

MEETING: REGULAR MEETING OF THE VILLAGE BOARD
DATE & TIME: Monday, November 6, 2023 at 7:00 PM
LOCATION: Germantown Village Hall Board Room
N112 W17001 Mequon Road

Any member of the body and/or citizen may attend the meeting virtually through the WebEx platform, Meeting #:2551 455 8667 Password: ywM4qU5krp2 which can be accessed by phone at 408-418-9388 or by clicking the link below:
<https://villageofgermantown.my.webex.com/villageofgermantown.my/j.php?MTID=m49bcd70fc98c6f1696315d2744b3586a>

Citizens not wishing to attend the meeting personally or virtually may submit any public comments by sending an email to comments@germantownwi.gov 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 VillageBoard Meeting Videos can be viewed at https://www.youtube.com/channel/UCOYp0EqELzTCa9X_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:
- VI. **CITIZEN INPUT:** *(Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a three (3) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.)*
- VII. **CONSENT AGENDA:**
 - A. Approval of Minutes 09/18/2023
 - B. Resolution Approving the 2024 Germantown Municipal Employees Union Local 730 Contract
 - C. Stormwater Pond Inspections for MS4 Permit
 - D. Purchase of Ford Police Interceptor
 - E. Contract for Axon Body Worn Cameras and Fleet Cameras
- VIII. **UNFINISHED BUSINESS**
- IX. **PUBLIC HEARINGS:**
- X. **NEW BUSINESS:**
 - A. John & Amanda Thompson, Property Owners of W172 N10981 Division Road. Conditional Use Permit application to allow "raising chickens for family consumption" on the property pursuant to Sections 9.11 and 17.15(2)(b) of the Village Zoning Code.

- B. James Weber, Agent for The Elite Soccer Academy LLC and Techplex LLC, Property Owner of N115 W19150 Edison Drive. Conditional Use Permit application for an "Indoor Health or Recreation Establishment" pursuant to Section 17.33(3)(h) and Section 17.29(1)(kk) of the Village Zoning Code.
- C. Hans Dawson, Agent for Moraine Development LLC, Property Owner - W218 N11546 Appleton Avenue. "Moraine Residential Conservancy District" Planned Development District (PDD) Conditions & Restrictions Resolution.
- D. Street Tree Trimming Project
- E. Public Safety Staffing Referendum Question
- F. Vacancy in Office of District 3 Trustee
- G. Acquisition of Grosenik Property - N116 W15843 Main Street and W157 N11593 Fon du Lac Avenue. The Village Board May Enter into Closed Session per Wis Statute 19.85(1)(e) for the purpose of deliberating or negotiating when competitive or bargaining reasons require a closed session, and then may reconvene into open session to take such action as it deems appropriate.
- H. Administrator 2023 Performance Goals Update. The Village Board may enter into closed session per Wis Statute 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, and then may reconvene into open session to take such action as it deems appropriate.

XI. ADJOURNMENT:

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)250-4745 at least 2 days prior to the meeting.

MEETING:	REGULAR MEETING OF THE VILLAGE BOARD
DATE AND TIME:	Monday, September 18, 2023 7:00 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

MINUTES

- 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.*

The Village Board Meeting was called to order by President Dean Wolter at 7:22 PM

II. **ROLL CALL:**

Present: Trustee David Baum, Trustee Terri Kaminski, Trustee Phil Hudson, Trustee Dennis Myers, Trustee Bill Neureuther, Trustee Rick Miller, Trustee Jan Miller, Trustee Jolene Pieper (via WebEx), President Dean Wolter

Also Present: Village Attorney Sadjak, Village Administrator Kreklow, Baker Tilly Representatives, Community Development Director Jeff Retzlaff, Finance Director Matthew Uselding

Absent:
Excused:

III. **PLEDGE OF ALLEGIANCE:**

IV. **PRESIDENT'S REPORT:**

The Village President read an article published in the September 9, 2023 Express News issue regarding the value of shared sales tax and shared countywide services.

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

Trustee Kaminski announced the upcoming Public Works meeting to be held on October 4th at 5:30 PM. Trustee Miller announced the upcoming General Government and Finance Committee Meeting to be held on October 16th at 5:30 PM and commented on the upcoming Oktoberfest celebration held September 23rd and September 24th. Trustee Hudson announced the Public Safety Committee Meeting to be held on October 4th at 6:30 PM.

- VI. CITIZEN INPUT:** *(Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a three (3) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.)*

Lynne Bednarz (Pawnee Ct) spoke about a civil matter regarding a tree issue. Melanie Smythe (Cedar Ln) spoke regarding the Engineering contract, the Village Budget, and properties the Village is acquiring. Lynn Grgich (Ashbury Cir), Executive Assistant of the Chamber of Commerce, spoke in support of New Business Item D. Scott Hefle (Old Farm Rd) spoke in support of New Business Item D and also spoke regarding the budget and debt ratio. Greg Kamyszek (Fond Du Lac Ave), President of Bioresearch Associates Inc, spoke regarding the purchase of the Grosenick property and refund of the permits he paid for.

Village President Dean Wolter read emailed comments in favor of the E Donges Bay Road Project submitted by Kathryn Kreitzer (Juniper Dr), Kenny Kreitzer (Juniper Dr), Christine Prescott (Juniper Dr), and Brian Depies (Ridgewood Ln). President Wolter read an email comment from resident Brian Dolk with concerns about thefts at Kinderberg Park, and an email from the Schneider's (Bayberry Cir) regarding the Village Budget and salaries.

VII. CONSENT AGENDA:

Motion: Approve Items A-J excluding Items E and F per Trustee Jan Miller

Motioned By: Dennis Myers

Seconded By: Rick Miller

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

- A. Approval of Minutes 8/21/2023
- B. Approval of Minutes 9/6/2023
- C. Well #7 MCC/VFD Change Order
- D. Resolution to Allow on Street Parking on the South Side of Freistadt Road and to Amend the Official Traffic Map to Reflect the Same
- G. GFD Portable Radio Purchase

- H. GFD Purchase of Hydraulic Extrication Tools
- I. A Resolution Allowing the Claim for Property Tax Refund of AGNL Dairy LLC in the Amount of \$17,131.88
- J. Oktoberfest; Germantown Historical Society Inc.; Dheinsville Historic Park 09/23/23 – 09/24/23; Temporary Class "B" Fermented Malt Beverage & Wine Picnic License; James Dix, President
- E. Department of Transportation Proposed Rehabilitation of Holy Hill Interchange

Motion 1: Postpone Item E for review by the newly hired Village Engineer

Motioned By: Jan Miller

Seconded By: None

Motion Failed Due To Lack of Second

Motion 2: Approve Item E as Presented

Motioned By: David Baum

Seconded By: Rick Miller

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: Jan Miller

Abstain: None

Motion Passed (Yes 8, No 1, Abstained 0)

- F. State Municipal Funding Agreement for Wisconsin Highway 167 from Interstate 41 to Wisconsin Highway 145

Motion 1: Postpone Item F for review by the newly hired Village Engineer

Motioned By: Jan Miller

Seconded By: None

Motion Failed Due To Lack of a Second

Motion 2: Approve Item F As Presented

Motioned By: David Baum

Seconded By: Rick Miller

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: Jan Miller

Abstain: None

Motion Passed (Yes 8, No 1, Abstained 0)

VIII. UNFINISHED BUSINESS

- A. Public Administration Associates Recommendations for the Recruitment of the Director of Public Works and Village Engineer

Village Administrator Kreklow presented the salary range increases and advised the General Government and Finance Committee approved the recommendation.

Motion: Approve Salary Increases as presented and change the PE Requirement to "Recommended/Preferred".

Motioned By: Rick Miller

Seconded By: Terri Kaminski

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Abstain: None

Motion Passed By Roll Call Vote (Yes 9, No 0, Abstained 0)

IX. PUBLIC HEARINGS:

There were no Public Hearings on the Agenda.

X. NEW BUSINESS:

- A. Presentation on 2022 Audit

Baker Tilly Director Amanda Blomberg and Audit Manager Leah Gaffney remotely presented the 2022 Audit. Blomberg presented a draft summarizing the financial information as they were still finishing up the audit procedures, but felt that the numbers were in good shape. She notes that there is a decrease in the overall Fund Balance, citing the decrease due to the Public Safety salary benefits areas.

Administrator Kreklow discussed the outstanding items being gathered to provide for Baker Tilly to report assets.

- B. Approval of a Renewal Junk Dealer Establishment License Application for Waste Management, W132N10487 Grant Dr.

Motion: Approve Renewal of Application for Junk Dealer Establishment License for Waste Management

Motioned By: David Baum

Seconded By: Jan Miller

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

- C. Public Grant Application by the Germantown VFW Post 9202 (N120W15932 Freistadt Rd) for Temporary Use Permit Fee to Sell Christmas Trees in Latitude Cafe's Parking Lot, Located at W156N9636 Pilgrim Rd, from November 15-December 15, 2023.

Motion: Approve the Public Grant Application by the Germantown VFW for TUP Selling Christmas Trees.

Motioned By: Dennis Myers

Seconded By: David Baum

Yes: David Baum, Terri Kaminski, Phil Hudson, Dennis Myers, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

- D. Virtus Development LLC, Agent for District One LLC and the Robert & Mary Hacker Trust, Property Owners - W140 N10363 Fond du Lac Avenue and Parcel Tax Key GTNV 351-984 for applications to: (1) Rezone Parcel 1 from the B-1: General Business District and Parcel 2 from the Rs-6: Single-Family Residential District to the "Kuhburg District" (B-3/PDD) Planned Development District; and (2) Amend the General Development Plan for the "Kuhberg District" PDD and Resolution #16-2018 to include expansion of the business parking and a 4-unit townhouse development. (ACTION)

Community Development Director Jeff Retzlaff presented the rezoning application to expand the Kuhburg District PDD to include the two parcels totaling approximately 1.1 acres. He advised the re-development of these parcels would include a 4-unit multi-family townhouse-style residential building (at a density of 5.4 dwelling units/acre), a 33-stall paved parking lot (to serve the two commercial retail buildings proposed in the original Kuhburg PDD), and a storm water management basin serving both the parking lot and townhouse development. Plan Commission recommended approval of the project subject to shifting the building further North and expanding the landscaping and buffering along the South property line, which the Developer objects to.

Greg Nagel of Virtus Development, presented the development proposal, timelines, and questioned landscaping and parking issues and presented an alternate 'red-line' for condition number 3.

Motion 1: Approve the PDD as presented with elimination of condition number 3.

Motioned By: Terri Kaminski

Seconded By: Dennis Myers

Motion 2: Amend Motion 1 to reflect instead of "elimination of condition number 3" to "modify the PDD document to reflect the changes that are shown in 'red-line' documents presented by the Developer."

Motioned By: Phil Hudson

Seconded By: Dennis Myers

Results of Motion 2:

Yes: David Baum, Terri Kaminski, Phil Hudson, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: Bill Neureuther

Abstain: None

Motion to Amend Passed (Yes 8, No 0, Recused 1)

Results of Motion 1 as Amended:

Yes: Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: Bill Neureuther

Recused: David Baum

Motion Passed as Amended by Roll Call Vote (Yes 8, No 1, Recused 1)

E. Appointment of Kevin Driscoll to the Position of Village Engineer

Motion: Approve appointment of Kevin Driscoll to Village Engineer.

Motioned By: David Baum

Seconded By: Jan Miller

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

F. Recreation Trail and Design for East Donges Bay Road Reconstruction Project

Administrator Kreklow presented background information on the recreation trail and design for the East Donges Bay Road reconstruction project. Staff did look at other potential configurations that included a wider recreational trail separated from the roadway. However, those options were not pursued due to the presence of wetlands in the right-of-way, flood plains, and significant changes in elevation. The City of Mequon is also planning a two-way off-road path on the south side of Donges Bay Road from Lemke Park to Wausaukee Road. The Parks & Recreation Commission is recommending that the Village re-visit the Donges Bay Road design to incorporate an 8' wide off-road recreational trail in order to match up with the Mequon trail. An off-road trail of this width would not be possible for this entire stretch of Donges Bay Road, but could be incorporated for

portions of the road. However, there would be an additional cost to the Village, and since permit work has begun and utility relocations have been requested, the construction schedule would be affected. Staff recommends continuing work on Donges Bay Road with a 5' bike path on both sides of the road and a 5' sidewalk off-road.

Motion: Approve Original design as presented.

Motioned By: Dennis Myers

Seconded By: Terri Kaminski

Yes: Terri Kaminski, Bill Neureuther, Rick Miller, Dennis Myers

No: David Baum, Phil Hudson, Jan Miller, Jolene Pieper, Dean Wolter

Abstain: None

Motion Failed (Yes 4, No 5, Abstained 0)

A second motion was made by Trustee Hudson to accept the proposed changes by Graef as presented in the packet, seconded by Trustee Jan Miller. Discussion ensued and Trustee Hudson rescinded his motion and requested to table the item until Graef was able to be present to answer questions.

Motion: Table Item F until Graef is present to answer design questions.

Motioned By: Phil Hudson

Seconded By: Jan Miller

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

Motion: Recess Village Board Meeting for a 5 Minute Break

Motioned By: Jan Miller

Seconded By: David Baum

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

G. Pay Adjustments for the Highways, Parks, Buildings & Grounds Superintendent, the Sewer Utility Superintendent and the Water Utility Superintendent.

Village Administrator recommended approval of salary increases for the four

superintendents to the midpoint salary range. Trustee Neureuther and Trustee Hudson felt a Village-wide study should be conducted for all employees and potentially adjust all employees instead of selecting a few employees at a time.

Motion: Approve per Staff Recommendation

Motioned By: Dennis Myers

Seconded By: Terri Kaminski

Yes: David Baum, Terri Kaminski, Phil Hudson, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: Bill Neureuther

Abstain: None

Motion Passed (Yes 8, No 1, Abstained 0)

H. A Resolution Adopting Updated Bond Schedule for Municipal Court Cases

Motion: Approve the Resolution updating the bond schedule for Municipal Court Cases presented

Motioned By: Dennis Myers

Seconded By: David Baum

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

I. 2024 Budget and Property Tax Levy

Finance Director Matthew Uselding gave a presentation of the recommended 2024 Budget. Uselding highlighted the budget timeline, challenges (such as increased demand in Public Safety Services, increase in the State Salt contract, increase in gas/oil, and salaries/benefits), fiscal opportunities, budget drivers (revenues and expenses), and presented items that were removed from the budget (Library and Park and Recreation cuts, as well as exclusion of the addition of 4 Police Officers and 12 Firefighters).

J. Schedule of Committee of the Whole Meetings on the 2024 Budget

Motion: Approve Calendar Dates as presented by Village Administrator

Motioned By: Terri Kaminski

Seconded By: Dennis Myers

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

K. Ehlers TID Presentation - Update by Phil Cossun

Village Administrator Kreklow provided copies of the most recent report however Phillip Cosson from Ehlers was not available for tonight's meeting to provide a presentation.

L. Ehlers Water Rate Presentation - Update by John Cameron

Village Administrator Kreklow advised John Cameron of Ehlers was not available for tonight's meeting to provide a presentation.

N. Acquisition of N96 W18058 County Line Road. The Village Board may go into closed session as 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 re-enter open session to take such action as it deems appropriate.

Village President Wolter read Items M through O. The Village Clerk, the Village Attorney, and Administrator Kreklow would be present for Item M, the Sewer Superintendent, the Community Development Director, Village Attorney, and Village Administrator would be present for Item N, and the Community Development Director, Village Attorney, and Village Administrator would be present for Item O.

Motion: Adjourn into Closed Session, with Trustee Jan Miller's request to address Item N first.

Motioned By: Dennis Myers

Seconded By: David Baum

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Abstain: None

Motion Passed by Roll Call Vote (Yes 9, No 0, Abstained 0)

The Village Board Meeting entered Closed Session, and discussed Items N and M.

Regarding Item N: Attorney Sajdak made a presentation on a potential acquisition of a property on County Line Road. The Board discussed directing Sajdak to submit an

offer to purchase the parcel with the conditions he presented.

Regarding Item M: Sajdak made a presentation on Meridian lawsuit. The Board discussed directing Sajdak to retain Jason Gehring as counsel to represent the Village in the case.

Motion: Resume Village Board Meeting In Open Session to Act on Items N and M.

Motioned By: Terri Kaminski

Seconded By: Rick Miller

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

Action Regarding Item N:

Motion: Direct Staff to proceed with an offer to purchase as discussed in Closed Session

Motioned By: David Baum

Seconded By: Rick Miller

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

- M. Meridian Germantown LLP v. Village of Germantown, Case No. 23-CV-426. The Village Board may go into closed session as per Wis. Stat. § 19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved and then re-enter open session to take such action as it deems appropriate.

Action Regarding Item M:

Motion: Direct staff to proceed as discussed in Closed Session and retain Jason Gehring to represent the Village

Motioned By: David Baum

Seconded By: Rick Miller

Yes: David Baum, Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Abstain: None

Motion Passed (Yes 9, No 0, Abstained 0)

- O. Agreement with Greywolf Partners for Redevelopment and Property Acquisition Services. The Village Board may go into closed session as 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 re-enter open session to take such action as it deems appropriate.

Trustee Baum was excused from the meeting.

Motion: Adjourn into Closed Session for Item O.

Motioned By: Dennis Myers

Seconded By: Rick Miller

Yes: Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Excused: David Baum

Motion Passed by Roll Call Vote (Yes 8, No 0, Excused 1)

The Village Board Meeting entered Closed Session and discussed Item O. Administrator Kreklow made a presentation on a proposal from Greywolf for development in Village Center. The Village Board discussed directing staff to proceed with Tasks 1 and 2 of the proposal.

Motion: Resume Village Board Meeting In Open Session to Act on Item O.

Motioned By: Dennis Myers

Seconded By: Rick Miller

Yes: Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: None

Excused: David Baum

Motion Passed (Yes 8, No 0, Excused 1)

Action Regarding Item O:

Motion: Direct staff to proceed as discussed in Closed Session.

Motioned By: Jolene Pieper

Seconded By: Rick Miller

Yes: Terri Kaminski, Phil Hudson, Bill Neureuther, Rick Miller, Jolene Pieper, Dean Wolter, Dennis Myers

No: Jan Miller

Excused: David Baum

Motion Passed (Yes 7, No 1, Excused 1)

XI. ADJOURNMENT:

The meeting was adjourned at 11:55 PM.

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: November 6, 2023

PLACEMENT: Resolution

ITEM TITLE: Resolution Approving the 2024 Germantown Municipal Employees
Union Local 730 Contract

SUBMITTED BY:

SUMMARY EXPLANATION:

This was discussed in closed session on Monday October 2nd and brought back to the union and an agreement was reached.

ATTACHMENT:

1. Resolution XX-2023 Local 730 Contract
2. DPW Union Contract 2024

RECOMMENDATION:

Approval of Resolution and 2024 Public Works Union Contract.

ACTION BY Committee:

VILLAGE OF GERMANTOWN
WASHINGTON COUNTY

RESOLUTION NO. XX-2023

GERMANTOWN MUNICIPAL EMPLOYEES' UNION LOCAL 730 CONTRACT

WHEREAS, The Village of Germantown Support Services Manager has been in negotiations of the Germantown Municipal Employees Union Local 730 Contract and have come to an agreed contract as attached; and,

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Germantown, Wisconsin does hereby approve the attached Germantown Municipal Employee Union Local 730 Contract.

Introduced by: _____

Adopted:

Vote: Ayes: _____ Nays: _____

Dean M. Wolter, Village President

ATTEST:

Donna Cox, Village Clerk

AGREEMENT BETWEEN THE VILLAGE OF GERMANTOWN AND THE

GERMANTOWN MUNICIPAL EMPLOYEES UNION - LOCAL 730

AN AFFILIATE OF THE LABOR ASSOCIATION OF WISCONSIN

JANUARY 1, 2024 - DECEMBER 31, 2024

Article 1 - RECOGNITION

The employer hereby recognizes the Labor Association of Wisconsin, Inc. as the sole and exclusive bargaining agent for regular full-time and regular part-time employees of the Village of Germantown employed in the Highway Department, Parks Department, Water Department and Waste Water Department, excluding professional, supervisory, managerial, confidential, temporary, casual, or seasonal clerical employees for the purpose of collective bargaining on matters concerning wages, hours, and all other conditions of employment.

Article 2 – WAGES Effective January 1, 2024 (4% Wage Increase) Position

	2023 Hourly Wage			2024 Hourly Wage		
	Start	150 Day	1 Year	Start	150 Day	1 Year
Mechanic I	25.70	27.95	30.20	26.73	29.07	31.41
Mechanic II	25.90	28.16	30.46	26.94	29.29	31.68
Crew Leader	26.03	28.32	30.64	27.08	29.45	31.86
Operator	25.09	27.32	29.52	26.09	28.41	30.70
Maint Operator	25.39	27.64	29.88	26.40	28.75	31.08
HE Operator	25.54	27.80	30.07	26.57	28.91	31.28
Maint Oper. w/ DNR Cert	25.73	28.00	30.27	26.76	29.12	31.48
Designated Operator	26.36	28.66	31.01	27.41	29.81	32.25
Custodian	18.39	20.00	21.63	19.12	20.80	22.50
Assistant Custodian (PT)	15.51	16.88	18.25	16.13	17.56	18.98

Article 3 - DURATION OF AGREEMENT

The agreement shall be in effect as on January 1, 2024 and shall remain in full force through December 31, 2024.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their respective, duly authorized officers.

Dated this _____ day of _____, 2023

VILLAGE OF GERMANTOWN

GERMANTOWN MUNICIPAL
EMPLOYEES UNION, LAW, INC

By: _____

By: _____

By: _____

By: _____

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: November 6, 2023

PLACEMENT: Action Item

ITEM TITLE: Stormwater Pond Inspections for MS4 Permit

SUBMITTED BY: Kevin Driscoll, Village Engineer

SUMMARY EXPLANATION:

In July 2023, the Wisconsin Department of Natural Resources (WDNR) issued a letter of non-compliance to the Village regarding the Municipal Separate Storm Sewer (MS4) Permit. The Village has requested a proposal from Graef to complete the necessary Stormwater Pond Inspections to adhere with the WDNR MS4 permit requirements. This includes inspection of 22 ponds and completing the reports required by the WDNR. See Exhibit A.

ATTACHMENT:

RECOMMENDATION:

Staff recommends award of a contract to Graef of Milwaukee, Wisconsin in an amount not to exceed \$35,000 for Stormwater Pond Inspection and Report Submittals to WDNR for MS4 permit requirements. If approved, the funds shall be allocated from ARPA account: 91562000-593800.

ACTION BY Committee:

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.



Ewald Automotive Group

Chrissy Gensch | 262-673-9400 | chrissy.gensch@ewaldauto.com

Germantown Police Department

Prepared For: Captain Pat Merten

262-253-7780

pmerten@germantownpolicewi.gov

Vehicle: [Fleet] 2023 Ford Police Interceptor Utility (K8A) AWD





Ewald Automotive Group

Chrissy Gensch | 262-673-9400 | chrissy.gensch@ewaldauto.com

Vehicle: [Fleet] 2023 Ford Police Interceptor Utility (K8A) AWD (Complete)

Quote Worksheet

	MSRP
Base Price	\$47,165.00
Dest Charge	\$1,595.00
Total Options	\$4,235.00
Subtotal	\$52,995.00
Subtotal Pre-Tax Adjustments	\$0.00
Less Customer Discount	(\$2,753.00)
Subtotal Discount	(\$2,753.00)
Trade-In	\$0.00
Subtotal Trade-In	\$0.00
Taxable Price	\$50,242.00
Sales Tax	\$0.00
Subtotal Taxes	\$0.00
Subtotal Post-Tax Adjustments	\$0.00
Total Sales Price	\$50,242.00

Comments:

2024 Ford Utility Interceptor to the specifications as detailed. Registration fees are not included. Due to current market, lead time can not be guaranteed.

Dealer Signature / Date

Customer Signature / Date

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Data Version: 20085. Data Updated: Aug 1, 2023 6:53:00 PM PDT.



Ewald Automotive Group

Chrissy Gensch | 262-673-9400 | chrissy.gensch@ewaldauto.com

Vehicle: [Fleet] 2023 Ford Police Interceptor Utility (K8A) AWD (Complete)

Standard Equipment

Mechanical	
	Engine: 3.3L V6 Direct-Injection Hybrid System -inc: (136-MPH top speed) (STD)
	Transmission: 10-Speed Automatic (STD)
	3.73 Axle Ratio (STD)
	50 State Emission System Flexible Fuel Vehicle (FFV) system is standard equipment for vehicles equipped with the 3.3L V6 Direct-Injection engine.
	Transmission w/Oil Cooler
	Automatic Full-Time All-Wheel
	Engine Oil Cooler
	80-Amp/Hr 800CCA Maintenance-Free Battery
	Hybrid Electric Motor 220 Amp Alternator
	Class III Towing Equipment -inc: Hitch
	Trailer Wiring Harness
	Police/Fire
	1670# Maximum Payload
	GVWR: 6,840 lbs (3,103 kgs)
	Gas-Pressurized Shock Absorbers
	Front And Rear Anti-Roll Bars
	Electric Power-Assist Steering
	19 Gal. Fuel Tank
	Dual Stainless Steel Exhaust
	Permanent Locking Hubs
	Strut Front Suspension w/Coil Springs
	Multi-Link Rear Suspension w/Coil Springs
	Regenerative 4-Wheel Disc Brakes w/4-Wheel ABS, Front And Rear Vented Discs, Brake Assist and Hill Hold Control
	Lithium Ion Traction Battery
Exterior	
	Wheels: 18" x 8" 5-Spoke Painted Black Steel -inc: polished stainless steel hub cover and center caps
	Tires: 255/60R18 AS BSW
	Steel Spare Wheel

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Vehicle: [Fleet] 2023 Ford Police Interceptor Utility (K8A) AWD ( Complete)

Exterior

- Spare Tire Mounted Inside Under Cargo
- Clearcoat Paint
- Body-Colored Front Bumper w/Black Rub Strip/Fascia Accent and 1 Tow Hook
- Body-Colored Rear Bumper w/Black Rub Strip/Fascia Accent
- Body-Colored Bodyside Cladding and Black Wheel Well Trim
- Black Side Windows Trim and Black Front Windshield Trim
- Black Door Handles
- Black Power Side Mirrors w/Convex Spotter and Manual Folding
- Fixed Rear Window w/Fixed Interval Wiper, Heated Wiper Park and Defroster
- Deep Tinted Glass
- Speed Sensitive Variable Intermittent Wipers
- Galvanized Steel/Aluminum Panels
- Lip Spoiler
- Black Grille
- Liftgate Rear Cargo Access
- Tailgate/Rear Door Lock Included w/Power Door Locks
- Auto On/Off Projector Beam Led Low/High Beam Headlamps
- LED Brakelights

Entertainment

- Radio w/Seek-Scan, Speed Compensated Volume Control and Steering Wheel Controls
- Radio: AM/FM/MP3 Capable -inc: clock, 4-speakers, Bluetooth interface w/hands-free voice command support (compatible w/most Bluetooth connected mobile devices), 1 USB port and 4.2" color LCD screen center stack smart display
- Integrated Roof Antenna
- 1 LCD Monitor In The Front

Interior

- 8-Way Driver Seat
- Passenger Seat
- 35-30-35 Folding Split-Bench Front Facing Fold Forward Seatback Rear Seat
- Manual Tilt/Telescoping Steering Column

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Vehicle: [Fleet] 2023 Ford Police Interceptor Utility (K8A) AWD (Complete)

Interior	
	Gauges -inc: Speedometer, Odometer, Engine Coolant Temp, Tachometer, Engine Hour Meter, Traction Battery Level, Trip Odometer and Trip Computer
	Power Rear Windows and Fixed 3rd Row Windows
	Fleet Telematics Modem Selective Service Internet Access
	Remote Releases -Inc: Power Cargo Access
	Cruise Control w/Steering Wheel Controls
	Dual Zone Front Automatic Air Conditioning
	HVAC -inc: Underseat Ducts
	Locking Glove Box
	Driver Foot Rest
	Unique HD Cloth Front Bucket Seats w/Vinyl Rear -inc: reduced bolsters, driver 6-way power track (fore/aft, up/down, tilt w/manual recline, 2-way manual lumbar), passenger 2-way manual track (fore/aft, w/manual recline) and built-in steel intrusion plates in both driver/passenger seatbacks
	Interior Trim -inc: Metal-Look Instrument Panel Insert, Metal-Look Door Panel Insert and Metal-Look Interior Accents
	Full Cloth Headliner
	Urethane Gear Shifter Material
	Day-Night Rearview Mirror
	Driver And Passenger Visor Vanity Mirrors
	Mini Overhead Console w/Storage and 2 12V DC Power Outlets
	Front And Rear Map Lights
	Fade-To-Off Interior Lighting
	Full Vinyl/Rubber Floor Covering
	Carpet Floor Trim
	Cargo Features -inc: Cargo Tray/Organizer
	Cargo Space Lights
	Dashboard Storage, Driver And Passenger Door Bins
	Power 1st Row Windows w/Driver And Passenger 1-Touch Up/Down
	Delayed Accessory Power
	Power Door Locks
	Driver Information Center
	Redundant Digital Speedometer

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Vehicle: [Fleet] 2023 Ford Police Interceptor Utility (K8A) AWD ( Complete)

Interior

Trip Computer
Analog Appearance
Seats w/Vinyl Back Material
Manual Adjustable Front Head Restraints and Manual Adjustable Rear Head Restraints
2 12V DC Power Outlets
Air Filtration

Safety-Mechanical

Electronic Stability Control (ESC) And Roll Stability Control (RSC)
ABS And Driveline Traction Control

Safety-Exterior

Side Impact Beams

Safety-Interior

Dual Stage Driver And Passenger Seat-Mounted Side Airbags
Tire Specific Low Tire Pressure Warning
Dual Stage Driver And Passenger Front Airbags
Curtain 1st And 2nd Row Airbags
Airbag Occupancy Sensor
Passenger Knee Airbag
Rear Child Safety Locks
Outboard Front Lap And Shoulder Safety Belts -inc: Rear Center 3 Point, Height Adjusters and Pretensioners
Back-Up Camera w/Washer

WARRANTY

Basic Years: 3
Basic Miles/km: 36,000
Drivetrain Years: 5
Drivetrain Miles/km: 100,000
Corrosion Years: 5
Corrosion Miles/km: Unlimited
Hybrid/Electric Components Years: 8
Hybrid/Electric Components Miles/km: 100,000
Roadside Assistance Years: 5
Roadside Assistance Miles/km: 60,000

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Vehicle: [Fleet] 2023 Ford Police Interceptor Utility (K8A) AWD ( Complete)

Selected Model and Options

MODEL		
CODE	MODEL	MSRP
K8A	2023 Ford Police Interceptor Utility AWD	\$47,165.00
COLORS		
CODE	DESCRIPTION	
UM	Agate Black	
ENGINE		
CODE	DESCRIPTION	MSRP
99C	Engine: 3.0L V6 EcoBoost -inc: (148-MPH top speed), Note: Deletes regenerative braking and lithium-ion battery pack; adds 250-Amp alternator, replaces H7 AGM battery (800 CCA/80-amp) w/H7 SLI battery (730 CCA/80-amp) and replaces 19-gallon tank w/21.4-gallon, 3.31 Axle Ratio	\$950.00
TRANSMISSION		
CODE	DESCRIPTION	MSRP
44U	Transmission: 10-Speed Automatic (44U)	\$0.00
OPTION PACKAGE		
CODE	DESCRIPTION	MSRP
500A	Order Code 500A	\$0.00
AXLE RATIO		
CODE	DESCRIPTION	MSRP
—	3.31 Axle Ratio	Inc.
PRIMARY PAINT		
CODE	DESCRIPTION	MSRP
UM	Agate Black	\$0.00

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Vehicle: [Fleet] 2023 Ford Police Interceptor Utility (K8A) AWD ( Complete)

SEAT TYPE		
CODE	DESCRIPTION	MSRP
96	Charcoal Black, Unique HD Cloth Front Bucket Seats w/Vinyl Rear -inc: reduced bolsters, driver 6-way power track (fore/aft, up/down, tilt w/manual recline, 2-way manual lumbar), passenger 2-way manual track (fore/aft, w/manual recline) and built-in steel intrusion plates in both driver/passenger seatbacks	\$0.00

ADDITIONAL EQUIPMENT - MECHANICAL		
CODE	DESCRIPTION	MSRP
19K	H8 AGM Battery (850 CCA/92-amp)	\$110.00

ADDITIONAL EQUIPMENT - EXTERIOR		
CODE	DESCRIPTION	MSRP
153	Front License Plate Bracket	\$0.00
21L	Front Warning Auxiliary LED Lights -inc: driver side - red/passenger side - blue	\$550.00
51P	Driver Side Spot Lamp Prep Kit -inc: Does not include spot lamp housing and bulb	\$140.00
59E	Keyed Alike - 1435x	\$50.00
66A	Front Headlamp Lighting Solution -inc: LED low beam/high beam headlamp, wig-wag function and (2) red/blue/white LED side warning lights in each headlamp (factory configured: driver's side white/red/passenger side white/blue), Wiring and LED lights included (in headlamps only; grille lights not included), Controller not included, Grille LED Lights, Siren & Speaker Pre-Wiring	\$895.00
86T	Tail Lamp/Police Interceptor Housing Only -inc: Pre-existing holes w/standard twist lock sealed capability (does not include LED strobe) (eliminates need to drill housing assemblies)	\$60.00

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Vehicle: [Fleet] 2023 Ford Police Interceptor Utility (K8A) AWD ( Complete)

ADDITIONAL EQUIPMENT - INTERIOR		
CODE	DESCRIPTION	MSRP
17A	Rear Auxiliary Air Conditioning	\$610.00
18D	Global Lock/Unlock Feature -inc: Door-panel switches will lock/unlock all doors and rear liftgate, Eliminates overhead console liftgate unlock switch and 45-second timer, Also eliminates the blue liftgate release button if ordered w/remote keyless entry	\$0.00
19V	Rear Camera On-Demand -inc: Allows driver to enable rear camera on-demand	\$230.00
43D	Dark Car Feature -inc: Courtesy lamps disabled when any door is opened	\$25.00
55F	Remote Keyless Entry Key Fob w/o Key Pad -inc: Does not include PATS, 4-key fobs, Key fobs are not fobbed alike when ordered w/keyed-alike	\$340.00
60A	Grille LED Lights, Siren & Speaker Pre-Wiring	Inc.
60R	Noise Suppression Bonds (Ground Straps)	\$100.00
61B	OBD-II Split Connector -inc: Allows up to 2 devices to be connected to the vehicle's OBD-II port	\$55.00
68G	Rear-Door Controls Inoperable -inc: Locks, handles and windows, Note: Can manually remove window or door disable plate w/special tool, Note: Locks/windows operable from driver's door switches	\$75.00
85R	Rear Console Plate -inc: Contours through 2nd row; channel for wiring	\$45.00
Options Total		\$4,235.00

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Vehicle: [Fleet] 2023 Ford Police Interceptor Utility (K8A) AWD ( Complete)

Price Summary

PRICE SUMMARY	
	MSRP
Base Price	\$47,165.00
Total Options	\$4,235.00
Vehicle Subtotal	\$51,400.00
Destination Charge	\$1,595.00
Grand Total	\$52,995.00

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Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-518505-45224.635KB

Issued: 10/25/2023

Quote Expiration: 12/31/2023

Estimated Contract Start Date: 01/15/2024

Account Number: 110380

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO
N112W16877 Mequon Rd N112 W16877 Mequon Road Germantown, WI 53022-3207 USA	Germantown Police Department - WI N112 W16877 Mequon Road Germantown WI 53022-3207 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Kyle Brennan Phone: Email: kybrennan@axon.com Fax:	Michael Snow Phone: (262) 253-7780 Email: msnow@germantownpolice.org Fax: (262) 253-7787

Quote Summary

Program Length	60 Months
TOTAL COST	\$330,568.85
ESTIMATED TOTAL W/ TAX	\$330,568.85

Discount Summary

Average Savings Per Year	\$20,565.05
TOTAL SAVINGS	\$102,825.25

Payment Summary

Date	Subtotal	Tax	Total
Dec 2023	\$66,113.77	\$0.00	\$66,113.77
Dec 2024	\$66,113.77	\$0.00	\$66,113.77
Dec 2025	\$66,113.77	\$0.00	\$66,113.77
Dec 2026	\$66,113.77	\$0.00	\$66,113.77
Dec 2027	\$66,113.77	\$0.00	\$66,113.77
Total	\$330,568.85	\$0.00	\$330,568.85

Quote Unbundled Price:	\$433,394.10
Quote List Price:	\$388,431.30
Quote Subtotal:	\$330,568.85

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	5	60	\$70.49	\$34.66	\$34.66	\$10,398.00	\$0.00	\$10,398.00
T10CertVR	TASER 10 Certification Bundle W/ VR	18	60	\$115.40	\$97.49	\$97.49	\$105,289.20	\$0.00	\$105,289.20
C00001	T10 CERTIFICATION ADD-ON BUNDLE	17	60	\$28.38	\$27.08	\$13.54	\$13,810.80	\$0.00	\$13,810.80
BWCamTAP	Body Worn Camera TAP Bundle	35	60	\$38.95	\$32.50	\$32.17	\$67,557.00	\$0.00	\$67,557.00
A la Carte Hardware									
H00001	AB4 Camera Bundle	35			\$849.00	\$48.51	\$1,697.85	\$0.00	\$1,697.85
H00002	AB4 Multi Bay Dock Bundle	5			\$1,638.90	\$43.90	\$219.50	\$0.00	\$219.50
A la Carte Software									
73682	AUTO TAGGING LICENSE	35	60		\$9.00	\$9.00	\$18,900.00	\$0.00	\$18,900.00
20370	FULL VR TASER 7 ADD-ON USER ACCESS	17	60		\$20.00	\$20.00	\$20,400.00	\$0.00	\$20,400.00
73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	35	60		\$26.04	\$26.04	\$54,684.00	\$0.00	\$54,684.00
ProLicense	Pro License Bundle	5	60		\$42.31	\$42.25	\$12,675.00	\$0.00	\$12,675.00
BasicLicense	Basic License Bundle	30	60		\$16.27	\$12.19	\$21,937.50	\$0.00	\$21,937.50
A la Carte Services									
79999	AUTO TAGGING / PERFORMANCE IMPLEMENTATION SERVICE	1			\$3,000.00	\$3,000.00	\$3,000.00	\$0.00	\$3,000.00
Total							\$330,568.85	\$0.00	\$330,568.85

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
AB4 Camera Bundle	100147	AXON BODY 4 - NA - US FIRST RESPONDER - BLK - RAPIDLOCK	35	12/15/2023
AB4 Camera Bundle	100147	AXON BODY 4 - NA - US FIRST RESPONDER - BLK - RAPIDLOCK	1	12/15/2023
AB4 Camera Bundle	100466	USB-C to USB-C CABLE FOR AB4	39	12/15/2023
AB4 Camera Bundle	11508	MOLLE MOUNT, DOUBLE, AXON RAPIDLOCK	39	12/15/2023
AB4 Multi Bay Dock Bundle	100206	AXON BODY 4 - 8 BAY DOCK	5	12/15/2023
AB4 Multi Bay Dock Bundle	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	5	12/15/2023
AB4 Multi Bay Dock Bundle	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	5	12/15/2023
T10 CERTIFICATION ADD-ON BUNDLE	100399	TASER 10 LIVE CARTRIDGE	170	12/15/2023
T10 CERTIFICATION ADD-ON BUNDLE	100400	TASER 10 HALT CARTRIDGE	110	12/15/2023
TASER 10 Certification Bundle W/ VR	100126	AXON VR TACTICAL BAG	1	12/15/2023
TASER 10 Certification Bundle W/ VR	100390	TASER 10 HANDLE, YLW, CLASS 3R	18	12/15/2023
TASER 10 Certification Bundle W/ VR	100393	TASER 10 LIVE DUTY MAGAZINE BLACK	18	12/15/2023
TASER 10 Certification Bundle W/ VR	100394	TASER 10 HALT TRN MAGAZINE BLUE (HOOK-AND-LOOP-TRAINING)	1	12/15/2023
TASER 10 Certification Bundle W/ VR	100395	TASER 10 LIVE TRAINING MAGAZINE PURPLE	1	12/15/2023
TASER 10 Certification Bundle W/ VR	100396	TASER 10 INERT MAGAZINE RED	1	12/15/2023
TASER 10 Certification Bundle W/ VR	100399	TASER 10 LIVE CARTRIDGE	360	12/15/2023
TASER 10 Certification Bundle W/ VR	100400	TASER 10 HALT CARTRIDGE	110	12/15/2023
TASER 10 Certification Bundle W/ VR	100401	TASER 10 INERT CARTRIDGE	8	12/15/2023
TASER 10 Certification Bundle W/ VR	100611	TASER 10 SAFARILAND HOLSTER, RH	18	12/15/2023
TASER 10 Certification Bundle W/ VR	100623	ENHANCED HOOK-AND-LOOP TRAINING (HALT) SUIT (V2)	1	12/15/2023
TASER 10 Certification Bundle W/ VR	100748	TASER 10 VR CONTROLLER	1	12/15/2023
TASER 10 Certification Bundle W/ VR	100862	VR - PLACEHOLDER - SIDEARM CONTROLLER	1	12/15/2023
TASER 10 Certification Bundle W/ VR	100920	VR - PLACEHOLDER- SIDEARM CONTROLLER HOLSTER	1	12/15/2023
TASER 10 Certification Bundle W/ VR	100921	VR - PLACEHOLDER - HOLSTER T10 CONTROLLER	1	12/15/2023
TASER 10 Certification Bundle W/ VR	20018	TASER BATTERY PACK, TACTICAL	18	12/15/2023
TASER 10 Certification Bundle W/ VR	20018	TASER BATTERY PACK, TACTICAL	4	12/15/2023
TASER 10 Certification Bundle W/ VR	20296	VR TABLET	1	12/15/2023
TASER 10 Certification Bundle W/ VR	20297	VR TABLET CASE	1	12/15/2023
TASER 10 Certification Bundle W/ VR	20378	HTC FOCUS 3 VR HEADSET	1	12/15/2023
TASER 10 Certification Bundle W/ VR	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	1	12/15/2023
TASER 10 Certification Bundle W/ VR	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	1	12/15/2023
TASER 10 Certification Bundle W/ VR	74200	TASER 6-BAY DOCK AND CORE	1	12/15/2023
TASER 10 Certification Bundle W/ VR	80087	TASER TARGET, CONDUCTIVE, PROFESSIONAL (RUGGEDIZED)	1	12/15/2023
TASER 10 Certification Bundle W/ VR	80090	TARGET FRAME, PROFESSIONAL, 27.5 IN. X 75 IN., TASER 7	1	12/15/2023
T10 CERTIFICATION ADD-ON BUNDLE	100399	TASER 10 LIVE CARTRIDGE	40	12/15/2024
T10 CERTIFICATION ADD-ON BUNDLE	100400	TASER 10 HALT CARTRIDGE	100	12/15/2024
TASER 10 Certification Bundle W/ VR	100399	TASER 10 LIVE CARTRIDGE	40	12/15/2024
TASER 10 Certification Bundle W/ VR	100400	TASER 10 HALT CARTRIDGE	110	12/15/2024
T10 CERTIFICATION ADD-ON BUNDLE	100399	TASER 10 LIVE CARTRIDGE	30	12/15/2025
T10 CERTIFICATION ADD-ON BUNDLE	100400	TASER 10 HALT CARTRIDGE	100	12/15/2025

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
TASER 10 Certification Bundle W/ VR	100399	TASER 10 LIVE CARTRIDGE	40	12/15/2025
TASER 10 Certification Bundle W/ VR	100400	TASER 10 HALT CARTRIDGE	110	12/15/2025
Body Worn Camera Multi-Bay Dock TAP Bundle	73689	MULTI-BAY BWC DOCK 1ST REFRESH	5	06/15/2026
Body Worn Camera TAP Bundle	73309	AXON CAMERA REFRESH ONE	36	06/15/2026
T10 CERTIFICATION ADD-ON BUNDLE	100399	TASER 10 LIVE CARTRIDGE	40	12/15/2026
T10 CERTIFICATION ADD-ON BUNDLE	100400	TASER 10 HALT CARTRIDGE	100	12/15/2026
TASER 10 Certification Bundle W/ VR	100399	TASER 10 LIVE CARTRIDGE	30	12/15/2026
TASER 10 Certification Bundle W/ VR	100400	TASER 10 HALT CARTRIDGE	110	12/15/2026
T10 CERTIFICATION ADD-ON BUNDLE	100399	TASER 10 LIVE CARTRIDGE	30	12/15/2027
T10 CERTIFICATION ADD-ON BUNDLE	100400	TASER 10 HALT CARTRIDGE	100	12/15/2027
TASER 10 Certification Bundle W/ VR	100399	TASER 10 LIVE CARTRIDGE	40	12/15/2027
TASER 10 Certification Bundle W/ VR	100400	TASER 10 HALT CARTRIDGE	100	12/15/2027
Body Worn Camera Multi-Bay Dock TAP Bundle	73688	MULTI-BAY BWC DOCK 2ND REFRESH	5	12/15/2028
Body Worn Camera TAP Bundle	73310	AXON CAMERA REFRESH TWO	36	12/15/2028
TASER 10 Certification Bundle W/ VR	100210	VIRTUAL REALITY TABLET REFRESH ONE	1	12/15/2028
TASER 10 Certification Bundle W/ VR	20373	VIRTUAL REALITY HEADSET REFRESH ONE	1	12/15/2028

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Basic License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	30	01/15/2024	01/14/2029
Basic License Bundle	73840	EVIDENCE.COM BASIC ACCESS LICENSE	30	01/15/2024	01/14/2029
Pro License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	15	01/15/2024	01/14/2029
Pro License Bundle	73746	PROFESSIONAL EVIDENCE.COM LICENSE	5	01/15/2024	01/14/2029
T10 CERTIFICATION ADD-ON BUNDLE	20248	TASER 7 EVIDENCE.COM LICENSE	17	01/15/2024	01/14/2029
TASER 10 Certification Bundle W/ VR	20248	TASER 7 EVIDENCE.COM LICENSE	18	01/15/2024	01/14/2029
TASER 10 Certification Bundle W/ VR	20248	TASER 7 EVIDENCE.COM LICENSE	1	01/15/2024	01/14/2029
TASER 10 Certification Bundle W/ VR	20370	FULL VR TASER 7 ADD-ON USER ACCESS	18	01/15/2024	01/14/2029
A la Carte	20370	FULL VR TASER 7 ADD-ON USER ACCESS	17	01/15/2024	01/14/2029
A la Carte	73682	AUTO TAGGING LICENSE	35	01/15/2024	01/14/2029
A la Carte	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	35	01/15/2024	01/14/2029

Services

Bundle	Item	Description	QTY
T10 CERTIFICATION ADD-ON BUNDLE	100751	TASER 10 DUTY CARTRIDGE REPLACEMENT ACCESS PROGRAM	17
TASER 10 Certification Bundle W/ VR	100751	TASER 10 DUTY CARTRIDGE REPLACEMENT ACCESS PROGRAM	18
A la Carte	79999	AUTO TAGGING / PERFORMANCE IMPLEMENTATION SERVICE	1

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Body Worn Camera Multi-Bay Dock TAP Bundle	80465	EXT WARRANTY, MULTI-BAY DOCK (TAP)	5	12/15/2024	01/14/2029
Body Worn Camera TAP Bundle	80464	EXT WARRANTY, CAMERA (TAP)	35	12/15/2024	01/14/2029
Body Worn Camera TAP Bundle	80464	EXT WARRANTY, CAMERA (TAP)	1	12/15/2024	01/14/2029
TASER 10 Certification Bundle W/ VR	100197	HTC FOCUS 3 VR HEADSET - WARRANTY	1	12/15/2024	01/14/2029
TASER 10 Certification Bundle W/ VR	100213	VIRTUAL REALITY TABLET - HARDWARE WARRANTY	1	12/15/2024	01/14/2029

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
TASER 10 Certification Bundle W/ VR	100704	EXT WARRANTY, TASER 10 HANDLE	18	12/15/2024	01/14/2029
TASER 10 Certification Bundle W/ VR	80374	EXT WARRANTY, TASER 7 BATTERY PACK	18	12/15/2024	01/14/2029
TASER 10 Certification Bundle W/ VR	80374	EXT WARRANTY, TASER 7 BATTERY PACK	4	12/15/2024	01/14/2029
TASER 10 Certification Bundle W/ VR	80396	EXT WARRANTY, TASER 7 SIX BAY DOCK	1	12/15/2024	01/14/2029

Payment Details

Dec 2023

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	20370	FULL VR TASER 7 ADD-ON USER ACCESS	17	\$4,080.00	\$0.00	\$4,080.00
Year 1	73682	AUTO TAGGING LICENSE	35	\$3,780.00	\$0.00	\$3,780.00
Year 1	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	35	\$10,936.81	\$0.00	\$10,936.81
Year 1	79999	AUTO TAGGING / PERFORMANCE IMPLEMENTATION SERVICE	1	\$600.00	\$0.00	\$600.00
Year 1	BasicLicense	Basic License Bundle	30	\$4,387.50	\$0.00	\$4,387.50
Year 1	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	5	\$2,079.60	\$0.00	\$2,079.60
Year 1	BWCamTAP	Body Worn Camera TAP Bundle	35	\$13,511.40	\$0.00	\$13,511.40
Year 1	C00001	T10 CERTIFICATION ADD-ON BUNDLE	17	\$2,762.16	\$0.00	\$2,762.16
Year 1	H00001	AB4 Camera Bundle	35	\$339.57	\$0.00	\$339.57
Year 1	H00002	AB4 Multi Bay Dock Bundle	5	\$43.90	\$0.00	\$43.90
Year 1	ProLicense	Pro License Bundle	5	\$2,535.00	\$0.00	\$2,535.00
Year 1	T10CertVR	TASER 10 Certification Bundle W/ VR	18	\$21,057.83	\$0.00	\$21,057.83
Total				\$66,113.77	\$0.00	\$66,113.77

Dec 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	20370	FULL VR TASER 7 ADD-ON USER ACCESS	17	\$4,080.00	\$0.00	\$4,080.00
Year 2	73682	AUTO TAGGING LICENSE	35	\$3,780.00	\$0.00	\$3,780.00
Year 2	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	35	\$10,936.81	\$0.00	\$10,936.81
Year 2	79999	AUTO TAGGING / PERFORMANCE IMPLEMENTATION SERVICE	1	\$600.00	\$0.00	\$600.00
Year 2	BasicLicense	Basic License Bundle	30	\$4,387.50	\$0.00	\$4,387.50
Year 2	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	5	\$2,079.60	\$0.00	\$2,079.60
Year 2	BWCamTAP	Body Worn Camera TAP Bundle	35	\$13,511.40	\$0.00	\$13,511.40
Year 2	C00001	T10 CERTIFICATION ADD-ON BUNDLE	17	\$2,762.16	\$0.00	\$2,762.16
Year 2	H00001	AB4 Camera Bundle	35	\$339.57	\$0.00	\$339.57
Year 2	H00002	AB4 Multi Bay Dock Bundle	5	\$43.90	\$0.00	\$43.90
Year 2	ProLicense	Pro License Bundle	5	\$2,535.00	\$0.00	\$2,535.00
Year 2	T10CertVR	TASER 10 Certification Bundle W/ VR	18	\$21,057.83	\$0.00	\$21,057.83
Total				\$66,113.77	\$0.00	\$66,113.77

Dec 2025

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	20370	FULL VR TASER 7 ADD-ON USER ACCESS	17	\$4,080.00	\$0.00	\$4,080.00
Year 3	73682	AUTO TAGGING LICENSE	35	\$3,780.00	\$0.00	\$3,780.00
Year 3	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	35	\$10,936.81	\$0.00	\$10,936.81
Year 3	79999	AUTO TAGGING / PERFORMANCE IMPLEMENTATION SERVICE	1	\$600.00	\$0.00	\$600.00
Year 3	BasicLicense	Basic License Bundle	30	\$4,387.50	\$0.00	\$4,387.50
Year 3	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	5	\$2,079.60	\$0.00	\$2,079.60
Year 3	BWCamTAP	Body Worn Camera TAP Bundle	35	\$13,511.40	\$0.00	\$13,511.40
Year 3	C00001	T10 CERTIFICATION ADD-ON BUNDLE	17	\$2,762.16	\$0.00	\$2,762.16
Year 3	H00001	AB4 Camera Bundle	35	\$339.57	\$0.00	\$339.57
Year 3	H00002	AB4 Multi Bay Dock Bundle	5	\$43.90	\$0.00	\$43.90

Dec 2025						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	ProLicense	Pro License Bundle	5	\$2,535.00	\$0.00	\$2,535.00
Year 3	T10CertVR	TASER 10 Certification Bundle W/ VR	18	\$21,057.83	\$0.00	\$21,057.83
Total				\$66,113.77	\$0.00	\$66,113.77

Dec 2026						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	20370	FULL VR TASER 7 ADD-ON USER ACCESS	17	\$4,080.00	\$0.00	\$4,080.00
Year 4	73682	AUTO TAGGING LICENSE	35	\$3,780.00	\$0.00	\$3,780.00
Year 4	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	35	\$10,936.81	\$0.00	\$10,936.81
Year 4	79999	AUTO TAGGING / PERFORMANCE IMPLEMENTATION SERVICE	1	\$600.00	\$0.00	\$600.00
Year 4	BasicLicense	Basic License Bundle	30	\$4,387.50	\$0.00	\$4,387.50
Year 4	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	5	\$2,079.60	\$0.00	\$2,079.60
Year 4	BWCamTAP	Body Worn Camera TAP Bundle	35	\$13,511.40	\$0.00	\$13,511.40
Year 4	C00001	T10 CERTIFICATION ADD-ON BUNDLE	17	\$2,762.16	\$0.00	\$2,762.16
Year 4	H00001	AB4 Camera Bundle	35	\$339.57	\$0.00	\$339.57
Year 4	H00002	AB4 Multi Bay Dock Bundle	5	\$43.90	\$0.00	\$43.90
Year 4	ProLicense	Pro License Bundle	5	\$2,535.00	\$0.00	\$2,535.00
Year 4	T10CertVR	TASER 10 Certification Bundle W/ VR	18	\$21,057.83	\$0.00	\$21,057.83
Total				\$66,113.77	\$0.00	\$66,113.77

Dec 2027						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	20370	FULL VR TASER 7 ADD-ON USER ACCESS	17	\$4,080.00	\$0.00	\$4,080.00
Year 5	73682	AUTO TAGGING LICENSE	35	\$3,780.00	\$0.00	\$3,780.00
Year 5	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	35	\$10,936.81	\$0.00	\$10,936.81
Year 5	79999	AUTO TAGGING / PERFORMANCE IMPLEMENTATION SERVICE	1	\$600.00	\$0.00	\$600.00
Year 5	BasicLicense	Basic License Bundle	30	\$4,387.50	\$0.00	\$4,387.50
Year 5	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	5	\$2,079.60	\$0.00	\$2,079.60
Year 5	BWCamTAP	Body Worn Camera TAP Bundle	35	\$13,511.40	\$0.00	\$13,511.40
Year 5	C00001	T10 CERTIFICATION ADD-ON BUNDLE	17	\$2,762.16	\$0.00	\$2,762.16
Year 5	H00001	AB4 Camera Bundle	35	\$339.57	\$0.00	\$339.57
Year 5	H00002	AB4 Multi Bay Dock Bundle	5	\$43.90	\$0.00	\$43.90
Year 5	ProLicense	Pro License Bundle	5	\$2,535.00	\$0.00	\$2,535.00
Year 5	T10CertVR	TASER 10 Certification Bundle W/ VR	18	\$21,057.83	\$0.00	\$21,057.83
Total				\$66,113.77	\$0.00	\$66,113.77

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

10/25/2023

Date Signed



Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-404729-44895.724TC

Issued: 11/30/2022

Quote Expiration: 12/31/2022

Estimated Contract Start Date: 01/01/2024

Account Number: 110380

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO
N112W16877 Mequon Rd N112W16877 Mequon Rd Germantown, WI 53022-3207 USA	Germantown Police Department - WI N112W16877 Mequon Rd Germantown, WI 53022-3207 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Tieney Conlon Phone: (480) 712-4910 Email: tconlon@axon.com Fax:	Michael Snow Phone: (262) 253-7780 Email: msnow@germantownpolice.org Fax: (262) 253-7787

Quote Summary

Program Length	60 Months
TOTAL COST	\$138,637.14
ESTIMATED TOTAL W/ TAX	\$138,637.14

Discount Summary

Average Savings Per Year	\$13,147.17
TOTAL SAVINGS	\$65,735.86

Payment Summary

Date	Subtotal	Tax	Total
Jan 2024	\$27,727.43	\$0.00	\$27,727.43
Jan 2025	\$27,727.43	\$0.00	\$27,727.43
Jan 2026	\$27,727.43	\$0.00	\$27,727.43
Jan 2027	\$27,727.43	\$0.00	\$27,727.43
Jan 2028	\$27,727.42	\$0.00	\$27,727.42
Total	\$138,637.14	\$0.00	\$138,637.14

Quote Unbundled Price: \$204,373.00
 Quote List Price: \$173,507.20
 Quote Subtotal: \$138,637.14

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
Fleet3ARe	Fleet 3 Advanced Renewal	14	60	\$182.69	\$148.00	\$148.00	\$124,320.00	\$0.00	\$124,320.00
Fleet3A	Fleet 3 Advanced	1	60	\$236.77	\$208.00	\$188.00	\$11,279.94	\$0.00	\$11,279.94
A la Carte Hardware									
71210	FLEET DOOR TRIGGER HARDWARE, US	2			\$18.60	\$18.60	\$37.20	\$0.00	\$37.20
72036	FLEET 3 STANDARD 2 CAMERA KIT	14			\$2,405.00	\$0.00	\$0.00	\$0.00	\$0.00
A la Carte Services									
100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1			\$3,000.00	\$3,000.00	\$3,000.00	\$0.00	\$3,000.00
Total							\$138,637.14	\$0.00	\$138,637.14

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
Fleet 3 Advanced	70112	AXON SIGNAL UNIT	1	12/01/2023
Fleet 3 Advanced	72036	FLEET 3 STANDARD 2 CAMERA KIT	1	12/01/2023
A la Carte	71210	FLEET DOOR TRIGGER HARDWARE, US	2	12/01/2023
A la Carte	72036	FLEET 3 STANDARD 2 CAMERA KIT	14	12/01/2023
Fleet 3 Advanced	72040	FLEET REFRESH, 2 CAMERA KIT	1	12/01/2029
Fleet 3 Advanced Renewal	72040	FLEET REFRESH, 2 CAMERA KIT	14	12/01/2029

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Fleet 3 Advanced	80400	FLEET, VEHICLE LICENSE	1	01/01/2024	12/31/2028
Fleet 3 Advanced	80401	FLEET 3, ALPR LICENSE, 1 CAMERA	1	01/01/2024	12/31/2028
Fleet 3 Advanced	80402	RESPOND DEVICE LICENSE - FLEET 3	1	01/01/2024	12/31/2028
Fleet 3 Advanced	80410	FLEET, UNLIMITED STORAGE, 1 CAMERA	2	01/01/2024	12/31/2028
Fleet 3 Advanced Renewal	80400	FLEET, VEHICLE LICENSE	14	01/01/2024	12/31/2028
Fleet 3 Advanced Renewal	80401	FLEET 3, ALPR LICENSE, 1 CAMERA	14	01/01/2024	12/31/2028
Fleet 3 Advanced Renewal	80402	RESPOND DEVICE LICENSE - FLEET 3	14	01/01/2024	12/31/2028
Fleet 3 Advanced Renewal	80410	FLEET, UNLIMITED STORAGE, 1 CAMERA	28	01/01/2024	12/31/2028

Services

Bundle	Item	Description	QTY
Fleet 3 Advanced	73391	FLEET 3 NEW INSTALLATION (PER VEHICLE)	1
Fleet 3 Advanced Renewal	73392	FLEET 3 UPGRADE INSTALLATION (PER VEHICLE)	14
A la Carte	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Fleet 3 Advanced	80379	EXT WARRANTY, AXON SIGNAL UNIT	1	01/01/2024	12/31/2028
Fleet 3 Advanced	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	1	12/01/2024	12/31/2028
Fleet 3 Advanced Renewal	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	14	12/01/2024	12/31/2028

Payment Details

Jan 2024						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1	\$600.00	\$0.00	\$600.00
Year 1	71210	FLEET DOOR TRIGGER HARDWARE, US	2	\$7.44	\$0.00	\$7.44
Year 1	72036	FLEET 3 STANDARD 2 CAMERA KIT	14	\$0.00	\$0.00	\$0.00
Year 1	Fleet3A	Fleet 3 Advanced	1	\$2,255.98	\$0.00	\$2,255.98
Year 1	Fleet3ARe	Fleet 3 Advanced Renewal	14	\$24,864.01	\$0.00	\$24,864.01
Total				\$27,727.43	\$0.00	\$27,727.43

Jan 2025						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1	\$600.00	\$0.00	\$600.00
Year 2	71210	FLEET DOOR TRIGGER HARDWARE, US	2	\$7.44	\$0.00	\$7.44
Year 2	72036	FLEET 3 STANDARD 2 CAMERA KIT	14	\$0.00	\$0.00	\$0.00
Year 2	Fleet3A	Fleet 3 Advanced	1	\$2,255.99	\$0.00	\$2,255.99
Year 2	Fleet3ARe	Fleet 3 Advanced Renewal	14	\$24,864.00	\$0.00	\$24,864.00
Total				\$27,727.43	\$0.00	\$27,727.43

Jan 2026						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1	\$600.00	\$0.00	\$600.00
Year 3	71210	FLEET DOOR TRIGGER HARDWARE, US	2	\$7.44	\$0.00	\$7.44
Year 3	72036	FLEET 3 STANDARD 2 CAMERA KIT	14	\$0.00	\$0.00	\$0.00
Year 3	Fleet3A	Fleet 3 Advanced	1	\$2,255.99	\$0.00	\$2,255.99
Year 3	Fleet3ARe	Fleet 3 Advanced Renewal	14	\$24,864.00	\$0.00	\$24,864.00
Total				\$27,727.43	\$0.00	\$27,727.43

Jan 2027						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1	\$600.00	\$0.00	\$600.00
Year 4	71210	FLEET DOOR TRIGGER HARDWARE, US	2	\$7.44	\$0.00	\$7.44
Year 4	72036	FLEET 3 STANDARD 2 CAMERA KIT	14	\$0.00	\$0.00	\$0.00
Year 4	Fleet3A	Fleet 3 Advanced	1	\$2,255.99	\$0.00	\$2,255.99
Year 4	Fleet3ARe	Fleet 3 Advanced Renewal	14	\$24,864.00	\$0.00	\$24,864.00
Total				\$27,727.43	\$0.00	\$27,727.43

Jan 2028						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1	\$600.00	\$0.00	\$600.00
Year 5	71210	FLEET DOOR TRIGGER HARDWARE, US	2	\$7.44	\$0.00	\$7.44
Year 5	72036	FLEET 3 STANDARD 2 CAMERA KIT	14	\$0.00	\$0.00	\$0.00
Year 5	Fleet3A	Fleet 3 Advanced	1	\$2,255.99	\$0.00	\$2,255.99

Jan 2028						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	Fleet3ARe	Fleet 3 Advanced Renewal	14	\$24,863.99	\$0.00	\$24,863.99
Total				\$27,727.42	\$0.00	\$27,727.42

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

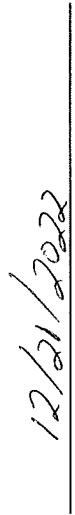
The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.



Signature



Date Signed

11/30/2022



FLEET STATEMENT OF WORK BETWEEN AXON ENTERPRISE AND AGENCY

Introduction

This Statement of Work ("SOW") has been made and entered into by and between Axon Enterprise, Inc. ("AXON"), and Germantown Police Department - WI the ("AGENCY") for the purchase of the Axon Fleet in-car video solution ("FLEET") and its supporting information, services and training. (AXON Technical Project Manager/The AXON installer)

Purpose and Intent

AGENCY states, and AXON understands and agrees, that Agency's purpose and intent for entering into this SOW is for the AGENCY to obtain from AXON deliverables, which used solely in conjunction with AGENCY's existing systems and equipment, which AGENCY specifically agrees to purchase or provide pursuant to the terms of this SOW.

This SOW contains the entire agreement between the parties. There are no promises, agreements, conditions, inducements, warranties or understandings, written or oral, expressed or implied, between the parties, other than as set forth or referenced in the SOW.

Acceptance

Upon completion of the services outlined in this SOW, AGENCY will be provided a professional services acceptance form ("Acceptance Form"). AGENCY will sign the Acceptance Form acknowledging that services have been completed in substantial conformance with this SOW and the Agreement. If AGENCY reasonably believes AXON did not complete the professional services in conformance with this SOW, AGENCY must notify AXON in writing of the specific reasons within seven (7) calendar days from delivery of the Acceptance Form. AXON will remedy the issues to conform with this SOW and re-present the Acceptance Form for signature. If AXON does not receive the signed Acceptance Form or written notification of the reasons for rejection within 7 calendar days of the delivery of the Acceptance Form, AGENCY will be deemed to have accepted the services in accordance to this SOW.

Force Majeure

Neither party hereto shall be liable for delays or failure to perform with respect to this SOW due to causes beyond the party's reasonable control and not avoidable by diligence.

Schedule Change

Each party shall notify the other as soon as possible regarding any changes to agreed upon dates and times of Axon Fleet in-car Solution installation-to be performed pursuant of this Statement of Work.

Axon Fleet Deliverables

Typically, within (30) days of receiving this fully executed SOW, an AXON Technical Project Manager will deliver to AGENCY's primary point of contact via electronic media, controlled documentation, guides, instructions and videos followed by available dates for the initial project review and customer readiness validation. Unless otherwise agreed upon by AXON, AGENCY may print and reproduce said documents for use by its employees only.

Security Clearance and Access

Upon AGENCY's request, AXON will provide the AGENCY a list of AXON employees, agents, installers or representatives which require access to the AGENCY's facilities in order to perform Work pursuant of this Statement of Work. AXON will ensure that each employee, agent or representative has been informed or and consented to a criminal background investigation by AGENCY for the purposes of being allowed access to AGENCY's facilities. AGENCY is responsible for providing AXON with all required instructions and documentation accompanying the security background check's requirements.

Training

AXON will provide training applicable to Axon Evidence, Cradlepoint NetCloud Manager and Axon Fleet application in a train-the-trainer style method unless otherwise agreed upon between the AGENCY and AXON.

Local Computer

AGENCY is responsible for providing a mobile data computer (MDC) with the same software, hardware, and configuration that AGENCY personnel will use with the AXON system being installed. AGENCY is responsible for making certain that any and all security settings (port openings, firewall settings, antivirus software, virtual private network, routing, etc.) are made prior to the installation, configuration and testing of the aforementioned deliverables.

Network

AGENCY is responsible for making certain that any and all network(s) route traffic to appropriate endpoints and AXON is not liable for network breach, data interception, or loss of data due to misconfigured firewall settings or virus infection, except to the extent that such virus or infection is caused, in whole or in part, by defects in the deliverables.

Cradlepoint Router

When applicable, AGENCY must provide AXON Installers with temporary administrative access to Cradlepoint's NetCloud Manager to the extent necessary to perform Work pursuant of this Statement of Work.

Evidence.com

AGENCY must provide AXON Installers with temporary administrative access to Axon Evidence.com to the extent necessary to perform Work pursuant of this SOW.

Wireless Upload System

If purchased by the AGENCY, on such dates and times mutually agreed upon by the parties, AXON will install and configure into AGENCY's existing network a wireless network infrastructure as identified in the AGENCY's binding quote based on conditions of the sale.

VEHICLE INSTALLATION

Preparedness

On such dates and times mutually agreed upon by the parties, the AGENCY will deliver all vehicles to an AXON Installer less weapons and items of evidence. Vehicle(s) will be deemed 'out of service' to the extent necessary to perform Work pursuant of this SOW.

Existing Mobile Video Camera System Removal

On such dates and times mutually agreed upon by the parties, the AGENCY will deliver all vehicles to an AXON Installer which will remove from said vehicles all components of the existing mobile video camera system unless otherwise agreed upon by the AGENCY.

Major components will be salvaged by the AXON Installer for auction by the AGENCY. Wires and cables are not considered expendable and will not be salvaged. Salvaged components will be placed in a designated area by the AGENCY within close proximity of the vehicle in an accessible work space.

Prior to removing the existing mobile video camera systems, it is both the responsibility of the AGENCY and the AXON Installer to test the vehicle's systems' operation to identify and operate, documenting any existing component or system failures and in detail, identify which components of the existing mobile video camera system will be removed by the AXON Installer.

In-Car Hardware/Software Delivery and Installation

On such dates and times mutually agreed upon by the parties, the AGENCY will deliver all vehicles to an AXON Installer, who will install and configure in each vehicle in accordance with the specifications detailed in the system's installation manual and its relevant addendum(s). Applicable in-car hardware will be installed and configured as defined and validated by the AGENCY during the pre-deployment discovery process.

If a specified vehicle is unavailable on the date and time agreed upon by the parties, AGENCY will provide a similar vehicle for the installation process. Delays due to a vehicle, or substitute vehicle, not being available at agreed upon dates and times may result in additional fees to the AGENCY. If the AXON Installer determines that a vehicle is not properly prepared for installation ("Not Fleet Ready"), such as a battery not being properly charged or properly up-fit for in-service, field operations, the issue shall be reported immediately to the AGENCY for resolution and a date and time for the future installation shall be agreed upon by the parties.

Upon completion of installation and configuration, AXON will systematically test all installed and configured in-car hardware and software to ensure that ALL functions of the hardware and software are fully operational and that any deficiencies are corrected unless otherwise agreed upon by the AGENCY, installation, configuration, test and the correct of any deficiencies will be completed in each vehicle accepted for installation.

Prior to installing the Axon Fleet camera systems, it is both the responsibility of the AGENCY and the AXON Installer to test the vehicle's existing systems' operation to identify, document any existing component or vehicle systems' failures. Prior to any vehicle up-fitting the AXON Installer will introduce the system's components, basic functions, integrations and systems overview along with reference to AXON approved, AGENCY manuals, guides, portals and videos. It is both the responsibility of the AGENCY and the AXON Installer to agree on placement of each component, the antenna(s), integration recording trigger sources and customer preferred power, ground and ignition sources prior to permanent or temporary installation of an Axon Fleet camera solution in each vehicle type. Agreed placement will be documented by the AXON Installer.

AXON welcomes up to 5 persons per system operation training session per day, and unless otherwise agreed upon by the AGENCY, the first vehicle will be used for an installation training demonstration. The second vehicle will be used for an assisted installation training demonstration. The installation training session is customary to any AXON Fleet installation service regardless of who performs the continued Axon Fleet system installations.

The customary training session does not 'certify' a non-AXON Installer, customer-employed Installer or customer 3rd party Installer, since the AXON Fleet products does not offer an Installer certification program. Any work performed by non-AXON Installer, customer-employed Installer or customer 3rd party Installer is not warranted by AXON, and AXON is not liable for any damage to the vehicle and its existing systems and AXON Fleet hardware.

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: November 6, 2023

PLACEMENT: Action Item

ITEM TITLE: John & Amanda Thompson, Property Owners of W172 N10981 Division Road. Conditional Use Permit application to allow "raising chickens for family consumption" on the property pursuant to Sections 9.11 and 17.15(2)(b) of the Village Zoning Code.

SUBMITTED BY: Jeff Retzlaff, Community Dev. Director

SUMMARY EXPLANATION:

John & Amanda Thompson, property owners of a 2-acre residential parcel located at W172 N10981 Division Road are requesting approval of a Conditional Use Permit (CUP) application to allow them to raise poultry on their property in an Rs-2: Single-Family Residential Zoning District. The Thompson's intend to raise up to ten (10) chickens (no roosters) for eggs and family consumption purposes (not commercial sale). Highlights of the proposal include:

- 10 chickens (no roosters)
- 8' x 8' chicken coop within a 900 sqft fenced "free range" chicken run located in the rear yard
- "Deep litter" composting of waste for re-use on site for gardening purposes
- Use of odor-reducing bedding, neutralizers and regular cleaning

The coop will be located in the rear yard (west side of the dwelling) a minimum of 50' from the residential dwelling and a minimum of 100' from all adjoining property lines (required under 9.11 of the Village Code; Section 9: Public Peace and Good Order).

ATTACHMENT:

1. Thompson Chicken-CUP-11-6-23
2. PC Minutes 10-9-23 Thompson CUP
3. Thompson CUP 10-9-23

RECOMMENDATION:

PLAN COMMISSION RECOMMENDATION:

APPROVE a conditional use permit for John & Amanda Thompson to allow the "raising of poultry for family consumption only" on their property located at W172 N10981 Division Road subject to (3) conditions *[contained in the draft CUP ordinance]*

ACTION BY Committee:

CUP # xx-2023

Document No.

CONDITIONAL USE PERMIT

Document Title

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

Whereas the Applicants:

John & Amanda Thompson, Property Owners

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

Now, therefore, this permit is issued to allow the raising of poultry for family consumption from the property located at W172 N10981 Division Road pursuant to Section 17.15(2)(b) and 9.11 of the Village Zoning Code.

Name & Return Address:

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

Parcel Identification No:

GTNV 281-989

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

Part of the Southeast Northeast Section 28, Township 9 North, Range 20 East, a 2.25 acre parcel in the Village of Germantown, Washington County, Wisconsin.

Tax Key No: 281-989

Address: W172 N10981 Division Road

Pursuant to the following condition(s):

1. The uses and activities allowed on the property shall be limited to those uses and activities and relative locations specified in the conditional use permit application (CUP) and supporting materials dated September 11, 2023. The physical facilities for which said uses and activities are permitted include the proposed 8'x8' enclosed coop and 900 sqft fenced, free-range chicken run.
2. The building used to house the animals, i.e. the 8' x 8' enclosed coop, shall be located not less than 50' from the nearest residential dwelling and a minimum of 100' from all property lines.
3. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein or other applicable Municipal Code provisions including Section 9.11, or, where there is a change in the nature, character, intensity or extent of the permitted conditional uses and activities which cause special problems or harmful effects associated with the permitted uses and activities that were not revealed or anticipated at the time this CUP was granted, or, where conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin
on the _____ day of _____, 2023.

Dean Wolter, Village President

ATTEST:

Donna S. Cox, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)
Personally came before me this _____ day of _____, 2023, the above
named Dean Wolter, Village President, and Donna S. Cox, Village Clerk, to me known to be
the persons who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

As property owners, John & Amanda Thompson, We hereby accept the terms and conditions set forth in this Permit and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2023

John Thompson, Property Owner

Amanda Thompson, Property Owner

STATE OF WISCONSIN) SS
_____ COUNTY)

Personally came before me this _____ day of _____, 2023, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

This instrument was drafted by:
Jeffrey W. Retzlaff, AICP
Community Development Director/Zoning Administrator
Village of Germantown, Wisconsin

within the last five years. He indicated it would be hard to come to a conclusion tonight without rewriting the code as we go and he doesn't want to do that because it would put both the Village and the owner in a precarious situation. He is not in favor of starting to pull the conditions away and would rather take a more measured approach to see what we have available for information and talk to the Village Attorney to look if part of the impervious parking can remain and see if some other type of access to the back gravel area is available. Director Retzlaff commented the operator is asking the Village to change its rules to accommodate the operator who is in a bind created by themselves and the owner who hasn't given anything. There should be some giving on all parts including the property owner and not just the Village when the owner isn't doing anything to keep the business.

MOTION to Amend Failed unanimously.

MOTION Baum second Shadid to **Table** until additional information can be brought forward on the wetlands, grading, the possibility of changing the driveway or how we can provide additional access to the back parking through an impervious method, options for it, drawings, ideas so Plan Commission can look to see if it's something that can be worked with within the code.

MOTION to Table carried unanimously.

- B. **John & Amanda Thompson**, Property Owners of W172 N10981 Division Road. Conditional Use Permit application to allow "raising chickens for family consumption" on the property pursuant to Sections 9.11 and 17.15(2)(b) of the Village Zoning Code. **(PUBLIC HEARING & ACTION)**

Chairman Wolter called a 3 minute recess: 8:14 pm

Chairman Wolter called the meeting back to order at 8:20 pm

Director Retzlaff summarized the proposal.

Public Hearing was opened at 8:24 pm.

Public hearing closed at 8:25 pm.

MOTION Baum second Williams to Approve a Conditional Use Permit for John & Amanda Thompson to allow the "raising of poultry for family consumption only" on their property located at W172 N10981 Division Road subject to the following conditions:

1. The uses and activities allowed on the property shall be limited to those uses and activities and relative locations specified in the conditional use permit application (CUP) and supporting materials dated September 11, 2023. The physical facilities for which said uses and activities are permitted include the proposed 8'x8' enclosed coop and 900 sqft fenced, free-range chicken run.
2. The building used to house the animals, i.e. the 8' x 8' enclosed coop, shall be located not less than 50' from the nearest residential dwelling and a minimum of 100' from all property lines.
3. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein or other applicable Municipal Code provisions including Section 9.11, or, where there is a change in the nature, character, intensity or extent of the permitted conditional uses and activities which cause special problems or harmful effects associated with the permitted uses and activities that were not revealed or

anticipated at the time this CUP was granted, or, where conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.

Discussion followed.

MOTION carried unanimously.

- C. James Weber, Agent for The Elite Soccer Academy LLC and Techplex LLC, Property Owner of N115 W19150 Edison Drive. Sign Permit and Conditional Use Permit applications for an "Indoor Health or Recreation Establishment" pursuant to Section 17.33(3)(h) and Section 17.29(1)(kk) of the Village Zoning Code. **(PUBLIC HEARING & ACTION)**

Director Retzlaff summarized the proposal.

Public hearing opened: 8:32

- Vernon Seymour, N115 W18970 Edison Drive, comments read into the record, he was concerned with the amount of additional traffic that could be generated.

Public hearing closed: 8:35

MOTION Baum second Tarantino to Approve the Conditional Use Permit for the operation of The Elite Soccer Academy, an indoor health, fitness, and performance training facility in the existing building located at N115 W19150 Edison Drive in the Germantown Industrial Park subject to the following conditions:

1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated August 8, 2023 and in the supporting documents made part of the application on file with the Village. All the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.
3. All interior building modifications and/or site improvements require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Detailed plans for any interior or exterior improvements, including the addition of paved parking, shall be submitted to the Community Development Department as part of a Zoning Permit and/or building permit application.
4. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.
5. The owner/operator shall coordinate with the Fire Department and Inspection

CONDITIONAL USE PERMIT APPLICATION

10/9/23 Plan Commission Meeting

John & Amanda Thompson

Village Planner Report

Germantown, Wisconsin

Summary

John & Amanda Thompson, property owners of a 2-acre residential parcel located at W172 N10981 Division Road are requesting approval of a Conditional Use Permit (CUP) to allow the “raising of poultry for family consumption” on their property in an Rs-2: Single-Family Residential Zoning District.

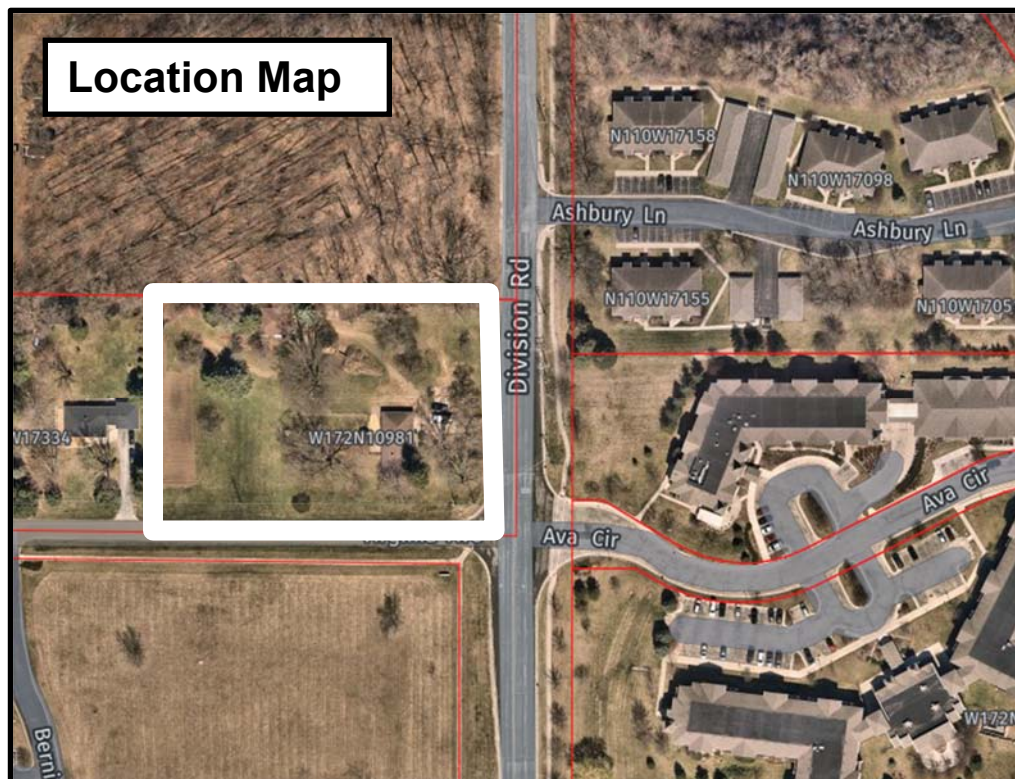
Location: W172 N10981 Division Road

Applicant/

Property Owner: John & Amanda Thompson
W172 N10981 Division Road
Germantown, WI

Current Zoning: Rs-2: Single-Family

Adjacent Land Uses		Zoning
North	Residential	Rs-1
South	Residential/Virginia Highlands	EH: Elderly Housing
East	Residential/Gables of Germantown	Rm-1/PDD
West	Residential	Rs-2/Rs-4



Proposal

John & Amanda Thompson, property owners of a 2-acre residential parcel located at W172 N10981 Division Road are requesting approval of a Conditional Use Permit (CUP) to allow the “raising of poultry for family consumption” on their property in an Rs-2: Single-Family Residential Zoning District.

As presented in the application and supporting documentation, the Thompson’s intend to raise up to ten (10) poultry (chickens) for egg by-products and family consumption (not commercial sale). Highlights of the proposal include:

- <10 chickens (no roosters)
- Construction of a small 8’x8’ chicken coop with a 900 sqft fenced “free range” chicken run placed in the rear yard (see enclosed diagrams)
- “Deep litter” composting of waste for re-use on site for gardening purposes
- Use of odor-reducing bedding, neutralizers and regular cleaning

The coop will be located in the rear yard (west side of the dwelling) a min. of 50’ from the residential dwelling. building and a min. of 100’ from all property lines (required under 9.11 of the Village Code; Section 9: Public Peace and Good Order).

Staff Comments

The Rs-2 Zoning District specifically provides for the “...raising of poultry, fowl, animals or fish for meat or by-products for family consumption only” with a conditional use permit. This allowance has been interpreted to mean for non-commercial purposes. Which is not to say eggs and/or the chickens themselves cannot be sold on an occasional basis. If retail sales occur and evolve into an amount and/or on a regular basis that has the effect of changing the character of the property, the Village may require review of the CUP for enforcement action, revised conditions of approval, and/or revocation.

Section 9.11(3.1) of the Municipal Code requires that the animals be contained within a fence consistent with Chapter 90, Wis. Stats. Also, Section 9.11(4) requires that the building used to house the animals, i.e. the 8’x 8’ enclosed coop, be located not less than 50’ from the nearest residential dwelling and a minimum of 100’ from all property lines.

Mandatory Premises Registration in Wisconsin. Anyone who owns and houses livestock in Wisconsin is legally required to register their premises with Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). This applies whether you own one or one hundred birds (primarily for purposes of disseminating information about up-to-date animal-related illnesses or disease concerns). The owner should contact DATCP to discuss the registration requirements.

VILLAGE STAFF RECOMMENDATION

APPROVE a conditional use permit for John & Amanda Thompson to allow the “raising of poultry for family consumption only” on their property located at W172 N10981 Division Road subject to the following conditions:

1. The uses and activities allowed on the property shall be limited to those uses and activities and relative locations specified in the conditional use permit application (CUP) and supporting materials dated September 11, 2023. The physical facilities for which said uses and activities are permitted include the proposed 8’x8’ enclosed coop and 900 sqft fenced, free-range chicken run.
2. The building used to house the animals, i.e. the 8’ x 8’ enclosed coop, shall be located not less than 50’ from the nearest residential dwelling and a minimum of 100’ from all property lines.
3. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein or other applicable Municipal Code provisions including Section 9.11, or, where there is a change in the nature, character, intensity or extent of the permitted conditional uses and activities which cause special problems or harmful effects associated with the permitted uses and activities that were not revealed or anticipated at the time this CUP was granted, or, where conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.



Village of

Germantown
Willkommen

Fee must accompany application

☐ \$1460 Paid _____ Date _____

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

JOHN THOMPSON

Phone (414) 748-0516

Fax ()

E-Mail JTHOMPSON4862@ICLOUD.COM

PROPERTY OWNER

JOHN + AMANDA THOMPSON

Phone (414) 748-0516

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

JOHN THOMPSON

3 PROPERTY ADDRESS

W172 N10981 DIVISION RD

TAX KEY NUMBER

G.T.N.V.-281989

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.

RS-2 SINGLE FAMILY RESIDENTIAL DISTRICT

5 DESCRIPTION OF PROPOSED OPERATION

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

17.15(Z)(b) RAISING OF POULTRY, FOWL, ANIMALS OR FISH.

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

SEE ATTACHED

6 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

Attach pages as necessary

SEE ATTACHED 17.15 SINGLE FAMILY RESIDENTIAL DISTRICT.

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:

[Signature] 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.

[Signature] 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.

[Signature] 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.

[Signature] 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.

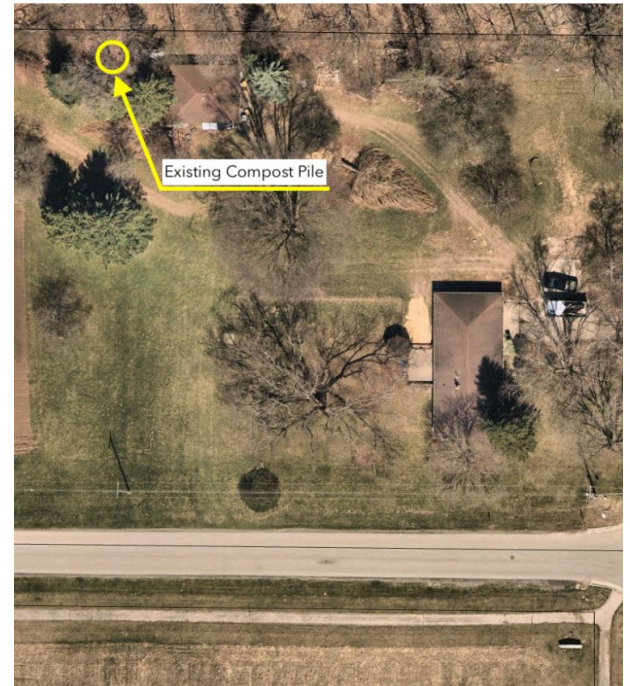
9 SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

[Signature] _____ 09/11/23
Applicant Date

[Signature] _____ 09/11/23
Owner Date

Proposed Operation

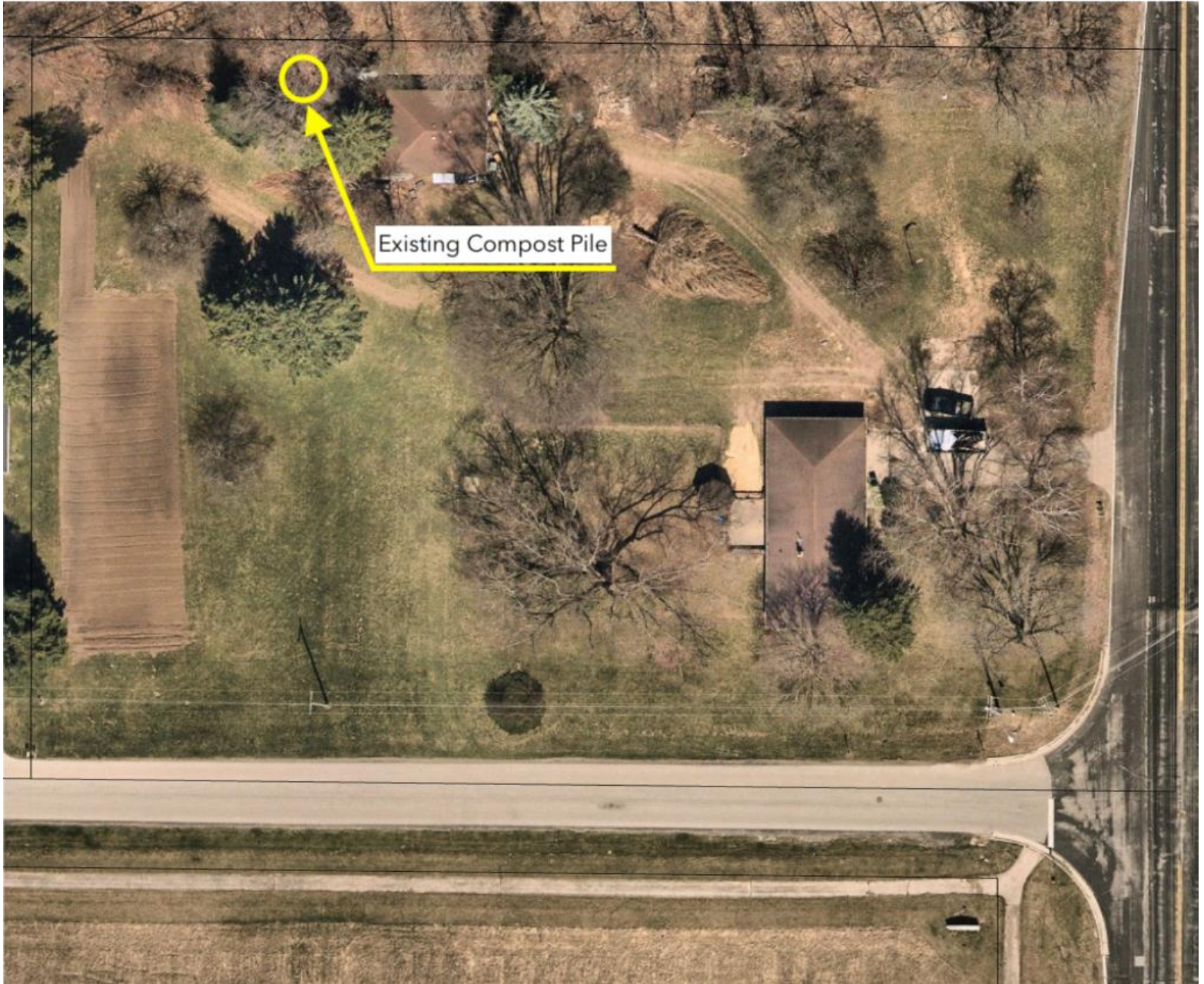
Raising of Poultry



Conditional Use Proposal

The proposed conditional use permit would apply to no more than 10 head of poultry to be raised for egg byproducts within the 2.5 acres property of W172N10981 Division Rd in Germantown Wisconsin. Following any conditions imposed by the village of Germantown homeowners intend to raise an 8 x 8 mobile chicken coop to be place no less than 50 feet from the rear of the home and enclosed in a 900 square-foot temporary chicken fence area (See Drawing 1). Manure management will be achieved by the deep litter method, whereas manure is composted into wood shavings and then moved to a composting pile for later use in a garden area See Drawing 2). The deep litter method produces little to no smell and is a proven method of manure management in the backyard chicken community.





17.15 Rs-2 SINGLE-FAMILY RESIDENTIAL DISTRICT.

The Rs-2 Residential District is intended to provide for single-family residential development in predominantly rural areas not served by municipal sewer and water facilities where historic development patterns make impractical the use of the Rs-1 District regulations, and at densities not to exceed 0.5 dwelling unit per net acre.

(1) PERMITTED USES.

- (a) Single-family dwellings with attached or detached garages.
- (b) Home occupations and professional home offices.
- (c) Yard and gardening equipment storage structures.

(2) CONDITIONAL USES. See section 17.42 of this chapter. 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. (Am. Ord. #34-89)
- (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. (Cr. Ord. #1-91)
- (j) Bed and breakfast establishments. Conditional uses enumerated in Rs-1 District. (Cr. Ord. #4-97)

(2a) TEMPORARY USES. (Cr. Ord. #32-91)

- (a) Real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure.

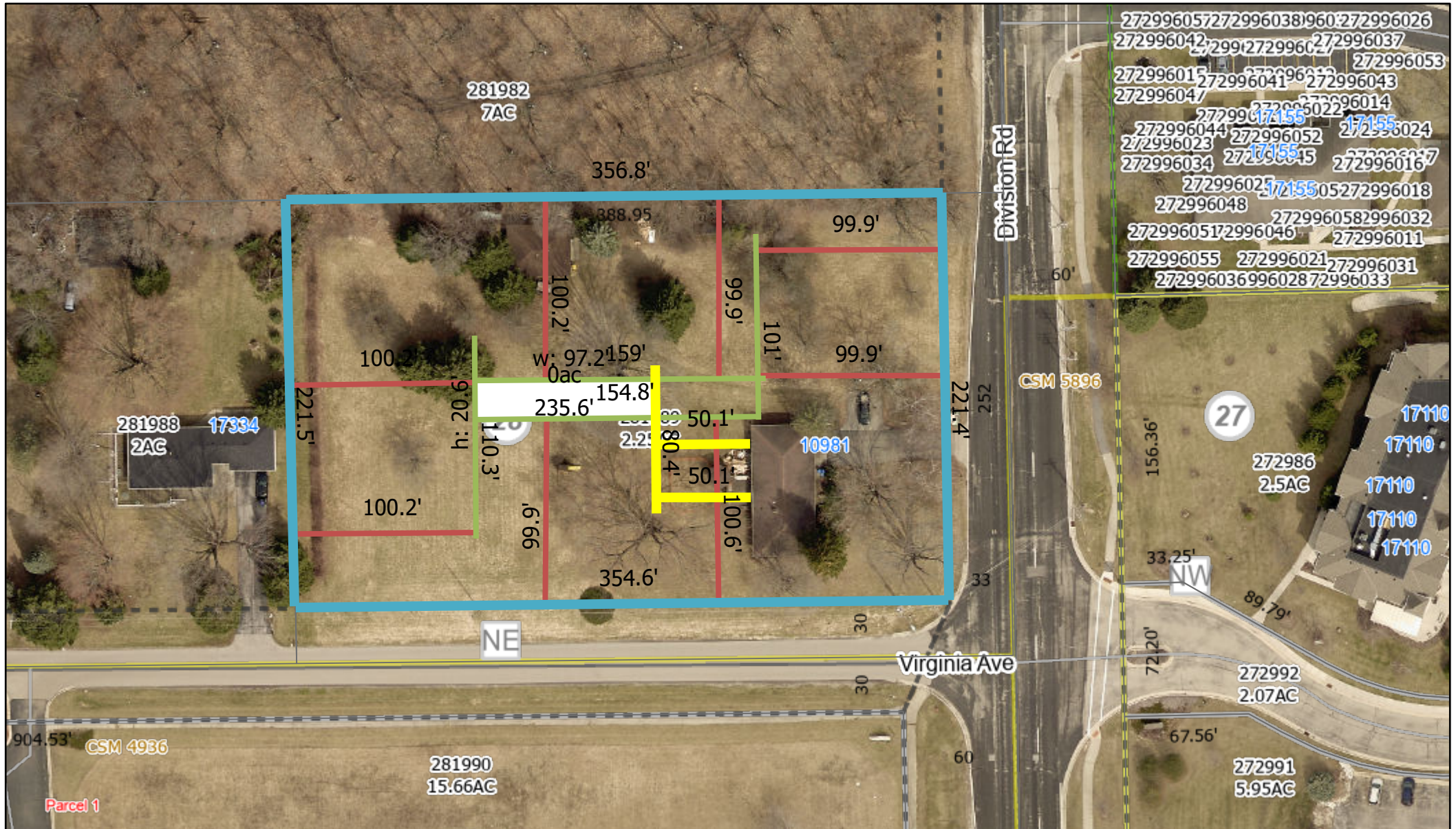
(3) LOT, YARD AND BUILDING REQUIREMENTS. (Am. Ord. #22-03)

Lot frontage at setback	Minimum 220 ft.
*Lot area	Minimum 2 acres
Principal building:	
Front yard	Minimum 45 ft.
Side yards	Minimum 25 ft.
Rear yard	Minimum 35 ft.
Accessory buildings:	
Front yard	Minimum 45 ft.
**Side yards	25 ft. (except if accessory building is located in the rear yard, then 5 ft. side yard setback is required - See section 17.41)
**Rear yard	Minimum 5 ft.
Building height	Maximum 35 ft.
Number of stories	Maximum 2½
Percent of lot coverage	Maximum 6%
Minimum dwelling size, excluding garage:	
1 bedroom	1,200 sq. ft.
2 bedrooms	1,300 sq. ft.
3 bedrooms	1,500 sq. ft.
4 bedrooms	1,700 sq. ft.
Minimum ground perimeter area	1,200 sq. ft.
Off-street parking	Minimum 2 spaces, both of which are in a garage. See also section 17.45 of this chapter.

*When lands in the S-W, FW or FF District lie adjacent to lands in the Rs-2 District and under the same ownership, up to 40% of such lands may be used to meet lot area requirements.

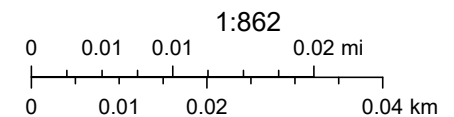
**Except 50 feet for any accessory building housing a stable, kennel or building where livestock or poultry are kept.

Washington County, Wisconsin



10/2/2023, 9:07:45 PM

- | | | | | | | | |
|--|---|-------------------------|---|----------------------|---|--------------|---|
|  | Current Parcel | Condominium Name |  | PLSS Quarter |  | Condominium | Local Road Labels |
|  | Address Point | Parcel Taxkey & Acreage |  | Lot |  | Right-of-Way |  Local Road |
| Lot Number |  | PLSS Boundary | Plat | |  | Municipality |  Named Private Drive |
| Certified Survey Number |  | PLSS Section |  | Certified Survey Map | | | |



BUSINESS OF THE VILLAGE BOARD

MEETING DATE: November 6, 2023

PLACEMENT: Action Item

ITEM TITLE: James Weber, Agent for The Elite Soccer Academy LLC and Techplex LLC, Property Owner of N115 W19150 Edison Drive. Conditional Use Permit application for an "Indoor Health or Recreation Establishment" pursuant to Section 17.33(3)(h) and Section 17.29(1)(kk) of the Village Zoning Code.

SUBMITTED BY: Jeff Retzlaff, Community Dev. Director

SUMMARY EXPLANATION:

James Weber, agent for The Elite Soccer Academy LLC, and Techplex LLC, property owner, is seeking a Conditional Use Permit to operate an indoor health, fitness and performance training facility in the building located at N115 W19150 Edison Drive in the Germantown Industrial Park. Weber, Director of Coaching for SC Wave Germantown, SC Wave Washington County, and Head Coach of FC Milwaukee Torrent, played for the Germantown Soccer Club when he was a kid and went on to play professionally for several years in Europe and in America. He is a published author and successful soccer coach who wants to use this facility to give back to the community.

As discussed in the application materials, The Elite Soccer Academy will occupy approximately 6,000 sqft of existing warehouse space for a training facility/gym for use by local athletes. The hand-drawn floor plan of the interior space shows bathrooms, office, and open, indoor turf areas within the facility. Hours of operation are proposed to be Sunday through Saturday, 9:00am to 9:00pm. The number of employees is expected to be only 1 employee. No interior or exterior improvements are proposed. Parking for The Elite Soccer Academy will be provided primarily on the east side of the industrial building owned by Techplex building in the Germantown Industrial Park.

Although health, fitness and performance facilities are not specifically listed as a permitted use in the M-1: Limited Industrial Zoning District, the use can be allowed in the M-1 District with a conditional use permit. As set forth in the Zoning Code, the list of CUP uses that may be allowed in the M-1 District includes ***“Commercial activities allowed in the B-2 Community Business District when the Plan Commission finds that the activity directly supports the businesses in the Industrial Park and can be integrated into an overall plan...”*** [see Section 17.33(3)(h)]. “Indoor health and recreation establishments” are a permitted use in the B-2 District under Section 17.29(1)(kk) and like many other uses that have been allowed in the M-1 District, including but not limited to martial arts training, children daycare centers, and dog-related training establishments such as the Redline Canine Training Center & Behavioral Consultation right next door.

ATTACHMENT:

1. Elite Soccer-CUP-11-6-23

2. PC Minutes 10-9-23 Elite Soccer CUP
3. FINAL PDF Elite Soccer CUP 11-6-23

RECOMMENDATION:

PLAN COMMISSION RECOMMENDATION:

APPROVE a conditional use permit for the operation of The Elite Soccer Academy, an indoor health, fitness, and performance training facility in the existing building located at N115 W19150 Edison Drive in the Germantown Industrial Park subject to (6) conditions *[contained in the draft CUP ordinance]*

ACTION BY Committee:

CUP # xx-2023 Document No.	CONDITIONAL USE PERMIT Document Title
VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN CONDITIONAL USE ZONING PERMIT	
Whereas the Applicants: James Weber, agent for The Elite Soccer Academy LLC, and for Techplex LLC, Property Owner agree to comply with applicable Codes and Ordinances of the Village of Germantown, Wisconsin, and further agrees that all work done pursuant to the permission granted herewith will conform with the applications and drawings filed with and approvals granted by officials of the Village for the purpose of obtaining this permit. Now, therefore, this permit is issued to allow the operation of an indoor health, fitness and performance training facility from the property located at N115 W19150 Edison Drive pursuant to Section 17.33(3)(h) and 17.29(1)(kk) of the Village Zoning Code.	
Name & Return Address: Village of Germantown P.O. Box 337 Germantown, WI 53022	
Parcel Identification No: GTNV 204-959	

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

Lot 3 of Certified Survey Map (CSM) 1825, a 1.579 acre parcel in Section 20, Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

Tax Key No: 204-959

Address: N115 W19150 Edison Drive

Pursuant to the following condition(s):

1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated August 8, 2023 and in the supporting documents made part of the application on file with the Village. All the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.
3. All interior building modifications and/or site improvements require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Detailed plans for any interior or exterior improvements, including the addition of paved parking, shall be submitted to the Community

Conditional Use Permit (CUP)

James Weber, Agent for The Elite Soccer Academy LLC and Techplex LLC, Property Owner

Page 2 of 4

- Development Department as part of a Zoning Permit and/or building permit application.
4. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.
 5. The owner/operator shall coordinate with the Fire Department and Inspection Services to determine the applicable occupancy type/classification and maximum occupancy for the occupied space. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.
 6. Any additional signage, including temporary signs, requires a permit from the Community Development Department.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin on the ____ day of _____, 2023.

Dean Wolter, Village President

ATTEST:

Donna S. Cox, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this ____ day of _____, 2023, the above named Dean Wolter, Village President, and Donna S. Cox, Village Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin

My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY OPERATOR

As the business owner/operator, James Weber, The Elite Soccer Academy LLC, I hereby accept the terms and conditions set forth in this Permit and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2023

James Weber, Agent for The Elite Soccer Academy LLC

STATE OF WISCONSIN) SS
_____ COUNTY)

Personally came before me this _____ day of _____, 2023, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

As property owner, Techplex LLC, I hereby accept the terms and conditions set forth in this Permit and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this ____ day of _____, 2023

Agent for Techplex LLC, Property Owner

STATE OF WISCONSIN) SS
_____ COUNTY)

Personally came before me this _____ day of _____, 2023, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

This instrument was drafted by:
Jeffrey W. Retzlaff, AICP
Community Development Director/Zoning Administrator
Village of Germantown, Wisconsin

anticipated at the time this CUP was granted, or, where conditions imposed by this CUP that were anticipated to mitigate or eliminate harmful effects associated with the uses and activities but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, this conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.

Discussion followed.

MOTION carried unanimously.

- C. **James Weber, Agent for The Elite Soccer Academy LLC** and Techplex LLC, Property Owner of N115 W19150 Edison Drive. Sign Permit and Conditional Use Permit applications for an "Indoor Health or Recreation Establishment" pursuant to Section 17.33(3)(h) and Section 17.29(1)(kk) of the Village Zoning Code. **(PUBLIC HEARING & ACTION)**

Director Retzlaff summarized the proposal.

Public hearing opened: 8:32

- Vernon Seymour, N115 W18970 Edison Drive, comments read into the record, he was concerned with the amount of additional traffic that could be generated.

Public hearing closed: 8:35

MOTION Baum second Tarantino to Approve the Conditional Use Permit for the operation of The Elite Soccer Academy, an indoor health, fitness, and performance training facility in the existing building located at N115 W19150 Edison Drive in the Germantown Industrial Park subject to the following conditions:

1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated August 8, 2023 and in the supporting documents made part of the application on file with the Village. All the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.
3. All interior building modifications and/or site improvements require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Detailed plans for any interior or exterior improvements, including the addition of paved parking, shall be submitted to the Community Development Department as part of a Zoning Permit and/or building permit application.
4. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.
5. The owner/operator shall coordinate with the Fire Department and Inspection

Services to determine the applicable occupancy type/classification and maximum occupancy for the occupied space. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.

6. Any additional signage, including temporary signs, requires a permit from the Community Development Department.

MOTION carried unanimously.

MOTION Baum second Shadid to Approve the proposed wall sign for The Elite Soccer Academy on the building located at N115 W19150 Edison Drive in the Germantown Industrial Park subject to the following conditions:

1. Electrical permits shall be obtained from Inspection Services prior to installation of any/all electrical components.

MOTION carried unanimously.

D. Stephen and Danielle Cholewa, Property Owners of W166 N10577 Surrey Drive. Zoning Permit to install a 6-foot fence in a front yard and drainage easement. **(ACTION; continued from 9-11-23)**

Director Retzlaff reviewed the proposal. Property owner Stephen Cholewa explained where he is proposing to locate the fence.

MOTION Baum second Tarantino to Approve the zoning permit application to install a 6' wood privacy fence in the Old Farm Road front/street yard and in the 12' wide public drainage easement along the southwest property line of the Cholewa property located at W166 N10577 Surrey Drive subject to the following conditions:

1. The fence shall be setback a minimum of two (2) feet from the property line along Old Farm Road

2. It shall be the responsibility of the homeowner to always maintain a free flow of water within the private drainage easement.

3. If the fence needs to be removed to make improvements and/or conduct maintenance within the drainage easement, the property owner shall be responsible for removing the fence to the extent necessary within three (3) days of being notified by the Village of Germantown. If not removed within three days, the Village may remove the fence at its discretion and charge back any/all costs of doing so to the property owner. The property owner shall be responsible for any/all costs associated with any damage, removal, or re-installation of said fence.

4. A fence permit is required from Inspection Services prior to installation. Contact SAFEBuilt for more information.

5. The conditions of this approval shall be recorded with the Washington County Register of Deeds.

Discussion followed on the location of the fence. Trustee Baum was concerned there is not a good site line looking west when backing out of the garage and if the fence was closer to the house he would have less problems with that. Mr. Cholewa said he would lose 2,000 square feet of grass if he did that and that he would be able to see when backing out of the driveway. Commissioner Williams stated he was not a proponent of 6 foot fences in a front yard and the property owner could still accomplish his reasons for a 6 foot by cutting the fence at the corners of the home. Chairman

CONDITIONAL USE & SIGN PERMIT APPLICATIONS

10/9/23 Plan Commission Meeting

James Weber / The Elite Soccer Academy LLC

Village Planner Report

Germantown, Wisconsin

Summary

James Weber, agent for The Elite Soccer Academy LLC, and Techplex LLC, property owner, is seeking a Conditional Use Permit for an indoor health, fitness and performance training facility in the building located at N115 W19150 Edison Drive in the Germantown Industrial Park.

Property Location: N115 W19150 Edison Drive

Applicant/

Property Owner:

James Weber

8826 Ravenswood Circle

Wauwatosa, WI

Techplex LLC

N115 W19150 Edison Drive

Germantown, WI

Current Zoning: M-1: Limited Industrial District

Adjacent Land Uses		Zoning
North	Industrial	M-1
South	Industrial	M-1
East	Industrial	M-1
West	Industrial	M-1



Proposal

James Weber, agent for The Elite Soccer Academy LLC, and Techplex LLC, property owner, is seeking a Conditional Use Permit for an indoor health, fitness and performance training facility in the building located at N115 W19150 Edison Drive in the Germantown Industrial Park.

James Weber, Director of Coaching for SC Wave Germantown, SC Wave Washington County, and Head Coach of FC Milwaukee Torrent, played for the Germantown Soccer Club when he was a kid and went on to play professionally for several years in Europe and in America. He is a published author and successful soccer coach who wants to use this facility to give back to the community.

As discussed in the application materials, The Elite Soccer Academy will occupy approximately 6,000 sqft of existing warehouse space for a training facility/gym for use by local athletes. The hand-drawn floor plan of the interior space shows bathrooms, office, and open, indoor turf areas within the facility.

Hours of operation are proposed to be Sunday through Saturday, 9:00am to 9:00pm. The number of employees is expected to be only 1 employee. No interior or exterior improvements are proposed. Parking for The Elite Soccer Academy will be provided primarily on the east side of the building (18-20 stalls as shown in the attached aerial photo) adjacent to the primary access/entrance served by an existing paved area. Additional parking will be available in front of and on the west side of the building.

Wall Sign

- 10" x 34" (2.5 square feet) wall-mounted, neon "TESA" ("The Elite Soccer Academy") sign will be installed above the east building entrance into the facility.

Staff Comments

Although "health, fitness and performance facilities" are not specifically listed as a permitted use in the M-1: Limited Industrial Zoning District, the use could be allowed in the M-1 District with a conditional use permit. As set forth in the Zoning Code, the list of CUP uses that may be allowed in the M-1 District includes ***"Commercial activities allowed in the B-2 Community Business District when the Plan Commission finds that the activity directly supports the businesses in the Industrial Park and can be integrated into an overall plan..."*** [see Section 17.33(3)(h)]. "Indoor health and recreation establishments" are a permitted use in the B-2 District under Section 17.29(1)(kk) and like many other uses that have been allowed in the M-1 District, including but not limited to martial arts training, children daycare centers, and dog-related training establishments such as the Redline Canine Training Center & Behavioral Consultation right next door.

As a matter of procedure, the PC needs to consider and determine if the proposed use is the type of business or activity is like and compatible with other uses in the Industrial Park.

The Fire Department & Inspection Services have commented on the limited number of exits from the proposed facility. As shown in the floor plan, the interior area is served by a primary entrance/exit on the east side of the building and an exit on the northwest corner of the space. However, this second exit opens into the secured fenced enclosure containing the 200' communications tower and equipment. Unless modified to provide a commercial building & fire-safety code compliant exit, the proposed interior space does not provide adequate exits for an "assembly" occupancy classification (where it might for "low-hazard storage" occupancy). Consequently, the property owner and soccer academy operator need to discuss applicable code requirements with Fire Department and Inspection Services staff and, if necessary, provide the minimum exiting and other fire-safety measures for the facility prior to issuing an occupancy permit and occupying the space.

Finally, the property owner has indicated that, if needed, an additional 5-10 paved parking stalls can be installed on the northeast corner of the property. At a minimum, a Zoning Permit will be required prior to making any site improvements including additional paved parking stalls.

VILLAGE STAFF RECOMMENDATIONS

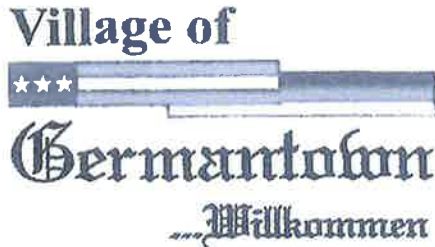
APPROVE a conditional use permit for the operation of The Elite Soccer Academy, an indoor health, fitness, and performance training facility in the existing building located at N115 W19150 Edison Drive in the Germantown Industrial Park subject to the following conditions:

1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated August 8, 2023 and in the supporting documents made part of the application on file with the Village. All the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.
3. All interior building modifications and/or site improvements require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling. Detailed plans for any interior or exterior improvements, including the addition of paved parking, shall be submitted to the Community Development Department as part of a Zoning Permit and/or building permit application.

-
4. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing operations.
 5. The owner/operator shall coordinate with the Fire Department and Inspection Services to determine the applicable occupancy type/classification and maximum occupancy for the occupied space. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.
 6. Any additional signage, including temporary signs, requires a permit from the Community Development Department.

APPROVE the proposed wall sign for The Elite Soccer Academy on the building located at N115 W19150 Edison Drive in the Germantown Industrial Park subject to the following conditions:

1. Electrical permits shall be obtained from Inspection Services prior to installation of any/all electrical components.



Fee must accompany application

☒ \$1460

Paid

Date

8/8/23

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

James Weber

The Elite Soccer Academy LLC

8826 Ravenswood Circle

Wauwatosa, WI 53226

Phone (262) 269-4624

Fax ()

E-Mail Jamesgweber99@gmail.com

PROPERTY OWNER

Techplex LLC

N115W19150 Edison Dr.

Germantown, WI 53022

Phone (262) 343-5200

Email: Kjohn@ethoplex.com

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

The Elite Soccer Academy LLC

3 PROPERTY ADDRESS

N11W19150 Edison Dr.
Germantown, WI 53022

TAX KEY NUMBER

GTNV_204959

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.

The 5,922 sq ft of the property that will be used for the Elite Soccer Academy is currently vacant. The owner previously rented out the space for warehouse use. The owner uses the other part of the building for an internet company.

5 DESCRIPTION OF PROPOSED OPERATION

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

Indoor Health or Recreation Establishment, Section 17.33(c)(h) and Section 17.29(1)(kk)

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

The 5,922 sq ft space will be used as a training facility/gym for local athletes who want to develop their game. There are very few spaces in Germantown for athletes to train during the winter, so this facility will allow people to stay healthy and fit during that time. We will operate 9AM until 9PM. There is only 1 employee that is part of the operation currently. No change or alteration to existing structure.

6 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

Attach pages as necessary

Property description from Washington County mapping data: CSM 1825 Parcel 3 PT
N1/2 SE DOC 1470296

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:

 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.

 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.

 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.

 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

08/08/2023
Date


Owner

8/8/23
Date

Lori Johnson

From: Jeff Retzlaff
Sent: Monday, September 25, 2023 3:19 PM
To: Lori Johnson
Subject: FW: Elite Soccer Academy LLC; CUP Application
Attachments: ~WRD0044.jpg

Can you add to the Elite soccer file?
Thanks.

From: Keefe John <kjohn@ethoplex.com>
Sent: Monday, September 25, 2023 1:12 PM
To: Jeff Retzlaff <jretzlaff@germantownwi.gov>
Subject: Re: Elite Soccer Academy LLC; CUP Application

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Do not click links or open attachments unless you recognize the sender and know the content is safe.

Does this look fine for parking or should I just include the current asphalt areas?



Keefe John
CEO
Ethoplex
N115W19150 Edison Dr
Germantown WI 53022
Direct: 262.345.5200

Ethoplex Internet
<http://www.ethoplex.com/>

<https://www.linkedin.com/in/keefejohn/>

On Wed, Sep 20, 2023 at 4:14 PM Jeff Retzlaff <jretzlaff@germantownwi.gov> wrote:

When you say working on getting that restored, do you mean installing more asphalt for parking? As Weber indicated in his last email?

Any additional asphalt or impervious surfaces (including asphalt millings or gravel) is going to require a separate approval; probably not a storm water plan, but given how close this property is to the regional storm basin and the drainage ditch/easement along the back of your property, I know the Village Engineer will be concerned about increasing impervious area in an area where the regional storm basin is already exceeding capacity.

Thanks.

Jeff

From: Keefe John <kjohn@ethoplex.com>
Sent: Wednesday, September 20, 2023 3:58 PM
To: James Weber <jamesgweber99@gmail.com>
Cc: Jeff Retzlaff <jretzlaff@germantownwi.gov>; Justin Brandt <jbrandt@safebuilt.com>; Lori Johnson <ljohnson@germantownwi.gov>; aschmuck@safebuilt.com
Subject: Re: Elite Soccer Academy LLC; CUP Application

**CAUTION: This email originated from outside the organization.
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Jeff,

Previous tenants have parked in the front outlined in his drawing as well as the back of the building to the east of our tower. It has gotten mucked up from the tower construction and ATT /Verizon colocations as well as overgrown but we are working on getting that restored.

Thanks,

Keefe John
CEO
Ethoplex
N115W19150 Edison Dr
Germantown WI 53022
Direct: 262.345.5200

Ethoplex Internet
<http://www.ethoplex.com/>

<https://www.linkedin.com/in/keefejohn/>

On Wed, Sep 20, 2023, 3:44 PM James Weber <jamesgweber99@gmail.com> wrote:

Attached is the site plan using your aerial shot. The black space is being covered in gravel to accommodate more parking. The whole east side of the building will be used for parking. There will be room for 18-20 cars marked by yellow lines. The green outline is the space inside of the building to be used for The Elite Soccer Academy and the interior can be broken down on the image previously provided.

Also attached is the sign application, potential sign image, and photo of the area of signage above the East entry door. Keefe (copied on this email) is the owner of the building and can sign the document and I will work with Lori for payment needed for the sign permit and anything else needed on that front.

As far as my background and affiliation with the local soccer club in germantown and SC Wave, I wasn't sure how much information I should put on the CUP application as I have never done one before this. It is a new process for me so I apologize for my ignorance. But yes, the facility will be huge for the Germantown community as the village's own soccer club will be using it for winter training and allows our youth to stay active during our winter months.

I played for Germantown Soccer Club when I was a kid and went on to play professionally for several years in Europe and here in America, along with going on to be a published author and successful soccer coach, and using this facility I want to give back to the community that helped make that all possible for me. I do think that would be a great story for Germantown to promote, and of course the facility could use the promotion as well in any way possible from the village. Whatever else is needed from me to help the process, please let me know. I'm looking forward to it!

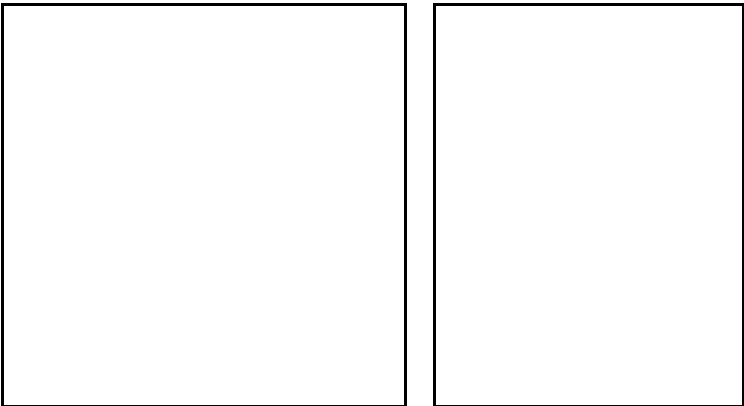
Thank you,

James Weber, MBA

Director of Coaching SC Wave Germantown

Director of Coaching SC Wave Washington County

FC Milwaukee Torrent Men's Head Coach



On Wed, Sep 20, 2023 at 3:06 PM Jeff Retzlaff <jretzlaff@germantownwi.gov> wrote:

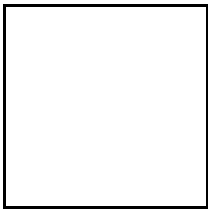
A follow-up...

Seeing your credentials and affiliations on your email, will this facility be a part of or otherwise affiliated with SC Wave? If so, you might want to supplement your application with this and any other promotional information that might attract public attention (if that's what you want or would be accepting of). I say that because the Plan Commission Chairman likes to mention things like this during the discussion and give the operator an opportunity to talk about their affiliations, successes, and to generally promote the operation, staff, facilities, etc.

I believe I've learned some interesting things about your background, personal success, and the SC Wave program in about 5 mins of Googling research... but only because of the affiliations listed on the bottom of your email. None of which was included or alluded to in your CUP application. I'm not trying to be critical (I apologize if it appears that I am), but it wouldn't hurt to get the same level of promotion from the Village for having to go through this process as other, similar operations have in the past.

As far as exterior signage, if all you will be installing is a small wall-mounted sign, please put together a scaled drawing that indicates dimensions, materials, type of lighting (if any), location on the building. Complete the attached Sign Permit application form and coordinate submittal with Lori Johnson at the Planning & Zoning counter in Village Hall (or email).

I'm still looking for a site plan with parking stalls identified. The aerial photo below shows the property (solid red line is the property boundary) from August 2023. There doesn't appear to be too many available parking stalls that aren't in use by the Ethoplex operation for vehicles or equipment. Please work with the owner to show where parking on the property will be provided for your customers and staff. Also, show what part of the total building will be used for your facility and the entrance/exits to be used (a boundary line of the sketch you provided that is superimposed over or drawn on the aerial photo would be acceptable... minimal but acceptable).



From: James Weber <jamesgweber99@gmail.com>

Sent: Wednesday, September 20, 2023 2:12 PM

To: Jeff Retzlaff <jretzlaff@germantownwi.gov>

Cc: Justin Brandt <jbrandt@safebuilt.com>; Keefe John <kjohn@ethoplex.com>; Lori Johnson <ljohnson@germantownwi.gov>; aschmuck@safebuilt.com

Subject: Re: Elite Soccer Academy LLC; CUP Application

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Jeff,

Thank you for reaching out. Here are the answers to your questions:

1. This is not a relocation. This is a new facility that is made specifically for the Germantown community.
2. The improvements include turf, paint, and padding within the warehouse to create an outdoor atmosphere inside and help promote healthier lifestyle choices for Germantown's citizens.
3. Yes. There are 2 bathrooms available for customers.
4. We would plan to put a "TESA" lit sign above our entrance, so if that is easier for the village to combine applications, we would be open to including that permit application in this process as well.
5. The amount of players in the facility at once would be anywhere up to a max of 20, with ages 8-18. Parents stick around which would add another 10 people over 18.
6. We will have some classes available to the public and scheduled. However, the space will mostly be made available to our members to stop by and use the facility when they are available.
7. There will not be organized events at the space aside from training sessions that are on our schedule for local athletes.
8. Attached.
9. Understood and Accepted. Thank you!

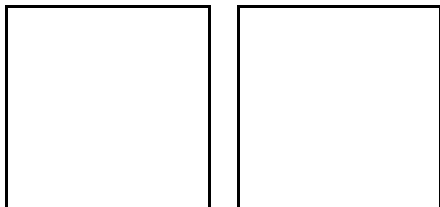
Thank you,

James Weber, MBA

Director of Coaching SC Wave Germantown

Director of Coaching SC Wave Washington County

FC Milwaukee Torrent Men's Head Coach



I'm reviewing your CUP application and have the following questions:

1. There appears to be a number of training programs that use the "Elite Soccer Academy" name or (slight variations of that name) both regionally and throughout the US. Is this a new facility or is there an existing facility that is relocating?
2. If there are no improvements being made inside the existing warehouse space, what kind of equipment will be brought into the space and used?
3. Are there bathroom facilities available for use by your customers?
4. Exterior signage requires a permit, both permanent and temporary. Do you have signs that you intend to install? If so, do you want to process a sign permit application at the same time as the CUP?
5. How many customers do you expect to have inside the facility at any one period of time for training? What age range?
6. Is this operation going to utilize a predetermined or planned training program with a schedule? Or will the space simply be made available for people to stop in when they choose to and use the equipment?
7. What if any organized events will be held in the space?
8. Please provide a scaled site plan of the property and internal space in the building that indicates the building(or portion) to be used for the training facility, the location and number of parking stalls that will be provided for your customer parking, general location of all entrances and exists into the space to be used for the training facility.
9. Space used for warehouse purposes vs. space used for "assembly" are treated differently with respect to exiting and bathroom requirements. You need to be aware of this and be prepared for inspections of the space by the Building inspector and Fire Department. Those inspections may result in the need to make internal improvements to meet applicable building and fire safety codes. This will be a condition of any approval granted for a CUP.

Jeffrey W. Retzlaff, AICP

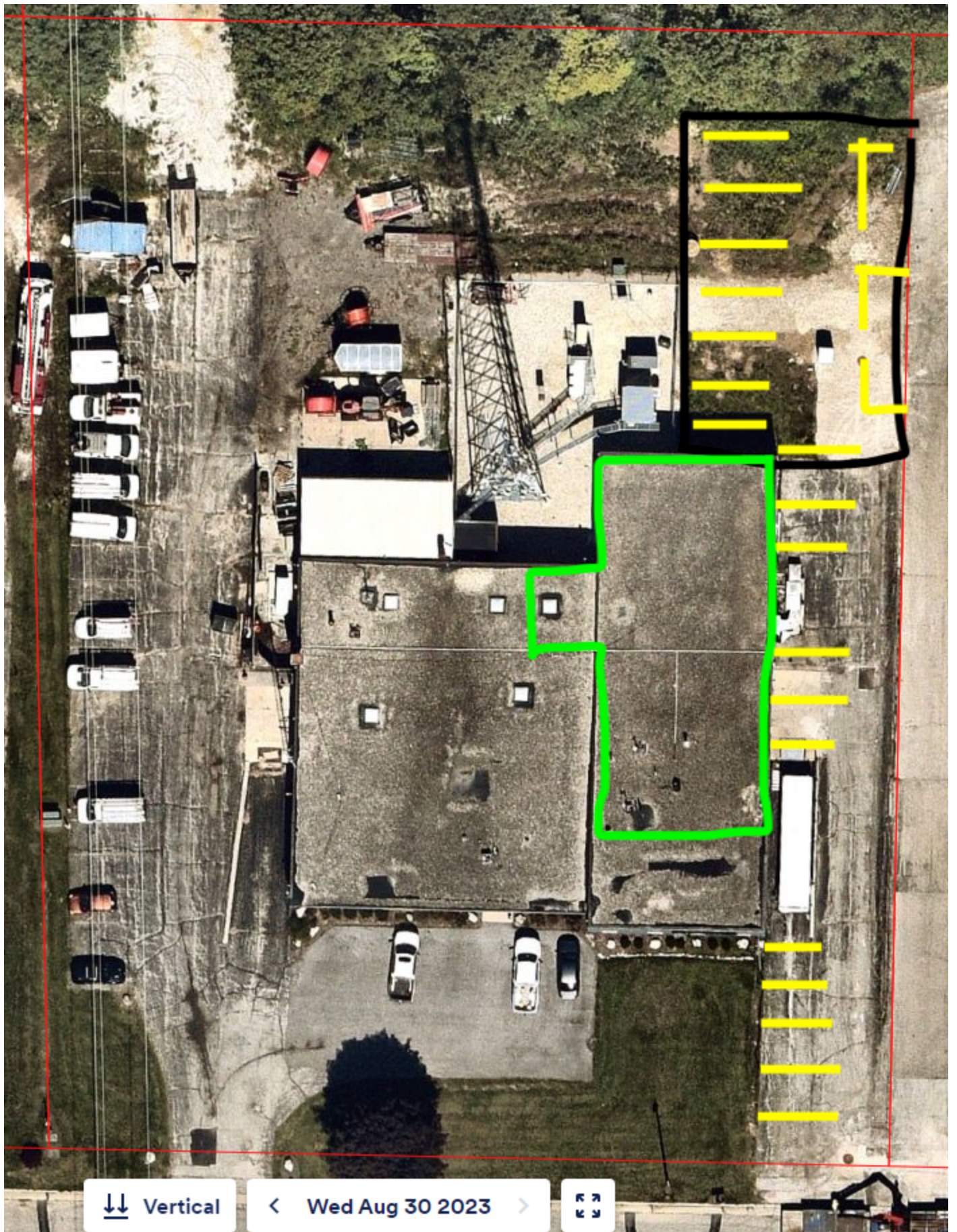
Director, Community Development Department

Village Planner/Zoning Administrator

jretzlaff@village.germantown.wi.us

1-262-250-4735

How was your experience? [Provide feedback here.](#)



BUSINESS OF THE VILLAGE BOARD

MEETING DATE: November 6, 2023

PLACEMENT: Resolution

ITEM TITLE: Hans Dawson, Agent for Moraine Development LLC, Property Owner - W218 N11546 Appleton Avenue. "Moraine Residential Conservancy District" Planned Development District (PDD) Conditions & Restrictions Resolution.

SUBMITTED BY: Jeff Retzlaff, Community Dev. Director

SUMMARY EXPLANATION:

On October 2, 2023, the Village Board approved Ordinance No. 11-2023 that created the "Moraine Residential Conservancy District", a Planned Development District (PDD) that will enable restoration and redevelopment of the former gravel mining site into a 126-acre private conservancy and 15-lot single-family residential development. Section 17.27(4) requires that any conditions, restrictions, allowances, limitations, or other requirements deemed necessary by the Plan Commission and/or Village Board to guide development within the PDD be adopted by resolution.

ATTACHMENT:

1. Moraine Development-PDD Resolution-11-6-23-FINAL
2. Ordinance 11-2023 Moraine Park Development
3. PC PDF Moraine Development PDD Resolution-11-6-23
4. Minutes Moraine Dev 8-14-23
5. Park Commission-Moraine Development MEMO-9-25-23
6. Village Board Minutes 10_02_2023 Moraine Development

RECOMMENDATION:

Plan Commission Recommendation:

APPROVE creating an Rs-2/PDD for the 126-acre Moraine Development LLC property and rezoning the six parcels into the newly created Rs-2/PDD as proposed subject to a series of recommended conditions and restrictions to be adopted by resolution *[see draft PDD Resolution for details]*

ACTION BY Committee:

RESOLUTION NO. xx-2023

ADOPTING CONDITIONS AND RESTRICTIONS FOR THE “MORaine RESIDENTIAL CONSERVANCY DISTRICT” A PLANNED DEVELOPMENT DISTRICT (PDD)

WHEREAS, Hans Dawson, agent for Moraine Development LLC, property owner, has applied for the creation of a 126.5-acre Rs-2: Single-Family Planned Development District (Rs-2/PDD) to be known as the “Moraine Residential Conservancy District” located in the Village of Germantown as generally described in Exhibit A attached hereto; and

WHEREAS, said Moraine Residential Conservancy District is intended to facilitate the proposed re-development of a 126.5-acre area formerly used as a gravel mining operation with up to fifteen (15) single-family dwelling units surrounding an existing quarry lake and private conservancy area; and

WHEREAS, Section 17.27(4) of the Village of Germantown Municipal Code allows for the adoption of conditions and restrictions for Planned Development Districts (PDD) that modify the basic allowances, limitations, and bulk regulations of the underlying zoning district, as well as, allow for the establishment of specific uses, bulk regulations, density standards, yard setbacks, etc. to ensure proper development, operation and maintenance of the development set forth in the General Development Plan; and

WHEREAS, the Village of Germantown Plan Commission on August 14, 2023, reviewed the proposed rezoning application and forwarded a positive recommendation regarding the proposed creation of said District; and

WHEREAS, the Village of Germantown Village Board on October 2, 2023, considered the Plan Commission recommendation and granted the proposed rezoning application to create the Moraine Residential Conservancy District;

NOW, THEREFORE BE IT RESOLVED that the Village Board of the Village of Germantown hereby adopts the following conditions and restrictions that shall apply to all development and use of property within the Moraine Residential Conservancy District:

1. **PURPOSE AND INTENT.** The Moraine Residential Conservancy District is intended to facilitate the reclamation and re-development of a 126.5 acre property previously used as a gravel mining operation. The property owner intends to use the property as a private residential community with up to fifteen (15) single-family dwellings served by two (2) private roads, a quarry lake, trails and other amenities owned and used by the property owner(s) consistent with the Rs-2: Single-Family Residential Zoning District subject to the allowances and limitations set forth herein.
2. **GENERAL DEVELOPMENT PLAN (GDP).** The “Development Master Plan” dated August 11, 2023 shall serve as the General Development Plan (Exhibit B) for the Moraine Residential Conservancy District establishes the basic parameters for all future development within the District, including the approximate size and orientation of building sites, private roads and other

features. While future development within the District shall be generally consistent with the GDP, the GDP does not grant specific site development or building approval.

3. **SITE PLAN APPROVAL REQUIRED.** Detailed Site Development and Building Plans shall be prepared and submitted to the Village Plan Commission for review and approval prior to the issuance of any building permit(s) for any residential dwelling or other building construction. If re-development involves any platting, i.e. subdivision or condominium, said re-development shall be reviewed and approved in accordance with the Village's Subdivision Code.
4. **PRIVATE STREETS/SHARED DRIVEWAYS.** Access to Appleton Avenue from the two residential areas shown on the GDP shall be constructed in accordance with the minimum requirements for "private streets" under Section 18.07(1)(d) of the Subdivision Code except that the allowable street length shall be as shown in the General Development Plan.
5. **SANITARY SEWER AND WATER SYSTEMS.** The Village and Developer agree to waive the public sanitary sewer and water requirements under Section 18.07(1)(d) of the Subdivision Code. Development shall be served by on-site private wells and private on-site wastewater treatment systems (POWTS) community septic system (vs. public water & sanitary sewer) subject to the requirements and limitations of the agencies responsible for permitting and enforcement, including but not limited to Washington County.
6. **LAND SUITABILITY.** The Developer shall address the land suitability requirements under Section 18.08(6) of the Subdivision Code by providing engineering DATA, environmental analysis (e.g. water quality testing) and other information necessary to reasonably prove to the Village of Germantown that this property is suitable for the proposed development and use and is not subjected to flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other features or characteristics that may be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Village as a result of re-development of the property.
7. **PERMITS REQUIRED.** The Developer shall obtain necessary permits, including Village permits for all residential dwelling and other building construction, building demolition (if any), erosion control, topsoil removal (if any), Washington County sanitary permits, WisDOT permits for driveway/intersection improvements on Appleton Avenue.
8. **GARBAGE AND RECYCLING SERVICES.** The Developer shall be responsible for providing all necessary garbage and recycling services for the development.
9. **FIRE PROTECTION.** The Developer shall install a "dry hydrant" connection to the quarry lake meeting all requirements of NFPA 1142 Chapter 8. The location and design shall be determined in cooperation with the Village Fire Department. The dry hydrant shall be installed, inspected and deemed fully

functional prior to the issuance of any building permit for any structure on the property.

10. **PAYMENT IN-LIEU-OF SIDEWALK CONSTRUCTION.** Pursuant to Section 18.08(6) of the Subdivision Code, the Developer shall make a payment-in-lieu of constructing a sidewalk/trail along Appleton Avenue. The Village and Developer have determined the estimated cost of constructing a sidewalk/trail meeting the Village's design standards along the approximately 2,300 linear feet of property frontage along Appleton Avenue is \$80,470. The Developer shall submit a payment-in-lieu-of constructing said sidewalk/trail to the Village of Germantown within three (3) months after approval of the ordinance creating the Moraine Residential Conservancy District.
11. **QUARRY LAKE MANAGEMENT PLAN & MAINTENANCE.** The Developer shall prepare a plan and implement measures necessary to properly manage and protect the quarry lake water quality and depth, so it does not negatively impact the water table and surrounding private water wells. Said plan shall be submitted to the Village of Germantown.
12. **RS-2: SINGLE-FAMILY RESIDENTIAL USES.** Use of the property before, during, and after development is intended to be for private, single-family residential uses allowed by right and/or permitted with a conditional use permit as provided for in the Rs-2: Single-Family Zoning District (Section 17.15 of the Zoning Code) as modified below. Uses not specifically listed below are prohibited:

(1) PERMITTED USES.

- (a) Single-family dwellings with attached or detached garages.
- (b) Home occupations and professional home offices.
- (c) Yard and gardening equipment storage structures.

(2) **CONDITIONAL ACCESSORY USES AND STRUCTURES.**

- (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) Private Park and Conservancy s, leisure and ornamental.
- (g) Boat House/Recreation Center Recreation and health centers.
- (h) Accessory Storage Building (for shared use; size to be determined) Archery and driving ranges.
- (i) Wind energy conversion systems and solar energy conversion systems.
- (j) ~~Bed and breakfast establishments.~~

(2a) TEMPORARY USES.

Real estate field offices or shelters for materials and equipment being used in the

construction of a permanent structure.

13. **PROHIBITION OF POTENTIAL NUISANCE USES.** Given the intent to develop and use the 126-acre site as a private residential and recreation/conservation area, the Developer is responsible for ensuring that use(s) of the property do not create potential negative impacts or nuisances affecting surrounding property owners, or include uses that are not specifically allowed under the Rs-2: single-Family Zoning District, e.g. private campground, private recreation uses that have potential nuisance impacts, use of residential dwellings for short-term vacation rental, etc.
14. **DEVELOPMENT LIMITATION.** Development is limited to a maximum of fifteen (15) single-family residential dwelling units with attached and/or detached garages. It shall be determined by the Developer in the future whether the dwelling units will be developed on platted lots or in a condominium format with building sites approximately 2 acres in area and shared ownership of common areas.
15. **EXPORT/IMPORT OF STONE OR OTHER SOIL AND GRAVEL PRODUCTS.** The Developer is allowed to remove previously processed gravel products that remain on the property and to import clean fill that may be necessary for restoration and re-development of the property in accordance with the approved grading and construction plans.
16. **SITE DEVELOPMENT AND BUILDING REQUIREMENTS.** Except as set forth below, all site development and buildings shall be constructed in accordance with the lot, building and other applicable bulk requirements set forth in the underlying Rs-2: Single-Family Residential District and all other applicable Zoning Code and other development regulations:

(3) LOT, YARD AND BUILDING REQUIREMENTS.

Lot frontage at setback:	Minimum 220 feet	<u>per General Development Plan</u>
Lot area:	Minimum 2 acres	<u>per General Development Plan</u>

Principal building Setback (if develop with platted lots):

Front yard	Minimum 45 feet
Side yard	Minimum 25 feet
Rear yard	Minimum 35 feet

Accessory building Setback (if develop with platted lots):

Front yard	Minimum 45 feet
Side yard	Minimum 25 feet
Rear yard	Minimum 5 feet

Building Height:	Maximum 35 feet
Number of Stories:	Maximum 2½
Percent of lot coverage:	Maximum 6%

Minimum dwelling size, excluding garage:

1 bedroom	1,200 square feet
2 bedrooms	1,300 square feet

3 bedrooms	1,500 square feet
4 bedrooms	1,700 square feet
Minimum ground perimeter area	1,200 square feet
Off-street parking	Minimum 2 spaces (garage enclosed)

17. **APPLICABILITY OF MUNICIPAL CODE.** Unless Except as set forth below, all other applicable zoning and development regulations contained in the Germantown Municipal Code (e.g. Shoreland-Wetland Zoning, Floodplain Zoning, Subdivision, Nuisance, etc.) shall apply to development and land use within the Moraine Residential Conservancy District. In the event a requirement, restriction or limitation set forth herein conflicts with a similar requirement, restriction or limitation found in another section of the Municipal Code, the most stringent requirement, restriction or limitation shall apply.

Introduced by: _____

Adopted: _____, 2023

Vote: Ayes: ____ Nays: ____

Dean Wolter, Village President

ATTEST:

Donna S. Cox, Village Clerk

APPROVED AS TO FORM:

Brian Sajdak, Attorney

EXHIBIT A

**Moraine Residential Conservancy District (Rs-2/PDD)
Boundary Legal Description**

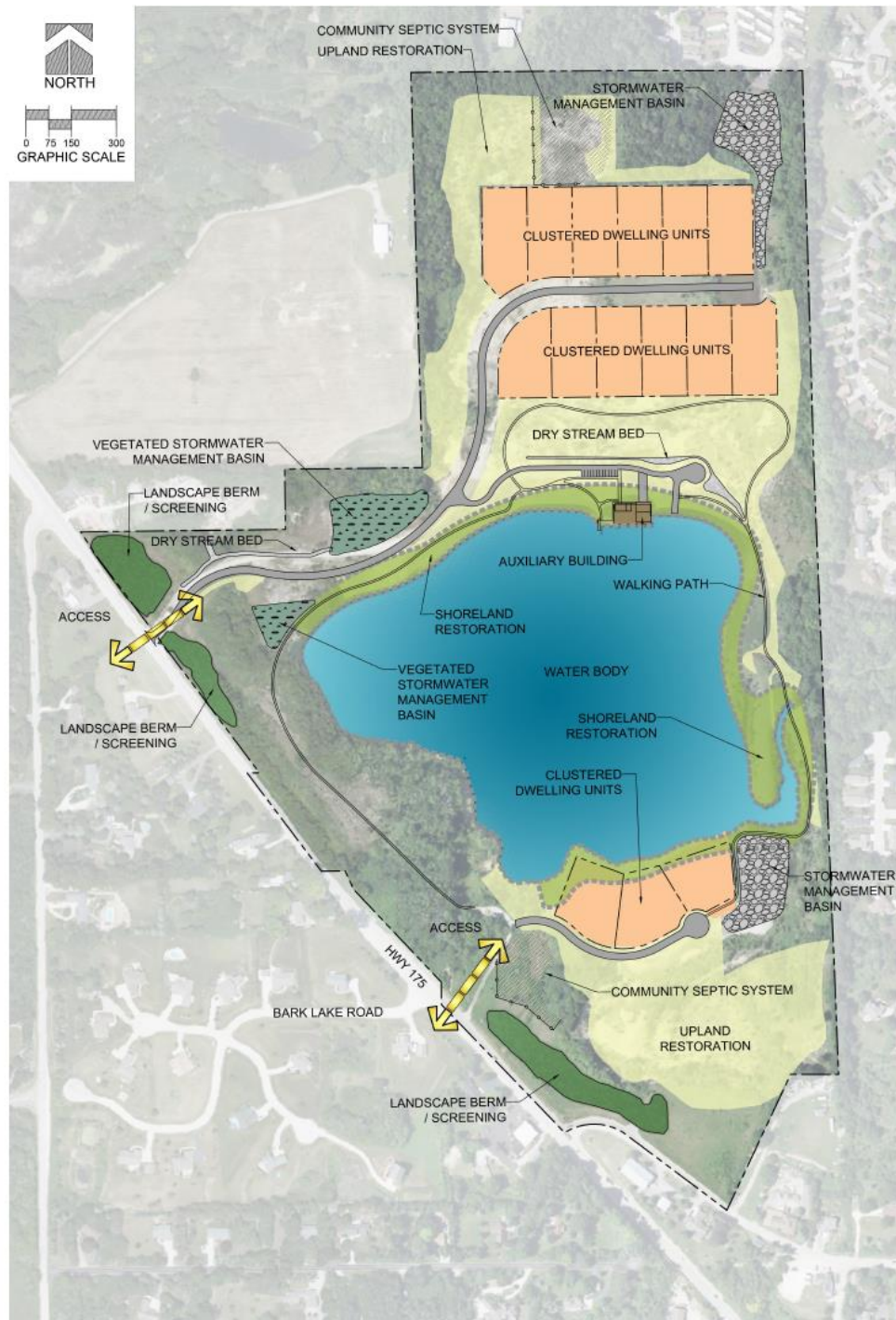
Lot Three (3) of CERTIFIED SURVEY MAP NO. 6898, being a Redivision of Lot Two (2) of the Southeast 1/4 of the Northwest 1/4 and a part of the Northwest 1/4, Northeast 1/4, Southwest 1/4, and Southeast 1/4 of the Southwest 1/4, all in Fractional Section 19, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows:

Commencing at the Southwest corner of the Northwest 1/4 of said Section 19; thence North 89° 18' 40" East along the South line of said 1/4 Section a distance of 850.00 feet to the point of beginning of lands to be described; thence continuing North 89° 18' 40" East along said South line 448.99 feet to a point in the West line of the Southeast 1/4 of the Northwest 1/4 of said Section; thence North 02° 00' 15" West along said West line 1315.32 feet to a point the Northwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section; thence North 89° 43' 50" East along the North line of the Southeast 1/4 of the Northwest 1/4 of said Section 1318.03 feet to a point in the East line of the Northwest 1/4 of said Section; thence South 01° 38' 23" East along said East line 1305.50 feet to the Southeast corner of the Northwest 1/4 of said Section; thence South 02° 19' 37" East along the East line of the Southwest 1/4 of said Section 2034.88 feet to a point; thence North 89° 49' 37" West 159.34 feet to a point; thence South 25° 10' 13" West 500.71 feet to a point in the center line of Meeker Hill Lane; thence North 52° 52' 04" West along said centerline 1196.21 feet to a point; thence North 01° 59' 19" West 42.54 feet to a point in the Northeasterly line of State Trunk Highway 175; thence North 52° 52' 04" West along said Northeasterly line 20.00 feet to a point; thence North 42° 56' 09" West along said Northeasterly line 405.93 feet to a point; thence North 24° 55' 18" West along said Northeasterly line 68.39 feet to a point; thence South 89° 27' 33" West along said Northeasterly line 34.26 feet to a point; thence North 37° 49' 15" West along said Northeasterly line 83.85 feet to a point; thence North 36° 58' 21" West along said Northeasterly line 327.03 feet to a point; thence North 36° 58' 19" West along said Northeasterly line 901.24 feet to a point; thence North 32° 21' 09" West along said Northeasterly line 86.90 feet to a point; thence North 89° 18' 26" East 681.12 feet to a point; thence North 00° 41' 20" West 200.00 feet to the point of beginning. Said land contains 5,510,524 square feet or 126.5042 acres.

Tax Parcel: GTNV 193-951, 193-952, 193-953, 193-973, 193-980 and 192-999

EXHIBIT B

Moraine Residential Conservancy District (Rs-2/PDD) General Development Plan



MORaine DEVELOPMENT - GERMANTOWN, WI
DEVELOPMENT MASTER PLAN - AUGUST 11, 2023

raSmith
CREATIVITY BEYOND ENGINEERING

ORDINANCE NO. 11-2023

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING CODE AND ZONING MAP
OF THE VILLAGE OF GERMANTOWN**

("Moraine Residential Conservancy District"; Moraine Development LLC, Property Owner)

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

SECTION 1. That the Zoning Code and zoning map of the Village of Germantown is amended by the creation of an Rs-2: Single-Family Residential Planned Development District (Rs-2/PDD) to be known as the "Moraine Residential Conservancy District" which shall include the following described land:

Tax Parcels:

GTNV 193-951, 193-952, 193-953, 193-973, 193-980 and 192-999

Property Description:

Part of the Southeast 1/4 of the Northwest 1/4 and a part of the Northwest 1/4, Northeast 1/4, Southwest 1/4, and Southeast 1/4 of the Southwest 1/4, all in Fractional Section 19, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows:

Commencing at the Southwest corner of the Northwest 1/4 of said Section 19; thence North 89° 18' 40" East along the South line of said 1/4 Section a distance of 850.00 feet to the point of beginning of lands to be described; thence continuing North 89° 18' 40" East along said South line 448.99 feet to a point in the West line of the Southeast 1/4 of the Northwest 1/4 of said Section; thence North 02° 00' 15" West along said West line 1315.32 feet to a point the Northwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section; thence North 89° 43' 50" East along the North line of the Southeast 1/4 of the Northwest 1/4 of said Section 1318.03 feet to a point in the East line of the Northwest 1/4 of said Section; thence South 01° 38' 23" East along said East line 1305.50 feet to the Southeast corner of the Northwest 1/4 of said Section; thence South 02° 19' 37" East along the East line of the Southwest 1/4 of said Section 2034.88 feet to a point; thence North 89° 49' 37" West 159.34 feet to a point; thence South 25° 10' 13" West 500.71 feet to a point in the center line of Meeker Hill Lane; thence North 52° 52' 04" West along said centerline 1196.21 feet to a point; thence North 01° 59' 19" West 42.54 feet to a point in the Northeasterly line of State Trunk Highway 175; thence North 52° 52' 04" West along said Northeasterly line 20.00 feet to a point; thence North 42° 56' 09" West along said Northeasterly line 405.93 feet to a point; thence North 24° 55' 18" West along said Northeasterly line 68.39 feet to a point; thence South 89° 27' 33" West along said Northeasterly line 34.26 feet to a point; thence North 37° 49' 15" West along said Northeasterly line 83.85 feet to a point; thence North 36° 58' 21" West along said Northeasterly line 327.03 feet to a point; thence North 36° 58' 19" West along said Northeasterly line 901.24 feet to a point; thence North 32° 21' 09" West along said Northeasterly line 86.90 feet to a point; thence North 89° 18' 26" East 681.12 feet to a point; thence North 00° 41' 20" West 200.00 feet to the point of beginning.

Said land contains 5,510,524 square feet or 126.5042 acres.

SECTION 2. That the zoning map of the Village of Germantown is amended by rezoning from the M-4: Mineral Extraction, A-2: Agricultural, and Rs-2: Single-Family Zoning Districts into the newly created Rs-2/PDD Zoning District the following described property:

Tax Parcels:
GTNV 193-951, 193-952, 193-953, 193-973, 193-980 and 192-999

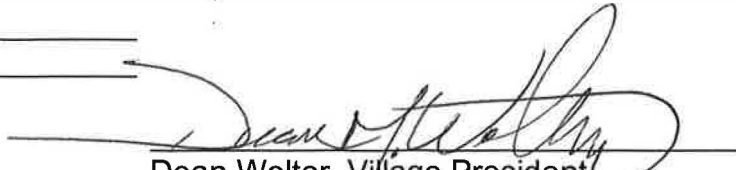
Property Description:
Part of the Southeast 1/4 of the Northwest 1/4 and a part of the Northwest 1/4, Northeast 1/4, Southwest 1/4, and Southeast 1/4 of the Southwest 1/4, all in Fractional Section 19, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows:

Commencing at the Southwest corner of the Northwest 1/4 of said Section 19; thence North 89° 18' 40" East along the South line of said 1/4 Section a distance of 850.00 feet to the point of beginning of lands to be described; thence continuing North 89° 18' 40" East along said South line 448.99 feet to a point in the West line of the Southeast 1/4 of the Northwest 1/4 of said Section; thence North 02° 00' 15" West along said West line 1315.32 feet to a point the Northwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section; thence North 89° 43' 50" East along the North line of the Southeast 1/4 of the Northwest 1/4 of said Section 1318.03 feet to a point in the East line of the Northwest 1/4 of said Section; thence South 01° 38' 23" East along said East line 1305.50 feet to the Southeast corner of the Northwest 1/4 of said Section; thence South 02° 19' 37" East along the East line of the Southwest 1/4 of said Section 2034.88 feet to a point; thence North 89° 49' 37" West 159.34 feet to a point; thence South 25° 10' 13" West 500.71 feet to a point in the center line of Meeker Hill Lane; thence North 52° 52' 04" West along said centerline 1196.21 feet to a point; thence North 01° 59' 19" West 42.54 feet to a point in the Northeasterly line of State Trunk Highway 175; thence North 52° 52' 04" West along said Northeasterly line 20.00 feet to a point; thence North 42° 56' 09" West along said Northeasterly line 405.93 feet to a point; thence North 24° 55' 18" West along said Northeasterly line 68.39 feet to a point; thence South 89° 27' 33" West along said Northeasterly line 34.26 feet to a point; thence North 37° 49' 15" West along said Northeasterly line 83.85 feet to a point; thence North 36° 58' 21" West along said Northeasterly line 327.03 feet to a point; thence North 36° 58' 19" West along said Northeasterly line 901.24 feet to a point; thence North 32° 21' 09" West along said Northeasterly line 86.90 feet to a point; thence North 89° 18' 26" East 681.12 feet to a point; thence North 00° 41' 20" West 200.00 feet to the point of beginning.

Said land contains 5,510,524 square feet or 126.5042 acres.

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

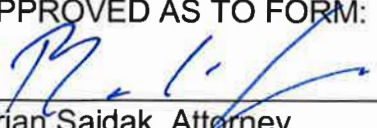
Introduced by Trustee:
Adopted: October 2, 2023

Vote: _____
Ayes: _____
Nays: _____

Dean Wolter, Village President

ATTEST:


Donna S. Cox, Village Clerk

APPROVED AS TO FORM:


Brian Sajdak, Attorney

Published:

PLANNED DEVELOPMENT DISTRICT (PDD) & CERTIFIED SURVEY MAP (CSM) APPLICATIONS

8/14/23 Plan Commission Meeting

Moraine Development LLC

Village Planner Report

Germantown, Wisconsin

Summary

Hans Dawson, agent for Moraine Development LLC, property owner, is requesting approval of a rezoning application to create a Planned Development District (PDD) and Certified Survey Map (CSM) for purposes of restoring and redeveloping the former gravel mining site into a 126-acre residential conservation development located at W218 W11546 Appleton Avenue.

Property Location: W218 W11546 Appleton Avenue

Agent/

Property Owner: David Mortensen Hans Dawson, Lannon Stone Inc.
raSmith Engineering Moraine Development LLC
16745 W Bluemound Rd N52 W23096 Lisbon Road
Brookfield, WI Sussex, WI

Current Zoning: M-4: Mineral Extraction

Adjacent Land Uses		Zoning
North	Agricultural	A-1
South	Agricultural/Residential	A-2/Rs-2
East	Residential (Brookside Mobile Home Park)	MHP
West	Residential	Rs-3



Background

As discussed in April, Moraine Development LLC is requesting the necessary approvals that will enable restoration and redevelopment of the former gravel mining site into a 126-acre residential conservation development. Restoration of the former gravel mining operation (formerly owned by James Cape & Sons and Merget Sand & Gravel before that) is expected to take multiple years of active and passive land management activities to achieve full restoration of the site.

As shown in the master plan, two specific areas for “upland restoration” with “clustered residential units” are proposed; one north and the other south of the centrally located quarry lake within the 126-acre site. Each upland restoration/residential development area will be served by a cul-de-sac and private on-site wastewater treatment systems (POWTS). Other restoration areas include shoreland and woodland restoration around the quarry lake.

The preliminary grading plan indicates an area for building pads for residential development both north and south of the lake within the upland restoration/residential areas. Other proposed features within the site include on-site storm water management basins & swales, strategically located 10'-15' high articulated, landscaped berms along Appleton Avenue, and a 6' wide gravel/asphalt walking path around the quarry lake and connecting the two upland restoration/residential development areas.

Proposal

At this time, Moraine Development LLC is requesting approval of a rezoning application that includes creating a Planned Development District (PDD) with the Rs-2: Single-Family Zoning District as the underlying zoning district and a Certified Survey Map (CSM) to combine all of the individual parcels that comprise the 126-acre site into one parcel.

Certified Survey Map (CSM)

The proposed CSM combines six (6) parcels with a total gross area of 126.8 acres (see the Zoning Exhibit provided in the application for details). Small areas of right-of-way are proposed for dedication consistent with the Village's Subdivision and Platting Code.

Planned Development District (PDD)

To facilitate the planned development, Moraine Development is proposing to create a new Rs-2/Planned Development District with minimal changes to the underlying Rs-2 Zoning District requirements that would ordinarily apply, e.g. minimum lot size & width, public road frontage, building setbacks, etc.

The basic features of the proposed PDD include:

- Develop the site with a “conservation design” with clustered dwelling units and at least 40% open space;
- Allow a maximum of fifteen (15) single-family condominium-style dwelling units (detached or attached with no defined lots and shared ownership of common areas) with attached or detached garages as permitted uses (actual type of

-
- dwelling unit type to be determined);
 - On-site private wells and up to 5 dwelling units per well and a private community septic system (vs. public water & sanitary sewer)

Restoration and re-development of the site is intended to be in accordance with the Development Master Plan” included in the PDD application (dated June 9,2023).

A separate “conditions & restrictions” resolution containing these development-specific allowances, references to the detailed general development plan, and any other conditions of approval deemed appropriate, will be prepared by Village staff at the time the PDD is considered by the Village Board.

Staff Comments

Planning & Zoning

As summarized above, current zoning of the 126-acre site varies from parcel to parcel and is a combination of M-4: Mineral Extraction, Rs-2: Single-Family, and A-1: Agricultural. While a change in zoning is not required to commence restoration activities, re-development and use of the property, in whole or in part, require rezoning into the new PDD prior to any site improvements or dwelling construction.

This property is in the “Meeker Hill Neighborhood” under the Village’s 2050 Comprehensive Plan (see attached). This amount and type of residential development that is proposed is consistent with the type and density of single-family development allowed in the Meeker Hill Neighborhood.

In the “Meeker Hill Neighborhood”, if the property is not served by public sewer & water, a maximum density of 1 dwelling unit per 5 acres is allowed if development is done as a “conventional” development with minimum 5-acre lots. If development is done as a “conservation” development, a density of 1 dwelling unit per 3 acres is allowed with smaller lots and a minimum of 40% open space (final zoning district requirements and conservation design criteria for this type of development in the Meeker Hill Neighborhood has not yet been adopted).

Based on an overall development area of 126 acres and a maximum of fifteen (15) dwelling units, the resulting density of 1 DU/8.4 acres would be less than the maximum density allowance of 1 DU/3 acres and be consistent with the residential development type and density policies for the “Meeker Hill Neighborhood” in the 2050 Plan.

In addition to the Rs-2 District modifications proposed by the Developer summarized above, additional provisions will need to be built into the PDD as specific “conditions and restrictions” to address other aspects of the Village’s development regulations that apply to “planned developments” and condominiums (see Section 18.02(8) of the Subdivision Code):

The following provisions should be incorporated into the “conditions and restrictions” resolution for the PDD:

-
- Allowance for private streets designed in accordance with Section 18.07(1)(d) of the Subdivision Code;
 - Provision to waive the public sanitary sewer and water system requirements under Section 18.08(7) & (8) of the Subdivision Code;
 - Requirement that the Developer address the land suitability requirement under Section 18.08(6) of the Subdivision Code by providing engineering, environmental analysis (e.g. water quality testing) or other data and information necessary to reasonably show to the Village that this site is suitable for its proposed use for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other features likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Village;
 - Requirement for detailed site development & building plan review and approval prior to construction of improvements, including private streets, storm water management facilities, landscaped berms & screening features (including street trees in accordance with Section 18.08(14) of the Subdivision Code;
 - Requirement for obtaining necessary permits, including Village permits for all residential dwelling and other building construction, building demolition (if any), erosion control, topsoil removal (if any), Washington County sanitary permits, WisDOT permits for driveway/intersection improvements on Appleton Avenue;
 - Requirement for a lake and shoreland management plan reviewed/approved by the DNR to ensure the quarry lake and upland areas draining to the lake are maintained in a manner that does not negatively impact water quality and/or the water table;
 - Allowance for the export or removal of any previously processed gravel products that remain on the site and the import of clean fill that may be necessary for restoration of the site;
 - Given the intent to develop and use the 126-acre site as a private residential and recreation/conservation area, provisions or restrictions should be included that address potential uses that may create potential negative impacts or nuisances affecting surrounding property owners, e.g. private campground, private recreation uses that have potential nuisance impacts, use of residential dwellings for short-term vacation rental, etc.

The Village's 2021-26 Comprehensive Outdoor Recreation Plan (CORP) includes a map of "potential future park or shared open spaces" that is intended to guide future decision making with respect to the acquisition and/or dedication of land for public park and recreation facilities. One of the designated locations for such future park or shared open spaces is on this property (shown with a purple star on page 27 of the CORP).

Clearly, the thought behind this designation was that the quarry lake and (presumably unbuildable) land that was mined for its gravel resources might be a suitable site for redevelopment into a recreation area (as is the Owner's proposal except that it is intended to be a private recreation and area). While Sections 18.02(3) and 18.07(9) of the Subdivision code requires the dedication and/or reservation of land designated for a public park on a duly adopted comprehensive plan, no such allowance or provision has been incorporated into the proposed General Development Plan. Frankly, other than the designation of this property for a potential park or shared open space area in the CORP, the Village does not currently have a detailed plan for any such area, much less a concept plan that can guide the Developer identify and reserve a future public park or open space area in the General Development Plan. Prior to Village Board adoption of the specific conditions & restrictions resolution for the PDD, the Developer and Village Park Commission should discuss the specifics of what, if any, future park site or shared open space area can/will be dedicated or reserved for future acquisition pursuant to Section 18.07(9).

Similarly, Section 18.08(6) of the Subdivision Code provides that the Village may require sidewalks along abutting streets. The Village's bikeway & trail network in the CORP and Washington County's Bikeway & Trail Plan do not indicate such facilities are planned for Appleton Avenue/STH175 or Meeker Hill Lane in this location. However, the intent section of the Village's PDD indicates that it is *"...intended to permit greater flexibility and, consequently, more creative and imaginative design for the development of a site than is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of amenities, and preservation of the natural qualities of open spaces"*.

Typically, those PDD's that have been approved by the Village include one or more features or design considerations that provide a benefit or amenity for the larger community and not just future residents and owners of the development. The Developer and Village should discuss and consider a future park site dedication/reservation and possible construction of public sidewalks along Appleton Avenue in this light.

Fire Department

The Fire Department is recommending that provisions be included that require a "dry hydrant" connection to the quarry lake be installed consistent with the requirements of NFPA 1142 Chapter 8.

Public Works/Engineering

Detailed comments will be provided at such time as detailed site development and construction plans have been submitted for review and approval for site improvements including private streets, grading, erosion control and storm water management facilities in the residential development sites within the upland restoration areas, landscaped berms & screening features.

In an August 10, 2023 review letter, the Village Surveyor has identified a series of minor technical corrections in an August 10, 2023 memo that will need to be addressed in a revised CSM prior to recording. The Surveyor also indicates that additional right-of-way along both Appleton Avenue and Meeker Hill Lane will be required:

“The Village’s ultimate right-of-way map shows a 120 feet right-of-way for Appleton Ave/STH175. Where necessary, additional right-of-way should be dedicated from the property east of and abutting the centerline of Appleton Avenue to complete the 120’ right-of-way requirement. Similarly, Meeker Hill Lane has a 100 feet ultimate right-of-way requirement; where necessary, additional right-of-way should be dedicated from the property north of and abutting Meeker Hill Lane to complete the 100’ right-of-way requirement.”

With respect to Appleton Avenue, WisDOT has jurisdiction and should be consulted with regarding to the need for additional right-of-way. Germantown has jurisdiction over Meeker Hill Lane and does require the additional right-of-way.

VILLAGE STAFF RECOMMENDATIONS

APPROVE the Certified Survey Map (CSM) to combine six (6) parcels owned by Moraine Development LLC totaling 126.5 acres subject to the following conditions:

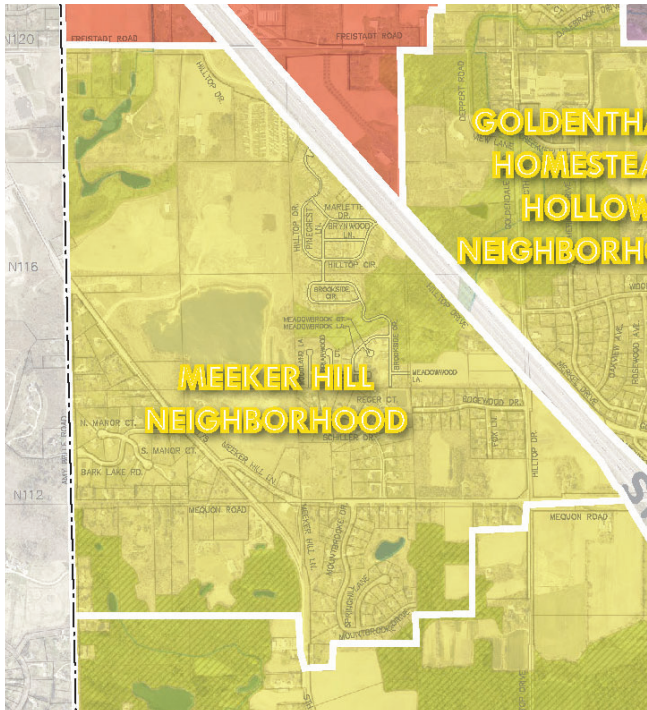
1. The CSM shall be revised to reflect the technical corrections noted in the Village Surveyor comments contained in the August 10, 2023, review memo prior to recording the CSM.
2. The Developer shall contact WisDOT to determine additional right-of-way needs for Appleton Avenue/STH175 and dedicate any required right-of-way as part of a revised CSM prior to recording.
3. The CSM shall be revised to reflect the additional right-of-way requirement for Meeker Hill Lane review memo prior to recording the CSM.

APPROVE creating a Rs-2/PDD for the 126-acre Moraine Development LLC property as proposed subject to the following requirements and conditions:

1. The Rs-2: Single-Family Zoning District regulations shall constitute the underlying conditions and restrictions for the PDD subject to the Developer proposed modifications and Village staff provisions summarized herein. A complete “conditions & restrictions” resolution establishing all use and development allowances, requirements, and restrictions shall be drafted for review and approval by the Village Board concurrent with review and approval of an ordinance creating the Moraine Development Planned Development District (PDD);
2. The conditions & restrictions resolution shall include the following provisions:
 - a. Allowance for private streets designed in accordance with Section 18.07(1)(d) of the Subdivision Code;
 - b. Provision to waive the public sanitary sewer and water system requirements

-
- under Section 18.08(7) & (8) of the Subdivision Code;
- c. Requirement that the Developer address the land suitability requirement under Section 18.08(6) of the Subdivision Code by providing engineering, environmental analysis (e.g. water quality testing) or other data and information necessary to reasonably show to the Village that this site is suitable for its proposed use for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other features likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Village;
 - d. Requirement for detailed site development & building plan review and approval prior to construction of improvements, including private streets, storm water management facilities, landscaped berms & screening features (including street trees in accordance with Section 18.08(14) of the Subdivision Code;
 - e. Requirement for obtaining necessary permits, including Village permits for all residential dwelling and other building construction, building demolition (if any), erosion control, topsoil removal (if any), Washington County sanitary permits, WisDOT permits for driveway/intersection improvements on Appleton Avenue;
 - f. Requirement for a lake and shoreland management plan reviewed/approved by the DNR to ensure the quarry lake and upland areas draining to the lake are maintained in a manner that does not negatively impact water quality and/or the water table;
 - g. Allowance for the export or removal of any previously processed gravel products that remain on the site and the import of clean fill that may be necessary for restoration of the site;
 - h. Given the intent to develop and use the 126-acre site as a private residential and recreation/conservation area, provisions or restrictions should be included that address potential uses that may create potential negative impacts or nuisances affecting surrounding property owners, e.g. private campground, private recreation uses that have potential nuisance impacts, use of residential dwellings for short-term vacation rental, etc.
 - i. Requirement that a “dry hydrant” connection to the quarry lake be installed consistent with the requirements of NFPA 1142 Chapter 8. The location and design shall be determined in cooperation with the Village Fire Department.
3. Prior to Village Board adoption of the specific conditions & restrictions resolution for the PDD, the Developer and Village Park Commission should discuss the specifics of what, if any, future park site or shared open space area can/will be dedicated or reserved for future acquisition pursuant to Section 18.07(9) of the Subdivision Code.
 4. The Development Master Plan dated June 9, 2023 and any subsequent revisions necessary as a result of satisfying Village approval shall constitute the General Development Plan required under Section 17.27 of the Zoning Code;
 5. The Developer shall provide one complete and accurate legal description for all the land to be included in the PDD boundary prior to review of the PDD application by the Village Board.

Meeker Hill NEIGHBORHOOD



SPECIAL FEATURES

Transportation The Meeker Hill neighborhood is bounded by the western limits of the Village and I-41 to the east. The neighborhood extends approximately ¼ mile south of Mequon Road. Mequon Road connects the Meeker neighborhood to Lannon Road to the east, which connects to I-41.

Environmental, Natural & Agricultural There are environmental areas located in the east central and northwestern portions of the neighborhood. There is approximately 100 acres of mineral extraction area located in the Meeker neighborhood which is inactive and privately owned. There are scattered sites of agricultural row crop production throughout the neighborhood.

Public Park, Education, Safety & Utility This neighborhood is located outside the Sewer Service Area. Residential lots are served by onsite septic and well water.

GENERAL CHARACTER

The Meeker Hill neighborhood is comprised of a mix of single-family residential lot sizes and is home to the Village's only Mobile Home Park. Residential zoning within this neighborhood is predominantly Rs-4 (2.2 DU's/acre with minimum 20,000 sqft lots) and Rs-3 (1.0 DU's/acre with minimum 1-acre lots). Mobile Home Park (MHP) zoning allows a density of 4.4 DU's/acre with 6,000 sqft "lots".

There are a few commercially zoned properties located at the intersection of Mequon Road and Appleton Avenue. There is approximately 100 acres of mineral extraction area located in the Meeker Hill neighborhood which is inactive and privately owned.

PREFERRED FUTURE LAND USE

Meeker Hill Neighborhood

Preferred Future Land Uses												Enviro Corr.	SSA	Preferred Site Design			Maximum Density (residential uses)
Existing Uses (+ existing non-conforming zoning) See NOTE 5 for details	Residential: Single Family	Residential: Two to Four Family	Residential: Multi-family / Senior	Mixed-Use: Commercial / Residential	Mixed-Use: Commercial / Industrial	Commercial (includes "Activity Centers")	Institutional	Open Space & Recreational	Mineral Extraction	Industrial	Agricultural / Hobby Farming / Agribusiness	Contains an Environmental Corridor?	Sewered? (Y/N/Partial)	Traditional Neighborhood	Suburban Subdivision	Conservation Subdivision**	Dwelling Units / Acre See NOTE 4 for details
A	D	u	u	u	u	u	u	D	u	u	D	Yes	P	A	U	D	see NOTE 2 and NOTE 3

Desirable future land uses within the Meeker Hill Neighborhood include open space, recreational areas, agricultural and hobby farm uses, and limited residential development given that this neighborhood is currently outside the sewer service area. Future residential development is acceptable at an average density of 1 DU/5 acres for 4 or fewer individual lots created by minor land division (certified survey map), or 1 DU/3 acres for 5 or greater conservation subdivision lots. No new or expanded mobile home development is intended to occur in the neighborhood.

In the event that the SSA is expanded and public sewer and water facilities extended into this neighborhood, future residential development is acceptable at an

D =	Desirable – These uses should be encouraged because they are consistent with, support, and enhance the desired character of the area.
A =	Allowable – These uses are generally considered appropriate for the area, but may require additional consideration and/or specific modification or developed features to be compatible with other uses in the area.
u =	Undesirable – These uses should not be encouraged but may still be acceptable for the area under special circumstances.

average density of 2.2 DU's/acre for 4 or fewer lots created by minor land division (certified survey map) or 3.5 DU's/acre for 5 or more lots in a conservation subdivision.

Other than the pre-existing commercial parcels along Appleton Avenue, no additional commercial uses are intended to develop in this neighborhood.

NOTE 2:	Neighborhood in SSA (w/ water & sewer)	2.2 units/ acre (4 or fewer CSM lots)
		3.5 units/acre with Conservation Subdivision (5 or greater lots subdivided)
NOTE 3:	Neighborhood outside SSA (no sewer & water)	1 unit/ 5 acres (4 or fewer CSM lots)
		1 unit/ 3 acres with Conservation Subdivision (5 or greater lots subdivided)

See all notes on page 42.



**FEES MUST BE PAID AT TIME OF APPLICATION**

\$200 Plan Commission Consultation

\$1,085 Rezoning

\$1,240 PDD < 5 acres

\$2,095 PDD 5-20 acre site

\$3,460 PDD > 20 acre site

Date Paid: _____ Received by: _____

REZONING & PDD APPLICATION

Pursuant to Section 17.51 of the Municipal Code

Please read and complete this application carefully. **All applications must be signed and dated.****1 APPLICANT OR AGENT**

Hans Dawson

N52 W23096 Lisbon Road

Sussex, WI 53089

Phone (262) 251-1520

E-Mail hans@lannonstone.net

PROPERTY OWNER

Moraine Development, LLC

N52 W23096 Lisbon Road

Sussex, WI 53089

Phone (262) 251-1520

E-Mail hans@lannonstone.net

2 PROPERTY ADDRESS OR GENERAL LOCATIONW218N11546 Appleton Avenue
Germantown, WI 53022**TAX KEY NUMBER**193951; 193973; 192999;
193953; 193952; 193980**3 REZONING REQUEST**FROM
M-4; A-2; RS-2TO
RS-2**4 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED**

Attach pages as necessary

See additional pages.

V. NEW BUSINESS:

- A. Hans Dawson, Agent for Moraine Development LLC, Property Owner - W218 N11546 Appleton Avenue. Applications to (1) Create an Rs-2:Single-Family Residential Planned Development District (Rs-2/PDD) pursuant to Sections 17.15 and 17.27 of the Zoning Code; and, (2) Rezone from the M-4:Mineral Extraction, A-2:Agricultural, and Rs-2:Single-Family Zoning Districts into the newly created Rs-2/PDD Zoning District; and (3) Certified Survey Map (CSM) to combine six parcels for purposes of restoring and redeveloping the former gravel mining property into a 126.5-acre, 15-unit residential condominium and conservation development. (PUBLIC HEARING & ACTION)

Director Retzlaff summarized the proposal. Hans Dawson, Lannon Stone Products, provided information on the development and said he considers fixing the site as an amenity to the Village in exchange for creating the PDD. He said he was open to making a donation to the park system instead of creating a public open space on the property so there is less trespassing.

Public hearing opened at 7:03 pm.

-Eric Roberts, TR Capital, W219 N11588 Appleton Avenue said he supported the development (comments were read into the record)

-Ray & Leslie Bencivenga, W218 N11495 Appleton Avenue, disappointed to have this development across the street, enjoy the quiet neighborhood, don't want a lot of truck traffic (comments read into the record).

-Laura Steinman, W210 N11190 Mountbrooke Drive, said dump trucks on Mequon Road have already trashed the road,

-Gene Wisch, N113 W21692 Bark Lake Road, would like more clarification, what are cluster houses, concerned there is an entrance across from Bark Lake Road

-Tony Gindt, W218 N11431 Appleton Avenue, in favor of the single family homes but concerned with the debris on the roads, his yard and driveway is horrible,

-Scott Hefle, N10514 Old Farm Road, in favor of the development, the reclamation for this site is going to be millions of dollars, they will put plantings in and make it a conservancy.

-Richard Ehrlich, W216 N11718 Appleton Avenue, in favor of the development, it needs something, he has trespassers across his property, can see people fishing, if done with nature it will be a benefit for everyone.

-Scott Stevlinson, N97 W14997 Burning Bush Court, confirmed the water would have no public access.

Public Hearing closed at 7:15 pm.

Discussion followed.

MOTION Laszewski second Tarantino to Approve the Certified Survey Map (CSM) to combine six (6) parcels owned by Moraine Development LLC totaling 126.5 acres subject to the following conditions:

1. The CSM shall be revised to reflect the technical corrections noted in the Village Surveyor comments contained in the August 10, 2023, review memo prior to recording the CSM.
2. The Developer shall contact WisDOT to determine additional right-of-way needs for Appleton Avenue/STH175 and dedicate any required right-of-way as part of a revised CSM prior to recording.

3. The CSM shall be revised to reflect the additional right-of-way requirement for Meeker Hill Lane review memo prior to recording the CSM.

Discussion continued.

MOTION carried unanimously.

MOTION Shadid second Laszewski to Approve creating a Rs-2/PDD for the 126-acre Moraine Development LLC property as proposed subject to the following requirements and conditions:

1. The Rs-2: Single-Family Zoning District regulations shall constitute the underlying conditions and restrictions for the PDD subject to the Developer proposed modifications and Village staff provisions summarized herein. A complete “conditions & restrictions” resolution establishing all use and development allowances, requirements, and restrictions shall be drafted for review and approval by the Village Board concurrent with review and approval of an ordinance creating the Moraine Development Planned Development District (PDD);
2. The conditions & restrictions resolution shall include the following provisions:
 - a. Allowance for private streets designed in accordance with Section 18.07(1)(d) of the Subdivision Code;
 - b. Provision to waive the public sanitary sewer and water system requirements under Section 18.08(7) & (8) of the Subdivision Code;
 - c. Requirement that the Developer address the land suitability requirement under Section 18.08(6) of the Subdivision Code by providing engineering, environmental analysis (e.g. water quality testing) or other data and information necessary to reasonably show to the Village that this site is suitable for its proposed use for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other features likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Village;
 - d. Requirement for detailed site development & building plan review and approval prior to construction of improvements, including private streets, storm water management facilities, landscaped berms & screening features (including street trees in accordance with Section 18.08(14) of the Subdivision Code;
 - e. Requirement for obtaining necessary permits, including Village permits for all residential dwelling and other building construction, building demolition (if any), erosion control, topsoil removal (if any), Washington County sanitary permits, WisDOT permits for driveway/intersection improvements on Appleton Avenue;
 - f. Requirement for a lake and shoreland management plan reviewed/approved by the DNR to ensure the quarry lake and upland areas draining to the lake are maintained in a manner that does not negatively impact water quality and/or the water table;
 - g. Allowance for the export or removal of any previously processed gravel products that remain on the site and the import of clean fill that may be necessary for restoration of the site;
 - h. Given the intent to develop and use the 126-acre site as a private residential and recreation/conservation area, provisions or restrictions should be included that address potential uses that may create potential negative impacts or nuisances affecting surrounding property owners, e.g. private campground, private recreation uses that have potential nuisance impacts, use of residential dwellings for short-term vacation rental, etc.
 - i. Requirement that a “dry hydrant” connection to the quarry lake be installed consistent with the requirements of NFPA 1142 Chapter 8. The location and design

shall be determined in cooperation with the Village Fire Department.

3. Prior to Village Board adoption of the specific conditions & restrictions resolution for the PDD, the Developer and Village Park Commission should discuss the specifics of what, if any, future park site or shared open space area can/will be dedicated or reserved for future acquisition pursuant to Section 18.07(9) of the Subdivision Code.

4. The Development Master Plan dated June 9, 2023 and any subsequent revisions necessary as a result of satisfying Village approval shall constitute the General Development Plan required under Section 17.27 of the Zoning Code;

5. The Developer shall provide one complete and accurate legal description for all the land to be included in the PDD boundary prior to review of the PDD application by the Village Board.

Director Retzlaff asked for a recommendation or guidance related to the dedication of a future park site or open space in Condition #3. Commissioner Laszewski said it would be cool to add a walking path or trail but that might create a nuisance down the road with people wanting to go near the water to fish and swim. Given the nature of the restoration of the site that will bring more wildlife and waterfowl that will contribute to the eco-system and given the nature of the investment, by itself, he would be in favor of that. Director Retzlaff said a sidewalk could provide a public benefit that is non-intrusive to the development, but neither the Village or the County have a bike or trail plan shown for Appleton Avenue. Commissioner Williams commented that he would like to see some benefit for the Village. Mr. Dawson said he doesn't want to have to call the cops every day because of people trespassing and indicated he would rather invest in the park system. Trustee Baum said there are some significant needs in the parks system and he should talk to the Parks Department to see which of their needs he'd like to gift to.

MOTION to Amend Baum second Laszewski to add to Condition #3 that the Developer should discuss with the Parks Department dedicating some land or hear some other needs that the parks have for other parks that we do have that need some assistance. The dollar value shall be discussed between the Village Planner, Parks Director and the Developer to agree what in kind contribution or other alternative contribution to the parks system can be made.

Discussion continued.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

B. Carter Schmitz Training Systems, LLC, Agent for Ozaukee Development Corporation, Property Owner - W188 N11770 Maple Road Unit 5. Conditional Use Permit (CUP) application for an "Indoor Health or Recreation Establishment" pursuant to Section 17.33(3)(h) and Section 17.29(1)(kk) of the Village Zoning Code. (PUBLIC HEARING & ACTION)

Director Retzlaff summarized the proposal. Carter Schmitz, Training Systems LLC, spoke on his business.

Public hearing opened: 7:48 pm.

-Scott Hefle, W159 N10514 Old Farm Road, said he was 100 percent in support of this business.

Public hearing closed: 7:51 pm.

MOTION Laszewski second Shadid to Approve a conditional use permit for the

MEMORANDUM

TO: Gil Standridge, Director, Park & Recreation Department

FROM: Jeff Retzlaff, Director, Community Development Department

DATE: September 25, 2023

RE: Moraine Development LLC; Planned Development District (PDD) Proposal

It may be important for the Park Commission to know how the issue surrounding the Moraine Development LLC proposal came about as they consider what, if anything, they should recommend to the Village Board in their advisory role as the Moraine Development proposal moves through the approval process.

As you and the Park Commission are likely already aware, the property owner, Moraine Development LLC, represented by Hans Dawson, has submitted a proposal to create a special zoning district known as a Planned Development District (PDD) that would enable restoration and re-development of the 126-acre gravel pit property into a private conservancy area and 15-lot, single-family residential “neighborhood”. The features of the proposed re-development are generally depicted in the “Master Development Plan” (dated August 11; a copy of which was sent to you for your September 27 meeting). At the conclusion of their review and discussion of this proposal at their August 14 meeting, the Plan Commission recommended approval of the proposed PDD and Master Plan subject to a series of conditions.

As highlighted (yellow) on page 5 of the attached staff report, I felt it was necessary to point out to the Plan Commission and the property owner that the Village’s 2021-26 Comprehensive Outdoor Recreation Plan (CORP) includes a “potential future park or shared open space” designation on the Moraine Development property (shown with a purple star on page 27 of the CORP).

While I understand that this and the other “potential future park or shared open space” designations on the CORP map are conceptual and only intended to serve as a general guide to those areas in the Village that may need to be served in the future, I thought it would be beneficial to get the owner, Park Commission and Village Board to discuss the development proposal and talk about a future park site or shared open space that might fit into a mutually agreeable plan and, if so, whether or not such a site or space could be acquired by (or dedicated to) the Village.

Also, and equally as important, the staff report includes discussion (highlighted blue on page 5) about the Village’s Subdivision Code requirement for sidewalks along streets abutting new development and the PDD requirement for a “higher level of amenities” in exchange for the flexibility gained by creating a special zoning district tailored for a specific development.

Frankly, it is my intention that, if the owner, Park Commission and Village Board cannot mutually agree on a “potential future park or shared open space” within the 126-ac property, the owner could meet the PDD “higher amenities” requirement by constructing a sidewalk or multi-use trail across the property along Appleton Avenue (or make a financial contribution to the Village as “payment-in-lieu-of” constructing a sidewalk or trail).

Consequently, Condition #3 contained in the staff recommendation that was also adopted by the Plan Commission requires the owner and Village to have that discussion:

3. *Prior to Village Board adoption of the specific conditions & restrictions resolution for the PDD, the Developer and Village Park Commission should discuss the specifics of what, if any, future park site or shared open space area can/will be dedicated or reserved for future acquisition pursuant to Section 18.07(9) of the Subdivision Code.*

Obviously, since the Plan Commission meeting on August 14, several meetings and discussions have taken place with and between the owner, Hans Dawson, and Village staff. It's clear from those discussions that the owner has no interest in setting aside any area for a future park or shared open space within the 126-acre property. The owner made this clear to the Plan Commission when discussing the staff report and prior to the Plan Commission's positive recommendation for the PDD proposal.

The owner has indicated a willingness to make a financial contribution to the Village... equal to the estimated cost of constructing a sidewalk/trail along the entire 2,300' of road frontage abutting Appleton Avenue. I understand that Dawson has offered \$80,000 as a potential financial contribution based on his own estimate of the cost to construct a trail along Appleton Avenue across the property.

Based on the Village's current design standard for trails and sidewalks (used for the Holy Hill Road re-construction project) and current cost estimates provided by the Village's engineering consultant, staff estimates the cost of constructing a sidewalk and trail as follows (both estimates include a 3" surface over 6" base aggregate):

Multi-Use Trail:	2,300 linear feet of 10' wide asphalt surface @ \$35/foot = \$80,500
Sidewalk:	2,300 linear feet of 5' wide concrete surface @ \$50/foot = \$115,000

Based on the above, it appears that a potential “payment-in-lieu-of” financial contribution of \$80,000 is a reasonable and realistic amount if construction of a trail is not required from the owner as part of approving the proposed development.

With that said, it's important to keep in mind where this proposal is in the overall development review/approval process.

The proposed PDD application will be considered by the Village Board at their October 2 meeting. At that time, the Board will decide whether to accept the Plan Commission's recommendations to approve the PDD zoning district, the Master Development Plan, and a set of "conditions and restrictions" to guide specific details and requirements for future development consistent with the Master Development Plan.

The Plan Commission recommendation does NOT include a requirement for land dedication or financial contribution. The thought being that the Park Commission should discuss the matter with the owner and decide what, if any, recommendation they want to make to the Village Board given that the "potential future park or shared open space" designation appears in the CORP.

Given the above, it's my opinion that the Park Commission should discuss the merits and likely outcome of the following recommendations to make to the Village Board:

1. The Village Board should pursue acquiring a portion of the Moraine Development property for future development & use as a Village-owned public park or open space;
2. The Village Board should require the construction of a multi-use trail along Appleton Ave as part of any proposed development pursuant to requirements in the Village's Subdivision Code, or accept a "payment-in-lieu-of" said construction for use by the Village for future trail construction or park development in the Village

However, considering the owner's position regarding a potential future park or open space as part of the 126-acre property, the Village Boards likely unwillingness to pursue acquisition without the owner's consent and cooperation, and the owner's willingness to make a financial contribution as a "payment-in-lieu-of" constructing a sidewalk or trail, I recommend that the Park Commission work with the owner on a mutually acceptable financial contribution.

Regardless of what the Park Commission might recommend (one, both or neither of the above), the Village Board will likely take final action on the proposal at their October 2 meeting.

PLANNED DEVELOPMENT DISTRICT (PDD) & CERTIFIED SURVEY MAP (CSM) APPLICATIONS

8/14/23 Plan Commission Meeting

Moraine Development LLC

Village Planner Report

Germantown, Wisconsin

Summary

Hans Dawson, agent for Moraine Development LLC, property owner, is requesting approval of a rezoning application to create a Planned Development District (PDD) and Certified Survey Map (CSM) for purposes of restoring and redeveloping the former gravel mining site into a 126-acre residential conservation development located at W218 W11546 Appleton Avenue.

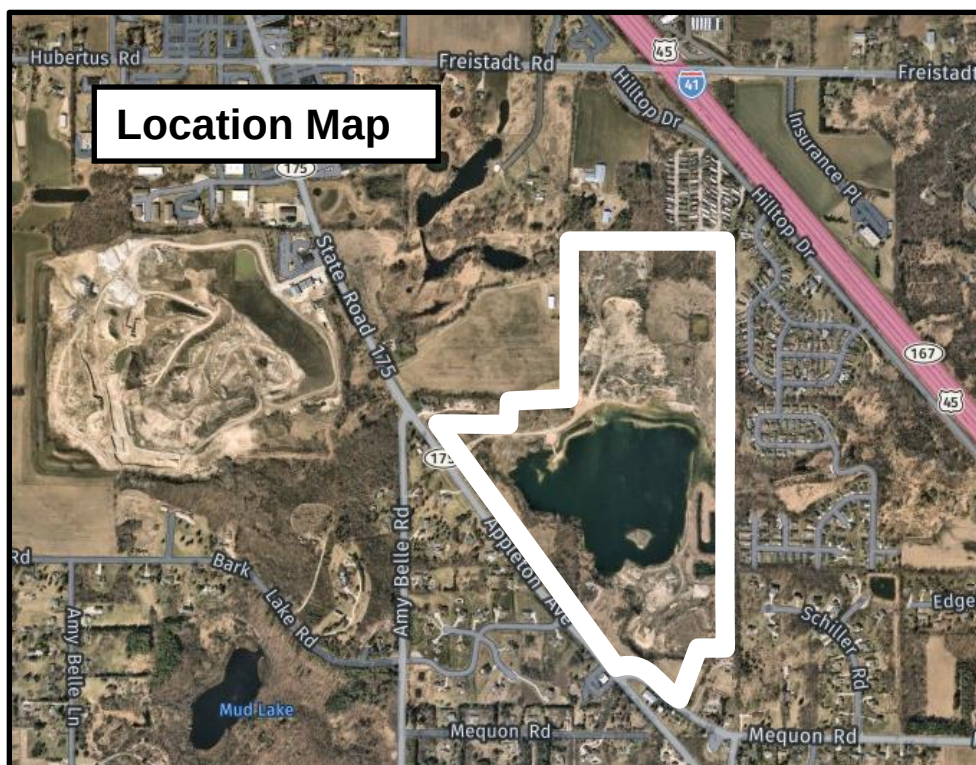
Property Location: W218 W11546 Appleton Avenue

Agent/

Property Owner: David Mortensen Hans Dawson, Lannon Stone Inc.
raSmith Engineering Moraine Development LLC
16745 W Bluemound Rd N52 W23096 Lisbon Road
Brookfield, WI Sussex, WI

Current Zoning: M-4: Mineral Extraction

Adjacent Land Uses		Zoning
North	Agricultural	A-1
South	Agricultural/Residential	A-2/Rs-2
East	Residential (Brookside Mobile Home Park)	MHP
West	Residential	Rs-3



Background

As discussed in April, Moraine Development LLC is requesting the necessary approvals that will enable restoration and redevelopment of the former gravel mining site into a 126-acre residential conservation development. Restoration of the former gravel mining operation (formerly owned by James Cape & Sons and Merget Sand & Gravel before that) is expected to take multiple years of active and passive land management activities to achieve full restoration of the site.

As shown in the master plan, two specific areas for “upland restoration” with “clustered residential units” are proposed; one north and the other south of the centrally located quarry lake within the 126-acre site. Each upland restoration/residential development area will be served by a cul-de-sac and private on-site wastewater treatment systems (POWTS). Other restoration areas include shoreland and woodland restoration around the quarry lake.

The preliminary grading plan indicates an area for building pads for residential development both north and south of the lake within the upland restoration/residential areas. Other proposed features within the site include on-site storm water management basins & swales, strategically located 10'-15' high articulated, landscaped berms along Appleton Avenue, and a 6' wide gravel/asphalt walking path around the quarry lake and connecting the two upland restoration/residential development areas.

Proposal

At this time, Moraine Development LLC is requesting approval of a rezoning application that includes creating a Planned Development District (PDD) with the Rs-2: Single-Family Zoning District as the underlying zoning district and a Certified Survey Map (CSM) to combine all of the individual parcels that comprise the 126-acre site into one parcel.

Certified Survey Map (CSM)

The proposed CSM combines six (6) parcels with a total gross area of 126.8 acres (see the Zoning Exhibit provided in the application for details). Small areas of right-of-way are proposed for dedication consistent with the Village's Subdivision and Platting Code.

Planned Development District (PDD)

To facilitate the planned development, Moraine Development is proposing to create a new Rs-2/Planned Development District with minimal changes to the underlying Rs-2 Zoning District requirements that would ordinarily apply, e.g. minimum lot size & width, public road frontage, building setbacks, etc.

The basic features of the proposed PDD include:

- Develop the site with a “conservation design” with clustered dwelling units and at least 40% open space;
- Allow a maximum of fifteen (15) single-family condominium-style dwelling units (detached or attached with no defined lots and shared ownership of common areas) with attached or detached garages as permitted uses (actual type of

dwelling unit type to be determined);

- On-site private wells and up to 5 dwelling units per well and a private community septic system (vs. public water & sanitary sewer)

Restoration and re-development of the site is intended to be in accordance with the Development Master Plan” included in the PDD application (dated June 9,2023).

A separate “conditions & restrictions” resolution containing these development-specific allowances, references to the detailed general development plan, and any other conditions of approval deemed appropriate, will be prepared by Village staff at the time the PDD is considered by the Village Board.

Staff Comments

Planning & Zoning

As summarized above, current zoning of the 126-acre site varies from parcel to parcel and is a combination of M-4: Mineral Extraction, Rs-2: Single-Family, and A-1: Agricultural. While a change in zoning is not required to commence restoration activities, re-development and use of the property, in whole or in part, require rezoning into the new PDD prior to any site improvements or dwelling construction.

This property is in the “Meeker Hill Neighborhood” under the Village’s 2050 Comprehensive Plan (see attached). This amount and type of residential development that is proposed is consistent with the type and density of single-family development allowed in the Meeker Hill Neighborhood.

In the “Meeker Hill Neighborhood”, if the property is not served by public sewer & water, a maximum density of 1 dwelling unit per 5 acres is allowed if development is done as a “conventional” development with minimum 5-acre lots. If development is done as a “conservation” development, a density of 1 dwelling unit per 3 acres is allowed with smaller lots and a minimum of 40% open space (final zoning district requirements and conservation design criteria for this type of development in the Meeker Hill Neighborhood has not yet been adopted).

Based on an overall development area of 126 acres and a maximum of fifteen (15) dwelling units, the resulting density of 1 DU/8.4 acres would be less than the maximum density allowance of 1 DU/3 acres and be consistent with the residential development type and density policies for the “Meeker Hill Neighborhood” in the 2050 Plan.

In addition to the Rs-2 District modifications proposed by the Developer summarized above, additional provisions will need to be built into the PDD as specific “conditions and restrictions” to address other aspects of the Village’s development regulations that apply to “planned developments” and condominiums (see Section 18.02(8) of the Subdivision Code):

The following provisions should be incorporated into the “conditions and restrictions” resolution for the PDD:

-
- Allowance for private streets designed in accordance with Section 18.07(1)(d) of the Subdivision Code;
 - Provision to waive the public sanitary sewer and water system requirements under Section 18.08(7) & (8) of the Subdivision Code;
 - Requirement that the Developer address the land suitability requirement under Section 18.08(6) of the Subdivision Code by providing engineering, environmental analysis (e.g. water quality testing) or other data and information necessary to reasonably show to the Village that this site is suitable for its proposed use for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other features likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Village;
 - Requirement for detailed site development & building plan review and approval prior to construction of improvements, including private streets, storm water management facilities, landscaped berms & screening features (including street trees in accordance with Section 18.08(14) of the Subdivision Code;
 - Requirement for obtaining necessary permits, including Village permits for all residential dwelling and other building construction, building demolition (if any), erosion control, topsoil removal (if any), Washington County sanitary permits, WisDOT permits for driveway/intersection improvements on Appleton Avenue;
 - Requirement for a lake and shoreland management plan reviewed/approved by the DNR to ensure the quarry lake and upland areas draining to the lake are maintained in a manner that does not negatively impact water quality and/or the water table;
 - Allowance for the export or removal of any previously processed gravel products that remain on the site and the import of clean fill that may be necessary for restoration of the site;
 - Given the intent to develop and use the 126-acre site as a private residential and recreation/conservation area, provisions or restrictions should be included that address potential uses that may create potential negative impacts or nuisances affecting surrounding property owners, e.g. private campground, private recreation uses that have potential nuisance impacts, use of residential dwellings for short-term vacation rental, etc.

The Village's 2021-26 Comprehensive Outdoor Recreation Plan (CORP) includes a map of "potential future park or shared open spaces" that is intended to guide future decision making with respect to the acquisition and/or dedication of land for public park and recreation facilities. One of the designated locations for such future park or shared open spaces is on this property (shown with a purple star on page 27 of the CORP).

Clearly, the thought behind this designation was that the quarry lake and (presumably unbuildable) land that was mined for its gravel resources might be a suitable site for redevelopment into a recreation area (as is the Owner's proposal except that it is intended to be a private recreation and area). While Sections 18.02(3) and 18.07(9) of the Subdivision code requires the dedication and/or reservation of land designated for a public park on a duly adopted comprehensive plan, no such allowance or provision has been incorporated into the proposed General Development Plan. Frankly, other than the designation of this property for a potential park or shared open space area in the CORP, the Village does not currently have a detailed plan for any such area, much less a concept plan that can guide the Developer identify and reserve a future public park or open space area in the General Development Plan. Prior to Village Board adoption of the specific conditions & restrictions resolution for the PDD, the Developer and Village Park Commission should discuss the specifics of what, if any, future park site or shared open space area can/will be dedicated or reserved for future acquisition pursuant to Section 18.07(9).

Similarly, Section 18.08(6) of the Subdivision Code provides that the Village may require sidewalks along abutting streets. The Village's bikeway & trail network in the CORP and Washington County's Bikeway & Trail Plan do not indicate such facilities are planned for Appleton Avenue/STH175 or Meeker Hill Lane in this location. However, the intent section of the Village's PDD indicates that it is *"...intended to permit greater flexibility and, consequently, more creative and imaginative design for the development of a site than is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of amenities, and preservation of the natural qualities of open spaces"*.

Typically, those PDD's that have been approved by the Village include one or more features or design considerations that provide a benefit or amenity for the larger community and not just future residents and owners of the development. The Developer and Village should discuss and consider a future park site dedication/reservation and possible construction of public sidewalks along Appleton Avenue in this light.

Fire Department

The Fire Department is recommending that provisions be included that require a "dry hydrant" connection to the quarry lake be installed consistent with the requirements of NFPA 1142 Chapter 8.

Public Works/Engineering

Detailed comments will be provided at such time as detailed site development and construction plans have been submitted for review and approval for site improvements including private streets, grading, erosion control and storm water management facilities in the residential development sites within the upland restoration areas, landscaped berms & screening features.

In an August 10, 2023 review letter, the Village Surveyor has identified a series of minor technical corrections in an August 10, 2023 memo that will need to be addressed in a revised CSM prior to recording. The Surveyor also indicates that additional right-of-way along both Appleton Avenue and Meeker Hill Lane will be required:

“The Village’s ultimate right-of-way map shows a 120 feet right-of-way for Appleton Ave/STH175. Where necessary, additional right-of-way should be dedicated from the property east of and abutting the centerline of Appleton Avenue to complete the 120’ right-of-way requirement. Similarly, Meeker Hill Lane has a 100 feet ultimate right-of-way requirement; where necessary, additional right-of-way should be dedicated from the property north of and abutting Meeker Hill Lane to complete the 100’ right-of-way requirement.”

With respect to Appleton Avenue, WisDOT has jurisdiction and should be consulted with regarding to the need for additional right-of-way. Germantown has jurisdiction over Meeker Hill Lane and does require the additional right-of-way.

VILLAGE STAFF RECOMMENDATIONS

APPROVE the Certified Survey Map (CSM) to combine six (6) parcels owned by Moraine Development LLC totaling 126.5 acres subject to the following conditions:

1. The CSM shall be revised to reflect the technical corrections noted in the Village Surveyor comments contained in the August 10, 2023, review memo prior to recording the CSM.
2. The Developer shall contact WisDOT to determine additional right-of-way needs for Appleton Avenue/STH175 and dedicate any required right-of-way as part of a revised CSM prior to recording.
3. The CSM shall be revised to reflect the additional right-of-way requirement for Meeker Hill Lane review memo prior to recording the CSM.

APPROVE creating a Rs-2/PDD for the 126-acre Moraine Development LLC property as proposed subject to the following requirements and conditions:

1. The Rs-2: Single-Family Zoning District regulations shall constitute the underlying conditions and restrictions for the PDD subject to the Developer proposed modifications and Village staff provisions summarized herein. A complete “conditions & restrictions” resolution establishing all use and development allowances, requirements, and restrictions shall be drafted for review and approval by the Village Board concurrent with review and approval of an ordinance creating the Moraine Development Planned Development District (PDD);
2. The conditions & restrictions resolution shall include the following provisions:
 - a. Allowance for private streets designed in accordance with Section 18.07(1)(d) of the Subdivision Code;
 - b. Provision to waive the public sanitary sewer and water system requirements

-
- under Section 18.08(7) & (8) of the Subdivision Code;
 - c. Requirement that the Developer address the land suitability requirement under Section 18.08(6) of the Subdivision Code by providing engineering, environmental analysis (e.g. water quality testing) or other data and information necessary to reasonably show to the Village that this site is suitable for its proposed use for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other features likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Village;
 - d. Requirement for detailed site development & building plan review and approval prior to construction of improvements, including private streets, storm water management facilities, landscaped berms & screening features (including street trees in accordance with Section 18.08(14) of the Subdivision Code;
 - e. Requirement for obtaining necessary permits, including Village permits for all residential dwelling and other building construction, building demolition (if any), erosion control, topsoil removal (if any), Washington County sanitary permits, WisDOT permits for driveway/intersection improvements on Appleton Avenue;
 - f. Requirement for a lake and shoreland management plan reviewed/approved by the DNR to ensure the quarry lake and upland areas draining to the lake are maintained in a manner that does not negatively impact water quality and/or the water table;
 - g. Allowance for the export or removal of any previously processed gravel products that remain on the site and the import of clean fill that may be necessary for restoration of the site;
 - h. Given the intent to develop and use the 126-acre site as a private residential and recreation/conservation area, provisions or restrictions should be included that address potential uses that may create potential negative impacts or nuisances affecting surrounding property owners, e.g. private campground, private recreation uses that have potential nuisance impacts, use of residential dwellings for short-term vacation rental, etc.
 - i. Requirement that a “dry hydrant” connection to the quarry lake be installed consistent with the requirements of NFPA 1142 Chapter 8. The location and design shall be determined in cooperation with the Village Fire Department.
3. Prior to Village Board adoption of the specific conditions & restrictions resolution for the PDD, the Developer and Village Park Commission should discuss the specifics of what, if any, future park site or shared open space area can/will be dedicated or reserved for future acquisition pursuant to Section 18.07(9) of the Subdivision Code.
4. The Development Master Plan dated June 9, 2023 and any subsequent revisions necessary as a result of satisfying Village approval shall constitute the General Development Plan required under Section 17.27 of the Zoning Code;
5. The Developer shall provide one complete and accurate legal description for all the land to be included in the PDD boundary prior to review of the PDD application by the Village Board.

Abstain: Jolene Pieper

Motion Passed (Yes 6, No 0, Abstained 1)

- A. Hans Dawson, Agent for Moraine Development LLC, Property Owner - W218 N11546 Appleton Avenue. Applications to: (1) Create an Rs-2:Single-Family Residential Planned Development District (Rs-2/PDD) pursuant to Sections 17.15 and 17.27 of the Zoning Code; (2) Rezone from the M-4: Mineral Extraction, A-2: Agricultural, and Rs-2: Single-Family Zoning Districts into the newly created Rs-2/PDD Zoning District; and (3) a Certified Survey Map (CSM) to combine six parcels all for the purpose of restoring and redeveloping the former gravel mining property into a 126.5-acre private conservation area and 15-lot Single-Family residential development.

Community Development Director Jeff Retzlaff requested approval of the RS-2 Single Family Residential PDD, the rezone from the M-4 Mineral Extraction, A-2 Agricultural, and Rs-2 Single Family Zoning Districts into the newly created Rs-2 PDD Zoning District, and approval of the CSM combining six parcels into one. The 126.5 acres was agreed to be a private conservation area instead of a future park area by the Developer/Owner and Park & Recreation Commission with an \$80,000 contribution by the Developer/Owner to do the PDD Overlay.

Developer/Owner Hans Dawson (Sleepy Hollow Rd) spoke to the Board regarding his concerns of not removing the star on the Park & Rec map. Dawson requests to remove the star so it is understood this land would not be considered a future park area and to create certainty to his investment and the future improvements to stabilize the land.

Trustee Pieper expressed her concerns and opposed the proposal due to the potential for lawsuits and harassment, referencing the Village of Richfield and the pit off Scenic Rd, and requests the 126.5 acres be public and not private. Dawson advised that he would be reshaping the land only and not bringing in additional fill. He advised there would be no incentive for him to develop and maintain the land if it were made public.

Trustee Jan Miller questioned the Park & Recreation star map and favors the Hans Dawson proposal with his land improvements.

President Wolter notes that the removal of the Star designation on the property was not on the Agenda for discussion tonight, and that it would go before Parks & Recreation Commission and then Village Board for consideration. Discussion of the financial contributions and specifics of the PDD would need to go before the Plan Commission and then the Village Board for consideration.

Motion 1: Approve the CSM to combine the six parcels into one, as presented

Motion By: David Baum

Seconded By: Jan Miller

Yes: David Baum, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Dean Wolter

No: Jolene Pieper

Abstain: None

Motion Passed (Yes 6, No 1, Abstained 0)

Motion 2: Approve the creation of the RS-2 Zoning District to the PDD, as presented

Motion By: David Baum

Seconded By: Jan Miller

Yes: David Baum, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Dean Wolter

No: Jolene Pieper

Abstain: None

Motion Passed (Yes 6, No 1, Abstained 0)

Motion 3: Approve the rezoning of the RS-2 PDD of the 126.5 acres with the 5 conditions, as presented

Motion By: David Baum

Seconded By: Rick Miller

Yes: David Baum, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter

No: None

Abstain: None

Motion Passed (Yes 7, No 0, Abstained 0)

C. Renewal of Sun Life Stoploss Contract

Support Services Manager Erin Hirn advised this is an additional insurance the Village carries for additional protection if a claim reaches a certain level.

Motion: Approve as presented

Motion By: Rick Miller

Seconded By: David Baum

Yes: David Baum, Phil Hudson, Bill Neureuther, Rick Miller, Jan Miller, Jolene Pieper, Dean Wolter

No: None

Abstain: None

Motion Passed by Roll Call Vote (Yes 7, No 0, Abstained 0)

D. 2023 Road Program Change Order #1

1) A motion was made by Trustee Baum to approve as presented. Seconded by Trustee Hudson.

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: November 6, 2023

PLACEMENT: Action Item

ITEM TITLE: Street Tree Trimming Project

SUBMITTED BY: Scott Anderson, Superintendent

SUMMARY EXPLANATION:

Three residential areas within the village have been identified by staff as being in need of tree trimming. The project focus is to accomplish roadway clearance and maintain the overall health and structure of the village street trees within the project areas. Specifications were developed by Wachtel to perform the necessary maintenance following best practices for municipal street trees. These practices are a standard followed in most municipalities when performing street tree maintenance. The recommended contractor intends to keep the same crew together for the entirety of the project. An arborist with credentials from the International Society of Arboriculture will work with the crew periodically and will be on site regularly to perform quality control. Staff has solicited area tree contractors to perform the work, and the results are listed below for review.

Crawford Tree & Landscape Services:	\$33,314.65
SavATree:	\$33,723.75
Proview Outdoor Services:	\$33,895.00
M&M Tree Care:	\$35,055.00
A New Leaf Tree Service:	\$35,555.00
East Outdoor Services:	\$41,809.00
First Choice Tree Care, Inc:	\$66,475.00

ATTACHMENT:

1. Germantown 2023 Tree Trimming Project (002)

RECOMMENDATION:

Staff recommends contracting with Crawford Tree & Landscape Services to trim all street trees as outlined in the bid documents in an amount not to exceed \$33,314.65, and to forward this request onto the Village Board with a positive recommendation. If approved, the funds shall be allocated from Parks Street Tree line-item account: 10-553-530-5290.

ACTION BY Committee:

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.



Germantown 2023 Tree Trimming Project

City of Milwaukee Urban Street Tree





**City of Wauwatosa
Urban Street Tree**

City of West Bend Urban Street Tree

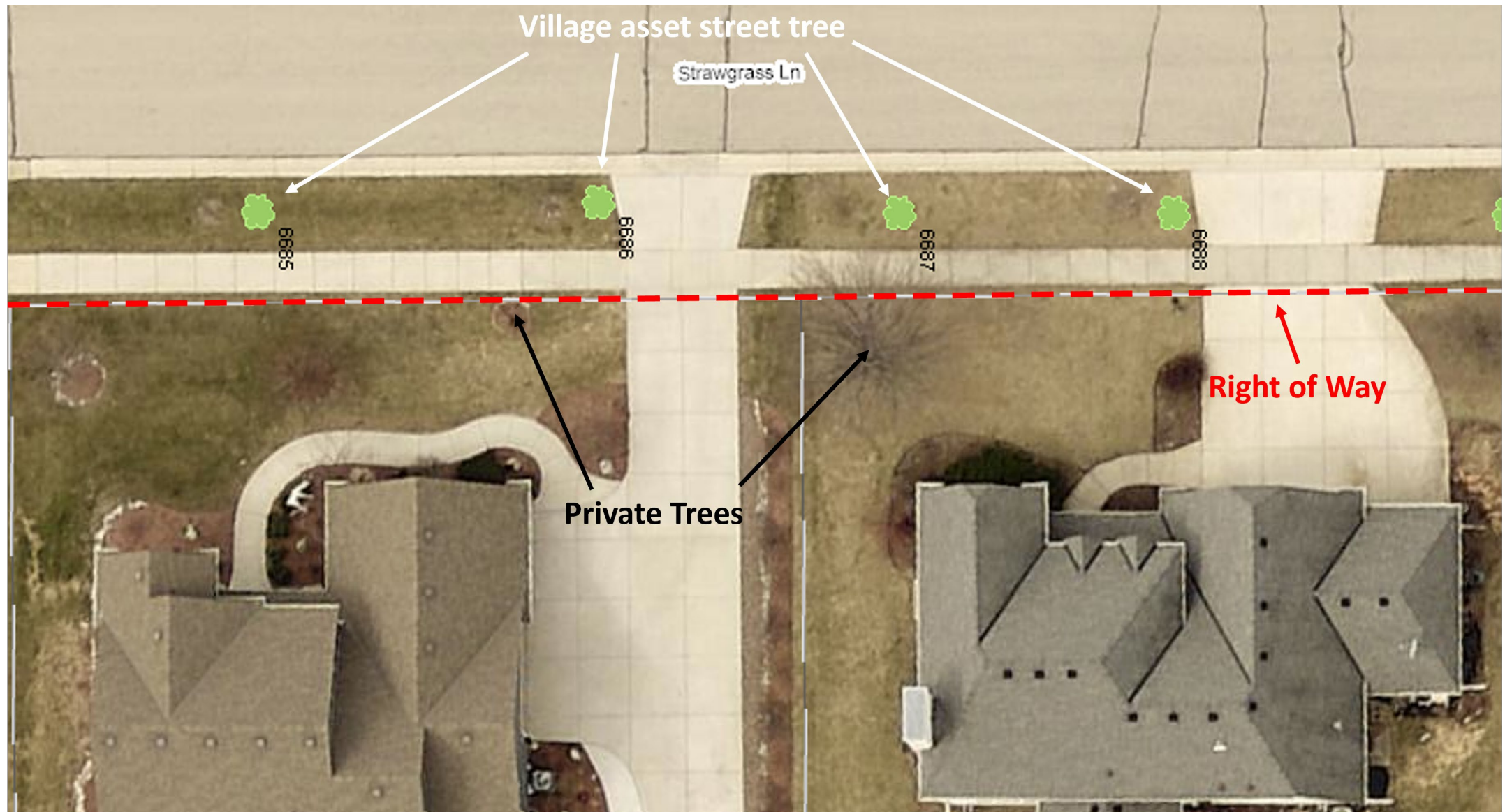


17.60 TREES. (Cr. Ord. #31-02)

- (1) **PURPOSE AND INTENT.** This section establishes policies, regulations, and standards necessary to ensure that the Village of Germantown will continue to realize the benefits provided by its urban forest. The provisions of this chapter are enacted to:
 - (a) Establish and maintain the maximum amount of tree cover on public and private lands in the Village of Germantown.
 - (b) Maintain trees in a healthy and nonhazardous condition through good arboricultural practices.
 - (c) Establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest.
- (2) **DEFINITIONS.**
 - (a) Park Trees. Park trees are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the Village, or to which the public has free access as a park.
 - (b) Private Trees. Any and all trees growing on private property within the Village limits as of or after the effective date of the ordinance from which this section or successful sections derives and which are not defined or designated in this chapter as street trees, park trees, or public trees.
 - (c) Public Nuisance. Any tree or shrub or part thereof growing upon private or public property which is: interfering with the use of any public area; infected with an infectious pest; or endangers the life, health, safety, or welfare of persons or property can be declared a public nuisance.
 - (d) Public Utility. Any public, private or cooperatively owned line, facility, or system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, waste or stormwater, which directly or indirectly serves the public or any part thereof within the corporate limits of the Village.
 - (e) Street Trees. Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, roads, medians, avenues, or ways within the Village.
 - (f) Tree Topping. The severe cutting back of limbs to stubs larger than 3 inches in diameter with the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

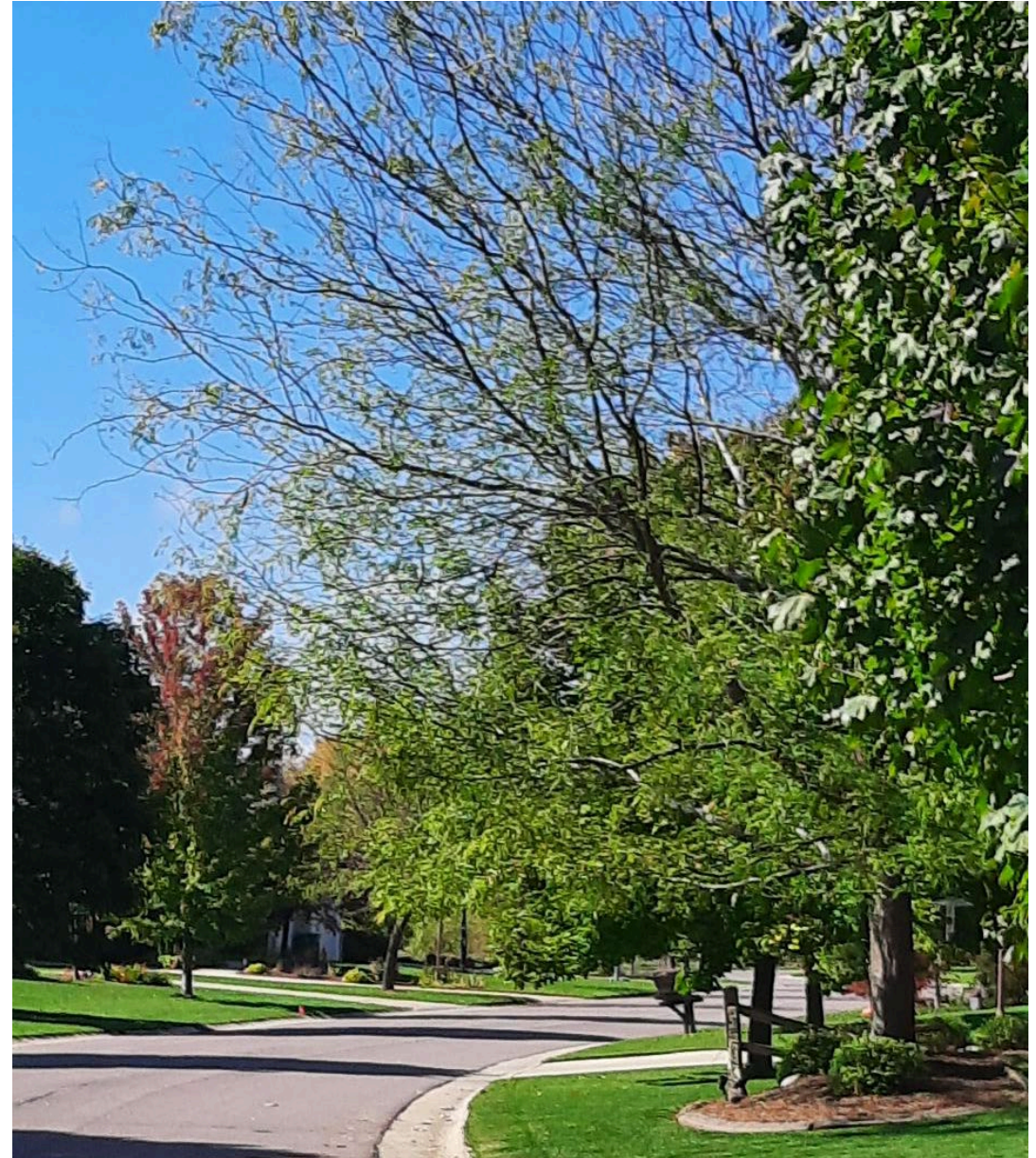
(4) **PLANTING OF TREES ON PUBLIC RIGHT-OF-WAY ALONG ROADS.** The Village shall have jurisdiction, direction, authority, control, and supervision over that part of every street, the grade of which has been established lying between the lot line and the curb, or curb line, and trees on any property, which may in any way have effect upon public property, and upon the public welfare of the Village of Germantown, and for the planting, care, maintenance, protection and removal thereof. The Village Board shall have the authority to make such rules and regulations as it may deem applicable for carrying out the purpose of this section.

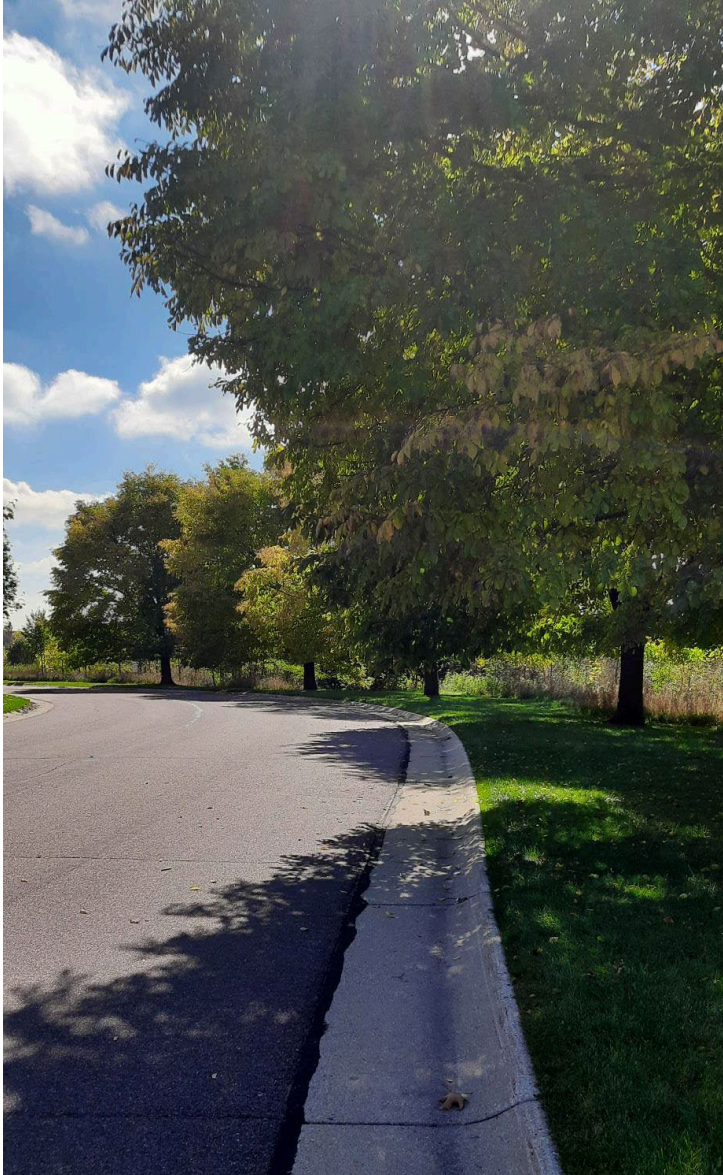
- (a) Permit Required. No tree shall be planted on the public right-of-ways within the Village of Germantown until a permit shall first have been obtained by the owner of the property abutting on the frontage thereof, or his authorized agent. Such permit shall be obtained from the Building and Grounds Foreman, and shall be issued only after the Buildings and Grounds Foreman has received a validated application for said permit.
- (b) Application for Permit. Application for the permit shall be obtained from the Village Clerk and validated by the Building and Grounds Foreman or Village Forester. A separate application and a separate permit and a fee are required for each tree intended to be planted.
- (c) Compliance with Vision Clearance. No application shall be validated or permit issued unless the provisions of the Municipal Code of the Village of Germantown requiring vision clearance on corner lots shall have been complied with.
- (d) Fee. Any person, firm, or corporation intending to plant a tree on the public right-of-way shall submit an application for a permit and pay a fee of \$5.00 for each tree to be planted.
- (e) Inspection. The owner/applicant/developer shall provide written notice to the Village of the dates to start and finish planting. An inspection by the Village is to be done 30 days from the finish date.
- (f) Specifications. Applications for street tree permits must comply with the specifications for planting as promulgated by the Village.





Meadow Creek Crossing Urban Street Tree





Meadow Creek Crossing Urban Street Tree





Berrywood Subdivision Urban Street Tree

Berrywood Subdivision Urban Street Tree



Prairie Glen Subdivision Urban Street Tree



BUSINESS OF THE VILLAGE BOARD

MEETING DATE: November 6, 2023

PLACEMENT: Action Item

ITEM TITLE: Public Safety Staffing Referendum Question

SUBMITTED BY: Steve Kreklow, Administrator

SUMMARY EXPLANATION:

At the October 25th Committee of the Whole Meeting, the Village Board directed staff to prepare a draft referendum resolution to add four police officers and ten fire fighters to the Germantown Police and Fire Departments. Combined with positions proposed to be added to the departments in the 2024 Budget, this would bring both departments up to staffing levels recommended by the Police Chief and Fire Chief.

ATTACHMENT:

1. Resolution Exceeding Levy Limits for 10 and 4 Draft Public Safety Draft 231106

RECOMMENDATION:

Adopt Referndum Resolution to add four police officers and ten firefighters.

ACTION BY Committee:

RESOLUTION NO. ____-23

A RESOLUTION AUTHORIZING A REFERENDUM FOR THE VILLAGE
OF GERMANTOWN TO ALLOW THE VILLAGE TO EXCEED THE
STATE IMPOSED LEVY LIMIT BEGINNING WITH THE 2024
LEVY (COLLECTED IN 2025) AND ON AN ONGOING BASIS

WHEREAS, the State of Wisconsin has imposed limits on town, village, city and county property tax levies under Wis. Stat. § 66.0602; and

WHEREAS, Wis. Stat. § 66.0602 limits the increase in 2024 to the local property tax levy to no more than the greater of (a) 0% of last year's actual levy or (b) a percentage equal to the percentage change in equalized value due to new construction less improvements removed plus other exceptions like new debt service; and,

WHEREAS, the Village of Germantown actual levy in 2023 (collected in 2024) was \$16,928,451; and, based upon the percentage change in equalized value due to new construction less improvements removed plus new debt service, state law would limit the increase to \$200,000 for a total allowable 2024 (collected in 2025) village tax levy of \$17,128,451; and

WHEREAS, the Village of Germantown is presently served by 19 full-time Fire Department personnel which are supplemented paid on-call fire department staff. In order to add additional full-time staff to provide adequate response to a growing number of calls for service, the Village's costs would exceed the maximum allowable levy; and

WHEREAS, the Village of Germantown is presently served by 38 sworn full-time Police Department personnel. In order to add additional full-time staff to continue to provide more adequate response to a growing number of calls for service, the Village's costs would exceed the maximum allowable levy; and

WHEREAS, the Village Board of the Village of Germantown, Washington County believes it is in the Village's best interest to exceed the state levy limit as described above by a greater percentage than allowed by statute for increased full-time staffing of the Fire and Police Departments;

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Germantown, Washington County, do hereby support an increase in the village tax levy for 2024 (collected in 2025) to exceed the state levy limit. The Village Board intends that the levy increase be applied on an ongoing basis thereafter by including it in the base used to calculate the limit going forward.

BE IT FURTHER RESOLVED that the Village Board directs that the question of increasing the village tax levy for 2024 (to be collected in 2025) by 8.46%, which would increase the village levy by \$1,449,468 over the past year's levy, for a village tax levy of \$18,577,919, shall be submitted to the electors in a referendum election to be held on April 2, 2024, in the following form:

Referendum Question

Under state law, the increase in the levy of the Village of Germantown for the tax to be imposed for the next fiscal year, 2025, is limited to 2.00% which results in a levy of \$17,128,451. Shall the Village of Germantown be allowed to exceed this limit and increase the levy for the next fiscal year, 2025, and on an ongoing basis, for the purpose of hiring four (4) new police officers and ten (10) new fire department personnel, by a total of 8.46%, which results in a levy of \$18,577,919?

The results of the referendum shall be binding upon the Village of Germantown and certified to the Wisconsin Department of Revenue, as required by Wisconsin Statutes Section 66.0602(4)(d).

BE IT FURTHER RESOLVED that the Village Board directs that the following Explanatory Statement of the vote be used where required:

Explanatory Statement and Effect of Vote

The Village of Germantown is presently served by 19 full-time Fire Department personnel which are supplemented by paid on-call fire department staff and 38 sworn full-time Police Department personnel. In order to add additional full-time staff to provide adequate response to a growing number of calls for service, the Village's costs would exceed the maximum allowable levy.

A "yes" vote allows the Village Board to exceed the state imposed levy limits to provide additional funding to pay for expanded full-time staffing of the Germantown Fire and Police Departments. The increased levy would apply on an ongoing basis thereafter by including it in the base used to calculate the limit going forward.

A "no" vote does not allow the Village Board to exceed the state imposed levy limits to provide additional funding to pay for additional full-time staffing of the Germantown Fire and Police Departments. The Fire and Police

Departments would continue to be staffed in the same manner they are presently staffed.

BE IT FURTHER RESOLVED that the Village Clerk shall provide the County Clerk with a certified copy of this Resolution so as to ensure that the referendum question can be placed on the April 2, 2024 election ballot for all wards within the Village of Germantown.

Introduced by Trustee:

Adopted:

Vote: Ayes:

Nays:

Absent:

Dean Wolter, Village President

ATTEST:

Donna Cox, Village Clerk

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: November 6, 2023

PLACEMENT: Action Item

ITEM TITLE: Vacancy in Office of District 3 Trustee

SUBMITTED BY: Donna Cox, Village Clerk, Brian Sajdak, Attorney

SUMMARY EXPLANATION:

On October 27, 2023, Trustee Myers filed his resignation with the Village Clerk, effective immediately. This creates a vacancy in the Office of District 3 Trustee. Under Wis. Stat. § 17.24, "a vacancy in any elective village office may be filled by appointment by a majority of the members of the village board for the residue of the unexpired term or until a special election is held, as ordered by the village board, or an office may remain vacant until an election is held." Given the timing of Trustee Myer's resignation, and the fact that the seat is up for election in April, there are only two realistic options available to address the vacancy created. First, the Village Board could appoint someone to fill the seat until the end of the current term in April 2024. The individual appointed would have to run for reelection in April. Alternatively, the Village Board may choose to leave the office vacant until the election in April 2024.

The option of holding a special election is largely unworkable at this time of year. A special election could be held on January 9, 2024 or January 16, 2024. However, many of the deadlines related to such an election, and the primary (if necessary) end up falling on or near holidays. Any special election date after those dates results in the possibility of having two (or potentially three) absentee ballots available to the electors, which creates a significant risk of confusion. Holding a special election at this time also creates confusion for candidates because they would need to circulate nomination papers both for the special election and also for the regular end-of-term election in April.

If the Board desires to appoint a replacement, the recommendation would be to accept applications for a few weeks with the Board then interviewing and selecting a replacement. Options would be a special meeting the week of November 27, or also potentially at the regular Board meeting on December 4. Of course, the Board could select any other date it desires as well.

ATTACHMENT:

RECOMMENDATION:

A motion to establish an appointment process, to leave the office vacant until the April 2024 election, or such other action as the Board may desire.

ACTION BY Committee:

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: November 6, 2023

PLACEMENT: Presentation

ITEM TITLE: Administrator 2023 Performance Goals Update. The Village Board may enter into closed session per Wis Statute 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, and then may reconvene into open session to take such action as it deems appropriate.

SUBMITTED BY:

SUMMARY EXPLANATION:

ATTACHMENT:

RECOMMENDATION:

ACTION BY Committee: