MEETING:	**AMENDED REGULAR MEETING OF THE VILLAGE BOARD**
DATE & TIME:	**Thursday, April 4, 2024 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 **#:2555 719 9067** 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=m2f7298166e19c4f5766a2ded1d441906

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 Village Board Meeting Videos can be viewed at **https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ**

AGENDA

I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*

II. **ROLL CALL:**

III. **PLEDGE OF ALLEGIANCE:**

IV. **PRESIDENT'S REPORT:**

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

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. Regular Village Board Minutes - March 18, 2024

B. Special Village Board Minutes - March 25, 2024

C. Repairs to Burn Tower

VIII. **PUBLIC HEARINGS:**

IX. **NEW BUSINESS:**

A. A Resolution Disallowing the Claim of Scott A. and Carmen J. Miller for Automobile Damage

B. Change of Agent Application - ALDI Store #67 (located at N96W188838 County Line Rd, Germantown, WI 53022)

C. Mark Brooks, Agent for Das Barrel Room Tavern & Grill, and Doctors LLC, Property Owner of W201 N10466 Appleton Avenue. Application to Amend

Conditional Use Permit No. #13-2019 to allow expansion of the existing off-site parking area pursuant to Section 17.28(3)(u) and Section 17.45(5) of the Village Zoning Code.

D. Award of contract to Pro Track and Tennis, Inc. in the amount not to exceed $69,320 to be paid out. of ARPA funds for maintenance work on the Alt Bauer Park tennis courts.

E. Purchase of Kinderberg Park equipment and installation services from Lee Recreation, LLC in an amount not to exceed $300,000 with funds available in account 40591000-592300.

F. Strategy Concerning Acquisition of Properties in the Village's Village Center District (in the general area of Mequon Road and Pilgrim Road). The Village Board may convene into Closed Session per Wis. Stat. § 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and then may reconvene into open session to take such action as it deems appropriate.

G. Acquisition of Grosenick Property - N116 W15843 Main Street and W157 N11593 Fon Du Lac Avenue. The Village Board may Convene into Closed Session as per Wis. Statute 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 reconvene into open session to take such action as it deems appropriate.

X. 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, March 18, 2024 7:00 PM**
LOCATION:	**Germantown Village Hall Board Room** **N112 W17001 Mequon Road**

DRAFT

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.*

Village President Dean Wolter called the Village Board Meeting to order at 7:17 PM.

II. ROLL CALL:

Present: President Dean Wolter, Trustee David Baum, Trustee Terri Kaminski, Trustee Bill Neureuther, Trustee Rick Miller, Trustee Jolene Pieper, Trustee Jan Miller, Trustee Phil Hudson
Late Arrival: Trustee Pieper arrived a few minutes after the meeting began
Absent:
Excused: Trustee Robert Warren
Also Present: Village Administrator Steve Kreklow, Village Attorney Brian Sajdak, Village Clerk Donna Ott, Public Works Director Matthew Mortwedt

III. PLEDGE OF ALLEGIANCE:

IV. PRESIDENT'S REPORT:

Village President Wolter spoke about the Eagle Scout ceremony he attended for Robert J. Manning II, and mentioned the upcoming Park & Rec Easter Egg Hunt on March 23rd.

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

Trustees announced future meeting and event dates and times.

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 (W156 N10121 Pawnee Ct) spoke regarding the budget and taxes.

Sarah Larson (W159N9737 Butternut Rd) spoke regarding the future Public Safety building.

Mike Grafwallner (W164N11050 Kings Way) spoke regarding Village referendum.

Melanie Smythe (N140W17938 Cedar Lane) spoke regarding the Village Administrator's goals.

Scott Hefle (W159N10514 Old Farm Rd) spoke regarding various subjects.

VII. CONSENT AGENDA:

Motion: Approve Items A-O as presented
Motioned By: Trustee Baum
Seconded By: Trustee Rick Miller

Request: Pull Items D, M, and O for Discussion
Requested By: Trustee Jan Miller

Motion: Approve Items A-O, with the exception of Items D, M, and O

Yes: Trustee Neureuther, Trustee Baum, Trustee Jan Miller, Trustee Hudson, Trustee Pieper, Trustee Rick Miller, Trustee Kaminski, President Wolter
No: None
Abstain: None

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

Discussion ensued individually pertaining to Items D, M, and O.

Motion: Approve Item D as presented
Motioned By: Trustee Rick Miller
Seconded By: Trustee Pieper

Yes: Trustee Neureuther, Trustee Baum, Trustee Jan Miller, Trustee Hudson, Trustee Pieper, Trustee Rick Miller, Trustee Kaminski, President Wolter
No: None
Abstain: None

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

Motion: Approve Item M as presented
Motioned By: Trustee Baum
Seconded By: Trustee Jan Miller

DRAFT

Yes: Trustee Neureuther, Trustee Baum, Trustee Jan Miller, Trustee Hudson, Trustee Pieper, Trustee Rick Miller, Trustee Kaminski, President Wolter
No: None
Abstain: None

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

Motion: Approve Item O as presented
Motioned By: Trustee Baum
Seconded By: Trustee Jan Miller

Yes: Trustee Neureuther, Trustee Baum, Trustee Jan Miller, Trustee Hudson, Trustee Pieper, Trustee Rick Miller, Trustee Kaminski, President Wolter
No: None
Abstain: None

Motion Passed by Voice Vote (Yes 8, No 0, Abstained 0)

A. Village Board Minutes — February 5, 2024

B. Village Board Minutes — February 19, 2024

C. Village Board Minutes — March 4, 2024

D. Purchase of 2024 Articulating Wheel-Loader from Fabrick Cat of Milwaukee for an amount not to exceed $119,100.00.

E. Award of a contract for the 2024 Senior Center Exterior Painting Project to MACORP LLC of Milwaukee in an amount not to exceed $21,198.00

F. Award of Contract for the 2024 Firemen's Park Bandshell Painting Project to MACORP LLC of Milwaukee in an amount not to exceed $32,063.00

G. Blanket Purchase Order for Manhole Repair Materials — Ferguson Water Works

H. Blanket Purchase Order for Materials — Core & Main LP

I. Blanket Purchase Order for Materials — Adaptor Inc.

J. Blanket Purchase Order for Manhole Grouting — Visu-Sewer

K. Blanket Purchase Order for Lift Station Maintenance – William/Reid LLC

DRAFT

L. Blanket Purchase Order for Residential Yard Waste Facility Material Processing — Enercon

M. Award Contract for Donges Bay Road Reconstruction Project from STH 145/Fond du Lac Avenue to Wasaukee Road to Vinton Construction of Two Rivers, Wisconsin, in an amount not to exceed $2,769,158.

N. Award Contract for Conceptual Designs for Division Road Reconstruction including Public Information Meetings to Kapur and Associates, Inc. of Milwaukee, Wisconsin in an amount not to exceed $30,980

O. ANR Pipeline Access Easement and Agreements

VIII. NEW BUSINESS:

A. Police Support Specialist and Police System Specialist Job Descriptions

Motion: Approve as presented
Motioned By: Trustee Baum
Seconded By: Trustee Hudson

Yes: President Wolter, Trustee Baum, Trustee Kaminski, Trustee Neureuther, Trustee Rick Miller, Trustee Pieper, Trustee Jan Miller, Trustee Hudson
No: None
Abstain: None

Motion Passed by Voice Vote (Yes 8, No 0, Abstained 0)

B. Award of Bid Package #4 -DPW Facility

Motion: Approve as presented
Motioned By: Trustee Rick Miller
Seconded By: Trustee Kaminski

Yes: Trustee Neureuther, Trustee Baum, Trustee Jan Miller, Trustee Hudson, Trustee Pieper, Trustee Rick Miller, Trustee Kaminski, President Wolter
No: None
Abstain: None

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

DRAFT

C. Award of a Contract for Construction Management, Inspection, and Staking Services for the Donges Bay Road Project to Graef in an amount not to exceed $249,648

Motion: Approve as presented
Motioned By: Trustee Baum
Seconded By: Trustee Rick Miller

Yes: Trustee Neureuther, Trustee Baum, Trustee Jan Miller, Trustee Hudson, Trustee Rick Miller, Trustee Kaminski, President Wolter
No: Trustee Pieper
Abstain: None

Motion Passed by Roll Call Vote (Yes 7, No 1, Abstained 0)

D. Award of Contract for the 2024 Annual Road Program to Wolf Paving Co., Inc. of Hartland, Wisconsin in an amount not to exceed $1,274,082

Motion: Approve as presented
Motioned By: Trustee Baum
Seconded By: Trustee Kaminski

Yes: Trustee Neureuther, Trustee Baum, Trustee Jan Miller, Trustee Hudson, Trustee Pieper, Trustee Rick Miller, Trustee Kaminski, President Wolter
No: None
Abstain: None

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

E. Presentation on Village of Germantown Property Tax Burden

Presentation provided by Administrator Kreklow regarding Germantown property tax burden.

F. Village Administrator 2024 Performance Review Standards

Motion: Accept standards as written
Motioned By: Trustee Hudson
Seconded By: Trustee Baum

Motion: Change the date for outstanding from June 30th to May 30th
Motioned By: Trustee Jan Miller
Seconded By: None

Motion Failed for Lack of a Second

Original Motion to Approve as Presented

DRAFT

Yes: Trustee Neureuther, Trustee Baum, Trustee Hudson, Trustee Pieper, Trustee Rick Miller, Trustee Kaminski, President Wolter
No: Trustee Jan Miller
Abstain: None

Motion Passed by Roll Call Vote (Yes 7, No 1, Abstained 0)

Motion: Enter into Closed Session for New Business Items G & H at 8:35 PM with the following in attendance: Attorney Sajdak, Administrator Kreklow, Community Development Director Retzlaff, and Public Works Director Mortwedt
Motioned By: Trustee Pieper
Seconded By: Trustee Baum

Yes: Trustee Neureuther, Trustee Baum, Trustee Jan Miller, Trustee Hudson, Trustee Pieper, Trustee Rick Miller, Trustee Kaminski, President Wolter
No: None
Abstain: None

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

G. Strategy Concerning Acquisition of Properties in the Village's Village Center District (in the general area of Mequon Road and Pilgrim Road). The Village Board may convene into Closed Session per Wis. Stat. § 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and then may reconvene into open session to take such action as it deems appropriate.

H. Acquisition of Grosenick Property - N116 W15843 Main Street and W157 N11593 Fond du Lac Avenue. The Village Board may convene 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 reconvene into open session to take such action as it deems appropriate.

Motion: Return to Open Session at 9:00 PM
Motioned By: Trustee Pieper
Seconded By: Trustee Baum

Yes: President Wolter, Trustee Baum, Trustee Kaminski, Trustee Neureuther, Trustee Rick Miller, Trustee Pieper, Trustee Jan Miller, Trustee Hudson
No: None
Abstain: None

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

DRAFT

Motion: Direct staff to proceed as discussed in Closed Session regarding Item H
Motioned By: Trusttee Pieper
Seconded By: Trustee Baum

Yes: President Wolter, Trustee Baum, Trustee Kaminski, Trustee Neureuther, Trustee Rick Miller
No: Trustee Pieper, Trustee Hudson, Trustee Jan Miller
Abstain: None

Motion Passed (Yes 5, No 3, Abstained 0)

IX. ADJOURNMENT:

The meeting was adjourned by Village President Wolter at 9:05 PM.

DRAFT

MEETING:	**SPECIAL MEETING OF THE VILLAGE BOARD**
DATE AND TIME:	**Monday, March 25, 2024 6:30 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 Special Village Board meeting was called to order by Village President Dean Wolter at 6:32 PM.

II. ROLL CALL:

Present: Trustee David Baum, Trustee Terri Kaminski, Trustee Bill Neureuther, Trustee Rick Miller, Trustee Phil Hudson, Trustee Jan Miller, Trustee Jolene Pieper, President Dean Wolter
Also Present: Village Attorney Brian Sajdak
Absent:
Excused: Trustee Robert Warren

III. PLEDGE OF ALLEGIANCE:

IV. NEW BUSINESS:

Motion: Enter into Closed Session
Motioned By: Trustee Pieper
Seconded By: Trustee Baum

Yes: Trustee Baum, Trustee Kaminski, Trustee Neureuther, Trustee Rick Miller, Trustee Hudson, Trustee Jan Miller, Trustee Pieper, President Wolter
No: None
Abstain: None

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

A. Acquisition of Grosenick Property - N116 W15843 Main Street and W157 N11593 Fon Du Lac Avenue. The Village Board may Convene into Closed Session as per Wis. Statute 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 reconvene into open session to take such action as it deems appropriate.

Motion: Enter into Open Session at 7:04 PM
Motioned By: Trustee Pieper
Seconded By: Trustee Neureuther

Yes: Trustee Baum, Trustee Kaminski, Trustee Neureuther, Trustee Rick Miller, Trustee Hudson, Trustee Jan Miller, Trustee Pieper, President Wolter
No: None
Abstain: None

Motion Passed by Voice Vote (Yes 8, No 0, Abstained 0)

Motion: Direct Staff to Proceed as Discussed in Closed Session
Motioned By: Trustee Baum
Seconded By: Trustee Pieper

Yes: Trustee Baum, Trustee Kaminski, Trustee Neureuther, Trustee Rick Miller, President Wolter
No: Trustee Hudson, Trustee Jan Miller, Trustee Pieper
Abstain: None

Motion Passed by Roll Call Vote (Yes 5, No 3, Abstained 0)

V. ADJOURNMENT:

The meeting was adjourned by President Wolter at 7:05 PM.

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: April 4, 2024

PLACEMENT: Action Item

ITEM TITLE: Repairs to Burn Tower

SUBMITTED BY:

SUMMARY EXPLANATION:

GFD is requesting to make repairs to our burn tower. In the attachment are two quotes, one for supplies, and one for labor. The total for both is $38,397.00 This money was included in the 2024 budget.

ATTACHMENT:

1. germantown_wi_(repairs)_12-14-2023
2. Estimate_5355_from_Berriochoa_Construction_Inc

RECOMMENDATION:

Reccomend approval

ACTION BY Committee:

PROPOSAL

FIRE FACILITIES INC.

314 WILBURN ROAD

SUN PRAIRIE, WI 53590-9401

"ASK BEFORE YOU BUY" - THE ONLY MAJOR STEEL FIRE TRAINING TOWER MANUFACTURED IN THE UNITED STATES

To:	From:		
Germantown Fire Department	John Schauf	Date:	December 14, 2023
Attn: Robert Asmondy, Battalion Chief	Regional Manager	Phone:	1-800-929-3726 or (608) 327-4100
		Fax:	1-866-639-7012 or (608) 834-1843
Proposal # 5496		E-mail:	jschauf@firefacilities.com

Remarks:

This proposal is regarding the price requested for Germantown, WI .

The total estimated weight for these materials is 2,771.49 lbs.

The total price for this fire tower or parts, F.O.B. destination is $17,747.00 as described below: * See tax note below

Freight: $750.00

Freight + Material Price: $18,497.00

Price Includes The Following:

Westec insulating system for lining the NW corner walls of the annex burn room: [(2) approximately 4.5' long x 8' high walls]

Westec insulating system for lining the NE corner walls of the annex burn room: [(2) approximately 6' long x 8' high walls]

Westec insulating system for lining half of the annex burn room ceiling (north side): [approximately 8' x 20' ceiling area]

SS Westec trims for entire ceiling perimeter and for both wall corners listed above

(3) New thermocouples [(2) ceiling probes and (1) wall probe]

Replacement Westemp panels and (2) replacement spring closures for interior burn room annex door

(2) Replacement floor joists and (1) replacement joist end track for annex ceiling (includes attachment hardware)

(5) Replacement floor panels and corresponding floor edge trim for annex attic floor (includes attachment hardware)

(2) New tower floor joists w/ attachment clips for tower 4th floor (includes attachment hardware)

(7) Replacement floor panels and corresponding floor edge trim for tower 4th floor (includes attachment hardware)

(1) Replacement FO stud and (1) header track w/ attachment clips for 3rd floor west wall shutter (includes attachment hardware)

Per Drawings Dated December 14, 2023

Payment is due in full, 30 days from ship date. Prices quoted in U.S. Dollars. Prices include the design, materials, fabrication, and freight only - foundation and erection labor prices only if shown. Applicable taxes may need to be added based on location. Prices effective 60 days from date of this proposal.

ESTIMATE

Berriochoa Construction Inc.
741 Selden St
Columbus, WI 53925

berriochoa1@outlook.com
+1 (608) 469-4688
berriochoaconstruction.net

Germantown Fire Department

Bill to
Germantown Fire Department

Estimate details
Estimate no.: #5355
Estimate date: 02/19/2024

#	Date	Product or service	SKU	Qty	Rate	Amount
1.		**Fire training tower repairs** Repairs based off fire facilities engineering proposal #5496 dated December 14th 2023 Includes all equipment labor and hotel and per diems for the duration of the project.		1	$19,900.00	$19,900.00

Total **$19,900.00**

Ways to pay

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: April 4, 2024

PLACEMENT: Action Item

ITEM TITLE: A Resolution Disallowing the Claim of Scott A. and Carmen J. Miller for Automobile Damage

SUBMITTED BY: Donna Cox, Village Clerk

SUMMARY EXPLANATION:

ATTACHMENT:

1. Resolution Disallowing Miller Claim

RECOMMENDATION:

ACTION BY Committee:

VILLAGE OF GERMANTOWN

RESOLUTION NO. _____-2024

A RESOLUTION DISALLOWING THE CLAIM OF
SCOTT A. AND CARMEN J MILLER FOR AUTOMOBILE DAMAGE

WHEREAS, Scott A. and Carmen J. Miller filed a claim for damage to their automobiles stemming from a their driving over spike strips deployed during a high speed chase on January 2, 2024; and

WHEREAS, the Germantown officer was responding to a request for mutual aid in the pursuit from the Wisconsin State Patrol; and

WHEREAS, Wis. Stat. § 66.0313 governs liability when officers respond to requests for mutual aid from another department; and

WHEREAS, the claim was forwarded to the Village Attorney, who has reviewed the claim and recommended that the Village disallow the same.

NOW THEREFORE, BE IT RESOLVED by the Village Board of the Village of Germantown that the claim of Scott A. and Carmen J. Miller described above is hereby disallowed as that term is used in Wis. Stat. § 893.80.

BE IT FURTHER RESOLVED that the Village Clerk's office is directed, pursuant Wis. Stat. § 893.80(1g), to provide Scott A. and Carmen J. Miller with written notice of disallowance.

