

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

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, June 7, 2021 7:00 p.m.

**LOCATION: Germantown Village Hall Board Room
N112 W17001 Mequon Road**

NOTICE: Pursuant to the current recommendation of the Centers for Disease Control and Prevention limiting the size of public gatherings, capacity within the Board Room will be limited. Members of the body and citizens may also attend the meeting virtually through the WebEx platform, Meeting #: 182 407 7903 Password: axCNGENT369 which can be accessed by phone at 408-418-9388 or by logging on

<https://villageofgermantown.my.webex.com/villageofgermantown.my/j.php?MTID=m087f458331566a7180905f3424026cdf>

Citizens wishing to view the meeting are encouraged to watch the live broadcast of the meeting through the livestream on the Village's website via Webex. Citizens not wishing to attend the meeting personally or virtually may submit any public comments by sending an email to comments@village.germantown.wi.us by 4 p.m. on the day of the meeting so that it can be provided to the members of the body for their consideration. Previously recorded Village Board Meeting Videos can be viewed at

https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ.

AGENDA

- 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:**
 - A. 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, to include:
- 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) Written Public Comments should be directed to comments@village.germantown.wi.us, by 4 p.m. on Monday, June 7th.

VII. CONSENT AGENDA:

A. Approval of Minutes May 17, 2021 Regular Village Board Meeting.

B. Accounts payable/payroll:

1.	May 21, 2021	Accounts Payable	\$ 281,875.24
2.	May 25, 2021	Payroll (Hourly)	\$ 233,823.78
3.	May 28, 2021	Payroll (Salary)	\$ 106,993.84
4.	May 28, 2021	Accounts Payable	\$ 169,765.04
5.	June 4, 2021	Accounts Payable	\$ 175,584.21
6.	June 8, 2021	Payroll (Hourly)	\$ 240,557.16

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

C. Resolution 14-2021, Approve Commitment and Assignment of Special Revenue Fund Balance, Specific to the Fire Department Explorer Program.

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

D. Installation of HVAC equipment for Wells #2, #5, and #7 by Conditioned Air Design in an amount not to exceed \$21,797.

E. Dheinsville Park – Parking Lot Paving in an amount not to exceed \$74,482.

F. Purchase of Sternberg Street Light Poles, Pole Bases, Pole Arms, and Fixtures from Hein Electric Supply Company in an amount not to exceed \$150,326.08.

VIII. UNFINISHED BUSINESS

A. None.

IX. PUBLIC HEARINGS:

A. None.

X. NEW BUSINESS:

A. Resolution 15-2021, Wolverine Fireworks Display, Inc. - Contract in an amount not to exceed, 14,862.50, Village Portion \$8,000, Kiwanis portion \$6,862.

B. Resolution 16-2021, Awarding the Sale of \$3,200,000 General Obligation Promissory Notes, Series 2021A; providing the form of Notes; and Levying a Tax in Connection Therewith.

C. Denial of Operator's License – Angel D. Clemmerson.

D. Ordinance 04-2021, An Ordinance Amending Chapter 17 (Zoning Code), Amending Section 17.15 (2) and Creating Section 17.15(4), Conditional Use Minimum Requirements; Jason Boehlke, N120 W13537 Freistadt Road. Text Amendment to Zoning Code Sections 17.15(2) and 17.15(4) of the Germantown Municipal Code pertaining to conditional uses allowed in the Rs-2: Single-Family Zoning District.

E. Heritage Place Joint Venture LLC, N115 W16165 Saxony Village Blvd & N115 W16225 Saxony Sq Building 1, Land 15 LLC, N116 W16261 Main Street, MCB Investments LLC, N116 W16257 Main Street – 2 lot Certified Survey Map to Combine Parcels.

- F. Harvest Hills Subdivision LLC – Lot 31 Harvest Hills Subdivision and Jeffrey L. & Sarah M. Holtebeck – N118 W13147 Taylor Trail, Lot 30 Harvest Hills Subdivision. 2 lot Certified Survey Map to adjust property lines.
- G. Approve Easement for Heritage Place Joint Venture, LLC Saxony Village
- H. Meter Install Project - Increase spending authority of quoted cost of meters in the amount not to exceed \$478,500.
- I. Update on Water Rate Increase Application.
- J. Public Fire Protection (Hydrant) Fee.
- K. Location and Design of Public Works Building. The Village Board May Enter into Closed Session per Wis. Stat. § 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and then may reconvene into open session to take such action as it deems appropriate.
- L. Potential Water Service Agreement with Large Water User. The Village Board May Enter into Closed Session per Wis. Stat. § 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, 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, June 21, 2021, at 7:00 p.m. There will not be a Village Board Meeting on July 5, 2021.

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

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
May 17, 2021**

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

ROLL CALL: Present: President Wolter, Trustees Baum, Hudson, Kaminski, J. Miller, R. Miller, and Myers. Tr. Pieper joined via Webex during Trustee Orientation. Also present: Administrator Kreklow, Clerk Braunschweig, Attorney Sajdak, and Manager Tucker. Clerk's Note: This was a partial Virtual Webex Meeting.

PLEDGE OF ALLEGIANCE:

PRESIDENT'S REPORT:

President Wolter thanked those that participated in the Mia Fest in a box last Saturday.

APPOINTMENTS:

- A. **Commissions/Boards/Committees**
 - 1. **Library Board Board**
Member Christa Potratz (3 year term)
 - 2. **Park and Recreation Commission**
Member Steve Stapelman (3 year term)
 - 3. **Board Zoning Appeals**
 - 1st Alternate Member Jeffrey Knop (Term Ending April 2022)
 - 2nd Alternate Member Lilibeth Yao (Term Ending April 2023)

Motion (Baum/Myers) to approve Appointments under A. Motion Carried Unanimously.

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

Chris Yatchak of Brownstone Court came to the podium. There will be a remembrance ceremony on Sunday, May 30th. Six cemeteries in the Village of Germantown will be visited. At 11 a.m. there will be a ceremony at Veterans Memorial.

CONSENT AGENDA:

- A. Approval of Minutes May 7, 2021 Regular Village Board Meeting.
- B. Accounts payable/payroll:
 - 1. May 15, 2021 Payroll (Salary) \$ 101,735.74
 - 2. May 17, 2021 Payroll (Hourly) \$ 246,770.72
 - 3. May 7, 2021 Accounts Payable \$ 577,123.11
 - 4. May 14, 2021 Accounts Payable \$ 429,784.43

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

- C. Purchase of dump body from Casper's Truck Equipment in an amount not to exceed \$20,000, for the purposes of repurposing the Ford F450 ambulance to a single axle dump truck.
- D. Purchase of Chemical Analyzing Equipment/weight scale analyzers of fluoride equipment under the Department of Health Services Fluoride Grant Program.
- E. Recycling Center Blanket Purchase Order with Enercon for the material processing in an amount not to exceed \$30,000.

- F. Blanket Purchase Order with Ferguson Waterworks for manhole repair materials in an amount not to exceed \$25,000.
 - G. Blanket Purchase Order with Core and Main for the purchase of manhole rings and supplies, in an amount not to exceed \$16,000.
 - H. Blanket Purchase Order with Adaptor, Inc. for the purchase of manhole chimney seals and extensions, in an amount not to exceed \$20,000.
 - I. Resolution 09-2021, Developer Agreement – Heritage Park North.
 - J. Partial Release of Developer Agreement – Germantown Gateway Corporate Park.
 - K. Resolution 10-2021, 2000 WPDES MS4 Annual Road and MMSD Chapter 13 Annual Report.
 - L. Contract with Lemberg Electric in an amount not to exceed \$53,080 for the Electronic Message Center Sign.
- The following items were forwarded from Public Safety with a unanimous recommendation.
- M. Purchase of Fire Gear Extractor Washer for the Fire Department, in an amount not to exceed \$15,040.

Motion (Myers/Baum) to approve consent agenda items A - M. Roll Call Vote Carried unanimously.

UNFINISHED BUSINESS:

- A. Village Mask Policy for Village Employees and Guests of Village Facilities.

Administrator Kreklow reported on the past action by the Village Board in regard to the mask requirement. The sixty days expires on June 4th. He reported statistics on the COVID cases in Washington County and Vaccination Progress of Village employees.

41% of Washington County residents had received the vaccinations.

Suggested a mirror policy that if a customer requests Village employees to wear a mask or another employee asks them to wear a mask or another facility that requires a masks, we should comply with those requests.

Other municipalities have changed their mask policy, not requiring those that are fully vaccinated that they do not have to wear a mask.

If the Village Board takes no action the requirement will expire on June 4th and the signs would be removed.

If there is a special request, it could be considered an ADA request.

Village Attorney advised that most continue to suggest because of Wisconsin Safe Place and general duty, masks within organization of mirroring, request or to see match that. Guidelines are changing over the next couple months.

Motion (R. Miller / Baum) for mask mandate to expire tonight, May 17, 2021. Village employees should wear masks if requested by other employees or by residents.

Discussion ensued of consideration for fellow employee and accommodate of their request.

Village Attorney Sajdak advised of the risk of those that choose not to be vaccination.

Discussion ensued that the vaccinations are not available for kids. Village Administrator commented that many of the programs are held in the school districts and would be consistent with their policies and their requirements.

Motion failed, tie vote. Hudson, Kaminski, J. Miller, and Myers voted no.

Director Schroeder came to the podium. Commented this will be on the park and recreation commission Wednesday night. Recreation supervisors looking at other communities.

Motion (Myers) for mask mandate to expire June 11, 2021. Village employees should wear masks if requested by other employees or by residents. Motion fails for a lack of second.

Discussion ensued of a transition period.

Motion (Hudson/Kaminski) to end the mask mandate on May 31, with the ability to allow Park and Recreation Department to set their own course of action with Village Administrator. Village employees should wear masks if requested by other employees or by residents. Motion carried. Baum, Neureuther, Wolter voted no.

PUBLIC HEARING:

A. None.

NEW BUSINESS:

A. Resolution 12-2021, Germantown Soccer Club Field Usage Agreement 2021 – 2023.

Motion (Myers/R. Miller) to approve Resolution 12-2021, Germantown Soccer Club Field Usage Agreement 2021 - 2023. Motion carried unanimously.

B. Trustee Orientation.

Department Directors gave a brief communication and description of their department. (Trustee Pieper joined the meeting via webex.) This included the Clerk Treasurer Department, Deanna Braunschweig; Support Services Department, Michelle Tucker; Budget Manager Department, Matthew Uselding; Street Superintendent, Scott Anderson; Waste Water Superintendent Tim Zimmerman; Water Superintendent, Paul Haugen; Public Works and Engineering, Larry Ratayczak; Police Chief, Mike Snow; Fire Department, John Delain; Park and Recreation Mark Schroeder; Community Development Department, Jeff Retzlaff; Library, Trisha Smith.

C. Resolution 13-2021, Resolution Petitioning the Office of the Commission of the Railroads for alteration of the Wisconsin & Southern Railroad Public Rail Crossing on Freistadt Road in the Village of Germantown, Washington County.

Motion (R. Miller/Baum) to approve Resolution 13-2021, Resolution Petitioning the Office of the Commission of the Railroads for alteration of the Wisconsin & Southern Railroad Public Rail Crossing on Freistadt Road in the Village of Germantown, Washington County. This is part of the improvement to Freistadt and Maple. There is not cost estimate yet. Motion carried unanimously.

ADJOURNMENT.

ADJOURNMENT: There being no further business, the meeting adjourned at 8:37 p.m.

The next regular meeting of the Village Board will be on Monday, June 7, 2021 at 7:00 p.m.

Respectfully Submitted,

Deanna Braunschweig

Deanna B. Braunschweig, WCMC/CMC
Village Clerk

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

MEETING DATE: May 17, 2021 and June 7, 2021

ITEM TITLE: Fire Department Explorer Program donations

SUBMITTED BY: Deanna Braunschweig, Village Clerk - Treasurer

SUMMARY EXPLANATION:

The Fire Department has started a Fire Department Explorer Program. Fire Chief Delain inquired of keeping the donated funds separate for use by the Explorer Program.

I contacted Baker Tilly in regard to the designation of the funds.

The resolution is in their recommendation and with support from past Village resolutions and policies.

ATTACHMENT: Resolution 14-2021, Approve Commitment and Assignment of Special Revenue Fund Balance, Specific to the Fire Department Explorer Program, is attached and would go to the Village Board for final approval.

RECOMMENDATION:

Recommended approval for the proper designation donated monies.

ACTION BY Committee:

RESOLUTION 14-2021

APPROVE COMMITMENT AND ASSIGNMENT OF SPECIAL REVENUE FUND BALANCE, SPECIFIC TO THE FIRE DEPARTMENT EXPLORER PROGRAM

WHEREAS, the Governmental Accounting Standards Board (GASB) issued Statement No. 54, which changes the terminology used for fund balance reporting on balance sheets of Governmental Funds; and,

WHEREAS, the Village Board had previously adopted Resolution 30-2010, designating special revenue fund accounts to the Historic Preservation Special Revenue Fund, the Asset Forfeiture Special Revenue Fund, the Canine Special Revenue Fund, and the Senior Van Special Revenue Fund; and,

WHEREAS, the Fire Department now has a Firefighter Explorer Program, Post 17, that receives donations; and,

WHEREAS, the General Government and Finance Committee recommends that the donations to the Fire Department Explorer Program, Post 17, be committed for services, equipment and supplies for the Fire Department Explorer Program; and,

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Germantown does hereby approve the above recommendation of the General Government and Finance Committee that donations to the Fire Department Explorer Program, Post 17, be committed for services, equipment and supplies for the Fire Department Explorer Program

Introduced by: _____

Adopted: June 7, 2021

Vote: Ayes: ____ Nays: ____

Dean M. Wolter, Village President

ATTEST:

Deanna B. Braunschweig, WCMC/CMC
Village Clerk / Treasurer

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

MEETING DATE: June 7th, 2021

AGENDA ITEM: Consent Agenda

ITEM TITLE: Authorization to purchase-HVAC for wells #2, #5 and #7

SUBMITTED BY: Public Works and Highway committee

SUMMARY EXPLANATION:

The Germantown Water Utility has investigated with the help of ibc Engineering services a HVAC consultant for an effective way to better manage and control high moisture and high ambient air temperatures at three well locations. These conditions are brought on by the continual running of the large pump motors and electrical controls for water production. The current method of cooling and dehumidifying is by electric fans and free-standing high capacity dehumidifiers. The moisture in the air is effectively removed but needed cooling is not available. Motor control equipment reaches over 130 degrees Fahrenheit. Keeping the motors and control equipment cooled and dehumidifying the air will help extend the life cycle of these components.

(5) HVAC Mechanical contractors were asked to provide a quote mitigating the onsite ambient heat conditions based on the recommendation from ibc and their heat loss/gain investigation.

- Total Mechanical-\$27,075.00
- Mared-\$26,750.00
- **Conditioned Air Design-\$21,797.00**
- Butters Feting-Nonresponsive
- Quality heating and sheet metal, not able to provide this service.

Conditioned Air Design, Inc. 11104 W. Becher St. West Allis, WI 53227 \$21,797.00

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER: X

RECOMMENDATION:

With full consent of the PWC the full board approves hiring Conditioned Air Design for the installation of HVAC equipment at well's #2, #5 and #7 in the amount of \$21,797.00
The amount will come out of the budget approved maintenance Account #50-180-184-3310

COMMITTEE ACTION:

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

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

MEETING DATE: June 2, 2021 June 7, 2021

AGENDA ITEM: New Business

ITEM TITLE: Dheinsville Park_Pave Parking Lot and Walkways

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

SUMMARY EXPLANATION:

The Department of Parks and Recreation included paving the gravel parking lot and walkways in their 2021 annual budget. This item was to be bid with the Annual Road Improvement Project but was missed by staff and not included in the bid and therefore not included in the recommended award of the project. The contractor awarded the Road Improvement project, upon request, furnished a quote of the project. The proposed amount fell within the amount budgeted in the Park and Recreation budget. Since time for scheduling was critical to completion this year and events schedule at the new Pavilion the Director of Public Works gave direction to perform the work prior to submittal to the PWHC. The Director of Parks and Recreation was consulted. The parking lot will be stripped and will include two handicap parking stalls per code. The submitted proposal was \$74,482.00.

ATTACHMENT: ORDINANCE__ RESOLUTION__ OTHER __

RECOMMENDATION:

Staff is respectfully requesting the Public Works and Highway Committee, although after the fact, approve the paving of the Dheinsville Park Parking Lot and Walkways and forward to the Village board with a positive recommendation for award of the project.

COMMITTEE ACTION:

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

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

MEETING DATE: Monday June 7th, 2021

AGENDA ITEM: Consent

ITEM TITLE: Mequon Road Street Lighting Material Purchase

SUBMITTED BY: Scott Anderson: Highway, Parks, Building & Grounds Superintendent

SUMMARY EXPLANATION:

As the Mequon Road corridor street lighting replacement project continues, staff is seeking permission to purchase the lighting materials directly from the manufactures representative and supply those materials to the installation contractor who will be selected and approved by this committee at a later date. Staff previously attended meetings including Public Works Committee and Plan Commission to gain input into the project. The village has received pricing from Holophane and Sternberg representatives, both of which have products that meet our requirements and incorporate input from the meetings. By direct purchasing, the village will save the sales tax and any mark-up that would have been added by the contractor. Additionally, we will be able to award sooner, which should keep the project on track for completion by the end of the 2021 construction season. This purchase will be for the lighting materials only (poles, bases, arms, and fixtures) all other materials used for the underground or construction portion of the project will be part of the bidding documents and supplied by the contractor directly.

Discussion took place at the committee meeting about executing the purchase of the lighting materials before the 30 day pricing guarantee expired, which is 6/24/2021. Committee and staff were in agreement that regardless of the unknown cost of the construction contract which is currently out for bid, obtaining the materials at the cost proposed below is in the village's best interest.

As a reminder, the total project budget was \$400,000.00 and is reflected in the Highway Department budget as a capital improvement. Previously, committee and board approved the recommended \$20,000.00 contract with Traffic Engineering Services for design and construction oversight. The remaining project budget is \$380,000.00.

Hein Electric Supply Company (Sternberg) \$150,326.08

Revere Electric Supply (Holophane) \$204,974.56

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER X

RECOMMENDATION:

It was the recommendation of the Public Works and Highway Committee to forward to the Village Board with a positive recommendation to authorize staff to execute the purchase of the Sternberg street lighting poles, pole bases, pole arms, and fixtures from Hein Electric Supply Company in an amount not to exceed \$150,326.08. Funds shall be allocated from Highway capital account: 40-542-570-8850.

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.

Client: Village of Germantown
Project Location: Mequon Road, Division Street to Western Avenue
Prepared By: Traffic Engineering Services, Inc. (262) 797-9097
TES Project No: 21-E-17

see notes on cover page and Hein formal quote regarding pole and head part numbers
 quoted 64 heads, two for each pole

ITEM	DESCRIPTION	MANUFACTURER	PART NO.	UNIT	QUANTITY	UNIT COST	TOTAL
1	Pole - 30', Special	Holophane	NYA 30 SL6C05 BK LAB	Each	32		
		Sternberg	9330SRSS-RPBP/BK			1948.67	62357.44
2	Twin Bracket, with 6' Arm	Holophane	WLC 72in 2A TN BK & WLDF QSM BK				
		Sternberg	FFA6/BK	Each	32	688.71	22038.72
3	Luminaire, LED	Holophane	ESLP35S 40LK MVOLT TG3QSM BK AO L03				
		Sternberg	2A-1914LED-4L30T3-MDL12-G-HSHS/BK	Each	64	1027.33	65749.12
4	Anchor Bolts, 1 x 40 WL	Holophane	1" x 40' with "L" AB's				
		Sternberg	1" x 40' with "L" AB's	Each	16	11.3	180.8
5	Delivery From Date of Order	Holophane					
		Sternberg					

10-12 WEEKS AFTER APPROVAL DWGS. RELEASED

Bid Response To:

Scott Anderson
 Village of Germantown
 Email: sandreson@village.germantown.wi.us

Bids Due: Tuesday, May 25, 2021 by 3:00 pm

Response By:

Name
 Company
 Phone
 Email

Ron Reinowski
 Hein Electric Supply Co.
 414-791-1020
 ronr@hein.com

Printed Name / Title

Signature:

Date:

Ron Reinowski / VICE PRESIDENT

 5-25-21

Additional Bid Information:

Most of the street lighting existing concrete bases are being reused for the new lighting system. The proposed materials must work with the existing.

Median mounted 30-foot painted black steel pole on 12-inch bolt circle with black decorative twin arms 6 foot and black luminaire housing, type III distribution and LED lamps 3000K with black steel decorative octagonal base approximately 17 inches high.

The anchor bolts for base shall be minimum 1 inch by 40 inches including "L".

The IES minimum lighting level shall be maintained 1.2-foot candles on roadway.

Dirt factor is to be 15 % reduction from initial lumens.

A plot of foot candles for the average spacing of 160 feet shall be furnished.

The typical roadway is 2-11 foot traveled lanes in each direction with 28-foot median.

There are 11 foot left and right turn lanes adjacent to the through lanes.

Pedestrians on the 5-foot sidewalk 7 feet from the right turn lane shall have minimum IES levels without excessive side light off right of way.

The enclosed sketches show expected pole, arms, and luminaire. Luminaire is to operate on 120 volts.

Initial startup voltage is to be included with bid.

It is felt that the part numbers define the lighting unit along with pictures.

An option may be exercised to add a unit for inventory.

Delivery is to Village of German Town at Haupt Strasse Skate Park on Main Street between Division Road and Western Avenue.

The Village will assist with unloading the poles. Trucker should call day before to schedule delivery, (414) 915-1663 and unloading.

13'-9 1/2"

6'

34'-1 3/4"

30'

1914LED
FIXTURE

POLE DIAMETER IS 5"
AND THE BOLT CIRCLE
IS 12"

STRAIGHT
SMOOTH POLE

HN17AC BASE

REV	REVISIONS	DATE	RVSD	MEQUON ROAD GERMANTOWN, WI 2A-1914LED-3L30T3-MDL08-G-HSHS/FFA6/HN17AC30SRSS/BK	DRAWING NUMBER SC38925
A	ORIGINAL	5/19/21			
B	UPDATED PART NUMBER	5/25/21	JG		
				 SternbergLighting ESTABLISHED 1923 / EMPLOYEE POLE HEIGHTS HAVE A TOLERANCE OF + OR - 2"	

Client: Village of Germantown
Project Location: Mequon Road, Division Street to Western Avenue
Prepared By: Traffic Engineering Services, Inc. (262) 797-9097
TES Project No: 21-E-17

ITEM	DESCRIPTION	MANUFACTURER	PART NO.	UNIT	QUANTITY	UNIT COST	TOTAL
1	Pole - 30', Special	Holophane	NYA 30 SL6C05 BK LAB	Each	32	\$3,110.90	\$99,548.80
		Sternberg	9330SRSS-RPBP/BK				
2	Twin Bracket, with 6' Arm	Holophane	consists of (1 pc) WLC 72in 2A TN BK & (2 pcs) WLDF QSM BK	Each	32	\$1,193.65	\$38,196.80
		Sternberg	FFA6/BK				
3	Luminaire, LED	Holophane	ESLP355 40LK MVOLT TG3QSM BK AO L03	Each	64	\$1,029.12	\$65,863.68
		Sternberg	2A-1914LED-4L30T3-MDL12-G-HSHS/BK				
4	Anchor Bolts, 1 x 40 WL	Holophane	1" x 40' with "L" AB's	Each	16	\$85.33	\$1,365.28
		Sternberg	1" x 40' with "L" AB's				
5	Delivery From Date of Order	Holophane	8-10 WEEKS				
		Sternberg					

Bid Response To:

Scott Anderson
 Village of Germantown
 Email: sandreson@village.germantown.wi.us

Bids Due: Tuesday, May 25, 2021 by 3:00 pm

Response By:

Name
 Company
 Phone
 Email

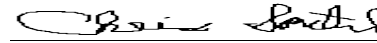
Chris Smith

Revere Electric Supply
 262-994-0667 cell / 262-635-5050 office
csmith@revereelectric.com

Printed Name / Title

Senior Lighting Specialist

Signature:



Date:

5/24/2021

Additional Bid Information:

Most of the street lighting existing concrete bases are being reused for the new lighting system. The proposed materials must work with the existing.

Median mounted 30-foot painted black steel pole on 12-inch bolt circle with black decorative twin arms 6 foot and black luminaire housing, type III distribution and LED lamps 3000K with black steel decorative octagonal base approximately 17 inches high.

The anchor bolts for base shall be minimum 1 inch by 40 inches including "L".

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A plot of foot candles for the average spacing of 160 feet shall be furnished.

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There are 11 foot left and right turn lanes adjacent to the through lanes.

Pedestrians on the 5-foot sidewalk 7 feet from the right turn lane shall have minimum IES levels without excessive side light off right of way.

The enclosed sketches show expected pole, arms, and luminaire. Luminaire is to operate on 120 volts.

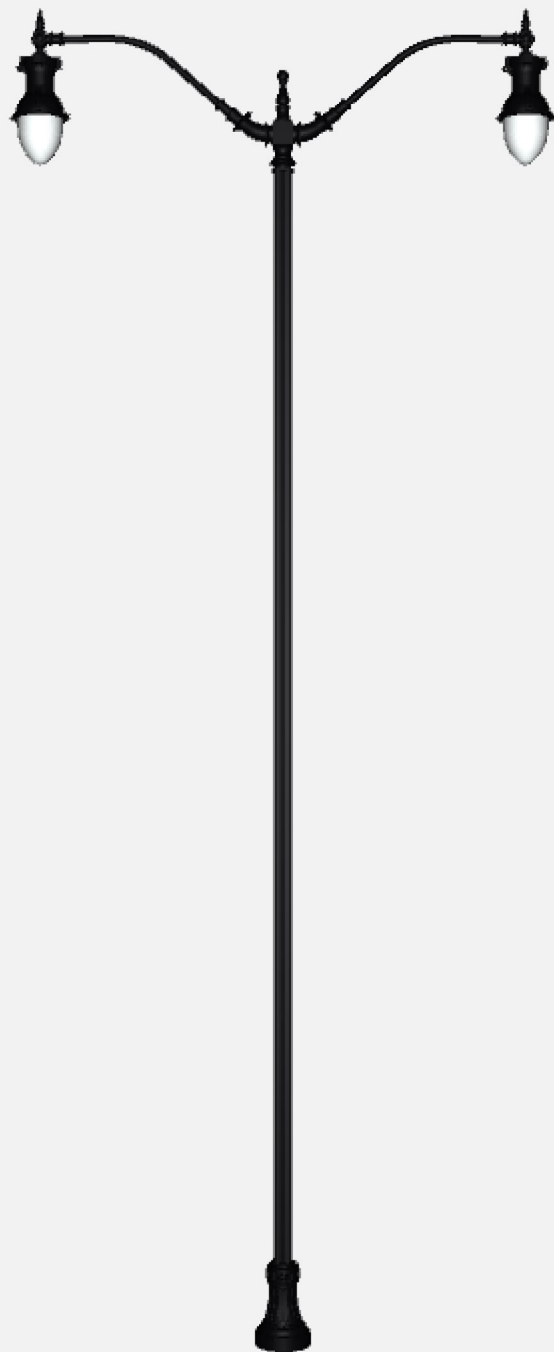
Initial startup voltage is to be included with bid.

It is felt that the part numbers define the lighting unit along with pictures.

An option may be exercised to add a unit for inventory.

Delivery is to Village of German Town at Haupt Strasse Skate Park on Main Street between Division Road and Western Avenue.

The Village will assist with unloading the poles. Trucker should call day before to schedule delivery, (414) 915-1663 and unloading.



**VILLAGE OF GERMANTOWN
WASHINGTON COUNTY**

RESOLUTION NO. 15-2021

**CONTRACT WITH WOLVERINE FIREWORKS DISPLAY IN AN AMOUNT NOT TO
EXCEED \$14,862.50, KIWANIS CONTRIBUTING \$6,862**

WHEREAS, the Village of Germantown will contract for the July 4th Fireworks; and,

WHEREAS, the Village has contracted with Wolverine Fireworks Company for Fireworks. The Contract amount is \$14,862.50, Kiwanis contributing \$6,862; and,

NOW THEREFORE BE IT RESOLVED that the Village Board of the Village of Germantown, does hereby approve the contract with Wolverine Fireworks Company for in an amount not to exceed \$14,862.50, Kiwanis contributing \$6,862. The Village Board approves payment to Wolverine Fireworks Company in the amount of \$8,000, as outlined in the Contract.

Introduced by: _____

Adopted: June 7, 2021

Vote: Ayes: ____ Nays: ____

Dean M. Wolter, Village President

ATTEST:

Deanna Braunschweig, WCMC/CMC
Village Clerk

WOLVERINE FIREWORKS DISPLAY, INC.

205 W. Seidlers Road
Kawkawlin, Michigan 48631
Phone: (989) 662-0121
Fax: (989) 662-0122

WISCONSIN WAREHOUSE:

Phone: (262) 968-4178
Fax: (262) 968-2254

CONTRACT

This contract entered into this 19th day of February, 2021, by and between WOLVERINE FIREWORKS DISPLAY, INC., hereinafter referred to as “**WOLVERINE**” A Michigan Company, duly licensed by the BATFE, and **Village of Germantown**, hereinafter referred to as “Sponsor”.

1. Wolverine agrees to furnish Sponsor, in accordance with the terms and conditions set forth herein, One (1) fireworks display as per this signed and accepted contract. This will include trained and qualified Pyrotechnicians to deliver, setup, execute and take down the pyrotechnic display.
2. Wolverine agrees to provide insurance coverage of Ten Million Dollars, Bodily Injury and Property Damage and the statutory limits for Worker’s Compensation Insurance. The Sponsor will be named as additional insured on the certificate. This insurance covers the operations of Wolverine only and does not extend to any other aspect of the event.
3. The date of this display is: **July 4th, 2021** at: _____ pm. In the event of inclement weather, the display will be rescheduled for the **next night July 5th, 2021** at no additional cost to the Sponsor (dates around the 4th of July are excluded unless approved by Wolverine). In the event the display is rescheduled to a date not the next night, there will be an additional 15% cost added to the contract amount to cover additional expenses involved. In the event the Sponsor does not choose to reschedule another date or cannot agree to a mutually convenient date, the Sponsor shall pay the Contractor an amount equal to 40% to cover Wolverine’s cost, damages, and expenses.
4. The cost of the display is: **\$14,500.00** plus tax (unless exempt). A deposit in the amount of: **\$7250.00** shall be made upon signing of contract, no later than 90 days prior to display date. If the display is cancelled by sponsor after deposit is paid but prior to 30 days before the display, Sponsor will forfeit 25% of deposit. If display is cancelled by Sponsor 30 days prior to display or after, Sponsor will forfeit 100% of deposit.
5. The balance due shall be paid to Wolverine within 10 days following the display.
6. A 2.5% Hazardous Material Handling fee will be added to the invoice (based on the display cost) along with any permit fees paid by Wolverine. There will be a 1.5% late charge added to the invoice on any outstanding amount not paid in full by the agreed upon date.
7. Sponsor, at Sponsor’s expense, agrees to provide Wolverine with a suitable display site that meets the guidelines as set forth in NFPA 1123 and meeting the approval of Wolverine. All permits necessary for

the display shall be the responsibility of the Sponsor. All necessary police, fire, and other appropriate protection necessary for proper crowd control, automobile parking, and display site security will be the responsibility of the Sponsor and in accordance with the provisions of NFPA 1123.

8. After the display, Wolverine will conduct a post display search of the area/fallout zone for any unexploded fireworks. Sponsor explicitly acknowledges that an early morning first light search of the Display Site as defined in NFPA 1123 is of utmost importance and the search will be conducted by the Sponsor. If any unexploded shells or devices are found, Wolverine will be contacted immediately to properly disposed of said material. Wolverine will be responsible for the removal of all equipment provided by Wolverine. Sponsor will be responsible for any remaining cleanup that may be required after the display.
9. Sponsor agrees to defend and hold Wolverine harmless from and against all claims and any penalties, damages, and costs made against and/or incurred by Wolverine in the event (1) the display does not commence on the date and time contemplated by this contract, or is otherwise disrupted as a result of equipment or product malfunction or failure, and/or (2) Sponsor's breach of its obligations under the contract.
10. The laws of the State of Wisconsin shall govern this contract. Nothing in this contract shall be construed as forming a partnership between the Sponsor and Wolverine. Neither party shall be held responsible for any agreements nor obligations not expressly provided for herein, and shall be severally responsible for their own separate debts and obligations.
11. This contract constitutes the entire agreement between the parties and shall be binding on the parties, their heirs, executors, administrators, successors, and assigns.
12. Any Additional Provisions:

WOLVERINE FIREWORKS DISPLAY, INC.

VILLAGE OF GERMANTOWN

By:_____

By:_____

Date Signed:____/____/____

Date signed____/____/____

Address: 205 W. Seidlers Road
Kawkawlin, MI 48631
Gina.wolverinefireworks@gmail.com

Address: PO Box 337
Germantown, WI 53022

Phone: 262-250-4715

Email:
Mschroeder@village.germantown.wi.us
Mark Schroeder



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/19/2021

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

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

PRODUCER The Partners Group Ltd 11225 SE 6th St., Suite 110 Bellevue WA 98004		CONTACT NAME: Janet Nau PHONE (A/C, No, Ext): 425-455-5640 E-MAIL ADDRESS: jnau@tpgrp.com FAX (A/C, No): 425-455-6727	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: T.H.E. Insurance Company	
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 1175597760 **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC	Y		CPP010729701	2/1/2021	2/1/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☒ RETENTION \$ 0			ELP001317401	2/1/2021	2/1/2022	EACH OCCURRENCE \$ 9,000,000 AGGREGATE \$ 9,000,000 \$ GL ONLY
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A				WC STATUTORY LIMITS ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
The following are Additional Insured on General Liability as their interest may appear as respects operations performed by or on behalf of the Named Insured, as required by written contract.
Show Date: July 4th, 2021 Rain Date: July 5th, 2021
Show Location: Fireman's Park- Germantown
Additional Insured(s): Village of Germantown, Kiwanis Club of Germantown, Germantown School District, Kiwanis International

CERTIFICATE HOLDER

CANCELLATION

Village of Germantown
N112 W17001 Mequon Road
Germantown WI 53022

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

AUTHORIZED REPRESENTATIVE

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RESOLUTION NO. 16-2021

RESOLUTION AWARDING THE SALE OF \$3,200,000**
GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2021A;
PROVIDING THE FORM OF THE NOTES; AND
LEVYING A TAX IN CONNECTION THEREWITH

WHEREAS, on May 3, 2021, the Village Board of the Village of Germantown, Washington County, Wisconsin (the "Village") adopted a resolution entitled: "Resolution Authorizing the Borrowing of Not to Exceed \$3,200,000; and Providing for the Issuance and Sale of General Obligation Promissory Notes Therefor" (the "Authorizing Resolution") which authorized the issuance and sale of general obligation promissory notes for the purpose of paying the costs of 2021 capital improvements including street improvements, street lighting, park improvements and related costs, boiler replacement and equipment acquisition (the "Project");

WHEREAS, pursuant to the Authorizing Resolution, the Village Clerk/Treasurer (in consultation with the Village's financial advisor) caused an Official Notice of Sale to be distributed, offering the aforesaid general obligation promissory notes for public sale on June 7, 2021; and

WHEREAS, sealed bid proposals were received as summarized on Exhibit C attached hereto; and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by _____, _____, _____, fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the Village. A copy of said bid is attached hereto as Exhibit A and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village that:

Section 1. Award of the Notes. The bid proposal of _____, _____, _____ (the "Purchaser") is hereby accepted, said proposal offering to purchase the THREE MILLION TWO HUNDRED THOUSAND DOLLARS (\$3,200,000) General Obligation Promissory Notes, Series 2021A (the "Notes") for the sum of _____ DOLLARS (\$ _____), plus accrued interest to the date of delivery resulting in a net interest cost of _____ DOLLARS (\$ _____) and a true interest rate of _____.%

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2021A"; shall be dated June 30, 2021; shall be in the denomination of \$5,000 or any integral multiple thereof; shall bear interest at the rates per annum and mature on March 1 of each year, in the years and principal amounts as set forth in the Pricing Summary attached hereto as Exhibit D and incorporated herein by this reference. Interest is payable

** Preliminary, subject to change.

semi-annually on March 1 and September 1 of each year commencing March 1, 2022. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit E and incorporated herein by this reference (the “Schedule”).

Section 3. Designation of Purchaser as Agent. The Village hereby designates the Purchaser as its agent for purposes of distributing the Final Official Statement relating to the Notes to any participating underwriter in compliance with Rule 15c2-12 of the Securities and Exchange Commission.

Section 4. Redemption Provisions. At the option of the Village, the Notes maturing on March 1, 2029 and thereafter shall be subject to redemption prior to maturity on March 1, 2028 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, from maturities selected by the Village and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption. [If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption are set forth on Exhibit F attached hereto and incorporated herein by this reference.]

Section 5. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit B and incorporated herein by this reference.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the Village are hereby irrevocably pledged and a direct annual irrepealable tax is hereby levied upon all taxable property of the Village. Said direct annual irrepealable tax shall be levied in the years 2021 through 2030 for payments due in 2022 through 2031 in the amounts as set forth on the Schedule.

The aforesaid direct annual irrepealable tax hereby levied shall be collected in addition to all other taxes and in the same manner and at the same time as other taxes of the Village levied in said years are collected. So long as any part of the principal of or interest on the Notes remains unpaid, the tax herein above levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created herein, including any capitalized interest funded with proceeds of the Notes.

Section 7. Debt Service Fund Account. There is hereby established in the Village treasury a fund account separate and distinct from every other Village fund or account designated “Debt Service Fund Account for \$3,200,000 Village of Germantown General Obligation Promissory Notes, Series 2021A dated June 30, 2021.” There shall be deposited in said fund account any premium plus accrued interest paid on the Notes at the time of delivery to the Purchaser, all money raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay interest on the Notes when the same shall become due and to retire the Notes at their respective maturity dates. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Notes and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished.

Section 8. Segregated Borrowed Money Fund. The proceeds of the Notes (the “Note Proceeds”) (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and be disbursed solely for the purposes for which borrowed or for the payment for the principal of and the interest on the Notes.

Section 9. Arbitrage Covenant. The Village shall not take any action with respect to the Note Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Notes (the “Closing”), would cause the Notes to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”) and any income tax regulations promulgated thereunder (the “Regulations”).

The Note Proceeds may be temporarily invested in legal investments until needed, provided however, that the Village hereby covenants and agrees that so long as the Notes remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Notes, whether such moneys were derived from the Note Proceeds or from any other source, will not be used or invested in a manner which would cause the Notes to be “arbitrage bonds” within the meaning of the Code or Regulations.

The Village Clerk, or other officer of the Village charged with responsibility for issuing the Notes, shall provide an appropriate certificate of the Village, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the Village regarding the amount and use of the Note Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 10. Additional Tax Covenants; Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The Village hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Notes) to assure that the Notes are obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout their term. The Village Clerk or other officer of the Village charged with the responsibility of issuing the Notes, shall provide an appropriate certificate of the Village as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the Village to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Notes will continue to be obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes.

In accordance with Section 148(f)(4)(D) of the Code, the Village covenants that it is a governmental unit with general taxing powers; that the Notes are not "private activity bonds" as defined in Section 141 of the Code; that ninety-five percent (95%) or more of the net proceeds of the Notes are to be used for local governmental activities of the Village; and that the aggregate face amount of all tax-exempt obligations (other than "private activity bonds") issued by the Village, including all subordinate entities of the Village, during calendar year 2021 will not

exceed \$5,000,000. If for any reason the Village did not qualify for the small issuer exemption or any other exemption from the rebate requirements of the Code, the Village covenants that it would take all necessary steps to comply with such requirements.

The Village hereby designates the Notes to be “qualified tax-exempt obligations” pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation, the Village Clerk or other officer of the Village charged with the responsibility for issuing the Notes, shall provide an appropriate certificate of the Village, all as of the Closing.

Section 11. Persons Treated as Owners; Transfer of Notes. The Village Clerk shall keep books for the registration and for the transfer of the Notes. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Village Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Village Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Village Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Village Clerk shall cancel any Note surrendered for transfer.

The Village shall cooperate in any such transfer, and the Village President and Village Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

The 15th day of each calendar month next preceding each interest payment date shall be the record date for the Notes. Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the Village maintained by the Village Clerk at the close of business on the corresponding record date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only-System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York (“DTC”), the Village has heretofore agreed to the applicable provisions set forth in the DTC Blanket Issuer Letter of Representation and an official of the Village has executed such Letter of Representation and delivered it to the DTC on behalf of the Village.

Section 13. Official Statement. The Village Board hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as “final” as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the “Rule”). All actions taken by officers of the Village in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with Closing, the appropriate Village official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The appropriate

Village official shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 14. Execution of the Notes. The Notes shall be issued in typewritten form, one Note for each maturity, executed on behalf of the Village by the manual or facsimile signatures of the Village President and Village Clerk (except that one of the foregoing signatures shall be manual), sealed with its official or corporate seal, if any, and delivered to the Purchaser upon payment to the Village of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the delivery of the Notes, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the Closing.

Section 15. Payment of the Notes. The principal of and interest on the Notes shall be paid by the Treasurer or his or her agent in lawful money of the United States.

Section 16. Continuing Disclosure. The Village hereby covenants and agrees that it will comply with and carry out all of the provisions of its Continuing Disclosure Certificate, which the Village will execute and deliver on the Closing Date. Any Noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Village to comply with its obligations under this Section.

Section 17. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Village or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted this 7th day of June, 2021.

Dean Wolter,
Village President

ATTEST:

Deanna Braunschweig,
Village Clerk

(SEAL)

EXHIBIT B

(Form of Note)

REGISTERED
NO. R-__

UNITED STATES OF AMERICA
STATE OF WISCONSIN
WASHINGTON COUNTY
VILLAGE OF GERMANTOWN
GENERAL OBLIGATION PROMISSORY NOTE, SERIES 2021A

MATURITY DATE:	ORIGINAL DATE OF ISSUE:	INTEREST RATE:	CUSIP:
MARCH 1, 20__	JUNE 30, 2021	__%	374118__

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS
(\$_____)

KNOW ALL MEN BY THESE PRESENTS, that the Village of Germantown, Washington County, Wisconsin (the "Village"), hereby acknowledges itself to owe and for value received promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on March 1 and September 1 of each year commencing March 1, 2022 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Note are payable in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by the Village Clerk or Treasurer at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date").

For the prompt payment of this Note together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the Village are hereby irrevocably pledged.

This Note is one of an issue of Notes aggregating the principal amount of \$3,200,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the Village pursuant to the provisions of Chapter 67, Wisconsin Statutes, for the purpose of paying the costs of 2021 capital improvements including street improvements, street lighting, park improvements and related costs, boiler replacement and equipment acquisition, all as authorized by a resolutions of the Village Board duly adopted by said governing body at a meetings held on May 3 and June 7, 2021. Said resolutions are recorded in the official minutes of the Village Board for said dates.

At the option of the Village, the Notes maturing on March 1, 2029 and thereafter are subject to redemption prior to maturity on March 1, 2028 or on any date thereafter. Said Notes are redeemable as a whole or in part, from maturities selected by the Village and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

In the event the Notes are redeemed prior to maturity, as long as the Notes are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, or overnight express delivery, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all the Notes of a maturity are to be called for redemption, the Notes of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Notes called for redemption, CUSIP numbers, and the date of redemption. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the Depository receives the notice. The Notes shall cease to bear interest on the specified redemption date, provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Notes shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the Village, including this Note and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Note, together with the interest thereon, when and as payable. It is hereby further certified that the Village has designated this Note to be a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Note is transferable only upon the books of the Village kept for that purpose at the office of the Village Clerk or Treasurer. In the event that the Depository does not continue to act as depository for the Notes, and the Village Board appoints another depository, new fully registered Notes in the same aggregate principal amount shall be issued to the new depository upon surrender of the Notes to the Village Clerk or Treasurer, in exchange therefor and upon the payment of a charge sufficient to reimburse the Village for any tax, fee or other governmental charge required to be paid with respect to such registration. The Village Clerk or Treasurer shall not be obliged to make any transfer of the Notes (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Notes, or (iii) with respect to any particular Note, after such Note has been called for redemption. The Village may treat and consider the Depository in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever.

IN WITNESS WHEREOF, the Village of Germantown, Washington County, Wisconsin, by its governing body, has caused this Note to be executed for it and in its name by the signatures of its duly qualified Village President and Village Clerk; and to be sealed with its official or corporate seal, if any, all as of the 30th day of June, 2021.

(SEAL)

By: _____
Dean Wolter,
Village President

By: _____
Deanna Braunschweig,
Village Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or its Nominee
Name)

(Authorized Officer)

NOTICE: The above-named
Depository or its Nominee Name must
correspond with the name as it appears upon
the face of the within Note in every
particular, without alteration or enlargement
or any change whatever.

**AN ORDINANCE AMENDING CHAPTER 17 (ZONING CODE)
OF THE VILLAGE OF GERMANTOWN MUNICIPAL CODE**

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

SECTION 1. That Section 17.15(2) (Conditional Uses) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.15(2) CONDITIONAL USES.

Conditional uses as enumerated in Rs-1 District.

- (a) The keeping of certain animals in outdoor pens or detached buildings, as follows:
 - 1. Not more than one horse more than 6 months of age per 2 acres
 - 2. Not more than 3 dogs or 3 cats, or a combination thereof, which are over the age of 12 months
- (b) Raising of poultry, fowl, animals or fish for meat or by-products for family consumption only
- (c) Electric substations
- (d) Transit and carpooling parking areas
- (e) Golf courses with or without country club facilities, and one caretaker's residence
- (f) Parks, leisure and ornamental
- (g) Recreation and health centers
- (h) Archery and driving ranges
- (i) Wind energy conversion systems and solar energy conversion systems
- (j) Bed and breakfast establishments
- (k) Construction Services & Contractor Shops
- (l) Garden Supplies & Horticultural Services

SECTION 2. That Section 17.15(4) is created to read as follows:

17.15(4) CONDITIONAL USE MINIMUM REQUIREMENTS

The Conditional Uses listed under Section 17.15(2)(k) Construction Services and Contractor Shops and 17.15(2)(l) Garden Supplies and Horticultural Services may be allowed only where the property meets the following conditions:

- (a) The property is comprised of 4.0 acres or more; and
- (b) The property is surrounded on all sides by property zoned A-1: Agricultural or A-2: Agricultural

ORDINANCE NO. 04-2021

**AN ORDINANCE AMENDING CHAPTER 17 (ZONING CODE)
OF THE VILLAGE OF GERMANTOWN MUNICIPAL CODE**

SECTION 3. This ordinance shall take effect and be in full force the day after its passage and publication, as provided by law.

Introduced by Trustee: _____
Adopted: _____, 2021

Vote: Ayes: _____
Nays: _____

Dean Wolter, Village President

ATTEST:

Deanna B. Braunschweig, WCMC/CMC Village Clerk

APPROVED AS TO FORM:

Brian Sajdak, Attorney

Published:

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: June 7, 2021

AGENDA ITEM: New Business [ORDINANCE]

ITEM TITLE: Proposed text amendment to Sections 17.15(2) and 17.15(4) of the Village of Germantown Municipal Code pertaining to conditional uses allowed in the Rs-2: Single-Family Zoning District

SUBMITTED BY: Jeffrey W. Retzlaff, Village Planner/Zoning Administrator

SUMMARY EXPLANATION:

In late 2020, Jason Boehlke, owner/operator of J.R. Boelhke, Inc., was issued a Code Violation Notice for operating a pavement construction, landscaping and snow removal business from a 4-acre residential property in violation of the Rs-2: Single-Family Zoning District regulations. Rather than cease operation or relocate the business to a properly zoned property elsewhere in the Village, Boehlke has filed an application to amend the Rs-2: Single-Family Zoning District regulations to:

1. Add "Construction Services", "Contractor Shops", "Garden Supplies" and "Horticultural Services" as conditional uses to the Rs-2: Single-Family residential District under Section 17.15(2); and
2. Create a new section 17.15(4) that would only permit these uses in an Rs-2 District if:
 - a. The property is comprised of 4.0 acres or more; and
 - b. The property is surrounded on all sides by property zoned A-1: Agricultural or A-2: Agricultural

Two (2) public hearings of the proposed amendment were held on April 12 and May 10, 2021.

PLAN COMMISSION RECOMMENDATION:

DENY the proposed text amendment to Sections 17.15(2) and 17.15(4) of the Zoning Code to add "Construction Services", "Contractor Shops", Garden Supplies" and "Horticultural Services" as conditional uses in the Rs-2: Single-Family Residential District. *[NOTE: A motion to "approve" failed unanimously].*

APPLICATION, PLANS & RELATED DOCUMENTS:

All relevant documents, including applications, plans, supporting information, the staff report & recommendation, and Plan Commission meeting minutes (when available) are included in the PDF digital file distributed by the Village Clerk.

[NOTE: a draft ordinance is enclosed that includes the proposed amended text in the event the Village Board votes to adopt the proposed Zoning Code text amendment].

**AN ORDINANCE AMENDING CHAPTER 17 (ZONING CODE)
OF THE VILLAGE OF GERMANTOWN MUNICIPAL CODE**

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

SECTION 1. That Section 17.15(2) (Conditional Uses) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.15(2) CONDITIONAL USES.

Conditional uses as enumerated in Rs-1 District.

- (a) The keeping of certain animals in outdoor pens or detached buildings, as follows:
 - 1. Not more than one horse more than 6 months of age per 2 acres
 - 2. Not more than 3 dogs or 3 cats, or a combination thereof, which are over the age of 12 months
- (b) Raising of poultry, fowl, animals or fish for meat or by-products for family consumption only
- (c) Electric substations
- (d) Transit and carpooling parking areas
- (e) Golf courses with or without country club facilities, and one caretaker's residence
- (f) Parks, leisure and ornamental
- (g) Recreation and health centers
- (h) Archery and driving ranges
- (i) Wind energy conversion systems and solar energy conversion systems
- (j) Bed and breakfast establishments
- (k) Construction Services & Contractor Shops
- (l) Garden Supplies & Horticultural Services

SECTION 2. That Section 17.15(4) is created to read as follows:

17.15(4) CONDITIONAL USE MINIMUM REQUIREMENTS

The Conditional Uses listed under Section 17.15(2)(k) Construction Services and Contractor Shops and 17.15(2)(l) Garden Supplies and Horticultural Services may be allowed only where the property meets the following conditions:

- (a) The property is comprised of 4.0 acres or more; and
- (b) The property is surrounded on all sides by property zoned A-1: Agricultural or A-2: Agricultural

**AN ORDINANCE AMENDING CHAPTER 17 (ZONING CODE)
OF THE VILLAGE OF GERMANTOWN MUNICIPAL CODE**

SECTION 3. This ordinance shall take effect and be in full force the day after its passage and publication, as provided by law.

Introduced by Trustee: _____
Adopted: _____, 2021

Vote: Ayes: _____
Nays: _____

Dean Wolter, Village President

ATTEST:

Deanna B. Braunschweig, WCMC/CMC Village Clerk

APPROVED AS TO FORM:

Brian Sajdak, Attorney

Published:

PLAN COMMISSION MINUTES

May 10, 2021

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

ROLL CALL: Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Tony Laszewski, Bill Shadid, Matt Kimmler, Bob Williams and Peter Nilles were in attendance. Also present were Community Development Director Jeff Retzlaff, Associate Planner Emily Zandt and Planning Assistant Lori Johnson.

PUBLIC INPUT:

None

APPROVAL OF MINUTES:

MOTION Baum second Shadid to Approve the Minutes from 4-12-21.

MOTION carried unanimously.

Jason Boehlke, Property Owner - N120 W13537 Freistadt Road. Proposed text amendment to Sections 17.15(2) and 17.15(4) of the Village of Germantown Municipal Code to add Construction Services, Contractor Shops, Garden Supplies and Horticultural Services as conditional uses that would be allowed in the Rs-2 Single Family Residential Zoning District. Director Retzlaff summarized the proposal.

Jason Boehlke's attorney spoke regarding the proposal. He stated Mr. Boehlke has been at this property and operated this business for 13 years. His options as proposed from the Village are to move his business somewhere else or propose an amendment that will allow his business to continue. The amendment would provide for the orderly use of this property as a business and avoid external conflicts and problems for other properties and avoid problems this may open doors to other properties that are similarly situated from becoming problematic. The property is surrounded by large tracks of agricultural land that allow for horticultural services. Mr. Boehlke's property is an island in between these properties and the impact to the community and neighbors would be minimal or the same if the property had ag zoning. He said the Village Board can impose restrictions to lessen the impact to the neighboring community.

Jason Boehlke said he purchased the property in 2008 and contacted the Plan Commission to ask if it was OK to run a business out of the property. He said he sent an email and talked to someone in the office and was told it's OK to run a business from this property. He's not trying to hide anything, he grew up in Germantown, helps coach, works for Germantown with roadway stuff, and the high school. He doesn't believe the text amendment will only help him. He employs local residents and works with the high school to give students employment. His shop is not like David J Frank, TLC or Wendland and he's never been directly told by neighbors that he's too loud.

Public Hearing opened at 7:00 pm.

The following residents spoke against the proposal:

- Bruce Bernarde, N120 W13645 Freistadt Road - asked to deny the request, the business has grown and is over capacity at this site, noise debris, traffic, storage, loading trucks, deliveries, 30-35 pieces of equipment on site.
- David Gierach, N124 W18518 Lovers Lane Road - asked to deny the request because Boehlke has outgrown his location and may need to look for a bigger facility.

- Tracy Bernarde, N120 W13645 Freistadt Road - asked to not approve the request because Boehlke's business has grown and is much more disruptive, he is not there to supervise workers.

Public Hearing closed at 7:21 pm.

MOTION Baum second Laszewski to Approve the proposed text amendment to Sections 17.15(2) and 17.15(4) of the Zoning Code to add Construction Services, Contractor Shops, Garden Supplies and Horticultural Services as conditional uses in the Rs-2 Single-Family Residential District.

Discussion followed. Trustee Baum said he had received numerous complaints about activities on this property. He stated this is a common problem. Mr. Boehlke has a successful business but he has outgrown the location and he needs to move on. He said the business is not appropriate today adding Boehlke's attorney spoke about avoiding conflicts with the adjacent uses. But there is a conflict with the adjacent neighbor that resulted in a court hearing. He doesn't see the Village allowing this type of use on a residential property and feels he has outgrown this property and implores him to do the right thing. Commissioner Williams said he drives by this property every day and sees supplies, equipment and materials that are out in the open and not in a storage facility. Commissioner Shadid said he is against the proposal because the citizens rely on us to uphold the zoning rules and he doesn't see any circumstance in the positive to approve the request. Discussion continued.

Commissioner Laszewski said he is looking for something that this makes sense, but feels the business is busting at the seams and not compatible for the area. Chairman Wolter asked where other Rs-2 zoned properties were located in the area. He commended Mr. Boehlke on the success of his business and his service to customers and he congratulated him for that. But when there is a mix of residential with commercial or residential with industrial, we start to see issues and complaints that come up. And it's usually the residential that loses that argument. As far as the recommendation to change the zoning he will not vote for it for that reason because long term it creates issues with the residents and doesn't work well in a residential neighborhood. So going forward as we move toward the 2050 Plan and as more landowners change over to one or two acre residential zoning in the area as we are recommending, the zoning amendment could impact more lots than just the two there today and cause long term issues to the residents in that area or go to that area for that reason. So for that reason and from the experience he's seen since being on this board, because of the mix of residential to commercial or industrial when we put them together, and there is an issue, he will vote against it for that reason.

MOTION failed unanimously.

Village Board will take final action on June 7th.

Scott Morgan, Property Owner of All Terrain Construction Company, N112 W14972 Mequon Road. Site Plan review for a 4,400 sqft Accessory Building and Site Improvements. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the building plans for a 4,400 sqft detached accessory vehicle and equipment storage building and site development plans for parking lot

PLAN COMMISSION MINUTES

April 12, 2021

CALL TO ORDER: Chairman Wolter called the meeting to order at 6:32 pm.

ROLL CALL: Chairman Dean Wolter, Trustee Rep David Baum, Commissioners Tony Laszewski, Bill Shadid Matt Kimmler, Bob Williams and Peter Nilles were in attendance. Also present were Community Development Director Jeff Retzlaff and Planning Assistant Lori Johnson.

PUBLIC INPUT:

None

APPROVAL OF MINUTES:

MOTION Baum second Laszewski to Approve the Minutes from 3-8-21.

MOTION carried unanimously.

Jason Boehlke, Property Owner - N120 W13537 Freistadt Road. Proposed text amendment to Sections 17.15(2) and 17.14(4) of the Village of Germantown Municipal Code to add Construction Services, Contractor Shops, Garden Supplies and Horticultural Services as conditional uses that would be allowed in the Rs-2 Single Family Residential Zoning District. Chairman Wolter stated Mr. Boehlke had contacted him and asked that action, if so moved, be tabled, because he wasn't ready or available to present. He added that because the Public Hearing had been noticed we will proceed with the that. Director Retzlaff summarized the proposal.

Public Hearing opened at 6:47 pm.

Chairman Wolter read the following comments into the record:

- Steve and Jodi Rupnow, N120 W13918 Freistadt Road. Comments were against the request to rezone the property because of construction, traffic and noise.
- Janice Bernarde, N120 W13950 Freistadt Road. Comments against the proposal because of traffic and noise.

The following residents spoke against the proposal:

- Bruce Bernarde, N120 W13645 Freistadt Road - spoke against the proposal, Boehlke running a business without permits and is storing several vehicles on the property, noise, debris.
- Tracy Bernarde, N120 W13645 Freistadt Road - spoke against, said Boehlke does not live on the property, busy landscape business, loud, dusty, business has outgrown the location.
- Sally Wenzelow, N120 W13282 Freistadt Road - spoke against, sees vehicles and equipment, noise.
- Tanya Kapp, W210 N10735 Appleton Avenue - lives across from TLC landscape business, vehicles coming in and out, trucks dumping, hydraulic noise, distracting, dust, driveway covered in stones, loud.
- Sharon Gleissner, W210 N10743 Appleton Avenue - lives across from TLC landscape business, brings a lot of dirt and mud, dump trucks all day, devaluing housing, a nuisance.
- Art Zabel, N97 W15737 Burr Oak Road - do not amend the zoning code, uphold staff recommendation, property is zoned residential, don't need tailgate banging or backup alarms, vehicle noise.

Public Hearing closed at 7:11 pm.

MOTION Shadid second Baum to Table.

MOTION carried 6-1 (Kimmler).

Chairman Wolter explained the motion to Table is to give Mr. Boehlke a chance to speak in regard to his text amendment proposal and address any concerns. The proposal will most likely be heard at the next Plan Commission meeting on May 10th. The Public Hearing will remain open.

Sundance, Inc., Agent for Marshall & Diane Peebles, Property Owner - N96 W18058 County Line Road. Application to Rezone 4.91 acres from B-1: Neighborhood Business to the B-5: Highway Business District; a Conditional Use Permit to allow development within a 25' wetland and 75' navigable waterway setback; and a Site Plan application for a 1,786 sqft Taco Bell Restaurant with drive-through facilities. Director Retzlaff summarized the proposal. Tim Krause, Sundance, addressed questions. Mike May, Professional Engineer for TADi, provided additional information. He said implementing the modifications as outlined by Dir. Retzlaff will make the driveway safer including moving the curb and guardrail and maintaining the vegetation. He continued with additional information stating other improvements could be implemented in the future if needed.

Jason Daye, Excel Engineering, stated Sundance has complete control of when their deliveries arrive stating they will be done during off hours. He said Sundance is willing to go under an agreement of understanding if there are future concerns with the intersection and that they will work together with the County to mitigate them. Mr. Krause explained the architecture of the building is a prototype.

Public Hearing opened 7:56 pm.

Chairman Wolter read the following comments received into the record:

- Shirley Engelman, W180 N9843 Riversbend Cir W, comments against the proposal, concerned with the wetlands and flow of the Menomonee River, too many food choices on Hwy. Q.
- Joseph Pintor, N98 W18032 Bramblewood Ct, comments against, heavy burden on County Line Road.
- Merton & Starteen Troeger, W180 N9909 Riversbend Cir W, comments against, traffic and noise.
- Gerald & Joan Winkler, W180 N9918 Riversbend Cir W, comments against proposal.

The following residents spoke against the proposal:

- Corrine Ehmke, W178 N9712 Riversbend Cir W, Taco Bell has a lot of garbage, doesn't clean up the site, dumpster gates are open, its gross and disgusting.
- Susan Lazarski, W180 N9867 Riversbend Cir W, spoke against, traffic, crime in the area, concerned with wetland and lighting.
- Doug Loman, W180 N9881 Riversbend Cir W, spoke against, too many traffic lights,
- Triffina Gomolla, W180 N9923 Riversbend Cir W, spoke against, concerned with wetland, traffic.
- Jan Miller, W151 N10297 Windsong Cir W, in agreement with Village staff recommendations. Property is too small, infringes on wetland and waterway setback area, deny all 3 applications.

Public Hearing closed at 8:14 pm.

MOTION Baum second Williams to Approve the Rezoning application to rezone the 4.9-acre subject property from the B-1:Neighborhood Business District to the B-5: Highway Business District.

ZONING CODE TEXT AMENDMENTS

5/10/21 Plan Commission Meeting

Jason Boehlke

Village Planner Report

Germantown, Wisconsin

Summary

Jason Boehlke, property owner, is requesting approval of an amendment to Section 17.15(2) and 17.15(4) of the Zoning Code to add “Construction Services”, “Contractor Shops”, Garden Supplies” and “Horticultural Services” as conditional uses in the Rs-2: Single-Family Residential District.

PROPOSAL

As set forth in the “explanation and justification” attachment to his application, Boehlke is proposing to add “Construction Services”, “Contractor Shops”, Garden Supplies” and “Horticultural Services” as conditional uses to the Rs-2: Single-Family residential District because:

1. there are parcels in the Rs-2 District that once were zoned and used for agricultural purposes that contain accessory buildings such as barns, pole barns, metal buildings and other structures previously used for farming and other rural businesses; and
2. that such properties are attractive to businesses that operate from and/or use the existing buildings and structures for equipment storage or other new business purposes.

Boehlke discusses his own situation where he owns a 4.0-acre property in an Rs-2 District on Freistadt Road just east of Country Aire Drive (N120 W13537 Freistadt Road) and the specific operational characteristics of the pavement, landscaping and snow removal business (J.R. Boehlke Inc.) he has operated from this property since 2008. Boehlke describes how his 4-acre parcel came to be as a result of the previous owner rezoning, subdividing and selling a 40-acre parcel to MMSD (Milwaukee Metropolitan Sewerage District) for purposes of preserving and protecting approximately 36 acres of wetland under MMSD’s “Greenseams Program”; and putting the remnant 4-acre parcel with the farmhouse and buildings into the Rs-2 District.

Boehlke further describes how he applied for but was unable to obtain a conditional use permit (or even submit an application) for his landscaping operation because the Rs-2 district does not permit this type of use nor does it qualify as a “home occupation” under the Zoning Code.

Boehlke goes on to argue that, given the historical use of his property, the number and type of accessory buildings, and a rural location surrounded by agriculturally zoned properties, his property is best suited for a small business use like his landscaping operation. Boehlke further argues that because his own landscaping business operates much like a “horticultural services” use that is allowed in an A-1 or A-2: Agricultural District, the Rs-2 District that his property is located in should therefore be changed to allow his business (rather than force him to relocate).

Boehlke proposes that the Rs-2: Single-Family Residential District be amended to:

1. Add “Construction Services”, “Contractor Shops”, “Garden Supplies” and “Horticultural Services” as conditional uses to the Rs-2: Single-Family residential District under Section 17.15(2); and
2. Create a new section 17.15(4) that would only permit these new conditional uses in an Rs-2 District if:
 - a. The property is comprised of 4.0 acres or more; and
 - b. The property is surrounded on all sides by property zoned A-1: Agricultural or A-2: Agricultural

Boehlke explains that these additional criteria would ensure that the use of parcels meeting these criteria for any of the (4) new conditional uses “...would not negatively impact or impair the surrounding property uses”. Boehlke goes on to discuss how there are only two parcels in the Village that meet these criteria and, as a result, *the “... Village’s interests would be protected while allowing limited uses that are consistent with available uses on surrounding properties”*.

STAFF COMMENTS

Background

In the fall of 2020, Boehlke was issued a Code Violation Notice for operating his pavement, landscaping and snow removal business in violation of the Rs-2: Residential District regulations, and, a Stop Work Order for importing fill to & grading his 4-acre property without an erosion control permit.

In the course of discussing what actions Boehlke could take to legally operate the landscaping business from the property, Village Staff discussed the following alternatives:

1. Acquire additional land from an abutting owner to increase the parcel size to a minimum of 10 acres, apply to rezone the property into the A-2: General Agricultural District and apply for a conditional use permit to allow a “horticultural service” operation;
2. Apply for a conditional use permit to allow the operation as a “major” home occupation; or
3. Apply for and propose to revise the Rs-2: Single-Family District regulations to allow the operation of a landscaping, paving & snow plowing business

Boehlke applied for a conditional use permit as a “major” home occupation. The application was rejected by the Zoning Administrator because the business did not meet the basic definitions of a “home occupation” under section 17.61 of the Zoning Code. As detailed in a February 8, 2021 letter from the Zoning Administrator, the operator of the business (Boehlke) does not live on the property and the number of current employees (12-15) exceeds the maximum number allowed for a “major” home occupation in an Rs-2 District (2).

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Boehlke indicated that he approached the abutting landowner, MMSD, about possibly acquiring additional land to add to his 4-acre property, but has been unsuccessful to date.

Zoning Code Purpose & Land Use Compatibility

One of the primary purposes of a Zoning Code is to implement the broader land use and development-related goals, policies and objectives set forth in a community's comprehensive plan through more specific allowances and restrictions. Like most Zoning codes, the Village's Zoning code divides the Village into various districts or zones, such as residential, commercial, and industrial, that are separate from each other but typically contain uniform types of development and land uses.

Typically, Zoning Codes contain multiple zones for the same general type of land use, e.g. residential, industrial, and business for example, but with specific restrictions and allowances that distinguish one residential zone from another. For example, the Village has an Rs-1 District that allows residential land uses on parcels with a minimum size of 5 acres; an Rs-2 District that allows residential uses on parcels with a minimum size of 2 acres; and an Rs-3 District that allows residential uses on parcels with a minimum size of 1 acre; and so on. While there is some "overlap" and similarity of land uses allowed across a certain category of zones, i.e. residential for example, the structure of the Village's Zoning Code (like most) is to not allow significantly different land uses with the same category of zones. For example, although residential land uses are allowed in all seven of the Village's residential districts at different densities and lot sizes, most commercial and industrial uses are not allowed at all in any of the residential districts. Similarly, commercial districts allow different retail and other business uses in different commercial zones and in different areas of the Village, but generally do not allow residential uses.

The fact is, the Village's Zoning Code already allows "Construction Services", "Contractor Shops", "Garden Supplies" and "Horticultural Services" in other zoning districts that are NOT residential districts because such uses are considered to be incompatible.

As shown in Table 1, these uses are specifically listed and allowed in select agricultural, business and industrial districts as either Permitted (P) or Conditional Uses (CUP).

Arguably, even the separation of these uses from residential uses by allowing them in the agricultural, business and industrial districts shown in Table 1 has kept such uses from negatively impacting residential uses in other districts. As many are aware, conflicts resulting from truck and equipment noise, dust, traffic, and land management practices associated with business like TLC Acres Nursery & Landscaping and Wendland Landscaping Services, have plagued the residential areas adjacent to and surrounding these businesses that are legally operating from the A-2: Agricultural districts they are located in. These two businesses provide landscaping and construction services, garden supplies and horticultural services just like the J.R. Boehlke Inc. operation.

TABLE 1.				
Land Use	Zoning Districts Allowed			
	Agricultural	Business	Industrial	Residential ⁽¹⁾
Construction Services	X	B-3(CUP) B-5(CUP)	M-1(P)	Home Occupation Only P=minor; CUP=major
Contractor Shops	X	B-3(CUP) B-5(CUP)	M-1(P)	Home Occupation Only P=minor; CUP=major
Garden Supplies	A-1(CUP) A-2(CUP)	B-1(CUP) B-2(CUP) B-3(CUP)	M-1(P)	Home Occupation Only P=minor; CUP=major
Horticultural Services	A-1(CUP) A-2(CUP)	B-1(CUP) B-2(CUP) B-3(CUP)	M-1(P)	Home Occupation Only P=minor; CUP=major

NOTE (1): All "Home Occupations" regulated under Zoning Code 17.61

It is important to point out that, while these four uses are not specifically listed in any of the residential districts, it is possible that one or more of these uses MAY be allowed in any of the residential as a "home occupation". Which is to say, allowed in a limited manner subject to the limitations and restrictions in Section 17.61 of the Zoning Code. So, one might argue that the uses Boehlke proposes to add to the Rs-2 District under the proposed amendment are already allowed, but only in a limited scope and subject to the restrictions that apply to all "home occupation" uses allowed in the Village.

Comprehensive Plan Consistency

The Village's current 2020 Comprehensive Plan and Land Use map classifies all land in the Village into generalized land use categories that describe the general type or category of land use the Village would prefer those areas to be used for, including "Commercial", "Rural Residential", "Industrial/Office", "Agricultural/Conservation Residential", and so. In turn, the Zoning Code contains even more specific districts or zones with specific restrictions, allowances and limitations to guide the development and land use within those generalized areas shown on the 2020 Land Use Plan map.

With respect to the area within which the Boehlke property is located, the 2020 Land Use Plan map classifies the area south of Freistadt Road, east of Country Aire Drive and west of Wasaukee Road as "Rural Residential".

As stated in the 2020 Comprehensive plan, "Rural Residential" land uses are typically single-family homes with accessory structures found in rural areas with large homes, several accessory structures and lots approximately one acre or larger in size. "Rural Residential" areas are generally found adjacent to or scattered within the "Agricultural/Conservation Residential" areas of the Village that are planned for a residential density of one dwelling unit per acre with a minimum 1-acre lot size.

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In the case of the "Rural Residential" area bounded by Country Aire Drive, Freistadt Road and Wasaukee Road, this area is intended to be a transitional area between the agricultural areas and higher density sewer areas within the Sewer Service Area to the south.

In fact, portions of this area of the Village have begun to develop in the last 3-5 years with higher density residential uses consistent with what is planned under the 2020 Plan. Harvest Hills, Woodland Ponds and Woodland Ponds Estates are developing residential subdivisions with 1-acre lots and on-site sanitary systems and private wells. These residential neighborhoods are located only ½ mile away east of the Boehlke property.

Similarly, the Wrenwood residential subdivision has started to develop just west of Country Aire and south of Freistadt Road. Wrenwood south is nearly built out with Wrenwood North (1 mile west of the Boehlke property) getting ready to begin construction in 2021. What is important to note with respect to the Wrenwood developments is that, as a direct result of this development, public water and sanitary sewer facilities have been extended into this area and will continue to expand to serve the land on both the west and east side of Country Aire Drive south of Freistadt Road, including the 40 acres of land abutting the Boehlke property to the west.

The important point to keep in mind is that the area designated on the Village's 2020 Land Use Plan map that surrounds the Boehlke property on the west and the east are developing according to the Village's plan and will no longer be the rural, agricultural properties in the A-1 and A-2 Zoning Districts as they are today. What's zoned A-1 and A-2 today is, in fact, planned to be rezoned and developed into higher density residential subdivision and other small-lot development that would generally be incompatible with the sort of construction and contracting businesses Boehlke argues are suitable for his and the surrounding property. Boehlke's argument that this area is best suited for contracting businesses like his landscaping business is based solely on the type and density of land uses in the area in the past and much less today. Arguably, allowing land uses such as this is, in fact, contrary to and inconsistent with the Village's future land use plans for this area as designated under the current 2020 Land Use Plan and the 2050 Plan currently being developed.

Public vs. Private Interest

As stated previously, a community's Zoning Code is generally intended to implement the overall public interest as established through the various land use and development goals, objectives and policies in the comprehensive plan. With that in mind, changes to a Zoning Code, whether they be district or zone changes made to the official zoning district map, or changes to the specific allowances and restrictions set forth in the text of the code should be made for the purpose of improving or enhancing the overall public interest as opposed to the interest of just one property owner.

#

While the Village has not had many Zoning Code text amendments, all of those that have been recommended by Staff or initiated by private individuals have arguably changed the Code in a manner that would improve the interests of many if not all property owners affected by the change or in the particular zoning district or code section that was amended.

For example, the most recent code amendment initiated by a private property owner and eventually carried forward by the Village attorney and staff changed (i.e. relaxed) the non-conforming structure provisions and rear & side yard setback restrictions for properties abutting outlots or common open spaces. The changes proposed and eventually adopted by the Village Board benefited at least 25-30 individual properties known to be restricted by the previous restrictions within the Esquire Estates neighborhood with an understanding that many more properties in the Village could also benefit from the code amendment.

Many of you have probably heard the term “spot zoning” and recall the negative connotation associated with it (i.e. spot zoning = illegal zoning). Well, amending a zoning code, and more specifically rezoning a particular property into a different zoning district that would allow the use of that property that is significantly different than the use(s) allowed on the properties surrounding it is not necessarily illegal if the zoning change is consistent with the intended purpose as set forth in the community’s comprehensive plan. For example, an area in a community where all the parcels are currently zoned and used for low-density residential purposes may have one parcel in the middle of that area rezoned into a district that allows a commercial use if the comprehensive land use plan designates that area for future commercial use. While such a zoning change might create the only commercially zoned parcel in the area, this type of “spot re-zoning” would be consistent with the land use plan and not necessarily illegal.

With that said, and with the differences of legal vs. illegal “spot zoning” in mind, it is generally a good idea (if not sound legal ground) for a zoning code amendment, whether it is a district rezoning for a parcel on a zoning map or a zoning code text amendment, to be consistent with the community’s comprehensive planning, and, to be made on the basis of considerations affecting the whole community (or a large portion of it) and not solely for the benefit of one or even just a few property owners who are requesting the code amendment.

With respect to the Boehlke code amendment proposal, it is clear (if not the sole basis for Boehlke’s argument) that the only property and property owner who stands to benefit from the amendment is Boehlke himself. This proposed amendment is not intended to benefit the overall community or even a portion of it. The amendment is intended to relieve Boehlke from having to deal with the consequences of illegally operating a pavement, landscape construction and snow removal business in a residential district (and planned residential area) and the pending enforcement action necessary to uphold the Zoning Code in a manner consistent with the Village’s comprehensive plan.

(NOTE: the only other parcel that Boehlke cites in his justification that might benefit from the proposed amendment, i.e. a 4.5-acre parcel owned by John Perry currently developed for a residential use, is situated diagonally across from other parcels currently zoned Rs-2 and NOT A-1 or A-2. Therefore, depending on how strict one interprets the proposed criteria that the property be 4 acres in size or more and that “the property is surrounded on all sides by property zoned A-1 or A-2”, one could argue that the Perry parcel does not meet the proposed criteria since it is across the street from an Rs-2 District. Moreover, on April 30 John Perry submitted rezoning and CSM applications seeking approval to enlarge and rezone his 4.5-ac parcel from Rs-2 into an A-2 District).

