near Kenosha.

Discussion included to link their website with the Historical Society website.

President Wolter questioned the percentage of funding to promotions / advertising rather than the actual events. Merry reported that each organization has their own marketing plan and concepts. That varies from project to project.

It was questioned if the Tourism Commission is moving away from assisting smaller events. Merry commented they the Tourism Commission will be doing both the marketing and assisting smaller events.

Discussion ensued that the Commission does not have a budget.

Commission Treasurer Judy Rogers came to the podium and commented on assisting the organizations with their marketing of the event and the process of receiving funding.

President Wolter commented on the appearance of building kingdoms and hesitancy on the billboard signage. The billboards are a huge jump and a little much. The funding could be used for buildings, such as Festhalle and future events.

Elaine Motl clarified that the Commission approved \$7,000 for Mai Fest, and in addition she will sit down with each organization and work on sponsorship and marketing. The Commission is supportive of a Festhalle. The proposal will come forward in August. Motl commented that there has to be a marketing plan prior to building. She wants to assist Marketing Plans and Contingency Plans for upcoming events. The Commission looks at Mai Fest and Oktoberfest as signature events. Elaine has community meetings planned with event planners and a meeting in August for the hotels and their general managers. She will discuss meetings for corporate businesses.

More discussion ensued of consideration of the Festhalle building.

Wing commented on tangible municipal development and not so marketing heavy. Discussion ensued of the Festhalle building.

Wing commented that someone besides himself should represent the Board on the Tourism Commission.

Baum commented to rework with focus on assisting organizations with other items than marketing.

Elaine commented to assist events and the money to be spent within the realm of the law.

Attorney Sajdak advised that allowable expenses are more than marketing. There may be a desire to further assist more than marketing.

Administrator Kreklow commented that there are other communities working with tourism dollars. There is a wide variety of approaches taken. He offered to bring additional information of what other communities have done and their structure and options that are available.

The Village Board should have a vision or direction in mind and as members are appointed, they should be aware of the vision and direction.

Baum questioned if they want to grow to a Summerfest version of Germantown?

Joletta Kerpan of the Kiwanis came to the podium. She commented on the shortage of volunteerism. If the event grows larger more volunteers are needed and there is already a lack of volunteering.

Consideration and Decision to Cancel or Change September 2nd, 2019 Village Board Meeting due to Holiday.

MOTION (Baum/Myers) to Cancel the September 2nd Village Board Meeting due to Holiday. Motion Carried Unanimously.

ADJOURNMENT.

ADJOURNMENT: There being no further business, the meeting adjourned at 9:00 p.m.

The next regular meeting of the Village Board will be on Monday, August 5, 2019 at 7:00 p.m.

Respectfully Submitted,
Deanna B. Braunschweig, WCMC/CMC
Village Clerk

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

MEETING DATE: August 17, 2019

AGENDA ITEM: New Business

ITEM TITLE: Development Agreement for Heritage Park North Subdivision

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

SUMMARY EXPLANATION:

Staff is presenting the Developers Agreement for the proposed Heritage Park North Subdivision for approval by the Public Works and Highway Committee. The Development would be located on the northeast corner of Division Road and Revere Lane. The public improvements addressed in the DA are sanitary sewer, water main, storm sewer, walkway on Division Road and urban streets.

ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER X

- Development Agreement

RECOMMENDATION:

Staff is recommending the Public Works and Highway Committee approve the Development Agreement for Heritage Park North Subdivision and forward with a positive recommendation for approval to the Village Board.

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. 49-2019

HERITAGE PARK NORTH SUBDIVISION DEVELOPMENT AGREEMENT

WHEREAS, Village Staff and the Village Attorney have worked with representatives of the Heritage Park North Development to address the sanitary sewer water main, storm sewer, walkway on Division Road and urban streets. Fees and the letter of credit are also addressed; and,

WHEREAS, the Public Works Committee has reviewed and recommended the attached Development Agreement.

NOW THEREFORE BE IT RESOLVED that the Village Board of the Village of Germantown, does hereby approve of the attached Development Agreement for Heritage Park North Subdivision Development.

Introduced by: _____

Adopted: _____

Vote: Ayes: ____ Nays: ____

Dean M. Wolter, Village President

ATTEST:

Deanna Braunschweig, WCMC/CMC
Village Clerk

HERITAGE PARK NORTH SUBDIVISION DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into by and between the **Village of Germantown**, a municipal corporation of the State of Wisconsin located in Washington County, hereinafter called the "Village", and **Heritage Park Development Corp.**, hereinafter referred to as "Developer".

WHEREAS, the Developer has certain lands within the Village under ownership or contract to develop, said lands being more specifically described in Exhibit A (the "Property"),

WHEREAS, Developer has submitted for approval by the Village a development plan for a proposed single-family residential subdivision (the "Development" or "Subdivision") to be located in the Village of Germantown on lands described in Exhibit A which Developer proposes to complete as described in the plans submitted to the Village, and as ultimately approved by it; and

WHEREAS, the Development includes a lot owned by Bittersweet Trail, LLC (Herb Gross) which is independent of the certain lands under ownership or contract by Heritage Park Development Corp. and which lands shall, by being incorporated in this agreement, abide by ALL requirements of this Development Agreement. Said lot shall be converted to four lots with a certified survey map (CSM) and are not part of the Final Plat for Heritage Park North; and

WHEREAS, the Village may require that Developer make and install any public improvements reasonably necessary and/or that Developer execute a certified check or irrevocable letter of credit to ensure that those improvements will be made within a reasonable time; and further that the acceptance of dedication of these improvements may be conditioned upon the construction of such improvements according to Village specifications and without cost to the Village; and

WHEREAS, it will be necessary that Developer construct and install water main, sanitary sewer, storm sewer, landscaping, lighting, and roadway facilities in public right-of-way and storm water management facilities in a dedicated easement on the subject Property, and the Village will require that such plans and designs be approved and permitted, and that the Developer furnish an appropriate financial guarantee; and

HERITAGE PARK NORTH SUBDIVISION DEVELOPMENT AGREEMENT

WHEREAS, The Village seeks to protect the health, safety and general welfare of the Village as a whole and, in particular, property owners who abut the site or are potentially affected by the project through application of the Municipal Code and rules and regulations of governmental agencies with jurisdiction.

NOW, THEREFORE, in consideration of these recitals, the mutual agreements, benefits and responsibilities outlined herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

ARTICLE I - REQUIRED IMPROVEMENTS

1.01 GENERALLY. Developer, entirely at its own expense, shall, except as herein provided, design and install the public improvements required by Sec.18.08 of the Municipal Code in accordance with the provisions of that section and as directed by the Village Engineer or Village Board. It is the intent of this Agreement that all public improvements shall be installed by Developer. Notwithstanding the foregoing, the public improvements described in this Agreement are deemed to be undertaken for a public (not a private) purpose.

1.02 SANITARY SEWERAGE SYSTEMS. Developer shall extend and install public sanitary sewer with privately owned lateral stubs extending to the edge of right-of-way to provide wastewater utility service to all lots within the Subdivision.

Developer shall design and submit to the Village Engineer for review and approval all proposed plans, specifications and contract documents for all sanitary sewerage system facilities before authorization for construction will be given. Design and installation shall conform to Milwaukee Metropolitan Sewerage District Ch. 2 Rule, Wisconsin Department of Natural Resources Standards, Sec. 18.08(7) of the Municipal Code, and the Village Design, Drafting & Construction Standards & Specifications, Sec. 5.0 "Sanitary Sewer System Requirements". All such documents shall be prepared in accordance with state and local standards by a Professional Engineer registered in the State of Wisconsin and submitted stamped and signed for review by the Village Engineer and by all applicable governmental agencies. Implicit in this provision is the right

HERITAGE PARK NORTH SUBDIVISION DEVELOPMENT AGREEMENT

of the Village Engineer and Building Inspector to require document revisions and modifications in the best interests of the Village. All sanitary sewer improvements that are to be transferred to the Wastewater Utility shall be contained within the Village right-of-way or a utility easement. The easement shall be dedicated to the Village through plat (provided that said plat also contains specific terms associated with the easement and not just a location) or an easement document prepared and submitted by Developer, subject to review and approval by the Village Engineer and the Village Attorney.

Public utility permits shall be applied for by Developer and secured from the Village Engineering Dept. Wisconsin Department of Natural Resources and Milwaukee Metropolitan Sewerage District sanitary sewer extension forms shall be prepared by Developer and provided to the Village Engineer. All sanitary sewer improvements that will be transferred to the Village shall be inspected by Wastewater Utility personnel prior to acceptance by the Public Works & Highway Committee. The Wastewater Utility may televise the sewer, create a punch list of defects, and perform one follow-up televised inspection at no expense to Developer. Additional follow-up televised inspections shall occur at Developer expense.

Sanitary sewer main and lateral trenches in an existing roadway shall be aggregate slurry backfilled. Street resurfacing required due to surface disturbance for connection to the Village sanitary sewer shall be inspected and approved by the Highway Superintendent prior to acceptance by the Public Works & Highway Committee. Lateral ends shall be marked with green painted maple heart boards 2" x 4". A minimum of 6 feet of engineered fill shall be maintained over the pipe in all areas of installation.

1.03 WATER SUPPLY FACILITIES. Developer shall extend and install public water main with publicly owned lateral stubs extending to the edge of right-of-way to provide potable water utility service to all lots within the Subdivision.

Developer shall design and submit to the Village Engineer for approval all proposed plans, specifications and contract documents for all water supply facilities before authorization of construction will be given. Design and installation shall conform to Sec. 18.08(8) of the Municipal Code and the Village Design, Drafting & Construction Standards & Specifications, Sec. 6.0 "Water Distribution System Requirements". All such documents shall be prepared in accordance with state and local standards by a Professional Engineer registered in the State of Wisconsin and submitted stamped and signed for review by the Village Engineer and by all applicable

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governmental agencies. Implicit in this provision is the right of the Village Engineer and Building Inspector to require document revisions and modifications in the best interests of the Village. All water utility improvements that are to be transferred to the Water Utility shall be contained in Village right-of-way or a utility easement dedicated to the Village. The easement shall be dedicated to the Village through plat (provided that said plat also contains specific terms associated with the easement and not just a location) or an easement document prepared and submitted by Developer, subject to review and approval by the Village Engineer and the Village Attorney.

Public utility permits shall be applied for by Developer and secured from the Village Engineering Dept. and the Wisconsin Department of Natural Resources with water main extension forms prepared by Developer and submitted to the Department of Natural Resources. All water supply improvements that will be transferred to the Village shall be inspected by Water Utility personnel prior to acceptance by the Public Works & Highway Committee.

Water main and lateral trenches in an existing roadway shall be aggregate slurry backfilled. Street resurfacing required due to surface disturbance for connection to the Village water supply system shall be inspected and approved by the Highway Superintendent prior to acceptance by the Public Works & Highway Committee. Lateral ends shall be marked with blue painted maple heart boards 2" x 4". A minimum of 6 feet of engineered fill shall be maintained over the pipe in all areas of installation.

1.04 OTHER UTILITIES. Developer shall be responsible for and cause electrical power, telephone, cable and natural gas facilities to be installed in such manner as to make proper and adequate service available to each occupied building in the Subdivision. All such services shall be located underground in accordance with applicable codes. Design and installation shall conform to Sec. 18.08(11) of the Municipal Code. Public utility and/or work-in-right-of-way permits shall be applied for by Developer and secured from the Village Engineering Dept. Private utility permits shall be applied for and secured from the Village Building Inspection Dept.

1.05 GRADING AND SURFACING OF PUBLIC STREETS. All Development streets shall be graded and surfaced in accordance with Sections 18.08(2), (3) and (5) of the Municipal Code and shall be located and be of the dimensions as depicted on the site Development Plan. The Development's internal roads shall have an urban cross section for vehicular access to all lots within the Subdivision. The final layer of street surfacing shall be installed within 30 days of the issuance of an occupancy permit for the 80 % of the lots within the Subdivision except as may be

HERITAGE PARK NORTH SUBDIVISION DEVELOPMENT AGREEMENT

directed by the Village Engineer. Disturbed edges of existing asphalt created by connecting to existing Village or County streets shall be saw-cut full road width prior to resurfacing.

Developer shall design and submit to the Village Engineer for approval all proposed plans, specifications and contract documents for all grading, street surfacing, concrete curb and gutter, sidewalks, and traffic signs and street signs before authorization for construction will be given. Design and installation shall conform to Sec. 18.08(2), 18.08(3), 18.08(4), 18.08(6), and 18.08(13) and 18.08(15) of the Municipal Code and the Village Design, Drafting & Construction Standards & Specifications, Sec. 3.0 “Grading and Erosion Control Requirements” and Sec. 8.0 “Roadway Requirements”. All such documents shall be prepared in accordance with state and local standards by a Professional Engineer registered in the State of Wisconsin and submitted stamped and signed for review by the Village Engineer and by all applicable governmental agencies. Implicit in this provision is the right of the Village Engineer and Building Inspector to require document revisions and modifications in the best interests of the Village. All grading, street surfacing, concrete curb and gutter, traffic signs and street signs that are to be transferred to the Village shall be contained in Village right-of-way dedicated to the Village.

Final yard grades, building elevations and contours shall conform to a 0.25-feet tolerance as compared to the grading plan pursuant to Sec. 14.076 of the Municipal Code. Developer shall not export topsoil without permission from the Public Works & Highway Committee pursuant to Sec. 17.441 of the Municipal Code.

Work-in-right-of-way permits shall be applied for by Developer and secured from the Village Engineering Dept. All grading, street surfacing, concrete curb and gutter, sidewalks, and traffic signs and street signs related to the Subdivision that will be transferred to the Village shall be inspected by Engineering Dept. and Highway Dept. personnel prior to acceptance by the Public Works & Highway Committee.

1.06 CURB AND GUTTER. Developer shall construct, at a minimum, concrete curb and gutter in accordance with Sec. 18.08(4) of the municipal Code within the Development at the locations depicted on the approved Site Development Plan.

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1.07 IMPROVEMENTS TO STREETS ABUTTING SUBDIVISION. Developer shall install an entrance intersection connecting the Subdivision's internal roads to Division Road, including acceleration/deceleration lanes and By-Pass turn Lane. Developer shall install a paved sidewalk/path along Division Road from the intersection of Tanglewood Drive north to the existing paved sidewalk/path along Division Road.

Developer shall design and submit to the Village Engineer for approval all proposed plans, specifications and contract documents for all improvements to streets abutting development before authorization for construction will be given. Design and installation shall conform to Sec. 18.08(15) of the Municipal Code and the Village Design, Drafting & Construction Standards & Specifications, Sec. 3.0 "Grading and Erosion Control Requirements" and Sec. 8.0 "Roadway Requirements". All such documents shall be prepared in accordance with state and local standards by a Professional Engineer registered in the State of Wisconsin and submitted stamped and signed for review by the Village Engineer and by all applicable governmental agencies. Implicit in this provision is the right of the Village Engineer and Building Inspector to require document revisions and modifications in the best interests of the Village. All improvements to streets abutting development that are to be transferred to the Village shall be contained in Village right-of-way dedicated to the Village.

Work-in-right-of-way permits shall be applied for by Developer and secured from the Village Engineering Dept. All improvements to streets abutting the Subdivision that will be transferred to the Village shall be inspected by Engineering Dept. and Highway Dept. personnel prior to acceptance by the Public Works & Highway Committee.

Developer shall remain responsible for maintenance of all monument signs and boulevard islands.

1.08 SIDEWALK/PATHWAY. Developer shall install an asphalt walking path which will vary in width from 4 feet to 6 feet from the existing end of a 6-foot asphalt path south to Tanglewood Drive. The sidewalk/path is to be a public improvement located in the existing road right-of-way. Developer shall be responsible for all costs for design and installation of the sidewalk/pathway.

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1.09 STREET SIGNS & MARKINGS. A street sign marking plan shall be submitted by Developer as required in Section 2.03 for review and approval by the Village Engineer. Developer shall pay to the Village Treasurer the cost of all materials and installation of street signs by the Village, pursuant to Section 18.08(13) of the Municipal Code. Street signs to include at a minimum stop signs, yield signs, street name signs, pedestrian walk sign and traffic directional signs. Markings at a minimum shall include stop bars and any other miscellaneous markings as required for public safety

1.10 EROSION CONTROL. Developer shall install and maintain erosion and sediment control devices within the Subdivision and for all related work abutting the Subdivision.

Developer shall design and submit to the Village Engineer for approval all proposed plans, specifications and contract documents for all construction site erosion and sediment control before authorization for construction will be given. Design and installation shall conform to Wisconsin Department of Natural Resources Conservation Practice Standards, Ch. 29 of the Municipal Code, and the Village Design, Drafting & Construction Standards & Specifications, Sec. 3.0 "Grading and Erosion Control Requirements". All such documents shall be prepared in accordance with state and local standards by a Professional Engineer registered in the State of Wisconsin and submitted stamped and signed for review by the Village Engineer and by all applicable governmental agencies. Implicit in this provision is the right of the Village Engineer and Building Inspector to require document revisions and modifications in the best interests of the Village.

Work-in-right-of-way permits shall be applied for and secured from the Village Engineering Dept. Wisconsin Department of Natural Resources construction site storm water permit forms shall be prepared by Developer and submitted to the Department of Natural Resources. An erosion control permit shall be applied for and secured from the Village Building Inspection Dept.

Developer shall monitor and mitigate off-site tracking through use of tracking pads and daily sweeping of streets. In event Developer defaults in keeping the Village streets clear of tracking, the Developer will reimburse the Village for performing street sweeping services within 30 days of invoice. In event Developer defaults payment, the Village may charge the Developer's escrow account or draw from the Developer's letter-of-credit to recover such costs.

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Notwithstanding the foregoing, the right of the Village to respond to off-site sediment tracking hereunder shall not excuse Developer from strict compliance with required erosion control measures or be considered a substitute or replacement for such measures.