Introduced by: _____

Adopted: April 4, 2024

Vote: Ayes:_____ Nays:_____

_____
Dean M. Wolter, Village President

ATTEST:

_____
Donna Ott, Village Clerk

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: April 4, 2024

PLACEMENT: Action Item

ITEM TITLE: Change of Agent Application - ALDI Store #67 (located at N96W188838 County Line Rd, Germantown, WI 53022)

SUBMITTED BY:

SUMMARY EXPLANATION:

ATTACHMENT:

1. ALDI Change of Agent_Redacted

RECOMMENDATION:

ACTION BY Committee:

OAP 67

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of ☐ Town ☑ Village ☐ City of GERMANTOWN County of WASHINGTON

The undersigned duly authorized officer/member/manager of ALDI INC. (WISCONSIN)
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

ALDI #67
(Trade Name)

located at N96W188838 COUNTY LINE RD., GERMANTOWN WI 53022

appoints COLIN LUKE MEDVED
(Name of Appointed Agent)

[redacted]
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☑ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

N/A

Is applicant agent subject to completion of the responsible beverage server training course? ☐ Yes ☑ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 24 YEARS

Place of residence last year [redacted]

For: ALDI INC. (WISCONSIN)
(Name of Corporation / Organization / Limited Liability Company)

By: [signature]
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than $1,000

ACCEPTANCE BY AGENT

I, COLIN LUKE MEDVED, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[signature] 02/01/2024 Agent's age [redacted]
(Signature of Agent) *(Date)*

[redacted] Date of birth [redacted]
(Home Address of Agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on 3/4/2024 *(Date)* by [signature] *(Signature of Proper Local Official)* Title Police Chief *(Town Chair, Village President, Police Chief)*

AT-104 (R 4-18) Wisconsin Department of Revenue

OK to issue
03/04/2024

ck # 122369; receipt #000522-0010

CAR #67

Form **AT-200**

Appointment of Successor Agent – Retail Licenses

Submit this form to your licensing authority with a $10 processing fee

If there is a change in agent, each club, corporation, or limited liability company that holds a retail license to sell fermented malt beverages and/or intoxicating liquor must appoint a successor agent and have the appointment approved by the licensing authority pursuant to sec. 125.04(6), Wis. Stats. The following questions must be answered by the agent, and the appointment must be signed by an officer of the corporation/organization or one member of the limited liability company (only one signature is required)

Section 1: Licensee Information and Acknowledgement

Licensee Name

ALDI #67

Reason for Cancellation of Appointed Agent

AGENT (STORE MANAGER) CHANGE

The undersigned appoints Colin Luke Medved as agent in accordance with sec. 125.04(6), Wis. Stats

Signature of President / Member

JAN 25 2024

Date

Section 2: Agent Information and Acknowledgement

Agent Name

Colin Luke Medved

Mailing Address	City or Post Office	State	Zip Code
[redacted]	[redacted]	[redacted]	5[redacted]

UNDER PENALTY OF LAW, I declare that my answers above are true and correct to the best of my knowledge and belief

I hereby accept appointment as agent for ALDI #67 and assume full responsibility of the conduct of the business relative to fermented malt beverages and intoxicating liquors

Signature of Agent

02/01/2024

Date

Section 3: Licensing Authority Approval

Municipality Name

Signature of Official

Date

Title of Official

BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI

MEETING DATE: April 4, 2024

AGENDA ITEM: New Business [CONDITIONAL USE PERMIT AMENDMENT]

ITEM TITLE: Das Barrel Room; CUP #13-2019

SUBMITTED BY: Jeff Retzlaff, Community Development Director

SUMMARY EXPLANATION:
Mark Brooks, operator of Das Barrel Room, and agent for Doctors LLC, property owner, is seeking approval of an amendment to Conditional Use Permit (CUP) #13-2019 to allow an expansion of an existing off-site parking area located on a vacant 2.1-acre parcel adjacent to W201 N10466 Appleton Avenue.

In May 2019, Mark Brooks was issued a Zoning Permit to re-open the former Doctors Pub on Appleton Avenue near the Willow Creek intersection under the name “Das Barrel Room”. Brooks proposed to use an existing paved area (approximately 4,800 sqft) on the adjacent undeveloped parcel to the east for additional parking. Although the paved parking area and separate driveway are located almost entirely on the adjacent parcel (and not on the bar parcel), this paved area has been used historically for parking purposes for many years (and in violation of the Zoning Code since 2013).

In order to resolve this long-standing code violation, a condition of the Zoning Permit issued for Das Barrel Room is/was to prohibit parking on the adjacent paved parking area unless the owner/operator: (1) combined the two parcels into one, thereby legally attaching the paved parking area to the bar parcel; or (2) obtained a conditional use permit (CUP) from the Village for an “off-site” parking area under Section 17.45(5) of the Zoning Code.

Although both the bar parcel (.9 acres zoned B-3) and the adjacent undeveloped parcel (2.1 acres zoned B-1) are under the same Doctors LLC ownership, the agent for Doctors LLC did not want to combine the two parcels. Consequently, Brooks applied for and was granted CUP #13-2019 (copy attached).

As stated under Condition #1 of CUP #13-2019, Brooks is allowed to use the existing 4,800 sqft paved area “as is” for parking. Condition #2 allows only general maintenance of this paved parking area (e.g. sealcoating, crack-filling, stripping). Condition #3 provides that the “off-site” parking area MAY be expanded provided that the CUP is amended, and the existing paved area is re-constructed to make this parking area compliant with all current setback, landscaping, and other code requirements.

Until spring 2023, Brooks used the “off-site” parking area in compliance with the terms of CUP #13-2019. However, in May, Village Staff issued a Code Violation Notice to both the owner, Doctors LLC, and the operator, Brooks, for violating the terms of CUP #13-2019 for “illegally” expanding the off-site parking area by filling a large part of the

adjacent parcel with gravel without first amending CUP #13-2019 and getting Site Plan approval from the Plan Commission.

Since the Code Violation Notice was issued, Brooks has been working with Village Staff and the property owner to “after-the-fact” apply for an amendment to the CUP. Until the CUP amendment application has been acted on by the Village, Staff has deferred enforcement of the code violation and allowed the gravel to remain in place but has directed Brooks to prohibit use of the “illegal” gravel parking area.

If the Village Board does not approve an amendment to the CUP that would allow the off-site parking area to be expanded as proposed, the code violation will be enforced, and the gravel will have to be removed and the adjacent property restored to the previous condition.

PROPOSAL:
As stated in his CUP amendment application, Brooks is requesting that: (1) the “illegal” gravel area already installed be allowed to remain “as is”; and (2) that the original paved parking area not be required to be re-constructed to current code requirements.

PLAN COMMISSION ACTION & RECOMMENDATIONS:
At their October 9, 2023 meeting, the Plan Commission conducted (and closed) a public hearing of the proposed CUP amendment before discussing and eventually tabling action on the request.

Action was tabled and direction given to Brooks to submit engineered plans, and more information, including wetland boundary, existing and proposed grading, any other alternatives for accessing the proposed parking area. Since the October 2023 meeting, Brooks retained the services of a professional civil engineer, Dan Naze, and professional surveyor, Bob Beilfuss, to survey the site and prepare alternative plans for the proposed parking area.

It's important to point out that engineered plans were prepared for two (2) parking area options… both based on the underlying goal of keeping the total amount of new impervious area under 5,000 sqft. Doing so enables Brooks to avoid the additional cost of preparing storm water management plans and possibly the construction of “green infrastructure” or other storm water management improvements in addition to the expanded parking area.

Brooks submitted the following site plan sheets with two (2) parking area options:

- Sheet 1 Base Map
- Sheet 2 Option 1 – Existing Gravel
- Sheet 3 Option 2 – Code Compliant w/ Pavement

At their March 11 meeting, the Plan Commission reviewed the site plans and discussed the difficulties of determining the number of parking stalls required for a business that operates both inside a building with defined seating and outside with an unrestricted number of patrons. The operator confirmed that at times there is a need for more parking than the operator is willing to construct because of the cost and the fact the operator is only leasing the bar property. Discussion ensued about possible Village Code revisions to address parking & bathroom requirements for business that include outdoor service & entertainment. The PC discussed the existing paved area and concluded that making it comply with current code requirements doesn't really help the situation because doing so results in a net loss of parking stalls. The PC also discussed the need to pave the new parking area and not allow just the existing gravel, and the need for a barrier around the new paved parking area to ensure parking wouldn't overflow onto the surrounding grass.

The PC decided to recommend conditional approval of the CUP amendment proposed by Brooks that includes the following provisions (see revised CUP document for a complete list of all conditions):

1. Allow continued use of the existing paved parking area but NOT require that it be re-constructed to meet current code requirements;
2. Allow "off-site" parking to be expanded on the adjacent parcel consistent with Option 1 (Sheet 1 dated 2/20/2024) where:
    a. The new 56' x 72' parking area and connecting 16' driveway is required to be paved (and not exceed 4,948 sqft of new impervious area);
    b. the gravel area will be relocated so it is outside the 25' wetland and 75' navigable waterway setbacks from Willow Creek;
    c. a 10' wide vegetated buffer is required to be installed around the perimeter of the paved parking areas to filter storm water run-off;
    d. a barrier is required to be installed around perimeter of the paved parking areas to prohibit parking on the surrounding grass areas beyond the paved parking areas

CUP # xx– 2024 Document No.	CONDITIONAL USE PERMIT Document Title

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

AMENDMENT TO CUP #13-19

Whereas the Applicants:
Mark Brooks, Das Barrel Room Operator and Agent for Renee Martin and Doctors LLC, Property Owner

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

Now, therefore, this permit is issued to the Property Owner for the “off-site” parking area pursuant to Section 17.45(5) of the Village’s Zoning Code. This permit amends to conditions of CUP #13-19.

Name & Return Address:
Village of Germantown
P.O. Box 337
Germantown, WI 53022

Parcel Identification No:
GTNV 293-982 & 293-983

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

GTNV 293-982 (W201 N10466 Appleton Avenue)
That part of the Southwest ¼ of the Southwest ¼ of Section Twenty-nine (29), Township Nine (9) North of Range Twenty (20) East. Village of Germantown. Washington County, Wisconsin, described as follows:
Commencing at a point 7.82 chains Northwest of the intersection of the center line of said Fond du Lac Road with the South line of Section 29, said point being the Southwest corner of a parcel of land conveyed by Joshua Gifford and wife to Thomas Nelson and recorded In Volume D of Deeds on page 574; thence North 26 degrees East along tie Westerly line of said Nelson tract 17.50 rods; thence North 64 degrees West, 9 rods; thence South 26 degrees West. 17.63 rods to center of Fond du Lac Road; thence South 54 degrees East, 9 rods to the place of beginning.

GTNV 293-983 (Undeveloped Parcel w/ Off-Site Park Area)
That part the Southwest Quarter of the Southwest Quarter (SW ¼ SW 1/4) of Section Twenty-nine (29). Township Nine (9) North of Range Twenty (20) East, Village of Germantown, Washington County. Wisconsin, described as follows, viz:
Commencing at Southwest corner of said Section 29; thence East. 1164.51 feet; hence North 63 degrees 38 minutes West along the centerline of State Trunk Highway No. 175, 195.30 feet to the place of beginning of this description; thence 63 degrees 38 minutes West along said centerline, 276.05 feet; thence North 25 degrees 38 minutes East, 320.10 feet; thence 82 degrees 50 minutes East, 296.20 feet thence South 26 degrees 22 minutes West, 417.30 feet to the place of beginning of this description.

Pursuant to the following condition(s):

1. This conditional use permit allows the continued use of the existing 4,800 sqft paved area for an off-site parking area as shown on Sheet 1 "Existing Base Map" dated 1/1/2024 ~~in the site plan July 11, 2019,~~ and the expanded off-site parking area and connecting driveway as shown of Sheet 2 "Option 1" dated 2/20/2024 subject to any further requirements and revisions set forth or required herein.
2. Improvements to the existing pavement shall be limited to general maintenance, including but not limited to sealcoating, crack-filling, stripping. No further expansion or additional off-site parking or other enhancements, e.g. additional lighting, signage, shall be made without obtaining an amendment to this conditional use permit, Zoning Permit and/or Site Plan approval from the Village.
3. ~~Expansion of the existing off-site parking area may be allowed subject to an amendment to this conditional use permit, and, will require re-construction and/or other modifications necessary to make the off-site parking area compliant with all setback, landscaping, and other applicable Village Code requirements in effect at that time.~~
4. The off-site parking area shall be used for parking by the patrons and employees of the restaurant/bar operation during normal business hours. The off-site parking area shall not be used for overnight storage (other than snow storage) of any materials or equipment and shall be kept clean and continuously maintained.
5. In the event that the 2.1-acre undeveloped parcel is developed separately from the restaurant/bar operation, the existing 4,800 sqft off-site paved parking area may be required to be removed or modified to comply with all current Zoning Code requirements in effect at that time or as needed to accommodate the separate development. The continued or shared use of the off-site parking area with any development on the 2.1-acre parcel shall be addressed as an amendment to this conditional use permit.
6. Any signage displayed on the off-site parking area shall be reviewed and approved by the Village subject to applicable sign regulations.
7. 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 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.
8. Unless otherwise provided herein, this conditional use permit shall run with the land and transfer to subsequent owners in interest of the business and/or property.

9. Option 1 (Sheet 2 dated 2/20/2024) is generally approved provided that the 56' x 72' parking area and 16' wide connecting driveway shall be paved with asphalt or concrete.
10. A minimum 10' wide permanent vegetated buffer designed to filter storm water run-off from the existing and the new paved parking areas and connecting driveway shall be installed along the east and north edges as part of constructing the new paved parking area and restoring the site.
11. A barrier shall be installed around the new parking area to prohibit parking on the grass areas beyond the new parking area.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin on the _____ day of _____, 2024.

_____
Dean Wolter, Village President

ATTEST:

_____
Donna S. Cox, , Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)
Personally came before me this _____ day of _____, 2024, 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 business operator and agent for the property owner, Mark Brooks, I hereby accept the terms and conditions set forth herein and realize that non-adherence to the terms and

DRAFT

conditions as stated herein may result in the revocation of this Permit by the Village of Germantown.

Dated this ___ day of _____, 2024

_____
Mark Brooks, Operator and Agent for Property Owner

STATE OF WISCONSIN) SS
_____ COUNTY)
Personally came before me this _____ day of _____, 2024, 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: _____

DRAFT

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

As agent for the property owner, Doctors LLC, _____ {print name here and sign below}, I hereby accept the terms and conditions set forth herein and realize that non-adherence to the terms and conditions as stated herein may result in the revocation of this Permit by the Village of Germantown.

Dated this ___ day of _____, 2024

_____
Doctors LLC, Property Owner

STATE OF WISCONSIN) SS
_____ COUNTY)

Personally came before me this _____ day of _____, 2024, 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/Village Planner/Zoning Administrator

Village of Germantown, Wisconsin

DRAFT

CONDITIONAL USE PERMIT

3/11/24 Plan Commission Meeting

Mark Brooks / Das Barrel Room

Village Planner Report **Germantown, Wisconsin**

Summary

Mark Brooks, operator of Das Barrel Room, and agent for Doctors LLC and Julie Kind, representative for the property owner, is requesting approval of an amendment to Conditional Use Permit (CUP) #13-2019 to expand the existing off-site parking area located on the vacant 2.1-acre parcel adjacent to W201 N10466 Appleton Avenue.

Property Location: W201 N10466 Appleton Avenue

Applicant/
Property Owner:

Mark Brooks	Julie Kind
Restaurant/Bar Operator	Doctors LLC
N52 W14018 Aberdeen Dr	W206N10515 Appleton Ave
Menomonee Falls, WI	Germantown, WI 53022

Current Zoning: B-3: General Business & B-1: Neighborhood Business

Adjacent Land Uses		Zoning
North	Agricultural	A-2
South	Commercial	B-3
East	Residential	Rs-4
West	Residential	Rs-4/Rd-2

Background

At the October 9, 2023 meeting, the Plan Commission conducted (and closed) a public hearing of the proposed CUP amendment before discussing and eventually tabling action on the request.

Action was tabled and direction given to Mark Brooks to gather more information and submit it to the PC for further consideration; including the wetland boundary, existing and potential grading, other alternatives for driveway access to the proposed parking area, engineered drawings, etc. Since the October PC meeting, Brooks retained the services of a professional civil engineer, Dan Naze, and professional surveyor, Bob Beilfuss, to evaluate the site and prepare alternative site plans for the proposed parking area.

It's important to point out that the site plans for the two parking area options were prepared with the underlying goal of keeping the amount of new impervious area under 5,000 sqft to avoid the additional cost of preparing a storm water management plan and the possible construction of any “green infrastructure” or other storm water management facilities as part of the parking lot expansion on the site (e.g. swales, basins).

For tonight’s meeting, Brooks has submitted the following three plan sheets and parking area options:

Sheet 1 Base Map
Sheet 2 Option 1 – Existing Gravel
Sheet 3 Option 2 – Code Compliant w/ Pavement

Base Map

The wetland boundary and 75’ navigable waterway setback is shown on the base map. Only a small part of the existing gravel encroaches into the 75’ waterway setback. Although a separate wetland delineation was not conducted, existing data from the DNR & DOT was available that generally confirms the wetland boundary is not compromised by the existing gravel. As a result, the two parking area options were prepared with the intention of removing and restoring the small area of gravel encroachment and keeping all new parking area features outside the wetland and waterway setbacks.

Option 1 – Existing Gravel

Consistent with the original CUP amendment request, Option 1 utilizes the existing gravel for the new parking area combined with the existing non-conforming paved parking area along Appleton Avenue. Since the existing non-conforming parking area was installed before 1970, it is not included in the total amount of impervious area for the new 56’ x 72’ parking area and 16’ wide connecting driveway. Option 1 includes removing some of the existing gravel and restoring those areas (see hatching on Sheet 1). Option 1 would add approximately 12-14 stalls to the existing 15 stalls east of the building (the non-conforming paved area).

Brooks has indicated that, while he and the owner would prefer that the new parking area be allowed to remain as gravel, they would pave the new parking area and connecting driveway if they are not required to bring the existing paved area into code compliance. Option 1 is estimated to cost $25-$35K for gravel only or $35-$60K for pavement (estimates provided by Brooks based on conversations with his construction contractor).