VILLAGE STAFF RECOMMENDATION

DENY the proposed text amendment to amend Sections 17.15(2) and 17.15(4) of the Zoning Code to add “Construction Services”, “Contractor Shops”, Garden Supplies” and “Horticultural Services” as conditional uses in the Rs-2: Single-Family Residential District.

Village of

Germantown

Willkommen

Fee Must Accompany Application

☒ \$1115

Paid

3-10-21

☐ \$200

PC Consultation Only

Paid

Date Received by Village:

ZONING CODE TEXT AMENDMENT APPLICATION

Please read and complete this application carefully. All applications must be signed and dated. Attach additional sheets and/or include supplemental information in support of your application.

AGENT: (if different from Applicant)

APPLICANT:

Jason R. Boehlke

Address:

Address:

N120 W13537 Freistadt Road

Germantown, WI

Phone:

Phone:

414-305-6773

FAX:

FAX:

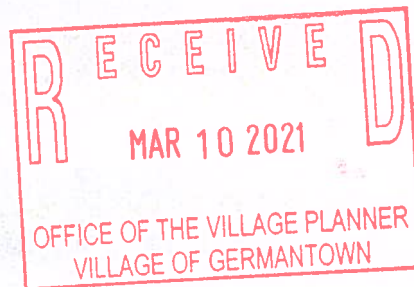
E-Mail:

E-Mail:

Jason@jrboehlke.com

Zoning Code(s) to be Amended: (Check all that apply)

- ☒ **General Zoning Code (Chapter 18)** - Chapter 17
- ☐ **Floodplain Zoning Code (Chapter 23)**
- ☐ **Shoreland-Wetland Zoning Code (Chapter 24)**



Section(s) to be Amended:

Zoning Code Sections 17.15(2) to be amended and creation of 17.15(4).

Proposed Text Amendment(s): (list text amendments using **STRIKEOUT** and **UNDERLINE** format)

Refer to or Attach Additional Pages as Necessary

Section 17.15(2) Conditional Uses, shall be modified to add the following:
(k) Construction Services, Contractor Shops
(l) Garden Supplies, Horticultural Services

Section 17.15(4) shall be added as follows:
(4) The Conditional Uses permitted under Section 17.15(2)(k) Construction Services, Contractor Shops, and (l) Garden Supplies, Horticultural Services shall be permitted only where the property meets the following conditions: (a) the property is comprised of 4.0 acres or more; and (b) the property is surrounded on all sides by property zoned A-1 Agricultural District or A-2 Agricultural District.

Detailed Explanation and Justification for Proposed Amendment(s):

Refer to or Attach Additional Pages as Necessary

See attached.

APPLICATION SUBMITTAL REQUIREMENTS (to be submitted at time of application):

- All Amendment Applications:
1. Complete Application Form (Affidavit of Understanding and signatures required)
2. Application Fee
3. Detailed explanation of and justification for proposed amendment(s)
4. Detailed explanation of if and how the proposed amendment(s) will affect other sections of the Zoning or other Municipal Code provisions
5. Specific amendment language proposed that is presented in a strike-out (text to be deleted) and underline (text to be added) format.
6. Electronic/Digital file containing in all information required under #3, #4 and #5 above. Acceptable formats include word processor, e.g. Microsoft Word (.doc or .docx) or plain text (.txt). File can be submitted via email attachment or flash drive.

AFFIDAVIT OF UNDERSTANDING

Please read and indicate that you understand and agree to the following (initials in box):

- Initials: JRB. I understand that Village Staff, the Plan Commission and/or the Village Board may request additional information to properly evaluate this application and failure to provide such information may be sufficient justification to deny this application;
Initials: JRB. I understand that, regardless of the justification and/or information provided in support of my application, the Village is not obligated to approve my application nor amend the Zoning Code as requested;

ALL APPLICATIONS MUST BE SIGNED BY THE AGENT & APPLICANT

Agent Date Applicant Date
Agent Date Applicant Date
Agent Date Applicant Date

Zoning Code Text Amendment Application – Attachment

Applicant: Jason R. Boehlke

Explanation of and justification for proposed amendments.

The current the Rs-2 Zoning District is a residential district intended to provide for single-family residential development in predominantly rural areas not served by municipal sewer and water facilities.

Within the Rs-2 Zoning District are parcels that were previously zoned agricultural as A-1 or A-2 Districts. These parcels often contain accessory farm buildings, including barns, pole barns, metal buildings, and other structures from historical use as farms or other rural businesses. The properties often attract horticultural and other businesses operating out of shops for equipment storage and other uses that complement their business, while performing work off site, such as landscaping, plumbing, and other small contractors.

I own one such property located at N120 W13537 Freistadt Road, Germantown, WI ("Property") which is a 4.0 acre parcel zoned Rs-2. I bought this Property in 2008. A plat of survey showing the Property and proposed use is enclosed with this Application. My Property has a farm house, a large barn, and two metal pole barns that existed prior to my purchase. Prior to purchasing the Property, I contacted the Zoning Administrator and Planning office to inquire whether anything was needed to run my landscaping business out of the property. I was told by staff that I did not need any additional approvals.

Since 2008 I have been operating a landscaping business out of the Property, which offers landscaping, snow plowing, and pavement maintenance services. No customers come to the Property and all work is performed off site at the customer's property. There are no signs on the Property for the business. There are limited deliveries of landscape materials that are delivered to the Property. All materials are stored at the rear of the Property adjacent to one of the pole buildings and are not visible from the roadway. All equipment is stored inside or behind the barn and pole barn buildings. Employees arrive in the morning to load the trucks/equipment, and then leave the Property to perform work offsite. At the end of the day employees drop the trucks and equipment back on the Property. My company employs between 12-15 employees, which except for two office staff, perform all work and services off site.

My property is surrounded on all sides by property zoned A-1 or A-2, which are over 35 acres in size. The Property is a rural parcel and not near any residential subdivision.

My Property was previously zoned agricultural, but was subdivided in approximately 2006 to allow for a sale of approximately 36 acres to MMSD, which is part of the Greenseams program and undeveloped wetland or natural grasses. As a result, the remaining parcel does not meet the 10 acre minimum requirement for A-1 or A-2 Districts, and it rezoned to Rs-2. The prior owner of the Property used the accessory building to run a contracting business.

I recently applied for a Conditional Use Permit through the Village, but the Village Zoning Administrator denied the application prior to review by the Plan Commission and hearing by the Village Board. The Zoning Administrator's basis for denial was interpretation of the Zoning Code that the proposed use does not qualify for a home occupation given its size and characteristics, and the Rs-2 district does not permit any Conditional Uses that would permit my continuation of using the Property for my business.

Given the historical use, pre-existing buildings and characteristics, and rural nature of the Property being surrounded by A-1 and A-2 Agricultural zoned properties, the use of the Property is best suited for small business, such as a contracting business where the property is primarily used for storage of trucks and equipment for use in performing work off site. Such a use provides little impacts that would differ from those allowed or expected through agricultural uses under neighboring zoning of A-1 and A-2, and in particular horticultural services Conditional Uses. Given the similarity of use as the neighboring A-1 and A-2 properties, allowing a horticultural or contracting business to operate out of the property, while permitting the Village



Board to place conditions on such uses to avoid detrimental impacts to surrounding properties, would be a benefit to the Village.

The current Rs-2 zoning prevents the best use of the Property, without providing a meaningful benefit to either the surrounding properties or the community. Accordingly, rather than displacing a successful business that employs Village residents, a revision to the zoning code to permit use of the Property for horticultural and contracting services in a very narrow set of circumstances would be a benefit to all stakeholders.

Accordingly, I am requesting that the Rs-2 section of the Zoning Code, 17.52(2), be revised to permit horticultural and contracting services business as Conditional Uses, provided that a new section 17.52(4) be created to limit such Conditional Uses to those that are surrounded by A-1 and A-2 properties and at least 4.0 acres in size. This would provide a very narrow set of circumstances under which such use would be permitted, thereby providing adequate assurance that the uses of such Rs-2 parcels would not negatively impact or impair the surrounding property uses.

In review of the Germantown Zoning map, only two properties would meet this criteria - my Property at N120 W13537 Freistadt Road and the property located at N124 W14106 Lovers Lane. See enclosed Map identifying the properties.

With the very limited expansion of the Zoning Code to allow this narrow set of circumstances, the Village's interests would be protected, while allowing for limited uses that are consistent with available uses on surrounding properties.

Affect on Other Sections of the Zoning or other Municipal Code provisions.

The changes will have no affect on other sections of the Zoning or other Municipal Code.

FOR JASON BOEHLKE

SHEET 1 OF 2

NORTHEAST COR
NORTHWEST 1/4
24-9-20
CONC. MON
BRASS CAP



FROM QUIT CLAIM DEED DOC. #1389004

LOT 1 OF CERTIFIED SURVEY MAP NO. 6112, RECORDED
DECEMBER 20, 2006, IN VOLUME 45 OF CERTIFIED SURVEY
MAPS ON PAGES 318 TO 321, AS DOCUMENT NO. 1147326,
LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4
OF SECTION 24, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN
THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY,
WISCONSIN

PROPERTY ADDRESS N120 W13537 FREISTADT ROAD, WI
53022

TAX KEY NUMBER: GTNA 242989

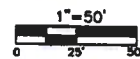
SAID PARCEL CONTAINS 4.00 AC

BENCHMARK:

RR SPIKE IN NORTH SIDE POWER POLE ON
THE SOUTH SIDE OF FREISTADT ROAD
WEST OF THE ASPHALT DRIVEWAY

ELEV 867.12

BEARINGS ARE REFERENCED
TO WISCONSIN STATE PLANE
COORDINATE SYSTEM SOUTH ZONE
NAD "83"
NORTH LINE OF THE NW 1/4
SECTION 24-9-20
RECORDED AS N 88°24'05" E



LEGEND

- | | |
|---|---------------------------|
| • | SET 3/4" x 18" LONG REBAR |
| IP | WEIGHING 1,502 LB./FT. |
| • VENT | 1" IRON PIPE FOUND |
| • UT | SEPTIC VENT |
| • | UTILITY MANHOLE |
| • | BENCHMARK |
| ~~~~~ | TREELINE |
|  | GRAVEL |
|  | ASPHALT |
| UD | UPPER DECK |
| LD | LOWER DECK |
| FP | FIRE PIT |

STATE OF WISCONSIN)
WASHINGTON COUNTY) SS

I, Anthony J. Gromacki, Land Surveyor in the State of Wisconsin, do hereby certify that on November 5th, 2020 surveyed the above described property according to official records and the accompanying map is true and correct representation of the exterior boundaries of the land surveyed to the best of my belief and knowledge.



M Squared Engineering, LLC

W62N215 Washington Avenue
Cedarburg, WI 53012
www.msquaredengineering.com
Phone: (262)376-4246

JASON BOEHLKE

PROJECT: BOEHLKE
PROJECT NO.: 20-120-020
DRAWN BY: AJG
DATE: 11/11/2020 REV: 11/11/2020

PLAT OF SURVEY

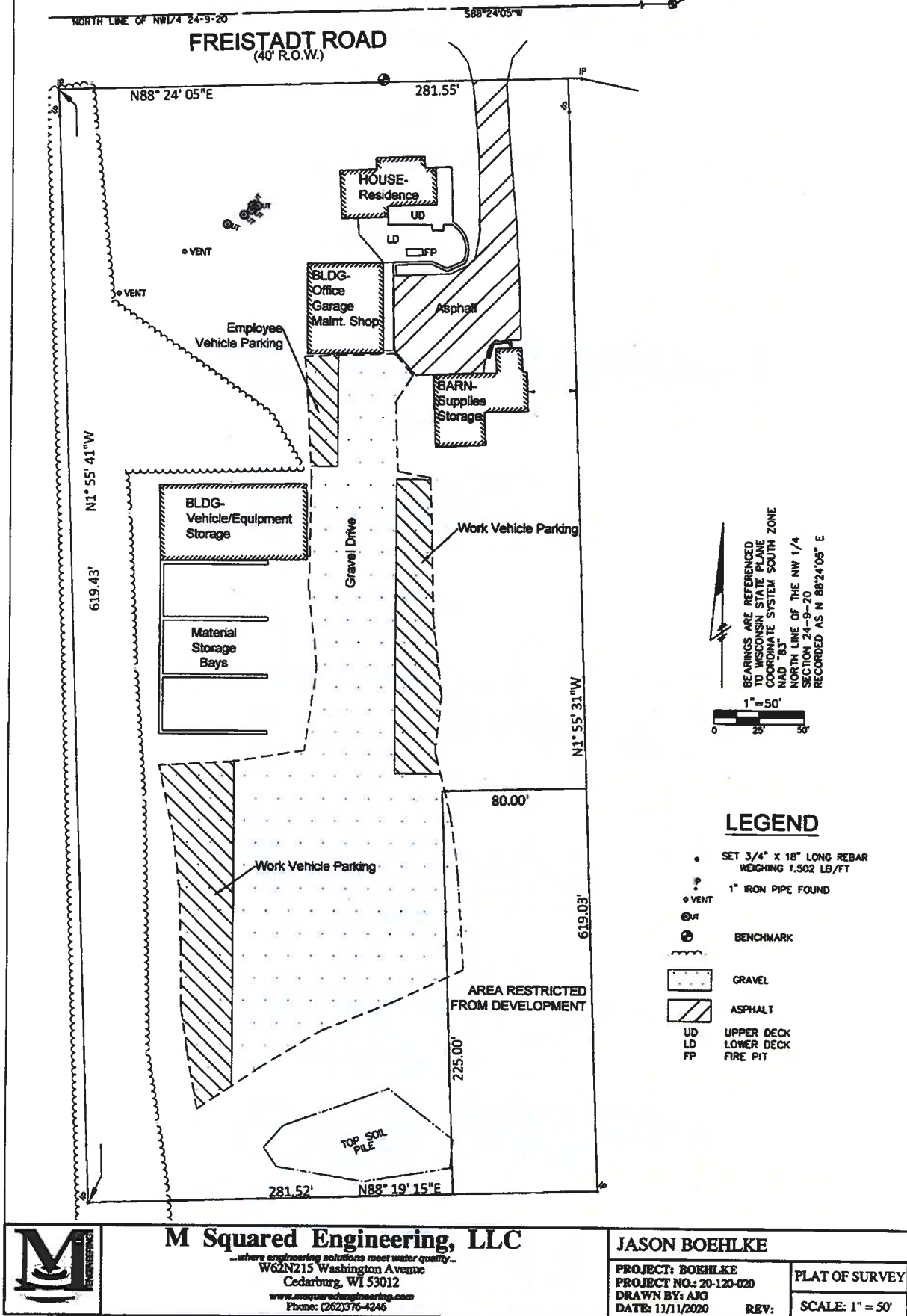
SCALE: 1" = 50'

BUSINESS ACTIVITY EXHIBIT

FOR JASON BOEHLKE

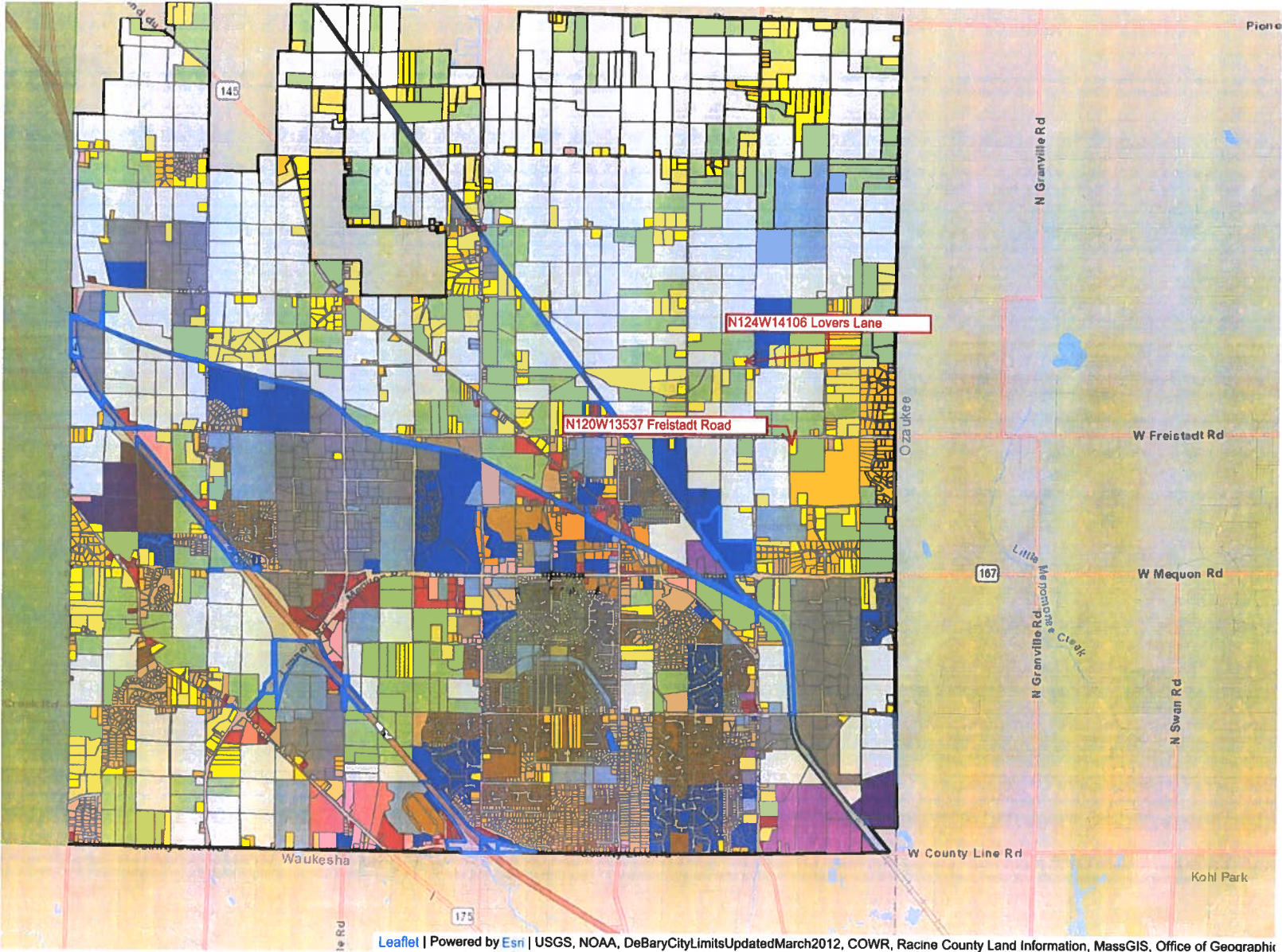
SHEET 2 OF 2

NORTHEAST COR
NORTHWEST 1/4
24-9-20
CONC. MON
BRASS CAP





[Zoning Code](#) | [Interactive Map](#)





Village of
Germantown
Willkommen

COPY

Fee must accompany application

\$1460 Paid \$ Date 1-6-21

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Section 17.42 of the Municipal Code

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

1 APPLICANT OR AGENT

Jason Boehlke
Agent for JR Boehlke,
Inc.

Phone (414) 305-6773

Fax (262) 404-1361

E-Mail jason@jrboehlke.com

PROPERTY OWNER

Jason R. Boehlke
1120 W13537 Freistadt Rd.
Germantown, WI 53022

Phone (414) 305-6773

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

Jason R. Boehlke & J.R. Boehlke, Inc.

3 PROPERTY ADDRESS

1120 W13537 Freistadt Rd. Germantown, WI
Tax Key GTNA 242989 53022

TAX KEY NUMBER

GTNA 242989

4 DESCRIPTION OF EXISTING OPERATION

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

Landscape and snow removal business. General hours of operation
are primarily between 7am and 7pm, during Normal work days. (continued on
back)

5 DESCRIPTION OF PROPOSED OPERATION

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

Landscape & Snow Removal Business

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

Continuation of existing operation.

Additional information is attached.

4. (continued from front)

When snow events are anticipated, trucks are loaded during the day/evening, so that drivers are able to pick up trucks and leave without noise. We have approximately 12-15 employees, most of which are on site only to pick up equipment and leave to perform work off-site, with 1-2 employees working at the office on-site.

6

METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

Attach pages as necessary

See attached survey

7

SUPPORTING DOCUMENTATION:

☒ Site Plan and elevations for new construction (can be conceptual)

☒ Photos of existing use and/or proposed use operating elsewhere

☐ _____

☐ _____

8

READ AND INITIAL THE FOLLOWING:

JRB

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

JRB

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

JRB

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

JRB

I understand that Village Staff is required to post one or more signs along the street frontage of and/or on the property subject of this application that indicate to nearby property owners and the general public that a public hearing of my application will be held before the Village Plan Commission and/or Village Board prior to action being taken on this application; I hereby grant Village Staff permission to enter onto the property for the expressed purpose of installing said sign(s) provided Village Staff is responsible for installing, maintaining and removing said signs in a reasonable manner and timeframe.

9

SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!


Applicant

1-5-2021
Date


Owner

1-5-2021
Date

Additional information:

I purchased the property in 2008. The property is an old farm with a house, an older full size barn, and two metal pole buildings. I purchased the property from Suzie and Clifford Ernst, who subdivided the property and sold a portion to MMSD. Suzie's family previously farmed the property and then later, Clifford operated a construction contracting business from the property.

At the time I purchased the property I was running a landscape and snow removal business, and wanted to operate the business out of the property. I contacted the Germantown Village Planning Commission office and asked whether I needed anything in order to operate my business from the property. I was told by the staff person that I did not, and so I purchased the property and continued my business.

I have continued to use the property for landscape and snow removal business since I purchased in 2008. My business performs landscaping and snow removal services, and related work for customers off site. No customers come to the property and all mailing is through a PO Box for the business. There are no signs on the property for the business. There are limited delivery of landscape materials that are delivered to the property. All materials are stored at the rear of the property adjacent to one of the pole buildings, and are not visible from the road.

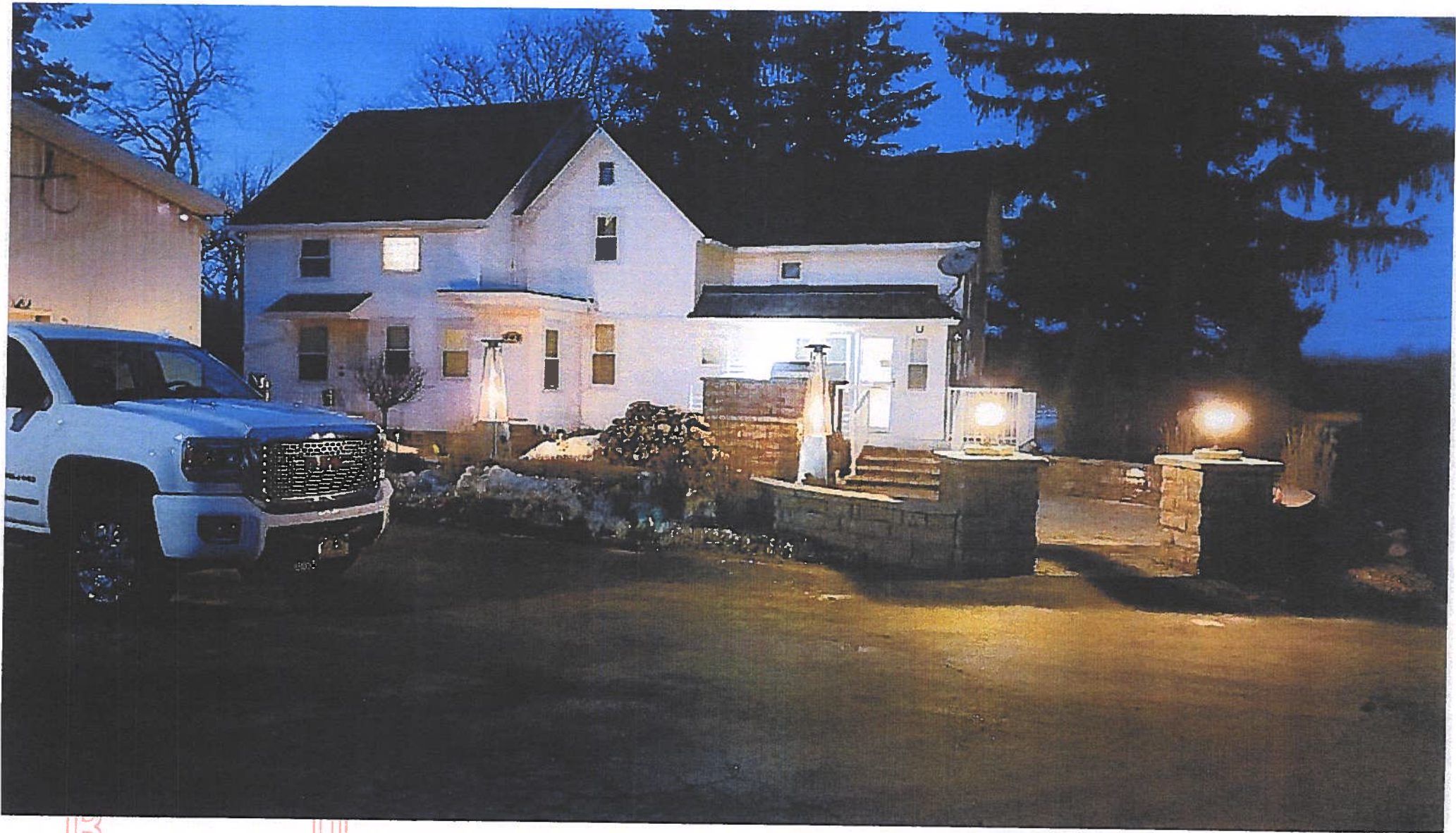
All equipment is stored inside, or behind the barn and buildings and is not visible from Freistadt Road. Generally, employees arrive in the morning load the trucks/equipment, and then leave the property to perform work offsite, and at the end of the day drop the trucks and equipment back on the property.

MMSD owns the property to the south and east of my property, and there are no buildings on that property. To the west is an agricultural zoned property that is owned by Tracey and Bruce Bernarde. Their property is farmed and there is a house on the property. There is a tree line separating our properties and my trucks and equipment are not visible from their property during spring, summer and fall unless someone is standing on the property line.

I am aware that my neighbor has complained about concerns related to grading that was done on the rear area of the property. That part of the property had bumpy topsoil and some grass. My intention was to smooth out irregularities and provide a stable base. I was unaware of the requirement of a grading permit, and after notice from the village I applied for a grading permit. Prior to this incident, I had not heard any complaints from the neighbor, and was told by him that he did not have a problem with the operation of my business with the most recent text being on August 16, 2020.

There has not been any significant change in the nature of my business or the use of the property in the last 12 years that I have operated from property. The property is rural, and surrounded by agricultural or open lands. The property was historically used for farming and operating a business, and the original buildings on the property are consistent with the operation of a small business.

I appreciate the consideration of the conditional use application and would be happy to address any concerns or conditions to limit the impacts of continued operations.

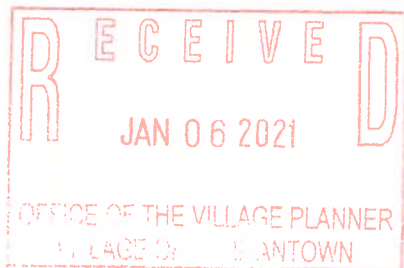
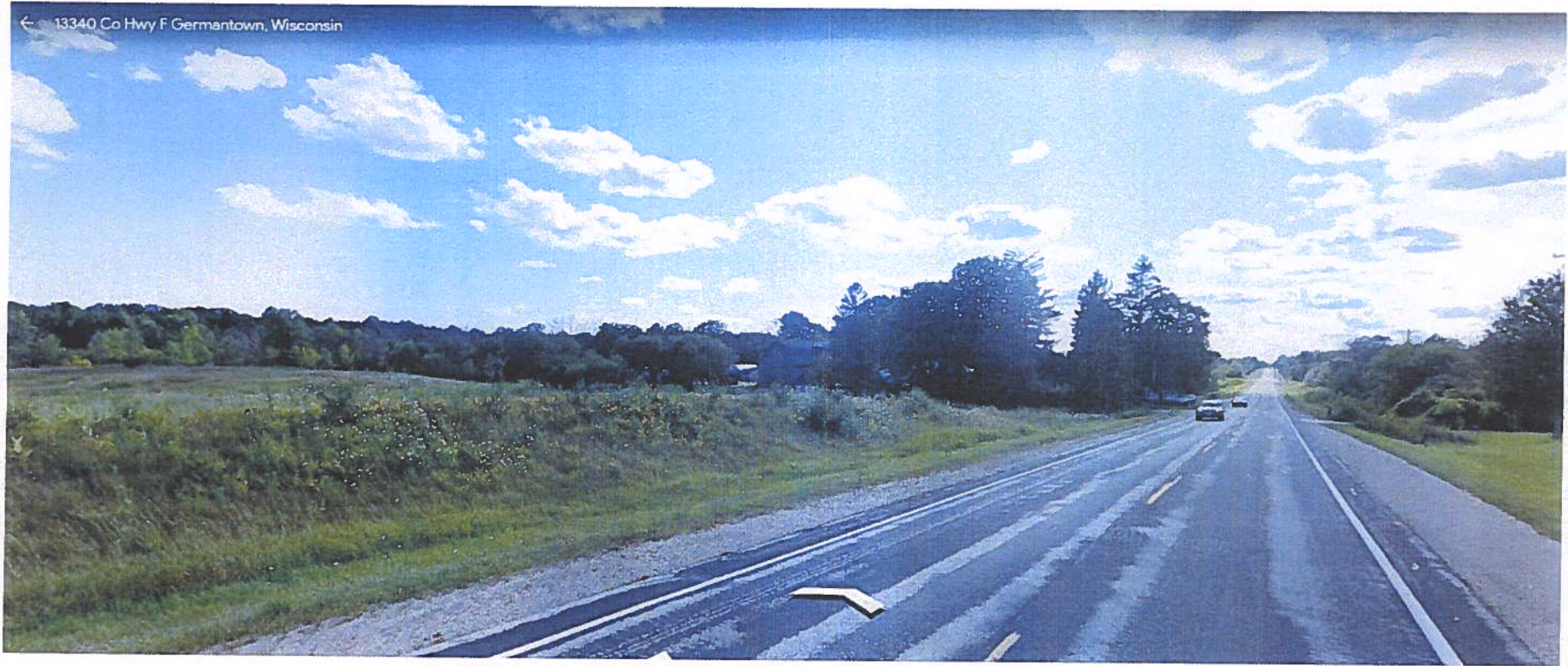


JAN 06 2021

OFFICE OF THE VILLAGE PLANNER
VILLAGE OF WEST MANTOWN



← 13340 Co Hwy F Germantown, Wisconsin





← 13596 Co Hwy F Germantown, Wisconsin



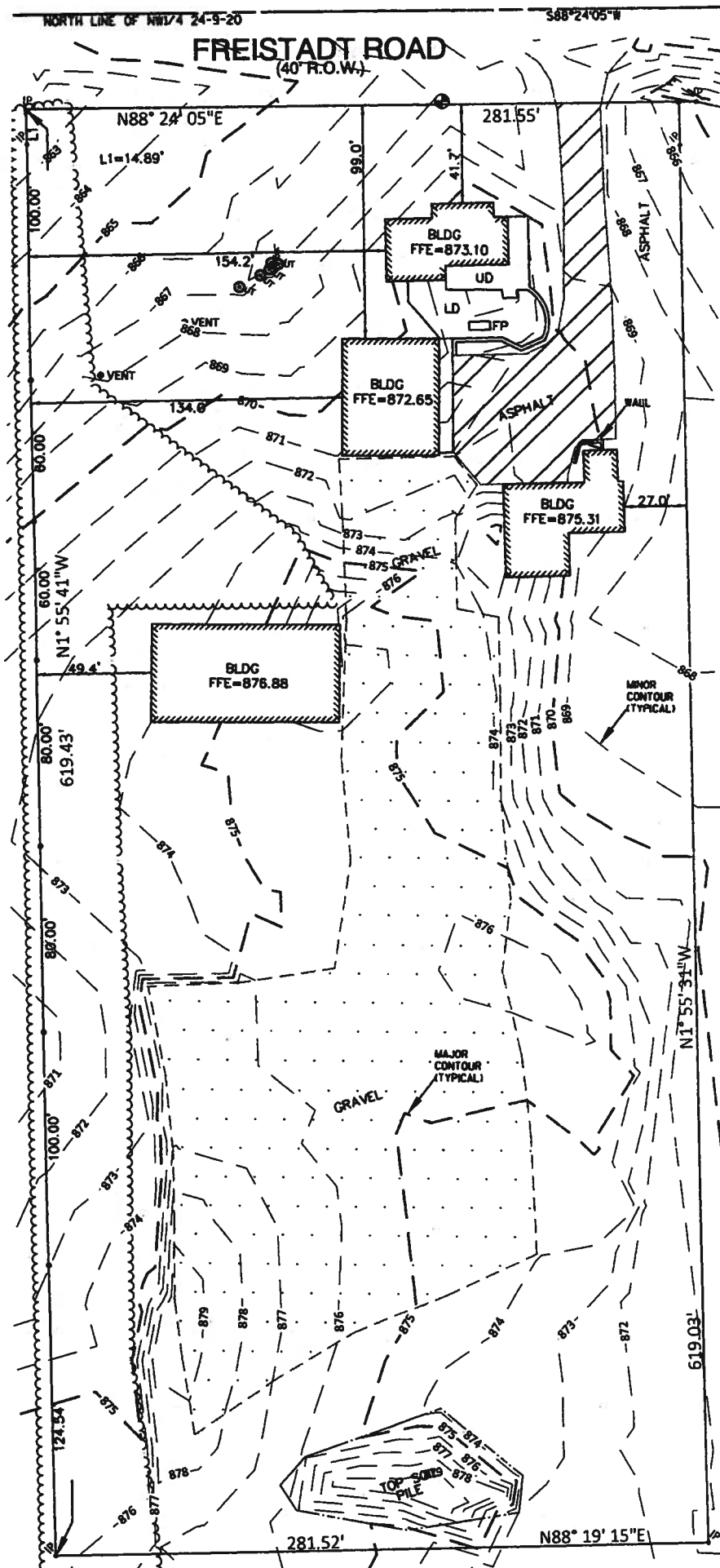
RECEIVED
JAN 06 2021

PLAT OF SURVEY

FOR JASON BOEHLKE

OFFICE OF THE VILLAGE PLANNER
VILLAGE OF GERMANTOWN

NORTHWEST CORNER
24-9-20
CONC. MON
BRASS CAP



LEGAL DESCRIPTION:

FROM QUIT CLAIM DEED DOC. #1389004

LOT 1 OF CERTIFIED SURVEY MAP NO. 6112, RECORDED DECEMBER 20, 2006, IN VOLUME 45 OF CERTIFIED SURVEY MAPS ON PAGES 318 TO 321, AS DOCUMENT NO. 1147326, LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN

PROPERTY ADDRESS N120 W13537 FREISTADT ROAD, WI 53022

TAX KEY NUMBER: GTNA 242989

SAID PARCEL CONTAINS 4.00 AC.

BENCHMARK:

RR SPIKE IN NORTH SIDE POWER POLE ON THE SOUTH SIDE OF FREISTADT ROAD WEST OF THE ASPHALT DRIVEWAY

ELEV 867.12

BEARINGS ARE REFERENCED TO WISCONSIN STATE PLANE COORDINATE SYSTEM SOUTH ZONE NAD "83" NORTH LINE OF THE NW 1/4 SECTION 24-9-20 RECORDED AS N 88°24'05" E

1" = 50'
0 25 50'

LEGEND

- SET 3/4" X 18" LONG REBAR WEIGHING 1.502 LB./FT.
- IP 1" IRON PIPE FOUND
- VENT SEPTIC VENT
- UTILITY MANHOLE
- BENCHMARK
- TREELINE
- GRAVEL
- ASPHALT
- UD UPPER DECK
- LD LOWER DECK
- FP FIRE PIT

STATE OF WISCONSIN
WASHINGTON COUNTY)SS

I Anthony J. Gramacki Land Surveyor in the State of Wisconsin, do hereby certify that on November 5th, 2020 surveyed the above described property according to official records and the accompanying map is true and correct representation of the exterior boundaries of the land surveyed to the best of my belief and knowledge.

JASON BOEHLKE

PROJECT: BOEHLKE
PROJECT NO.: 20-120-020
DRAWN BY: AJG
DATE: 11/11/2020

PLAT OF SURVEY

SCALE: 1" = 50'



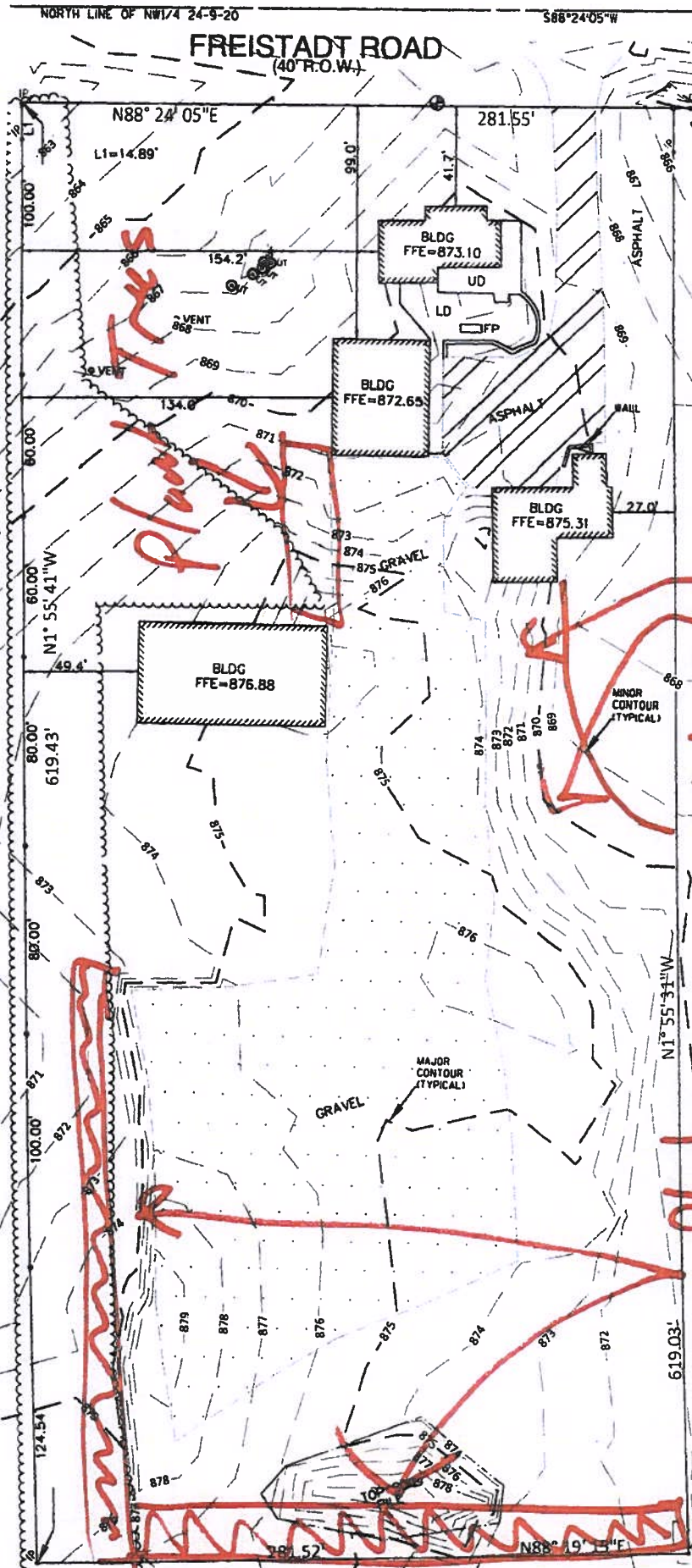
M Squared Engineering, LLC

...where engineering solutions meet water quality...
W62N215 Washington Avenue
Cedarburg, WI 53012
www.msquaredengineering.com
Phone: (262)376-4246

PLAT OF SURVEY

FOR JASON BOEHLKE

NORTHEAST COR
NORTHWEST 1/4
24-9-20
CONC. MON.
BRASS CAP



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COORDINATE SYSTEM SOUTH ZONE
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NORTH LINE OF THE NW 1/4
SECTION 24-9-20
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WEIGHING 1.502 LB./FT.
1" IRON PIPE FOUND
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STATE OF WISCONSIN)
WASHINGTON COUNTY)SS
I Anthony J. Gramacki Land Surveyor in the State of
Wisconsin, do hereby certify that on November 5th, 2020
surveyed the above described property according to
official records and the accompanying map is true and
correct representation of the exterior boundaries of the
land surveyed to the best of my belief and knowledge.



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PROJECT NO.: 20-120-020
DRAWN BY: AJG
DATE: 11/11/2020

PLAT OF SURVEY

SCALE: 1" = 50'



Village of

Germantown
Willkommen

Community Development Department

Jeffrey W. Retzlaff, AICP, Director

Village Planner & Zoning Administrator

N112 W17001 Mequon Road P.O. Box 337

Germantown, WI 53022-0337

Telephone: (262) 250-4735

FAX: (262) 253-8255

Website: www.village.germantown.wi.us

E-mail: jretzlaff@village.germantown.wi.us

January 11, 2021

Jason Boehlke
J.R. Boehlke Inc.
N120 W13537 Freistadt Road

RE: Conditional Use Permit Application; N120 W13537 Freistadt Road
Landscaping and Snow Removal Business

Mr. Boehlke:

Village Staff has reviewed your conditional use permit (CUP) application submitted on January 6, 2021, and supporting materials for the landscaping and snow removal business currently being operated from the above cited property. Below are Staff's comments and outstanding items that you need to address. Please provide the requested information, corrections and/or revisions as soon as possible. As you know, there is an outstanding Code Violation Notice #2020-08-01 regarding the landscaping and snow removal business operating from this property without a permit and in violation of various sections of the Zoning Code. Your responses to the following items will enable staff to determine if your property and business is eligible for a CUP and, if so, when the application will be scheduled for review and consideration by the Plan Commission and Village Board. It is imperative, however, that you continue to cooperate with the Village regarding this CUP application process and in a timely manner. Doing so will enable us to defer enforcement action of that Code Violation Notice until a decision is made regarding the CUP.

Planning & Zoning

1. As discussed with you at the time the Code Violation Notice was issued, the current zoning of the 4-acre property is Rs-2: Single-Family Residential, and as a consequence, the only Zoning Code provision that would enable a business to operate from the property is the Village's Home Occupation provisions under Section 17.61 (copy attached). Further, given the nature of the business, the number of accessory buildings, the locations on the property where business activities occur, and the number of employees, the business cannot meet the definition of a "minor" home occupation. Therefore, if allowed as any type of home occupation, it would have to be found to qualify as a "major" home occupation and obtain a conditional use permit as such from the Village.
2. In my opinion as Zoning Administrator for the Village charged with interpreting and administering the Village's Zoning Code, I do not believe you/your business meets the requirements under the following sections of the Code. Please explain in detail how you feel you/your business complies with each of the following:
 - a. 17.61(2)(a) definition of "Home Occupation"

Jason Boehlke

J.R. Boehlke Inc. N120 W13537 Freistadt Road

RE: Conditional Use Permit Application for Landscaping and Snow Removal Business
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- b. 17.61(4)(c) requiring the business owner/operator to reside in/on the residential property from which the home occupation is conducted (see also Comment #7 below).
 - c. 17.61(4)(d) requiring all activities associated with the business to not generate traffic, waste, noise, vibration, dust, etc. from the property beyond what is typical for a residential property in the zoning district and neighborhood within which it is located
 - d. 17.61(4)(f) requiring the dwelling, accessory structures and overall property to remain residential in character and appearance... and that there be no improvements that make the property appear or function similar to a commercial operation
 - e. 17.61(4)(h) requiring truck deliveries of supplies or products associated with a home occupation to be limited to the type of vehicles and pick-up/delivery hours that are typical and customary for residential dwellings and uses located in the zoning district within which the home occupation is located
 - f. 17.61(5)(b)1. requiring "major" home occupations to have all activities conducted within the dwelling or in an enclosed accessory building
 - g. 17.61(5)(b)2. Requiring a "major" home occupation to have any areas outside of the dwelling where materials, goods or equipment is kept to be an enclosed accessory building, or, be completely screened from view from public streets and adjacent property
 - h. 17.61(5)(b)3. Requiring "major" home occupations conducted in a Rs-2 Zoning District to have no more than two (2) non-resident employees
3. The plat of survey provided is insufficient in terms of presenting information about the where business activities are located and conducted on the property. Please revise the plat of survey or have an actual, detailed site plan prepared by a professional that clearly shows where on the property equipment, supplies, materials, etc. are kept; what activities are conducted in each of the buildings on the property; where business trucks, equipment, and employee vehicles are kept. Further, the Certified Survey Map (CSM) that created the 4-acre parcel contains a restriction that prohibits development in an area 80' x 225' in the southeast corner of the parcel. That needs to be shown on any site plan and any erosion control plan.
4. Your application indicates that the business provides landscaping and snow removal services. However, your website indicates that you provide the following services:
- a. Asphalt Crack Filling
 - b. Asphalt Maintenance
 - c. Asphalt New Construction & Patching
 - d. Asphalt Sealcoating
 - e. Stormwater Management

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- f. Concrete New Construction
- g. Concrete Repair, Removal & Replacement
- h. Landscaping Fertilization & Maintenance
- i. Hardscape Construction
- j. Mosquito Control
- k. Mulch Installation
- l. Snow Removal

Please confirm if your business does/does not provide each of these or any other services not listed above and describe in detail when each of these services are provide, what and how much equipment and employees are involved in providing each of these services; what percentage of your overall business each of these services comprises, the general periods of time and daily hours of operation when these services are provided.

5. Your comments regarding a previous contracting business being operated by the former owner, Clifford Ernst, are not supported by the Village's land use property files. However, since the previous owner of the property presumably operated said business prior to the Village approving a land division and rezoning that created the 4-acre parcel that you now own, the previous owner may have operated without any permits or approvals either because the property was 38-acres in size and zoned agricultural at that time and under a different set of zoning district regulations.

In 2006, when the rezoning and land division of the Ernst property was approved and the 34-acr parcel sold to MMSD, Village staff commented to the Plan Commission and Village Board that there was a concern with the large number of existing buildings (4 at that time as shown on CSM #6112) on a small 4-acre parcel. In fact, in an October 2, 2006 letter to the agent handling the rezoning and land division applications for the Ernst's and MMSD, staff indicated that the number of buildings left on the 4-acre parcel created a non-conforming situation for the property and that "...the use of such buildings for many agricultural and non-agricultural uses... may no longer be possible with the change in zoning and parcel size". From that day forward, my staff and I would have brought to anyone's attention who might have asked that the use of that property for ANY business purpose would likely not be allowed other than for a home occupation. The notion that you contacted the Planning Commission office (presumably you mean what was the Planning & Zoning Department back then) and were told you did not need to do anything to operate your business is simply not plausible.

6. The issue of you needing an erosion control permit as described in detail in the Stop Work Order issued along with Code Violation Notice #2020-08-01 has not been

Jason Boehlke

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RE: Conditional Use Permit Application for Landscaping and Snow Removal Business

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resolved. The Village Engineer has indicated to me that this permit application will be handled separately from the CUP application. If he has not yet contacted you regarding the outstanding items needed to process the erosion control permit application, please contact Larry Ratayczak, Public Works Director/Village Engineer, to discuss your application.

7. On August 24, 2020, the day that the Code Violation Notice was issued for illegally operation the landscaping business without a permit (for which you are now applying), Village staff was made aware that the farmhouse on the property was actively being marketed as a rental home. However, on that same day you told me that you lived in the farmhouse but could not show me around inside (your offer) because you did not have a key. A day or so later that week the rental listings were removed and, presumably, the house no longer available for rent. Do you live in the farmhouse on the Freistadt Road property, or do you live in the residential dwelling at 3812 Sparrow Hawk Trail, Colgate WI, that is listed as your home address on the property tax statement issued by Washington County for the Freistadt Road property? (for each tax year such statements exist from 2009 through 2020).

Public Works/Village Engineer

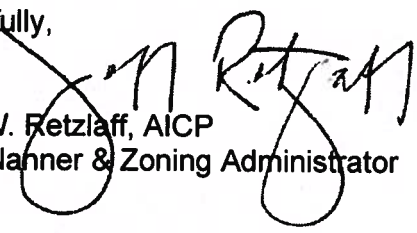
8. See Comment #6 above regarding the outstanding erosion control permit application.

Fire Department & Police Department

9. No comment.

Your responses to these items will enable staff to determine if your property and business is eligible for a CUP and, if so, when the application will be scheduled for review and consideration by the Plan Commission and Village Board. It is imperative, however, that you continue to cooperate with the Village regarding this CUP application process and in a timely manner. Doing so will enable us to defer enforcement action of that Code Violation Notice until a decision is made regarding the CUP.

Respectfully,


Jeffrey W. Retzlaff, AICP
Village Planner & Zoning Administrator

January 18, 2021

Jeffrey W. Retzlaff, AICP, Director
Village Planner & Zoning Administrator
Community Development Dept.
N112W17001 Mequon Road
PO Box 337
Germantown, WI 53022-0337

RE: Conditional Use Permit Application; N120 W13537 Freistadt Road
Landscaping and Snow Removal Business

Mr. Ratzlaff:

Below please find responses to the questions and comments raised in your January 11, 2021 letter regarding the Conditional use permit, following the numbering of your letter. As identified in response to item 1 below, I believe my use is similar to other permitted conditional uses for the Rs-2 property and that provides a basis to allow for a CUP, in addition to just allowing for a major home occupation.

The application procedures for the Conditional Use Permit (which include major home occupations per 17.61(7)(d)) is subject to the Village Board discretion per 17.42 after review by the plan commission and after a public hearing with the Village Board. The Conditional Use Permit process allows for conditional uses and related structures if in accordance with the purpose and intent of the Zoning Code. Since I have been operating on the property without issue for the past 12 years, and the neighboring properties are either unoccupied or agricultural, I do not believe my use of the property for my business outside of the intent of the Zoning Code and it does not create any hazardous, harmful, or offensive adverse impact on the community.

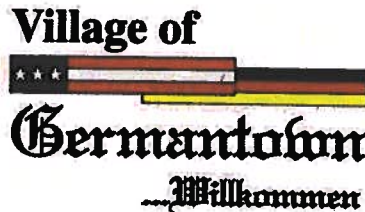
If you should need any additional information, please let me know.

1. The Zoning Code provisions include a number of conditional uses, in addition to the major home occupation that was identified, and which would be similar to what I have used the property for the past 12 years. The closest use would be the allowance for 17.15(2)(d), (e) and (h) which allow for transit and carpooling parking areas, golf courses with country club facilities, and archery/driving ranges. Like the transit parking areas, my use is primarily for parking of equipment for work to be performed off site, and the impacts are primarily coming and going from the property. Like golf courses and driving ranges, I have similar lawn and landscaping equipment, and materials such as mulch and topsoil stored on site. While these types of uses also allow for retail type sales or patrons visiting the business, my use is primarily storing equipment to be used offsite.
2. Home Occupation
 - a. The home occupation allows for business or trade to be conducted on a reoccurring basis from a residential dwelling or accessory building. My business operates from the pre-existing accessory buildings located on the property. I have owned the property since 2008 and have run the business from the property since that time. I do not

believe the residential character has changed, since there has not been a concern raised over those 12 years about my use of the property. The appearance has not changed, and I have made improvements to the overall appearance of the residence on the property.

- b. 17.61(4)(c) – I do occupy this property.
 - c. 17.61(4)(d) – The use of the property does not generate any more significant traffic, noise, dust, or other disturbance than what would be permitted for the conditional uses identified for golf courses/country clubs/driving ranges or transit/carpooling facilities. Those sites are of a transient type nature where patrons are coming and going from the property throughout business hours. My use primarily is for equipment loading in the morning and return at the end of the workday. The property has only one neighbor (to west), which is screened through trees and the buildings on the property. None of the equipment is stored in the front of the property and is shielded from view from the roadways. The driveway allows for ingress and egress without disturbance to the neighbor or other properties. The neighboring property is zoned agricultural, and is farmed, which creates dust and noise from those operations, generally more than the type of activities for my use.
 - d. 17.61(4)(f) – When I bought the property all of the structures were already built. I have not added on to any of the buildings or changed the look or appearance of the property. I have only upgraded the appearance of the farm house, by painting and re-roofing the house, and adding additional landscaping around the house. The only other alteration of the property was adding storage bins for materials, which are behind the accessory building on the west side of the property and shielded from the roadway and from the neighbors via trees. There has been no other change to the property to change the character or appearance.
 - e. 17.61(4)(h) – Similar to the uses allowed for golf courses/country clubs/driving ranges or transit/carpooling facilities, the only significant deliveries that are made to the property consisting of mulch, topsoil, road salt, and other similar landscaping materials. These deliveries are limited to approximately three times per month on average and are during regular daytime hours. These would be the same types of materials that would be delivered to a golf course or driving range. All other deliveries are via standard mail, or USPS/FedEx deliveries.
 - f. 17.61(5)(b)1. –The activities on the site primarily consist of office use. The other workers are loading equipment and then leaving the property to perform all work at off site location. Any maintenance or repair of equipment is performed in the pre-existing accessory buildings on the site.
 - g. 17.61(5)(b)(2) – All equipment not stored in the accessory buildings is stored behind the accessory buildings and with the trees/plants on the property, is screened from the roadway and neighboring property. The storage bin for materials is likewise screened. If there is a concern about additional screening to ensure during winter months once leaves have fallen, I would be happy to add additional evergreens to further screen any equipment that may be seen from a neighbor or the roadway. I have included pictures with the application that show what can be seen from the roadway.
 - h. 17.61(5)(b)3. – This section relates to those employees “working upon the premises” which other than myself, the only persons that work on the premises are two office employees. The other employees retrieve equipment and work off site.
3. I have emailed Anthony Gromacki to assist with this.

4. My business does perform the additional services below. Generally these services are performed during normal business hour 7am-7pm
 - a. Asphalt Crack Filling - 1% of business
 - b. Asphalt Maintenance – Included in other categories
 - c. Asphalt New Construction & Patching - - 10% of business
 - d. Asphalt Sealcoating - - 12% of business
 - e. Stormwater Management - - 0% of business
 - f. Concrete New Construction - - 15% of business
 - g. Concrete Repair, Removal, and Replacement - - 4% of business
 - h. Landscaping Fertilization & Maintenance - 10% of business
 - i. Hardscape construction - - 8% of business
 - j. Mosquito Control - - .5% of business
 - k. Mulch Installation - 7% of business
 - l. Snow Removal - - 15% of business – This is seasonal work performed during winter/snow months. Approximately 8 pieces of equipment and 12 employees perform this work.
5. It appears that the property was subject to nonconforming structures and nonconforming uses that predated the zoning ordinance change. I did not receive the October 2, 2006 letter you referenced, but it appears to suggest that while some uses for agricultural or nonagricultural use may be restricted with the zoning change, that there were other uses. Mr. Ernst did use the property for a contracting business. When I contacted the Village to inquire, I was told that I did not need additional permits to operate from the pre-existing structures on the property. Since I was told there was no required permit, I did not inquire further.
6. I have not been contacted by the Village Engineering regarding the grading permit. I have emailed Larry Ratayczak.
7. I do occupy this property.
8. I have not been contacted by the Village Engineering regarding the grading permit. I have emailed Larry Ratayczak.



Community Development Department

Jeffrey W. Retzlaff, AICP, Director

Village Planner & Zoning Administrator

N112 W17001 Mequon Road P.O. Box 337

Germantown, WI 53022-0337

Telephone: (262) 250-4735

FAX: (262) 253-8255

Website: www.village.germantown.wi.us

E-mail: jretzlaff@village.germantown.wi.us

February 8, 2021

J.R. Boehlke Inc.
N120 W13537 Freistadt Road
Germantown, WI 53022

Jason Boehlke
3812 Sparrow Hawk Trail
Colgate, WI 53017

COPY

RE: Conditional Use Permit Application; N120 W13537 Freistadt Road
2nd Review & Determination of Compliance with the Zoning Code

Mr. Boehlke:

I have reviewed your responses to the questions and issues raised by staff in the 1st review of your conditional use permit (CUP) application dated January 18. Below are my follow-up comments to your responses, and my determination I have made with respect to your CUP application. Another purpose for this letter is that it shall serve as the notice required under 17.52(4) of the Village Zoning Code that you have thirty (30) days after receipt of this letter to file an appeal of my determination to the Board of Zoning Appeals if you choose to do so. A further explanation of this process is provided below.

General Comments

Before I get to my responses to your specific comments provided in your January 18 letter, I would like to address the apparent premise underlying most of your responses in that letter. That premise appears to be that all you need to do in order to be "eligible" to apply for a conditional use permit is to compare your current business use of the property to other non-residential uses that may be allowed in the same Rs-2 Zoning District, and then, declare that the uses are the same or similar in one characteristic or another. This is a false premise.

The Village's Zoning Code falls into the category of traditional "district" based zoning codes that specify what land uses can be allowed into specific zoning districts vs. a "performance" based zoning code that determines what land uses are acceptable and what district they can go into based on a comparative analysis of the operational or performance characteristics of similar land uses. With that said, in the Village's Zoning Code and only in rare situations when or where a particular land use is not already classified into a particular zoning district, does a comparative analysis of operational characteristics play a role in determining whether that "unclassified" use can be allowed in a particular zoning district or not. This is not the case in your situation.

By your own admission in your January 18 response letter, you do not only provide landscaping and snow removal services. As shown in your breakdown of the types of services your business provides, you indicate that 50% of your business is conducting asphalt, concrete and hardscape construction & maintenance services, another 17.5% of

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the business conducting landscape fertilization, maintenance & mulch services, and another 15% of the business conducting snow removal services. Although there is another 17.5% of the business unaccounted for in your breakdown, it is fair to say that your business is both a pavement construction contracting business and a horticultural services business. Both of these types of businesses are classified uses specifically allowed in other zoning districts. For example: construction contracting services are allowed in the B-3: General Business District with a CUP, and horticultural services are allowed in the A-2: Agricultural District with a CUP.

For the sake of this discussion, let us assume that the additional 17.5% of your business involves services related to landscaping so that an equal amount or 50% of your business involves construction contracting services and the other 50% involves landscaping services. In that case, I would consider your business to be eligible to operate with a CUP in either the B-3: General Business (under construction contracting services) or the A-2: Agricultural District (under horticultural services). Regardless, your business would not be eligible to operate in the Rs-2: Single-Family District... or any other residential district... as a permitted or conditional use because construction contracting services and horticultural services are NOT land uses that are specified as being allowed in the Rs-2 District.

Which brings the discussion back to the question of whether or not your construction and landscaping business may be eligible to operate in an Rs-2 District as a "home-based" business allowed under 17.15(1)(b).

My initial reaction when I delivered the code violation notice to you last year and we discussed your business operation was that the only provision in the Zoning Code that could allow any business to operate from your property is the "home occupation" provisions under Section 17.61... and then only as a "major" home occupation given the apparent size and number of employees. Now, having had the opportunity to observe the business operation and review your CUP application and the supplemental information you provided in your January 18 response letter; I do not reach the same conclusion.

Based on my observations and the information you have provided, it is clear to me that you and your business operation do NOT meet the basic definition of a "home occupation" and do NOT meet other minimum requirements set out in 17.61 that are needed to be met in order to qualify as either a "minor" or "major" home occupation, including but not limited to the following:

1. The business is not being operated from the dwelling and the accessory buildings; it is only being operated from the accessory buildings and other areas on the property. The dwelling is vacant and, at the time the code violation was issued, the dwelling was being marketed as a rental unit.

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2. According to property tax records you do not reside in the dwelling on the property located at N120 W13537 Freistadt Road from which the business is operating. While you state that you occupy the property, that is not the same as "the owner/proprietor of a home occupation shall reside in the dwelling from which the home occupation is being conducted".
3. The number of nonresident employees working on the premises (you indicate 12-15) far exceeds the maximum number allowed (2) for a "major" home occupation in an Rs-2 Zoning District.

Determination

For these reasons, i.e., not meeting the definition of a "home occupation" and not meeting many of the general and specific requirements that need to be met in order to qualify as a "major" home occupation under Section 17.61 of the Zoning Code, I have determined that your CUP application cannot be accepted or processed any further. Also, as reflected by my specific comments set forth below, I have also determined that the CUP application remains incomplete.

With that said, I must point out that you are able to seek an administrative review of my decision by appealing to the Board of Zoning Appeals (BOZA) pursuant to Section 17.52(4) of the Zoning Code as repeated below:

APPEALS. Appeals of any administrative determination of the Zoning Administrator, the Building Inspector or the Plan Commission concerning the literal enforcement of this chapter and chapters 14 and 18 of this Code may be made by any person aggrieved or by any officer, department or board of the Village. Such appeals shall be filed with the Secretary within 30 days after receiving actual or constructive notice of the administrative decision or order or the granting of a permit by the Zoning Administrator, Building Inspector or Plan Commission. Such appeals and applications shall include the following: (a) name and address of the applicant; (b) what administrative determination is being appealed and the basis for the appeal.

To file an appeal, you will need to contact the Village Clerk for an appeal packet that contains the form and instructions on what to do, where to file, etc. Keep in mind that you have 30 days (total days not just business days) from the date you receive this letter and notice to file your appeal with the Village Clerk.

In the event you do not file an appeal of my determination within thirty (30) days, the original code violation notice (#2020-8-01) will be enforced and a municipal citation issued for said violation(s) after the 30-day appeal period explained above has expired.

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Notwithstanding the general comments and conclusions made above, my specific comments in response to your January 18 letter are set forth below. If you file an appeal to the BOZA, and the BOZA rules to overturn my determination to NOT accept or process your application, you will have to complete your application in order for it to be reviewed and considered by the Plan Commission and Village Board (unless the BOZA also rules that your application is already complete).

With that in mind, you should consider the comments below and revise or supplement your application accordingly to make it complete. Please provide the requested information, corrections and/or revisions to Planning & Zoning as soon as possible. All additional information and documents provided will be made part of your file and available for review by the BOZA, Plan Commission and Village Board (when necessary).

Specific Comments (your statements are repeated in italics for context)

1. *The Zoning Code provisions include a number of conditional uses, in addition to the major home occupation that was identified, and which would be similar to what I have used the property for the past 12 years. The closest use would be the allowance for 17.15(2)(d), (e) and (h) which allow for transit and carpooling parking areas, golf courses with country club facilities, and archery/driving ranges. Like the transit parking areas, my use is primarily for parking of equipment for work to be performed off site, and the impacts are primarily coming and going from the property. Like golf courses and driving ranges, I have similar lawn and landscaping equipment, and materials such as mulch and topsoil stored on site. While these types of uses also allow for retail type sales or patrons visiting the business, my use is primarily storing equipment to be used offsite.*

STAFF COMMENT/RESPONSE:

See response under "General Comments" section above. Your premise that all you need to do in order to be "eligible" to apply for a conditional use permit is to compare your current business use of the property to other non-residential uses that may be allowed in the same Rs-2 Zoning District and then declare they are the same or similar in one characteristic or another is a false premise.

2. *Home Occupation*

- a. *The home occupation allows for business or trade to be conducted on a reoccurring basis from a residential dwelling or accessory building. My business operates from the pre-existing accessory buildings located on the property. I have owned the property since 2008 and have run the business from the property since that time. I do not believe the residential character has changed, since there has not been a concern raised over those 12 years*

about my use of the property. The appearance has not changed, and I have made improvements to the overall appearance of the residence on the property.

STAFF COMMENT/RESPONSE:

It is true that the appearance of the property is less like a typical residential property in an Rs-2 Zoning District because the property started out as a 60+ acre farm property with more existing accessory buildings than what is allowed in the Rs-2 District. As a result, all of the farm buildings were allowed to be kept on the 4-acre property that was split off from the larger farm property and are legally non-conforming. Nevertheless, the appearance has changed as your business has expanded, including the expansion of the large gravel parking and storage area in the rear of the property. Concrete barrier walls have been assembled to make "bins" for the storage of landscaping products used for the business.

b. 17.61(4)(c) – I do occupy this property.

STAFF COMMENT/RESPONSE:

See response under "General Comments" section above. According to property tax records you do not reside in the dwelling on the property located at N120 W13537 Freistadt Road from which the business is operating. While you state that you "occupy the property", that is not the same as residing (current tense) in the dwelling on the property (in this context "residing" is interpreted to mean "to live permanently and continuously"). If you lived in the house when the code violation notice was issued, and currently live there permanently and continuously, you are going to have to provide some evidence that proves that you did/do live there and not at your declared residence at 3812 Sparrow Hawk Trail, Colgate, WI.

c. 17.61(4)(d) – The use of the property does not generate any more significant traffic, noise, dust, or other disturbance than what would be permitted for the conditional uses identified for golf courses/country clubs/driving ranges or transit/carpooling facilities. Those sites are of a transient type nature where patrons are coming and going from the property throughout business hours. My use primarily is for equipment loading in the morning and return at the end of the workday. The property has only one neighbor (to west), which is screened through trees and the buildings on the property. None of the equipment is stored in the front of the property and is shielded from view from the roadways. The driveway allows for ingress and egress without disturbance to the neighbor or other properties. The neighboring property is zoned

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agricultural, and is farmed, which creates dust and noise from those operations, generally more than the type of activities for my use.

STAFF COMMENT/RESPONSE:

Comparing the amount of traffic, noise, dust and other disturbances from your current business operation to that which could be generated from other non-residential and agricultural land uses is NOT the criteria or standard under 17.61(4)(d). The correct standard is:

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

There is no golf course, country club, driving range, or transit carpooling facility in your neighborhood; only residential dwellings or farms that likely do not generate anywhere as much traffic, noise, dust, etc. as your business.

-
- d. 17.61(4)(f) – When I bought the property all of the structures were already built. I have not added on to any of the buildings or changed the look or appearance of the property. I have only upgraded the appearance of the farm house, by painting and re-roofing the house, and adding additional landscaping around the house. The only other alteration of the property was adding storage bins for materials, which are behind the accessory building on the west side of the property and shielded from the roadway and from the neighbors via trees. There has been no other change to the property to change the character or appearance.

STAFF COMMENT/RESPONSE:

As stated above, it is true that the appearance of the property is less like a typical residential property in an Rs-2 Zoning District because the property started out that way when you acquired it and, other than the expansion of the large gravel parking area, installation of the concrete storage bins and the accumulation of trucks and equipment parked on the property (some of which appears to be inoperable junk), nothing has been done to make the property look any less residential.

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J.R. Boehlke Inc. N120 W13537 Freistadt Road

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- e. 17.61(4)(h) – Similar to the uses allowed for golf courses/country clubs/driving ranges or transit/carpooling facilities, the only significant deliveries that are made to the property consisting of mulch, topsoil, road salt, and other similar landscaping materials. These deliveries are limited to approximately three times per month on average and are during regular daytime hours. These would be the same types of materials that would be delivered to a golf course or driving range. All other deliveries are via standard mail, or USPS/FedEx deliveries.

STAFF COMMENT/RESPONSE:

Comparing the number of deliveries to your business operation to that which could be generated to other non-residential land uses is NOT the criteria or standard under 17.61(4)(h). The correct standard is:

"Truck deliveries or pick-up of supplies or products associated with a home occupation shall be limited to the type of vehicles and pick-up/delivery hours that are typical and customary for residential dwellings and uses located in the zoning district within which the home occupation is located."

There is no golf course, country club, driving range, or transit carpooling facility in your neighborhood; only residential dwellings or farms that likely do not generate anywhere as many truck deliveries of supplies as your business.

-
- f. 17.61(5)(b)1. –The activities on the site primarily consist of office use. The other workers are loading equipment and then leaving the property to perform all work at off-site location. Any maintenance or repair of equipment is performed in the pre-existing accessory buildings on the site.

STAFF COMMENT/RESPONSE:

It has been reported by Fire Department staff and other Village staff who have visited the property that landscaping debris, e.g. brush, tree stumps & logs, has been brought in bulk to the property for "disposal", i.e. either to be burned or stored on the property. The standard under 17.61(5)(b)1. is:

"Activities associated with a home occupation shall be conducted entirely within the residential dwelling and/or in an enclosed accessory building or structure."

Burning brush and tree limbs imported to the property as part of the business operation for burning does not meet the standard (nor is it allowed under the Village's burning regulations).

Jason Boehlke

J.R. Boehlke Inc. N120 W13537 Freistadt Road

RE: Conditional Use Permit Application for Landscaping and Snow Removal Business
January 11, 2021

Page 8 of 11

-
- g. 17.61(5)(b)(2) – All equipment not stored in the accessory buildings is stored behind the accessory buildings and with the trees/plants on the property, is screened from the roadway and neighboring property. The storage bin for materials is likewise screened. If there is a concern about additional screening to ensure during winter months once leaves have fallen, I would be happy to add additional evergreens to further screen any equipment that may be seen from a neighbor or the roadway. I have included pictures with the application that show what can be seen from the roadway.

STAFF COMMENT/RESPONSE:

In the event that your business is allowed to continue to operate from this property, you will likely be required to install addition screening through berming, landscaping or both as you have proposed pursuant to a detailed landscaping and grading plan reviewed and approved by the Village.

-
- h. 17.61(5)(b)3. – This section relates to those employees “working upon the premises” which other than myself, the only persons that work on the premises are two office employees. The other employees retrieve equipment and work off site.

STAFF COMMENT/RESPONSE:

The intent of the limitation on the number of non-resident employees working on the premises is to effectively, if not indirectly, limit the size and intensity of a business operating as a home-based occupation. It is presumed that, as a business grows in terms of customers, sales or services, the number of employees will increase, too. The Village’s home-occupation are intended to allow home occupations that are “accessory and subordinate to the primary residential use of the property” and are “conducted in a manner that is compatible with the residential premise and district within such residential premise is located”. Saying that all but 2 of your 15 employees work elsewhere after coming to the property to pick up their work trucks, equipment, and supplies and, therefore, do not work on the property is a “distinction without a difference”. Your business has grown to a point that it is NOT an accessory use that is subordinate to the primary residential use. In fact, there is no residential use of the property since you do not reside in the house on the property.

Jason Boehlke

J.R. Boehlke Inc. N120 W13537 Freistadt Road

RE: Conditional Use Permit Application for Landscaping and Snow Removal Business
January 11, 2021

Page 9 of 11

3. I have emailed Anthony Gromacki to assist with this.

STAFF COMMENT/RESPONSE:

Please have Gromacki contact me if there are question about what needs to be shown on the plat of survey or site plan. As indicated to you, that plan needs to accurately present scaled information about the where business activities are located and conducted on the property. The plan should be prepared by a professional that clearly shows where on the property equipment, supplies, materials, etc. are kept; what activities are conducted in each of the buildings on the property; where business trucks, equipment, and employee vehicles are kept. Also, the legally recorded Certified Survey Map (CSM) that created the 4-acre parcel contains a restriction that prohibits development in an area 80' x 225' in the southeast corner of the parcel. That needs to be show on any site plan and any erosion control plan.

-
4. My business does perform the additional services below. Generally these services are performed during normal business hour 7am-7pm
- a. Asphalt Crack Filling - 1% of business
 - b. Asphalt Maintenance – Included in other categories
 - c. Asphalt New Construction & Patching - - 10% of business
 - d. Asphalt Sealcoating - - 12% of business
 - e. Stormwater Management - - 0% of business
 - f. Concrete New Construction - - 15% of business
 - g. Concrete Repair, Removal, and Replacement - - 4% of business
 - h. Landscaping Fertilization & Maintenance - 10% of business
 - i. Hardscape construction - - 8% of business
 - j. Mosquito Control - - .5% of business
 - k. Mulch Installation - 7% of business
 - l. Snow Removal - - 15% of business – This is seasonal work performed during winter/snow months. Approximately 8 pieces of equipment and 12 employees perform this work.

STAFF COMMENT/RESPONSE:

So noted. This information will be included in your application. However, please be advised that there is another 17.5% of business activities not listed and unaccounted for in your "percentage-of-business" breakdown above. Can we assume that the remaining 17.5% is equally distributed to the other business activities listed, or are there other business activities not included in the list that should be? This should be corrected.

Jason Boehlke

J.R. Boehlke Inc. N120 W13537 Freistadt Road

RE: Conditional Use Permit Application for Landscaping and Snow Removal Business
January 11, 2021

Page 10 of 11

-
5. It appears that the property was subject to nonconforming structures and nonconforming uses that predated the zoning ordinance change. I did not receive the October 2, 2006 letter you referenced, but it appears to suggest that while some uses for agricultural or nonagricultural use may be restricted with the zoning change, that there were other uses. Mr. Ernst did use the property for a contracting business. When I contacted the Village to inquire, I was told that I did not need additional permits to operate from the pre-existing structures on the property. Since I was told there was no required permit, I did not inquire further.

STAFF COMMENT/RESPONSE:

Yes, as indicated above, the land division that created your 4-acre parcel resulted in a non-conforming situation in terms of the number and total area of accessory buildings allowed on a property in an Rs-2 District. While I would not expect that you would have been given a copy of the October 2, 2006 staff letter or the staff report given to the Village Plan Commission and Board that outlined the inherent problems of creating a non-conforming situation in this case, you are ultimately responsible for doing whatever due diligence may be needed to determine what you can/cannot use your property for and what permits and approvals may be required.

While you indicate you contacted the Village and were told you "did not need additional permits to operate from the pre-existing structures on the property", you do not indicate when that contact was made, to whom at the Village you spoke to, what you told whomever it was you spoke to what your intention was with respect to the use of the accessory buildings and property, etc.

As I mentioned previously, my staff and I were concerned about the non-conforming status of these buildings from the time the land was divided. So much so that I wrote the October 2, 2006 letter to the real estate agent handling the rezoning and land division for the previous owner indicating that the number of buildings left on the 4-acre parcel created a non-conforming situation for the property and that "...the use of such buildings for many agricultural and non-agricultural uses...may no longer be possible with the change in zoning and parcel size".

From that day forward, my staff and I would have brought to anyone's attention who might have asked that the use of that property for ANY business purpose would likely not be allowed, AND, that any such use would likely require a permit or approval of some type. The notion that you contacted the Village and were told you did not need a permit is simply not plausible.

Jason Boehlke
J.R. Boehlke Inc. N120 W13537 Freistadt Road
RE: Conditional Use Permit Application for Landscaping and Snow Removal Business
January 11, 2021
Page 11 of 11

6. I have not been contacted by the Village Engineering regarding the grading permit. I have emailed Larry Ratayczak.

STAFF COMMENT/RESPONSE:

You need to have your engineer/surveyor contact the Village Engineer regarding the erosion control permit application. It is your responsibility to see that your application is complete and the permit issue in order to avoid further enforcement of the code violation notice and stop work order issued because of the illegal filling & grading already conducted on the property.

7. I do occupy this property.

STAFF COMMENT/RESPONSE:

See response under "General Comments" section above. According to property tax records you do not reside in the dwelling on the property located at N120 W13537 Freistadt Road from which the business is operating. While you state that you "occupy the property", that is not the same as residing (current tense) in the dwelling on the property (in this context "residing" is interpreted to mean "to live permanently and continuously"). If you lived in the house when the code violation notice was issued, and, currently live there permanently and continuously, you are going to have to provide some evidence that proves that you did/do live there and not at your declared residence at 3812 Sparrow Hawk Trail, Colgate, WI.

8. I have not been contacted by the Village Engineering regarding the grading permit. I have emailed Larry Ratayczak.

STAFF COMMENT/RESPONSE:

You need to have your engineer/surveyor contact the Village Engineer regarding the erosion control permit application. It is your responsibility to see that your application is complete and the permit issue in order to avoid further enforcement of the code violation notice and stop work order issued because of the illegal filling & grading already conducted on the property.

It is imperative that you continue to cooperate with the Village regarding this matter in a timely manner. Thank you for your cooperation and quick response to date.

Respectfully,


Jeffrey W. Retzlaff, AICP
Village Planner & Zoning Administrator

Copies:
Brian Sajdak, Village Attorney
Deanna Braunschweig, Village Clerk



Village of
★★★
Germantown
Willkommen

Planning Department

Jeffrey W. Retzlaff, AICP
Village Planner & Zoning Administrator
N112 W17001 Mequon Road P.O. Box 337
Germantown, WI 53022-0337
(262) 250-4735 *direct line*
(262) 253-8255 *fax*

October 2, 2006

Janis Zimmermann
Milwaukee Metro Sewerage District
260 W. Seeboth Street
Milwaukee, WI 53204

copy

RE: 38.7-Ac Ernst Property; N120 W13537 Freistadt Road
CSM and Rezoning Applications

Ms. Zimmermann:

Village staff has reviewed the MMSD/Ernst survey map and rezoning applications for the above cite property. We have identified the following items/issues that will need to be addressed prior to scheduling your application for consideration by the Plan Commission. Please provide the requested information, corrections, revisions, etc. and/or document how the issue(s) discussed will be addressed in support of your application.

Once submitted, Village staff will conduct a follow-up review of the additional information provided and determine if/when your application will be scheduled on the next available Plan Commission agenda. The next available Plan Commission agenda is November 13 with an October 16 deadline for submitting a complete application.

The various site and/or building plan items/issues that need to be addressed include:

1. Additional right-of-way for Freistadt Road totaling 60 feet south of the centerline is required to comply with the Village's ultimate right-of-way requirements.
2. All wetlands, stream and shoreland areas need to be delineated, mapped and shown on the CSM. Wetland, stream and shoreland setbacks will also need to be shown.
3. The well and septic system locations on proposed Lot 1 need to be shown on the CSM.
4. The lot length-to-width ratio for proposed Lot 1 is slightly greater than the recommended 2:1 ratio. Given the need for additional right-of-way, and, the possible location of wetlands at the southeast corner of proposed Lot 1 may justify not meeting the recommended ratio. Is it the owners desire to keep as much or all of the wetlands on proposed Lot 2?
5. The number and area of the existing barn and multiple sheds is a concern for the relatively small Lot 1. The maximum detached accessory storage building allowance is 1,400 SF for a parcel in the RS-2 District. While the size/dimensions for the 4 detached buildings is not shown, it appears that the 4 buildings have approximately 8,000 SF of total area; well in

excess of the 1,400 SF maximum allowed. As a result, we would be creating a legal non-conforming situation with respect to the detached accessory buildings. While not necessarily a problem today, future additions to and/or the replacement of any of the buildings would not be allowed. The owners need to be advised that the use of such buildings for many ag and non-ag uses alike may no longer be possible with the change in zoning and parcel size.

Please submit twenty-six (26) copies of the additional information to the Planning Department. Complete information, plan revisions, etc. addressing the issues listed above will help avoid further delay in the review and processing of your application.

Please contact me if you have any questions or concerns at (262) 250-4735 or by e-mail at jretzlaff@village.germantown.wi.us.

Respectfully,



Jeffrey W. Retzlaff, AICP
Village Planner & Zoning Administrator

xc: Susan Ernst, Property Owner
File

#

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: June 7, 2021

AGENDA ITEM: New Business [CSM]

ITEM TITLE: Heritage Place Joint Venture LLC, Property Owner of N115W16165 Saxony Village Blvd; 2-lot Certified Survey Map (CSM) to reconfigure 3 parcels

SUBMITTED BY: Emily Zandt, Associate Planner, Planning & Zoning

SUMMARY EXPLANATION:

Heritage Place Joint Venture LLC, property owner, is seeking approval of a 2-lot Certified Survey Map (CSM) to reconfigure the existing three parcels of Saxony Village (N115W16165 Saxony Village Blvd) into two lots. The purpose of the reconfiguration is to clean up the existing parcels and designate the open space along Main Street as a separate parcel.

PLAN COMMISSION RECOMMENDATIONS:

APPROVE the proposed 2-lot Certified Survey Map (CSM) to reconfigure the existing three parcels of Saxony Village (N115W16165 Saxony Village Blvd) into two lots subject to three (3) conditions.

APPLICATION, PLANS & RELATED DOCUMENTS:

All relevant documents, including applications, plans, supporting information, the staff report & recommendation, and Plan Commission meeting minutes (when available) are included in the PDF digital file distributed by the Village Clerk.

of the proposed features and improvements will be completed within one (1) year after issuance of the occupancy permit.

- 4. State agency (DPS) approved plans and a \$20,000 occupancy bond are required by Inspection Services at the time of building permit application. The Village of Germantown is an authorized delegated agent of DPS to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.***

Trustee Baum said he appreciates the efforts the developer has made to upgrade the building. Chairman Wolter also appreciates the upgrades to the building and additional investment to this area to draw more people and business in.

MOTION carried unanimously.

Heritage Place Joint Venture LLC - N115 W16165 Saxony Village Blvd. - Request for approval of a 2-lot Certified Survey Map to reconfigure the existing 3 parcels into 2 lots. Associate Planner Zandt summarized the proposal.

MOTION Baum second Laszewski to Approve the proposed 2-lot Certified Survey Map (CSM) to reconfigure the existing three parcels of Saxony Village (N115W16165 Saxony Village Blvd) into two lots with the following conditions:

- 1. An access restriction prohibiting all vehicle access to Main Street from Parcel (Lot) 1 shall be added to the CSM and approved by Planning Staff prior to recording.***
- 2. An access easement reservation on Parcel (Lot) 2, running the along entire length of Parcel (Lot) 1 abutting Saxony Village Blvd, for the benefit of allowing Parcel (Lot) 1 access to the private driveway in an agreed upon location and with a maintenance agreement to be mutually agreed upon by the two property owners and approved by the Village of Germantown at such time Parcel (Lot) 1 is approved for development, shall be added to the CSM and approved by Planning Staff prior to recording.***
- 3. All technical issues and plan corrections identified by the Engineering Department (see May 4, 2021 memo) shall be addressed and reflected in a revised CSM submitted and approved by the Engineering Department prior to recording the CSM.***

Trustee Baum said he thought that the units per acre was maximized requiring every inch of land was required for this development. And he remembers all the arguments. Planner Retzlaff explained no - Parcel 1 is now a green space and could be used as something different, maybe for parking purposes down the road. He said the parcel that was used for the calculation of Saxony Village was based on the Rm-2 zoned property and not the Parcel 1 property zoned B-3. He further stated that when a PDD was first presented to the Village it included other amenities that the Village lost out on but this area was not part of the density calculation. Discussion followed.

Scott Bence, JBJ Properties, explained the Saxony Village parcel originally did not connect to Main Street and they had to acquire the Jacobus and railroad property which were not part of the Saxony Village calculation. The proposed CSM makes the Saxony Village parcel a few feet larger and the other parcel will remain business zoning. Trustee Baum questioned what can be done with a 1/2-acre lot. Planner Retzlaff said it could be a parking lot, a drive thru coffee shop or small building. He added that the property was taken from an eyesore and turned it into something desirable. The CSM is a cleanup and creates an opportunity for a future use to benefit the public.

MOTION carried 6-1 (Baum).

CERTIFIED SURVEY MAP (CSM) APPLICATION

5/10/21 Plan Commission Meeting

Heritage Place Joint Venture LLC

Planning & Zoning Report

Germantown, Wisconsin

Summary

Heritage Place Joint Venture LLC, property owner, is seeking approval of a 2-lot Certified Survey Map (CSM) to reconfigure the existing three parcels of Saxony Village (N115W16165 Saxony Village Blvd) into two lots.

Property Location: N115W16165 Saxony Village Blvd
Applicant/
Property Owner: Heritage Place Joint Venture, LLC
W178N9912 Rivercrest Drive Suite 101
Germantown, WI 53022

Current Zoning: Rm-2: Multi-family Residential / B-3 General Business

Adjacent Land Uses		Zoning
North	Commercial / Residential	B-3
South	Commercial / Residential	B-1 / Rm-3 / PDD
East	Residential	PDD
West	Residential	Rm-2



Background/Proposal

Heritage Place Joint Venture LLC, property owner, is seeking approval of a 2-lot Certified Survey Map (CSM) to reconfigure the existing three parcels of Saxony Village (N115W16165 Saxony Village Blvd) into two lots. The purpose of the reconfiguration is to clean up the existing parcels and designate the open space along Main Street as a separate parcel.

Staff Comment

Both proposed parcels (lots) resulting from the CSM will meet the minimum lot size and allow for all setback requirements to be met.

Due to the minimal frontage of Lot 1 along Main Street, and in an effort to minimize the number of driveways, Planning staff recommends requiring the following as conditions of approval:

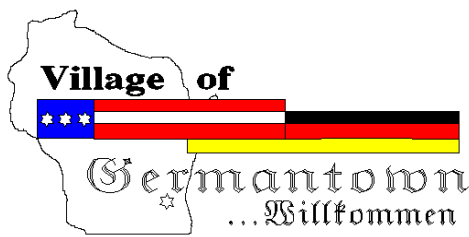
1. An access restriction prohibiting vehicle access to Main Street along entire width of Parcel (Lot) 1
2. An access easement on Parcel (Lot) 2 that runs the entire length of Parcel (Lot) 1 frontage abutting Saxony Village Blvd for the benefit of Parcel (Lot) 1 to allow one (1) access driveway in a location to be mutually agreed upon by the Village of Germantown and Saxony Village Property owner

The Village Engineering Department identified a few technical corrections in a memo dated May 4, 2021 (copy attached). A revised CSM with necessary corrections must be submitted and approved by the Engineering Department prior to recording the CSM.

Village Planner Recommendation

APPROVE the proposed 2-lot Certified Survey Map (CSM) to reconfigure the existing three parcels of Saxony Village (N115W16165 Saxony Village Blvd) into two lots with the following conditions:

1. An access restriction prohibiting all vehicle access to Main Street from Parcel (Lot) 1 shall be added to the CSM and approved by Planning Staff prior to recording.
2. An access easement on Parcel (Lot) 2, running the along entire length of Parcel (Lot) 1 abutting Saxony Village Blvd, for the benefit of Parcel (Lot) 1 to allow one (1) access driveway in a location to be mutually agreed upon by the Village of Germantown and Saxony Village Property owner shall be added to the CSM and approved by Planning Staff prior to recording.
3. All technical issues and plan corrections identified by the Engineering Department (see May 4, 2021 memo) shall be addressed and reflected in a revised CSM submitted and approved by the Engineering Department prior to recording the CSM.



Engineering Department Memorandum

To: Jeff Retzlaff Village Planner

From: Larry Ratayczak, Public Works Director/Village Engineer

Date: May 4, 2021

Re: Heritage Place Joint Venture LLC CSM - REVISED

Review comments for the CSM received 3/17/2021:

Certified Survey Map

Applicant or Owner: Heritage Place Joint Venture LLC

Land Surveyor/Firm: Don Chaput, PLS – Chaput Land Survey

1. This land redivision is between multiple property owners being, Heritage Place Joint Venture, MCB Investments LLC and Land15 LLC.

An Owner's Certificate and Certificate of Mortgagee needs to be added to the document for MCB Investments LLC and Land15 LLC as well as associated notary certificates.

2. Show the original outlot lines for Outlots 3, 4 and 5.
3. Proposed lots are to be renamed as Lots and not parcels on all affected sheets.
4. On Sheet 3 of 7, there is a missing document number for the existing Sanitary Sewer and Water Main easement.
5. According to Washington County mapping, the right of way along Main Street is 24.75' and is in a highway easement. The right of way along the Main Street frontage needs to be dedicated to the Village of Germantown for Road Purposes to a line 33.00' south of the North Line of the Southeast $\frac{1}{4}$ of Section 22, Township 9 North, Range 20 East.

Document Approval and Recording

For this CSM to be approved by the Village Board and recorded at the Washington County Register of Deeds, the document must be provided to the Village Clerk's office in a completed format including all original signatures of the owner and lending institution, original seals of the professional land surveyor on the recordable media the Wednesday prior to the scheduled Village Board meeting.

This includes the CADD file.

Any documents or digital files not submitted by the due date or contain outstanding technical review comments that have not be addressed, will be moved to the next scheduled Village Board meeting agenda.

Document Submittals and Data Conversion

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

Prior to Recording the Certified Survey Map or Subdivision Plat, The professional land surveyor is responsible for submitting a copy of the AutoCad drawing file (.dwg) of the document in version 2019 on compact disk (CD) or via email to the Village Surveyor for mapping purposes.

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

Note: In 2020, the Village will be upgrading its municipal code to recognize the NAD83 Datum, 2011 adjustment for horizontal control and NAVD88 for vertical control for mapping all land division documents and plan submittals for review.

There are new dossier sheets for all the Public Land Survey System monuments that contain the new coordinate positions and elevations available currently on the State Cartographer's website by using the Survey Control Finder application

Prior to Recording the Certified Survey Map or Final Subdivision Plat, the Village Engineering Department will verify that the boundary markers have been installed as described on the submitted map. All boundary corners are to be clearly marked in the field by the professional land surveyor of record.



Village of

Germantown
Willkommen

Fee must accompany application

☐ \$2,900 with public improvements

☒ \$1,960 no public improvements

Paid \$ Date 3-17-20

CERTIFIED SURVEY MAP APPLICATION

Pursuant to Section 18.06 of the Municipal Code

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

1 APPLICANT OR AGENT

~~_____

_____~~

Phone (262) 345-5421

Fax (262) 255-2234

E-Mail SCOTT@JBICompanies.COM

PROPERTY OWNER

Heritage Place Joint Venture LLC
W178N9912 Rivercrest Drive Suite 101
Germantown, WI 53022

Phone (262) 255-1800 ADTIDN 4

2

PROPERTY ADDRESS OR GENERAL LOCATION

TAX KEY NUMBER

	GTNV 224992002
	GTNV 224027001
	GTNV 224025001

3

PURPOSE OF LAND SPLIT

Combine 3 Parcels into 2 Parcels

Will the land split require rezoning?

NO

From

To

4

READ AND INITIAL THE FOLLOWING:

- ☒ I understand that the Certified Survey Map is not valid until recorded at the Washington County Register of Deeds. The Village will record the document and charge the applicant all applicable recording fees.
- ☒ I understand that the Map will not be placed on the Village Board agenda until all the technical corrections to the CSM are made, the payment of any outstanding impact fees are paid to the Village Clerk's Department, and the original signed and stamped copy of the Map is submitted on the proper paper.
- ☒ I understand that parcels created outside the Sewer Service Area will require a soil test. I also understand that all properties abutting a State Highway will require DOT approval and I will be responsible for securing such approval prior to recording.
- ☒ I understand all delinquent property taxes on any of the properties involved shall be paid prior to recording.

5

SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Applicant

Date

Owner

Date

Scott Bence 3/19/2024

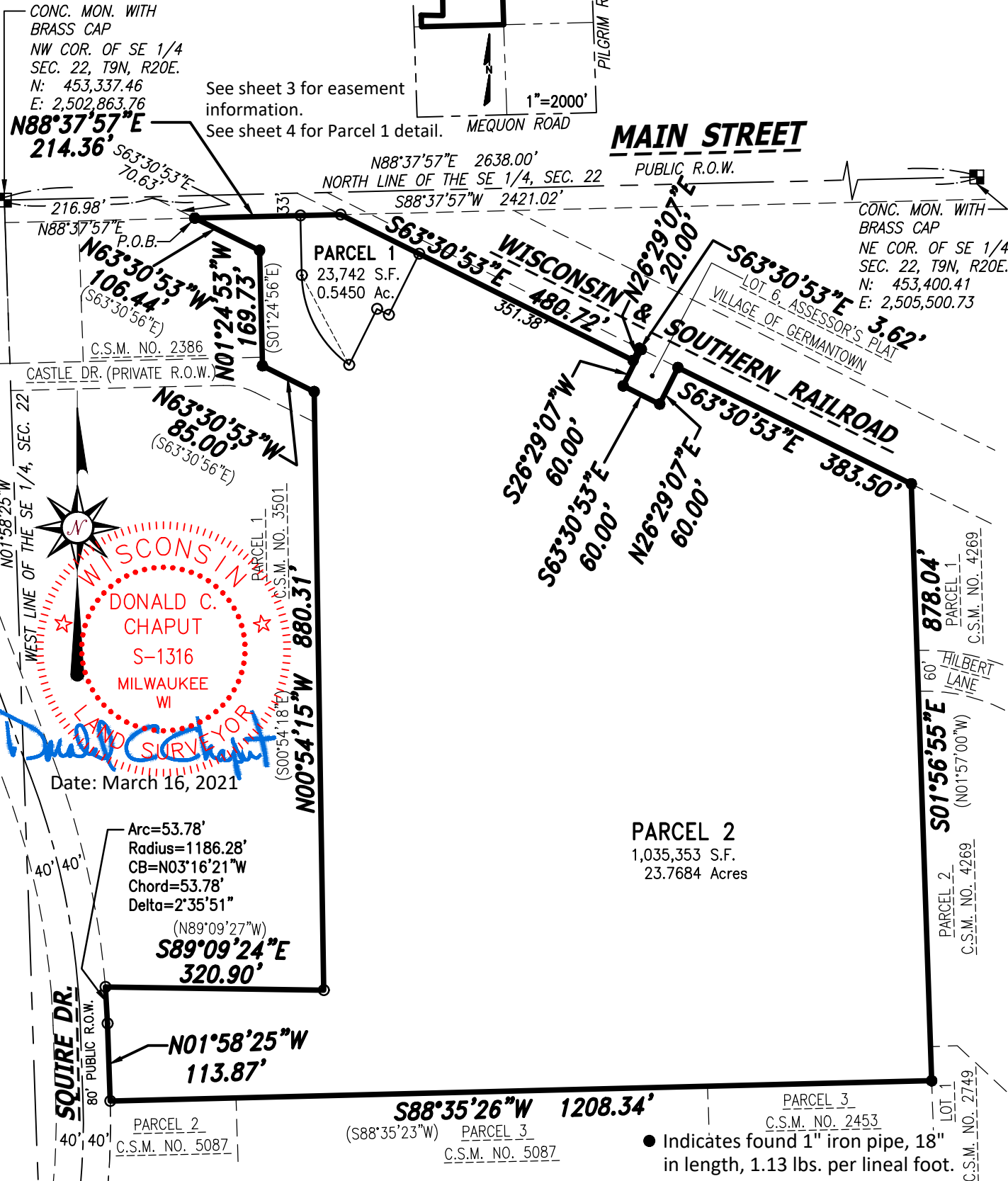
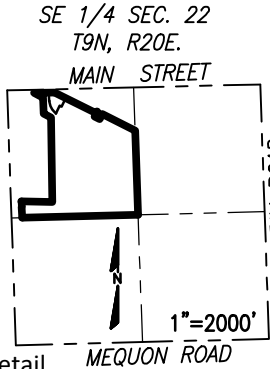
CERTIFIED SURVEY MAP NO. _____

All of Lot 4 and part of Lots 3 and 5 in Assessor's Plat of the Village of Germantown, all being part of the Northwest 1/4 of the Southeast 1/4 of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

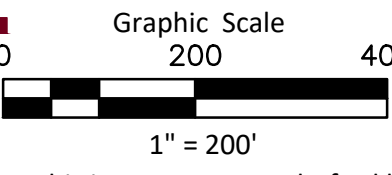
Owner: Heritage Place Joint Venture, LLC
W178 N9912 RIVERCREST DRIVE, #101
Germantown, WI 53022

All bearings are referenced to the Wisconsin State Plane Coordinate System NAD 83 / 2011 (South zone) in which the North line of the SE 1/4, Sec. 22 bears N88°37'57"E.

VICINITY MAP

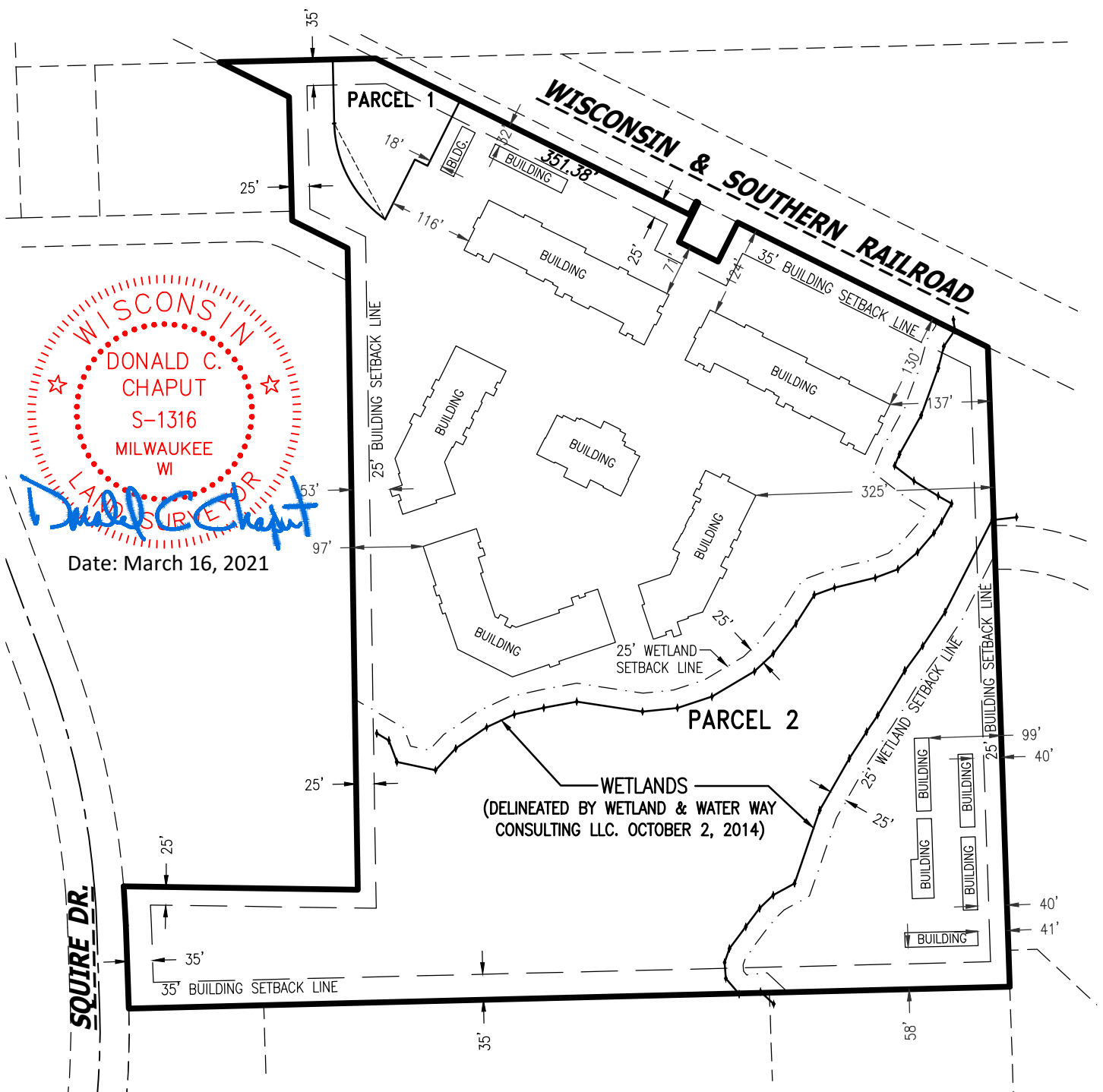


CHAPUT
LAND SURVEYS



- Indicates found 1" iron pipe, 18" in length, 1.13 lbs. per lineal foot.
 - Indicates set 1" iron pipe, 18" in length, 1.68 lbs. per lineal foot.
 - () Indicates recorded as.
- See sheet 2 for existing buildings, setbacks and wetlands information

All of Lot 4 and part of Lots 3 and 5 in Assessor's Plat of the Village of Germantown, all being part of the Northwest 1/4 of the Southeast 1/4 of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

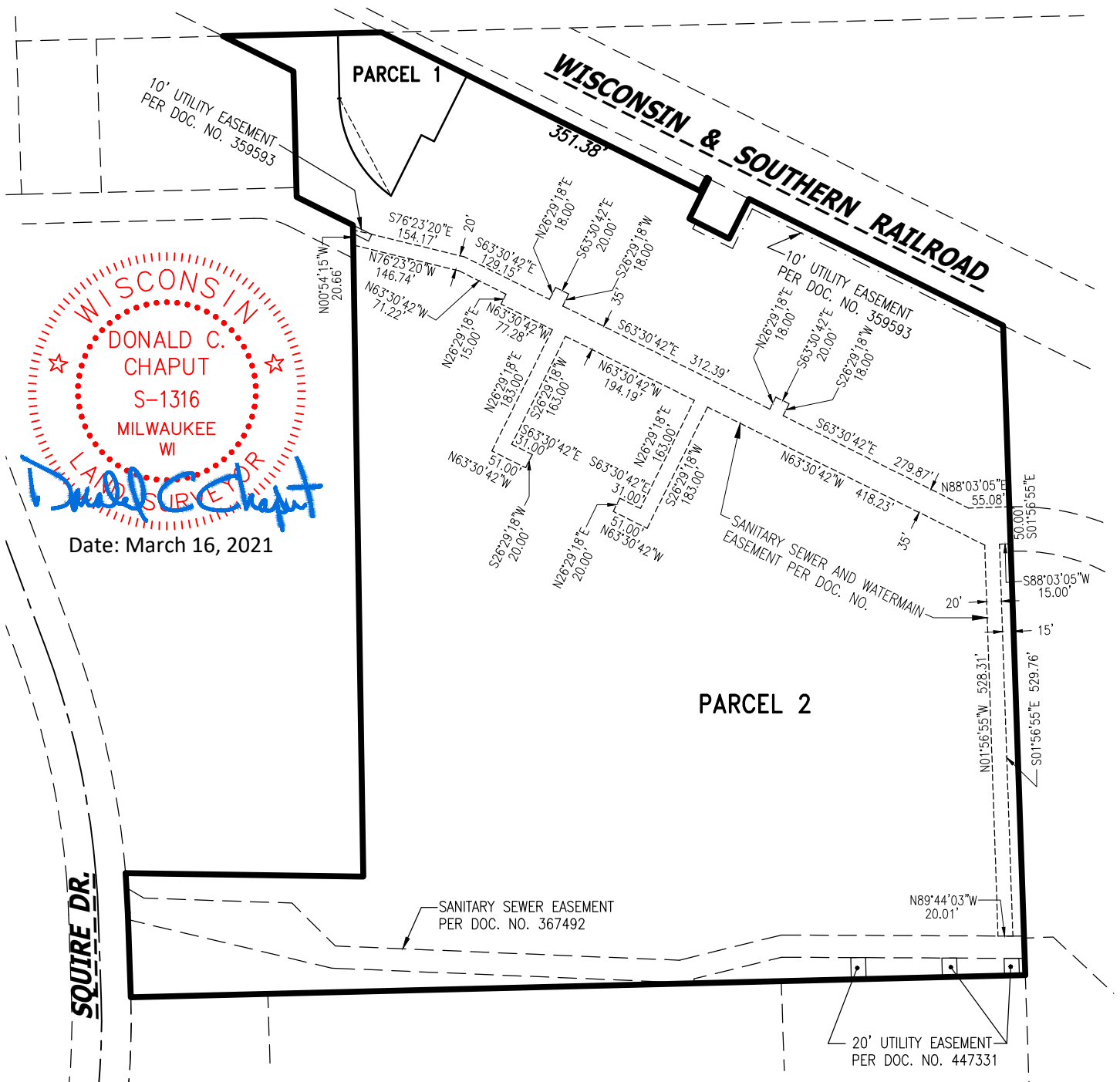


CHAPUT

LAND SURVEYS

Drawing No. 1579-grb
SHEET 2 OF 7 SHEETS

All of Lot 4 and part of Lots 3 and 5 in Assessor's Plat of the Village of Germantown, all being part of the Northwest 1/4 of the Southeast 1/4 of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

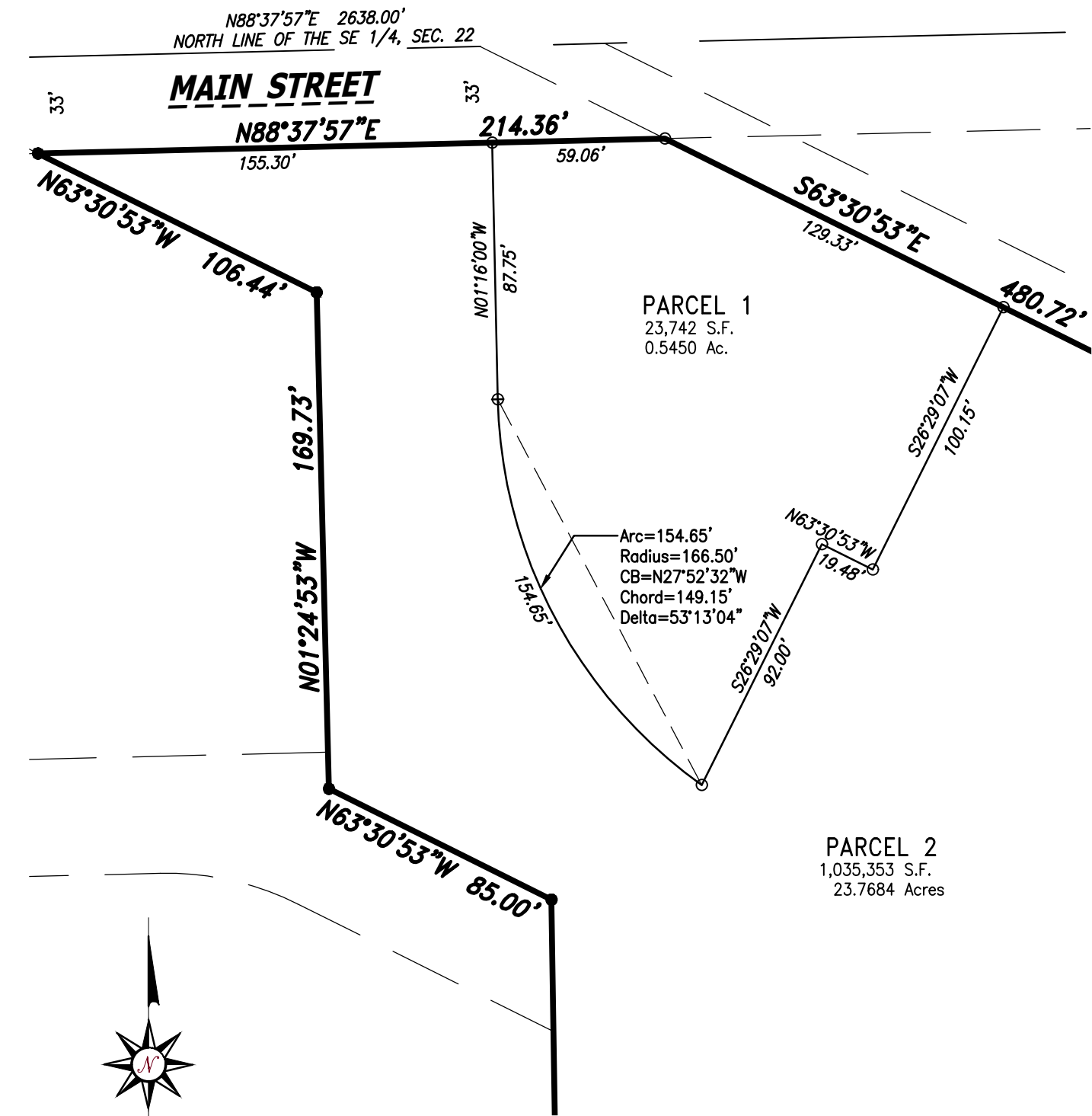


CHAPUT

LAND SURVEYS

CERTIFIED SURVEY MAP NO. _____

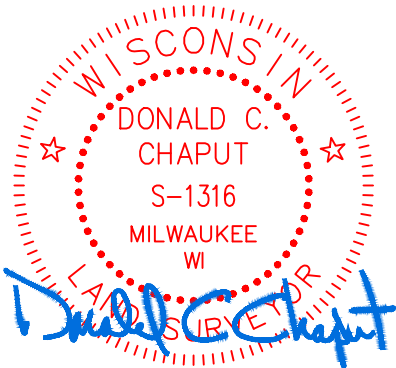
All of Lot 4 and part of Lots 3 and 5 in Assessor's Plat of the Village of Germantown, all being part of the Northwest 1/4 of the Southeast 1/4 of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.



CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204

414-224-8068
www.chaputlandsurveys.com



Date: March 16, 2021

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

Drawing No. 1579-grb
SHEET 4 OF 7 SHEETS

CERTIFIED SURVEY MAP NO. _____

All of Lot 4 and part of Lots 3 and 5 in Assessor's Plat of the Village of Germantown, all being part of the Northwest 1/4 of the Southeast 1/4 of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN} :SS
MILWAUKEE COUNTY}

I, DONALD C. CHAPUT, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped all of Lot 4 and part of Lots 3 and 5 in Assessor's Plat of the Village of Germantown, all being part of the Northwest 1/4 of the Southeast 1/4 of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows:

Commencing at the Northeast Corner of the Southeast 1/4 of Section 22, thence South 88°37'57" West along the North line of said 1/4 Section 2421.02 feet to a point, said point being North 88°37'57" East 216.98 feet from the Northwest corner of said 1/4 Section; thence South 63°30'53" East along the Southwesterly line of said Lot 5 a distance of 70.63 feet to a point on the South line of Main Street and the point of beginning of lands hereinafter described; thence North 88°37'57" East along said South line 214.36 feet to a point; thence South 63°30'53" East 480.72 feet to a point; thence North 26°29'07" East 20.00 feet to a point on the Southerly line of the Wisconsin & Southern Railroad right of way; thence South 63°30'53" East along said Southerly line 3.62 feet to a point on the Westerly line of Lot 6 in Assessor's Plat of the Village of Germantown; thence South 26°29'07" West along said Westerly line 60.00 feet to a point on the Southerly line of said Lot; thence South 63°30'53" East along said Southerly line 60.00 feet to a point on the Easterly line of said Lot; thence North 26°29'07" East along said Easterly line 60.00 feet to a point on the Southerly line of the Wisconsin & Southern Railroad right of way; thence South 63°30'53" East along said Southerly line 383.50 feet to a point on the West line of Certified Survey Map No. 4269; thence South 01°56'55" East along said West line and the Westerly line of Certified Survey Map No. 2749 a distance of 878.04 feet to a point marking the Northeast corner of Parcel 3 of Certified Survey Map No. 2453; thence South 88°35'26" West along the North line of said Parcel 3 and the North line of Parcels 2 and 3 of Certified Survey Map No. 5087 a distance of 1208.34 feet to a point on the East line of Squire Drive; thence North 01°58'25" West along said East line 113.87 feet to a point; thence Northwesterly 53.78 along said East line and arc of a curve, whose center lines to the West, whose radius is 1186.28 feet and whose chord bears North 03°16'21" West 53.78 feet to a point on the South line of Parcel 1 of Certified Survey Map No. 3501; thence South 89°09'24" East along said South line 320.90 feet to a point on the East line of said Parcel 1; thence North 00°54'15" West along said West line 880.31 feet to a point on the North line of said Parcel 1; thence North 63°30'53" West along said North line 85.00 feet to a point; thence North 01°24'53" West along said North line and the East line of Certified Survey Map No. 2386 a distance of 169.73 feet to a point on the North line of said Certified Survey Map; thence North 63°30'53" West along said North line 106.44 feet to the point of beginning.

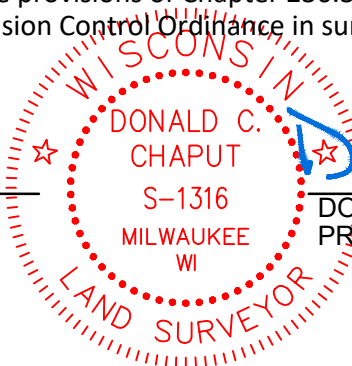
Said lands as described contains 1,059,095 square feet or 24.3135 Acres.

THAT I have made the survey, land division and map by the direction of Heritage Place Joint Venture, LLC, owner.

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

THAT I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and Chapter 18 of the Village of Germantown Subdivision Control Ordinance in surveying, dividing and mapping the same.

March 16, 2021
DATE




DONALD C. CHAPUT
PROFESSIONAL LAND SURVEYOR S-1316

CERTIFIED SURVEY MAP NO. _____

All of Lot 4 and part of Lots 3 and 5 in Assessor's Plat of the Village of Germantown, all being part of the Northwest 1/4 of the Southeast 1/4 of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

OWNER'S CERTIFICATE

Heritage Place Joint Venture, LLC, as owner, does hereby certify that they have caused the lands described on this map to be surveyed, divided and mapped as represented on this map in accordance with the requirements of Chapter 236.34 of the Wisconsin State Statutes in surveying, dividing and mapping the same.

In Witness Whereof, the said Heritage Place Joint Venture, LLC, has caused these presents to be signed at _____, Wisconsin, this ____ day of _____, 2021.

_____, Owner

STATE OF WISCONSIN}
:SS
MILWAUKEE COUNTY}

Personally came before me this ____ day of _____, 2021, _____, to be known as the person who executed the foregoing instrument and acknowledged the same.

Print Name _____
Notary Public - State of Wisconsin
My commission expires. _____

CONSENT OF CORPORATE MORTGAGEE

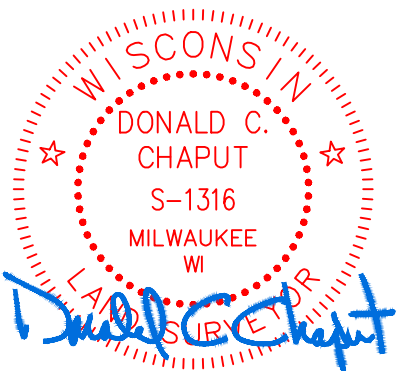
_____, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping the land described on this map and does hereby consent to the above certificate of Heritage Place Joint Venture, LLC, OWNER.

By _____ Its
Name: _____
Title: _____

STATE OF WISCONSIN}
:SS
_____ COUNTY}

Personally came before me this ____ day of _____, 2021, _____ of _____, to me known as the person who executed the foregoing instrument and acknowledged that he executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

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



Date: March 16, 2021

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

Drawing No. 1579-grb
SHEET 6 OF 7 SHEETS

CERTIFIED SURVEY MAP NO. _____

All of Lot 4 and part of Lots 3 and 5 in Assessor's Plat of the Village of Germantown, all being part of the Northwest 1/4 of the Southeast 1/4 of Section 22, Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

VILLAGE OF GERMANTOWN PLANNING COMMISSION APPROVAL

This Certified Survey Map is hereby approved by the Planning Commission of the Village of Germantown on this _____ day of _____, 2021.

Dean Wolter, Chairman

Date

Laura A. Johnson, Secretary

Date

VILLAGE OF GERMANTOWN BOARD APPROVAL

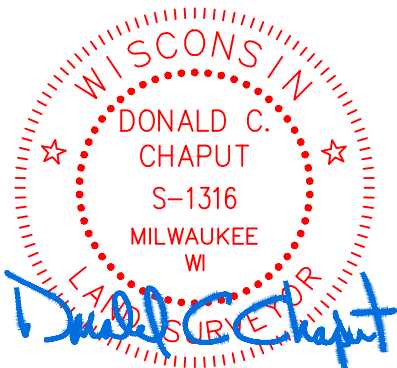
This Certified Survey Map, being a division of NW 1/4 of the SE 1/4 Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, having been approved by the Planning Commission being the same, is hereby approved and accepted by the Village Board of Trustees of the Village of Germantown on this __ day of _____, 2021.

Dean Wolter, Village President

Date

Deanna Braunschweig, Village Clerk

Date



Date: March 16, 2021

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

Drawing No. 1579-grb
SHEET 7 OF 7 SHEETS

EXHIBIT "A"

SANITARY SEWER AND WATER MAIN EASEMENT

That part of Outlot 3 in Assessor's Plat of the Village of Germantown, being part of the Northwest 1/4 of the Southeast 1/4 of Section 22, Town 9 North of Range 20 East, Washington County, Wisconsin which is bounded and described as follows: Commencing at the Northwest corner of the Southeast 1/4 of Section 22; thence North 88°37'57" East along the North line of the Southeast 1/4 a distance of 1318.93 feet to a point; thence South 01°56'55" East 693.82 feet to a point on the North line of Hilbert Lane and the point of beginning of the land hereinafter described; thence South 01°56'55" East 50.00 feet to a point; thence South 88°03'05" West 15.00 feet to a point; thence South 01°56'55" East 529.76 feet to a point on the North line of existing sanitary sewer easement recorded as Doc. No. 367492; thence North 89°44'03" West along said North line 20.01 feet to a point; thence North 01°56'55" West 528.31 feet to a point; thence North 63°30'42" West 418.23 feet to a point; thence South 26°29'18" West 183.00 feet to a point; thence North 63°30'42" West 51.00 feet to a point; thence North 26°29'18" East 20.00 feet to a point; thence South 63°30'42" East 31.00 feet to a point; thence North 26°29'18" East 163.00 feet to a point; thence North 63°30'42" West 194.19 feet to a point; thence South 26°29'18" West 163.00 feet to a point; thence South 63°30'42" East 31.00 feet to a point; thence South 26°29'18" West 20.00 feet to a point; thence North 63°30'42" West 51.00 feet to a point; thence North 26°29'18" East 183.00 feet to a point; thence North 63°30'42" West 77.28 feet to a point; thence North 26°29'18" East 15.00 feet to a point; thence North 63°30'42" West 71.22 feet to a point; thence North 76°23'20" West 146.74 feet to a point; thence North 00°54'15" West 20.66 feet to a point; thence South 76°23'20" East 154.17 feet to a point; thence South 63°30'42" East 129.15 feet to a point; thence North 26°29'18" East 18.00 feet to a point; thence South 63°30'42" East 20.00 feet to a point; thence South 26°29'18" West 18.00 feet to a point; thence South 63°30'42" East 312.39 feet to a point; thence North 26°29'18" East 18.00 feet to a point; thence South 63°30'42" East 20.00 feet to a point; thence South 26°29'18" West 18.00 feet to a point; thence South 63°30'42" East 279.87 feet to a point; thence North 88°03'05" East 55.08 feet to the point of beginning.
Containing 51,391 Square Feet or 1.1798 Acres of land.

brush or trees which may be removed at any time pursuant to the rights herein granted.

Grantee shall perform such regular and customary, or extraordinary or emergency maintenance, repairs or replacement to the improvements as it shall deem necessary and appropriate. Upon completion of any such work, Grantee shall backfill to approximate the pre-existing grade. Grantor, Grantor's successors and assigns, or the tenants of either shall be responsible for the restoration of topsoil, turf or other landscaping, or surface paving disturbed as a result of such work undertaken by Grantee.

The Grantor(s), their successors and assigns, covenant(s) and agree(s) to restrict the use of the land included in the easement described hereinabove as follows:

(1) The land will only be put to uses consistent with this easement such as lawn areas, driveways and small and easily movable structures that will not interfere with access to facility or its appurtenances, with the exception of item (3), below.

(2) No obstruction of access to the facility or its appurtenances shall be created in the future and that no building, trees or other structures or items that may interfere with inspection, maintenance or repair shall be located in the space over and within vertical planes located on both sides of the facility and/or its appurtenances.

(3) The surface elevation of the land within the easement shall not be raised or lowered more than four (4) inches without the prior written approval of the Village Engineer of the Grantee.

In consideration of the foregoing grant of this **Sanitary Sewer and Water Main easement** and the covenants herein contained, Grantor and Grantee agree that (i) Grantor, in and upon developing Grantor's Land, may freely install laterals and connections to and utilize all improvements installed by Grantor pursuant to this Easement (including the water systems of which they are part) in accordance with the Village of Germantown Code, (ii) from and after the acceptance of dedication of the **Sanitary Sewer and Water Main** to be installed in the easement granted hereunder.

Grantee will indemnify and hold Grantor, including its members, officer, employees, successors and assigns, harmless from and against any and all claims, litigation, liability, loss, injury, damage, cost and/or expense on account of injury to or death of any person or persons whomsoever in any way arising out of caused, connected with, or attributed to the Easement, this agreement or the rights herein granted, and Grantee, will defend by counsel satisfactory to Grantor any suit or action brought against same based on any alleged injury, death, or damage and shall pay all damages, costs and expenses, including attorneys' fees connected therewith or resulting therefrom, and (iii) in connection with the hook-up by Grantor to the municipal water distribution system and the municipal sanitary sewer system, the Village of Germantown shall levy upon Grantor only charges of general applicability to and for utilization of Village of Germantown water main and sanitary sewer facilities and improvements; no special or unique, tax, special assessment, tap fee, connection charge, capitalization, recovery fee, reclamation charge, or any other charge not generally levied upon one connecting to the municipal water distribution system and sanitary sewer systems shall be assessed to or against Grantor or Grantor's land in connection, with such hook-ups.

Grantor(s), their successors and assigns, covenant(s) and agree(s) to permit and allow Grantee to have facility and its appurtenances to be installed at such time and in such location as Grantee may deem necessary.

Grantee and its agents shall have the right to enter upon the premises of the Grantor for the purpose of exercising its rights herein acquired. Grantee agrees to restore or cause to have restored said premises, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantee or its agents. The restoration, however, does not apply to any brush or trees which may be removed at any time pursuant to the rights herein granted.

The said Grantor(s), has/have caused these presents to be signed and sealed this _____ day of _____, 2018.

Signature

Heritage Place Joint Venture, LLC

(Note: The above signature(s) must be notarized)

STATE OF WISCONSIN

COUNTY OF _____

Personally came before me this _____ day of _____, 2018, the above named _____ to me known to be the persons who executed the forgoing instrument and acknowledged the same.

Notary Public

Printed Name

VILLAGE OF GERMANTOWN ACCEPTANCE

ACCEPTED BY: The Village of Germantown on _____, 2018

_____, 2018
Dean Wolter – Village President

_____, 2018
Deanna Boldrey – Village Clerk

#

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

MEETING DATE: June 7, 2021

AGENDA ITEM: New Business [CSM]

ITEM TITLE: Harvest Hills Subdivision, LLC, Property Owner; 2-lot Certified Survey Map (CSM)

SUBMITTED BY: Emily Zandt, Associate Planner, Planning & Zoning

SUMMARY EXPLANATION:

Harvest Hills Subdivision, LLC, property owner, is seeking approval of a 2-lot Certified Survey Map (CSM) to modify the boundary between Lots 30 and 31 of the Harvest Hills Subdivision located at N118W13147 Taylor Trail. The purpose of the boundary modification is to accommodate a new septic system for the existing dwelling located on Lot 30. The original planned location for the septic system on Lot 30 was compacted during construction.

PLAN COMMISSION RECOMMENDATIONS:

APPROVE the proposed 2-lot Certified Survey Map (CSM) to modify the boundary between Lots 30 and 31 of the Harvest Hills Subdivision located at N118W13147 Taylor Trail subject to one (1) condition.

APPLICATION, PLANS & RELATED DOCUMENTS:

All relevant documents, including applications, plans, supporting information, the staff report & recommendation, and Plan Commission meeting minutes (when available) are included in the PDF digital file distributed by the Village Clerk.

Harvest Hills Subdivision, Lot 31 & Jeffrey & Sarah Holtebeck, N118 W13147 Taylor Trail, Lot 30. Two lot Certified Survey Map to modify property lines. Associate Planner Zandt summarized the proposal.

MOTION Baum second Laszewski to Approve the proposed 2-lot Certified Survey Map (CSM) to modify the boundary between Lots 30 and 31 of the Harvest Hills Subdivision located at N118W13147 Taylor Trail with the following conditions:

- 1. All technical issues and plan corrections identified by the Village Surveyor (see April 5, 2021 memo) shall be addressed and reflected in a revised CSM submitted and approved by the Engineering Department prior to recording the CSM.***

MOTION carried unanimously.

Village of Germantown - N112 W17001 Mequon Road. Request for approval of a new ground sign. Planner Retzlaff summarized the proposal.

MOTION Baum second Shadid to Approve the proposed monument sign for the Village of Germantown property option #1 that matches the existing masonry at the Village Hall and Library.

- 1. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components.***

MOTION carried unanimously.

Mahuta Tool Corporation - N118 W19137 Bunsen Drive. The request is for approval of a wall sign for the existing facility.

MOTION Baum second Shadid to Approve the proposed monument and wall signs for Mahuta Tool Corporation located at N118 W19137 Bunsen Drive subject to the following conditions:

- 1. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components.***

MOTION carried unanimously.

MGS Manufacturing - N117 W19125 Fulton Drive. The request is for approval of 2 wall signs for the recently completed building expansion.

MOTION Baum second Laszewski to Approve the proposed wall signs for MGS Manufacturing located at N117 W19125 Fulton Drive subject to the following conditions:

- 1. An electrical permit shall be obtained from Inspection Services prior to installation of any/all electrical components***

MOTION carried unanimously.

ANNOUNCEMENTS: Chairman Wolter said this Saturday is the Mai Fest celebration in a box. Pickup is between 1 and 4 pm if you placed an order.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:38 pm.

CERTIFIED SURVEY MAP (CSM) APPLICATION

5/10/21 Plan Commission Meeting

Harvest Hills Subdivision LLC

Planning & Zoning Report

Germantown, Wisconsin

Summary

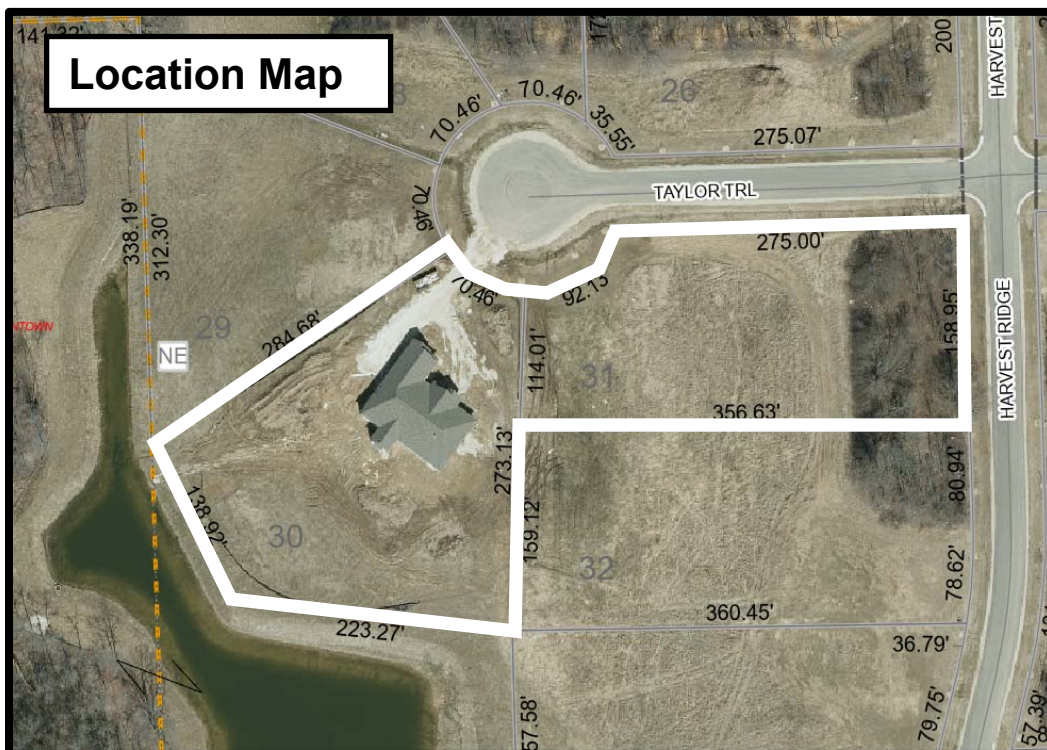
Harvest Hills Subdivision, LLC, property owner, is seeking approval of a 2-lot Certified Survey Map (CSM) to modify the boundary between Lots 30 and 31 of the Harvest Hills Subdivision located at N118W13147 Taylor Trail.

Property Location: N118W13147 Taylor Trail

**Applicant/
Property Owner:** Harvest Hills Subdivision, LLC
3955 Hawks Ridge Drive
Hubertus, WI 53033

Current Zoning: Rs-3: Single-family Residential

Adjacent Land Uses		Zoning
North	Residential	Rs-3
South	Open Space (outlot)	Rs-3
East	Residential	Rs-3
West	Open Space (outlot)	Rs-3



Background/Proposal

Harvest Hills Subdivision, LLC, agent and property owner, is seeking approval of a 2-lot Certified Survey Map (CSM) to modify the boundary between Lots 30 and 31 of the Harvest Hills Subdivision located at N118W13147 Taylor Trail. The purpose of the boundary modification is to accommodate a new septic system for the existing dwelling located on Lot 30. The original planned location for the septic system on Lot 30 was compacted during construction.

Staff Comment

The Rs-3 Single-family Residential district allows a minimum lot size of 1 acre. Both proposed lots resulting from the CSM will meet the minimum lot size and allow for all setbacks requirements to be met.

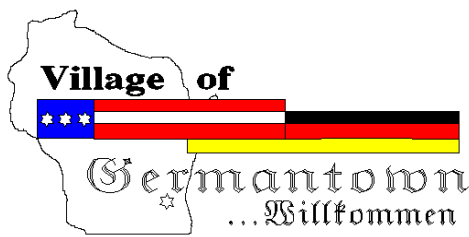
Soil evaluations for proposed Lots 1 and 2 have been completed and the locations have been approved by Washington County as suitable sites for the septic systems.

The Village Surveyor identified a few technical corrections in a memo dated April 5, 2021 (copy attached). A revised CSM has been submitted for review and is awaiting final approval by the Engineering Department.

Village Planner Recommendation

APPROVE the proposed 2-lot Certified Survey Map (CSM) to modify the boundary between Lots 30 and 31 of the Harvest Hills Subdivision located at N118W13147 Taylor Trail with the following conditions:

1. All technical issues and plan corrections identified by the Village Surveyor (see April 5, 2021 memo) shall be addressed and reflected in a revised CSM submitted and approved by the Engineering Department prior to recording the CSM.



Engineering Department Memorandum

To: Jeff Retzlaff Village Planner

CC:

From: Bob Beilfuss, PLS, Village Surveyor

Date: April 5, 2021

Re: Harvest Hills-Holtebeck CSM

Jeff,

Here are my review comments for the CSM received 3/18/2021.

Certified Survey Map

Applicant or Owner: Harvest Hills Subdivision LLC

Land Surveyor/Firm: James Beaty, PLS – Horizon Land Development Services, LLC

1. The bearing basis and horizontal datum should be NAD 83 (2011 Adjustment)
2. This land redivision is between two property owners being Harvest Hills Subdivision LLC and Jeffery L. and Sarah M. Holtebeck. An Owners Certificate and Certificate of Mortgagee needs to be added to the document for the Holtebeck's approval and signature as well as their lender.
3. Add arc dimensions between found iron pipe along the frontage of proposed Lot 1.
4. The south end of the proposed mound system is very close to the south boundary line (common to proposed Lot 1 and Lot 2) and to avoid another issue with the mound system being located or encroaching onto another lot, it is recommended the mound system be shifted to the north if possible. This is only a recommendation and not a requirement as Washington County administers mound systems and they may have offset requirements from boundary lines.
5. Show the original lot line between Lot 30 and 31.

No further review comments.

Document Approval and Recording

For this CSM to be approved by the Village Board and recorded at the Washington County Register of Deeds, the document must be provided to the Village Clerk's office in a completed format including all original signatures of the owner and lending institution, original seals of the professional land surveyor on the recordable media the Wednesday prior to the scheduled Village Board meeting.

This includes the CADD file.

April 5, 2021

Any documents or digital files not submitted by the due date or contain outstanding technical review comments that have not be addressed, will be moved to the next scheduled Village Board meeting agenda.

Document Submittals and Data Conversion

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

Prior to Recording the Certified Survey Map or Subdivision Plat, The professional land surveyor is responsible for submitting a copy of the AutoCad drawing file (.dwg) of the document in version 2019 on compact disk (CD) or via email to the Village Surveyor for mapping purposes.

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

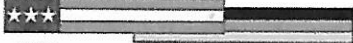
Note: In 2020, the Village will be upgrading its municipal code to recognize the NAD83 Datum, 2011 adjustment for horizontal control and NAVD88 for vertical control for mapping all land division documents and plan submittals for review.

There are new dossier sheets for all the Public Land Survey System monuments that contain the new coordinate positions and elevations available currently on the State Cartographer's website by using the Survey Control Finder application

Prior to Recording the Certified Survey Map or Final Subdivision Plat, the Village Engineering Department will verify that the boundary markers have been installed as described on the submitted map. All boundary corners are to be clearly marked in the field by the professional land surveyor of record.



Village of



Germantown

Willkommen

Fee must accompany application

☐ \$2,900 with public improvements

☐ \$1,960 no public improvements

Paid _____ Date _____

CERTIFIED SURVEY MAP APPLICATION

Pursuant to Section 18.06 of the Municipal Code

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

1 APPLICANT OR AGENT

Harvest Hills Subdivision LLC
3955 Hawks Ridge Drive
Hubertus WI 53033
Phone (262) 923-0469
Fax ()
E-Mail topleftdevelopment@gmail.com

PROPERTY OWNER

Harvest Hills Subdivision LLC
3955 Hawks Ridge Drive
Hubertus WI 53033
Phone (262) 923-0469

2

PROPERTY ADDRESS OR GENERAL LOCATION

TAX KEY NUMBER

Lot 31 Harvest Hills Subdivision

GTNV 241051

3

PURPOSE OF LAND SPLIT

Adjust property line for new septic area for Lot 30.

Will the land split require rezoning?

No

From

To

4

READ AND INITIAL THE FOLLOWING:

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

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

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

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

5

SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Shawn Waggoner 3/1/2021
Applicant Date

Shawn Waggoner 3/1/2021
Owner Date

March 15, 2021

Village of Germantown
N112 W17001 Mequon Road
Germantown WI 53022

To whom it may concern:

The CSM between Lot 30 and Lot 31 of the Harvest Hills Subdivision is needed to resolve a septic issue. The existing septic system on Lot 30 was not designed or located in accordance with the original soil test provided for that Lot. The septic system is failing. Due to home construction, there is no longer a viable area anywhere on Lot 30, including the original designated septic area, for a new septic system. The property line between Lot 30 and 31 will be shifted to the east to provide additional land for a new septic system for Lot 30. Soil testing was completed on the new portion of land and this area is acceptable for a septic system. Both Lots will still be over the 1 acre size minimum and meet all setback requirements.

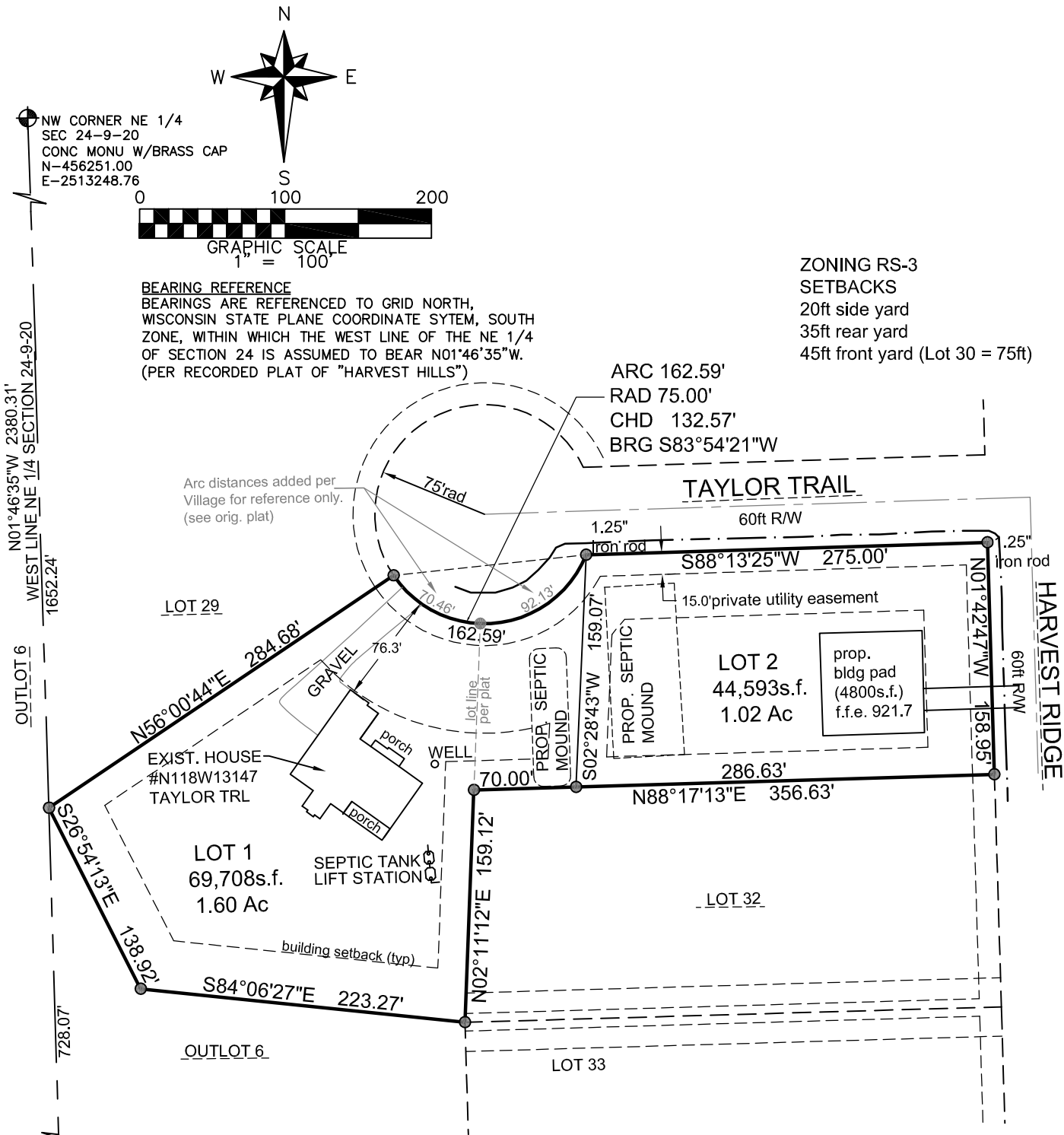
Sincerely,

A handwritten signature in black ink, appearing to read "Shari Waggoner", written in a cursive style.

Shari Waggoner
Harvest Hills Subdivision LLC

CERTIFIED SURVEY MAP NO - _____

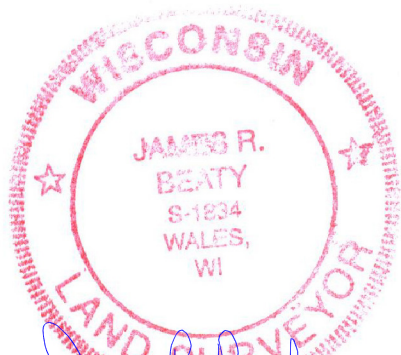
BEING A REDIVISION OF LOT 30 AND LOT 31 OF HARVEST HILLS, A RECORDED SUBDIVISION PLAT LYING WITHIN AND BEING A PART OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 9 NORTH, RANGE 20 EAST, VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



LEGEND

- () INDICATES RECORDED DIMENSION WHERE DIFFERENT FROM ACTUAL MEASUREMENT
- SECTION OR 1/4 SECTION CORNER FOUND AS DESCRIBED
- 1" DIA. 1.3150.D. IRON PIPE FOUND (UNLESS OTHERWISE NOTED)

PREPARED FOR / DEVELOPER:
HARVEST HILLS SUBDIVISION LLC
3955 HAWKS RIDGE DRIVE
HUBERTUS, WI 53033
(262) 923-0469



James R. Beaty, RLS 1834
DATED: MARCH 10, 2021
REVISED: APRIL 16, 2021

CERTIFIED SURVEY MAP NO - _____
BEING A REDIVISION OF LOT 30 AND LOT 31 OF HARVEST HILLS, A RECORDED
SUBDIVISION PLAT LYING WITHIN AND BEING A PART OF THE SOUTHWEST 1/4 AND
THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 9 NORTH, RANGE 20 EAST,
VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

LEGAL DESCRIPTION:

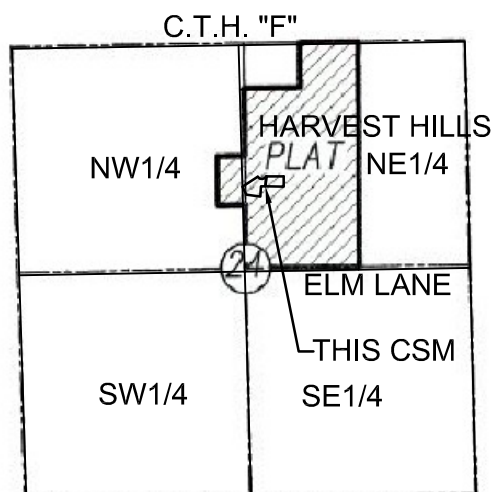
I, James R. Beaty, professional land surveyor, do hereby certify that at the direction of the owner(s), I have made this survey, land division and map, being more particularly described as follows:

Being Lot 30 and Lot 31 of Harvest Hills, as recorded in office of Washington County Register of Deeds office on August 28th, 2019 in Map book 53 Page 41, as Document No. 1478618 and lying within and being a part of the southwest 1/4 and the northwest 1/4 of the northeast 1/4 of Section 24, Town 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

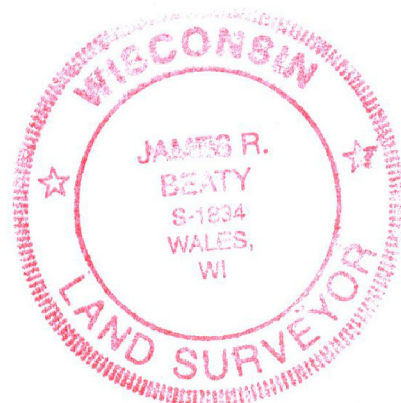
I further certify that I have made this survey, and map by the direction of Harvest Hills Subdivision, LLC., and Jeffery L. Holtebeck & Sarah M. Holtebeck, owner(s) of said land(s).

That such map is a correct representation of all the exterior boundaries of the land surveyed and the parcel rectification thereof made.

That I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes and Chapter 18 of the Village of Germantown Subdivision control ordinance in surveying and mapping of same.



LOCATION MAP
SECTION 24-9-20



James R. Beaty

James R. Beaty, PLS 1834
DATED: MARCH 10, 2021
REVISED: APRIL 16, 2021

PREPARED BY / SURVEYOR:
HORIZON LAND DEVELOPMENT SERVICES, LLC
W313 S2562 PENNY LANE
WALES, WISCONSIN 53183
1-262-349-1575
jamieb@horizonlanddevelopmentservices.com

CERTIFIED SURVEY MAP NO - _____
BEING A REDIVISION OF LOT 30 AND LOT 31 OF HARVEST HILLS, A RECORDED
SUBDIVISION PLAT LYING WITHIN AND BEING A PART OF THE SOUTHWEST 1/4 AND
THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 9 NORTH, RANGE 20 EAST,
VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

CORPORATE OWNER'S CERTIFICATE

Harvest Hills Subdivision, LLC, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped, and dedicated as represented on this plat. Harvest Hills Subdivision, LLC, does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

Village of Germantown

IN WITNESS WHEREOF, the said Harvest Hills Subdivision, LLC, has caused these presents to be signed by Shari Waggoner, its _____, at _____ Wisconsin, and its corporate seal to be hereunto affixed

on this _____, day of _____, 2021.

In the presence of:

Harvest Hills Subdivision, LLC,

Shari Waggoner, Title

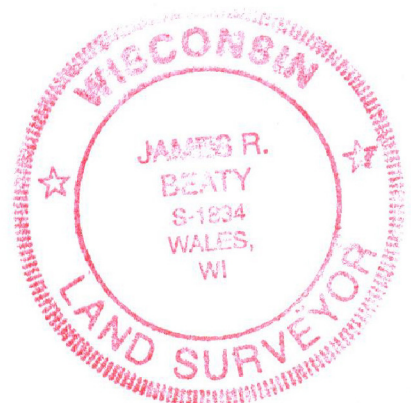
Name Title

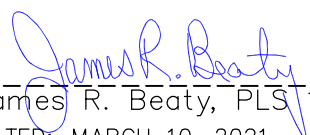
STATE OF WISCONSIN)
SS
WASHINGTON COUNTY)

Personally came before me this _____ day of _____, 2021, Shari Waggoner, of the above named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such _____ of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

(Notary Seal) _____
Notary Public, _____, Wisconsin

My commission expires _____.




James R. Beaty, PLS 1834
DATED: MARCH 10, 2021
REVISED: APRIL 16, 2021

CERTIFIED SURVEY MAP NO - _____
BEING A REDIVISION OF LOT 30 AND LOT 31 OF HARVEST HILLS, A RECORDED
SUBDIVISION PLAT LYING WITHIN AND BEING A PART OF THE SOUTHWEST 1/4 AND
THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 9 NORTH, RANGE 20 EAST,
VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

OWNERS CERTIFICATE

As owner(s), I (we) do hereby certify that we caused said lands to be certified, divided, and mapped as shown on this map.

As owner(s), I (we) also certify that this Certified Survey Map must be submitted to the following for approval or rejection; Village of Germantown

WITNESS the hand and seal of said Jeffery L. & Sarah M. Holtebeck, owner(s)

this _____ day of _____, 2021.

Jeffery L. Holtebeck, owner

Sarah M. Holtebeck, owner

STATE OF WISCONSIN)
COUNTY OF WAUKESHA) (SS

Personally came before me this _____ day of _____, 2021,
the above named , Jeffery L. Holtebeck & Sarah M. Holtebeck to me known to be the
person(s) who executed the foregoing instrument and acknowledged the same.

Notary Public

_____ County, Wisconsin

My commission expires _____

CONSENT OF MORTGAGEE

I, _____, mortgagee of the above described land, do
hereby consent to the surveying, dividing, mapping and dedication of the land described on
this plat, and I do hereby consent to the above certificate of Jeffery L. Holtebeck & Sarah
M. Holtebeck, owner.

WITNESS the hand and seal of _____, mortgagee, this
_____ day of _____, 20____.

In the presence of:

Mortgagee

_____ (Seal)

STATE OF WISCONSIN)

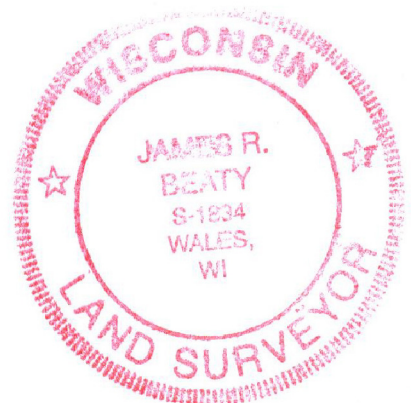
_____ COUNTY) SS

Personally came before me this _____ day of _____,
2021, the above named _____, to me known to be
the person who executed the foregoing
instrument and acknowledged the same.

(Notary Seal) _____

Notary Public, _____, Wisconsin

My commission expires _____.



James R. Beaty
James R. Beaty, PLS 1834
DATED: MARCH 10, 2021
REVISED: APRIL 16, 2021

CERTIFIED SURVEY MAP NO - _____
BEING A REDIVISION OF LOT 30 AND LOT 31 OF HARVEST HILLS, A RECORDED
SUBDIVISION PLAT LYING WITHIN AND BEING A PART OF THE SOUTHWEST 1/4 AND
THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 9 NORTH, RANGE 20 EAST,
VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

VILLAGE OF GERMANTOWN PLAN COMMISSION APPROVAL

This Certified survey Map is hereby approved by the Plan Commission of the Village of
Germantown this _____ day of _____, 2021.

Dean Wolter, Chairman

Date

Laura A. Johnson, Secretary

Date

VILLAGE OF GERMANTOWN BOARD APPROVAL

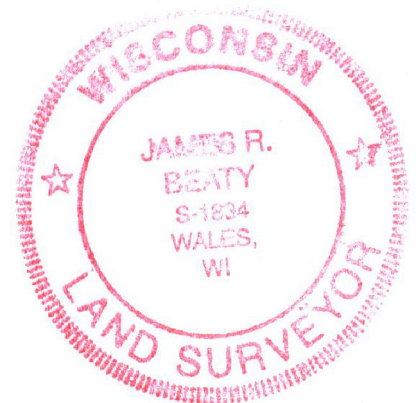
This Certified Survey Map, being a redivision of Lot 30 and Lot 31 of Harvest Hills, as recorded in office of
Washington County Register of Deeds office on August 28th, 2019 in Map book 53 Page 41, as Document No.
1478618 and lying within and being a part of the southwest 1/4 and the northwest 1/4 of the northeast 1/4 of
Section 24, Town 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, having been
approved by the Planning Commission being the same, is hereby approved by the Village Board of Trustees of
the Village of Germantown on this _____ day of _____, 2021.

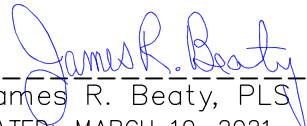
Dean Wolter, Village President

Date

Deanna Braunschweig, Village Clerk

Date





James R. Beaty, PLS 1834
DATED: MARCH 10, 2021
REVISED: APRIL 16, 2021

From: Dave Seils <Dave.Seils@washcowisco.gov>
Sent: Monday, April 5, 2021 2:24 PM
To: Jeff Retzlaff <jretzlaff@village.germantown.wi.us>
Subject: RE: Harvest Hills Lot 30/31 CSM

Hi Jeff,

There is no setback between mound or septic systems. The mound on lot 2 will be far enough away from the mound on lot 30. Technically there should be no vehicle traffic 15 feet from the downslope side of a mound. So if the mound on lot 2 is 15 feet from the lot line it will be fine.



West Bend, WI 53095-7986



[@WashcoWisconsin](https://www.instagram.com/WashcoWisconsin)

DISCOVER. CONNECT. PROSPER.

Thanks,

DAVID SEILS

Land Use Inspector In Charge

E: dave.seils@co.washington.wi.us

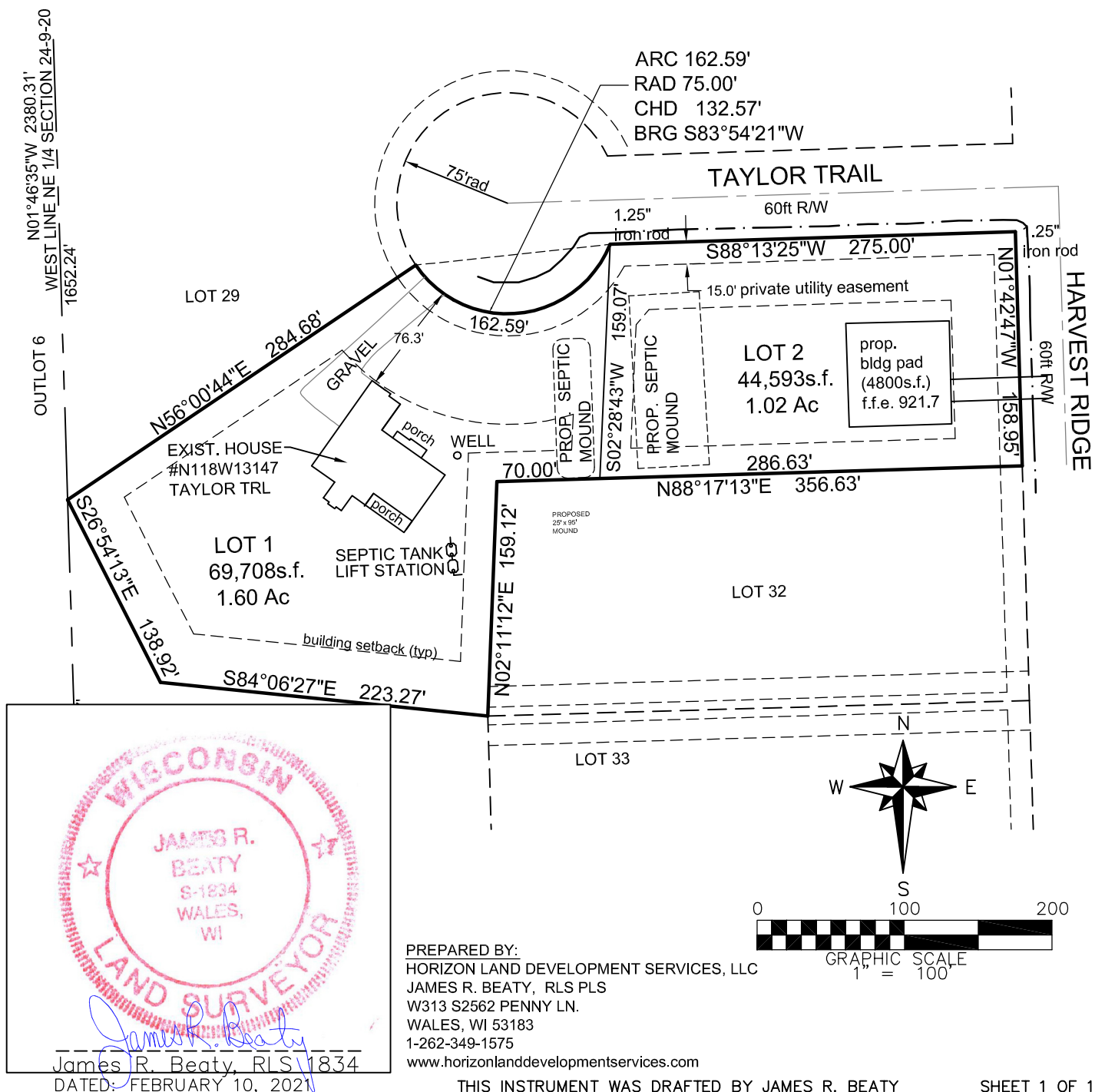
O: (262) 335-4445

F: (262) 335-6868

Public Agency Center

333 E. Washington St. Suite 2300

BEING LOT 30 AND LOT 31 OF HARVEST HILLS, A RECORDED SUBDIVISION PLAT
LYING WITHIN AND BEING A PART OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4
OF THE NORTHEAST 1/4 OF SECTION 24, TOWN 9 NORTH, RANGE 20 EAST,
VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



Division of Industry Services

in accordance with SPS 385, Wis.Adm.Code

Attach complete site plan on paper not less than 8 1/2 x 11" in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and % slope, scale or dimensions, north arrow, location & distance to nearest road.

Please print all information

Personal information you provide may be used for secondary purposes (Privacy Law, s.15.04(1)(m)).

County	WASHINGTON
Parcel I.D.	GTNV-241050 (LOT 30)
Reviewed by	Date

Property Owner JEFFREY & SARAH HOLTEBECK				Property Location SW 1/4, NE 1/4, S 24, T 9 N, R 20 E			
Property Owner's Mailing Address N118W13147 TAYLOR TRAIL				Lot # Subd.Name or CSM# 30 (easement onto lot 31) HARVEST HILLS			
City	State	Zip Code	Phone Number	☐ City	☒ Village	Nearest Road	
GERMANTOWN, WI		53022	414 731-8623	GERMANTOWN		TAYLOR TRAIL	

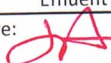
☐ New Construction Use: ☒ Residential/No.bedrooms 4 Code derived design flow rate: 600 GPD
☒ Replacement ☐ Public or commercial- Describe: _____
 Parent Material: LOESS, GLACIAL TILL Flood Plain elevation if applicable _____ ft.
 General comments
 and recommendations: Installer to chisel out tire ruts within 15' of mound toe
 0.6 GPD/SQ.FT. LOADING RATE SYSTEM ELEV: 899.8'

Boring		☐ Boring									
1	#	☒ Pit	Ground surface elev.	897.38'	Depth to limiting factor	21"	Soil Application Rate				
Horizon	Depth inches	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr.Sz.Sh.	Consistence (Moist)	Roots	Boundary	GPD/ft²		
									*Eff#1	*Eff#2	
Ap	0-12	10YR3/2		sil	2mgr	fr	2f	as	0.6	0.8	
B	12-17	10YR4/4		sil	2fsbk	fr	1f	cs	0.6	0.8	
Bt1	17-21	10YR4/4		cl	2fsbk	fi	1f	cs	0.4	0.6	
Bt2	21-23	10YR4/4	c2d7.5YR5/8,5/3	cl	1fsbk	fi	1f	cs	0.2	0.3	
C	23-30	10YR5/3	m2d7.5YR5/8	vf sl	1fsbk	vfr			0.2	0.6	

Boring		☐ Boring								Soil Application Rate GPD/ft ²	
2	#	☒ Pit	Ground surface elev.	897.21'	Depth to limiting factor	0"					
Horizon	Depth inches	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr.Sz.Sh.	Consistence (Moist)	Roots	Boundary	*Eff#1	*Eff#2	
Ap	0-8	10YR3/2	COMPACTED	sil	3mabk	fi	1f	as	0.6	0.8	
Bt	8-18	10YR4/4	COMPACTED	cl	3mabk	vfi	1f		0	0	

*Effluent #1 = BOD₅ > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L*Effluent #2 = BOD₅ ≤ 30 mg/L and TSS ≤ 30 mg/L

CST Name JEFFREY L. HAMMES
 Address 6219 COUNTRYSIDE LN.
 MADISON, WI 53705

Signature: 

Date Evaluation Conducted: 12/17/2020

CST Number 223300
 Telephone No. (608) 233-9200

SBD-8330(R04/15)

Boring ☐ Boring
☒ Pit
 3 # Ground surface elev. 897.59' Depth to limiting factor 22"

Horizon	Depth inches	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr.Sz.Sh.	Consistence (Moist)	Roots	Boundary	Soil Application Rate GPD/ft ²	
									*Eff#1	*Eff#2
Ap	0-11	10YR3/2		sil	2fsbk	fr	1f	as	0.6	0.8
B	11-16	10YR4/4		sil	2fsbk	fr	1f	cs	0.6	0.8
Bt	16-22	10YR4/4		cl	2fsbk	fi	1f	cs	0.4	0.6
C	22-35	10YR5/3	c2d7.5YR5/8,5/3	vf sl	1fsbk	vfr			0.2	0.6

Boring ☐ Boring
☒ Pit
 4 # Ground surface elev. 898.9' Depth to limiting factor 29"

Horizon	Depth inches	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr.Sz.Sh.	Consistence (Moist)	Roots	Boundary	Soil Application Rate GPD/ft ²	
									*Eff#1	*Eff#2
Ap	0-10	10YR3/2		sil	2fsbk	fr	2f	as	0.6	0.8
B	10-23	10YR4/4		sil	2fsbk	fr	1f	cs	0.6	0.8
BC	23-29	10YR4/6		l	1fsbk	vfr	1f	cs	0.4	0.6
C	29-32	10YR5/3	c2d7.5YR5/8,5/3	fsl	1fsbk	vfr			0.2	0.6

Boring ☐ Boring
☒ Pit
 # Ground surface elev. Depth to limiting factor

Horizon	Depth inches	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr.Sz.Sh.	Consistence (Moist)	Roots	Boundary	Soil Application Rate GPD/ft ²	
									*Eff#1	*Eff#2

*Effluent #1 = BOD₅ > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L*Effluent #2 = BOD₅ ≤ 30 mg/L and TSS ≤ 30 mg/L

JEFFREY L. HAMMES

CERTIFIED SOIL TESTING
CERTIFIED DESIGNING

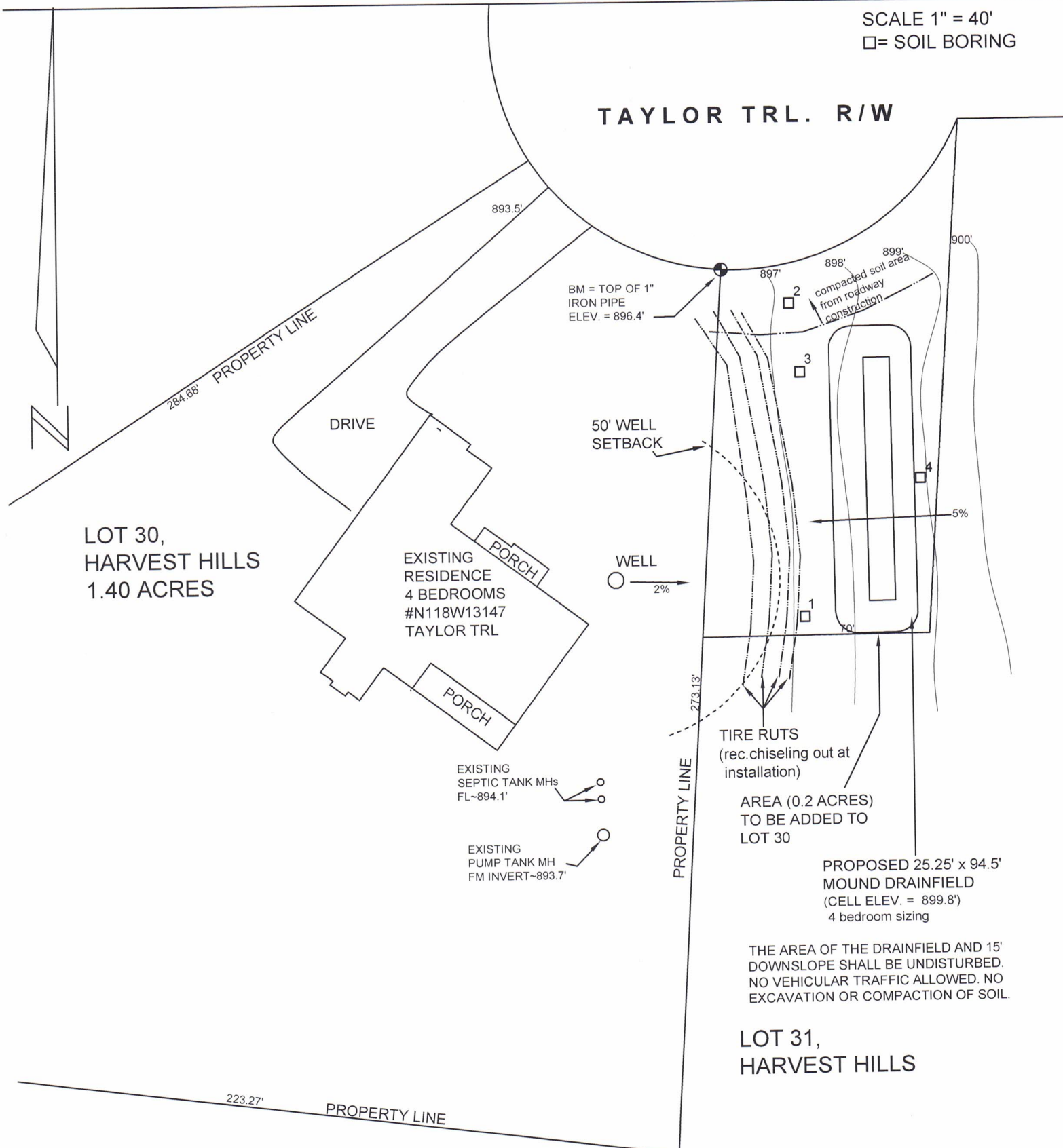
PLOT PLAN

PAGE 3 OF 3

CLIENT: JEFFREY AND SARAH HOLTEBECK

ONE INCH
IF THIS BOX DOES
NOT EQUAL ONE INCH
ON ALL SIDES,
THEN THIS DRAWING
IS NOT TO SCALE

SCALE 1" = 40'
□ = SOIL BORING



SOIL EVALUATION REPORT

in accordance with SPS 385, Wis. Adm. Code

Attach complete site plan on paper not less than 8 1/2 x 11 inches in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and Percent slope, scale or dimensions, north arrow, and location and distance to nearest road.

Please print all information.

Personal information you provide may be used for secondary purposes (Privacy Law, s. 15.04 (1) (m)).

County: Washington	
Parcel I.D.: 241998	
Reviewed by: Mark Finger	Date: 11/28/2018

Property Owner: Alan Luther				Property Location: Govt. Lot SW 1/4 S 24 NE 1/4 S 24 T9 N - R 20 E (or) W			
342 Hillside Rd				Lot # 30	Block #	Subd. Name or CSM # Harvest Hills	
City: Colgate	State: WI	Zip Code: 53017	Phone Number: () -	☐ City: ☒ Village: ☐ Town: Germantown		Nearest Road: Freistadt Rd	

☒ New Construction	Use ☒ Residential / Number of bedrooms: 4	Code derived design flow rate: 600 GPD
☐ Replacement	☐ Public or commercial - Describe:	
Parent material: Glacial Till		Flood Plain elevation if applicable: NA ft.
General comments and recommendations: Recommended mound system: 1-5'x150' cell Additional Comments on page 3		

301 ☐ Boring ☒ Pit Ground surface elev. **895.6** ft. Depth to limiting factor **22** in. Soil Application Rate

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft ²	
									Eff#1	Eff#2
Ap	0-11	10YR 3/3	#	CL	2m gr	fr	as	1f	0.4	0.6
AB	11-22	10YR 4/3	#	CL	2m sbk	fr	gw	1f	0.4	0.6
BC	22-30	10YR 6/4	C1D 7.5YR 6/6, 6/2	SiCL	1m sbk	ff	cw	-	0.2	0.3
C	30-38	10YR 6/4	C1D 7.5YR 6/6, 6/2	SiCL	mass.	fi	-	-	0	0

302 ☐ Boring ☒ Pit Ground surface elev. **896.6** ft. Depth to limiting factor **16** in. Soil Application Rate

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft ²	
									Eff#1	Eff#2
Ap	0-11	10YR 3/2	#	CL	2m sbk	fr	as	1f	0.4	0.6
Bt	11-16	7.5YR 4/3	#	CL	2m sbk	fr	gw	1f	0.4	0.6
BC	16-24	10YR 5/4	C1D 7.5YR 6/6, 6/2	SiCL	1m sbk	ff	cw	-	0.2	0.3
C	24-32	10YR 6/4	C1D 7.5YR 6/6, 6/2	SiCL	mass.	fi	-	-	0	0

* Effluent # 1 = BOD₅ > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

* Effluent # 2 = BOD₅ ≤ 30 mg/L and TSS ≤ 30 mg/L

CST Name (Please Print): Dan Vander Leest	Signature:	CST Number: 221049
Address: 824 Egg Harbor Road Sturgeon Bay, WI 54235		Telephone Number: (920) 743 - 4708
Date Evaluation Conducted: November 27 and 28, 2018		

Property Owner:

Parcel ID #:

Page 2 of 3

303

Boring #

☐ Boring☒ Pit

Ground surface elev. 898.0 ft.

Depth to limiting factor 14 in.

Soil Application Rate

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft ²	
									Eff#1	Eff#2
Ap	0-9	10YR 3/2	#	CL	2m gr	fr	as	1f	0.4	0.6
Bt	9-14	7.5YR 4/4	#	CL	2m sbk	fr	gw	1f	0.4	0.6
BC	14-22	10YR 6/4	C1D 7.5YR 6/6, 6/2	SiCL	1m sbk	fr	cw	-	0.2	0.3
C	22-36	10YR 6/2	C1D 7.5YR 6/6, 6/2	SiCL	mass	fi	-	-	0	0

Boring #

☐ Boring☒ Pit

Ground surface elev. ft.

Depth to limiting factor in.

Soil Application Rate

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft ²	
									Eff#1	Eff#2

Boring #

☐ Boring☐ Pit

Ground surface elev. ft.

Depth to limiting factor in.

Soil Application Rate

Horizon	Depth in.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft ²	
									Eff#1	Eff#2

* Effluent # 1 = BOD₅>30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L* Effluent # 2 = BOD₅≤ 30 mg/L and TSS ≤ 30 mg/L

The Department of Commerce is an equal opportunity service provider and employer. If you need assistance to access services or need material in an alternate format, please contact the department at 608-266-3151 or TTY 608-264-8777.

Comments:

- 1) A linear loading rate of ≤ 4.5 gals/ft/day is required for systems with in situ soils having a soil application rate of ≤ 0.3 gals/ft²/day within 12 inches of the fill material. A suggested linear loading rate of < 3 gals/ft/day when possible.
- 2) With soils having an in situ soil loading rate of > 0.3 gals/ft²/day within 12 inches of the fill material, a linear loading rate of < 5 gals/ft/day is suggested.
- 3) Long, narrow systems are required. If more than one cell is required, a minimum of half the basal area is suggested between cells.
- 4) Bend cells to follow the existing contours
- 5) Prior to any soil and land disturbance, the proposed mounds and a 25' perimeter surrounding the mounds must be marked and kept undisturbed
- 6) Locate mounds on shoulder and upper back slope landscape positions.
- 7) Final grades of mounds to divert surface waters away from the mound.
- 8) A vegetative cover to prevent erosion and also facilitate soil structure development must be planted as soon as possible.
- 9) The proposed system shown on the attached site plan is only an estimate of the size. A complete mound design is required to determine the precise sizes.
- 10) Pretreatment alternatives can only be considered to lower the height of the mound. (min 12" sand with pretreatment) The sand loading and linear loading cannot be increased with pretreatment.
- 11) The planning of the surrounding wells must be determined prior to individual mound designs to avoid set-back issues.
- 12) If slopes vary by $> 1\%$ with the proposed cell areas, an Individual Site Design (ISD) will be required.
- 13) Remove all organic material prior to plowing. Sites that are wooded must add basal area to the mounds to account for stumps. Remove all loose roots after plowing. It is recommended that large stumps be carefully removed within the basal area. Approval and supervision from the state and/or county is required. An Individual Site Design would also be required with removal of the stumps.

SITE PLAN

BEING:

LOT 30 OF HARVEST HILLS

LOCATED IN:

THE NW 1/4 OF THE NE 1/4, THE SW 1/4 OF THE NE 1/4,
AND THE SE 1/4 OF THE NW 1/4

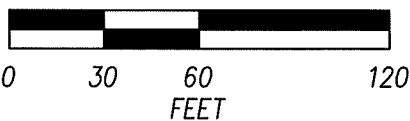
ALL IN:

SECTION 24, TOWNSHIP 9 NORTH, RANGE 20 EAST,
TOWN OF GERMANTOWN,
WASHINGTON COUNTY,
WISCONSIN.



NORTH

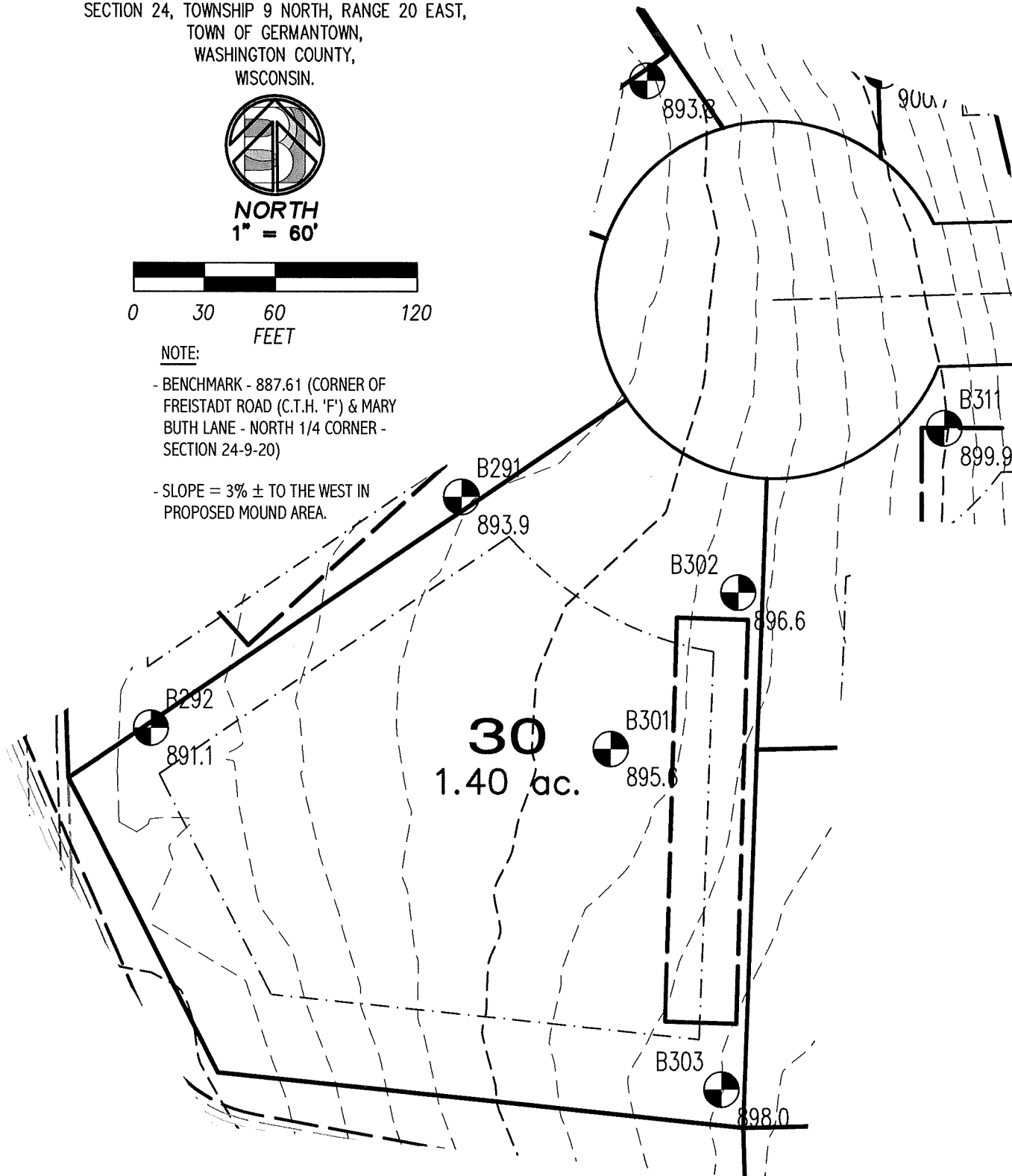
1" = 60'



NOTE:

- BENCHMARK - 887.61 (CORNER OF
FREISTADT ROAD (C.T.H. 'F') & MARY
BUTH LANE - NORTH 1/4 CORNER -
SECTION 24-9-20)

- SLOPE = 3% $\pm$ TO THE WEST IN
PROPOSED MOUND AREA.



Map Book 53 Page 41

HARVEST HILLS

SECTION 24, TOWNSHIP 9 NORTH, RANGE 10 EAST,
VILLAGE OF GERMANTOWN,
WASHINGTON COUNTY,
WISCONSIN

1" = 100'

0 50 100 200 300 400

- WASHINGTON COUNTY MONUMENT
(6"X6" CONCRETE W/ BRASS CAP)
- FOUND 1.27" STEEL PIPE
- 1.27" OD X 18" REINFORCING
BAR, 4.303 LB / LIN FT., SET
ALL OTHER LOT AND OUTLOT CORNERS
1.37" OD X 18" STEEL PIPE,
1.68 LB / LIN FT., SET

NOTE:
ALL DIMENSIONS MEASURED TO THE NEAREST
HUNDRETH OF A FOOT. ALL ANGLES MEASURED TO
THE NEAREST FIVE SECONDS AND COMPUTED TO
THE NEAREST SECOND.

UTILITY EASEMENTS:
NO PILES OR BURIED CABLES ARE TO BE PLACED
UNDER ANY LOT OR STREET LINE. THE DISTURBANCE
OF A SURVEY STAKE OR OBSTRUCTION ALONG
ANY LOT LINE OR STREET LINE IS A VIOLATION
OF S. 236.25, WIS. STAT. UTILITY EASEMENTS AS
HEREIN SET FORTH ARE FOR THE USE OF PUBLIC
BODIES AND PRIVATE PUBLIC UTILITIES HAVING THE
RIGHT TO SERVE THE AREA.

OUTLET RESTRICTION:
THE CONSTRUCTION OF BUILDINGS FOR HUMAN
HABITATION OR THE INSTALLATION OF SOIL
ABSORPTION SYSTEMS IN ALL OUTLOTS IN THIS
PLAT IS PROHIBITED.

DRIPNAGE EASEMENTS:
THE VILLAGE OF GERMANTOWN IS HEREBY
GRANTED ACCESS FOR STORMWATER MAINTENANCE
PURPOSES VIA ALL OUTLOTS, BUT IS NOT
RESPONSIBLE TO PERFORM THE MAINTENANCE.

LOT 1 - 37 SHALL HAVE AN EQUAL INTEREST
IN THE OWNERSHIP OF ALL OUTLOTS.

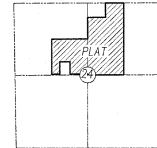
25 FEET OF SEPARATION SHALL BE MAINTAINED
BETWEEN PRIVATE WELLS AND STORMWATER
PONDS.

PLAT BOUNDING - RS-3 SINGLE-FAMILY RESIDENTIAL
DISTRICT.

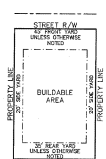
ALL WETLANDS HAVE A 25' BUILDING/GRADING
SETBACK.

SURVEYOR:
BALDWIN SURVEYING & ENGINEERING
322 N. 2ND AVENUE
STURBECK, WI 54235
(920)743-8201

LOCATION SKETCH
SECTION 24-9-20
SCALE: 1" = 2000'



TYPICAL SUBDIVISION LOT
(RS-3 ZONING)



BEARINGS ARE BASED ON THE WISCONSIN STATE
PLANE COORDINATE SYSTEM GCS, 500' IN ZONE,
AND THE WEST LINE OF THE NE 1/4 OF SECTION 24
(ASSUMED IN 91°46'35" W)

There are no objections to this plat with respect to
Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2),
Wis. Stat. as provided by s. 236.12, Wis. Stat.

Certified: *[Signature]* 2/27/19
Department of Administration

Map Book 53 Page 42

HARVEST HILLS

PARCEL 1 OF C.S.M. NO. 394,
WASHINGTON COUNTY RECORDS
AND
THE SW 1/4 OF THE NE 1/4
AND PART OF
THE NW 1/4 OF THE NE 1/4
ALL IN
SECTION 24, TOWNSHIP 9 NORTH, RANGE 20 EAST,
VALLEY OF COLUMBIA,
WASHINGTON COUNTY,
MINNESOTA.



- WASHINGTON COUNTY MONUMENT
(6" X 6" CONCRETE W/ BRASS CAP)
- FOUND 1.27" STEEL PIPE
- 1.27" OD X 18" REINFORCING
BAR, 4.303 LB / LIN FT., SET
ALL OTHER LOT AND OUTLOT CORNERS
1.3700" X 18" STEEL PIPE,
1.88 LB / LIN FT., SET

NOTE:
ALL DIMENSIONS MEASURED TO THE NEAREST
HUNDRETHS OF A FOOT. ALL ANGLES MEASURED TO
THE NEAREST FIVE SECONDS AND COMPUTED TO
THE NEAREST SECOND.

UTILITY EASEMENT:
NO POLES OR BURIED CABLES ARE TO BE PLACED
SOONER THAN THE INSTALLATION WOULD DISTURB
ANY SURVEY STAKE OR DISTURBANCE WOULD ALONG
ANY LOT LINE OR STREET LINE. THE CONFORMANCE
OF A SURVEY STAKE BY ANYONE IS A VIOLATION
OF A 206.35 VES. STAT. UTILITY EASEMENTS AS
HEREIN SET FORTH ARE FOR THE USE OF PUBLIC
BODIES AND PRIVATE PUBLIC UTILITIES HAVING THE
RIGHT TO SERVE THE AREA.

OUTLET RESTRICTION:
THE CONSTRUCTION OF BUILDINGS FOR HUMAN
HABITATION OR THE INSTALLATION OF SOIL
ABSORPTION SYSTEMS IN ALL OUTLOTS IN THIS
PLAT IS PROHIBITED.

DRAINAGE EASEMENTS:
THE VALUABLE OF SEPARATION IS HEREBY
GRANTED ACCESS FOR STORMWATER MAINTENANCE
PURPOSES VIA ALL OUTLOTS, BUT IS NOT
RESPONSIBLE TO PERFORM THE MAINTENANCE.

LOTS 1 - 37 SHALL HAVE AN EQUAL INTEREST
IN THE OWNERSHIP OF ALL OUTLOTS.

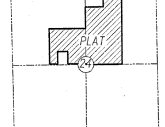
25 FEET OF SEPARATION SHALL BE MAINTAINED
BETWEEN PRIVATE WELLS AND STORMWATER
POND.

PLAT ZONING - RS-3 SINGLE-FAMILY RESIDENTIAL
DISTRICT.

ALL WETLANDS HAVE A 25' BUILDING/GRADING
SETBACK.

SURVEYOR:
BAUGHMAN SURVEYING & ENGINEERING
312 N. 5TH AVENUE
STURGEON BAY, WI 54255
(920)743-8211

TYPICAL SUBDIVISION LOT (RS-3 ZONING)



BEARINGS ARE BASED ON THE WISCONSIN STATE
PLANE COORDINATE SYSTEM GRID, SOUTH ZONE, AND
THE WEST LINE OF THE NE 1/4 OF SECTION 24
(ASSUMED N 01°46'35" W)

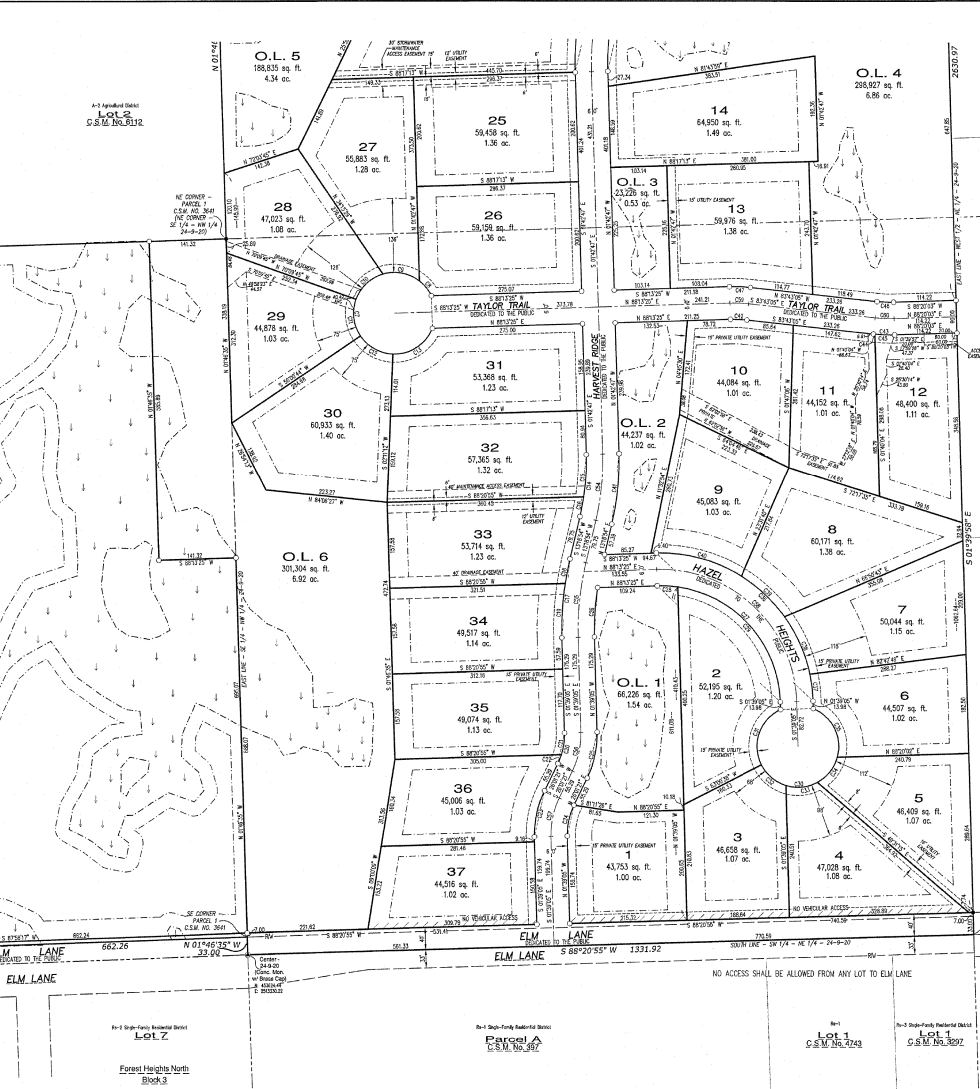
There are no objections to this plat with respect to
Sess. 236.15, 236.16, 236.20 and 236.21(1) and (2),
Wis. Stat. as provided by s. 236.12, Wis. Stat.

Certified August 21st, 2014

Michael J. Dwyer
Registration of Professional Surveyors

A-1 Subdivision Plat
C.S.M. NO. 394

SECTION 24-9-20
SCALE: 1" = 200'



Parcel 1 of C.S.M. No. 394
Forest Heights North
Block 3

Parcel A
C.S.M. No. 397

Parcel 1
C.S.M. No. 392

Parcel 2
C.S.M. No. 392

Parcel 3
C.S.M. No. 392

Surveyors Certificate:

I, Michael G. Mc Carthy, Professional land surveyor for Bauhuin Surveying & Engineering, do hereby certify:

That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Village of Germantown, Washington County, and under the direction of Harvest Hills Subdivision, LLC and Alan R. and Lynda R. Luther, I have surveyed, divided, and mapped Harvest Hills; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is: a parcel being Parcel 1 of C.S.M. No. 3641, Washington County Records, and the SW 1/4 of the NE 1/4, and part of the NW 1/4 of the NE 1/4, all in Section 24, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin. More particularly described as follows:

Commencing at the SE corner of said Parcel 1 of C.S.M. No. 3641, said corner being at the intersection of the east line of the SE 1/4 of the NW 1/4 of said Section 24-9-20 and the northerly right of way line of Elm Lane, and the point of beginning of lands to be described; thence S. 87°58'17" W., 662.26 feet along the southerly line of said Parcel 1 (northerly right of way line of Elm Lane) to the SE corner of Parcel 2 of said C.S.M. No. 3641, thence around the perimeter of said Parcel 2 as follows: N. 01°51'37" W., 453.00 feet to the NE corner of said Parcel 2; thence S. 87°58'17" W., 372.19 feet to the NW corner of said Parcel 2; thence S. 01°51'37" E., 453.00 feet to the SW corner of said Parcel 2; thence leaving said perimeter, S. 87°58'17" W., 280.04 feet along the aforementioned southerly line of said Parcel 1 to the SW corner of said Parcel 1, said corner being on the west line of the SE 1/4 of the NW 1/4 of said Section 24-9-20; thence N. 01°55'59" W., 1286.04 feet along the westerly line of said Parcel 1, said line also being the aforementioned west line of the SE 1/4 of the NW 1/4 of said Section 24-9-20 to the NW corner of said Parcel 1, said corner also being the NW corner of the SE 1/4 of the NW 1/4 of said Section 24-9-20; thence N. 88°11'13" E., 1327.99 feet along the northerly line of said Parcel 1, said line also being the north line of the SE 1/4 of the NW 1/4 of said Section 24-9-20 to the NE corner of said Parcel 1, said corner also being the NE corner of the SE 1/4 of the NW 1/4 of said Section 24-9-20; thence S. 01°39'58" E., 2630.97 feet along the east line of the NW 1/4 of said Section 24-9-20 to the SE corner of Parcel 3 of said C.S.M. No. 386; thence N. 02°06'59" W., 528.00 feet along the easterly line of said Parcel 3 to the north line of the NW 1/4 of the NE 1/4 of said Section 24-9-20, said line also being the centerline of C.T.H. "F"; thence N. 88°13'31" E., 676.98 feet along said north line (centerline) to the NE corner of the NW 1/4 of the NE 1/4 of said Section 24-9-20; thence S. 01°39'58" E., 2630.97 feet along the east line of the West 1/2 of the NE 1/4 of said Section 24-9-20 to the SE corner of the NW 1/4 of the NE 1/4 of said Section 24-9-20; thence S. 01°39'58" E., 2630.97 feet along the east line of the NW 1/4 of the NE 1/4 of said Section 24-9-20 to the SE corner of the NW 1/4 of the NE 1/4 of said Section 24-9-20 (centerline of Elm Lane) to the Center of said Section 24-9-20; thence N. 01°46'35" W., 33.00 feet along the aforementioned east line of the SE 1/4 of the NW 1/4 of said Section 24-9-20 to the point of beginning.

Said parcel contains 107.74 acres and is subject to the rights of the public over those portions previously dedicated for the rights of way of Elm Lane and C.T.H. "F".

Dated this 14th day of August, 2019

Michael G. Mc Carthy
Michael G. Mc Carthy
Registered Land Surveyor-2298



Village of Germantown Board Approval

Resolved, that the plat of Harvest Hills, being Parcel 1 of C.S.M. No. 3641, Washington County Records, and the SW 1/4 of the NE 1/4, and part of the NW 1/4 of the NE 1/4, all in Section 24, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, which has been filed for approval is hereby approved as required by Chapter 236 of the Wisconsin Statutes.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Village Board of the Village of Germantown on the 14th day of August, 2019, which actions become effective upon receipt of all other reviewing agencies and all conditions of the Village of Germantown approval were satisfied as of the 14th day of August, 2019.

Date August 27, 2019

Approved: Dean Walter - Village President

Deanne Broschewicz - Village Clerk

Approval of the Village of Germantown Plan Commission:

This plat has been approved by the Village of Germantown Plan Commission.

Dated this 15th day of August, 2019

Dean Walter, Chairman

Don Johnson, Secretary

HARVEST HILLS

BEING:
PARCEL 1 OF C.S.M. NO. 3641,
WASHINGTON COUNTY RECORDS
AND
THE SW 1/4 OF THE NE 1/4
AND PART OF
THE NW 1/4 OF THE NE 1/4
ALL IN
SECTION 24, TOWNSHIP 9 NORTH, RANGE 20 EAST,
VILLAGE OF GERMAN TOWN,
WASHINGTON COUNTY,
WISCONSIN.

There are no objections to this plat with respect to
Sections 236.15, 236.16, 236.20 and 236.21(1) and (2),
Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified August 21, 2019

Patricia A. Dowd
Department of Administration

Corporate Owners Certificate of Dedication

Harvest Hills Subdivision, LLC, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner of Lots 1 - 37 and Outlots 1 - 6, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped, and dedicated as represented on this plat.

Harvest Hills Subdivision, LLC, does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: Washington County Planning, Conservation and Parks Committee, Village of Germantown, and Department of Administration.

IN WITNESS WHEREOF, the said Harvest Hills Subdivision, LLC has caused these present to be signed Shari Waggoner and Jennifer Hering as Members.

Shari Waggoner
Shari Waggoner

8/22/19
Date

Jennifer Hering
Jennifer Hering

8/22/19
Date

STATE OF WISCONSIN
WASHINGTON COUNTY SS

Personally came before me this 22nd day of August, 2019, Shari Waggoner and Jennifer Hering as members of the above named corporation. To me known to be the persons who executed the foregoing instrument, and to me known to be such members of said corporation, and acknowledged that they executed the foregoing instrument.

Notary Public: *Patricia A. Dowd*, Wisconsin

Patricia A. Dowd
Notary Public - Wisconsin

8/22/2019
Date

Owners Certificate of Dedication

As owners of Lot 38, we hereby certify that we caused the land described on this plat to be surveyed, divided, mapped, and dedicated as represented on this plat. We also certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: Washington County Planning, Conservation and Parks Committee, Village of Germantown and Department of Administration.

IN WITNESS WHEREOF, the hand and seal of said owners this 22nd day of August, 2019

Alan R. Luther

Lynda R. Luther

STATE OF WISCONSIN
WASHINGTON COUNTY SS

Personally came before me this 22nd day of August, 2019, the above named Alan R. and Lynda R. Luther, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Patricia A. Dowd - *Tamie J. Nobas*
Notary Public - Wisconsin

My commission expires 12/31/2022



Certificate of Village Finance Director

WASHINGTON COUNTY SS

Karl E. Roth being the duly elected qualified and acting Finance Director of the Village of Germantown, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or unpaid special assessments as of this 22nd day of August, 2019, affecting the lands included in the plat of Harvest Hills.

8/23/19
(Date)

Karl E. Roth
Karl E. Roth, Village Finance Director

County Treasurers Certificate

STATE OF WISCONSIN
WASHINGTON COUNTY SS

Joan C. Merten being the duly elected, qualified and acting treasurer of the County of Washington, do hereby certify that the records in my office show no unredemmed tax sales and no unpaid taxes or special assessments as of this 22nd day of August, 2019, affecting the lands included in the plat of Harvest Hills.

8/23/19
(Date)

Joan C. Merten
Joan Merten, County Treasurer

UTILITY EASEMENT PROVISIONS

An easement for electric, natural gas, and communications service is hereby granted by Top Lead Development, LLC and Shari Waggoner, Grantors, to WISCONSIN ELECTRIC POWER COMPANY and WISCONSIN GAS, LLC, Wisconsin corporations doing business as We Energies, Grantees, *Power, Cable, Network, LLC, Bay County Communications, Inc., Sea Manager, Grantee, and Wisconsin Bell, Inc., DBA AT&T Wisconsin, a WE Corp.* Grantee their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, boro, or on adjacent lots, also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantee agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Buildings shall not be placed over Grantee facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

REVISED 8-14-19
Issued 08-01-19
SHEET 4 OF 4

CURVE DATA									
LOTS	CURVE	CHORD	LENGTH	RADIUS	INCL. C	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
23.24	01	126.05	252.00	28.90/31"	81.30/24.2-W	134.53	501/23.5-W	54722.406	501/23.5-W
23.24	02	284.98	560.00	26.09/27"	81.30/24.2-W	281.93	501/23.5-W	54722.406	501/23.5-W
23.24	03	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	04	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	05	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	06	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	07	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	08	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	09	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	10	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	11	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	12	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	13	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	14	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	15	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	16	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	17	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	18	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	19	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	20	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	21	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	22	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	23	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	24	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	25	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	26	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	27	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	28	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	29	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	30	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	31	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	32	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	33	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	34	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	35	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	36	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	37	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	38	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	39	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	40	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	41	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	42	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	43	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	44	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	45	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	46	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	47	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	48	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	49	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	50	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	51	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	52	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	53	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	54	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	55	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	56	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	57	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	58	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	59	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	60	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	61	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	62	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	63	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	64	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	65	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	66	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	67	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	68	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	69	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	70	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	71	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	72	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	73	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	74	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	75	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	76	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	77	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	78	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	79	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	80	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	81	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	82	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	83	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	84	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	85	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	86	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	87	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	88	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	89	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	90	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	91	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	92	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	93	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	94	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	95	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	96	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	97	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	98	131.37	560.00	19.28/21"	81.30/24.2-W	130.93	501/23.5-W	54722.406	501/23.5-W
23.24	99	131.37	560.00						

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

MEETING DATE: June 7, 2021

AGENDA ITEM: New Business

ITEM TITLE: Approve Easement for Heritage Place Joint Venture,
LLC (Saxony Village)

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

SUMMARY EXPLANATION:

The easement is located within the Saxony Village Development. The easement is for public sanitary sewer and water main.

This easement was previously approved by the Public Works and Highway Committee on June 6, 2018. Staff during this time frame did not forward to the Village Board for approval.

ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER __X__

- Easement Document

RECOMMENDATION:

Staff recommends the Village Board follow the recommendation of the Public Works and Highway Committee to accept and approve the easement from Heritage Place Joint Venture, LLC

Document Number	Sanitary Sewer and Water Main Easement	This space reserved for recording data:
This Sanitary Sewer and Water Main Easement (the "Easement") is made by and between HERITAGE PLACE JOINT VENTURE, LLC, and the VILLAGE OF GERMANTOWN, a Wisconsin municipal corporation ("Grantee"), as of the date signed by Grantor set forth below. FOR AND IN CONSIDERATION of the sum of One (\$1.00) Dollar and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, owners and Grantors of the lands herein described do hereby grant unto the Village of Germantown, Washington County, Wisconsin (Grantee), a sanitary sewer and water main easement with the right, permission and authority to enter upon, construct, install, maintain, in, through, under, across, and upon the following described tract of land: That part of Outlot 3 in Assessor's Plat of the Village of Germantown, being part of the Northwest 1/4 of the Southeast 1/4 of Section 22, Town 9 North of Range 20 East, Washington County, Wisconsin which is bounded and described as follows: Commencing at the Northwest corner of the Southeast 1/4 of Section 22; thence North 88°37'57" East along the North line of the Southeast 1/4 a distance of 1318.93 feet to a point; thence South 01°56'55" East 693.82 feet to a point on the North line of Hilbert Lane and the point of beginning of the land hereinafter described; thence South 01°56'55" East 50.00 feet to a point; thence South 88°03'05" West 15.00 feet to a point; thence South 01°56'55" East 529.76 feet to a point on the North line of existing sanitary sewer easement recorded as Doc. No. 367492; thence North 89°44'03" West along said North line 20.01 feet to a point; thence North 01°56'55" West 528.31 feet to a point; thence North 63°30'42" West 418.23 feet to a point; thence South 26°29'18" West 183.00 feet to a point; thence North 63°30'42" West 51.00 feet to a point; thence North 26°29'18" East 20.00 feet to a point; thence South 63°30'42" East 31.00 feet to a point; thence North 26°29'18" East 163.00 feet to a point; thence North 63°30'42" West 194.19 feet to a point; thence South 26°29'18" West 163.00 feet to a point; thence South 63°30'42" East 31.00 feet to a point; thence South 26°29'18" West 20.00 feet to a point; thence North 63°30'42" West 51.00 feet to a point; thence North 26°29'18" East 183.00 feet to a point; thence North 63°30'42" West 77.28 feet to a point; thence North 26°29'18" East 15.00 feet to a point; thence North 63°30'42" West 71.22 feet to a point; thence North 76°23'20" West 146.74 feet to a point; thence North 00°54'15" West 20.66 feet to a point; thence South 76°23'20" East 154.17 feet to a point; thence South 63°30'42" East 129.15 feet to a point; thence North 26°29'18" East 18.00 feet to a point; thence South 63°30'42" East 20.00 feet to a point; thence South 26°29'18" West 18.00 feet to a point; thence South 63°30'42" East 312.39 feet to a point; thence North 26°29'18" East 18.00 feet to a point; thence South 63°30'42" East 20.00 feet to a point; thence South 26°29'18" West 18.00 feet to a point; thence South 63°30'42" East 279.87 feet to a point; thence North 88°03'05" East 55.08 feet to the point of beginning. Containing 51,391 Square Feet or 1.1798 Acres of land. The location of the easement hereinbefore described with respect to the premises of the Grantor is shown on the drawing attached hereto, marked "Exhibit A", and made a part hereof. Grantors hereby warrant that they have legal title to the lands which are the subject of this easement and that they have lawful authority to grant this easement. Further, Grantors shall defend the Village of Germantown in its exercise of rights under the easement herein granted against any defect in title to the land involved or the right of the Grantors to make the grant herein contained. The right, permission and authority is also granted said Grantee, to trim and/or cut down certain trees and/or brush where said trees and/or brush interfere with the existing water main and maintenance of the facilities or represent a hazard to such facilities. The restoration, however, does not apply to any brush or trees which may be removed at any time pursuant to the rights herein granted.		Return to: Village of Germantown PO BOX 337 Germantown, WI 53032

Grantee shall perform such regular and customary, or extraordinary or emergency maintenance, repairs or replacement to the improvements as it shall deem necessary and appropriate. Upon completion of any such work, Grantee shall backfill to approximate the pre-existing grade. Grantor, Grantor's successors and assigns, or the tenants of either shall be responsible for the restoration of topsoil, turf or other landscaping, or surface paving disturbed as a result of such work undertaken by Grantee.

The Grantor(s), their successors and assigns, covenant(s) and agree(s) to restrict the use of the land included in the easement described hereinabove as follows:

(1) The land will only be put to uses consistent with this easement such as lawn areas, driveways and small and easily movable structures that will not interfere with access to facility or its appurtenances, with the exception of item (3), below.

(2) No obstruction of access to the facility or its appurtenances shall be created in the future and that no building, trees or other structures or items that may interfere with inspection, maintenance or repair shall be located in the space over and within vertical planes located on both sides of the facility and/or its appurtenances.

(3) The surface elevation of the land within the easement shall not be raised or lowered more than four (4) inches without the prior written approval of the Village Engineer of the Grantee.

In consideration of the foregoing grant of this **Sanitary Sewer and Water Main easement** and the covenants herein contained, Grantor and Grantee agree that (i) Grantor, in and upon developing Grantor's Land, may freely install laterals and connections to and utilize all improvements installed by Grantor pursuant to this Easement (including the water systems of which they are part) in accordance with the Village of Germantown Code, (ii) from and after the acceptance of dedication of the **Sanitary Sewer and Water Main** to be installed in the easement granted hereunder.

Grantee will indemnify and hold Grantor, including its members, officer, employees, successors and assigns, harmless from and against any and all claims, litigation, liability, loss, injury, damage, cost and/or expense on account of injury to or death of any person or persons whomsoever in any way arising out of caused, connected with, or attributed to the Easement, this agreement or the rights herein granted, and Grantee, will defend by counsel satisfactory to Grantor any suit or action brought against same based on any alleged injury, death, or damage and shall pay all damages, costs and expenses, including attorneys' fees connected therewith or resulting therefrom, and (iii) in connection with the hook-up by Grantor to the municipal water distribution system and the municipal sanitary sewer system, the Village of Germantown shall levy upon Grantor only charges of general applicability to and for utilization of Village of Germantown water main and sanitary sewer facilities and improvements; no special or unique, tax, special assessment, tap fee, connection charge, capitalization, recovery fee, reclamation charge, or any other charge not generally levied upon one connecting to the municipal water distribution system and sanitary sewer systems shall be assessed to or against Grantor or Grantor's land in connection, with such hook-ups.

Grantor(s), their successors and assigns, covenant(s) and agree(s) to permit and allow Grantee to have facility and its appurtenances to be installed at such time and in such location as Grantee may deem necessary.

Grantee and its agents shall have the right to enter upon the premises of the Grantor for the purpose of exercising its rights herein acquired. Grantee agrees to restore or cause to have restored said premises, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantee or its agents. The restoration, however, does not apply to any brush or trees which may be removed at any time pursuant to the rights herein granted.

The said Grantor(s), has/have caused these presents to be signed and sealed this _____ day of _____, 2021.

Signature

Heritage Place Joint Venture, LLC

(Note: The above signature(s) must be notarized)

STATE OF WISCONSIN

COUNTY OF _____

Personally came before me this _____ day of _____, 2021, the above named _____ to me known to be the persons who executed the forgoing instrument and acknowledged the same.

Notary Public

Printed Name

VILLAGE OF GERMANTOWN ACCEPTANCE

ACCEPTED BY: The Village of Germantown on _____, 2021

_____, 2021
Dean Wolter – Village President

_____, 2021
Deanna Braunschweig – Village Clerk

EXHIBIT "A"

SANITARY SEWER AND WATER MAIN EASEMENT

CLIENT

JB Development

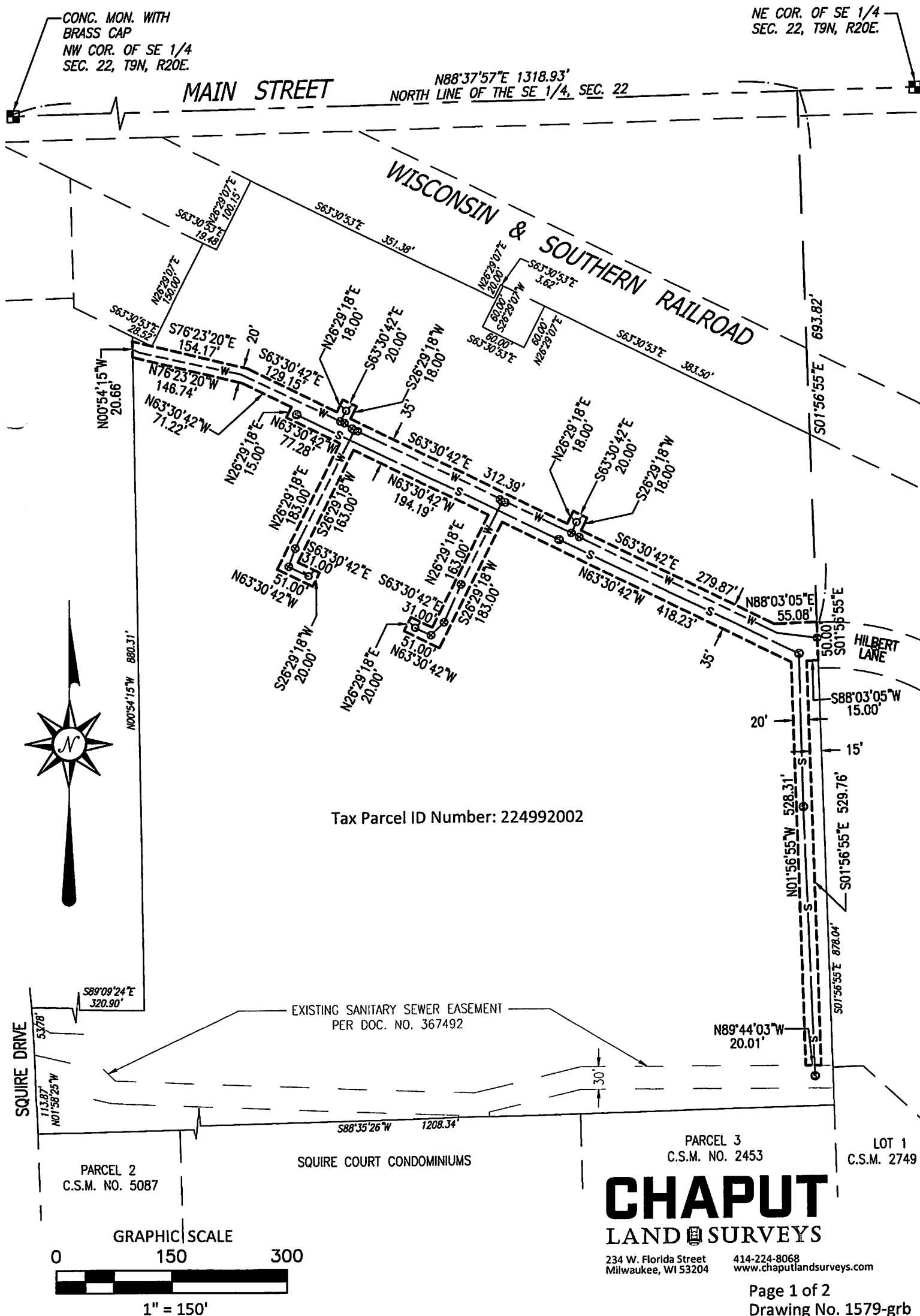
PROJECT

Saxony Village

DATE: January 31, 2018

SITE ADDRESS

Squire Drive, Village of Germantown, Washington County, Wisconsin.



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

MEETING DATE: June 7th, 2021

AGENDA ITEM: New Business

ITEM TITLE: Permission to proceed with meter purchase and to bid for contract labor to install water meters.

SUBMITTED BY: Paul Haugen, Water Utility Superintendent

SUMMARY EXPLANATION:

The Water Utility reported at the April 2021 and June 2nd PWC meeting, Germantown's meter reading equipment is failing or ready to fail and the meter batteries are failing at a pace we cannot keep up with at our current replacement schedule. The water utility would like to provide our concept plan to complete a contract service meter install project. We would like to solicit bids for the installation side of the project with an estimated cost of around \$237,000.00. Meter costs are quoted at \$478,500.00. We are capturing a \$45,000.00 savings for the bulk meter order. Unfortunately, soon there will be an increase of 5% or around \$24,000.00 added to the quoted meter cost.

Per the Village Administrator Kreklow we can review the cash flow and use an interfund loan if necessary or available private funding options. However, we need approval from the Board to spend the money. The first approval needed would be an increase to our budgetary authority and then approval of the meter and installation contracts.

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER _____

RECOMMENDATION:

With a vote of 3 yes and 1 no at the PWC meeting on June 2nd, The Village Water Utility through Administrator Kreklow is requesting approval to increase the spending authority of the quoted cost for the meters in the amount of \$478,500.00 and to include \$24,000.00 for a total purchase of \$502,500.00. if there is a time delay in getting the funding.

The Water Utility is also requesting approval to move forward with soliciting bids for the contract services to complete the last of the replacements for the old meters and to execute the contract with PWC and board 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.

MetronFarnier

Smart Water Meters & Systems

Company Address 5665 Airport Blvd
Boulder, CO 80301
US

Quote Number 00002355
Created Date 5/26/2021
Expiration Date 6/25/2021

Prepared By Bret Beutel
Phone (720) 641-5254
Email bretb@metronfarnier.com

Bill To Name Germantown
Bill To PO Box 337
Germantown, WI 53022

Ship To Name Germantown
Ship To N122W17177 Fond du Lac Avenue
Germantown, WI 53022

Quantity	Product	Line Item Description	Sales Price	Total Price
2,900.00	Spectrum 30D 5/8x3/4	S30D 5/8x3/4" Measurer	\$165.00	\$478,500.00
2,900.00	Innov8 Int Register	Innov8 register integral antenna	\$0.00	\$0.00
2,900.00	6 Dial Housing Residential	Metron Housing Kit for Res.Meters	\$0.00	\$0.00

Programming -- None --

Subtotal \$478,500.00
Total Price \$478,500.00
Tax \$0.00
Grand Total \$478,500.00

MetronFarnier

Smart Water Meters & Systems

Company Address 5665 Airport Blvd
Boulder, CO 80301
US

Quote Number 00002350
Created Date 5/25/2021
Expiration Date 6/24/2021

Prepared By Bret Beutel
Phone (720) 641-5254
Email bretb@metronfarnier.com

Bill To Name Germantown
Bill To PO Box 337
Germantown, WI 53022

Ship To Name Germantown
Ship To N122W17177 Fond du Lac Avenue
Germantown, WI 53022

Quantity	Product	Line Item Description	Sales Price	Total Price
2,900.00	Spectrum 30D 5/8x3/4	S30D 5/8x3/4" Measurer	\$173.00	\$501,700.00
2,900.00	Innov8 Int Register	Innov8 register integral antenna	\$0.00	\$0.00
2,900.00	6 Dial Housing Residential	Metron Housing Kit for Res.Meters	\$0.00	\$0.00

Programming -- None --

This price is with the 5% increase

Subtotal	\$501,700.00
Total Price	\$501,700.00
Tax	\$0.00
Grand Total	\$501,700.00

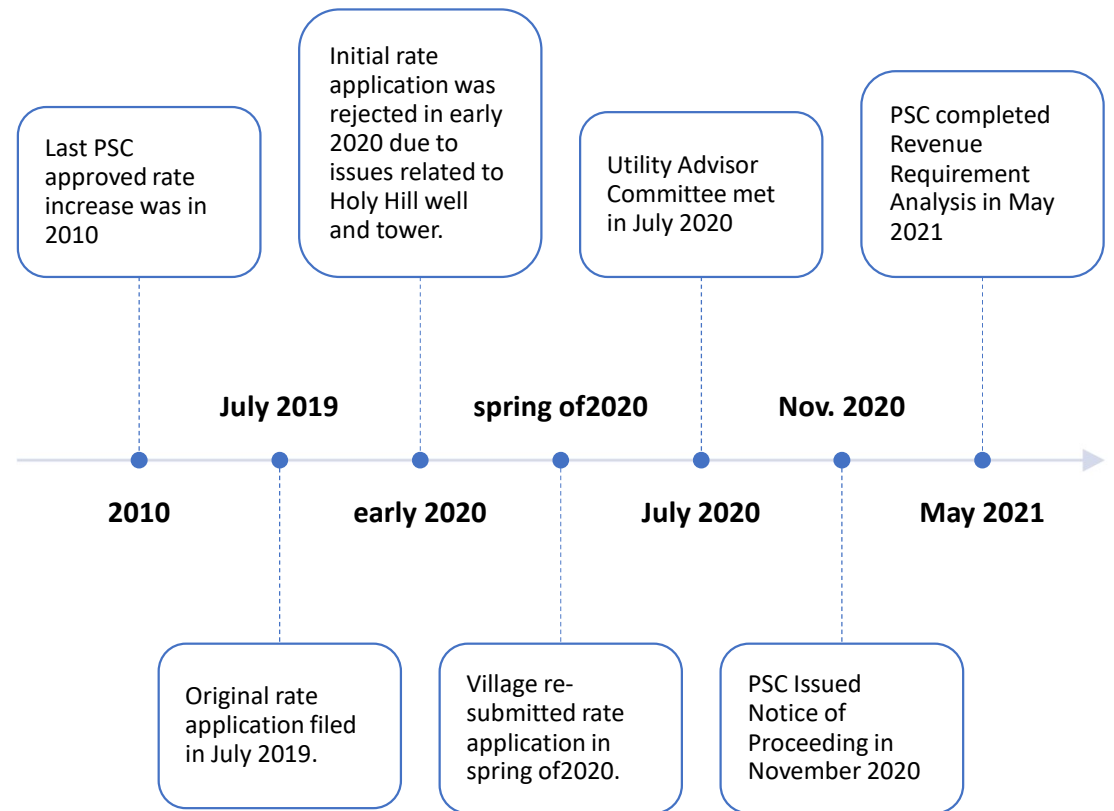


Update on Water Rate Increase Application

Village Board Meeting

June 7, 2021

Application Timeline



PSC Revenue Requirement Findings



PSC determined Water Utility requires an additional \$1,154,000 annually for operations and to adequately maintain infrastructure.



Increase would result in a 48.9% increase in rates.



Typical water usage bill is between \$30-\$60 per quarter and will increase to \$45-\$90 per quarter.



Village could charge Public Fire Protection Charges on water bill.

Outstanding Issues

Continuing
discussions with
large industrial user

PSC looking for
Village Board
position on Public
Fire Protection Fees.

Next Steps

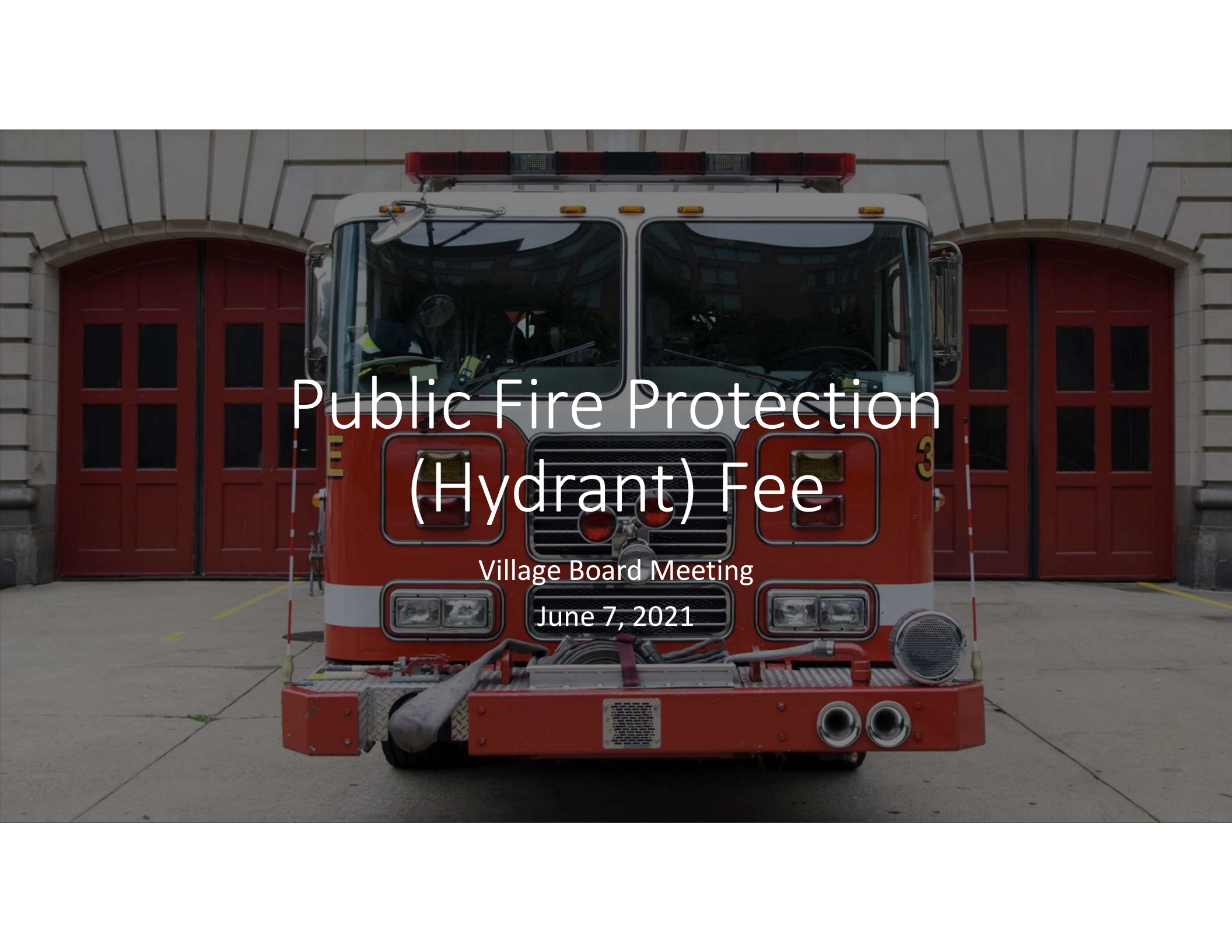
Resolve Outstanding
Issues

Obtain final PSC
approval

Obtain Village Board
approval

Potential
implementation by end
of 2021

Upcoming opportunity
to review funding
sources for Holy Hill well
and water tower.

A front-facing view of a red fire truck parked in front of a fire station. The truck has a white cab with a red stripe and a red grille. It features emergency lights on the roof and various hoses and equipment on the front bumper. The background shows two large red fire doors set into a light-colored stone or concrete wall.

Public Fire Protection (Hydrant) Fee

Village Board Meeting

June 7, 2021

Public Fire Protection Fee

- Utilities are required to charge for the cost of installing and maintaining infrastructure for public fire protection, e.g., hydrants.
- Municipalities may pay for these costs through the property tax levy or through water bills.
- The Village currently pays for 100% of these expenses, \$537,000, through the property tax levy.
- PFP will increase to \$600,000 upon implementation of rate increase and may increase to \$683,000 one year later.

Property Tax vs. Water Bill

- Rationale for Property Tax
 - In Wisconsin, these costs have traditionally been paid through property taxes.
 - Helps keep water bills low.
 - Property taxes are income tax deductible.
- Rationale for Water Bills
 - Properties in water service area benefit disproportionately from fire protection.
 - Property tax exempt properties pay this fee reducing cost for residential taxpayers.
 - Reduces property tax levy or frees levy funds for other services.

PFP Funding Alternatives

Charge all PFP costs
to property tax

Cap property
tax at current
contribution

Charge all
PFP costs to
Water bill

Comparison
of Impacts
on
Households

	Charge 100% to Property Tax	Cap Charge to Property Tax	Charge to Water Bill*
Cost to \$350,000 home	\$76.02	\$7.77	\$0.00
Annual Cost on Water Bill	\$0.00	\$8.69	\$82.80

* Calculations do not include shift of some costs to property tax exempt entities. As a result, impact to water bills will likely be slightly lower.

Impact on Property Tax Levy and Levy Limits



Reducing Levy by amount of current PFP charge would decrease the property tax rate by \$0.19/thousand.



Levy limit laws do not require the Village Board to reduce the levy if shifted to the water bill.



Funds could be used for the road program, reducing debt, interest expenses and the debt levy.



Levy limit laws do apply to increases in levy funding for PFP.

Village Administrator Recommendation

Recommendation A

- Shift PFP to Water Bill
- Apply levy funds to Road Program
- Reduce Borrowing for Road Program

Recommendation B

- Cap Levy for PFP at 2021 Level
- Charge additional PFP costs to Water Bill

Next Steps

- Provide initial feedback to staff.
- Staff will prepare resolution for Public Works Committee and Village Board.



Location and Design of Public Works Building

Village Board Meeting

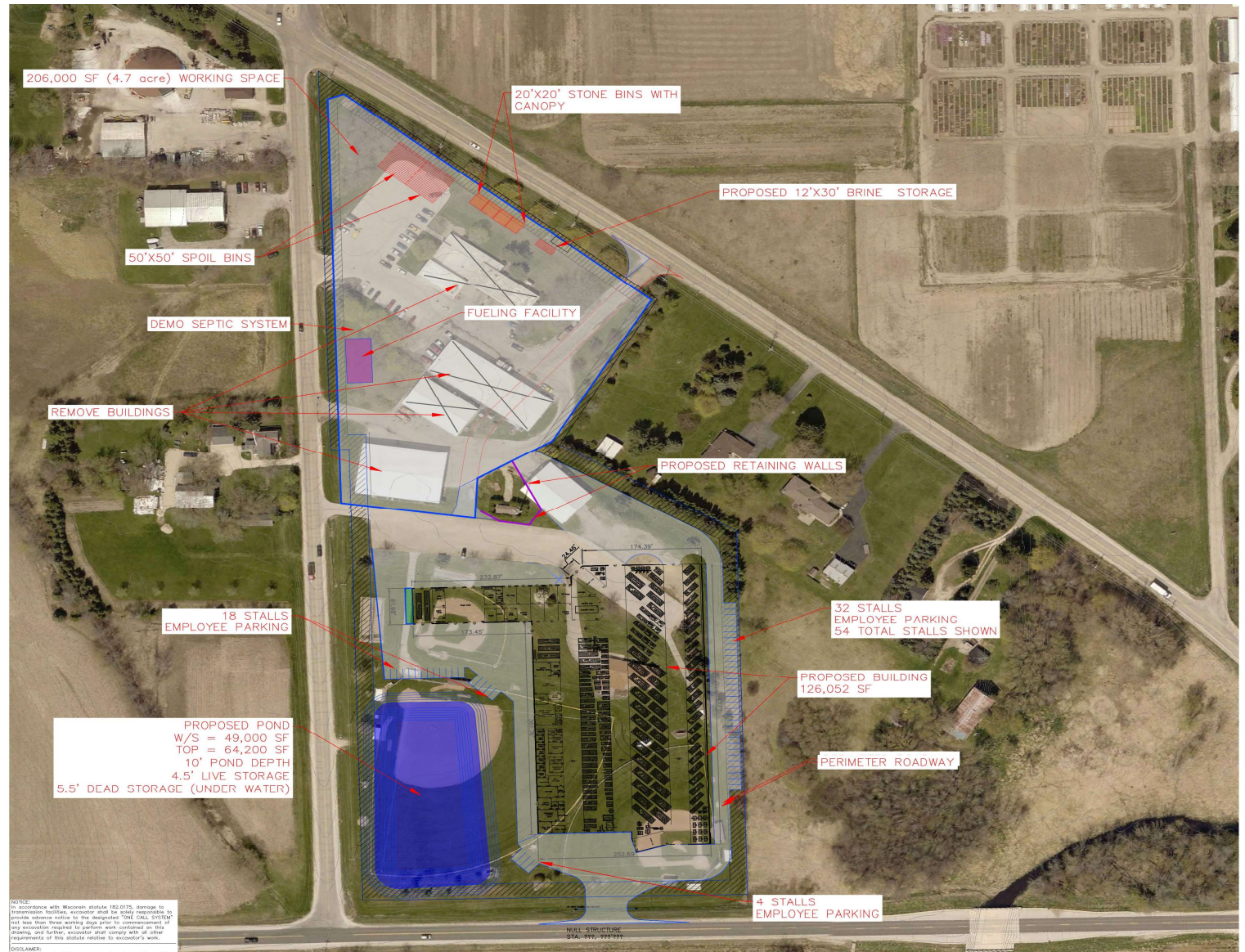
June 7, 2021

Floor Plan Option #3

(North is to the right)



Potential Site Plan



Updated Cost Estimates



June 7, 2021								
			Village of Germantown					
			DPW					
			Opinion of Costs					
			Unit Cost Range			Cost Range		
Area Cost Summary DPW	Totals	Unit	Low	Mid	High	Low	Mid	High
New DPW building	126,000	S.F.	\$70	\$80	\$90	\$8,820,000	\$10,080,000	\$11,340,000
Office areas	12,000	S.F.	\$50	\$75	\$100	\$600,000	\$900,000	\$1,200,000
Wash Bays	2,304	S.F.	\$100	\$150	\$200	\$230,400	\$345,600	\$460,800
Mezzanine areas	11,248	S.F.	\$75	\$100	\$175	\$843,450	\$1,124,600	\$1,968,050
Mechanic's area	13,312	S.F.	\$50	\$75	\$100	\$665,600	\$998,400	\$1,331,200
Site work						\$750,000	\$1,000,000	\$1,250,000
Drives and parking stalls						\$300,000	\$400,000	\$500,000
Site retaining walls						\$100,000	\$125,000	\$150,000
Bed rock removal/Storm water						\$1,000,000	\$1,500,000	\$2,000,000
Building demolition						\$150,000	\$175,000	\$200,000
Total	126,000	S.F.				\$13,459,450	\$16,648,600	\$20,400,050
						Cost Range		
Area Cost Summary - Other						Low	Mid	High
FFE	12,000	S.F.	\$25	\$30	\$35	\$300,000	\$360,000	\$420,000
Fueling Station	1	UNIT	\$200,000	\$300,000	\$400,000	\$200,000	\$300,000	\$400,000
Salt shed misc repairs	1	UNIT	\$50,000	\$75,000	\$100,000	\$50,000	\$75,000	\$100,000
Cranes, hoists and lifts	1	UNIT	\$400,000	\$500,000	\$600,000	\$400,000	\$500,000	\$600,000
Utilities - Sewer/Water						\$500,000	\$1,000,000	\$2,000,000
Soft costs (Architect, Engineering & CM fees)						\$1,817,026	\$2,247,561	\$2,754,007
Contingency 10%						\$1,345,945	\$1,664,860	\$2,040,005
Total						\$4,812,971	\$6,147,421	\$8,314,012
Grand Total						\$18,072,421	\$22,796,021	\$28,714,062
			Square foot costs			\$143	\$181	\$228



Discussion of Alternative Locations