Developer shall remove and dispose of all erosion and sediment control devices after landscaping and after 85% successful vegetative cover has been achieved to the satisfaction of the Village Engineer.

1.11 POST-CONSTRUCTION STORMWATER MANAGEMENT AND STORMWATER DRAINAGE FACILITIES. Developer shall install publicly owned storm sewer to adequately drain publicly owned roadways within the Subdivision, and shall install publicly owned roadway ditches and storm sewer abutting the Subdivision. Developer shall install privately owned storm sewer, ditches, and swales to adequately drain privately owned lands within the Subdivision. Developer shall install and maintain privately owned wet detention ponds and a dry pond to control storm water runoff peak flows and volumes in conformance with MMSD requirements and to control storm water runoff water quality in conformance with Wisconsin DNR requirements prior to discharge from the Subdivision. The privately-owned storm sewers, ditches, swales, wet detention ponds, and dry pond shall be situated in privately owned easements.

Developer shall design and submit to the Village Engineer for approval all proposed plans, specifications and contract documents for all post-construction storm water management and storm water drainage facilities before authorization for construction will be given. Design and installation shall conform to Wisconsin Department of Natural Resources Conservation Practice Standards, Milwaukee Metropolitan Sewerage District Ch. 13 Rule, Ch. 27 and Sec. 18.08(10) of the Municipal Code, and the Village Design, Drafting & Construction Standards & Specifications, Sec. 7.0 “Storm Water Management Requirements” and Sec. 4.0 “Storm Water Conveyance System Requirements”. All such documents shall be prepared in accordance with state and local standards by a Professional Engineer registered in the State of Wisconsin and submitted stamped and signed for review by the Village Engineer and by all applicable governmental agencies. Implicit in this provision is the right of the Village Engineer and Building Inspector to require document revisions and modifications in the best interests of the Village.

Work-in-right-of-way permits shall be applied for by Developer and secured from the Village Engineering Dept., Wisconsin Department of Natural Resources. Milwaukee

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Metropolitan Sewerage District storm water management forms shall be prepared by Developer and provided to the Village Engineer.

Developer shall prepare, submit to the Village Engineer for review, and record with the Washington Co. Register of Deeds a Declaration of Covenant for Storm Water Management Facility Maintenance before applying for an occupancy permit. Developer shall prepare and submit to the Village Engineer a Storm Water Management Facility Compliance Report and an Engineering/Construction Certification letter before applying for an occupancy permit.

1.12 LANDSCAPING. Developer shall provide permanent landscaping, including topsoil, seeding, trees and other vegetation, of all publicly owned rights of way and privately-owned common areas within and abutting the Subdivision. Developer shall also provide temporary landscaping of privately-owned lots to establish and maintain vegetative cover.

Developer shall design and submit to the Village Zoning Administrator for approval all proposed plans, specifications and contract documents for all landscaping before authorization for construction will be given. Design and installation shall conform to Sec. 17.085 and 17.43(5) of the Municipal Code. All such documents shall be prepared in accordance with state and local standards by a Landscape Architect registered in the State of Wisconsin and submitted stamped and signed for review by the Village Zoning Administrator and by all applicable governmental agencies. Implicit in this provision is the right of the Village Zoning Administrator and Building Inspector to require document revisions and modifications in the best interests of the Village.

A minimum of 4" of topsoil (i.e., after settlement) free of deleterious materials shall cover all areas of the site not covered by impervious roofs and/or pavements. Section 17.441(4)(a) prohibits topsoil export without special exception by the Village Public Works & Highway Committee.

All landscaping related to the Subdivision that will be transferred to the Village shall be inspected by Engineering Dept. and Highway Dept. personnel prior to acceptance by the Public Works & Highway Committee. All landscaping related to the Subdivision in privately owned areas shall be inspected by Community Services Dept. personnel prior to issuing an occupancy permit.

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1.13 STREET TREES. Developer shall install street trees in roadway terraces of the Subdivision in a quantity equal or greater than one tree per 50 linear feet as generally depicted in a landscape plan for said street trees and all other common areas and/or outlots within which landscaping will be installed approved by the Village Forester and Community Development Director as required as a condition of preliminary plat approval. The Developer shall install all street trees required herein prior to or concurrent with the installation of all other public improvements.

Developer shall design and submit to the Village Forester for approval all proposed plans, specifications and contract documents for all street trees before authorization for construction will be given. Design and installation shall conform to Sec. 18.08(14) of the Municipal Code. All such documents shall be prepared in accordance with state and local standards by a Landscape Architect registered in the State of Wisconsin and submitted stamped and signed for review by the Village Forester and by all applicable governmental agencies. Implicit in this provision is the right of the Village Forester to require document revisions and modifications in the best interests of the Village. The Developer shall warranty all street trees, including trees replaced under this warranty, for a period of two (2) growing seasons as required under Sec 18.08(14) of the Municipal Code”.

Work-in-right-of-way permits shall be applied for by Developer and secured from the Village Engineering Dept. All street trees related to the Subdivision that will be transferred to the Village shall be inspected by Engineering Dept. and Highway Dept. personnel prior to acceptance by the Public Works & Highway Committee.

1.14 STREET LIGHTS AND YARD LIGHTS. 1) Developer shall be required to provide street lights in accordance with Section 18.08(12) of the Municipal Code. Said street lights shall be of an approved design and furnished and installed by Developer within the Development and all costs for the furnishing and installation of such street lights shall be borne by Developer. Street lights shall be LED. Lights and Installation to be completed by We-energies.

2) Electric yard lights for each lot in the Development shall be required as provided in Section 18.08(12) of the Municipal Code. Such lights shall be of uniform design throughout the Development to meet industry standards for minimum illumination levels and they shall be installed as part of the original building construction. Provisions for the maintenance of the electric

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lights shall be included in the deed restrictions recorded by Developer, subject to prior review and approval by the Village Attorney.

Developer shall design and submit to the Village Engineer for approval all proposed plans, specifications and contract documents for street lamps and to the Zoning Administrator for approval of proposed plans, specifications and contract documents for yard lights before authorization for construction will be given. Design and installation shall conform to Sec. 18.08(12) of the Municipal Code. All such documents shall be prepared in accordance with state and local standards by a Professional Engineer registered in the State of Wisconsin and submitted stamped and signed for review by the Village Engineer and by all applicable governmental agencies. Implicit in this provision is the right of the Village Engineer and Building Inspector to require document revisions and modifications in the best interests of the Village. All street lamps related to the Subdivision that will be transferred to the Village shall be contained in Village right-of-way and shall be inspected by Engineering Dept. and Highway Dept. personnel prior to acceptance by the Public Works & Highway Committee.

1.15 SURVEY MONUMENTS. The Developer shall install survey monuments placed in accordance with Sections 18.02(4)(c) and 18.08(1) of the Municipal Code not later than one year (12 months) after the acceptance of this agreement.

ARTICLE II - CONSTRUCTION

2.01 GENERALLY. Developer, entirely at its own expense, shall construct and install all public improvements and provide all plans, specifications and other documents in accordance with Sec. 18.09 of the Municipal Code or as required by the Village Engineer pursuant to Sec. 18.09. Developer understands and acknowledges that the Municipal Code may be and is subject to revision from time to time, and that such revisions may impose altered or additional obligations on individual and entities creating subdivisions and other developments in the Village, including Developer. Developer hereby agrees that with respect to any such revision which shall be approved by the Village prior to issuance of permits for all public improvements provided for

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herein, or as mutually agreed upon between Developer and the Village after the commencement of work, Developer shall incorporate any such revision into Developer's plans, specifications and work.

Developer shall provide a schedule of construction setting forth approximate dates of commencement and completion of each phase of the construction. Developer agrees that no work shall be scheduled for the improvements without the Village Engineer's written approval of the starting date and schedule.

A pre-construction meeting shall be scheduled between Developer, the Contractors and the Village prior to commencement of any construction on the improvements. Developer shall, prior to such meeting, notify all utilities of the planned construction and the date and location of the pre-construction meeting.

2.02 BUILDING AND OCCUPANCY PERMITS. No building or occupancy permits shall be issued by the Village for any construction within the Subdivision until all roads, sidewalks, water main, sanitary sewer, storm sewer, and all other improvements required under this Agreement are installed, inspected by the Village Water Utility, Wastewater Utility, and/or Highway Dept., approved by the Village Engineer, the Village has received all record-drawings in accordance with 2.05 below, and have been accepted by the Public Works & Highway Committee.

2.03 REQUIRED PLANS. Developer shall submit to the Village Engineer for approval all of the plans, profiles and specifications required by Sec. 18.09(3) of the Municipal Code. Required plans for improvements shall include the following:

- (1) Grading plans, including interim and final;
- (2) Erosion & sediment control plans, including interim and final;
- (3) Private utility plans and capacity computations, including sanitary sewer & laterals, water main & laterals, and storm sewer & laterals;
- (4) Public utility plans, profiles and capacity computations, including sanitary sewer & laterals, water main & laterals, and storm sewer & laterals;

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- (5) Paving plans & profiles, including public roads, curb-and-gutter, Division Road entrance intersection, and Division Road sidewalk/path extension from the intersection of Tanglewood Drive north to the existing paved sidewalk/path along Division Road.
- (6) Storm water management plan;
- (7) Landscape plans; and
- (8) Lighting plan.

In addition, Developer shall submit to the Village Engineer for approval all specifications before authorization for construction will be given. Implicit in this provision is the right of the Village Engineer to require document revisions and modifications in the best interests of the Village.

2.04 EXISTING FLORA. Developer shall, in accordance with Sec. 18.09(5) of the Municipal Code, make reasonable efforts to protect and retain all existing trees, shrubbery, vines and grasses not actually lying within public roadways, drainage-ways, building foundation sites, private driveways and parking areas, soil absorption waste and disposal areas, paths and trails, except as necessary for implementation of the Development Plan. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by use of wells or islands or retaining walls whenever abutting grades are altered.

2.05 RECORD DRAWING DOCUMENTS. Developer shall prepare and submit to the Village Engineer record-drawing documents in digital format (i.e., .dwg extension) of the public sanitary sewerage systems, public water supply facilities, and post-construction stormwater management and stormwater drainage facilities. All record-drawing measurements shall include horizontal and vertical location referenced to the Village coordinate system (Wisconsin State Plane Coordinate System, South Zone, based on North American Datum of 1927 (NAD 27)). If Developer is unable to furnish the location and digital files as required, the Village Engineer shall complete the record-drawing plans with costs charged back to Developer. Each original or copy shall be certified by Developer's engineer and/or architect, in accordance with requirements of the Village Engineering Department. Record drawings shall be submitted by Developer before applying for a Village occupancy permit.

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ARTICLE III - DEDICATION AND ACCEPTANCE

Developer agrees that the improvements will not be accepted by the Village until: (i) all outstanding charges to be paid by Developer under the Ordinances have been paid in full, (ii) affidavits and lien waivers are received by the Village indicating that all contractors providing work, services or materials in connection with the improvements have been paid in full for all such work, services and materials, and (iii) the Village has received evidence satisfactory to it that no liens or other encumbrances (except those approved in writing by the Village) encumber the improvements.

Any water main installation shall not be accepted until two consecutive bacteriological safe samples have satisfactorily pass and one pressure test has successfully passed. Developer or his Contractor shall flush the main and obtain the samples required for this testing under the supervision of the Village Engineering Dept. or Water Utility. Upon completion of the water mains and service laterals and acceptance of the system by the Village Public Works & Highway Committee, ownership and control shall be turned over without reservation to the Village.

Developer shall request in writing to the Village Engineer, acceptance of the public improvements. The Village Engineer will order an inspection of the improvements by the Village Water Utility, Wastewater Utility, Highway Dept., and Engineering Dept., and a punch-list of corrections (if needed) shall be forwarded to Developer for completion prior to acceptance. Upon completion of corrective action, Developer shall inform the Village Engineer in writing and request acceptance by the Public Works & Highway Committee. Upon satisfaction of the conditions set forth in this Agreement, and upon written request by Developer, the Village shall accept the improvements (the "Final Acceptance"). The acceptance of the public improvements by the Public Works & Highway Committee shall commence running of the one-year warranty period provided for and in accordance with Section 7.01 of this Agreement.

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ARTICLE IV - PAYMENT OF FEES

4.01 GENERALLY. Developer shall pay all fees, expenses, costs and disbursements which Developer is required to pay, pursuant to Sec. 18.10 of the Municipal Code. Nothing in this provision, nor in the remaining provisions of this article, shall be construed as exempting Developer, its successors and assigns, from such future fees, expenses, costs, or assessments which might be imposed by way of general operation of law or ordinance, and as otherwise assessable against properties within the Village of Germantown.

4.02 IMPACT FEES. As a condition of the approval of this Agreement by the Village, Developer shall pay to the Village Treasurer tax impact fees/Residential Unit that have been determined in accordance with Sec. 3.14 of the Municipal Code. These fees include:

Water: (\$832.00/Res. Unit)
Parks: (\$736.00/Res. Unit)
Fire: (\$171.00/Res. Unit)
Police: (\$148.00/Res. Unit)
Library: (\$281.00/Res. Unit)
Sewer Connection Fee: (\$4,192.00/Res. Unit)

REC is a residential unit equivalent for pumping and storing municipal water or as per Section 15.07(2) of the Municipal Code and per Resolution No. 27-07, establishing the sewer connection charge. These fees are payable at the time of individual lot Building Permit issuance.

4.03 IMPROVEMENT REVIEW FEE. Developer shall pay a fee based on the cost of required development improvements for all phases of the project to cover the cost of the Village for checking and reviewing plan and specification documents. Such improvement review fee shall be as provided by Sec. 18.10(3) of the Municipal Code. The fee shall be calculated as follows:

- (1) 2.25% of the first \$250,000 of construction costs; plus
- (2) 1.75% of the next \$250,000 of construction costs; plus
- (3) 1.25% of construction costs which exceed \$500,000; plus
- (4) A minimum \$5,000 Developer's Agreement fee pursuant to Section 18.10(3) of the Municipal Code.

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4.04 PROFESSIONAL FEES AND INSPECTION FEES. In accordance with Sec. 18.10(4), 18.10(7), and 18.10(8) of the Municipal Code, Developer shall be responsible for all professional (technical and legal) fees incurred by the Village in connection with this Development. Inspection costs shall be reimbursed to Village by Developer, whether performed by the Village Engineering Dept., Water Utility, Wastewater Utility, Highway Dept., or outsourced to a third-party engineering consultant, and shall also be reimbursed for services rendered by the Village Attorney. Developer will be billed for Village personnel at the standard rates presented in Exhibit B. Developer will be billed for third-party engineering consultants by presenting their invoices.

4.05 DATA CONVERSION FEE. In accordance with Section 18.10(13) of the Municipal Code, Developer shall be responsible for all fees associated with the upload of Geographic Information System data incurred by the Village in connection with this project.

4.06 PREPAYMENT OF CERTAIN FEES. Developer, and/or a lot owner in the case of impact fees, shall pay the fees specified in Paragraphs 4.02, 4.03 and 4.05, as itemized in Exhibit B, prior to the issuance of any building permit for the Property.

ARTICLE V - SPECIAL PROVISIONS

5.01 SEWER CONNECTIONS. In accordance with the rules and regulations of the Village, Developer has been authorized one (1) sewer connection for this Development, subject to the provisions of Sec. 5.02 of this Agreement.

5.02 SEWER CAPACITY. It is understood by and between the parties that the Village, by entering into this Agreement, makes no representations or guarantees with respect to sewer capacity for the Development contemplated by this Agreement. It is understood by Developer that other governmental authorities having jurisdiction may impose limitations or restrictions upon the Village's decision to authorize the sewer connections referred to in Sec. 5.01 of this Agreement.

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5.03 WETLAND AND FLOODPLAIN CONDITIONS. It shall be an explicit condition that Developer shall comply with all required regulations and shall obtain all necessary approvals in writing from the appropriate agencies relative to the wetlands and floodplain areas which may be on the Property. Approval of the subject Development Plan by the Village Plan Commission shall not be construed to be Village approval of intrusions into wetland or floodplain areas, or Village approval of filling or modifications to wetlands or floodplain areas. Developer, except as required on approved plans, will not be allowed to grade, fill, or conduct any other type of development within 75 feet of the high water mark of a navigable waterway or 25 feet from a wetland. If the Zoning Administrator suspects the presence of wetlands or navigable stream upon site inspection, an updated delineation will be required. Final delineation of wetlands and navigable streams shall be confirmed by the Southeastern Wisconsin Regional Planning Commission.

5.04 PHASES. Developer has represented that it will construct the public improvements for this project in one phase. All public improvement work associated with the Development shall be completed within one year following the date of issuance of permits for such work by the Village.

ARTICLE VI - FINANCIAL GUARANTY

6.01 AMOUNT. Developer shall deposit with the Village a financial guarantee (certified check, provide an irrevocable letter of credit, or a Performance Bond at the option of the developer) which shall assure the faithful performance of Developer's obligations under this Agreement as itemized in Exhibit B attached hereto and incorporated herein by reference. The Village may in its sole discretion following Developer's request and acceptance by the Village Public Works & Highway Committee of some but not all of the improvements constructed as part of this Agreement, reduce the deposit or letter of credit to the amount estimated by the Village Engineer (in a manner consistent with the Ordinances) to be necessary to secure performance by Developer hereunder. In no event shall the amount of the guaranty be reduced below the aggregate total estimated cost of the improvements not yet installed or accepted, plus fifteen percent (15%). The Village is hereby authorized to contact directly Developer's financial agent from time to time regarding the sufficiency of the financial guaranty. The termination date of the Letter of Credit, following acceptance by the Village shall be no earlier than one year following the date of issuance

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of permits for public improvement work by the Village. If the public improvements to be undertaken by Developer under this Agreement are not complete within one year following the issuance of permits for such work, for any reason including force majeure under Section 8.03 below and without regard to the fault of Developer, then Developer's obligation to provide a letter of credit shall be extended through the completion of the work and its inspection and acceptance of dedication by the Village. After construction and total completion of the project and acceptance of the project by the Village Public Works & Highway Committee, the surety will be reduced to 10% of the actual cost of construction for a period of one (1) year (the guaranty period). In the event the original surety would, by its terms, expire prior to the end of the one year guaranty period, or if the guaranty period is extended due to repairs of defects as provided in Sec 7.01, a new surety shall be issued to cover the remaining guaranty period for the 10% of actual original construction costs.

6.02 FORM. The form of the letter of credit shall be approved by the Village Attorney prior to acceptance of the letter of credit by the Village as satisfying Developer's obligation as provided in Section 6.01 above.

6.03 LIABILITY NOT RELEASED. All deposits or Letters of Credit given hereunder are security devices only which in no manner limit the liability of Developer to the Village, however arising and regardless of the amount.

6.04 RESERVATION OF ASSESSMENT RIGHTS. In addition to the remedies for default provided to the Village by this financial guaranty, the Village reserves the right without notice or hearing to impose special assessments or charges for any amounts to which it is specifically entitled by virtue of this Agreement for improvements specifically provided for herein upon the property described in Exhibit A attached hereto. Such special assessments or charges shall be collected on the next succeeding tax roll as are other special assessments or charges. This provision constitutes Developer's Waiver of Notice and Consent to all special assessment or special charges proceedings which may be required by law.

6.05 REMEDIES. At the option of the Village, a material breach of this Agreement shall result in the Village having the right to revoke any and all occupancy or use permits, or to rescind any zoning granted in consideration of the proposed project. Compliance with this contract shall be deemed a condition of any such zoning, which shall revert to the original zoning classification upon action of the Village Board under authority of this provision. As an alternative

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thereto, and at the option of the Village the Village may impose a liquidated damage penalty in the amount of \$500.00 per diem as until such time as there shall be compliance. In addition, the Village shall have the right to remedy such breach at its expense and assess the cost thereof against the subject property. All remedies as stated herein shall be deemed alternative remedies, and cumulative as and to such other remedies in law or equity as the Village may assert and herein reserves.

ARTICLE VII - GUARANTEE AND INDEMNIFICATION

7.01 GUARANTEE OF IMPROVEMENTS. Developer shall guarantee all dedicated improvements against defects due to faulty materials or workmanship which appear within one (1) year from the date of Final Acceptance by the Village, as provided in Article III of this Agreement. Developer shall repair or replace any such improvements as required by the Village Engineer to eliminate such defects and shall pay for all damages to Village property resulting from such defects. Each repair or replacement performed pursuant to this paragraph shall be guaranteed for one (1) year from the completion thereof.

7.02 GENERAL INDEMNIFICATION. Developer shall indemnify and hold the Village harmless against and from any and all liability, judgments, costs and expenses incurred by the Village as the result of any action by whomsoever or whenever brought or obtained against the Village or Developer, or both, which may in any manner result from or arise in the course of, out of, or as a result of the carelessness, negligence or neglect of Developer, its agents, contractors or employees. In every case where judgment is recovered against the Village and where notice of the pendency of the suit and an opportunity to defend the same has been given to Developer within ten (10) days after its commencement, the judgment shall be conclusive upon Developer, not only as to the amount of damages, but also as to its liability to the Village.

7.03 CONTRACTOR INSURANCE. Contractors engaged by Developer to perform the work required by this Agreement within public rights-of-way shall, prior to commencing such work, submit to the Village proof of the following:

- (1) Unemployment and Workers' Compensation insurance which is in strict compliance with state laws.

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- (2) Personal and public liability insurance having limits of not less than \$1,000,000.00.
- (3) Property damage insurance having limits of not less than \$500,000.00.
- (4) Fire and extended coverage which shall insure against losses and damage to completed work, materials or equipment until the same has been accepted by the Village.

7.04 INDEMNIFICATION FOR ENVIRONMENTAL CONTAMINATION:
Developer shall indemnify, and hold the Village and its officers, agents and employees harmless from and against any and all losses, damages, costs, expenses, liabilities, obligations, claims or suits (including, without limitation, reasonable attorneys' fees, punitive damages, fines, penalties and consequential damages) resulting from or relating in any way to the presence of toxic or hazardous material or substances present or suspected to be present in or on the real property dedicated or conveyed to the Village, pursuant to, or in connection with the platting/subdivision of Developer's Property as more specifically detailed in the terms of this Agreement. For purposes of this Agreement, "toxic or hazardous material or substances" is defined as any pollutant, contaminant, waste or toxic or hazardous chemicals, wastes or substances, including, without limitation, asbestos, urea formaldehyde insulation, petroleum, PCBs, lead, air pollutants, water pollutants, soil pollutants and other substances defined as hazardous or toxic or words of similar import under federal, state or local statute, rule, regulation or order of any government entity having jurisdiction over the control of such wastes or substances.

Upon the Village becoming aware of the occurrences of any event or the existence of any state of facts in respect of which the Village has or will have a claim for indemnification under this Section 7.04 ("Claim"), as soon as reasonably practicable thereafter:

- (a) the Village shall provide Developer notice of the losses, damages, costs, expenses, liabilities, obligations, claims or suits (including, without limitation, reasonable attorney's fees, punitive damages, fines, penalties, and consequential damages) as and when reasonably apprehended. Notwithstanding anything to the contrary contained herein, the Village's failure to timely notify Developer shall not prevent or in any way impair recovery by the Village unless Developer is materially prejudiced

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as a result of such failure;

- (b) subject to paragraphs (c) through (f) below, Developer diligently, at its own expense, shall control and shall be responsible for the defense, negotiation and/or settlement of the Claim, including the diligent performance of any remediation associated therewith;
- (c) the Village may at its own expense hire counsel or consultants to monitor the Claim;
- (d) Developer shall not, without the prior written consent of the Village, which consent shall not be unreasonably delayed, withheld or conditioned, settle any Claim;
- (e) Developer shall lose its right to defend, negotiate and settle any Claim if, in the reasonable judgment of the Village, it fails to diligently defend, negotiate or settle such Claim. In the event that Developer has lost its right to defend, negotiate or settle any Claim: (i) the Village shall have the right, without prejudice to its right of indemnification hereunder, at Developer's cost and expense, to defend, negotiate and settle any Claim, and (ii) Developer shall pay such reasonable costs and expenses incurred by the Village within twenty (20) days of receipt of written notice from the Village;
- (f) If Developer does not timely assume responsibility for any Claim, the Village shall have the right, without prejudice to its right of indemnification hereunder, at the sole cost and expense of Developer, to assume control of the defense, negotiation and/or settlement of the Claim, and may engage counsel or other agents, consultants, and contractors to contest, defend, settle or otherwise dispose of such Claim, including, without limitation, hiring any environmental consultant or contractor to perform any remediation necessary to address the Property or the toxic or hazardous materials or substances at the Property.

ARTICLE VIII - TIME OF COMPLETION

8.01 COMPLETION DATE. The work required by this Agreement shall be completed by Developer not later than one (1) year after acceptance of this Agreement by the Village Board.

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8.02 DEFAULT. In the event Developer does not complete installation of the public improvements required by this Agreement within thirty (30) days after the Village has served notice of default upon Developer, the Village may complete the same and take title thereto. The costs of doing such work shall be collected as provided in Article VI of this Agreement.

8.03 FORCE MAJEURE. Notwithstanding anything herein to the contrary, in the event that Developer is delayed or hindered in or prevented from the performance of any act required hereunder by reason of strikes, lockouts, labor troubles, inability to procure materials, failure of power, restrictive governmental regulations, orders or decrees, riots, insurrection, war, acts of God, inclement weather, or other reasons beyond Developer's reasonable control, then performance of such act shall be excused for the period of the delay and the period for the performance of any such act shall be extended for the period of such delay.

8.04 SUNSET CLAUSE. The conditions of this Agreement shall terminate two (2) years after Village Board approval unless construction has begun or amended in writing by both parties.

ARTICLE IX - GENERAL PROVISIONS

9.01 PLATTING REGULATIONS. All provisions of the Village's subdivision and platting code as set forth in Chapter 18 of the Municipal Code of the Village which are not inconsistent with or in conflict with any of the provisions of this Agreement are incorporated herein by reference and all such provisions shall bind the parties hereto and be a part of this Agreement as fully as if set forth herein. This Agreement, shall be performed and carried out in strict compliance with and subject to the provisions of Chapter 18.

9.02 APPROVAL TERMS. The approvals granted by the Village for the Developer, are conditioned upon the fact that the Developer's use is not tax-exempt and shall be subject to general property taxation; No tax-exempt use is authorized by the aforesaid approvals.

9.03 AGREEMENT FOR BENEFIT OF PURCHASER. Developer agrees that in addition to the Village's rights herein, the provisions of this Agreement shall be for the benefit of the purchaser of any dwelling unit, building, lot or parcel of land within the Development.

HERITAGE PARK NORTH SUBDIVISION
DEVELOPMENT AGREEMENT

9.04 ENTIRE AGREEMENT. This written Agreement and written amendments and any referenced attachments thereto shall constitute the entire agreement between the Developer and the Village.

9.05 AMENDMENTS. This Agreement may be amended or modified only by an instrument in writing executed by all of the parties to this Agreement.

9.06 OWNERSHIP. Developer certifies and warrants to the Village that all of the owners of the real estate within said Development and all of the land contract vendors and/or mortgagees having interest in said real estate are as follows: Heritage Park Development Corp.

9.07 AUTHORITY. Developer, by the undersigned, represents, certifies and warrants that the undersigned has the authority to bind Heritage Park Development Corp.

9.08 NO VESTED RIGHTS GRANTED. Except as expressly provided by law or as expressly provided by this Agreement, no vested rights in connection with this project shall inure to the Developer, its heirs, successors or assigns.

9.09 NO WAIVER. No waiver of any provision of this Agreement shall be deemed to constitute a waiver of any other provision, nor shall it be deemed or constitute a continuing waiver unless expressly provided for by a duly signed and executed, written amendment by all parties to this Agreement. The Village's failure to act or exercise any right under this Agreement shall not constitute the approval or a waiver of its right to act or exercise any right under this Agreement or a ratification of any wrongful or negligent act by the Developer or the acceptance of any improvement or performance on the part of the Developer.

9.10 APPROVAL. No approval by the Village Engineer or the Village attorney or any other person acting on behalf of the Village shall be construed as a waiver of any of the requirements of the Ordinances, or any statute or regulation governing the improvements.

9.11 COVENANTS AND DEED RESTRICTIONS. All proposed covenants and deed restrictions shall be submitted to and be approved by the Village Attorney prior to recording, and shall include the following:

HERITAGE PARK NORTH SUBDIVISION
DEVELOPMENT AGREEMENT

- (1) ELEVATIONS. A requirement that the lot owner set the final yard grade, building elevations and contours subject to the approval of the Villages Building Inspector and Engineer prior to construction. The lot owner shall also ensure that the lot is graded in accordance with such approval.
- (2) YARD LIGHTS. A requirement that the lot owners install a front yard light that is in conformance with § 18.08(12) of the Municipal Code subject to the approval of the Village Engineer.
- (3) LANDSCAPING. A requirement that each individual lot owner is responsible for installing the minimum landscaping required under § 17.43(5) of the Municipal Code.
- (4) OWNER RESPONSIBILITY. A requirement that a Homeowner's Association is created comprised of all lot owners for purposes of assuming the perpetual maintenance of all privately owned storm water management basins, storm sewer, ditches, and swales required under Section 1.08 above, and, other privately owned improvements including the monument entrance sign(s) and commonly owned outlots and open spaces.
- (5) VILLAGE REMEDIES. The Village shall have the right to remedy deficiencies under the preceding paragraphs, the right to charge Developer for costs incurred and the right to enforce collection of such amounts in accordance with § 66.0627 of the Wisconsin Statutes.
- (6) ENVIRONMENTAL. A requirement that the wetland, contained within Outlot #1, depicted on the subdivision plat is to be preserved and protected from development and any uses or activities that would damage or destroy the natural resource features, wildlife and associated habitat therein, including but not limited to, the unnecessary removal of trees or other vegetation, the use of motorized vehicles, recreational hunting, etc.

HERITAGE PARK NORTH SUBDIVISION
DEVELOPMENT AGREEMENT

"In Duplicate"

VILLAGE OF GERMANTOWN

By _____
Dean Wolter, Village President

By _____
Deanna Braunschweig, Village Clerk

Per Village Board Approval: Dated _____

STATE OF WISCONSIN)
) SS
_____ COUNTY)

Personally came before me this ____ day of _____, 2019, the above-named, Dean M. Wolter, Village President, and Deanna Braunschweig, Village Clerk, to me known to be the persons who executed the foregoing instrument and to me known to be the persons who executed the foregoing instrument in such capacity and acknowledged the same.

By _____
Print Name: _____
Notary Public, State of Wisconsin
My Commission Expires:

HERITAGE PARK NORTH SUBDIVISION
DEVELOPMENT AGREEMENT

Approved as to form:

Brian C. Sajdak, Village Attorney

This instrument was drafted by:
Lawrence W. Ratayczak, P.E., Director of Public Works

Revised: July 31, 2019

HERITAGE PARK NORTH SUBDIVISION
DEVELOPMENT AGREEMENT

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

BEING ALL OF THE OUTLOT OF CERTIFIED SURVEY MAP NO 4988 AND LOT 6 OF HERITAGE PARK, BEING PART OF THE NE. $\frac{1}{4}$, NW. $\frac{1}{4}$, SE. $\frac{1}{4}$ AND SW. $\frac{1}{4}$ OF THE NW. $\frac{1}{4}$ OF SECTION 34, T.9N., R.20E., VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

HERITAGE PARK NORTH SUBDIVISION
DEVELOPMENT AGREEMENT

EXHIBIT B

PLAT

PRELIMINARY PLAT OF HERITAGE PARK NORTH

BEING ALL OF THE OUTLOT OF CERTIFIED SURVEY MAP NO. 4988 AND LOT 6 OF HERITAGE PARK, BEING PART OF THE NE 1/4, NW 1/4, SE 1/4 AND SW 1/4 OF THE NW 1/4 OF SECTION 34, T.9N., R.20E., VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

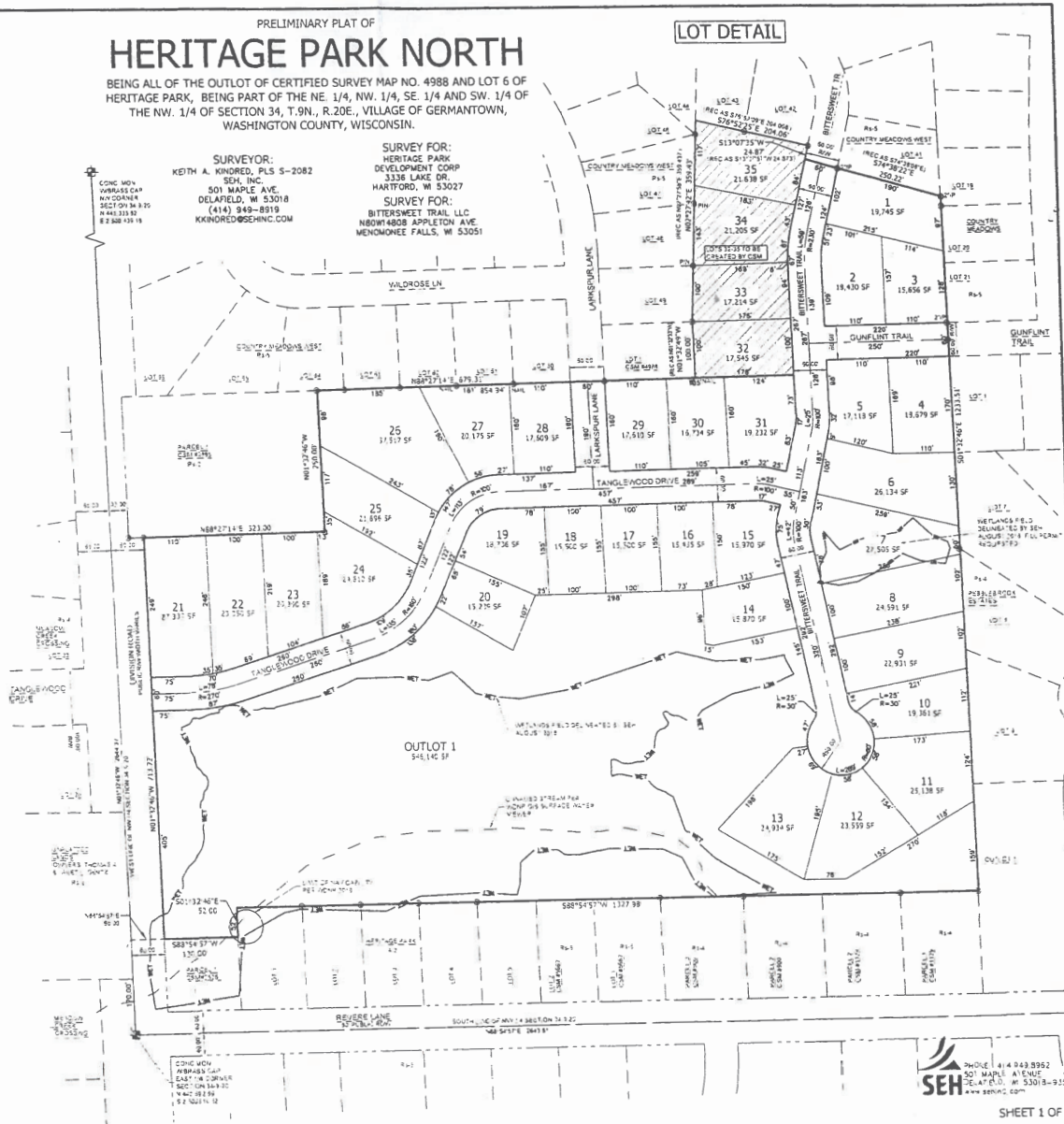
LOT DETAIL

GENERAL NOTES:

- 1) ALL EASEMENTS ARE GRANTED TO THE VILLAGE OF GERMANTOWN UNLESS OTHERWISE STATED. OUTLOT 1 IS ENCOMPASSED BY A DRAINAGE EASEMENT FOR STORM WATER FACILITIES.
- 2) EACH INDIVIDUAL LOT OWNER SHALL HAVE AN UNDIVIDABLE 1/35 FRACTIONAL OWNERSHIP IN OUTLOT 1.
- 3) WASHINGTON COUNTY SHALL NOT BE LIABLE FOR ANY FEES OR SPECIAL ASSESSMENTS IN THE EVENT THEY BECOME THE OWNER OF ANY LOT IN THE SUBDIVISION BY REASON OF TAX DELINQUENCY.
- 4) NO POLES, PADS BOXES OR BURIED CABLES ARE TO BE PLACED SUCH THAT THE INSTALLATION WOULD DISTURB ANY SURVEY STAKE. THE DISTURBANCE OF A SURVEY STAKE BY ANYONE IS A VIOLATION OF SECTION 236.32 OF WISCONSIN STATUTES.
- 5) AREA SHOWN IS ZONE X, AREA OF MINIMAL FLOODING, PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 55131 C03780, EFFECTIVE DATE NOVEMBER 20, 2013.
- 6) THE OVERALL AREA OF THIS PRELIMINARY PLAT IS 1,438,855 S.F., 32.88 AC. (FINAL PLAT WILL INCLUDE 1,388,895 S.F., 31.80 AC. THE AREA OF LOTS 32-38, TO BE CREATED BY CERTIFIED SURVEY MAP, IS 77,803 S.F., 1.78 AC.)
- 7) ALL ROADS WITHIN THE SUBDIVISION ARE DEDICATED TO THE PUBLIC.
- 8) WETLANDS DELINEATED BY SEH ON AUGUST 8, 2018.

SURVEYOR:
KEITH A. KNORR, PLUS S-2082
SEH, INC.
501 MAPLE AVE.
DELAFIELD, WI 53018
(414) 949-8919
KKNORR@SEHINC.COM

SURVEY FOR:
HERITAGE PARK
DEVELOPMENT CORP
3336 LAKE DR.
WATKINS, WI 53027
SURVEY FOR:
BITTERSWEET TRAIL, LLC
N80W14808 APPLETON AVE
MENOMONEE FALLS, WI 53051



KEITH A. KNORR, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT IN MY PROFESSIONAL OPINION PRELIMINARY PLAT IS A CORRECT REPRESENTATION OF ALL EXISTING LAND DIVISION FEATURES, AND THAT I HAVE COMPLIED WITH ALL APPLICABLE ORDINANCES IN PREPARING THE SAME.



SCALE 1" = 100'

BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 1983) GRID NORTH ON THE WEST LINE OF THE NW 1/4 OF SECTION 34-8-20 AS N01°32'48"W.
DISTANCES ARE COMPUTED TO THE NEAREST 0.01' AND MEASURED TO THE NEAREST 0.01'.
ANGLES ARE COMPUTED TO THE NEAREST 0°00'30" AND MEASURED TO THE NEAREST 0°00'30".



NW 1/4 SEC. 34-T9N-R20E

CONC. WDN
VERBALLY CAP
BY CONVEYOR
SECTION 34-8-20
1/4 AC. (18.75)
1/2 AC. (37.5)

SEH
PHONE: 414.949.8962
501 MAPLE AVENUE
DELAFIELD, WI 53018-9133
www.sehinc.com

HERITAGE PARK NORTH SUBDIVISION
DEVELOPMENT AGREEMENT

EXHIBIT C

LABOR & EQUIPMENT RATES

LABOR RATES -- 2019			
VILLAGE OF GERMANTOWN			
	Annual Hourly Rates		
POSITION DESCRIPTION	2017	2018	2019
Director of Public Works	\$73.65	\$75.12	\$77.00
Village Engineer	\$62.05	\$63.29	\$64.87
Project Engineer	\$53.45	\$54.52	\$55.88
Engineer Tech III / Land Surveyor	\$46.89	\$47.83	\$49.02
Land Surveyor/Survey Crew w/Robot	\$136.33	\$139.06	\$142.53
Highway Superintendent	\$53.13	\$54.19	\$55.55
Zoning Administrator/Planner	\$60.36	\$61.57	\$63.11
Civil Engineer	\$39.57	\$40.36	\$41.37
Record Drawing Documentation Preparation	\$47.06	\$48.00	\$49.20
Construction Inspection	\$47.06	\$48.00	\$49.20
Highway Maintenance Worker II	\$44.57	\$45.46	\$46.60
Highway Operators (Traffic Signals)	\$51.75	\$52.79	\$54.10
Water Superintendent	\$53.13	\$54.19	\$55.55
Waste Water Superintendent	\$53.13	\$54.19	\$55.55
Utility Operator	\$45.73	\$46.64	\$47.81
Clerical	\$36.05	\$36.77	\$37.69
NOTE: 2019 rates reflect a 2.5% increase to the 2018 wages.			

EQUIPMENT RATES -- 2019

VILLAGE OF GERMANTOWN

EQUIPMENT DESCRIPTION	Annual Hourly Rates		
	2017	2018	2019
Cruz-Air	\$64.07	\$65.99	\$67.97
Case Backhoe & Loader	\$37.82	\$38.95	\$40.12
Michigan Loader	\$48.33	\$49.78	\$51.27
Case/John Deer Loader/Snow Plow	\$81.95	\$84.41	\$86.94
Case/John Deer Loader/Snow Blower	\$111.36	\$114.70	\$118.14
Single Axle Dump Truck (5yd)	\$34.67	\$35.71	\$36.78
Single Axle Dump Truck w/Plow/Aux. Wing/Sander (5 yd)	\$55.68	\$57.35	\$59.07
Tandem Axle Dump Truck	\$46.23	\$47.62	\$49.05
Tandem Axle Dump Truck w/Plow/Aux. Wing/Sander	\$68.29	\$70.34	\$72.45
Quad Axle Dump Truck		\$85.00	\$87.55
1-Ton Patrol Truck (2-3 yd)	\$26.27	\$27.06	\$27.87
1-Ton Truck w/Plow	\$32.57	\$33.55	\$34.55
Truck w/Water Jetter w/Aux. Power Unit	\$52.53	\$54.11	\$55.73
Aerial Lift Truck	\$65.14	\$67.09	\$69.11
3500- Truck w/ Utility Box & Crane			\$65.00
Pickup Truck	\$20.49	\$21.10	\$21.74
Pickup Truck w/Plow	\$29.42	\$30.30	\$31.21
Self Propelled Vibrating Roller	\$39.92	\$41.12	\$42.35
Self Propelled Non-Vibratory Roller	\$36.77	\$37.87	\$39.01
185 cfm Air Compressor (Portable)	\$29.42	\$30.30	\$31.21
Street Sweeper 40 Hp w/Front Mounted Broom	\$38.87	\$40.04	\$41.24
Vacuum Sweeper	\$86.15	\$88.73	\$91.40
Vac All	\$90.35	\$93.06	\$95.85
Sewer line Televising Truck	\$121.87	\$125.53	\$129.29
Combination Sewer Machine (pipe jetter & vac)	\$147.08	\$151.49	\$156.04
Mini Excavator	\$51.50	\$53.05	\$54.64
Skid Steer Loader w/Bucket	\$33.62	\$34.63	\$35.67
Skid Steer Loader w/Snow Blower/Broom	\$36.77	\$37.87	\$39.01
20" Enclosed Trailer			\$15.00
REX Valve Turner			\$83.00
10' Utility Trailer			\$12.00
Tar Kettle	\$35.72	\$36.79	\$37.90
Motorized Mower (24" & Under)	\$13.93	\$14.35	\$14.78
Motorized Mower (25"-47")	\$19.44	\$20.02	\$20.62
Motorized Mower (48" & larger)	\$22.59	\$23.27	\$23.97
Tractor w/Sickle or Flail Mower	\$48.33	\$49.78	\$51.27

Chain Saw	\$12.88	\$13.27	\$13.66
Hydraulic Saw	\$12.88	\$13.27	\$13.66
Hydraulic Pruner	\$12.88	\$13.27	\$13.66
Chipper	\$42.02	\$43.28	\$44.58
Generator (225 Kw)	\$59.88	\$61.68	\$63.53
Generator (Under 10 Kw)	\$26.27	\$27.06	\$27.87
Trailer Mounted Vacuum Excavator & Valve Turner	\$88.25	\$90.90	\$93.62
6 " Pump/Hose	\$32.57	\$33.55	\$34.55
4" Pump/Hose	\$27.32	\$28.14	\$28.98
3" Pump/Hose	\$22.59	\$23.27	\$23.97
Barricades-----DAILY COST	\$3.15	\$3.24	\$3.34
Traffic Control Signs-----DAILY COST	\$1.58	\$1.63	\$1.68
NOTE: 2019 rates reflect a 3% increase of 2018 rates			

HERITAGE PARK NORTH SUBDIVISION
DEVELOPMENT AGREEMENT

EXHIBIT D

FINANCIALS

EXHIBIT "D"**HERITAGE PARK NORTH****Residential Single Family Subdivision**

ITEM DESCRIPTION	BASIS	ESTIMATED AMOUNT
Survey Monuments	1.02	\$500.00
Site & Street Grading	1.03 & 1.11	\$525,000.00
Gravel Base and Asphalt Binder Coarse	1.03	\$175,000.00
Asphalt Surface Coarse	1.03	\$60,000.00
Curb & Gutter	1.04	\$76,000.00
Walk Paths on Division Road	1.05	\$12,500.00
Sanitary Sewer System	1.06	\$455,000.00
Water System	1.07	\$400,000.00
Underground Utilities(elec, tele & cable)	1.09	\$52,500.00
Street Lights	1.1	\$15,000.00
Street Signs	1.08	\$2,000.00
Street Trees	1.11 & 2.04	\$10,000.00
Storm Water System & Ponds	1.12	\$240,000.00
Erosion Control & Landcape (turf)	1.13	\$24,000.00
SUB-TOTAL		\$2,047,500.00
DATA Conversion Fee (record drawings)	4.03	\$1,000.00 *
Improvement Review Fee:	4.03	\$29,343.75 *
Professional Fee (Attorney)	4.05	\$500.00 *
Inspection Fee Estimate (Actual based on construction time)	4.05	\$60,000.00 *
SUB-TOTAL		\$90,843.75
IMPACT & CONNECTION FEE'S TO BE PAID AT THE TIME OF BUILDING PERMIT ISSUANCE		
Sanitary Sewer (35 REC @ \$4,192 / REC)	4.02	\$146,720.00 **
Water (35 REC @ \$832 / REC)	4.02	\$29,120.00 **
Fire (35 REC @ \$171.00 / REC)	4.02	\$5,985.00 **
Police (35 REC @ \$148.00 / REC)	4.02	\$5,180.00 **
Park & Recreation (35 REC @ \$736.00 / REC)	4.02	\$25,760.00 **
Library (35 REC @ \$281.00 / REC)	4.02	\$9,835.00 **
		**
SUB-TOTAL		\$222,600.00
TOTAL (Letter of Credit Amount)		\$2,360,943.75
* Amount to be Paid at Time of Signing of Development Agreement		\$90,843.75
** Amount to be Paid at Time of Building Permit Issuance		\$222,600.00

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

MEETING DATE: August 5, 2019

AGENDA ITEM: Consent Agenda

ITEM TITLE: Consideration of purchase- Wastewater Utility Truck - Service Body and Crane

SUBMITTED BY: Public Works and Highways Committee

SUMMARY EXPLANATION:

The Public Works and Highways Committee is presenting for your review the proposals for the Wastewater Utility Truck Service Body and Crane:

Casper's Truck Equipment	\$48,532.00
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Brake and Equipment	\$48,635.00
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Olson Trailer and Body	\$42,436.00
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ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER

RECOMMENDATION:

It is the unanimous recommendation of the Public Works and Highways Committee to purchase a 2019 Knapheide 6132D5460J service body with crane as specified from Olson Trailer and Body. Funds will be distributed from account number 60-180-185-3730, Transportation Equipment. Funding for this item was approved in the 2019 capital budget for the Utility. This vehicle will replace truck 554 a 2006 GMC 3500. The existing truck has been requested by our mechanics to remain in the fleet as a shop vehicle for road emergencies. Total budget - \$78,000 + trade allowance- \$10,500.00 = \$88,500.00. Truck (approved June 5, 2019) \$44,096.00 + \$42,436.00 (Body) = \$86,532.00 - \$78,000 (budget) = \$8,532.00 to be reimbursed from Highway Budget in lieu of Trade in allowance.

BOARD 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 VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: Monday August 5th, 2019

AGENDA ITEM: Consent Agenda

ITEM TITLE: Change Order- Fahrner Asphalt Seal coat Contract

SUBMITTED BY: Jay Olszewski, Highway Superintendent

SUMMARY EXPLANATION:

Committee is bringing to the Committee's attention that there has been a change order to the 2018 seal coat contract with Fahrner Asphalt. The contract was expanded to include the micro surfacing of Willow Creek road from Amy Belle to Appleton Ave (approximately 15,500 square yards). Fahrner agreed to honor the 2018 unit price (\$2.68/ sq. yrd) for this additional work.

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER _____

RECOMMENDATION:

Staff recommends approving the change order in the amount not to exceed \$45,500. Funds shall be allocated from highway account 10-542-530-3505.

BOARD 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
N112 W17001 Mequon Road, P.O. Box 337
Germantown, WI 53022-0337
PHONE: (262) 250-4740 FAX: (262) 253-8255

OUTSIDE PREMISES EXTENSION
APPLICATION FOR AMENDMENT OF "CLASS B"
FERMENTED MALT BEVERAGE & INTOXICATING LIQUOR LICENSE
Processing Fee: \$25.00

See Policy & Procedure

Name of Licensed Premises: GERMROTH'S KUH BURG JUNCTION

Address: W140 N 10305 FOND DU LAC AVE

City/State/Zip Code: GERMANTOWN, WI 53022

Current Liquor License Number: 19-20113

Person in Charge of Event: JOHN R GERMROTH

Phone Number: 914-758-9065

E-Mail Address: JK GERMROTH @ WI.RR.COM

Purpose for requesting the outside extension:
PIG ROAST PARTY WITH OUTDOOR SERVING
STATION

Dates of Event: 8-10-19

Time of Event (Municipal Code regulations are limited to 10:00 p.m.): 3:00 PM - 10 PM

Describe area of outside extension (INCLUDE A DETAILED DRAWING OF THE AREA with dimensions):

BACK YARD AREA WITH SMOKING LOUNGE
AND TREN-WAY

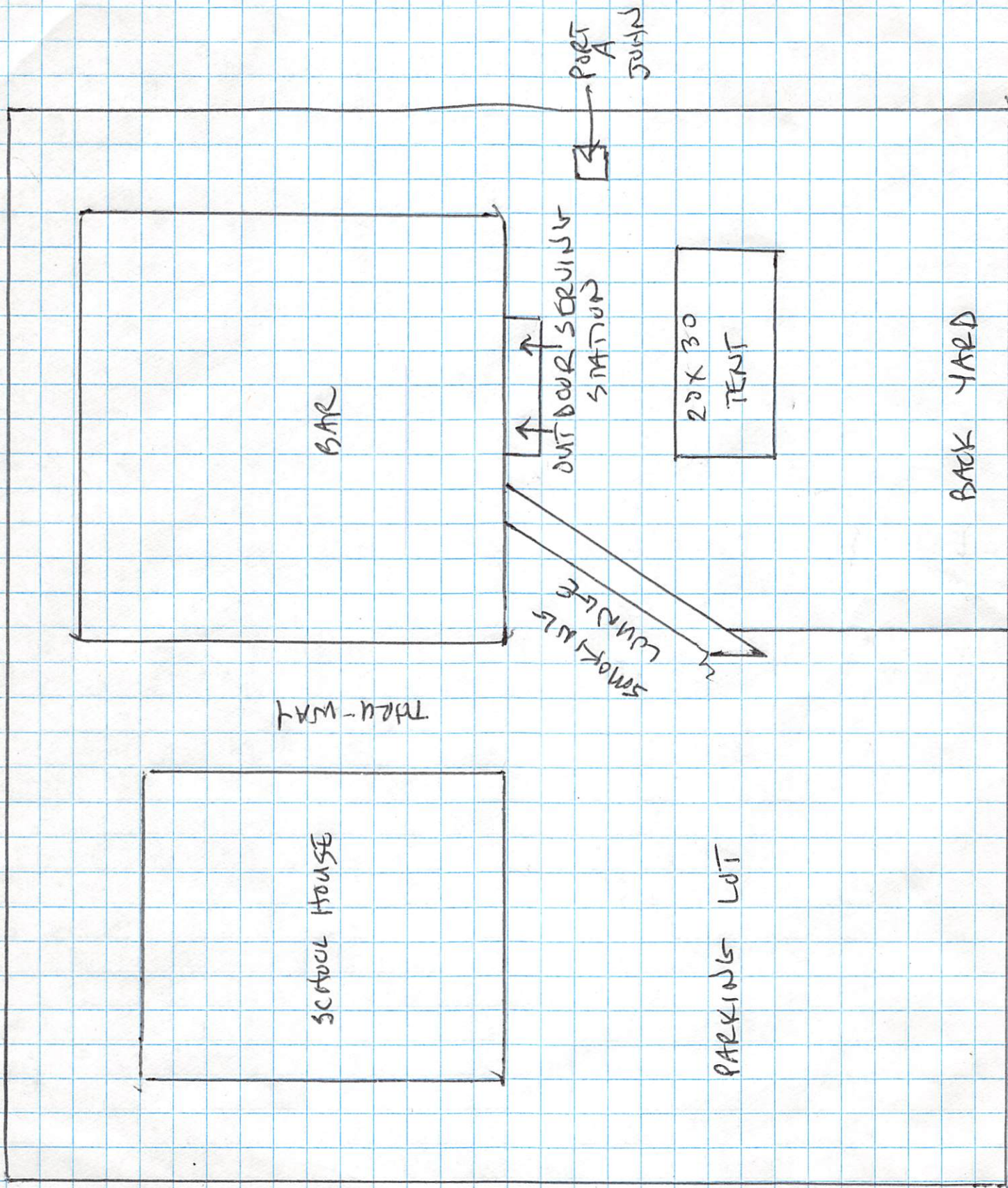
PLEASE NOTE: Additional permits or approvals may be required by other Village Departments (sign permits, temporary use permits, electrical permits, etc.). You are responsible for obtaining those permits prior to your event. Contact the Community Development Department at 262-250-4735 for further information.

I hereby certify that the answers on this application are complete, true and correct to the best of my knowledge and belief. I agree in the consideration of the granting of this license to comply with the laws of the State of Wisconsin and with all the provisions of the Municipal Code of Ordinances of the Village of Germantown and have read all legal and policy requirements provided to me with this application.

John R Germroth
Signature of Owner

7-22-19
Date

VILLAGE OF GERMANTOWN ADMINISTRATIVE USE ONLY:			
Date Clerk's Department mailed out 300' notices (Attach list of property owners that notices were sent to.):			
Police Chief Date Notified: <u>7-24-19</u> Approved or Denied (Circle One) Date:	Fire Chief Date Notified: <u>7-24-19</u> Approved or Denied (Circle One) Date:	Public Safety Meeting Date: <u>8-5-19</u> Approved or Denied (Circle One)	
Village Board Meeting Date: <u>8-5-19</u> Approved or Denied (Circle One)	License Number	Date Effective	Clerk / Deputy Clerk



BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: August 5, 2019

AGENDA ITEM:

ITEM TITLE: Approve Contract Change Order- Dielectric Public Utilities

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

SUMMARY EXPLANATION:

The land located in the northwest corner of Holy Hill Road and Goldendale Road is being developed by Dielectric Corp. This land and the land directly north to Rockfield Road are in need of public sanitary sewer and water main due to developments currently submitted to the Village. The sanitary sewer would be an extension of the sanitary sewer currently being installed on Holy Hill Road and the water main would be extended from the newly installed water main on Holy Hill Road. Due to the sensitive time frame of these developments and the current work being performed on Holy Hill Road staff feels the best method to get this project completed within the sensitive schedule and at the best cost is to add this work to the contract with Kruczek Construction. Staff has evaluated the most recent bids received for the work publicly bid in the last year on Goldendale Road and Holy Hill Road and Kruczek's unit prices where the lowest.

Staff is aware that the proposed amount exceeds 15% of the current contract (\$468,000.00) but staff also feels that the proposed unit prices are inline or lower than previous bids for the existing ground conditions and depth of utilities proposed for this work. Staff reviewed previous bid unit prices and evaluated the current bidding market. Bedrock is within 4.5' of the ground surface and ground water is present. In addition, the contractor can complete the work to coincide with the Developers' construction schedule. This work will also supply sanitary sewer and water main to the proposed development by Dickman Development. Corp at the southwest corner of Rockfield Road and Goldendale Road.

The Village staff requested a proposal from Kruczek Construction (attached) and the unit prices for the proposed work are inline with previous bid prices and scope of proposed work. Therefore, staff recommends that the Village award the additional work to Kruczek Construction.

ATTACHMENT: ORDINANCE____ RESOLUTION____ OTHER XX

- Proposal
- Location Map

RECOMMENDATION:

Staff recommends that the Public Works Committee approve awarding a Change Order to Kruczek Construction in the amount of \$872,494.00 and forward, with a positive recommendation, to the Village Board for approval.

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.

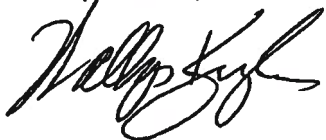
Number	Item	Unit	Quantity	Unit Price	Cost
Section 1 Sanitary (MH #14 to Proposed MH #18 on Holy Hill Rd)					
1	Rock Excavation	CY	0		0
2	15" Sanitary Sewer	LF	369	\$ 650.00	\$ 239,850.00
3	Connection to existing manhole	EA	1	\$ 6,900.00	\$ 6,900.00
4	48" Sanitary Manhole w/ outside drop	VF	22	\$ 840.00	\$ 18,480.00
SubTotal:				\$	265,230.00
Section 2 Sanitary Sewer and Water Main (MH #18 north to end of Dielectric site/sta 17+64.6)					
1	12" Sanitary Sewer (GRBF)	LF	570	\$ 360.00	\$ 205,200.00
2	12" Sanitary Sewer (SPBF)	LF	145	\$ 161.00	\$ 23,345.00
3	8" Sanitary Lateral	LF	33	\$ 170.00	\$ 5,610.00
4	Sanitary MH (2)	VF	30	\$ 630.00	\$ 18,900.00
5	Rock Excavation	CY	530	\$ 97.00	\$ 51,410.00
6	12" PVC Water Main (GRBF)	LF	647	\$ 120.00	\$ 77,640.00
7	12" PVC Water Main (SPBF)	LF	145	\$ 75.00	\$ 10,875.00
8	Connect to existing 16" WM live tap	EA	1	\$ 8,500.00	\$ 8,500.00
9	Hydrant Assemblies	EA	3	\$ 5,800.00	\$ 17,400.00
10	8" PVC Water Service	LF	21	\$ 153.00	\$ 3,213.00
11	8" Gate Valve	EA	1	\$ 1,850.00	\$ 1,850.00
12	12" Gate Valve	EA	2	\$ 2,500.00	\$ 5,000.00
13	Rock Excavation	CY	235	\$ 97.00	\$ 22,795.00
SubTotal:				\$	451,738.00
Section 3 Sanitary Sewer and Water Main (sta 17+64.6 to north end of property)					
14	12" Sanitary Sewer	LF	299	\$ 161.00	\$ 48,139.00
15	Sanitary MH (1)	VF	21.5	\$ 598.00	\$ 12,857.00
16	Rock Excavation	CY	620	\$ 97.00	\$ 60,140.00
17	12" PVC Water Main (SPBF)	LF	270	\$ 75.00	\$ 20,250.00
18	12" Gate Valve	EA	1	\$ 2,500.00	\$ 2,500.00
19	Rock Excavation	CY	120	\$ 97.00	\$ 11,640.00
SubTotal:				\$	155,526.00

Note: Trench Spoils need to be hauled off for work on Holy Hill Rd Total \$ 872,494.00

Trench spoils north of Holy Hill Rd are to be cast for developer to move and place

Landscaping, Blacktop Pavement paid per Phase 2

Wally Kruczek , Vice President



VILLAGE OF GERMANTOWN

ENGINEERING DEPARTMENT

TID 8 PHASE 3 SANITARY SEWER AND WATER MAIN

PROJECT NO. 1914
PLAN OF PROPOSED IMPROVEMENTS



Deanna Braunschweig

From: Janice Wick
Sent: Thursday, July 25, 2019 4:19 PM
To: Deanna Braunschweig
Subject: Public Works Agenda Items for Village Board - Aug. 5, 2019

CONSENT AGENDA:

DEVELOPER AGREEMENT – HERITAGE PARK NORTH SUBDIVISION:

MOTION made by Zabel, seconded by Hughes to forward to the Village Board with a positive recommendation to approve the Heritage Park North Subdivision Developer Agreement.
Motion carried unanimously.

WASTEWATER UTILITY – SERVICE BODY PURCHASE:

MOTION made by Warren, seconded by Zabel to forward to the Village Board with a positive recommendation authorizing the purchase of a 2019 Knapheide service body with crane from Olson Trailer and Body for an amount of \$42,436.00. Funds to be allocated from Acct. #60-180-185-3730.
Motion carried unanimously.

CHANGE ORDER – FAHRNER ASPHALT SEALCOAT CONTRACT:

Motion made by Warren, seconded by Hughes to forward to the Village Board with a positive recommendation approving the change order to the 2018 Seal Coat project to include micro surfacing of Willow Creek Road from Amy Belle Road to Appleton Ave. for an amount not to exceed \$45,000.
Motion carried unanimously.

NEW BUSINESS:

CHANGE ORDER – DIELECTRIC UTILITIES:

MOTION made by Warren, seconded by Kaminski to forward to the Village Board with a positive recommendation to approve a contract change order to Kruczek Construction for an amount of \$872,494.00 for the extension of public sanitary sewer and watermain to the north property line of the Dielectric Co. parcel.
Motion carried 3-1 (Zabel)

Regards,

Janice
DPW/Engr.
Village of Germantown
262-250-4721

A Review of Municipal Tourism Commissions and Room Tax Collections

Andrew Martin: Administrative Intern – Village of Germantown

August 2019

Introduction

For the past several decades, local governments have been allowed to levy taxes on hotels, motels, and motor lodge rooms that reside within their jurisdiction. Over the past several years and through various legislative changes, the taxation rate, scope, and use of funds collected from these room taxes have been reformed, with the most notable and recent revisions occurring in 2015 with the state's two-year biennial budget. According to Wis. Stats. §66.0615, the following is a list of major provisions for room tax collections in Wisconsin municipalities:

- Room tax rate capped at 8% (with some exceptions for various municipalities)
- Up to 30% of tax revenues may be used for municipal budget general fund activities
- At least 70% of tax revenues (or revenues not held in GPR for grandfathered communities) must be used for "tourism promotion and tourism development" which includes:
 - Marketing projects, including advertising media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motorcoach groups.
 - Transient tourist informational services.
 - Tangible municipal development, including a convention center.
- Funds collected from room taxes for tourism promotion and tourism development must be forwarded to either a commission or tourism entity, of which one of the members must be a representative from the local tourism industry
- Must file a report with the Wisconsin Department of Revenue (DOR) on tax revenue and expenses of over \$1000¹

Germantown is in a class of communities allowed to exceed the 30% GPR cap due to collecting room taxes before state law changes in 1994 and operating under a "grandfather clause."

- Beginning in 2015, communities allowed to exceed the 30% cap were restricted in retaining the full dollar amount they collected and stepped down over a five-year period. For example, Germantown can keep in GPR the amount of money in FY2019 equal to their collections in 2012, FY2020 equal to collections in 2011, and FY2021 and beyond equal to their collections in 2010. Additional monies collected must be sent to the tourism commission.
- Additionally, in Germantown, only the first 5% of room tax collections are held to the grandfather clause. Because Germantown currently operates a 6% room tax, the 1% difference is divided in the 70/30 split as dictated in current law.

While state statute defines the creation, appointment of members, and structure of a municipal tourism commission, considerable local discretion is allowed in creation of additional rules, fund usage, and overall continuous appointment length of commission members. Additionally, communities can designate a third-party entity such as a visitor's bureau as the recipient of their tourism portion of room

¹ Wisconsin State Statute – Room Taxes: <https://docs.legis.wisconsin.gov/statutes/statutes/66/VI/0615>

tax receipts. With such a high level of individualization of both structure and use of local room tax receipts, comparing communities across Wisconsin can be challenging to accomplish.

Considering these challenges, this report attempts to provide the following information:

- A review of the structure and use of funds of tourism commissions in communities across Wisconsin that are comparable to Germantown
- Case studies on communities across Wisconsin with varying models and uses of tourism commission tax receipts
- Recommendations on best practices for a local municipal tourism commission

Models of Municipal Tourism Commissions in Wisconsin

Using Wisconsin State Department of Revenue room tax reports, as well as information from local government websites, research was conducted on communities comparable to Germantown in population, regional location, as well as room tax collections.² Utilizing this criteria, research was conducted on the structure of tourism commissions and use of room tax receipts of the following municipalities across Wisconsin:

Ashwaubenon	Greenfield	Mount Pleasant	Sun Prairie
Brookfield	Hartford	Muskego	Verona
Caledonia	Howard	Oak Creek	Watertown
Cudahy	Marshfield	Onalaska	Wauwatosa
De Pere	Mequon	Pleasant Prairie	West Allis
Franklin	Middleton	South Milwaukee	Wisconsin Rapids

Initial research concluded that municipalities all engaged in highly individualized methods of fund utilization, reporting methods, and local governing bodies which constituted a municipal tourism commission by statutory definition. Even with this high level of individualization, themes did emerge in how various municipalities structured their respective tourism commissions or directed at least 70% of room tax receipts towards tourism activities. For the purposes of this report, these themes were classified and named based upon the overall makeup of the commission and general use of tourism promotion funds. As there is no statutory distinction made on the structure of a municipal tourism commission or how funds are directed to various agencies, these various classifications are not found in reports from DOR or state statute.

Classifications of Commissions

Throughout the course of initial research, two primary definitions emerged for how various municipalities structured their tourism commissions:

- Third Party Entity – These organizations serve as the defacto commission for a municipality and make decisions regarding the 70% room tax receipts a community collects – typically a convention and visitors bureau or local chamber of commerce serves this function.
- Traditional Commission – These commissions are structured in accordance with Wis. Stats. §66.0615.

The use of a traditional commission can further be broken down into categories that describe their overall function as it relates to the scope of their activities in directing expenditures:

- Pass-Through Body – These commissions exist as government entities and fulfill the statutory requirements of a tourism commission but serve as a filter for funds to be directed to other organizations, typically a convention and visitors bureau or local chamber of commerce.

² Room tax reports can be found for municipalities by reporting year on the DOR website:
<https://www.revenue.wi.gov/Pages/Report/m.aspx>

- Autonomous Commission – These commissions generally receive the full 70% of room tax revenue and have control over the use of tourism funds.

Autonomous commissions themselves are utilized in different ways from municipality to municipality. Further classifying the use of this style of commission is beneficial in understanding how municipalities engage in funding regional entities such as regional visitors' bureaus or instead focus on local efforts.

- Regional Donor – These commissions dedicate a portion of their dollars to regional visitors' bureaus or commissions but keep a substantial portion to engage in local activities that are municipality specific.
- Local Donor – These commissions make small dollar donations to various community organizations through an internal grant process or hire consultants to work on tourist activities that are almost entirely strictly related to the municipality.

With these definitions in place, we can provide a definition and example to the Village of Germantown:

Germantown

Municipality	Population (2010)	Commission Type	Commission Structure	Tax Percent	Collections
Germantown	20027	Traditional	Local Donor	6%	\$299,473 - \$78,040 to Tourism Commission *Grandfathered to exceed 30% GPR cap

The Village of Germantown Tourism Commission is a quintessential example of the “local donor” style of traditional tourism commission, with the Village Board President selecting commissioners for a one-year term of service, one of whom must be a representative of the tourism industry. Generally, funds are primarily disbursed to organizations who are engaging in local activities such as civic or community events.³ Because the village collected room taxes prior to 1994, they are allowed to retain more than 30% of their room tax dollars as GPR, which in 2018 was equal to collections in FY2013. However, starting in FY2021 with collections equal to those in FY2010, this number will be capped. Additional dollars collected beyond these capped number must be allocated to the tourism commission.

³ Germantown Municipal Code:

https://library.municode.com/wi/germantown/codes/code_of_ordinances?nodeId=GEWI_CH1GEGO_SUBCHAPTE_R_IIBOCO_1.378GETOCOCROR08-07AMOR20-07AMOR25-07AMOR04-16

Case Studies – Structure of Tourism Commissions and Uses of Tourism Funds

From an initial list of 24 municipalities that were researched for both structure and use of tourism commission funds, six were further investigated as case studies for how various structures of commissions and tourism fund expenditures could be utilized – Wisconsin Rapids, Watertown, Middleton, Wauwatosa, Hartford, and West Allis.

These specific communities were selected based upon their commission type, commission structure, geographic location relative to Germantown, or geographic location within Wisconsin that is in a comparable relative location to Germantown. Additionally, several of these communities have well defined processes for the use and utilization of tourism commission funds and can serve as templates for other communities who are seeking to emulate their overall function and style of operation.

Several communities initially investigated were determined to not be well suited for comparison purposes to Germantown. First, the Cities of Mequon, South Milwaukee and Muskego all do not have 2018 annual reports on the DOR website, indicating they do not collect room tax receipts. Additionally, the communities of Howard, Ashwaubenon, and De Pere are all located within Brown County and allowed to exceed the 8% cap on room tax receipts. Last, some communities such as Mount Pleasant are presently in the process of changing the structure of their commission or where revenues are directed, rendering comparisons to 2018 data difficult in the future.

The information in the following table comes from filed 2018 reports to DOR on room tax collections and disbursements for municipalities, as well as local government websites and provides a quick comparison between these communities for their commission type, structure, room tax percent and overall room tax collections:⁴

Table 1

Municipality	Population (2010)	Commission Type	Commission Structure	Room Tax Percent	Collections (Total)
Wisconsin Rapids	18435	Third-Party	Convention and Visitors Bureau	8%	\$323,926 - \$226,748 - Wisconsin Rapids Area Convention and Visitors Bureau
Watertown	23861	Traditional	Pass-Through to Chamber of Commerce	5%	\$135,959 - \$95,171 to Tourism Commission
Middleton	16331	Traditional	Regional Donor	8%	\$2,176,597 - \$152,363 to Greater Madison Convention and Visitors Bureau, \$100,000 to Madison Areas Sports Commission, \$1,523,618

⁴ Municipal information obtained from the Wisconsin Department of Revenue:
<https://ww2.revenue.wi.gov/VaultPublic/publish/rt/report.html?year=2018>

					to Middleton Tourism Commission
Wauwatosa	46396	Traditional	Regional Donor	7%	\$1,512,408 - \$381,872 to VISIT Milwaukee, \$520,324 to Tourism Commission
Hartford	14227	Traditional	Pass-Through to Chamber of Commerce, BID, Airport, Local Arts Center	7%	\$127,224 - \$25,190 to Chamber of Commerce, \$22,951 to BID, \$6,200 to Activity Center, \$50,890 to Airport
West Allis	60411	Traditional	Local Donor	6%	\$296,659 - \$207,661 to West Allis Tourism Commission

These communities can be further investigated to better understand how their commission type and structure function, as well as understand what types of expenditures they have engaged in promoting tourism activities under Wis. Stats. §66.0615.

Wisconsin Rapids

Municipality	Population (2010)	Commission Type	Commission Structure	Room Tax Percent	Collections (Total)
Wisconsin Rapids	18435	Third-Party	Convention and Visitors Bureau	8%	\$323,926 - \$226,748 - Wisconsin Rapids Area Convention and Visitors Bureau

The Village of Wisconsin Rapids serves as a comparable community to Germantown in both population and receipts from room taxes. Like several communities across Wisconsin they have elected to send the full 70% of their room tax receipts for tourism activities directly to their local community visitors bureau and forgo any direct municipal involvement in how the tourism portion of their room tax dollars are spent.⁵ With minimal government oversight, and only purchases over \$1000 needing to be reported to the state, reports filed to DOR indicate expenditures by the Wisconsin Rapids Area Visitors Bureau are broad and range from printing materials and mailings to loan payments and insurance costs for the operation of the bureau.⁶

Watertown

Municipality	Population (2010)	Commission Type	Commission Structure	Room Tax Percent	Collections (Total)
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⁵ 20189 Wisconsin Rapids budget summary – Pg. 98:

https://www.wirapids.org/uploads/1/0/3/3/103347874/2019_departmental_budgets.pdf

⁶ Wisconsin Rapids Expenditures of greater than \$1000:

<https://www2.revenue.wi.gov/VaultPublic/publish/rt/report.html?year=2018>

Watertown	23861	Traditional	Pass-Through to Chamber of Commerce	5%	\$135,959 - \$95,171 to Tourism Commission
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The City of Watertown serves as an example of municipality that has a traditional tourism commission but uses the body as a pass-through to a third-party organization. This style of commission operates in a similar fashion to the third-party style but offers the municipality the ability to “check” and potentially have a limited scope of control over the use of funds.

In Watertown, the collection of room taxes are directed to the city with municipal code designating that an advisory tourism commission be created by the chamber of commerce to give direction on spending the city’s 70% of tax revenue directed towards tourism.⁷ However, the language used in their city municipal code does retain some control of these funds by the common council for ongoing expenditures that are within the city budget as well as giving final spending approval for any funds to the finance committee. The legality of this arrangement post 2015 is unclear, as the commission itself is technically required to retain full control over tourism dollars.

In this municipality’s pass-through style of commission, the municipality’s tourism commission is the name that appears on reports from DOR, but the service is contracted out to a third-party. On February 3rd, 2018, the City of Watertown entered into a two-year agreement with the Watertown Area Chamber of Commerce to provide services related to tourism to the city.⁸ The mutual agreement signed between the City of Watertown and chamber of commerce indicates the methodology of payments and dates that payments are to be made to the chamber.⁹ In Watertown, reports on the DOR site note that taxes collected were sent to the Watertown Tourism Commission and expenditure reports of over \$1,000 notes several payments to the Chamber of Commerce.

Middleton

Municipality	Population (2010)	Commission Type	Commission Structure	Room Tax Percent	Collections (Total)
Middleton	16331	Traditional	Regional Donor	8%	\$2,176,597 - \$152,363 to Greater Madison Convention and Visitors Bureau, \$100,000 to Madison Area Sports Commission, \$1,523,618 to Middleton Tourism Commission

⁷ Watertown Municipal Code on Room Tax Collections and use of the Chamber of Commerce as Tourism Commission: <https://ecode360.com/29269460>

⁸ Watertown Agreement for Tourism Promotion: <https://www.ecode360.com/documents/WA3515/public/456624524.pdf>

⁹ Watertown Expenditures of greater than \$1000: <https://ww2.revenue.wi.gov/VaultPublic/publish/rt/report.html?year=2018>

The City of Middleton is a suburb located on the west side of the City of Madison in Dane County with a traditional tourism commission structure. While slightly smaller than Germantown in population, they have considerably larger revenue collections from their room taxes as the largest hotel and convention center in Dane County, the Madison Marriott West, as well as several smaller hotels near this convention center are within their city limits. This makes Middleton a community with some of the highest room tax revenue in Wisconsin.

Middleton is a primary example of what this report calls a “regional donor commission” in that substantial support to other regional organizations is provided by the community tourism commission’s 70% allocation of room tax funds. Along with funding their own tourism commission, Middleton’s funds are disbursed to the Madison Area Sports Commission, a group which comprises five municipalities around Madison, as well as Dane County, and the Greater Madison Visitors and Convention Bureau.¹⁰ These organizations provide a substantial benefit to Middleton with numerous hotel stays being generated by these organizations and the activities they promote. However, while sizable percentages of the commission’s tourism revenue are dedicated to these other entities, the vast majority of room tax revenue is kept within the municipality itself and funds various activities through the commission’s own discretion.

The structure of the Middleton Tourism Commission itself is traditional with the commission retaining control over their own funds. According to filings from DOR, the Middleton Tourism Commission provides support to various community organization events and dedicates substantial resources towards community branding and marketing campaigns, including numerous promotional activities within their own community such as street banners and advertisements.¹¹

Wauwatosa

Municipality	Population (2010)	Commission Type	Commission Structure	Room Tax Percent	Collections (Total)
Wauwatosa	46396	Traditional	Regional Donor	7%	\$1,512,408 - \$381,872 to VISIT Milwaukee, \$520,324 to Tourism Commission

The City of Wauwatosa is a suburb of Milwaukee located on the western edge of Milwaukee County. Like the City of Middleton, they have a traditional commission and are considered a “regional donor” in this report as they make disbursements to the regional visitors’ bureau VISIT Milwaukee along with keeping a significant portion of their room tax receipts for their own commission’s use.

The modern form of the Wauwatosa Tourism Commission was officially created and met for the first time in the fall of 2017. Their primary goals include organizing themselves for sustainable long-term operations, which included the establishment of a separate capital reserves account in their tourism budget. According to the commission’s 2018 annual report, the account was not created for any specific capital project, but that public art projects as well as enhancement at local parks and road medians are places where these funds could potentially be utilized. Additionally, the commission granted money to a

¹⁰ Madison Area Sports Commission Website: <https://www.visitmadison.com/sports/about-us/>

¹¹ Middleton Expenditures of greater than \$1000: <https://ww2.revenue.wi.gov/VaultPublic/publish/rt/report.html?year=2018>

local art initiative, installed pedestrian kiosks around downtown, and sponsored several civic events which sought funding.¹²

The commission's use of funds for capital improvements continued in April 2019 when the commission completed visioning work for the "East Tosa mural district" which will consist of artist murals on several private buildings and businesses along North Avenue.¹³ This project was allocated \$50,000 from the tourism commission by utilizing funds carried over from the previous year's collections.¹⁴ Along with creating the mural district and funding beautification projects, the Wauwatosa Tourism Commission has also signed a five-year contract with a consulting firm to provide tourism and marketing services to the community.¹⁵

Hartford

Municipality	Population (2010)	Commission Type	Commission Structure	Room Tax Percent	Collections (Total)
Hartford	14227	Traditional	Pass-Through to Chamber of Commerce, BID, Airport, Local Arts Center	7%	\$127,224 - \$25,190 to Chamber of Commerce, \$22,951 to BID, \$6,200 to Activity Center, \$50,890 to Airport

The City of Hartford is located northwest of Germantown in rural western Washington and extreme eastern Dodge Counties. As a community they are indicative of many small municipalities in Wisconsin that collect a room tax yet have a minimal number of hotel/motor lodge facilities. Hartford has a unique hybrid structure of pass-through commission where several different entities collect a portion of the municipality's room tax receipts with the various organizations listed on filings with the DOR as tourism entities.¹⁶ While city code does designate a tourism commission be created, no additional information is listed on the city website as to the commission holding meetings or the makeup of its membership.¹⁷

According to DOR reports, the four groups listed as tourism entities and recipients of tourism funds from room tax revenues in 2018 include the Hartford Area Chamber of Commerce, Schauer Arts and Activities

¹² 2018 Wauwatosa Tourism Commission Annual Report and Budget:

https://wauwatosacitywi.ig2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2299&MediaPosition=2314.322&ID=5890&CssClass=

¹³ April 2019 Wauwatosa Tourism Commission Minutes:

<https://wauwatosacitywi.ig2.com/Citizens/FileOpen.aspx?Type=12&ID=2408&Inline=True>

¹⁴ March 2019 Wauwatosa Tourism Commission 2018 Budget Memo:

https://wauwatosacitywi.ig2.com/Citizens/Detail_Meeting.aspx?ID=3023

¹⁵ May 2019 Wauwatosa Tourism Commission Minutes:

<https://wauwatosacitywi.ig2.com/Citizens/FileOpen.aspx?Type=12&ID=2417&Inline=True>

¹⁶ City of Hartford 2018 Annual Room Tax Report:

<https://ww2.revenue.wi.gov/VaultPublic/publish/rt/report.html?year=2018>

¹⁷ City of Hartford Municipal Code 4.26: <https://ci.hartford.wi.us/DocumentCenter/View/239/Municipal-Code-Chapter-4-PDF?bidId=>

Center, the Downtown Business Improvement District and Hartford Municipal Airport.¹⁸ News reports from 2016 indicate the use of tourism funds have historically been used for these same purposes, despite fear at the time that changes to the room tax law would affect the use of these funds.¹⁹ Each of the four groups receiving funding submitted reports to DOR, with the airport providing a lengthy description as to how funds used there enhance tourism for Hartford, particularly with community's relative location to the Erin Hills golf course.²⁰

Further research indicates the 2019 municipal budget required changes regarding room tax revenues, including the removal of \$25,784 from the city's economic development program, who oversees the city's room tax programs.²¹ Based upon budget documents for 2019 that are available online, \$55,000 was budgeted into the Economic Development fund in 2018 with this number reduced to \$29,216 for 2019.²² However, the impact of these changes on how the overall tourism funds would be disbursed to organizations was not immediately clear as 2019 Room Tax reports from DOR will not be available until 2020.

West Allis

Municipality	Population (2010)	Commission Type	Commission Structure	Room Tax Percent	Collections (Total)
West Allis	60411	Traditional	Local Donor	6%	\$296,659 - \$207,661 to West Allis Tourism Commission

The City of West Allis is a working-class suburban community of the City of Milwaukee in Western Milwaukee County. They have a simple traditional tourism commission structure with five commissioners, one of whom is a representative of a local hotel within the community. The commission generally meets on an every three to four-month interval, with the majority of their funding supporting a marketing firm that promotes the community's new branding initiative.²³ Additionally, in 2018 the community hired their first tourism and events coordinator to promote the community and work with events who utilize community spaces.

While the city's rebranding initiative has been a primary focus for their funds in the past, West Allis has laid out a plan for 2019 with a focus on promoting their farmers market's 100th anniversary and a major

¹⁸ Hartford Expenditures of greater than \$1000:

<https://ww2.revenue.wi.gov/VaultPublic/publish/rt/report.html?year=2018>

¹⁹ Local governments prepare for hotel room tax changes:

http://www.gmtoday.com/news/local_stories/2016/04182016-local-governments-prepare-for-hotel-room-tax-changes.asp

²⁰ Hartford Expenditures of greater than \$1000:

<https://ww2.revenue.wi.gov/VaultPublic/publish/rt/report.html?year=2018>

²¹ City of Hartford Notes on 2019 Budget: <https://ci.hartford.wi.us/DocumentCenter/View/3039/Notes-on-the-2019-Budget?bidId=>

²² City of Hartford 2019 Administration Budget:

<http://www.ci.hartford.wi.us/DocumentCenter/View/3030/Administration>

²³ West Allis Expenditures of greater than \$1000:

<https://ww2.revenue.wi.gov/VaultPublic/publish/rt/report.html?year=2018>

destination that brings people into the community.²⁴ According to their budget document, “To support the City’s Strategic Plan Goal, Savage Solutions will develop a unique Farmers Market brand that will launch around the market’s 2019 opening. With this in place, promotional items, ad buys, and a 100th anniversary marketing campaign will launch to attract new visitors to the market and delight returning customers.”²⁵

With the launch in 2018 of a major community rebranding campaign that focus on a five-year plan, West Allis is a community that is worth watching to see how they utilize their tourism commission in the future. With a new event coordinator for the community, as well as plan to leverage long-term assets like the farmers market, the community offers a real-time look at a community who is charting a new path and vision for their community through use of the tourism commission.

²⁴ West Allis 2019 Tourism Commission Proposed Budget:
<https://westalliswi.legistar.com/LegislationDetail.aspx?ID=3683860&GUID=ADDD0681-8B82-4C40-89F8-EC3EE4D33905>

²⁵ Ibid.

Summary of Findings

While not an exhaustive list of communities across Wisconsin, the six communities profiled in this report demonstrate the wide breadth of commission structures and fund uses that various tourism commissions and communities engage in throughout Wisconsin.

It should be noted that at several times throughout the research phase of this project discrepancies arose between reports to DOR, information included within local ordinances, or agendas and minutes for tourism commission meetings. Other times information about room tax collections or tourism commissions was nonexistent on local municipal websites. The difficulty of finding information, or encountering contradictory information on municipal websites, serves as a reminder for municipalities to regularly update and maintain their community websites with the most current information.

A brief summary of findings includes:

- There is a lack of standardized definitions in understanding the structure of municipal tourism commissions from community-to-community
- There are varying levels of information available via municipal code from community-to-community as to the structure of where a community's 70% of room tax receipts for tourism activities are directed – either a third-party entity or tourism commission
- There are varying levels of information available via municipal websites from community-to-community on the local governance of tourism commissions – including meeting agendas, minutes, names of commissioners, and use of tourism funds
- Communities who utilize the traditional structure of a tourism commission have various methods for membership
- Tracking community-level budgetary information for tourism commission funds is exceedingly difficult, even for communities who have their own traditional commission and do not simply pass along their room taxes to a third-party
- Communities utilize a heavy degree of flexibility in the use of their 70% of room tax receipts for “tourism promotion and tourism development”

Standardized Definitions of Tourism Commissions

The lack of any form of standardized definition for the type of tourism commission a community utilizes for promoting tourism activities and how specific tourism entities functioned was an early complication in the research phase of this report. To combat this, several different “type” and “structure” definitions were created to make comparisons across communities. While effective for the use in this report, there are still various nuances to understand about each municipality's structure and use of tourism commission funds. While some are straight forward, such as Wisconsin Rapids and their use of the local tourism and visitor's bureau as their agency or West Allis as having a stand-alone commission, others such as Watertown or Hartford became convoluted to understand based upon municipal code and DOR filings.

While state statute and DOR do not require communities to define the structure or type of commission they utilize, best practices of communities communicating about their tourism commission's structure can include:

- Having information readily available to constituents online on the make-up of the tourism commission – This would include the mission and function of the commission, as well as information on all funding sources the commission utilizes to fund their activities
- For communities who utilize a third-party for administering their tourism dollars, information should be readily available on the municipal website for where these dollars are directed and whether they were directed there by a commission

Municipal Code and Commission Guidelines

Several communities utilize municipal code to define the overall scope and purpose of a municipal tourism commission. Often this code mirrors state language that is used in Wis. Stats. §66.0615 and is not individualized or current based on a municipality's operations. While legally sound, often it was confusing to understand the overall purview of a community's tourism commission without access to a commission's scope of work or general rules that govern how the commission disburses funds.

- Have a section of municipal code that defines the full scope of work the tourism commission can engage in on behalf of the municipality
- Having a standard reporting structure of the commission back to the full board/council for overview of commission activities
- Review municipal code to make sure it is current with practices that the community utilizes with their tourism commission/third-party operators

In addition to municipal code, creating the following guidelines could be considered by the commission:

- Benchmarks or metrics an organization seeking funding must demonstrate before receiving funding
- A standardized method of determining how much funding an organization can expect for any project
- A written scope and purview funds given to third-party organizations, such as a local chamber of commerce, or contracted vendors to provide marketing or consulting services

Membership Composition of Tourism Commissions

Wisconsin State Statute notes that communities who wish to create a tourism commission and not simply utilize a third-party organization must form a commission comprised of four to six members of the community who are appointed by the highest-ranking elected official and confirmed by majority the governing body. These commissioners then serve one-year terms at the pleasure of the appointing official, with one of the commissioners being a representative of the hotel or tourism industry.²⁶

²⁶Wisconsin State Statute – Tourism Commission Members:
[https://docs.legis.wisconsin.gov/document/statutes/66.0615\(1m\)\(c\)](https://docs.legis.wisconsin.gov/document/statutes/66.0615(1m)(c))

Several communities have amended their own municipal code to further clarify the membership of their own tourism commission with several requiring at least one or two commissioners be from the community's council/board or having more than just one representative from the tourism industry. Other adaptations have included term-limits for members of the commission or clarifying that members of the commission must be a citizen in the community or work in the community.

Clarifying and defining practices beyond state statutory language for who may or may not participate in a municipal tourism commission, or information on how the public can potentially apply to be a member of the commission would further enhance the public input. Furthermore, requiring one member of the commission to be a member of the community's council/board can allow for a smooth flow of information to local government and enhance working relationships between the commission and council/board on initiatives or projects that can be supported by both entities.

Best Practices for Commission Websites

The use of municipal websites to provide information about tourism commissions varied widely throughout the course of research for this report. Several communities such as Wauwatosa, West Allis, and Middleton included their tourism commission agendas, minutes, and other various reports online in the same manner as other commissions or committees. These communities were exemplars in best practices of information sharing for their use of their tourism commission, decisions that were reached, and overall use of funds for various project. Additionally, these communities' reports submitted to DOR were easily understood and outlined the various expenditures they engaged in throughout the course of the year.

Other communities' websites were problematic in understanding the makeup of their tourism commission. Often, there was little indication as to whether a municipal tourism commission or a third-party operator responsible for their room tax funds. For example, Hartford's municipal code defines a tourism commission, appointments, and rights/responsibilities, but a space for the commission not included on their municipal website with other boards and commissions. The DOR room tax receipts lists four groups and their boards as the entities the community directs their room tax receipts towards, but little information could be found to understand how disbursements were conducted or the protocol for selecting these entities.

Watertown is another community where conflicting online information can lead to confusion for how the tourism commission works with local agencies. While information was provided online as to who serves on the tourism commission and their length of service, as well as expenditures from prior to 2018, lack of any information on the activities of this commission or the community signing an agreement with the local Chamber of Commerce was provided online, leading to confusion over how room tax receipts were utilized.

Considerations for best practices of municipal websites for tourism commission

- Have a section of the municipal website that is dedicated to the community's use of room taxes – either by commission or third-party
- If the community contracts out to a third-party agency, that should be listed, as well as information with links to DOR reports on the use of tourism funds

- Communities who utilize commissions should have basic information on their website including members of the commission, length of term, meeting agendas, minutes, annual reports, DOR reports, and administrative code links
- If applicable – information on how organizations can request funds from the tourism commission should be included on the site

Best Practices for Reporting Commission Budgets

Well-rounded and complete budgetary information for local municipal tourism commissions is exceedingly difficult to determine in communities who do not provide standardized agendas, minutes, and meeting information online. Furthermore, the nature of many commissions often fulfilling requests for funding on an as-needed basis with a minimal number of recurring expenditures means that many commissions do not have complex budgeting or separate funds for specific projects they may wish to engage in that are easily accessible.

While the state requires expenditures over \$1000 to be reported to DOR, and even with communities reviewing their overall fund balances at meetings, the full budgetary picture of how room tax funds are utilized by various tourism commissions over the course of a specific period of time are often difficult to track. For communities who send their room tax receipts to a third-party, information is even harder to parse out, as reports to DOR are often full reports from a large entity and not specifically indicative of how an individual municipality's tax receipts were utilized.

While many communities have budgetary information about their tourism commissions posted online, some individualized examples of best practices from municipalities that were researched are worth noting:

Middleton

The City of Middleton's Tourism Commission posts all relevant documents to their operation online, including commission members full meeting packet and budgetary documents.²⁷ Because of the commission's large revenue and volume of requests to the commission for funds, the commission has developed a budget that is divided into various funds, activities, and individual line items.²⁸ The budget is easy to follow, and denotes the large numbers of grants that the commission processes on a monthly basis by having dedicated funds to each specific type of grant that is available.

Wauwatosa

The City of Wauwatosa is another example of a municipality that produces easily accessible budgetary information online for their tourism commission, including a yearly budget narrative document for public consumption.²⁹ By posting full meeting-minutes packets on their website and separate

²⁷ City of Middleton Online Meeting Portal:

<http://meetings.cityofmiddleton.us/Meetings/Search?dropid=7&mtids=131>

²⁸ Example of City of Middleton Tourism Commission Meeting Packet and Tourism Commission Fund Budget – February 2019:

http://meetings.cityofmiddleton.us/Documents/ViewDocument/Tourism_Commission_2710_Agenda_Packet_2_1_9_2019_4_30_00_PM.pdf?meetingId=2710&documentType=AgendaPacket&itemId=0&publishId=0&isSection=false

²⁹ Wauwatosa Tourism Commission 2019 Budget:

http://wauwatosacitywi.igw2.com/Citizens/Detail_Meeting.aspx?ID=2236

information on the breakdown of the tourism budget explicitly, community members as well as organizations who are seeking support from the commission understand the role of the commission, the funds available, and historic trends.

In addition to maintaining a normal budget, Wauwatosa has established a method for allocating money into a separately created “capital reserves” account distinctly for use by the tourism commission. Similar to Middleton, this account is a separate item on the commission’s budget and was designed to explicitly fund tangible municipal development.³⁰ These funds are carried over year-to-year, grow over time, and can be used for purposes the commission deems appropriate.

Through investigating both Middleton and Wauwatosa’s commissions, the following are some considerations for best practices of reporting tourism commission budgets:

- Develop a plan and budget for upcoming years
 - Anticipate projects to be funded and allocate dollars to funds
- Developing separate funds for various uses of tourism dollars – examples include:
 - Capital improvements
 - Programming grant requests
 - Ongoing funding obligations

Uses of Tourism Dollars

The uses of room tax dollars for tourism related activities varied widely depending on a variety of factors including structure of the tourism commission, historic uses of room tax funds, municipal needs, and local desires. Some communities such as Wisconsin Rapids who send their tourism funds to a third-party entity are easy to follow and understand how their dollars are allocated. Additionally, other communities such as Watertown have contracted out their services to an independent agency in the local chamber of commerce.

Again, the communities of Middleton and Wauwatosa, along with the City of West Allis provide models for potential ways tourism commissions can utilize funds from room taxes directed towards tourism activities in various ways to both promote tourism and enhance the community.

Middleton

Middleton is considered a “regional donor” by this report because it has entered into an agreement with other entities to distribute some of their funds for tourism and promotion yet retains most of the funds under their control. For example, in 2019 the Tourism commission entered an agreement to pay the Greater Madison Convention and Visitors Bureau 17% of the 70% of room tax funds that were allocated to the commission, with 10% of the 17% being directed to sports promotions through the Madison Area Sports Commission.³¹

³⁰ 2018 Wauwatosa Tourism Commission Annual Report and Budget:

https://wauwatosacitywi.ig2.com/Citizens/Detail_Legifile.aspx?Frame=&MeetingID=2299&MediaPosition=2314.322&ID=5890&CssClass=

³¹ January 2019 Middleton Tourism Commission Meeting Packet:

http://meetings.cityofmiddleton.us/Documents/ViewDocument/Tourism_Commission_2709_Agenda_Packet_1_1

Sporting events are a major draw to Middleton and are given special consideration. Within their own commission, Middleton provides grants to organizations seeking funding from the Madison Area Sports Commission through a separately established line-item grant fund and application process that Middleton has established. Sport Commission grants are primarily intended to bring new sports related events, conferences or conventions and to encourage multi-year contracting with them. Reviewing commission meeting packets indicate there are separate grant processes to the tourism commission based upon whether an organization is applying for a sports commission grant or a tourism grant, but both applications include sections denoting the eligibility of an application based upon a set of evaluation protocols for how an event will generate either hotel stays or business impacts that an event will have on the community overall.³²

In order to have a grant funded by the Middleton Tourism Commission, the following general criteria are set in their application materials:

- By an event or project's ability to provide overnight accommodations to the city, recorded history supplied by prior accommodations facilities or grant may not be payable until completion and room pick-up has been verified.
- By non-room generating events or projects/events ability to generate "business" (calculated economic impact) to the City. A complete proposal of how the event will impact the City's economy and the event's marketing plan will be required. Mandatory inclusion of the visitmiddleton site/logo/etc. is required for this type of event.
- By the project's pre-event promotion, events or a component of the event's ability to creatively encourage/enable/introduce its attendees to utilize Middleton's accommodations, attractions/shopping & dining and the inclusion of the visitmiddleton site/logo, etc.³³

Beyond providing grants to organizations seeking funding, Middleton also hosts a downtown trolley that runs in a loop through their downtown and out to hotels near the freeway to encourage downtown shopping. Additionally, funds are set aside to pay wages and benefits for a community tourism and marketing manager.

Wauwatosa

Like Middleton, Wauwatosa is considered a regional donor by this report because of the support that they provide to a regional visitors' bureau – VISIT Milwaukee. Along with the work that VISIT provides to Wauwatosa, the city has also contracted with a consulting firm to provide additional marketing services to the community. In addition to marketing, Wauwatosa's tourism commission funds some grants to local organizations such as the East Tosa Grand Prix bike race but is heavily involved in neighborhood and quality of life development within the community.

As previously noted, Wauwatosa has established a separate "capital reserves" account within their tourism commission budget to fund capital projects around the city. For a capital improvement to be undertaken by the Wauwatosa Tourism Commission, the project must be intended to, "tangible

³² Ibid.

³³ Ibid.

municipal development.”³⁴ Thus far, several different projects have utilized the tourism commission’s funds for community capital improvements, including the instillation of digital information kiosks around downtown, and two different public art projects in various parts of the community – the Hartwork Project and East Tosa Mural district.

The Hartwork Project is a yearly public art sculpture competition held in Hart Park, a large public park near downtown featuring an outdoor concert venue and sports stadium. Each fall, three local artists compete in a competition where sculptures are displayed in the park and then voted upon by the community for their favorite. Recent discussions at tourism commission meetings have included the potential of purchasing some of these temporary artworks for public display as a way to continue enhancing park spaces.

In addition to the yearly sculpture competition, in 2019 a new project was unveiled where the tourism commission worked with local businesses along a busy commercial corridor to have murals painted on the side of buildings, creating a mural district like one on Milwaukee’s east side. This project involved multiple businesses and building owners offering their buildings for artistic creation, and six artists being chosen to showcase their work. According to news reports, one alderperson noted, “These six murals will further East Tosa’s appeal by establishing it as a public art destination.”³⁵ Along with the Hartwork Project, the tourism commission actively believes that marketing their community as a public art destination is a way to increase tourist activity within Wauwatosa and further attract additional festivals and event such as the East Tosa Grand Prix bike race that contributes a significant number of hotel stays.

West Allis

The community of West Allis is considered a local-donor style of tourism commission who has decided to utilize the majority of their tourism commission funds to engage in a multi-year strategic plan around rebranding the community.³⁶ According to their 2019 tourism budget, “The Tourism Commissions efforts are intended to not only utilize the room tax revenues to promote tourism in the City of West Allis, but to help the City achieve goal number 1 “Brand/Image/Destination” in the City’s 2017 – 2021 Strategic Plan (...)”³⁷ Along with this overall objective, the commission has been specifically tasked with promoting the West Allis Farmers Market and library as community destinations.

Through the hiring of an outside marketing agency, the commission and agency have identified a weekly local event, the farmers market, as a primary driver for people to visit their community and organized a multi-year marketing initiative to leverage the farmers market. According to the 2019 budget, “The City of West Allis Five Year Strategic Plan requires a Farmers Market marketing plan that “expands the market’s role as a city wide and regional destination.”³⁸ The report notes that the initial phases of this

³⁴ 2019 Wauwatosa Tourism Commission Budget Narrative:

http://wauwatosacitywi.igm2.com/Citizens/Detail_Meeting.aspx?ID=2236

³⁵ OnMilwaukee article referencing chosen artists for the competition:

<https://onmilwaukee.com/ent/articles/east-tosa-murals-artists.html>

³⁶ West Allis Tourism Commission – 2019 Budget Proposal:

[https://westalliswi.legistar.com/MeetingDetail.aspx?ID=639951&GUID=72225651-6C5C-4F7B-B288-25FEDEDCA1F2&Options=info&Search=](https://westalliswi.legistar.com/MeetingDetail.aspx?ID=639951&GUID=72225651-6C5C-4F7B-B288-25FEDEDCA1F2&Options=info&Search=25FEDEDCA1F2&Options=info&Search=)

³⁷ Ibid.

³⁸ Ibid.

plan include developing a focus on the business community and opportunities for commercial operators, while later years will focus more heavily on the tourism of folks to the market.

Along with a new branding initiative, the tourism commission has recommended placing the day-to-day management of the farmers market with a newly created tourism and event coordinator position. This FTE position receives \$35,000 from the tourism commission budget and will be responsible for the market's calendars, schedules, vendor contact, as well as other community activities and events.³⁹ As a community, West Allis has taken the belief that their farmers market is a primary driver of residents visiting their community, and the use of their room tax receipts for tourism activities are an important use for growing and expanding their farmers market and visits to their community.

Conclusions

Communities across Wisconsin vary widely in their structure and use of municipal room tax funds to promote tourism activities. Several communities have decided to direct their funds into a local visitors or convention bureau, while others have created commissions which have engaged in their own use of directing tourism funds. Uses here have included hiring consultants or contracting with various entities to provide marketing campaigns for their communities, providing grant funding to local groups who are hosting events in and around the community, championing physical development of communal spaces across the community, and providing infrastructure to residents who may visit.

The current structure of the Germantown Tourism Commission does fulfill the overall statutory requirements of maintaining a tourism commission. Like many smaller communities who have created or reorganized their tourism entities following the passing of the 2015-17 state budget, the implementation of additional best practices of commission operation and fund usage can be considered to define the overall scope of the tourism commission, as well as implement practices that maintain the commission's budget sustainability for near and long term funding of both projects and events.

³⁹ Ibid.



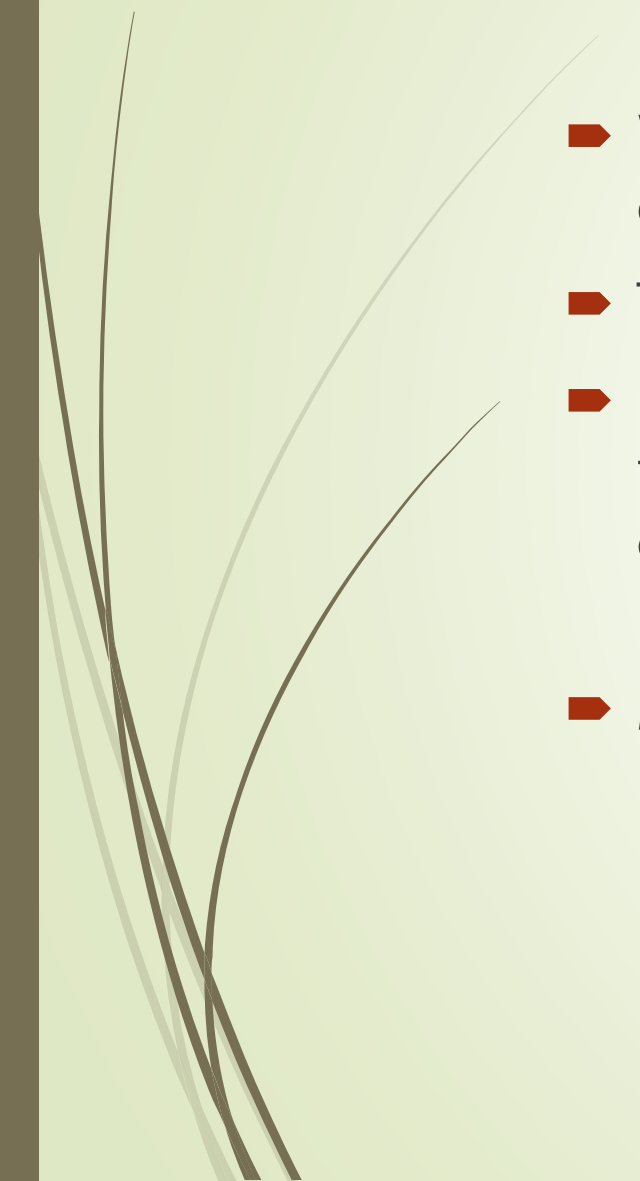
Tourism Commissions Throughout Wisconsin

Andrew Martin

Village of Germantown Administrative Intern



State Organization of Room Taxes

- Wis. Stats. §66.0615 – Allows Wisconsin municipalities to collect a room tax on hotel/motel rooms within the municipality
 - Tax rate capped at 8% (some exceptions)
 - Funds collected from room taxes for tourism promotion and tourism development must be forwarded to either a commission or tourism entity, of which one of the members must be a representative from the local tourism industry
 - Must file a report with the Wisconsin Department of Revenue (DOR) on tax revenue and expenses of over \$1000
- 



State Organization of Room Taxes (cont.)

- At least 70% of tax revenues must be used for “tourism promotion and tourism development”
 - Marketing projects, including advertising media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motorcoach groups.
 - Transient tourist informational services.
 - Tangible municipal development.
- Germantown is grandfathered in to retain more than 30% of room tax money for the general fund



Examination of Communities Across Wisconsin

- Overall goal - determine recommendations of best practices for local municipal tourism commissions
- A list of 24 municipalities across Wisconsin were initially examined based upon population, commission type, structure, geographic location, or location within Wisconsin that is comparable to Germantown
- Initial research concluded that municipalities engaged in individualized methods of fund utilization, reporting methods, structure of governing bodies
- Six communities were investigated as case studies for their commission structure and use of tourism funds – Wisconsin Rapids, Watertown, Middleton, Wauwatosa, Hartford, and West Allis.

Case Study Communities

Municipality	Population (2010)	Commission Type	Commission Structure	Room Tax Percent	Collections (Total)
Germantown	20027	Traditional	Local Donor	6%	\$299,473 - \$78,040 to Tourism Commission
Wisconsin Rapids	18435	Third-Party	Convention and Visitors Bureau	8%	\$323,926 - \$226,748 - Wisconsin Rapids Area Convention and Visitors Bureau
Watertown	23861	Traditional	Pass-Through to Chamber of Commerce	5%	\$135,959 - \$95,171 to Tourism Commission
Middleton	16331	Traditional	Regional Donor	8%	\$2,176,597 - \$152,363 to Greater Madison Convention and Visitors Bureau, \$100,000 to Madison Areas Sports Commission, \$1,523,618 to Middleton Tourism Commission
Wauwatosa	46396	Traditional	Regional Donor	7%	\$1,512,408 - \$381,872 to VISIT Milwaukee, \$520,324 to Tourism Commission
Hartford	14227	Traditional	Pass-Through to Chamber of Commerce, BID, Airport, Arts Center	7%	\$127,224 - \$25,190 to Chamber of Commerce, \$22,951 to BID, \$6,200 to Activity Center, \$50,890 to Airport
West Allis	60411	Traditional	Local Donor	6%	\$296,659 - \$207,661 to West Allis Tourism Commission



In-Depth Examination of Communities

Middleton, Wauwatosa, and West Allis

Middleton, Wisconsin

- Population: 16,331
- Room Tax Rate: 8%
- Traditional Commission
- Collected \$2,176,539 in 2018
 - \$152,363 to GMCVB
 - \$100,000 Madison Sports Commission
 - \$1,523,618 to Tourism Commission





Middleton Tourism Commission - Overview

➤ Structure of Commission

- One-year appointment
- Six-member commission
 - Two hotel/motel representatives
 - One restaurant representative, retail representative, citizen representative, and common council member

➤ Uses of Funds

- Community free trolley
- Advertising and marketing campaigns for the community
- Wages and benefit costs for tourism and marketing director
- Grant funding to sporting events through sports commission
- Grant funding local civic events and festivals – Ex: Good Neighbor Festival



Tourism Commission Grants

- ▶ Two different applications
 - ▶ Tourism Commission Grants – encourage retention of multiple year contracting conferences/conventions
 - ▶ Madison Sport Commission Grants – bring new sports related events, conferences and/or conventions
- ▶ New events may be funded up to three years based upon the need of support to sustain the event,
- ▶ Ex. – February 2019 Meeting – Grant Applications Received
 - ▶ Sports commission – 2021 USA Weightlifting National Championships
 - ▶ Tourism commission - 2019 National Women's Music Festival, 2020 Wisconsin State Narcotics Anonymous Convention



Application Guidelines

- The Tourism Director will assist the applicant, review the information obtained and submit the application to the Tourism Commission for final approval. The Tourism Director may also present the application as circumstances require.
- Applications must be submitted at least 6 months prior to the first day of the project/event or at least 90 days prior to the 1st ad/announcement of the project/event that will be using the grant funds for advertising. (For example, if your first scheduled ad runs on June 1, your application must be submitted by no later than March 1.)
- Applications are reviewed by the Tourism Commission on the third Tuesday of every month. The Tourism Director must receive your application by the first of the month for it to be reviewed that month. It is permissible and encouraged to email applications, however, the time/date stamp on the email header must show that it was received by no later than 5:00pm on the first day of the month.

Eligibility

- Funding is primarily intended to, but not limited to, bringing new events, conferences and/or conventions to the city of Middleton and to encourage retention of or multiple years contracting with them. New events may be funded up to three years based upon the need of support to sustain the event, however are not automatically funded without reapplying. **The benchmark maximum that will be allocated by the Commission is equal to \$10.00 per room night generated by the event and/or \$5000.00 for any one event.** (For example, if your event will produce 350 room nights it might be awarded up to \$3,500.00 max. dependant on use.) The award is at the discretion of the Tourism Commission however and the amount to be awarded is determined by available funds as well as direction the intended funds will be used.
- Funding is evaluated by one or more or all of the criteria as follows:
 - By a project/event's ability to provide overnight accommodations to the city, **recorded history supplied by prior accommodations facilities or grant may not be payable until completion and room pick-up has been verified.**
 - By non-room generating events or projects/events ability to generate "business" (calculated economic impact) to the City. A complete proposal of how the event will impact the City's economy and the event's marketing plan will be required. Mandatory inclusion of the [visitmiddleton](http://visitmiddleton.com) site/logo/etc. is required for this type of event.
 - By the project/event's pre-event promotion, events or a component of the event's ability to creatively encourage/enable/introduce its attendees to utilize Middleton's accommodations, attractions/shopping & dining and the inclusion of the [visitmiddleton](http://visitmiddleton.com) site/logo, etc.
 - By the project/event's ability to generate economic impact to Middleton During shoulder periods or off season dates.
 - Applicants with event history greater than 3 consecutive years will be evaluated based on future hotel contracts.

Payment Policy

- Applicants that have been approved for grant funds will submit receipts for approved expenses within 45 days of the close of event.
- The Middleton Tourism Commission will review expense receipts. Reimbursement payment will be processed within 30 days of approved submission.
- Applicants are required to provide a post event summary including total room night pick up, survey results, feedback/observations and suggestions within 45 days of the close of project/event.

Please allow a minimum of 60 days for processing

Name of Project/Event _____

Representative Organization _____

Contact Name _____

Contact Email Address _____

Federal ID Number: _____

Tax Status of Organization
(e.g.-corporation, non-profit) _____

Contact Phone Number _____ Fax # _____

Street Address _____

City, State & Zip Code _____

Description of the Project/Event

Project/event date(s) month, days, year

Describe in detail the proposed project/event (attach additional sheets if necessary)

Contracted room night usage

Mo./Day				Total #Rm. Nights
# of rooms/day				

Please also include historical rooms night usage figures from at least the past three years (blocked vs. realized), if applicable, as well as listing the hotels contracted with guest room blocks for this events below.

Mo./Day				Total #Rm. Nights
# of rooms/day				

Number of attendees?

What are the goals of the project/event?

What market/demographic are you targeting and why?

How will the project/event promote visitors to Middleton?

Have you previously received funding from the Tourism Commission for this project/event? (If so, describe the past experience, attach financial information and note amount of grant.)

How will you measure the effectiveness of this project/event?

Is there opportunity/willingness for multi-year contracting consecutively or within a rotation?

Event Budget

Attach a copy of your proposed budget. *If total funding is not awarded, please prioritize the financial needs. Include all resources required including labor and indicate who will be responsible.*

What is the dollar amount being requested of the Tourism Commission?

Describe in detail how the funds of the Tourism Commission will be used including itemized breakdown of amounts.

Will applicant be obtaining any additional funds? (If so, explain how, when and where these additional funds will be received).

Give a time table breakdown for the event (including marketing, promotion, etc.) including an indication of when applicant wishes to receive funding.

What plans are there to integrate "Middleton" into the event's marketing & advertising?

Post Event

- Applicants that have been approved for grant funds will submit receipts for approved expenses within 45 days of the close of event.
- The Middleton Tourism Commission will review expense receipts. Reimbursement payment will be processed within 30 days of approved submission.
- Applicants are required to provide a post event summary including total room night pick up, survey results, feedback/observations and suggestions within 45 days of the close of project/event.



MIDDLETON TOURISM COMMISSION

Under the penalties of perjury, I declare that I have read the above application and that it is a true, correct and complete statement of the intended use of the requested funds.

Print

Authorized Signatory Name _____

Signature _____

Title _____

Today's Day/Date _____

Wauwatosa, Wisconsin

- Population: 46,396
- Room Tax Rate: 7%
- Traditional Commission
- Collected \$1,512,408 in 2018
 - \$381,872 to VISIT Milwaukee
 - \$520,324 to Tourism Commission





Wauwatosa Tourism Commission - Overview

➤ Structure of Commission

- One-year Terms, limited to six consecutive Terms, then one-year break.
- Six-member commission
 - One alderperson – appointed by the mayor
 - Five commission members – must live or work in the city
 - One must be a hotel representative

➤ Uses of Funds

- Public art projects
- Digital visitor kiosks
- Hiring a marketing director
- Fund VISIT Milwaukee
- Sponsorship funding local civic events and festivals

2018 Wauwatosa Tourism Commission Budget

2018 Tourism Budget

REVENUES

Account Name	2018 Budget
Transfer from General Fund	(539,788.00)
Contributions- Civic Celebration	(24,000.00)
Carry Over	(133,195.00)
Total 2018 Revenue	(696,983.00)

EXPENDITURES

Account Name	2018 Budget
Staff Wages & Fringe Benefits	28,175.00
Sponsorships	
Civic Celebration	53,050.00
Police Department Special Events	16,386.00
Marcus Center for Performing Arts	8,000.00
Village BID Harley Davidson 115th Anniversary Street Party	5,000.00
Unallocated	10,500.00
Tourism Entity - Visit Milwaukee	381,872.00
Other Expenses	69,000.00
Sundry Contractual Services	25,000.00
Capital Reserves	100,000.00
Total 2018 Expenditures	696,983.00

ACCOUNT DESCRIPTIONS

Staff Wages & Fringe Benefits

Actual staff time spent working on tourism initiatives.

Sponsorships

Funds allocated to support tourism initiatives/special events.

Tourism Entity

Funds allocated by the Common Council to a Tourism Entity.

Other Expenses

Includes tourism initiatives for transient tourist informational services, such as pedestrian digital information kiosks in the Village and Hart Park, the Hartwork Project, promotion of sporting events (Milwaukee Torrent), and visioning for a self-guided mural tour program.

Sundry Contractual

Funds allocated for marketing projects, including advertising, media buys, and promotional tourism materials.

Capital Reserves

Establishment and initial funding amount for a capital reserves account for tangible municipal development for tourism purposes.



Tourism Commission Capital Fund

- Fund was designed for “tangible municipal development for tourism purposes,” but with no specific project intent
- Capital funds designated as excessive funds not used in the previous year
- Options discussed in the commission’s 2018 yearly report to the board – more pedestrian digital kiosks, purchasing art for parks, enhancements to a park stadium facility
- In 2019, \$50,000 was carried-over from 2018 and used to fund the East Tosa Mural Project
 - Artists selected to design and install murals on buildings along North Avenue to create a public art district
 - The Hartwork Project – yearly public art competition features sculptures by three local artists and asks the community to select its favorites.

Wauwatosa Public Art Initiative



West Allis, Wisconsin

- Population: 46,396
- Room Tax Rate: 6%
 - Have voted to increase
- Traditional Commission
- Collected \$296,659 and sent \$207,661 to the tourism commission





West Allis Tourism Commission - Overview

➤ Structure of Commission

- One-year appointment
- Five-member commission
 - Mayor
 - Alderperson
 - City Administrator
 - Two “at-large” representatives, one of whom is an industry representative

➤ Uses of Funds

- Community re-branding initiative
- Marketing attractions
 - Promoting the farmers market 100th anniversary
- Tourism and event coordinator

2019 West Allis Tourism Commission Budget

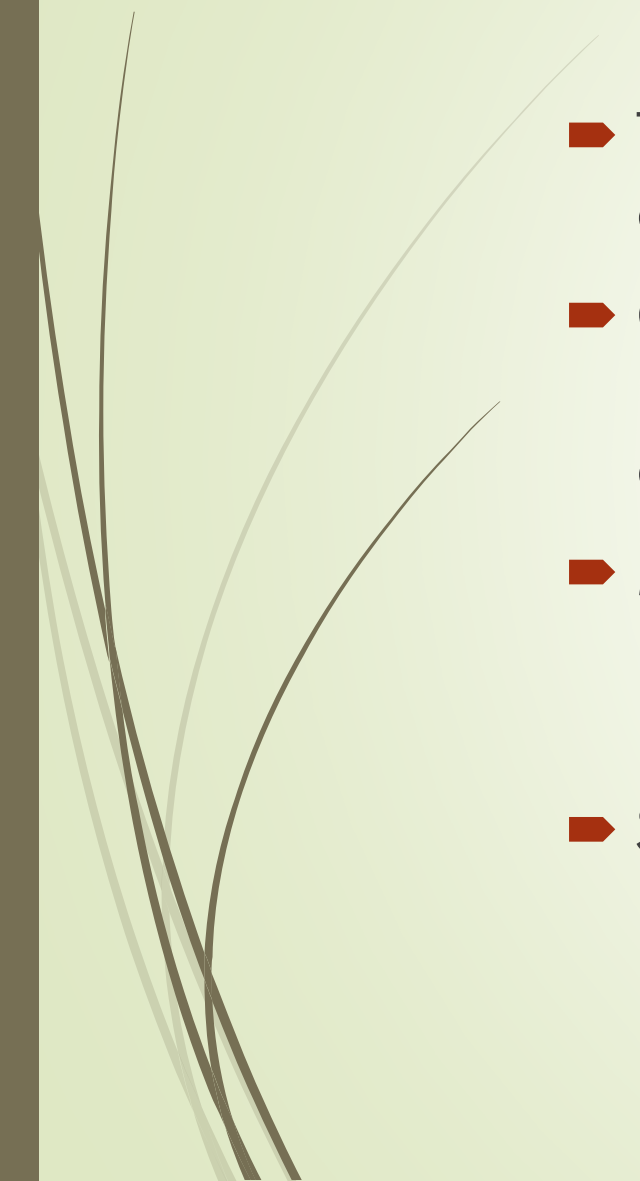
Projected Budget

2019's project budget includes potential expenditures relating to the work proposed by Savage Solutions, LLC. to promote the Farmers Market as a city tourism asset:

INCOME	
Municipal Room Tax Revenue 2018	\$200,000 Estimate
Existing Balance from 2017	\$163,000
2018 Expenditures	\$75,000 Estimate
Anticipated 2018 Carryover	\$288,000 Estimate
EXPENSES	
Marketing Services – Savage Solutions – Phase 2 3 Year Marketing Strategy	\$25,000
Marketing and Promotions (May include: photography, videography, print and digital marketing, advertising, promotional items, etc.)	\$182,925
Events	\$35,000
Wayfinding	\$150,000
Annual website hosting fees	\$1,575
FTE – Tourism & Event Coordinator	\$35,000
TOTAL EXPENSES	\$ 429,500
Balance	\$58,500



West Allis Farmers Market Campaign

- Tourism Commission's mission directly ties into the city's number one goal of their 5-year strategic plan
 - Commission is tasked with promoting the West Allis Farmers Market and West Allis Library as community destinations.
 - Marketing agency developed a Farmers Market brand for 2019 - promotional items, ad buys, and a 100th anniversary marketing campaign
 - Scheduling and coordination of the market is now handled through tourism and event coordinator
- 



Conclusions

- Wide variety of structure and use of tourism funds
- Several communities hired consultants or contract to produce marketing campaigns
- Wauwatosa and Middleton, while having larger budgets for their tourism commissions, have well defined structures for how their commission operate
 - Engage in a budgeting process yearly and have defined structures for how organizations access funds
 - One focuses on festivals, the other tangible development
- West Allis is using funds heavily to rebrand their community as a destination for events, leveraging their farmers market as an event and location that attract visitors
- Few limits exist on how commissions utilize their funds



Recommendations For Germantown Tourism Commission

- The Tourism Commission should have a defined vision and goals for that are aligned to the Village Board's vision and goals
- The Tourism Commission should develop and adopt a yearly budget
- The Tourism Commission should provide brief quarterly reports to the Village Board

Sources:

- Hartwork Project logo: <https://www.wauwatosa.net/discover-tosa/the-hartwork-project>
- East Tosa Murals: <https://www.wauwatosa.net/Home/Components/News/News/1513/17>
- Wauwatosa Tourism Commission logo: <https://www.easttosa.org/east-tosa-gran-prix>
- Middleton Tourism Commission logo: <https://visitmiddleton.com/>
- Middleton Tourism Commission Application draft:
http://meetings.cityofmiddleton.us/Documents/ViewDocument/Tourism_Commission_2710_Agenda_Packet_2_19_2019_4_30_00_PM.pdf?meetingId=2710&documentType=AgendaPacket&itemId=0&publishId=0&isSection=false
- 2018 Wauwatosa Tourism Commission Budget:
https://wauwatosacitywi.igam2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2299&MediaPosition=2314.322&ID=5890&CssClass=
- 2019 Approved Middleton City Budget: <https://www.cityofmiddleton.us/DocumentCenter/View/5934/2019-Approved-Budget>
- Middleton Tourism Trolley Photo: <https://visitmiddleton.com/>
- Middleton Tourism Trolley Map: <https://visitmiddleton.com/depot/wp-content/uploads/2014/05/trolley.png?x41092>
- Wauwatosa Hart Park Photo: <https://www.visitmilwaukee.org/wauwatosa/>
- Middleton Tourism Commission Meeting Packet – February 2019:
http://meetings.cityofmiddleton.us/Documents/ViewDocument/Tourism_Commission_2710_Agenda_Packet_2_19_2019_4_30_00_PM.pdf?meetingId=2710&documentType=AgendaPacket&itemId=0&publishId=0&isSection=false
- March 2019 Wauwatosa Tourism Commission Packet:
<http://wauwatosacitywi.igam2.com/Citizens/FileOpen.aspx?Type=1&ID=2626&Inline=True>
- April 2019 Wauwatosa Tourism Commission Packet:
<http://wauwatosacitywi.igam2.com/Citizens/FileOpen.aspx?Type=1&ID=2664&Inline=True>
- Village of West Allis pictures and graphics: <https://www.facebook.com/westalliswigov/>
- 2109 Proposed Wauwatosa Tourism Commission Budget: <https://westalliswi.legistar.com/MeetingDetail.aspx?ID=639951&GUID=72225651-6C5C-4F7B-B288-25FEDEDCA1F2&Options=info&Search=>

**VILLAGE OF GERMANTOWN
ECONOMIC DEVELOPMENT MEETING MINUTES
July 15, 2019**

CALL TO ORDER: The meeting was called to order at 5:00 p.m. by Clerk Braunschweig.

ROLL CALL: Present: Trustee Myers, Trustee Miller, Members Coulthurst, Grgich, Sedgwick, Reinbold. Chairperson Hughes was absent excused. Also present: Administrator Kreklow, Clerk Braunschweig.

MOTION (Myers/Coulthurst), to elect a protem Chairperson as Miller. Motion carried unanimously.

APPROVAL OF MINUTES: June 5, 2017 and February 20, 2017.

MOTION (Myers/Reinbold), approve the minutes of June 5, 2017 and February 20, 2017. Motion carried unanimously.

PUBLIC COMMENT:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Germantown Business Development Loan Pool Application – Stix Golf Entertainment. The Economic Development Commission May Enter Into Closed Session Per Wi. 19.85(1)(E) Deliberating Or Negotiating The Acquisition Of Public Property, The Investing Of Public Funds, Or Conducting Other Specified Public Business, Whenever Competitive Or Bargaining Reasons Require A Closed Session And May Re-Enter Open Session To Take Such Action As It Deems Appropriate.

MOTION (Myers/Grgich), to convene into closed session at 5:05 P.M. and to include the Commission, Administrator Kreklow and Clerk Braunschweig. Roll Call Vote Carried unanimously.

MOTION (Myers/Reinbold) to Recommend the \$25,000 Loan as Requested to Stix Golf Entertainment. Roll Call Voted Carried Unanimously.

ADJOURNMENT.

ADJOURNMENT: There being no further business, the meeting adjourned at 5:15 p.m.

Respectfully Submitted,
Deanna B. Braunschweig, WCMC/CMC
Village Clerk