Option 2 – Code Compliant w/ Pavement

Option 2 is a new paved parking area that incorporates a portion of the existing non-conforming pavement into an overall parking area that meets code requirements for setbacks and pavement. Option 2 provides a total of 14 stalls (one fewer than the existing non-conforming paved area) utilizing the existing Appleton Ave driveway with a one-way counterclockwise circulation pattern.

Brooks has indicated that Option 2 is not a viable option given that it provides no additional parking (in fact one stall less) when compared to the existing 15 stalls east of the building (the non-conforming paved area). Option 2 is estimated to cost $55-$65K (estimates provided by Brooks based on conversations with his construction contractor).

*** * * THE FOLLOWING IS REPEATED FROM THE ORIGINAL OCTOBER 9, 2023 STAFF REPORT & RECOMMENDATION * * ***

Mark Brooks, operator of Das Barrel Room, and agent for Doctors LLC and Julie Kind, representative for the property owner, is seeking approval of an amendment to Conditional Use Permit (CUP) #13-2019 to expand the existing off-site parking area located on the vacant 2.1-acre parcel adjacent to W201 N10466 Appleton Avenue.

In May 2019, Mark Brooks was issued a Zoning Permit (copy attached) to re-open the former Doctors Pub (a.k.a. the Public House) on Appleton Avenue near the Willow Creek intersection. The existing building was remodeled for use as the “Das Barrel Room”… an upscale restaurant/bar. The owner/operator proposed use of the existing paved area (approximately 4,800 sqft) on the adjacent undeveloped parcel to the east for additional parking (also owned by Doctors LLC). Although the paved parking area and separate driveway are located almost entirely on the adjacent parcel, this paved area has been used historically for parking purposes for previous bar operations (and a violation of the Zoning Code since 2013).

In order to resolve this long-standing code compliance issue, a condition of Zoning Permit approval for the Das Barrel Room approval was to prohibit parking on the adjacent paved parking area unless the owner/operator remedied the situation by either combining the two parcels into one, thereby legally attaching the paved parking area to the restaurant/bar parcel, or, obtain a conditional use permit (CUP) for an “off-site parking” area that can be permitted under Section 17.45(5) of the Zoning Code.

While both the restaurant/bar parcel (.9 acres and zoned B-3) and the adjacent parcel (2.1 acres and zoned B-1) are/were under the same ownership (Doctors LLC), the property owner did not want to combine the two parcels. Consequently, the owner/operator applied for and was granted CUP #13-2019 (copy attached).

As stated under Condition #1 of CUP #13-2019, the owner/operator is allowed to use the existing 4,800 sqft paved area “as is” for parking. Condition #2 provides that only general maintenance of the parking area is allowed (e.g. sealcoating, crack-filling, stripping). Condition #3 provides that the parking area MAY be expanded subject to going through the CUP amendment process and re-construction of (or other modifications necessary to) the existing parking area to make the entire parking area (existing and any expansion) compliant with all setback, landscaping, and other code requirements in effect at the time of expansion.

Until this spring, the owner/operator has used the “off-site parking area” in compliance with the terms of CUP #13-2019. However, in late May, Staff issued Code Violation Notice #2023-05-01 to both the owner, Doctors LLC, and the operator, Mark Brooks, for violating the terms of CUP #13-2019 and two other Building & Electrical Code violations (both of which have since been resolved by obtaining the necessary building permits, paying the triple fee fines, and correcting the violations.

With respect to CUP #13-2019, Brooks hired a contractor to install a large amount of gravel on the adjacent parcel to expand the area available for patron parking without obtaining approval from the Village (Condition #2). The illegally expanded parking area is shown on the attached site plan and photos provided in the CUP amendment application by Brooks.

Since the Code Violation Notice was issued, Brooks has been working with Village Staff and the property owner to apply for an amendment to the CUP that could allow the expanded parking to remain if approved by the Village. Until the CUP amendment has been reviewed and acted on by the Village, Staff has deferred enforcement of the code violation. If the Village Board does not approve an amendment to the CUP that would allow the off-site parking area to be expanded as proposed, the code violation will be enforced and the owner/operator will have to remove the gravel and restore the adjacent property to the previous condition.

Proposal

As stated in his CUP amendment application, Brooks is requesting: (1) that the gravel area already installed be allowed to remain as an expansion to the previously approved off-site parking area; and (2) that the expansion area is NOT required to be paved (a standard requirement in the Zoning Code for parking areas serving commercial properties).

Staff Comment

Planning & Zoning

CUP #13-2019 was granted with the understanding and requirements that the pre-existing 4,800 sqft non-conforming paved parking area could be used "as is" (with an allowance for general maintenance) and that any expansion would trigger the need to re-construct the entire parking area to be meet current code requirements. Why? Because the existing paved area encroaches into Appleton Avenue right-of-way. In fact, the front of the existing building is only 3-5 feet setback from the right-of-way. When WisDOT re-constructed Appleton Ave in this vicinity as part of the larger round-about construction at Lannon Road, the existing paved area was allowed to remain as a legal non-conforming use. The existing driveway apron was replaced in the same location and width. Consequently, there is not sufficient space between the existing pavement and property line within which any landscaping or other code required improvement could be made that would further separate the parking area from the travel lanes (i.e. 5' minimum parking lot setback and landscaped buffer). Allowing the pre-existing parking lot to be used "as is" unless and until it is expanded is both reasonable and typical for the ongoing use of non-conforming structures.

The primary paved parking area exists on the west side of the building on the restaurant/bar parcel. Historically, the number of parking stalls available in both areas combined has been sufficient to meet the demand for previous bar business. Clearly, Das Barrel Room has become a popular attraction with the need for additional parking either on site or off to keep patrons from parking on Appleton Avenue/STH175. Consequently, and with tacit "approval" from the operator, patrons began parking on the adjacent parcel and beyond the limits of the Village-approved paved parking area on a regular basis as the business has grown in popularity. Doing so led the operator to install the gravel and expand the off-site parking area (albeit without the required Village approval).

This property and the gas station across the road are the last or furthest west parcels within the "Lannon-Mequon Road Corridor" around the Appleton Avenue @ Lannon road intersection under the 2050 Plan. Commercial uses such as this are deemed to be "desirable" uses for the corridor. However, given Appleton Avenue's history as a major north-south arterial route that existed prior to the construction of US41, the area developed with a mix of highway-oriented commercial and small-lot residential uses that is slowly evolving into a more residential than commercial corridor. Unfortunately, the pre-1970's pattern of land division and development in this vicinity does not include nor reflect much, if any, conscious attempt at separating incompatible uses or providing landscaping and other visual or sound attenuating buffers.

Also, for those that may not be aware, the growing popularity of Das Barrel Room and its current business model that includes regular extended weekend indoor (7:30 to 11:30pm) and outdoor (6:00 to 10:00pm) musical entertainment, has resulted in increased sound levels affecting the surrounding neighborhood. While CUP #13-2019 does not (and cannot) be used to effectively address anything other than "off-site parking", it's reasonable to assume that the size and amount of parking available to

patrons can/does have a relationship to sound levels associated with the Das Barrel Room operations … either directly (with space for more patrons to come and sit outside and sing, clap, cheer, and generally have louder fun) or indirectly (by enabling and supporting more popular outdoor entertainment).

Notwithstanding the issue of sound levels that can/should be addressed through the Village's noise regulations (if noise violations are occurring), Staff supports the concept of allowing the installation of additional parking for the business.

However, whether that additional parking is provided within the restaurant/bar property (there is space available on the north side of the bar property for additional parking) or as an expanded "off-site" parking area on the adjacent parcel, the additional and existing "off-site" parking areas should be required to meet all current Zoning Code and development requirements, including all setback requirements, pavement and storm water management requirements, and landscaping and buffering requirements. This is particularly important if the "off-site" parking area is expanded on the adjacent parcel since Willow Creek traverses a portion of the parcel along the east property line. Construction of any expanded parking area should be required to include all necessary storm water quality and quantity management measures to ensure ongoing protection of Willow Creek and any other environmentally sensitive features associated with it in this vicinity.

To that end, the operator/owner should remove and/or modify the illegally expanded "off site" gravel parking area as necessary to accommodate the construction of a code compliant parking area subject of detailed plans reviewed and approved by the Village (that may or may not reflect the exact location or amount of parking area shown in the site plan sketch provided in support of this CUP amendment application).

However, if the Plan Commission and Village Board are inclined to grant the operator's request for the additional gravel (not paved) parking already installed and not require re-construction of the existing non-conforming paved parking area, the owner/operator should at least be required to prepare the necessary site, grading and storm water management plans for the existing gravel area and make whatever modifications or improvements are necessary for adequate and code compliant storm water management.

Village Engineering

If the CUP amendment proposal is approved, the following items are required to be submitted for Site Plan Review prior to permits being issued:

1. Existing site survey stamped by a registered land surveyor;
2. Site, grading and erosion control plans prepared by a registered engineer;
3. If over 5,000 square feet of impervious surface is added (gravel counts as impervious), a green infrastructure plan meeting the requirements of MMSD Chapter 13 is required. Over 10,000 square feet will require a storm water management plan meeting both Village and MMSD requirements.

VILLAGE STAFF RECOMMENDATION

ALTHOUGH ADDITIONAL INFORMATION HAS BEEN PROVIDED THAT INDICATES AN EXPANDED OFF-SITE PARKING AREA (EITHER OPTION 1 OR OPTION 2) CAN BE INSTALLED IN THE LOCATION SHOWN ON THE ALTERNATIVE SITE PLANS, STAFF'S RECOMMENDATION HAS NOT CHANGED.

APPROVE an amendment to Conditional Use Permit #13-2019 for Mark Brooks and Doctors LLC to allow expansion of the "off-site" parking area on the undeveloped 2.1-acre parcel located adjacent to the restaurant/bar parcel located at W201 N10466 Appleton Avenue subject to the following amendments to the adopted conditions:

1. This conditional use permit allows the continued use of the existing 4,800 sqft paved area for an off-site parking area as shown in the site plan July 11, 2019, subject to any further requirements and revisions set forth or required herein.
2. ~~2.~~ Improvements to the existing pavement shall be limited to general maintenance, including but not limited to sealcoating, crack-filling, stripping. ~~No expansion or additional off-site parking or other enhancements, e.g. additional lighting, signage, shall be made without obtaining Zoning Permit and/or Site Plan approval from the Village.~~
3. Expansion of the off-site parking area or the existing on-site parking area on the east side of the building may be allowed subject to approval of an amendment to this conditional use permit.
4. ~~, and,~~ Expansion of the "off-site" parking area east of the restaurant/bar will require:
    a. Plan Commission approval of site, grading & erosion control, and storm water management plans;
    b. Compliance with applicable Zoning Code and development requirements, including all setback, pavement, storm water management, landscaping and buffering requirements of the Village and MMSD;
    c. re-construction and/or other modifications necessary to make the "off-site" parking area compliant with all setback, landscaping, and other applicable Zoning Code requirements in effect at that time.
5. The off-site parking area shall be used for parking by the patrons and employees of the restaurant/bar operation during normal business hours. The off-site parking area shall not be used for overnight storage (other than snow storage) of any materials or equipment and shall be kept clean and continuously maintained.
6. In the event that the 2.1-acre undeveloped parcel is developed separately from the restaurant/bar operation, the existing 4,800 sqft "off-site" paved parking area may be required to be removed or modified to comply with all current Zoning Code requirements in effect at that time or as needed to accommodate the separate development. The continued or shared use of the off-site parking area with any development on the 2.1-acre parcel shall be addressed as an amendment to this conditional use permit.

7. Any signage displayed on the off-site parking area shall be reviewed and approved by the Village subject to applicable sign regulations.
8. 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 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.
9. Unless otherwise provided herein, this conditional use permit shall run with the land and transfer to subsequent owners in interest of the business and/or property.

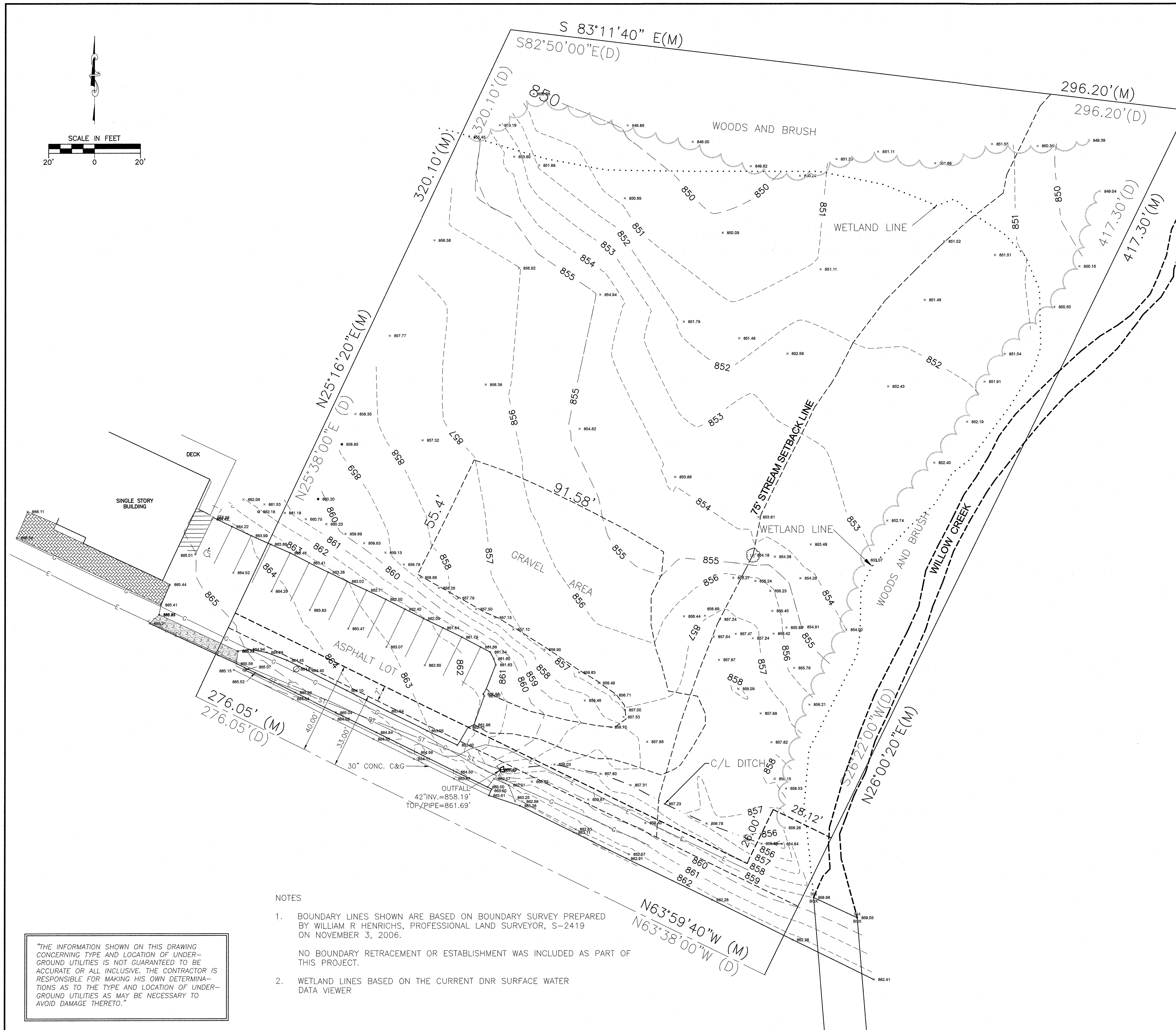
THE SELF-IMPOSED IMPERVIOUS AREA LIMIT OF 5,000 SQFT IS BASED ON SOLELY ON COST AND THE OWNER/OPERATOR'S DESIRE TO NOT INSTALL ADDITIONAL PARKING THAT WOULD COST OVER A PARTICULAR AMOUNT.

BUT FOR THE SELF-IMPOSED COST LIMITATION THAT IS KEEPING THE OWNER/OPERATOR FROM DESIGNING A PARKING AREA OVER 5,000 SQFT, IT'S CLEAR THAT A CODE-COMPLIANT PARKING AREA COULD BE INSTALLED WHILE ALSO BRING THE EXISTING NON-CONFORMING PAVED PARKING AREA INTO CODE COMPLIANCE, TOO.

WITH THAT SAID, IF THE PLAN COMMISSION (AND ULTIMATELY THE VILLAGE BOARD) WANT TO APPROVE THE CUP AMENDMENT PROPOSAL IN A MANNER THAT WOULD ENABLE THE OWNER/OPERATOR TO KEEP THE EXISTING NON-CONFORMING PAVED PARKING AREA "AS IS" (WITH 15 STALLS) AND ALLOW THE CONSTRUCTION OF AN ADDITIONAL PARKING AREA UNDER THE OWNER/OPERATOR'S PREFERRED OPTION 1 (WITH 12-14 ADDITIONAL STALLS), THEN A MOTION WOULD BE TO APPROVE STAFF'S RECOMMENDATION BUT DELETE CONDITIONS #4.b. AND 4.c.

IF THAT IS THE ACTION TAKEN, STAFF REQUESTS THAT, AT A MINIMUM, THE FOLLOWING NEW CONDITIONS BE INCLUDED:

10. **Option 1 (Sheet 2 dated 2/20/2024) is approved provided that the 56'x72' parking area and 16' wide connecting driveway be paved with asphalt or concrete.**
11. **A minimum 10' wide permanent vegetated buffer designed to filter storm water run-off from the existing and new parking areas and connecting driveway be installed along the east and north edge as part of restoring the site.**



NOTES

1. BOUNDARY LINES SHOWN ARE BASED ON BOUNDARY SURVEY PREPARED BY WILLIAM R HENRICHS, PROFESSIONAL LAND SURVEYOR, S-2419 ON NOVEMBER 3, 2006.

   NO BOUNDARY RETRACEMENT OR ESTABLISHMENT WAS INCLUDED AS PART OF THIS PROJECT.

2. WETLAND LINES BASED ON THE CURRENT DNR SURFACE WATER DATA VIEWER

"THE INFORMATION SHOWN ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATIONS AS TO THE TYPE AND LOCATION OF UNDERGROUND UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO."

Know what's **below.**
Call before you dig.

LEGEND

- BOUNDARY LINE
- SECTION LINE
- EASEMENT LINE
- DNR WETLAND VIEWER LINE
- 75' SETBACK LINE
- STREAM
- SF — SILT FENCE
- FM — FORCE MAIN
- SS — SANITARY SEWER
- ST — STORM SEWER
- W — WATER
- E — ELECTRIC
- TELEPHONE
- G — GAS
- ATT — AT&T
- BES — BURIED ELECTRIC SERVICE (BES)
- 1" X 24" IRON PIPE
- LIGHT
- MANHOLE
- CATCH BASIN SQUARE
- CATCH BASIN ROUND
- SIGN
- POWER POLE
- TRANSFORMER
- TRAFFIC LIGHT
- SIGNAL BOX
- TELEPHONE PEDESTAL
- CONCETE POST
- GAS VALVE
- GUY WIRE
- ELECTRIC PEDESTAL
- WATER VALVE
- HYDRANT
- TELEPHONE POLE
- DECIDUOUS TREE
- CONIFEROUS TREE
- SHRUB
- CAUTION SIGN FOR COMBUSTIBLE UNDERGROUND GAS LINE

* INDICATES TYPE
C - COMMUNICATIONS
E - ELECTRIC
G - GAS
M - METER
S - SANITARY
ST - STORM
T - TELEPHONE
U - UNKNOWN
W - WATER

Point Land Surveying & Mapping
W174 N9467 Joper Road
Menomonee Falls
Wisconsin 53051
262-250-8003 office
email
pointlandsurvey@wi.rr.com

Robert C. Beilfuss, P.L.S.
Professional Land Surveyor

WISCONSIN — ROBERT C. BEILFUSS S-2072 MENOMONEE FALLS, WI — LAND SURVEYOR

Robert C. Beilfuss, P.L.S.
This is an original survey if the seal is red, and the signature is in blue.
Any other versions or variations and this map has been copied and is unauthorized.

EXISTING BASE MAP
W201 N10466 Appleton Ave.
GERMANTOWN, WISCONSIN

Das Barrel Room

© POINT LAND SURVEYING AND MAPPING 2023

PROJECT NUMBER	2023–06
MAPPING SCALE	1" =20'
SURVEY BY	RCB
DRAWN BY	RCB
APPROVED BY	RCB
DATE OF SURVEY	12/21/2023
PLOT DATE	1/1/2024
FIELD BOOK	7
PAGE	59
CADD FILE	
REVISIONS	
SHEET NUMBER	1

LEGEND

BOUNDARY LINE	1" X 24" IRON PIPE
PROPOSED EDGE OF GRAVEL	LIGHT
RIGHT OF WAY LINE	MANHOLE
SECTION LINE	CATCH BASIN SQUARE
SETBACK LINE–DOT	CATCH BASIN ROUND
EASEMENT LINE	SIGN
SF SF SF SILT FENCE	POWER POLE
FM FM FORCE MAIN	TRANSFORMER
SS SANITARY SEWER	TRAFFIC LIGHT
ST STORM SEWER	SIGNAL BOX
W W WATER	TELEPHONE PEDESTAL
E E ELECTRIC	CONCETE POST
T TELEPHONE	GAS VALVE
G G GAS	GUY WIRE
ATT ATT AT&T	ELECTRIC PEDESTAL
BES BES BURIED ELECTRIC SERVICE (BES)	WATER VALVE
DNR WETLAND LINE	HYDRANT
	TELEPHONE POLE
	DECIDUOUS TREE
	CONIFEROUS TREE
	SHRUB
	CAUTION SIGN FOR COMBUSTIBLE UNDERGROUND GAS LINE

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Know what's **below.** **Call** before you dig.

S 83°11'40" E(M)
S82°50'00"E(D)
296.20'(M)
296.20'(D)
320.10'(M)
320.10'(D)
N25°16'20"E(M)
N25°38'00"E (D)
417.30'(D)
417.30'(M)
WOODS AND BRUSH
WETLAND LINE
75' STREAM SETBACK LINE
WILLOW CREEK
WOODS AND BRUSH
DECK
SINGLE STORY BUILDING
GRAVEL AREA
ASPHALT LOT
C/L DITCH
30" CONC. C&G
OUTFALL
42"INV.=858.19'
TOP/PIPE=861.69'
276.05' (M)
276.05'(D)
APPLETON AVENUE (S.T.H. 175)
N63°59'40"W (M)
N63°38'00"W (D)
S26°22'00"W(D)
N26°00'20"E(M)
8' SETBACK LINE
40' NEW R/W
33' ORIGINAL R/W
72'
56'
16'
28.12'
26.00'

SCALE IN FEET
20' 0 20'

EXISTING CRUSHED GRAVEL AREA TO BE REMOVED AND RESTORED WITH TOPSOIL, SEED AND MAT BY OTHERS

NET IMPERVIOUS AREA=4948 SQ. FT

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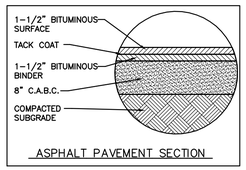
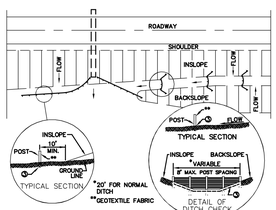
PRELIMINARY–REVIEW ONLY

NOTES

1. BOUNDARY LINES SHOWN ARE BASED ON BOUNDARY SURVEY PREPARED BY WILLIAM R HENRICHS, PROFESSIONAL LAND SURVEYOR, S-2419 ON NOVEMBER 3, 2006.
2. WETLAND LINES BASED ON THE CURRENT DNR SURFACE WATER DATA VIEWER



ASPHALT PAVEMENT SECTION



PLAN VIEW

TYPICAL APPLICATIONS OF SILT FENCE

GENERAL NOTES:

DETAIL OF CONSTRUCTION NOT SHOWN ON THIS DRAWING SHALL CONFORM TO THE PERTINENT REQUIREMENTS OF THE STANDARD SPECIFICATIONS AND APPLICABLE SPECIAL PROVISIONS.

WHEN POSSIBLE THE SILT FENCE SHOULD BE CONSTRUCTED IN AN ARC OR HORSESHOE SHAPE, WITH THE ENDS POINTING UPSLOPE TO MAXIMIZE BOTH STRENGTH AND EFFECTIVENESS.

① CROSS BRACE WITH 2" x 4" WOODEN FRAME OR EQUIVALENT AT TOP OF POSTS AS DIRECTED BY THE ENGINEER.

② MINIMUM 14 GAGE WIRE REQUIRED, FOLD FABRIC 3" OVER THE WIRE AND STAPLE OR PLACE WIRE RINGS ON 12" C-C.

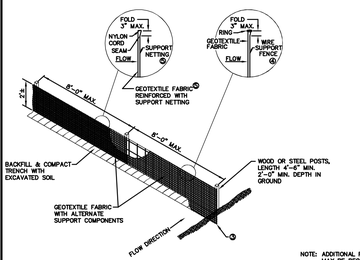
③ EXCAVATE A TRENCH A MINIMUM OF 4" WIDE AND 6" DEEP TO BURY AND ANCHOR THE GEOTEXTILE FABRIC, FOLD MATERIAL TO FIT TRENCH AND BACKFILL AND COMPACT TRENCH WITH EXCAVATED SOIL.

④ WIRE SUPPORT FENCE SHALL BE 14 GAGE MINIMUM WOVEN WIRE WITH A MAXIMUM MESH SPACING OF 6". SECURE TOP OF GEOTEXTILE FABRIC TO TOP OF FENCE WITH STAPLES OR WIRE RINGS AT 12" C-C.

⑤ GEOTEXTILE FABRIC SHALL BE REINFORCED WITH AN INDUSTRIAL POLY-PROPYLENE NETTING WITH A MAXIMUM MESH SPACING OF 3/4" OR EQUAL. A HEAVY DUTY NYLON TOP SUPPORT CORD OR EQUIVALENT IS REQUIRED.

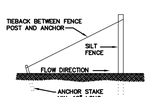
⑥ STEEL POSTS SHALL BE STUDDED "T" OR "L" TYPE WITH A MINIMUM WEIGHT OF 1.25 lbs/ln. ft. WITHOUT ANCHORS. FIN ANCHORS SUFFICIENT TO RESIST POST MOVEMENT ARE REQUIRED. WOOD POSTS SHALL BE HARDWOOD OF GOOD QUALITY (OAK OR EQUAL) 2"x2" EXCEPT WOOD POSTS FOR GEOTEXTILE FABRIC REINFORCED WITH NETTING SHALL BE A MINIMUM SIZE OF 1-1/8" x 1-1/8" OAK OR HICKORY.

ALTERNATIVES A AND B ARE EQUAL AND EITHER MAY BE USED.

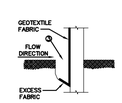


NOTE: ADDITIONAL POST DEPTH OR TIE BACKS MAY BE REQUIRED IN UNSTABLE SOILS

X SILT FENCING DETAIL
x NOT TO SCALE



SILT FENCE TIE BACK
(WHEN REQUIRED BY THE ENGINEER)



TRENCH DETAIL

Point Land Surveying & Mapping

W174 N9467 Joper Road
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Wisconsin 53051
262-250-8003 office
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OPTION 1-EXISTING GRAVEL
W201 N10466 APPLETON AVE.
GERMANTOWN, WISCONSIN

Das Barrel Room

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DRAWN BY	RCB
APPROVED BY	DJN
DATE OF SURVEY	12/21/23
PLOT DATE	02/20/2024
FIELD BOOK	7
PAGE	59
CADD FILE	
REVISIONS	
SHEET NUMBER	2

SCALE IN FEET
20' 0 20'

Know what's below. Call before you dig.

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OPTION 2-CODE COMPLIANT W/PAVEMENT
W201 N10466 APPLETON AVE.
GERMANTOWN, WISCONSIN
DAS BARREL ROOM

© POINT LAND SURVEYING AND MAPPING 2023

S 83°11'40" E(M)
S82°50'00"E(D)
296.20'(M)
296.20'(D)
320.10'(M)
320.10'(D)
N25°16'20"E(M)
N25°38'00"E (D)
417.30'(D)
417.30'(M)
S26°22'00"W(D)
N26°00'20"E(M)
276.05' (M)
276.05'(D)
N63°59'40"W (M)
N63°38'00"W (D)
APPLETON AVENUE (S.T.H. 175)

WOODS AND BRUSH
WETLAND LINE
75' STREAM SETBACK LINE
WILLOW CREEK
WOODS AND BRUSH
GRAVEL AREA
ASPHALT LOT
SINGLE STORY BUILDING
DECK
3' ROCK RUNOFF DISSIPATOR
C/L DITCH
30" CONC. C&G
OUTFALL
42"INV.=858.19'
TOP/PIPE=861.69'
8' SETBACK LINE
40' NEW R/W
33' ORIGINAL R/W
122'
177'
51'
16'
40.00'
33.00'
26.00'
28.12'

LEGEND

- BOUNDARY LINE
- SECTION LINE
- EASEMENT LINE
- SILT FENCE
- FORCE MAIN
- SANITARY SEWER
- STORM SEWER
- WATER
- ELECTRIC
- TELEPHONE
- GAS
- AT&T
- BURIED ELECTRIC SERVICE (BES)
- 1" X 24" IRON PIPE
- LIGHT
- MANHOLE
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U - UNKNOWN
W - WATER

EXISTING CRUSHED GRAVEL AND ASPHALT AREAS TO BE REMOVED AND RESTORED WITH TOPSOIL, SEED AND MAT BY OTHERS

NET IMPERVIOUS AREA=4993 SQ. FT.

1-1/2" BITUMINOUS SURFACE
TACK COAT
1-1/2" BITUMINOUS BINDER
8" C.A.B.C.
COMPACTED SUBGRADE

ASPHALT PAVEMENT SECTION

"THE INFORMATION SHOWN ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDER-GROUND UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINA-TIONS AS TO THE TYPE AND LOCATION OF UNDER-GROUND UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO."

PRELIMINARY-REVIEW ONLY

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DRAWN BY	RCB
APPROVED BY	DJN
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PLOT DATE	01/27/2024
FIELD BOOK	7
PAGE	59
CADD FILE	
REVISIONS	
SHEET NUMBER	3

C\PROJ\2023-06\DWG\DBR CIVIL PLAN

MEETING:	**REGULAR MEETING OF THE PLAN COMMISSION**
DATE AND TIME:	**Monday, October 9, 2023 6:30 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 meeting was called to order at 6:30 pm.

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

III. **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.*
Melanie Smythe, N140 W17938 Cedar Lane spoke.

Please visit the Village's YouTube website to watch/listen to the recorded meeting for additional details: https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ

IV. **APPROVAL OF MINUTES:**

A. September 11, 2023
MOTION Baum second Shadid to Approve the minutes from September 11, 2023.
MOTION carried unanimously.

V. **NEW BUSINESS:**

A. Mark Brooks, Agent for Das Barrel Room Tavern & Grill, and Doctors LLC, Property Owner of W201 N10466 Appleton Avenue. Application to Amend Conditional Use Permit No. #13-2019 to allow expansion of the existing off-site parking area pursuant to Section 17.28(3)(u) and Section 17.45(5) of the Village Zoning Code. **(PUBLIC HEARING & ACTION)**

Director Retzlaff summarized the proposal.
Public Hearing opened at 6:46 pm

The following people spoke in support of the applicant:
- Brian McCullough, West Bend,
- Peter Dummann, N100 W16500 Revere Lane
- John Bublitz, W201 N10466 Appleton Avenue
- Jack Daniels, W213 N10252 Beech Drive
- John Weigert, N65 W13600 Lilly Creek Road
- Tamara, N100 W14394 Sunburst Trail
- Lori, N104 W21651 Willow Creek Road
- Trustee Jolene Pieper, N111 W16625 Esquire Court

The following people spoke against the applicant:
- Tom Steinbach, W204 N10609 Hilltop Drive
- Scott Hefle, W159 N10514 Old Farm Road
- Jason Giguere, W202 N10462 Appleton Avenue
- Trustee Jan Miller, W151 N10297 Windsong Circle West
- Dominic Giguere, W202 N10462 Appleton Avenue
- Jessisca Giguere, W202 N10462 Appleton Avenue

Mark Brooks, business owner of Das Barrel Room explained the gravel was put in to enhance the parking and was done for safety. He said he needs the additional parking and because he leases the property it will be a financial burden for him to pave the gravel area. He needs the gravel to maintain the business.
Public Hearing closed at 7:18 pm.

Please visit the Village's YouTube website to watch/listen to the recorded meeting for additional details: https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ

MOTION Baum second Nilles to Approve an amendment to Conditional Use Permit #13-2019 for Mark Brooks and Doctors LLC to allow expansion of the "off-site" parking area on the undeveloped 2.1-acre parcel located adjacent to the restaurant/bar parcel located at W201 N10466 Appleton Avenue subject to the following amendments to the adopted conditions:

1. This conditional use permit allows the continued use of the existing 4,800 sqft paved area for an off-site parking area as shown in the site plan July 11, 2019, subject to any further requirements and revisions set forth or required herein.
2. Improvements to the existing pavement shall be limited to general maintenance, including but not limited to sealcoating, crack-filling, stripping. ~~No expansion or additional off-site parking or other enhancements, e.g. additional lighting, signage, shall be made without obtaining Zoning Permit and/or Site Plan approval from the Village.~~
3. Expansion of the off-site parking area or the existing on-site parking area on the east side of the building may be allowed subject to approval of an amendment to this conditional use permit.
4. ~~, and,~~ Expansion of the "off-site" parking area east of the restaurant/bar will require:
    a. Plan Commission approval of site, grading & erosion control, and storm water management plans;
    b. Compliance with applicable Zoning Code and development requirements, including all setback, pavement, storm water

management, landscaping and buffering requirements of the Village and MMSD;

c. re-construction and/or other modifications necessary to make the "off-site" parking area compliant with all setback, landscaping, and other applicable Zoning Code requirements in effect at that time.

5. The off-site parking area shall be used for parking by the patrons and employees of the restaurant/bar operation during normal business hours. The off-site parking area shall not be used for overnight storage (other than snow storage) of any materials or equipment and shall be kept clean and continuously maintained.
6. In the event that the 2.1-acre undeveloped parcel is developed separately from the restaurant/bar operation, the existing 4,800 sqft "off-site" paved parking area may be required to be removed or modified to comply with all current Zoning Code requirements in effect at that time or as needed to accommodate the separate development. The continued or shared use of the off-site parking area with any development on the 2.1-acre parcel shall be addressed as an amendment to this conditional use permit.
7. Any signage displayed on the off-site parking area shall be reviewed and approved by the Village subject to applicable sign regulations.
8. 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 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.
9. Unless otherwise provided herein, this conditional use permit shall run with the land and transfer to subsequent owners in interest of the business and/or property.

Discussion followed.
Director Retzlaff explained there was no wetland delineation to confirm where the wetlands are located. Commissioner Shadid asked if it would be appropriate for the Plan Commission to have that information to make a decision. Director Retzlaff explained if the staff recommendation is approved, Mr. Brooks would need to proceed with a wetland delineation, engineered plans, and full construction drawings. If the approval is for just the gravel as is, and there is a concern about possible wetlands, the Plan Commission could direct Mr. Brooks to conduct a wetland delineation. Commissioner Shadid stated he has a problem allowing one business to have a gravel parking lot and is not in favor it. Discussion continued.
Commissioner Laszewski asked if any parking would need to be eliminated because it is too close to Appleton Avenue. Director Retzlaff stated one of the conditions provides the parking lot come into compliance. Trustee Baum stated the biggest issue is not that Mr. Brooks wants to put a parking lot in. Its that he put one in that was done without a permit and now needs to come into compliance. Mark Brooks said the cost to

pave the gravel is around $50,000 and doesn't include the site approvals or erosion. He said if he needs to put the parking to what is was, people will park on Willow Creek Road and Appleton Avenue which would be a bigger problem. Director Retzlaff stated Mr. Brooks or the Village would need to enforce no parking on that property which could also mean reconsidering the conditional use permit to allow the 14 stalls to be used. Discussion continued.

Trustee Baum said it appears the gravel driveway is right up to the wetlands and that may be a problem as well. Chairman Wolter questioned if the parking lot was developed with asphalt, there is a possibility it may need a retention pond of some kind. He was curious to know if a delineation is available from the State when Appleton Avenue was improved or when the round about was put in. Director Retzlaff said he would reach out to see if a delineation is available. Commissioner Tarantino asked if it would be more cost effective to change the location of the parking so it is away from the wetland area.

MOTION to Amend Baum second Laszewski to amend Condition #4 b to exclude the requirement for pavement only.

Discussion continued on relocating the driveway to the gravel parking in order to stay away from the wetlands. Trustee Baum explained a civil engineer will need to design something that meets our code but that is an expense to the operator.

MOTION to Amend Failed 2-5 (Wolter/Laszewski)

Discussion continued. Chairman Wolter asked if we could deal with the existing gravel and not add the extra 2,400 square feet and keep it within DNR regulations, setbacks, and runoff. Director Retzlaff stated it's hard to tell with regard to the wetlands. If we would have known in advance,we could have required a delineation and know where the boundaries are to give some guidance. Chairman Wolter explained the struggle of the Plan Commission is to uphold the ordinances within the CUP and work with what the boundaries are or described in. He said we are looking for a way to work with the business but still uphold the ordinances.

MOTION to Amend Baum second Tarantino to eliminate Condition 4b.

Discussion followed. Commissioner Williams asked if what is approved today runs with the land and if the property is purchased the new owner would be walking into the CUP and could leave it as is without making any changes and won't need to pave the lot. Director Retzlaff confirmed and said protection could be put in to address that. Commissioner Williams added he is not in support of not following the code and doesn't want to see this business go out of business. But he doesn't think there can be an unlimited amount of time that we can pass exceptions or let it pass to subsequent owners without coming into compliance. Discussion continued.

Chairman Wolter commented that this commission is bound to follow the ordinances but we are trying to create an opportunity for the business owner to maintain what he is trying to do there without violating the ordinances or stormwater management rules. He said he is curious to know if any delineation has been done within this property

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

Village of Germantown ...Willkommen

Fee must accompany application

~~$1460~~ 730 Paid L. Date 8/4/23

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

Mark Brooks

Phone (414) 507-8653

Fax ( )

E-Mail dasbarrelroom@gmail.com

PROPERTY OWNER

Julie Kind

Phone (414) 303-9094

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

3 PROPERTY ADDRESS | **TAX KEY NUMBER**

W201N10466 Appleton Ave

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.

5 DESCRIPTION OF PROPOSED OPERATION

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

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

I am applying to amend the current CUP #13-19 to allow expansion of the existing off-site Parking area. I am also asking that I not be required to pave the new area but to allow the use of gravel.

6 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

Attach pages as necessary

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:

MB 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.

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

MB 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.

MB 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!

Mark A. Brooks 8/2/23
Applicant Date

Owner P.R. 8-3-23
Owner Date

Engineering Department Memorandum

To : Jeffrey W. Retzlaff, AICP, Planning Director/Zoning Administrator

From : Brad Seubert P.E. Harwood Engineering Consultants

Date : August 29, 2023

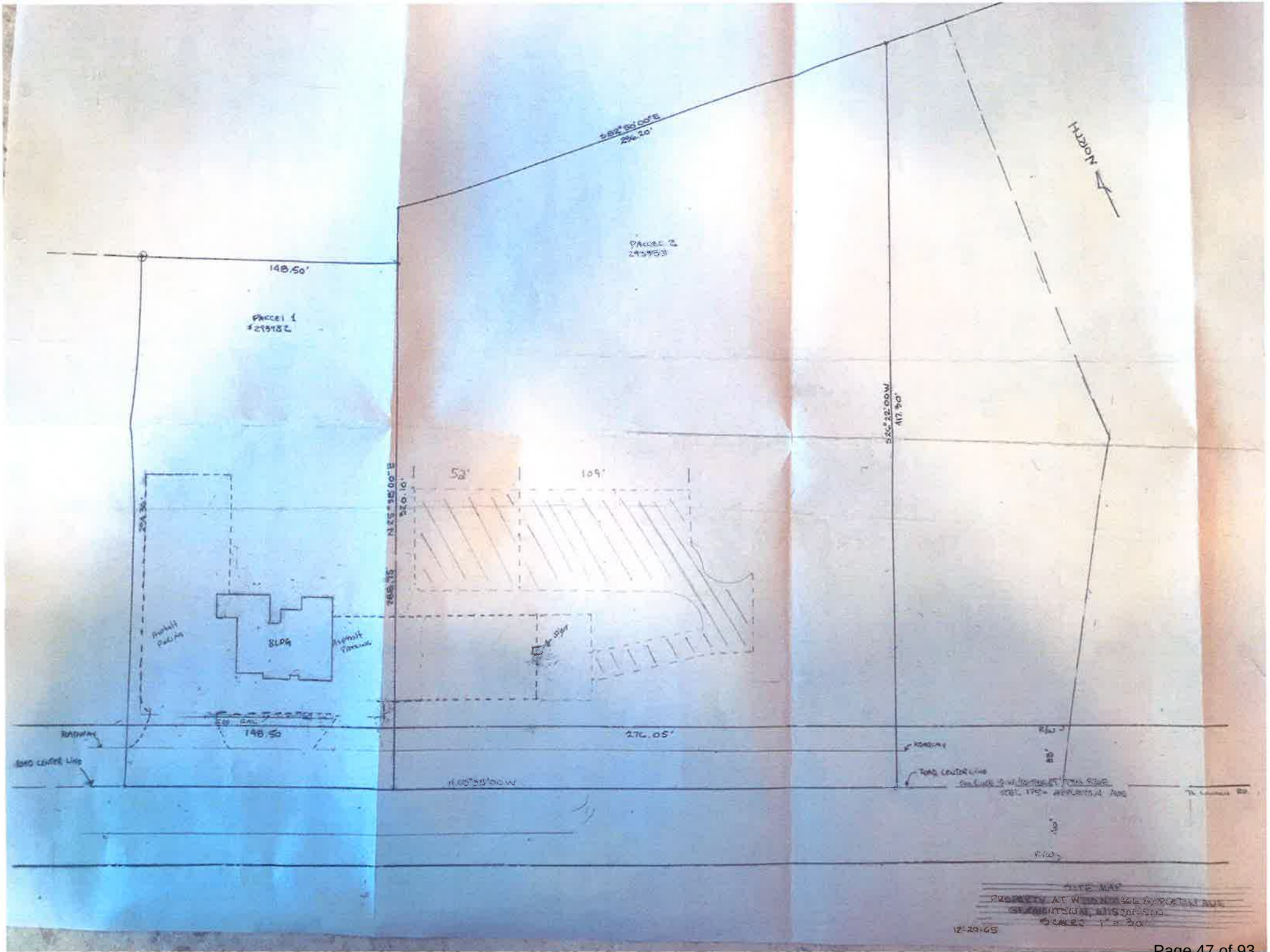
Re : Das Barrell Room

Items Reviewed:

1. CUP Application Dated: 08-02-23

General Comments:

1. The CUP application has been reviewed. The following items are required to be submitted for Site Plan Review prior to permits being issued.
    a. Existing site survey stamped by a registered land surveyor.
    b. Site, Grading and erosion control plans prepared by a registered engineer.
    c. If over 5,000 square feet of impervious surface (gravel counts as impervious) is added a green infrastructure plan meeting the requirements of MMSD chapter 13 is required.


148.50'
PARCEL 1
#293182
PARCEL 2
293953
S89°50'00"E
296.20'
NORTH
S26°22'00"W
417.90'
N25°35'00"E
326.10'
52'
109'
224.30'
168.75'
Asphalt Paving
BLDG
Asphalt Pavement
SIGN
ROADWAY
ROAD CENTER LINE
148.50
270.05'
N.05°39'00"W
R/W
R/W
ROADWAY
ROAD CENTER LINE
SITE MAP
PROPERTY AT W. BROADWAY & PORTAL AVE.
STURGEON BAY, WISCONSIN
SCALE: 1" = 30'
12-20-05

148.50'

PARCEL 1
#293982

PARCEL 2
293983

S26°22'00W
417.30'

N25°38'00"E
320.10'

52'

109'

259.36'

288.75'

Asphalt Parking

BLDG

Asphalt Parking

sign

GRD. RAIL
148.50

276.05'

ROADWAY

ROAD CENTERLINE

SO. LINE S.W. 1/4 S
S.T.H. 17

N63°38'00W

Endorsement stamp digitally applied
Please keep attached to original document

CUP #13 – 19	CONDITIONAL USE PERMIT
Document No.	Document Title

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

Whereas the Applicants:

Mark Brooks, Das Barrel Room Operator and Agent for Renee Martin and Doctors LLC, Property Owner

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

Now, therefore, this permit is issued to the Property Owner for the use of an "off-site" parking area pursuant to Section 17.45(5) of the Village's Zoning Code.

Document # **1481369**
WASHINGTON COUNTY WISCONSIN
2019-10-03 12:36:00 PM
Sharon A. Martin
SHARON A MARTIN
WASHINGTON COUNTY
REGISTER OF DEEDS
Fee: **$30.00**

Return via **MAIL (REGULAR)**
Pages: **5**

5

Name & Return Address:
Village of Germantown
P.O. Box 337
Germantown, WI 53022

Parcel Identification No:
GTNV 293-982 & 293-983

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

GTNV 293-982 (W201 N10466 Appleton Avenue)
That part of the Southwest ¼ of the Southwest ¼ of Section Twenty-nine (29), Township Nine (9) North of Range Twenty (20) East. Village of Germantown. Washington County, Wisconsin, described as follows:
Commencing at a point 7.82 chains Northwest of the intersection of the center line of said Fond du Lac Road with the South line of Section 29, said point being the Southwest corner of a parcel of land conveyed by Joshua Gifford and wife to Thomas Nelson and recorded In Volume D of Deeds on page 574; thence North 26 degrees East along tie Westerly line of said Nelson tract 17.50 rods; thence North 64 degrees West, 9 rods; thence South 26 degrees West. 17.63 rods to center of Fond du Lac Road; thence South 54 degrees East, 9 rods to the place of beginning.

GTNV 293-983 (Undeveloped Parcel w/ Off-Site Park Area)
That part the Southwest Quarter of the Southwest Quarter (SW ¼ SW 1/4) of Section Twenty-nine (29). Township Nine (9) North of Range Twenty (20) East, Village of Germantown, Washington County. Wisconsin, described as follows, viz:
Commencing at Southwest corner of said Section 29; thence East. 1164.51 feet; hence North 63 degrees 38 minutes West along the centerline of State Trunk Highway No. 175, 195.30 feet to the place of beginning of this description; thence 63 degrees 38 minutes West along said centerline, 276.05 feet; thence North 25 degrees 38 minutes East, 320.10 feet; thence 82 degrees 50 minutes East, 296.20 feet thence South 26 degrees 22 minutes West, 417.30 feet to the place of beginning of this description.

Pursuant to the following condition(s):

1. This conditional use permit allows the continued use of the existing 4,800 sqft paved area for an off-site parking area as shown in the site plan July 11, 2019, subject to any further requirements and revisions set forth or required herein.
2. Improvements to the existing pavement shall be limited to general maintenance, including but not limited to sealcoating, crack-filling, striping. No expansion or additional off-site parking or other enhancements, e.g. additional lighting, signage, shall be made without obtaining Zoning Permit and/or Site Plan approval from the Village.
3. Expansion of the off-site parking area may be allowed subject to an amendment to this conditional use permit, and, will require re-construction and/or other modifications necessary to make the off-site parking area compliant with all setback, landscaping, and other applicable Zoning Code requirements in effect at that time.
4. The off-site parking area shall be used for parking by the patrons and employees of the restaurant/bar operation during normal business hours. The off-site parking area shall not be used for over-night storage (other than snow storage) of any materials or equipment and shall be kept clean and continuously maintained.
5. In the event that the 2.1-acre undeveloped parcel is developed, the existing paved parking area may be required to be removed or modified to comply with all current Zoning Code requirements in effect at that time. The continued or shared use of the off-site parking area with any development on the 2.1-acre parcel shall be addressed as an amendment to this conditional use permit.
6. Any signage displayed on the off-site parking area shall be reviewed and approved by the Village subject to applicable sign regulations.
7. 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 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.
8. Unless otherwise provided herein, this conditional use permit shall run with the land and transfer to subsequent owners in interest of the business and/or property.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin on the 16 day of September, 2019.

Dean Wolter, Village President

ATTEST:

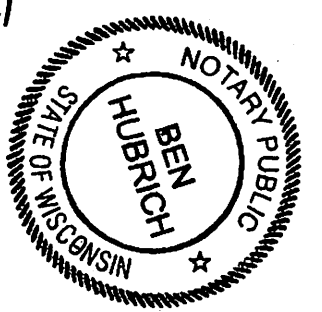
Deanna Braunschweig
Deanna B. Braunschweig, WCMC/CMC, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)
Personally came before me this 16th day of September, 2019, the above named Dean Wolter, Village President, and Deanna B. Braunschweig, Village Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Ben Hubrich
{type or print name of Notary on this line}

Ben Hubrich
{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: 5/25/2021



ACCEPTANCE OF TERMS AND CONDITIONS BY OPERATOR

As business operator and agent for the property owner I hereby accept the terms and conditions set forth herein and realize that non-adherence to the terms and conditions as stated herein may result in the revocation of this Permit by the Village of Germantown.

Dated this 24 day of September, 2019

Mark A. Brooks

Mark Brooks, Operator and Agent for Property Owner

STATE OF WISCONSIN) SS
Washington COUNTY)

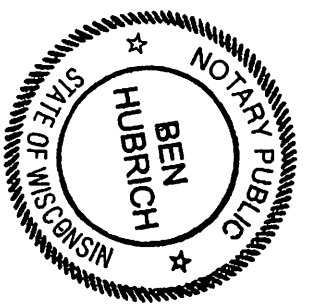
Personally came before me this 24 day of September, 2019, being the above named Mark Brooks, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Ben Hubrich

{type or print name of Notary on this line}

Ben Hubrich

{signature of Notary on this line}
Notary Public, State of Wisconsin
My Commission Expires: 5/25/2021



ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER
As property owner, I hereby accept the terms and conditions set forth herein and realize that non-adherence to the terms and conditions as stated herein may result in the revocation of this Permit by the Village of Germantown.

Dated this 30 day of September, 2019

Sole Member
Doctors LLC
Renee Martin, Doctors LLC, Property Owner

STATE OF WISCONSIN) SS
Washington COUNTY)
Personally came before me this 30 day of September, 2019, being the above named Renee Martin, to me known to be the person who executed the foregoing instrument and acknowledged the same.

BRYCE MEYERS
NOTARY
PUBLIC
STATE OF WISCONSIN

Bryce Meyers
{type or print name of Notary on this line}

{signature of Notary on this line}
Notary Public, State of Wisconsin
My Commission Expires: 1/14/23

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

Village of Germantown ...Willkommen

ZONING COMPLIANCE/ OCCUPANCY PERMIT

Date of Application: 5-31-19

$175 Application Fee Received By: [illegible]

Please read and print legibly. List name of actual contact person (NOT just business name).

APPLICANT OR AGENT:

Name: Mark Brooks

Address: N52W14018 Aberdeen Dr. Menfalls

Phone: 414-507-8653

Fax:

E-Mail: markb@burtonmayer.com

PROPERTY or Business OWNER:

Name: Renee Martin - Renee Mar Member Doctors LLC

Address: W206 N10515 Appleton Ave

Phone: Germantown, WI 53022

Fax: 262-253-8133

E-Mail: Rmartin48@wi.rr.com

PROPERTY ADDRESS OR Tax Parcel ID#: W201 N10466 Appleton Ave, Germantown, WI

DESCRIPTION OF PROPOSED USE (Describe improvements, structures, uses and activities conducted, services provided, products made or sold, # of employees, hours of operation, etc. that will enable Zoning Administrator to determine if the proposed use or operation complies with the applicable zoning district and/or other use restrictions that may apply to the subject property. Use back side or additional sheets as needed):

Restaurant/Bar serving upscale food + Beverages in a newly remodeled + decorated space. outdoor deck + greenspace to provide an area for outdoor dinning + yard Games such as Bags, Horseshoes, Bocce Ball etc. Appox 11 employees + hours of 11:00 am - Close + future breakfast hours. (over

READ AND INITIAL THE FOLLOWING:

☒ I understand that Village Staff may request additional information to properly evaluate this request and failure to provide such information may in itself by sufficient cause to deny the petition.

☒ I understand that Village Staff can impose conditions or other requirements necessary in order to meet and/or remain in compliance with the Village's Zoning Codes and/or other Village requirements that may apply to the subject property.

INCLUDE THE FOLLOWING WITH YOUR APPLICATION:

☐ A scaled site plan showing location of proposed use on the property (not required if within building).

☐ $175 Application Fee

☐ Other Information required by Zoning Administrator

APPROVED
VILLAGE USE ONLY
☐ Building/Arch Plan ☐ Site Plan
☐ Landscaping Plan ☐ Sign Plan
☐ Lighting Plan ☒ Zoning Permit
6-14-19
Jeffrey D. Retzlaff, AICP — Date Approved
Village Planner/Zoning Administrator
☒ Approval Conditions apply as noted below:
SEE LETTER DATED 6-14-19 FOR CONDITIONS OF APPROVAL

SIGNATURES: ALL APPLICATIONS MUST BE SIGNED

Mark A. Brooks — Applicant — 5-30-19 — Date

Doctors LLC — Property Owner — 5-30-19 — Date

VILLAGE OF GERMANTOWN

*** CUSTOMER RECEIPT ***

DATE: 05/31/19 TIME: 09:31:28

DESCRIPTION	PAY CD	AMOUNT
ZONING FEES	2	175.00
DAS BARREL ROOM LLC	1001	
TOTAL AMOUNT DUE		175.00
AMOUNT TENDERED		175.00
CHANGE DUE		.00

TRANS #: 1 CASHIER CODE: 006

BATCH #: C190531 REGISTER ID: 004

Village of Germantown
Willkommen

Community Development Department
Jeffrey W. Retzlaff, AICP, Director
Village Planner & Zoning Administrator
N112 W17001 Mequon Road P.O. Box 337
Germantown, WI 53022-0337
Telephone: (262) 250-4735 Website: www.village.germantown.wi.us
FAX: (262) 253-8255 E-mail: jretzlaff@village.germantown.wi.us

May 29, 2013

Craig Braidigan
W201N10466 Appleton Ave
Germantown, WI 53022

COPY

RE: The Public House (formerly "Doctor's Pub"); Building Permit (Deck Addition)

Dear Mr. Braidigan:

Notwithstanding the provisions of Section 17.43(9) and the affect on your ability to obtain a building permit with or without site plan approval from the Village, my primary concern with the property and hesitancy to issue a building permit for the deck addition without said site plan approval is the continued use of the existing and non-compliant parking lot located at the front of the building that straddles the two parcels. This same issue was of sufficient concern to the Plan Commission back in 2008 that they approved a similar deck addition proposal with a series of conditions; including one that required the property owner to "fix" the non-compliant parking lot issue by combining the two parcels.

However, based on input and advice from the Village Attorney, in an effort to avoid further delay to your proposal to construct the deck addition, and, to also address the non-compliant parking lot issue, I am prepared to approve the building permit for your deck addition (for zoning code compliance) with a condition that the non-compliant parking lot issue be resolved within the next three (3) months. This would enable you to proceed with construction of your deck, subject to meeting the necessary building code and fire safety requirements, while you and/or the property owner decide how best to resolve the parking lot issue and pursue that course of action.

The reason why the parking lot issue needs to be resolved is that, despite its existence for some time, the existing parking lot located at the front of the building straddles the common property line with the 2.85-acre parcel to the east and, as a result, does not meet the minimum 8' parking lot setback required under Section 17.45(1)(c). Moreover, the existence of this parking lot does not "qualify" as a legal nonconforming use of the property because one cannot obtain legal nonconforming status for an accessory use such as parking (see City of Lake Geneva v. Smuda, 75 Wis. 2d 532, 537, 249 N.W.2d 783, 786-87, 1977).

Therefore, because there is no legal nonconforming status associated with the parking lot, any alterations to the building require compliance with the current parking setback/buffer regulations. Fortunately, you have a number of alternatives available to you (or the property owner) to fix the non-compliant parking lot issue, including:

1. To address the setbacks requirement, you could remove the existing parking stall(s) that encroach over the common property line and create a minimum 8' setback

"buffer" from the property line to the nearest paved parking stall. This alternative should include a greenbelt between the parking lot and the property line. As this property was subject to a prior plan commission approval, this change could be approved by me as the Zoning Administrator provided that the proposed changes do not constitute a major improvement.

2. Combine the two adjoining parcels into one using a procedure used by the Washington County Real Property Lister (and typically allowed by the Village of Germantown) that requires Village staff approval and only the recording of a Quit Claim Deed (contact Brian Braithwaite, Washington County Real Property Lister, 432 E. Washington Street, West Bend, for the necessary form and procedures). This combination would result in a sufficient setback such that the parking lot regulations would be met unless changes to the parking lot are made. A subsequent rezoning application would be required given the different zoning districts on the two parcels.
3. Obtain a Conditional Use Permit from the Village pursuant to Section 17.45(5) of the Zoning Code for an "off-site parking area". As we have already discussed, this provision was adopted in order to address situations just like yours where parking for a particular business is occurring on an adjacent (or non-adjacent) property that is non-compliant with the Zoning Code, and, to allow the business the ability to expand without having to actually combine the separate parcels as in the case of the two alternatives discussed above (this alternative was not available to the owner back in 2008 having only been added to the Zoning Code in 2010). This alternative requires Plan Commission and Village Board approval of a CUP Application.
4. Submit an application for a two-lot Certified Survey Map to redivide the two parcels so that the parking area is combined with the current "bar" parcel, leaving the remainder to the adjoining parcel. This alternative is/was one of the conditions of approval required by the Plan Commission as part of approving the previous deck addition in 2008. This alternative requires Plan Commission and Village Board approval of a CSM Application.
5. File an appeal with the Board of Zoning Appeals regarding the applicable sections of the Zoning Code and my application of those code sections to your particular situation and proposal. The Board of Zoning Appeals is the body of Village government that has the authority to hear allegations and make decisions regarding potential errors made by the Zoning Administrator in the application of and determinations under the Zoning Code.

Alternatives #1 and #3 give you the most flexibility in terms of being able to continue using the existing parking area located nearest to the front entrance of the bar while also offering the property owner the most flexibility in terms of being able to use or sell for future development purposes (the reason given to us back in 2008 as to why the previous deck addition wasn't completed and the parcels combined). Alternative #1 may result in continued code compliance issues (and possible municipal citations) for the owner of the 2.85-acre parcel if that area continues to be used for parking by patrons of the bar. Alternative #4 offers the best fix for the situation now in that it addresses the concerns of all of the parties

involved. Alternative #2 simply pushes Alternative #4 to a date in the future, when the CSM would be required to redivide the properties.

Please contact me to discuss what alternative course of action you and/or the property owner want to pursue and we can discuss the necessary procedures, forms, fees, etc. In the event that you want to pursue Alternative #5, i.e. filing an appeal to the Board of Zoning Appeals, please contact the Village Clerk's Office to obtain the necessary forms and discuss those procedures.

Please proceed with filing the necessary plans and supporting information along with your building permit application. I will attach a letter of approval containing the conditional approval outlined above to that permit.

In the meantime, if you have any questions or concerns regarding this matter, feel free to contact me at (262) 250-4735.

Respectfully,

Jeffrey W. Retzlaff, AICP
Village Planner & Zoning Administrator

Copies: Village Attorney
Village President
Village Administrator

Village of Germantown ...Willkommen

Community Development Department
Jeffrey W. Retzlaff, AICP, Director
Village Planner & Zoning Administrator
N112 W17001 Mequon Road P.O. Box 337
Germantown, WI 53022-0337
Telephone: (262) 250-4735 Website: www.village.germantown.wi.us
FAX: (262) 253-8255 E-mail: jretzlaff@village.germantown.wi.us

June 14, 2019

Mark Brooks
N52 W14018 Aberdeen Drive
Menomonee Falls, WI 53051

RE: W210 N10466 Appleton Ave; Zoning Permit for Bar/Restaurant

The zoning permit application for a new bar operation at the above cited property (formerly the Public House & Doctors Pub) has been approved subject to the conditions listed below. Subject to compliance with the conditions below, the proposed use would comply with the zoning district regulations applicable to the subject property.

CONDITIONS OF APPROVAL:

1. Village building permits are required for ALL interior and exterior improvements and renovations (construction, electrical and/or plumbing). Contact Mike Guttmann, Building Inspector, to discuss any proposed improvements, permit & inspection requirements, and state-approved plan requirements (if required). Contact Holly in Inspection Services for information about permit applications. Both can be reached at 262-250-4760.
2. Prior to occupancy or commencement of use, an occupancy inspection shall be conducted in coordination with the Village Fire Department and Inspection Services. Please contact the Fire Department and Inspection Services to arrange an inspection at 262-502-4701.
3. If required by the Fire Department or Inspection Services as part of the initial or future occupancy inspections, the owner/operator shall install and/or update necessary fire safety measures, emergency management and/or other improvements to ensure fire and building code compliance for the type of occupancy/use proposed.
4. All exterior signs, temporary and permanent, requires a sign permit. Contact Lori Johnson regarding proposed signs, and the Village's sign regulations and permit requirements at 262-250-4735.
5. The Village's Utility Code requires all commercial and industrial users discharging wastes into the sewer system to construct and maintain sampling and metering manholes in suitable and accessible positions on public property or easement to facilitate the observation, measurement and sampling of all wastes or wastewater. These manholes are required to be located, constructed and maintained in a manner approved by the Village Engineer/Wasterwater Utility Superintendent. Therefore, the property owner is required to contact Tim Zimmerman, Superintendent of Wastewater Utility 262-253-7765 to coordinate an inspection of the sampling manhole, and, make any/all necessary corrections or repairs to the sampling manhole and appurtenances thereto to ensure ongoing compliance with the Village's Utility Code.

6. No parking is allowed on the adjacent property south of the building at W210 N10466 Appleton Ave (Parcel #293-983; see attached aerial photo). As discussed in a May 29, 2013 letter to the former operator (copy attached), use of the paved area southeast of the building for parking is not allowed under the Village's Zoning Code unless and until the property owner completes one of the alternatives discussed therein (e.g. combine the two parcels, obtain a conditional use permit for off-site parking, etc).

If you have any questions or concerns regarding this matter, feel free to contact me at (262) 250-4735 or Inspection Services at (262) 250-4760.

Respectfully,
Jeffrey W. Retzlaff, AICP
Zoning Administrator

Copy: Inspection Services
Renee Martin, Property Owner

MEETING:	**REGULAR MEETING OF THE PLAN COMMISSION**
DATE AND TIME:	**Monday, October 9, 2023 6:30 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 meeting was called to order at 6:30 pm.

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

III. **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.*
Melanie Smythe, N140 W17938 Cedar Lane spoke.

Please visit the Village's YouTube website to watch/listen to the recorded meeting for additional details: https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ

IV. **APPROVAL OF MINUTES:**

A. September 11, 2023
MOTION Baum second Shadid to Approve the minutes from September 11, 2023.
MOTION carried unanimously.

V. **NEW BUSINESS:**

A. Mark Brooks, Agent for Das Barrel Room Tavern & Grill, and Doctors LLC, Property Owner of W201 N10466 Appleton Avenue. Application to Amend Conditional Use Permit No. #13-2019 to allow expansion of the existing off-site parking area pursuant to Section 17.28(3)(u) and Section 17.45(5) of the Village Zoning Code. **(PUBLIC HEARING & ACTION)**

Director Retzlaff summarized the proposal.
Public Hearing opened at 6:46 pm

The following people spoke in support of the applicant:
- Brian McCullough, West Bend,
- Peter Dummann, N100 W16500 Revere Lane
- John Bublitz, W201 N10466 Appleton Avenue
- Jack Daniels, W213 N10252 Beech Drive
- John Weigert, N65 W13600 Lilly Creek Road
- Tamara, N100 W14394 Sunburst Trail
- Lori, N104 W21651 Willow Creek Road
- Trustee Jolene Pieper, N111 W16625 Esquire Court

The following people spoke against the applicant:
- Tom Steinbach, W204 N10609 Hilltop Drive
- Scott Hefle, W159 N10514 Old Farm Road
- Jason Giguere, W202 N10462 Appleton Avenue
- Trustee Jan Miller, W151 N10297 Windsong Circle West
- Dominic Giguere, W202 N10462 Appleton Avenue
- Jessisca Giguere, W202 N10462 Appleton Avenue

Mark Brooks, business owner of Das Barrel Room explained the gravel was put in to enhance the parking and was done for safety. He said he needs the additional parking and because he leases the property it will be a financial burden for him to pave the gravel area. He needs the gravel to maintain the business.
Public Hearing closed at 7:18 pm.

Please visit the Village's YouTube website to watch/listen to the recorded meeting for additional details: https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ

MOTION Baum second Nilles to Approve an amendment to Conditional Use Permit #13-2019 for Mark Brooks and Doctors LLC to allow expansion of the "off-site" parking area on the undeveloped 2.1-acre parcel located adjacent to the restaurant/bar parcel located at W201 N10466 Appleton Avenue subject to the following amendments to the adopted conditions:

1. This conditional use permit allows the continued use of the existing 4,800 sqft paved area for an off-site parking area as shown in the site plan July 11, 2019, subject to any further requirements and revisions set forth or required herein.
2. Improvements to the existing pavement shall be limited to general maintenance, including but not limited to sealcoating, crack-filling, stripping. ~~No expansion or additional off-site parking or other enhancements, e.g. additional lighting, signage, shall be made without obtaining Zoning Permit and/or Site Plan approval from the Village.~~
3. Expansion of the off-site parking area or the existing on-site parking area on the east side of the building may be allowed subject to approval of an amendment to this conditional use permit.
4. ~~, and,~~ Expansion of the "off-site" parking area east of the restaurant/bar will require:
    a. Plan Commission approval of site, grading & erosion control, and storm water management plans;
    b. Compliance with applicable Zoning Code and development requirements, including all setback, pavement, storm water

management, landscaping and buffering requirements of the Village and MMSD;

c. re-construction and/or other modifications necessary to make the "off-site" parking area compliant with all setback, landscaping, and other applicable Zoning Code requirements in effect at that time.

5. The off-site parking area shall be used for parking by the patrons and employees of the restaurant/bar operation during normal business hours. The off-site parking area shall not be used for overnight storage (other than snow storage) of any materials or equipment and shall be kept clean and continuously maintained.
6. In the event that the 2.1-acre undeveloped parcel is developed separately from the restaurant/bar operation, the existing 4,800 sqft "off-site" paved parking area may be required to be removed or modified to comply with all current Zoning Code requirements in effect at that time or as needed to accommodate the separate development. The continued or shared use of the off-site parking area with any development on the 2.1-acre parcel shall be addressed as an amendment to this conditional use permit.
7. Any signage displayed on the off-site parking area shall be reviewed and approved by the Village subject to applicable sign regulations.
8. 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 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.
9. Unless otherwise provided herein, this conditional use permit shall run with the land and transfer to subsequent owners in interest of the business and/or property.

Discussion followed.
Director Retzlaff explained there was no wetland delineation to confirm where the wetlands are located. Commissioner Shadid asked if it would be appropriate for the Plan Commission to have that information to make a decision. Director Retzlaff explained if the staff recommendation is approved, Mr. Brooks would need to proceed with a wetland delineation, engineered plans, and full construction drawings. If the approval is for just the gravel as is, and there is a concern about possible wetlands, the Plan Commission could direct Mr. Brooks to conduct a wetland delineation. Commissioner Shadid stated he has a problem allowing one business to have a gravel parking lot and is not in favor it. Discussion continued.
Commissioner Laszewski asked if any parking would need to be eliminated because it is too close to Appleton Avenue. Director Retzlaff stated one of the conditions provides the parking lot come into compliance. Trustee Baum stated the biggest issue is not that Mr. Brooks wants to put a parking lot in. Its that he put one in that was done without a permit and now needs to come into compliance. Mark Brooks said the cost to

pave the gravel is around $50,000 and doesn't include the site approvals or erosion. He said if he needs to put the parking to what is was, people will park on Willow Creek Road and Appleton Avenue which would be a bigger problem. Director Retzlaff stated Mr. Brooks or the Village would need to enforce no parking on that property which could also mean reconsidering the conditional use permit to allow the 14 stalls to be used. Discussion continued.

Trustee Baum said it appears the gravel driveway is right up to the wetlands and that may be a problem as well. Chairman Wolter questioned if the parking lot was developed with asphalt, there is a possibility it may need a retention pond of some kind. He was curious to know if a delineation is available from the State when Appleton Avenue was improved or when the round about was put in. Director Retzlaff said he would reach out to see if a delineation is available. Commissioner Tarantino asked if it would be more cost effective to change the location of the parking so it is away from the wetland area.

MOTION to Amend Baum second Laszewski to amend Condition #4 b to exclude the requirement for pavement only.

Discussion continued on relocating the driveway to the gravel parking in order to stay away from the wetlands. Trustee Baum explained a civil engineer will need to design something that meets our code but that is an expense to the operator.

MOTION to Amend Failed 2-5 (Wolter/Laszewski)

Discussion continued. Chairman Wolter asked if we could deal with the existing gravel and not add the extra 2,400 square feet and keep it within DNR regulations, setbacks, and runoff. Director Retzlaff stated it's hard to tell with regard to the wetlands. If we would have known in advance,we could have required a delineation and know where the boundaries are to give some guidance. Chairman Wolter explained the struggle of the Plan Commission is to uphold the ordinances within the CUP and work with what the boundaries are or described in. He said we are looking for a way to work with the business but still uphold the ordinances.

MOTION to Amend Baum second Tarantino to eliminate Condition 4b.

Discussion followed. Commissioner Williams asked if what is approved today runs with the land and if the property is purchased the new owner would be walking into the CUP and could leave it as is without making any changes and won't need to pave the lot. Director Retzlaff confirmed and said protection could be put in to address that. Commissioner Williams added he is not in support of not following the code and doesn't want to see this business go out of business. But he doesn't think there can be an unlimited amount of time that we can pass exceptions or let it pass to subsequent owners without coming into compliance. Discussion continued.

Chairman Wolter commented that this commission is bound to follow the ordinances but we are trying to create an opportunity for the business owner to maintain what he is trying to do there without violating the ordinances or stormwater management rules. He said he is curious to know if any delineation has been done within this property

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

know she will be installing a fence.
MOTION carried 6-1 (Laszewski)

B. Robert & Coral Kline, Property Owners of W156 N10876 Catskill Lane. Zoning Permit application to install a 6' fence in a storm sewer easement. (ACTION)

Director Retzlaff summarized the proposal.
MOTION Baum second Shadid to Approve the zoning permit application to install a 6' vinyl privacy fence within the storm sewer easement along the south line of the Kline property located at W156 N10876 Catskill Lane subject to the following conditions:
1. The fence shall be installed a minimum setback of 2 feet from the Pilgrim Road right-of-way/property line and the bottom of the boards a minimum of 2 inches above the finished grade.
2. It shall be the responsibility of the homeowner to maintain a free flow of water within the private drainage easement at all times.
3. A fence permit is required from the Building Inspection Department. Contact SafeBuilt for more information.
4. 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 all costs associated with removing the fence to the extent necessary within seven (7) days of being notified by the Village (or another mutually agreeable deadline). The property owner shall be responsible for any and all costs associated with any damage, removal or re-installation of said fence.
5. The property owner shall enter into an encroachment agreement with the Village for purposes of attaching the requirements of Condition #4 above to ensure that the property owner and any successors in interest are aware of these requirements.
6. The property owner and/or fence installer shall be responsible for locating and visually marking the 12" storm sewer location within the easement at least three (3) business days prior to installation and contacting the Village Engineer once marked. The property owner and/or fence installer shall be liable for any and all damage to the storm sewer and all site restoration within the easement.

Mr. Kline confirmed he was aware of Condition #4.
MOTION carried unanimously.

C. Mark Brooks, Agent for Das Barrel Room Tavern & Grill, and Doctors LLC, Property Owner of W201 N10466 Appleton Avenue. Application to Amend Conditional Use Permit No. #13-2019 to allow expansion of the existing off-site parking area pursuant to Section 17.28(3)(u) and Section 17.45(5) of the Village Zoning Code. (ACTION; TABLED from October 9, 2023)

Director Retzlaff summarized the proposal. He explained a motion on the CUP amendment proposal is needed if one of the two options are acceptable or if further changes are wanted they should be discussed.

MOTION Baum second Tarantino to Approve Option #1 to amend Conditional Use Permit #13-2019 for Mark Brooks and Doctors LLC to allow expansion of the "off-site" parking area on the undeveloped 2.1-acre parcel located adjacent to the restaurant/bar parcel located at W201 N10466 Appleton Avenue subject to the following amendments to the adopted conditions:
1. This conditional use permit allows the continued use of the existing 4,800 sqft paved area for an off-site parking area as shown in the site plan July 11, 2019, subject

to any further requirements and revisions set forth or required herein.
2. Improvements to the existing pavement shall be limited to general maintenance, including but not limited to sealcoating, crack-filling, stripping. ~~No expansion or additional off-site parking or other enhancements, e.g. additional lighting, signage, shall be made without obtaining Zoning Permit and/or Site Plan approval from the Village~~.
3. Expansion of the off-site parking area or the existing on-site parking area on the east side of the building may be allowed subject to approval of an amendment to this conditional use permit.
4. , and, Expansion of the "off-site" parking area east of the restaurant/bar will require:
a. Plan Commission approval of site, grading & erosion control, and storm water management plans;
b. Compliance with applicable Zoning Code and development requirements, including all setback, pavement, storm water management, landscaping and buffering requirements of the Village and MMSD;
c. re-construction and/or other modifications necessary to make the "off-site" parking area compliant with all setback, landscaping, and other applicable Zoning Code requirements in effect at that time.
5. The off-site parking area shall be used for parking by the patrons and employees of the restaurant/bar operation during normal business hours. The off-site parking area shall not be used for overnight storage (other than snow storage) of any materials or equipment and shall be kept clean and continuously maintained.
6. In the event that the 2.1-acre undeveloped parcel is developed separately from the restaurant/bar operation, the existing 4,800 sqft "off-site" paved parking area may be required to be removed or modified to comply with all current Zoning Code requirements in effect at that time or as needed to accommodate the separate development. The continued or shared use of the off-site parking area with any development on the 2.1-acre parcel shall be addressed as an amendment to this conditional use permit.
7. Any signage displayed on the off-site parking area shall be reviewed and approved by the Village subject to applicable sign regulations.
8. 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 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.
9. Unless otherwise provided herein, this conditional use permit shall run with the land and transfer to subsequent owners in interest of the business and/or property.
10. Option 1 (Sheet 2 dated 2/20/2024) is approved provided that the 56'x72' parking area and 16' wide connecting driveway be paved with asphalt or concrete.
11. A minimum 10' wide permanent vegetated buffer designed to filter storm water run-off from the existing and new parking areas and connecting driveway be installed along the east and north edge as part of restoring the site.

Discussion followed. Trustee Baum asked what the total parking requirement is for the business. Director Retzlaff stated the existing parking both on the .9 acre site and west of the building and the 4,800 sqft of pre-existing non conforming parking area provides adequate parking for the interior capacity but it goes above that with the outdoor entertainment and there's no limitation on people coming to the site for that purpose. Clearly there is a need for additional parking due to the popularity of the business. The gravel wasn't put down to be used every night, its a overflow parking area for the business. Trustee Baum stated the existing parking plus the 5,000 sqft is not enough to adequately support the operation in summer. Director Retzlaff said Mr. Brooks is asking for an additional 2,500 sqft of gravel in addition to what was put down originally but now with stormwater management requirements, Option 1 is the limitation with 5,000 sqft. But Mr. Brooks may seek to expand that to add 5 or 6 more stalls if possible.

Brenna Bublitz, W201N10466 Appleton Avenue, the GM for Das Barrel Room spoke on Mr. Brooks behalf. She said Option1 is what they want as it provides extra stalls, however cost is an issue because they are only leasing. Discussion continued. Trustee Baum asked what the code requirement is for how much parking this facility is supposed to have. Director Retzlaff stated there is no guideline for outdoor area with no specific limit for quantity of seats or patrons for number of parking and you cannot calculate the lawn requirement. He said the popularity of the outdoor music has demanded the need for additional parking. Trustee Baum said he sees this as a temporary situation. Ms. Bublitz commented they have approval to park at the BP gas station across the street. Trustee Baum said that doesn't stop people from parking on the grass. Ms. Bublitz said they could add car stops in the grass and signs. Discussion continued.
Director Retzlaff stated there is a need for more parking than what they are willing to pay for. Commissioner Laszewski said Option 1 removes some cars from the road but doesn't cure the whole problem of cars on the road and traffic. Director Retzlaff asked how do we require them to provide enough parking for an event when theres a need for 50 additional stalls without requiring them to pay for the parking. He said there is an unwillingness to make more parking than what is needed without them paying for it. Chairman Wolter said the zoning regulations are based on internal dimensions and nothing to do with external or outside stations. Director Retzlaff agreed and that there are no outside Village provisions that deal with port a potties. Discussion continued. Trustee Baum stated he thinks this needs to go to the Village Board to make the determination of the zoning we need to apply to this. He's looking for the rule they need to follow for the amount of parking they really need to provide for a Saturday evening when there are 500 people standing outside. Director Retzlaff feels more parking is needed, it should be installed properly and paved, address any storm water management requirements and sized more appropriately to the need for the business. But that conflicts with what the operation can or is willing to do. Chairman Wolter understands there is a need because of the success of this business so we are willing to look at what those options are. But we need to protect what's to the south of there with Willow Creek and some of the wetland areas that come through that area. The way its proposed today is really its best second option. We need to look past the lot that is already there. If we make it conform they are not gaining any parking, only 15 lots. Trustee Baum said Option 1 as presented brings the parking up to a level of

parking adequate for the existing building and patio. There are no other ordinances for people standing in the grass. He thinks at Village Board level we will discuss what we want to do for these types of situations going forward, where there is no building, what do we do for toilets and parking. Director Retzlaff said that would require some further code changes to address. He said we need to look down the road and assuming 2024 is as popular they are going to fill up Option 1 paved parking and unless there is a restriction, they will either park on the grass or in some other area. Trustee Baum asked should we add a condition that some type of barrier be put up to restrict parking in that area. Ms. Bublitz said they will rope it off and tell people they can't park in the grass. Trustee Baum asked what are the provisions that allow a stage in the backyard. What mechanism allows that. Director Retzlaff stated outdoor entertainment is a liquor license premise extension issue and not a Plan Commission issue. Trustee Baum said Village Board needs to debate that issue. He added the applicant can ask why Dheinsville or the church can park on the grass. Director Retzlaff said its a frequency issue. Is it for a special event or 3 season every weekend issue. Some businesses ask for special consideration that isn't given or asked by others. He doesn't fault Mr. Brooks for it because the property owner should be sharing in the expense.

MOTION to Amend Baum second Shadid to add Condition #12 that the applicant put some type of barrier around the asphalt paving to tell people not to park on the grass and eliminate Condition 4b and 4c.
MOTION to Amend carried unanimously.

Chairman Wolter asked if the other gravel will be cleaned up as a result of the motion. Director Retzlaff said the cleanup is part of the plan, but the site plan will need to be cleaned up and that will come back to the Plan Commission. The Village Board will review the amendment to the CUP which is exclusively for the off site parking. He said the premise extension is handled through the liquor licensing process. Chairman Wolter explained the Village Board will review the Conditional Use Permit and the provisions within the Conditional Use Permit and not with the outside premise extension for the liquor license.

MOTION to Approve as Amended carried 6-1 carried Williams.

V. **CITIZEN INPUT/PUBLIC APPEARANCE:** *(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.)*

Comments were received from:
Tom & Lynn Steinbach, W204 N10609 Hilltop Drive
Melanie Smythe, W140 N17938 Cedar Lane
Trustee Jan Miller, W151 N10297 Windsong Circle
Jason Giguere, W202 N10462 Appleton Avenue

VI. **ANNOUNCEMENTS:**

Chairman Wolter stated there would be a Candidate Forum for the school and Village Trustees at 5:30 tomorrow at the Village Hall Board Room.

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: April 4, 2024

PLACEMENT: Action Item

ITEM TITLE: Award of contract to Pro Track and Tennis, Inc. in the amount not to exceed $69,320 to be paid out. of ARPA funds for maintenance work on the Alt Bauer Park tennis courts.

SUBMITTED BY: Gil Standridge, Park & Rec Director

SUMMARY EXPLANATION:

ATTACHMENT:

1. Letter to Board- Alt Bauer Tennis Courts

RECOMMENDATION:

ACTION BY Committee:

Germantown Park and Recreation Department
N112W17001 Mequon Rd
P.O. Box 337
Germantown, Wisconsin 53022-0337

(262)250-4710 Fax (262)255-2920
Information Line (262)250-4711

Meeting Date:	April 4, 2024
To:	Village Board
From:	Gil Standridge, Park and Recreation Director
RE:	Approval to use ARPA funds for Alt Bauer Tennis Court

I am requesting this Board allow me to contract Pro Track and Tennis, INC. for $69,320 out of the ARPA funds. The Village Board originally approved $60,000 for 2024 Calendar Year to repair all the cracks, repaint the surface and lines, and add two pickleball court Net post systems at Alt Bauer Tennis Courts.

I sent out three Request for Proposals. I received three proposals in writing by the deadline set. Pro Track and Tennis was the lowest proposal.

This work includes doing the following to the three (3) Alt Bauer Tennis Courts:

Power Washing all three tennis courts
Color Coat Four (4) Courts (two tennis courts, two pickleball courts)

Paint tennis lines two courts, pickleball lines two courts	$43,800.00
Riteway Crack Repair System-851 LF, used to repair all cracks 5 year warranty	$17,020.00
Install Two (2) Pickleball Net Post systems	$ 8, 500.00

Munson Tennis Division proposed $65,130 to do the same work as Pro Track with the exception, Munson did not include the Pickleball Net Post systems which would add another $8500 for a total of $73,630.

Polysport came in at $82,000 doing same work including the two Pickleball net post systems, as Pro Track.

I took this request before General Government Finance Committee on March 18th and the committee approved the request.

Thanks in advance for your consideration on this matter.

Gil Standridge
Parks and Recreation Director

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: April 4, 2024

PLACEMENT: Action Item

ITEM TITLE: Purchase of Kinderberg Park equipment and installation services from Lee Recreation, LLC in an amount not to exceed $300,000 with funds available in account 40591000-592300.

SUBMITTED BY: Gil Standridge, Park & Rec Director

SUMMARY EXPLANATION:

ATTACHMENT:

1. Letter to Board- Approval for Lee Recreation Playground Kinderberg
2. Proposal

RECOMMENDATION:

ACTION BY Committee:

Germantown Park and Recreation Department
N112W17001 Mequon Rd
P.O. Box 337
Germantown, Wisconsin 53022-0337

(262)250-4710 Fax (262)255-2920
Information Line (262)250-4711

Meeting Date:	April 4, 2024
To:	Village Board
From:	Gil Standridge, Park and Recreation Director
RE:	Approval to purchase playground equipment Lee Recreation

I am requesting the Board allow me to purchase Burke Playground Equipment, Proposal #142-180406-2 out of account 40591000-592300, not to exceed the $300,000 approved for the 2024 budget.

This proposal was brought before the Park Commission at their March 20th meeting. The Commission voted to approve this purchase through Lee Recreation.

Germantown has Burke equipment in many of our parks. Maintenance has been minimal and the public seems very satisfied with the quality and design of the equipment. Lee Recreation has installed Burke playgrounds in various surrounding communities. Burke's factory is located in Fond du Lac so if there are issues with any of the equipment they are quickly and efficiently resolved. Burke also provides excellent warranties should problems arise.

I sought out bids from four (4) other playground equipment companies. Midwest Playscapes and Minnesota/Wisconsin Playground chose not to submit a bid. I included Kompan bid proposal in the packet sent out. Lee Recreation equipment design was not only the favorite of the Parks and Recreation Commission, but also the least expensive out of the companies who submitted bids.

Thanks in advance for your consideration on this matter.

Regards,

Gil Standridge
Parks and Recreation Director
Village of Germantown

Burke
PLAY THAT MOVES YOU.
BCIBURKE.COM • 800.266.1250
KINDERBERG PARK - GERMANTOWN (OPTION 2)
PROPOSAL #: 142-180406-2
COLOR KEY
MADE IN WISCONSIN
LR
LEE
RECREATION LLC

LEE RECREATION, LLC

Providing Fun Across Wisconsin Since 1995

DATE: March 14, 2024

TO: Germantown Parks
ATTN: Gil Standridge
N112W17001 Mequon Rd.
Germantown, WI 53022

FROM: Megan Lee Cunningham
RE: **Playground Proposal #142-180406-2 Kinderberg Park**

BCI BURKE "Play That Moves You"

Playground Proposal #142-180406-2
51 Play Events for an estimated 229 users ages 5-12 & 2-5
Minimum Area Needed: 56' x 147'

1-#NU-3503	Nucleus Modular Structure, AGES 5-12	$116,800.00
	Early Bird Sale Savings	($37,376.00)

DECKS: 3-Triangle, 1-Square, 1-Split Square, 1-Crescent
SLIDES: Viper II Over Under Slide @ 96" Deck Ht., Viper Spiral @ 96" Deck Ht.
CLIMBERS: 40" Evolution Stairs, Pursuit Climber, Verto Climber 1, Taktiks Trail Tower, Trango Climber, 2-Shasta Climbers @ 40"-48", 1-Shasta Climber @ 80"-96", Mesa Climber, Podstep Climber, Level X Extreme Center with Right & Left Wings, EKO: Solo, Dual & Bundle
UPPER BODY: 2-90 Degree Horizontal Ladders
BALANCE: 2-Ovistep Launch Pads, 1-Flylow Pod
MOTION: Stability Sanctuary
PLAY ACTIVITY PANELS: 3-In-A-Row Panel, Seek 'n Find Panel, Post Mount Spinners: Dots, Petals, Pinwheels, Radiate, Spokes & Waves, Classic Game Ring Panel

1-#NU-3245	Nucleus Modular Structure, AGES 2-5	$ 33,500.00
	Early Bird Sale Savings	($10,720.00)

DECKS: 2-Triangle, 1-Square, 1-Slide Platform, 1-Crescent
SLIDES: Luge Double Slide @ 48" Deck Ht., Monaco Curved Slide @ 40" Deck Ht.
CLIMBERS: 24" Evolution Stairs, Atom Climber, Eko Bundle
BALANCE: Lil Novo Balance Beam, 3-Lil Novo Bean Steps
ROOF: Solis Hue Post Topper, 1-Evolution Square Roof
PLAY ACTIVITY PANELS: Collision Ring Panel, Piston Panel

1-#SWING	3 Bay Single Post Swing Assembly with Arm	$ 8,428.00
	Includes: 1-Infant/Tot Seat, 4-Belt Seats, 1-Freedom Inclusive Swing Seat, 1-Konnection Swing Seat	
1-#550-0225	Cirrus Multi-User Swing with AirVenture Glider	$ 15,415.00
1-#560-0599	RopeVenture Epic	$ 42,866.00
1-#560-2579	Volta Inclusive Spinner	$ 7,751.00
	Subtotal Equipment	$176,664.00
	Site Prep - Removal/Disposal of Existing Eq. & Surfacing	$ 10,000.00
	Assembly/Installation	$ 68,000.00
	103-4' L. Black Border Timbers/installed	$ 5,150.00
	365 yds³ Engineered Wood Fiber Delivered/Installed	$ 18,250.00
	Freight	$ 1,500.00
	TOTAL	**$279,564.00**

BID FORM INSTRUCTIONS:

Vendor shall complete every space in "Vendor Column" with a (√) to indicate compliance or non-compliance with specification. If an item is denoted as non-compliant the vendor shall clearly indicate the deviation from specification and submit additional supportinginformation.

All items appearing in the manufacturer's specifications or printed literature furnished by the vendor are assumed to be included in this quotation. Please note any exceptions to standard manufacturer's specifications or printed literature.

SPECIFICATIONS

GENERAL	Complies with Spec?	Vendor Column YES	NO
• 5" OD Minimum Powder Coated Posts		_X___	____
• Stainless Hardware		_X___	____
• Tamper Resistant Screws, Bolts and Nuts Etc.		_X___	____

If NO was answered to any of the above items, list the deviations to the required specification & provide additional information:

_____

_____

_____

PLAYGROUND EQUIPMENT **Complies with Spec?** **YES** **NO**

Proposed Play Structure Make/Model per Dealer Attached Plan _____

- At least 50 elements for ages 5-12 __x__ ____
- 3 or more slide elements of varying heights __x__ ____
- Multi-level elements __x__ ____
- Play activity panels __x__ ____
- Climber element – variety of climbers __x__ ____
- Motion or spinning event (could be free standing) __x__ ____
- At least 3 elements for ages 2-5 (could be free standing) __x__ ____
- 3 or 4 Bay Single or double Post Swing assembly with arm. Includes: 1 infant/tot seat, 1 Freedom inclusive swing seat, 4 belt seats, and 1 Konnection Swing seat) __x__ ____
- Cirrus Multi-User Swing with AirVenture Glider __x__ ____
- Rope Venture Epic (or similar) __x__ ____
- Volta Inclusive Spinner (or similar) __x__ ____
- Fall Zone Material – Engineered wood fiber __x__ ____

If NO was answered to any of the above items, list the deviations to the required specification & provide additional information:

_____

_____

_____

Name, Address, telephone number, and point of contact for three municipalities in which the bidder has installed the proposed or similar equipment_____

_____see attached

_____

_____

_____

_____

_____

WARRANTY: **Complies with Spec?** **YES** **NO**

- Submit complete 100% parts warranty. Only NON Prorated Warranties will be considered. Warranty period shall begin when the entire system is delivered. _x_ ____

If NO was answered to any of the above items, list the deviations to the required specification & provide additional information:

_____

_____

INSTALLATION: **Complies with Spec?** **YES** **NO**

- Vendor/Contractor will install the specified equipment _x_ ____
- Vendor/Contractor will install borders and approved Engineered Wood Fiber Chips _x_ ____

____ ____

If NO was answered to any of the above items, list the deviations to the required specification & provide additional information:

_____

_____

CONSTRUCTION PLANS & MANUALS: **Complies with Spec?** **YES** **NO**

- Parts, service, operator's manual, detailed construction plans and installation instructions covering all major items shall be provided in a single bound binder upon delivery of the equipment. In addition, a complete list of all part numbers of items used in building and servicing the unit will be provided. _x_
- Service manuals shall cover all major components. _____ _x_ ____
- One (1) comprehensive parts and accessories item list. _x_
- One (1) construction plan, installation instructions and operator's manual _x_

____ ____

If NO was answered to any of the above items, list the deviations to the required specification & provide additional information:

_____

_____

MINIMUM SPECIFICATIONS		YES	NO
POSTS:	Minimum of 5" Diameter Posts. Caps for the posts shall be factory Installed aluminum and factory painted to match the post color	_x___	____
FASTENERS:	Vandal Resistant and Stainless Steel	_x___	____
DIRECT BOLT CLAMP SYSTEM:	Preferred	__x__	____
PLATFORMS:	Heavy Punched Steel that can support 2 tons. 12 gauge one piece, PVC coated – Eco Armor decks not accepted. Platforms shall connect to posts with EZKonnect self-leveling fastening system, with two attachment points per corner, one of those being an open ended slot for easy assembly. Platform fasteners shall attach to threaded inserts which are CNC precision factory installed into the posts.	__x__	____
PLASTICS:	Rotationally Molded Plastic Parts, shall be manufactured from color compounded, linear, low-density polyethylene with an average of .250" wall thickness and textured non-sliding surfaces. Plastic parts shall x be UV stabilized to UV-16, Warranty is 15 years under a NON-Prorated Warranty.	_x___	____
POWDER PAINT:	Standard and Super Durable colors: All metal parts will be coated with a two-part powder coat system that consists of a primer and a top coat. Powder coating is electrostatically applied at a thickness of 3 to 6 mils (.003 - .006).	__x__	____
WARRANTY:	**Posts/Uprights:** 100 Year Limited Warranty **Hardware:** 100 Year Limited Warranty (nuts, bolts, washers), On bolt-Through fastening and clamp systems **Decks:** 15 year Limited Warranty on Main structure platforms and Decks, railings and barriers **Plastics:** 15 Year Limited Warranty on all plastic components against Structural failure due to materials or workmanship **Ropes:** 5 Year Limited Warranty on cables against premature wear Due to natural deterioration or manufacturing defects. **Moving Parts:** 5 Year Limited Warranty on moving parts against Structural failure due to materials or workmanship	__x__	____

If NO was answered to any of the above items, list the deviations to the required specification & provide additional information:

_____

_____

_____

PAYMENT: **Complies with Spec?** **YES** **NO**

- Payment will not be made until the equipment is delivered and installed. _x_ ____

If NO was answered to any of the above items, list the deviations to the required specification & provide additional information:

_____

_____

BIDDERS SHALL SUBMIT: **Complies with Spec?** **YES** **NO**

- Printed literature describing the particular equipment (make, model & specifications) 3D color rendering and layout plan shall be submitted with the bid _x_ ____

If NO was answered to any of the above items, list the deviations to the required specification & provide additional information:

_____

_____

REFERENCES FOR LEE RECREATION, LLC

Josh DePouw
Building & Grounds Director
Green Bay Public Schools
226 N. Baird St.
Green Bay, WI 54313
jjdepouw@gbaps.org
Phone: (920)680-4418

Matt Hendricks
Park Director
City of Shawano
220 E. Division St., Shawano WI 54166
Email: mhendricks@cityofshawano.com
Phone (715)853-2276

Michael Kading
Park Director
Neenah Parks & Recreation
211 Walnut St.
Neenah, WI 54956
Email: MKading@ci.neenah.wi.us
Phone: 920-886-6062

BURKE GENERATIONS WARRANTY®

The Longest and Strongest warranty in the industry

BCI Burke Company, LLC ("Burke") warrants that all standard products are warranted to be free from defects in materials and workmanship, under normal use and service, for a period of one (1) year from the date of shipment.

We stand behind our products.

In addition, the following products are warranted, under normal use and service from the date of shipment as follows:

- One Hundred (100) Year Limited Warranty on aluminum and steel upright posts (including Intensity®, Synergy™, Nucleus®, Voltage®, Little Buddies®, ELEVATE®, ACTIVATE®, INVIGORATE™) against structural failure due to corrosion, deterioration or workmanship.
- One Hundred (100) Year Limited Warranty on KoreKonnect® clamps against structural failure due to corrosion, deterioration or workmanship.
- One Hundred (100) Year Limited Warranty on Hardware (nuts, bolts, washers)
- One Hundred (100) Year Limited Warranty on bolt-through fastening and clamp systems (Synergy™, Intensity®, Nucleus®, Voltage®, Little Buddies®, ELEVATE®).
- Twenty-Five (25) Year Limited Warranty on spring assemblies and aluminum cast animals.
- Fifteen (15) Year Limited Warranty on structure platforms and decks, metal roofs, table tops, bench tops, railings and barriers against structural failure due to materials or workmanship.
- Fifteen (15) Year Limited Warranty on all plastic components including StoneBorders against structural failure due to materials or workmanship.
- Ten (10) Year Limited Warranty on ShadePlay Canopies fabric, threads, and cables against degradation, cracking or material breakdown resulting from ultra-violet exposure, natural deterioration or manufacturing defects. This warranty is limited to the design loads as stated in the specifications.
- Ten (10) Year Limited Warranty on NaturePlay® Boulders and GFRC products against structural failure due to natural deterioration or workmanship. Natural wear, which may occur with any concrete product with age, is excluded from this warranty
- Ten (10) Year Limited Warranty on Full Color Custom Signage against manufacturing defects that cause delamination or degradation of the sign. Full Color Custom Signs also carry a two (2) year warranty against premature fading of the print and graphics on the signs.
- Five (5) Year Limited Warranty on Intensity® and RopeVenture® cables and LEVEL X® flex bridge against premature wear due to natural deterioration or manufacturing defects. Determination of premature wear will be at the manufacturer's discretion.
- Five (5) Year Limited Warranty on moving parts, including swing components, against structural failure due to materials or workmanship.
- Five (5) Year Limited Warranty on PlayEnsemble® cables and mallets against defects in materials and workmanship.
- Three (3) Year Limited Warranty on electronic panel speakers, sound chips and circuit boards against electronic failure caused by manufacturing defects.

The warranty stated above is valid only if the equipment is erected in conformity with the layout plan and/or installation instructions furnished by BCI Burke Company, LLC using approved parts; have been maintained and inspected in accordance with BCI Burke Company, LLC instructions. Burke's liability and your exclusive remedy hereunder will be limited to repair or replacement of those parts found in Burke's reasonable judgment to be defective. Any claim made within the above stated warranty periods must be made promptly after discovery of the defect. A part is covered only for the original warranty period of the applicable part. Replacement parts carry the applicable warranty from the date of shipment of the replacement from Burke. After the expiration of the warranty period, you must pay for all parts, transportation and service charges.

Burke reserves the right to accept or reject any claim in whole or in part. Burke will not accept the return of any product without its prior written approval. Burke will assume transportation charges for shipment of the returned product if it is returned in strict compliance with Burke's written instructions.

THE FOREGOING WARRANTIES ARE EXCLUSIVE AND IN LIEU OF ANY OTHER WARRANTY, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTY OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. IF THE FOREGOING DISCLAIMER OF ADDITIONAL WARRANTIES IS NOT GIVEN FULL FORCE AND EFFECT, ANY RESULTING ADDITIONAL WARRANTY SHALL BE LIMITED IN DURATION TO THE EXPRESS WARRANTIES AND BE OTHERWISE SUBJECT TO AND LIMITED BY THE TERMS OF BURKE'S PRODUCT WARRANTY. SOME STATES DO NOT ALLOW THE EXCLUSION OF CERTAIN IMPLIED WARRANTIES, SO THE ABOVE LIMITATION MAY NOT APPLY TO YOU.

Warranty Exclusions: The above stated warranties do not cover: "cosmetic" defects, such as scratches, dents, marring, or fading; damage due to incorrect installation, vandalism, misuse, accident, wear and tear from normal use, exposure to extreme weather; immersion in salt or chlorine water, unauthorized repair or modification, abnormal use, lack of maintenance, or other cause not within Burke's control; and

Limitation of Remedies: Burke is not liable for consequential or incidental damages, including but not limited to labor costs or lost profits resulting from the use of or inability to use the products or from the products being incorporated in or becoming a component of any other product. If, after a reasonable number of repeated efforts, Burke is unable to repair or replace a defective or nonconforming product, Burke shall have the option to accept return of the product, or part thereof, if such does not substantially impair its value, and return the purchase price as the buyer's entire and exclusive remedy. Without limiting the generality of the foregoing, Burke will not be responsible for labor costs involved in the removal of products or the installation of replacement products. Some states do not allow the exclusion of incidental damages, so the above exclusion may not apply to you.

The environment near a saltwater coast can be extremely corrosive. Some corrosion and/or deterioration is considered "normal wear" in this environment. Product installed within 500 yards of a saltwater shoreline will only be covered for half the period of the standard product warranty, up to a maximum of five years, for defects caused by corrosion. Products installed in direct contact with saltwater or that are subjected to salt spray are not covered by the standard warranty for any defects caused by corrosion.

Contact your local Burke Representative for warranty information regarding Burke Turf® and Burke Tile products.

Terms of Sale

Pricing: Prices published in this catalog are in USD, are approximate and do not include shipping & handling, surfacing, installation nor applicable taxes. All prices are subject to change without notice. Contact your Burke representative for current pricing. Payments are to be made in USD.

Weights: Weights are approximate and may vary with actual orders.

Installation: All equipment is shipped unassembled. For a list of factory-certified installers in your area, please contact your Burke representative.

Specifications: Product specifications in this catalog were correct at the time of publication. However, product improvements are ongoing at Burke, and we reserve the right to change or discontinue specifications without notice.

Loss or Damage in Transit: A signed bill of lading is our receipt from a carrier that our shipment to you was complete and in good condition upon arrival. Before you sign, please check the Bill of Lading carefully when the shipment arrives to make sure nothing is missing and there are no damages. Once the shipment leaves our plant, we are no longer responsible for any damage, loss or shortage.

For more information regarding the warranty, call Customer Service at 920-921-9220 or 1-800-356-2070.

01/2021

BURKE BUILT® QUALITY

HANDCRAFTED IN AMERICA'S HEARTLAND

Walk through our Fond du Lac, WI manufacturing facility and you will see playgrounds coming to life through the hands of our people. In the age of assembly lines, we work to combine efficiency with a personal touch that makes every playground special. Bringing quality playgrounds to communities like yours is Work That Moves Us, and we hope the playgrounds we make move you too.

SUPERIOR SERVICE

Customer Service is a hallmark of Burke and we take pride in the fact that when you call, we answer. We have factory-direct customer service representatives that are available to answer questions, help with replacement parts or field inquiries about installations.

YOUR BURKE REPRESENTATIVE

Burke Representatives are passionate about bringing play to your community and helping you design your perfect play environment! They are knowledgeable and experienced about the entire playground process from site evaluation to design to maintenance and will work with you beyond installation to make sure your playground is, and remains, all you dreamed!

BCIBURKE.COM

Burke
PLAY THAT MOVES YOU

800.266.1250

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BURKE BUILT® QUALITY

DISCOVER THE VALUE OF INVESTING IN A BURKE PLAYGROUND:

KoreKonnect® Direct-Bolt Clamp System: Burke's Nucleus® play system features our Industry-leading KoreKonnect direct-bolt clamp system resulting in the strongest and most accurate connection system ever. Factory located connection points make for easy, precise installation and an error-free fit. Best of all, KoreKonnect is covered for 100 years under our non-prorated Generations Warranty®.

Direct-Bolt Connection System: Synergy™, Intensity®, ELEVATE® Fitness Course and ACTIVATE® Fitness Circuit feature Burke's trusted direct-bolt connection that uses a durable, straightforward direct-bolt system to ensure a trouble-free installation and provide the necessary strength to accommodate the demands of playing children. Like our KoreKonnect system, Direct-Bolt connections are covered for 100 years under our Generations Warranty.

EZKonnect® Deck Mounting System: Our exclusive self-leveling deck attachment and factory CNC construction allows for faster and more precise location of decks during installation. The 2-bolt per corner deck attachment increases overall structure strength and stability.

Platforms: Burke's oversized non-slip platforms are constructed of heavy-duty punched steel that can support more than 2 tons. Our vinyl coating is California compliant, free of lead and other hazardous heavy metals.

Tamper-Resistant Stainless Steel Hardware: All hardware is covered for 100 years under our Generations Warranty.

Premium Powder Coatings: Our industry-leading powder coatings and finishes prevent fading, last longer and deter rust. We also offer a "coastal package" powder coat system. This special powder coat system for metal components and upright posts will provide additional corrosion and chemical protection along with added longevity to the color and gloss retention of the powder coated parts. Contact your Burke Representative for more information on colors, price and warranty.

Compound Plastics with UV-16: You'll get long wear and bright, vibrant colors that hold up for years thanks to our thick, durable rotomolded plastics with UV-16 protection. This is why we can cover them for 15 years under our non-prorated Generations Warranty.

Climbing Cables: Our climbing cables are flexible enough to provide movement, yet strong enough to last. Our ropes are made from 6 polyester cords with steel reinforcement wrapped around a synthetic fiber core. Each cord contains 8 galvanized steel strands tightly covered with polyester multi-fibers. Our RopeVenture® cables consist of 6 strands, each containing 24 stainless steel reinforcing strands within a nylon sleeve, wrapped around a solid nylon core.

Aluminum Connectors: Swivel connectors at the end of our ropes allow assembly at any angle with no unwanted twists in the net. The aluminum fittings used to secure the joints are swaged in place to prevent any movement between the rope and fittings that could cause wear.

BCIBURKE.COM Burke PLAY THAT MOVES YOU. 800.266.1250

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Sales Proposal

Quote No. SP134070-1
Customer No. C125828
Document Date 03/13/2024
Expiration Date 05/12/2024

Germantown Parks & Recreation Department
Gil Standridge
N112W17001 Mequon Road
P.O. Box 337
Germantown, WI 53022

Sales Representative John Hill
Email JohHil@Kompan.com

Project Name US290927 Kinderberg Park- Germantown

No.	Description	Qty	Unit	Unit Price	Discount %	Net Price
	Equipment					
KSW925-CUSTOM	Custom - Swing Frame , 5 Seat, 8 ft H 20274232	1	Pieces	15,020.00	20.00	12,016.00
COR203301-1112	CONE TWISTER INCLUSIVE LIGHT BLUE - IN-GROUND	1	Pieces	21,360.00	25.00	16,020.00
ELE400158-3517F	Junior Spica - Yellow In-ground 70cm	1	Pieces	2,060.00	35.00	1,339.00
KSW926-CUSTOM	Custom - Swing Frame , 6 Seat, 8 ft H 20274268	1	Pieces	11,570.00	20.00	9,256.00
PCM200231-CUSTOM	PCM200231 VARIANT DOUBLE TOWER 20274231	1	Pieces	21,310.00	40.00	12,786.00
ELE400020-12E	Stinger - Red In-ground 60cm	1	Pieces	1,330.00	20.00	1,064.00

Sales Proposal

Germantown Parks & Recreation Department
Gil Standridge
N112W17001 Mequon Road
P.O. Box 337
Germantown, WI 53022

Quote No.	SP134070-1
Customer No.	C125828
Document Date	03/13/2024
Expiration Date	05/12/2024
Sales Representative	John Hill
Email	JohHil@Kompan.com

Project Name US290927 Kinderberg Park- Germantown

No.	Description	Qty	Unit	Unit Price	Discount %	Net Price
COR-DOME-CUSTOM	COR-DOME-CUSTOM 870443	1	Pieces	166,430.00	40.00	99,858.00
INSTALL SPECIAL	Installation of Kompan Equipment based on SW Removal of Existing EWF Installation of 282 CY of EWF/FF	1	Pieces	116,666.67	5.00	110,833.34
FREIGHT	Freight	1	Pieces	19,112.80		19,112.80
	Sitework and Surfacing					
US-TFG-IL-14-01	EWF&FF/CFH 14'/12"comp. EWF+1 LAYER OF FF/CFH 14'	7,671	Sq. Feet	1.45	10.00	10,010.65
US-TFG-FREIGHT	Freight for EWF Surfacing	1	Pieces	2,266.00		2,266.00
US-APS-BORDER12	12" Playground Border with Spike Black Plastic	88	Pieces	45.00	10.00	3,564.00
INSTALL SPECIAL	Installation of Borders	88	Pieces	15.38	10.00	1,218.10
EXTRA SALES FREIGHT	Extra freight costs for Borders	1	Pieces	600.00		600.00

Sales Proposal

Quote No. SP134070-1
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Gil Standridge
N112W17001 Mequon Road
P.O. Box 337
Germantown, WI 53022

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Email JohHil@Kompan.com

Project Name US290927 Kinderberg Park- Germantown

No.	Description	Qty	Unit	Unit Price	Discount %	Net Price

Notes

Please read attached General Assumptions and Exclusion document for information on Install/Sitework.

Please allow 10-13 weeks for product delivery upon order placement
Equipment is as per Site Plan K1.0-03/13/2024
Assumes site to be accessible & install ready
Excludes sitework, products, & services not listed

Description	Qty	Retail Price	Discount	Net Price
No. of Products	95			
Subtotal - Products		243,040.00	87,137.00	155,903.00
Subtotal - Surfacing		13,388.95	1,112.30	12,276.65
Subtotal - Installation		118,020.11	5,968.67	112,051.44
Subtotal - Freight		19,712.80		19,712.80
Total USD				**299,943.89**

Payment Terms 50% Prepayment , 50% Net 30 days

Sales Proposal

Quote No.	SP134070-1
Customer No.	C125828
Document Date	03/13/2024
Expiration Date	05/12/2024

Germantown Parks & Recreation Department
Gil Standridge
N112W17001 Mequon Road
P.O. Box 337
Germantown, WI 53022

Sales Representative	John Hill
Email	JohHil@Kompan.com

Project Name US290927 Kinderberg Park- Germantown

Installation Site Address

Kinderberg Park- Germantown, WI
Gil Standridge
N106W14937 Buckthorn Dr.
Germantown, WI 53022

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: April 4, 2024

PLACEMENT: Action Item

ITEM TITLE: Strategy Concerning Acquisition of Properties in the Village's Village Center District (in the general area of Mequon Road and Pilgrim Road). The Village Board may convene into Closed Session per Wis. Stat. § 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and then may reconvene into open session to take such action as it deems appropriate.

SUBMITTED BY:

SUMMARY EXPLANATION:

ATTACHMENT:

RECOMMENDATION:

ACTION BY Committee:

BUSINESS OF THE VILLAGE BOARD

MEETING DATE: April 4, 2024

PLACEMENT: Action Item

ITEM TITLE: Acquisition of Grosenick Property - N116 W15843 Main Street and W157 N11593 Fon Du Lac Avenue. The Village Board may Convene into Closed Session as per Wis. Statute 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 reconvene into open session to take such action as it deems appropriate.

SUBMITTED BY: Donna Cox, Village Clerk

SUMMARY EXPLANATION:

The Village Board may enter closed session pursuant to 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. As it relates to this item, the purpose of going into closed session would be to discuss the bargaining position the Board wishes to take with respect to the acquisition of property.

ATTACHMENT:

RECOMMENDATION:

Should the Board decide that it wishes to enter closed session, a motion to enter closed session pursuant to 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.

ACTION BY Committee: