

MEETING: REGULAR MEETING OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE

DATE & TIME: Wednesday, March 4, 2026 at 5:30 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 672 0428** Password: **ZNmFyjsD343** which can be accessed by phone at 408-418-9388 or by logging on at: <https://villageofgermantown.my.webex.com/villageofgermantown.my/j.php?MTID=mc28ed9f85300bb8f63267a15d2f40b55>

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. **MEETING MINUTES:**
 - A. February 4, 2026 (ACTION)
- IV. **PUBLIC COMMENT:** *Please be advised per State Statute Section 19.84(2), information will be received from the public. It is the policy of this municipality that there be a four-minute time period, per person, with time extensions per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, NO ACTION will be taken under public comments. Comments that may be injurious to village personnel or other individuals will not be allowed.*
- V. **UNFINISHED BUSINESS:**
- VI. **NEW BUSINESS:**
 - A. A Resolution to adopt an Official Snow and Ice Removal Map as required by the update to Municipal Code 8.02. (ACTION)
 - B. Contract with Dan Larsen Landscaping for spring tree planting for an amount not to exceed \$27,866.00. (ACTION)
 - C. Purchasing street lighting fixtures from Graybar for an amount not to exceed \$112,226.58. (ACTION)
 - D. Development Handbook (DISCUSSION)
 - E. Telecom Consultant RFP Award. (ACTION)
 - F. Consideration of approval to enter into agreements with respective utility companies to allow the Village to pass through costs of Consultant Permit Reviews and Inspection Services. (ACTION)

PUBLIC WORKS & HIGHWAYS COMMITTEE AGENDA

March 4, 2026

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- G. Consideration of award of contract to Ruekert & Mielke for consultant services to improve Main Street Lift Station and Old Farm Lift Station not to exceed \$532,659.00. (ACTION)
- H. Stormwater Ordinance Updates resulting from DNR MS4 Audit. (ACTION)

VII. DIRECTOR'S REPORT:

VIII. NEXT MEETING DATE:

IX. ANNOUNCEMENTS:

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.

Notice is hereby given that a possible quorum of other boards, committees, and/or commissions may attend this meeting to gather information about an item over which they have decision-making responsibility. This may constitute a meeting of these bodies per State ex rel. Badke v Greendale Village Board, even though these bodies will not take formal action at this meeting.

MEETING:	REGULAR MEETING OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE
DATE AND TIME:	Wednesday, February 4, 2026 5:30 PM
LOCATION:	Germantown Village Hall Board Room N112 W17001 Mequon Road

MINUTES

I. CALL TO ORDER:

Chairperson Kaminski called the Public Works and Highways Committee meeting to order at 5:30PM.

II. ROLL CALL:

Present: Trustee Terri Kaminski, Trustee Rick Miller, Trustee Robert Warren, Trustee Jan Miller

Absent: None

Excused: None

Also Present: None

III. MEETING MINUTES:

A. January 7, 2026

Motion: Approve as presented

Motioned By: Robert Warren

Seconded By: Jan Miller

Yes: Terri Kaminski, Rick Miller, Robert Warren, Jan Miller

No: None

Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

IV. PUBLIC COMMENT:

Two citizens spoke:

Norman Berger of W141N9978 Seven Pines Way spoke about Waste Management fees.

Melanie Smythe of N140W17938 Cedar Lane spoke about High Point Pass change orders.

V. UNFINISHED BUSINESS:

None

VI. NEW BUSINESS:

A. Purchase of traffic detection cameras from TAPCO for an amount not to exceed \$27,340.00. (ACTION)

HPB&G Superintendent, Scott Anderson, spoke about the need for replacing traffic detection cameras spaced out over time.

Motion: Approve as presented
Motioned By: Rick Miller
Seconded By: Robert Warren

Yes: Terri Kaminski, Rick Miller, Robert Warren, Jan Miller
No: None
Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

- B. Purchase of tar and mastic and an application trailer rental from Sherwin Industries for an amount not to exceed \$55,861.65. (ACTION)

HPB&G Superintendent, Scott Anderson, requested approval for the yearly tar and mastic purchase for crack sealing.

Motion: Approve as presented
Motioned By: Robert Warren
Seconded By: Rick Miller

Yes: Terri Kaminski, Rick Miller, Robert Warren, Jan Miller
No: None
Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

- C. Purchase center and edge line striping services from Washington County for an amount not to exceed \$62,000.00.(ACTION)

HPB&G Superintendent, Scott Anderson, requested approval for the annual center line striping services from Washington County.

Motion: Approve as presented
Motioned By: Rick Miller
Seconded By: Robert Warren

Yes: Terri Kaminski, Rick Miller, Robert Warren, Jan Miller
No: None
Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

- D. Purchase two zero turn mowers from Bobcat Plus, Inc. for an amount not to exceed \$31,337.24. (ACTION)

HPB&G Superintendent, Scott Anderson, explained the need to purchase two zero turn mowers to stay on track with scheduled replacements.

Motion: Approve as presented

Motioned By: Robert Warren
Seconded By: Rick Miller

Yes: Terri Kaminski, Rick Miller, Robert Warren, Jan Miller
No: None
Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

E. Purchase of a scissors lift from Yes Equipment Services for \$21,647.80.
(ACTION)

HPB&G Superintendent, Scott Anderson, requested approval to purchase a scissors lift which would eliminate the need for rentals in the future.

Motion: Approve as presented
Motioned By: Rick Miller
Seconded By: Jan Miller

Yes: Terri Kaminski, Rick Miller, Robert Warren, Jan Miller
No: None
Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

F. A three-year HVAC service agreement with Martin Peterson Company for a total of \$38,260.00 and a first year cost of \$12,850.00. (ACTION)

HPB&G Superintendent, Scott Anderson, explained an HVAC preventive maintenance agreement is necessary for the DPW facility because it is no longer under a construction warranty.

Motion: Approve as presented
Motioned By: Rick Miller
Seconded By: Jan Miller

Yes: Terri Kaminski, Rick Miller, Robert Warren, Jan Miller
No: None
Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

G. Purchase of a Trimble R580 Global Navigation Satellite System (GNSS) unit from Seiler Geospatial for \$18,291.44. (ACTION)

Village Engineer, Kevin Driscoll, requested the approval to purchase a new unit which will have improved technology for better accuracy and will catch signals much faster than our nearly 20 year old unit.

Motion: Approve as presented

Motioned By: Robert Warren

Seconded By: Jan Miller

Yes: Terri Kaminski, Rick Miller, Robert Warren, Jan Miller

No: None

Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

H. Wastewater Utility Lift Station 6 Land Acquisition (ACTION)

Wastewater Superintendent, Tim Zimmerman, explained the prudence of purchasing ideal land for sale to rebuild Lift 6 so it can be on higher ground.

Motion: Forward with positive recommendation for land acquisition for Lift Station 6 to the Village Board

Motioned By: Rick Miller

Seconded By: Robert Warren

Yes: Terri Kaminski, Rick Miller, Robert Warren

No: Jan Miller

Abstain: None

Motion Passed (Yes 3, No 1, Abstained 0)

I. Water Supply Service Area Plan (WSSAP) Review (ACTION)

Director of Public Works, Matt Mortwedt, explained State of Wisconsin DNR regulation NR854 required certain water utilities create a Water Supply Service Area Plan (WSSAP) by the end of 2025. The Germantown Water Utility Plan has been drafted, and we now anticipate it moving through the approval process.

Motion: Approve the plan and advance to Village Board

Motioned By: Robert Warren

Seconded By: Rick Miller

Yes: Terri Kaminski, Rick Miller, Robert Warren, Jan Miller

No: None

Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

J. Authorization to enter into a road salt purchase agreement with the State of Wisconsin. (ACTION)

Director of Public Works, Matt Mortwedt, explained the commitment needed to make salt purchases from the State of Wisconsin WisDOT cooperative salt contract will need to be made before the March Public Works and Highways Committee meeting. Staff anticipates receiving paperwork for the 2027 salt purchasing window from the State in February. As opposed to just reporting the results, we are requesting the authorization

in advance.

Motion: Approve staff to enter into an agreement with WisDOT to secure the 2027 salt order

Motioned By: Robert Warren

Seconded By: Jan Miller

Yes: Terri Kaminski, Rick Miller, Robert Warren, Jan Miller

No: None

Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

K. Acceptance of an appraisal performed by WisDOT and the transfer of Village of Germantown land to WisDOT for additional right-of-way at the intersection of Division Road and STH 145 (Fond du Lac Ave). (ACTION)

Director of Public Works, Matt Mortwedt, explained in order to accommodate the planned roundabout at Division Road and STH 145 (Fond du Lac Ave), WisDOT is looking to acquire a small portion of land from the Village of Germantown to serve as additional State right-of-way which will result in a payment of \$13,500.00 to the Village.

Motion: Accept appraisal and agreement to transfer land to WisDOT in the amount of \$13,500.00

Motioned By: Robert Warren

Seconded By: Rick Miller

Yes: Terri Kaminski, Rick Miller, Robert Warren, Jan Miller

No: None

Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

L. Authorization to exceed the construction administration services professional services agreement with raSmith for the High Point Pass project on a time and materials basis not to exceed \$225,000.00. (ACTION)

Village Engineer, Kevin Driscoll, explained the need for a change order for the High Point Pass project.

Motion: Approve as presented

Motioned By: Jan Miller

Seconded By: Rick Miller

Yes: Terri Kaminski, Rick Miller, Robert Warren, Jan Miller

No: None

Abstain: None

Motion Passed (Yes 4, No 0, Abstained 0)

M. Road Program Review - Kings Way (Discussion)

Village Engineer, Kevin Driscoll, discussed multiple options for improvements on Kings Way as part of the Road Program. This was a discussion only item.

VII. DIRECTOR'S REPORT:

A. February Director's Report

Director of Public Works, Matt Mortwedt, gave his February Director's Report. Highlights include updates on Well 7 Rehab, Well 12, continued snow operations and tree projects, new Police building proposals, materials and overtime report, resignation of Engineering Tech as well as resignation of Director of Public Works, Matt Mortwedt, who accepted an offer from Brookfield as Director of Public Works and this will be his last Public Works and Highways Committee meeting.

VIII. NEXT MEETING DATE:

The next Public Works and Highways Committee Meeting will be held on March 4, 2026 at 5:30PM.

IX. ANNOUNCEMENTS:

None

X. ADJOURNMENT:

Chairperson Kaminski adjourned the meeting at 7:28PM.

BUSINESS OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE

MEETING DATE: March 4, 2026

PLACEMENT: Action Item

ITEM TITLE: A Resolution to adopt an Official Snow and Ice Removal Map as required by the update to Municipal Code 8.02. (ACTION)

SUBMITTED BY: Matthew Mortwedt, Public Works Director

SUMMARY EXPLANATION:

With the modifications to section 8.02 of the Municipal Code regarding the removal of snow and ice from sidewalks at the 10/27/205 Village Board Meeting, it is now necessary to adopt an official snow and ice removal map. The map presented for consideration is a result of previous meetings with the Public Works and Highway Committee and revisions by staff. The biggest changes are along County Line Road, and allocating previously unmaintained sections of sidewalk to adjacent properties.

UPDATE: The Village Board assigned the Snow and Ice Removal Map back to the Public Works and Highway Committee for additional evaluation. Staff are requesting the PWHC re-recommend the map to the Village Board for reconsideration.

ATTACHMENT:

1. 32-2025 Snow and Ice Map Resolution
2. Village of Germantown Snow Removal Map
3. 110525 PWHC - Sidewalk Snow Review

STAFF RECOMMENDATION:

Staff is seeking a positive recommendation on this resolution to the Village Board.

ACTION BY COMMITTEE:

RESOLUTION NO. 32-2025

A RESOLUTION ADOPTING THE OFFICIAL SNOW AND ICE REMOVAL MAP

WHEREAS, the previous version of the code assigned the responsibility for snow and ice removal on sidewalks solely to the Department of Public Works; and

WHEREAS, that approach worked historically, but it had grown into a significant responsibility out of sync with most area municipalities; and

WHEREAS, the Village Board desired to save costs on equipment and labor and align more closely with neighboring communities; and

WHEREAS, the Village Board modified the code to assign responsibility for sidewalk snow and ice removal by adoption of a map;

NOW, THEREFORE, BE IT RESOLVED by the Germantown Village Board that the Official Snow and Ice Removal map be adopted.

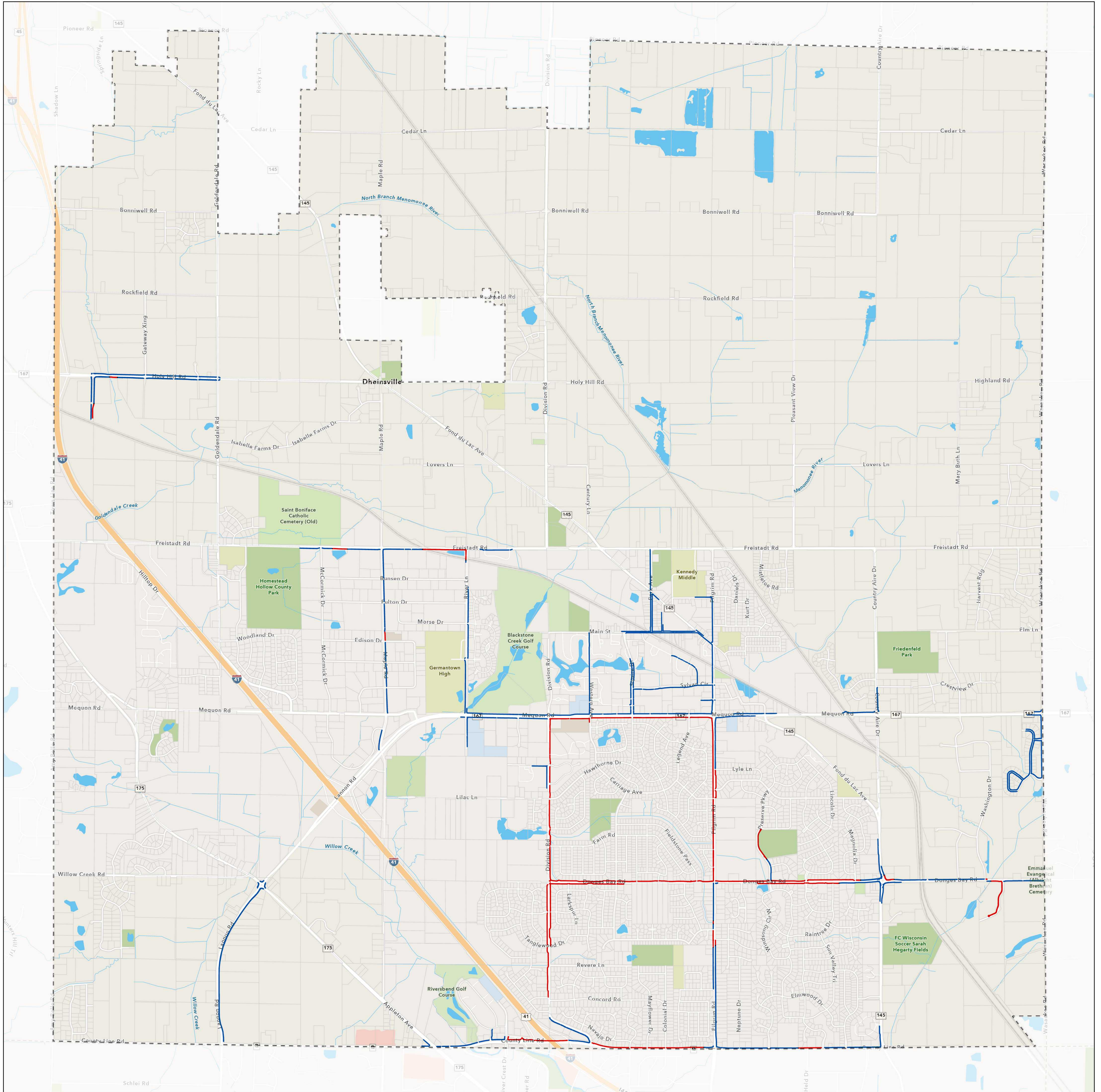
Adopted: December 1, 2025

Robert A Soderberg, Village President

ATTEST:

Donna Ott, Village Clerk

Village of Germantown Sidewalk Snow Removal Map



Legend

 Village of Germantown Boundary

Snow Removal Responsibility

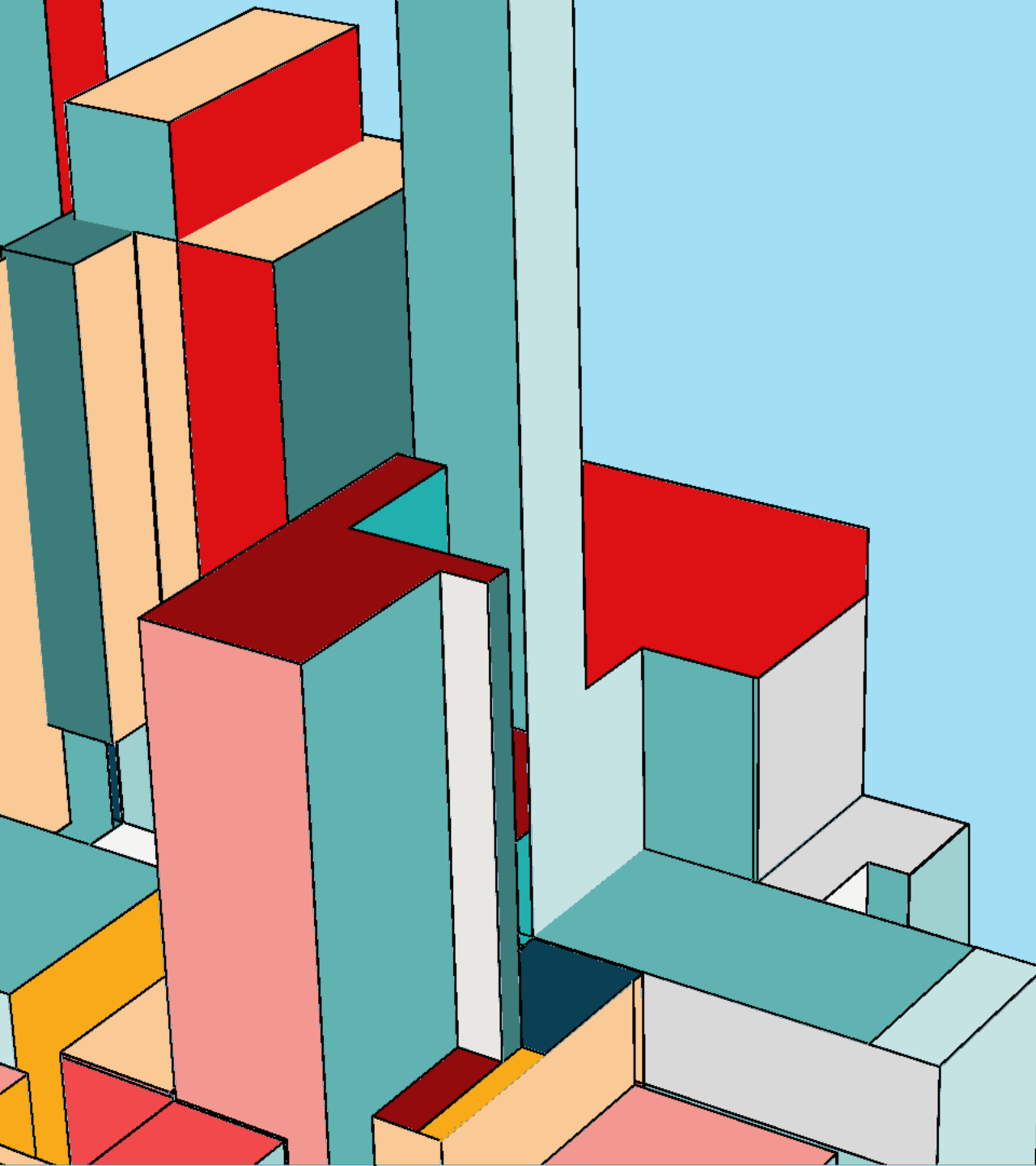
 Village Responsibility

 Adjacent Property Owner Responsibility



0 0.5 1 2 Miles





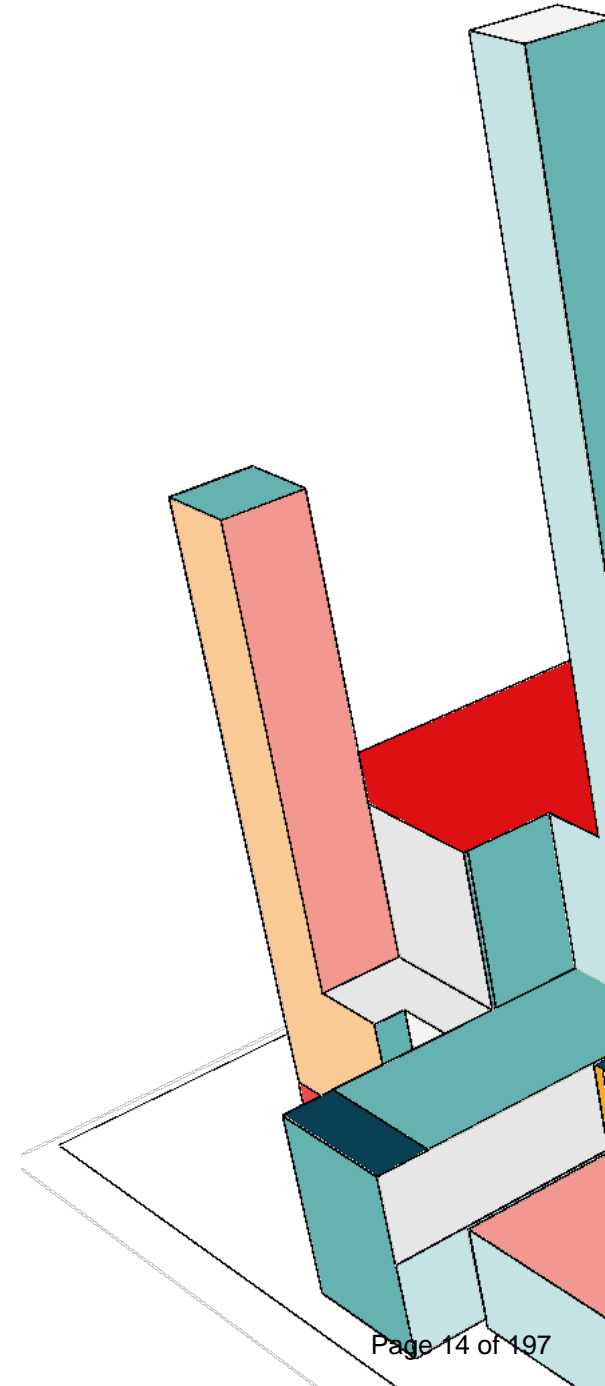
SIDEWALK SNOW AND ICE REMOVAL



REFRESHER ON WHAT BROUGHT US TO THIS POINT

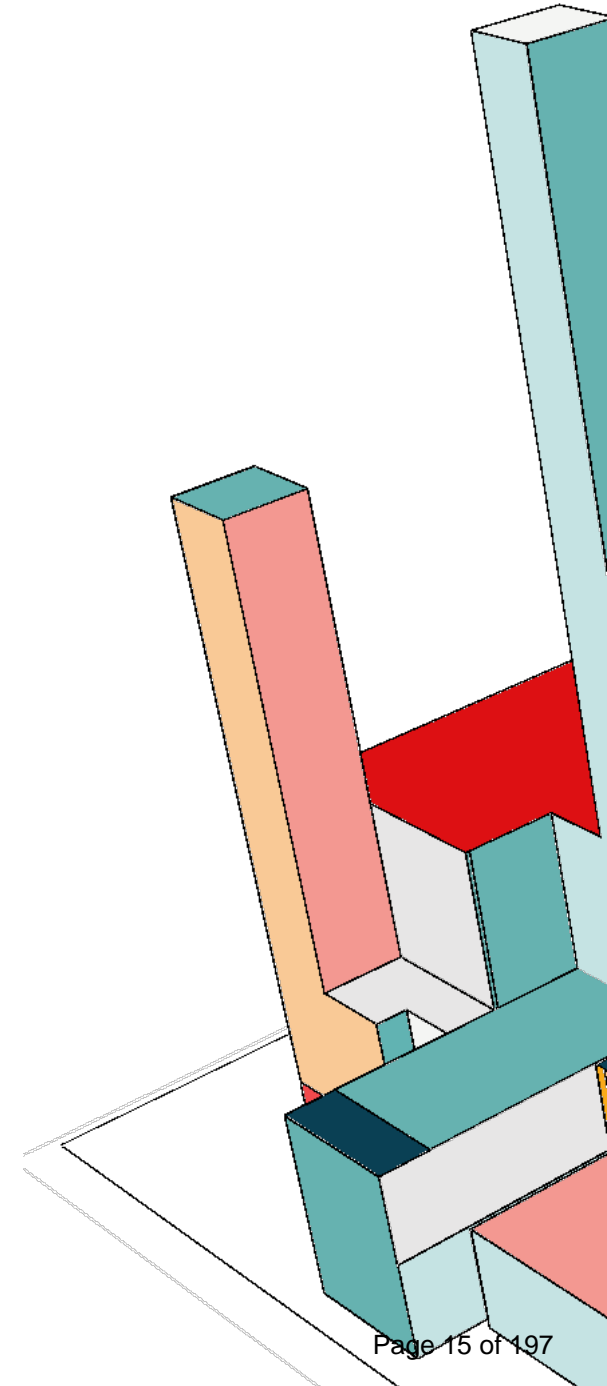
REFRESHER

- The current code has existed probably since the 1950's when the snow removal obligation was very small.
- Sidewalks have continued to expand from a small area around Main Street to miles and miles of sidewalk.
- New developments have been approved with sidewalk. Other developments being proposed also have sidewalk.



REFRESHER

- The current code has limited staff's desire to add sidewalk due to the maintenance obligation.
- The current code does not align with almost all neighboring communities.
- We purchase and maintain expensive equipment to plow sidewalks. Some of that equipment was scheduled to be replaced in 2026.
- The removal of snow is a time-consuming task for staff.
- Equipment needed for the service has already been removed from the 2026 budget.

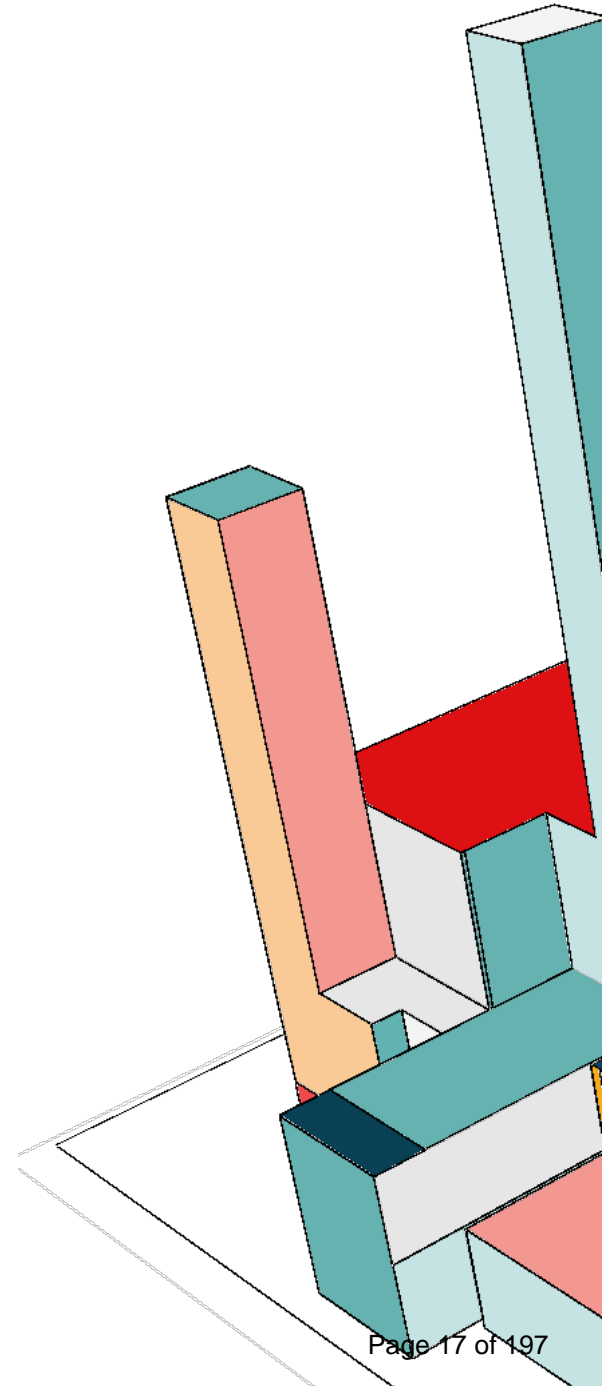


OPTIONS FOR NEW CODE RELATED TO SNOW AND ICE REMOVAL ON SIDEWALKS



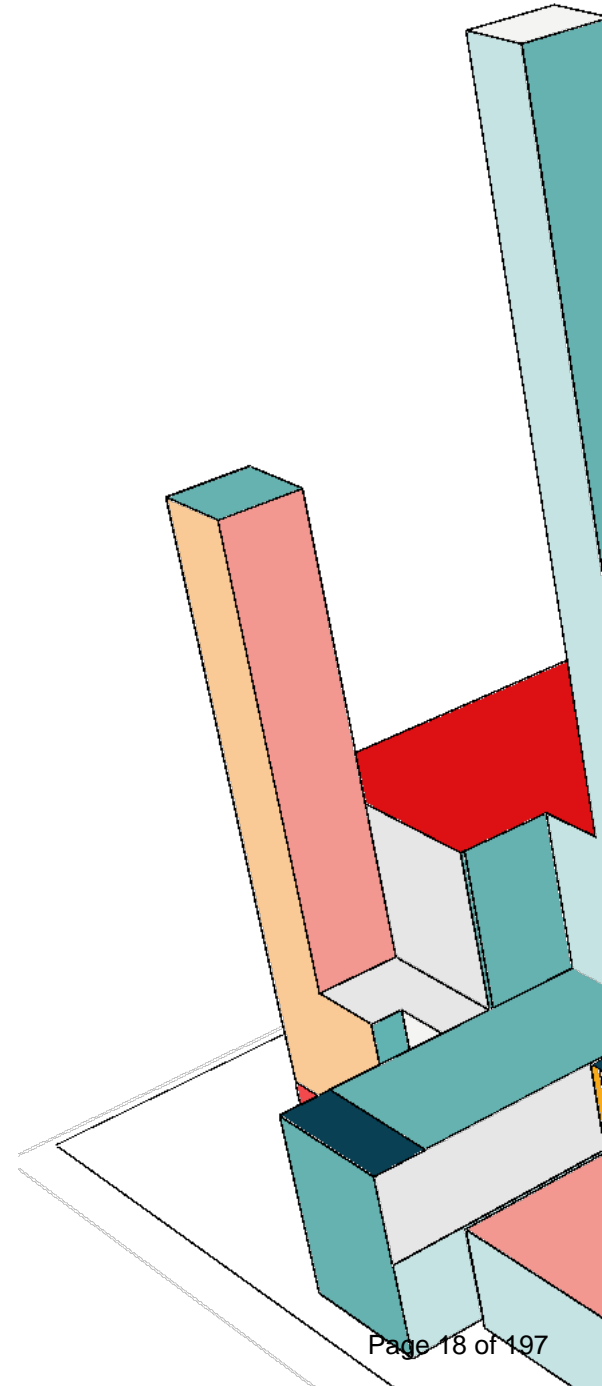
CODE OPTIONS

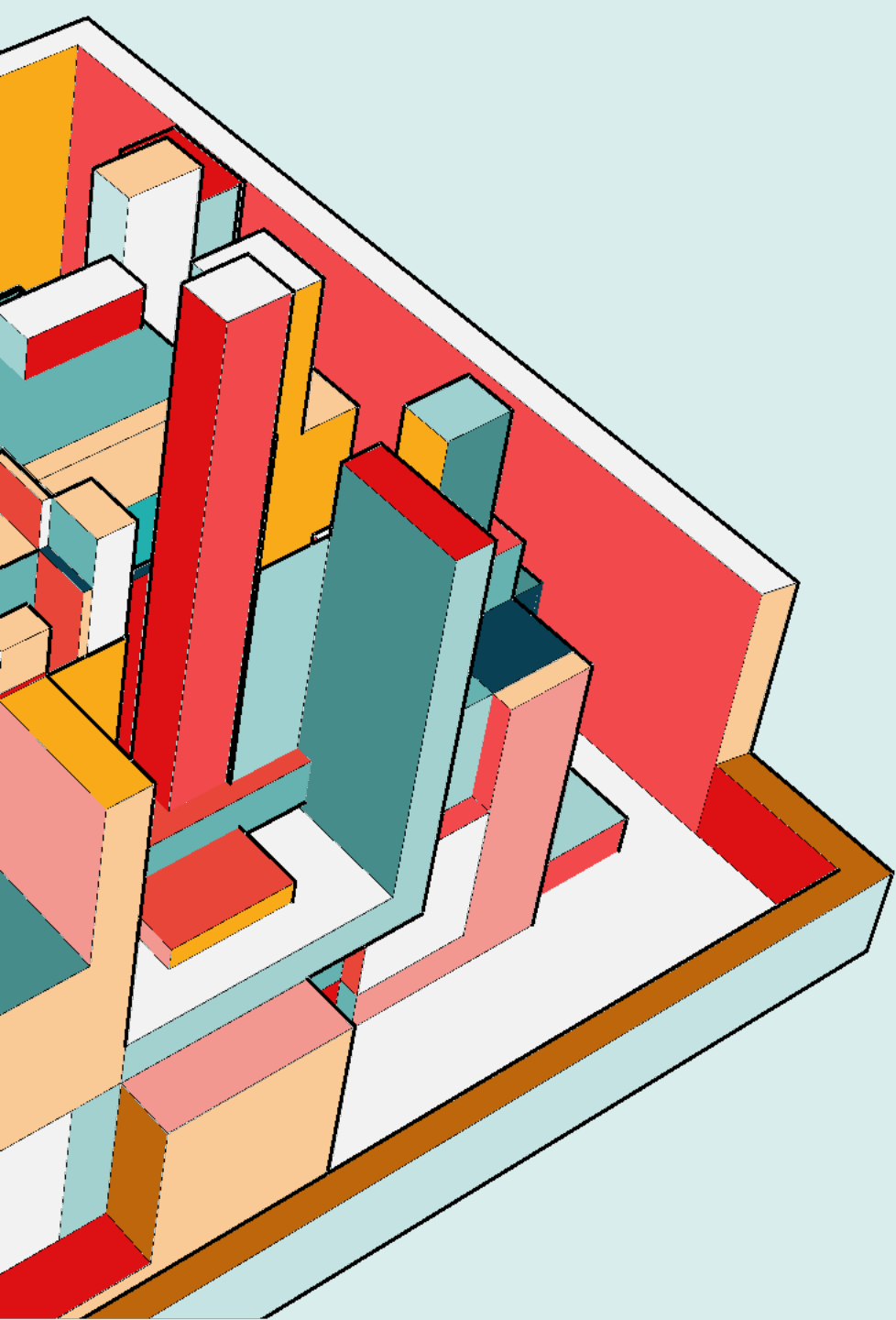
- Make no changes. Purchase the necessary equipment to perform the service.
- Commit to what we are doing today and nothing additional.
- Make adjacent property owners responsible for all maintenance.
- Some alternative/hybrid approach.



CODE THAT REQUIRES A MAP

- The Public Works and Highway Committee and the Village Board adopted an approach where a winter snow and ice removal map would outline responsibility.
- The map being considered tonight:
 - Generally, the Village continues to plow the main square of Mequon/Pilgrim/Donges/Division at the request of the PWHC.
 - Generally, the Village would continue to plow where sidewalk was in a back yard.
 - Generally, the adjacent property owner would assume responsibility where the sidewalk was in the front or side yard.
 - If the approach resulted in segmented areas of service, the Village continued plowing that section.



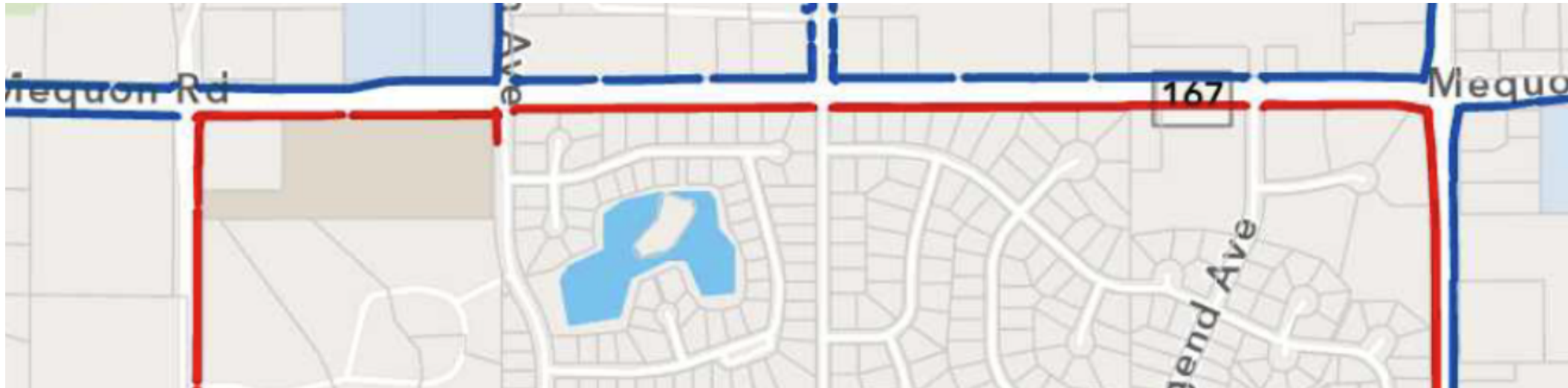


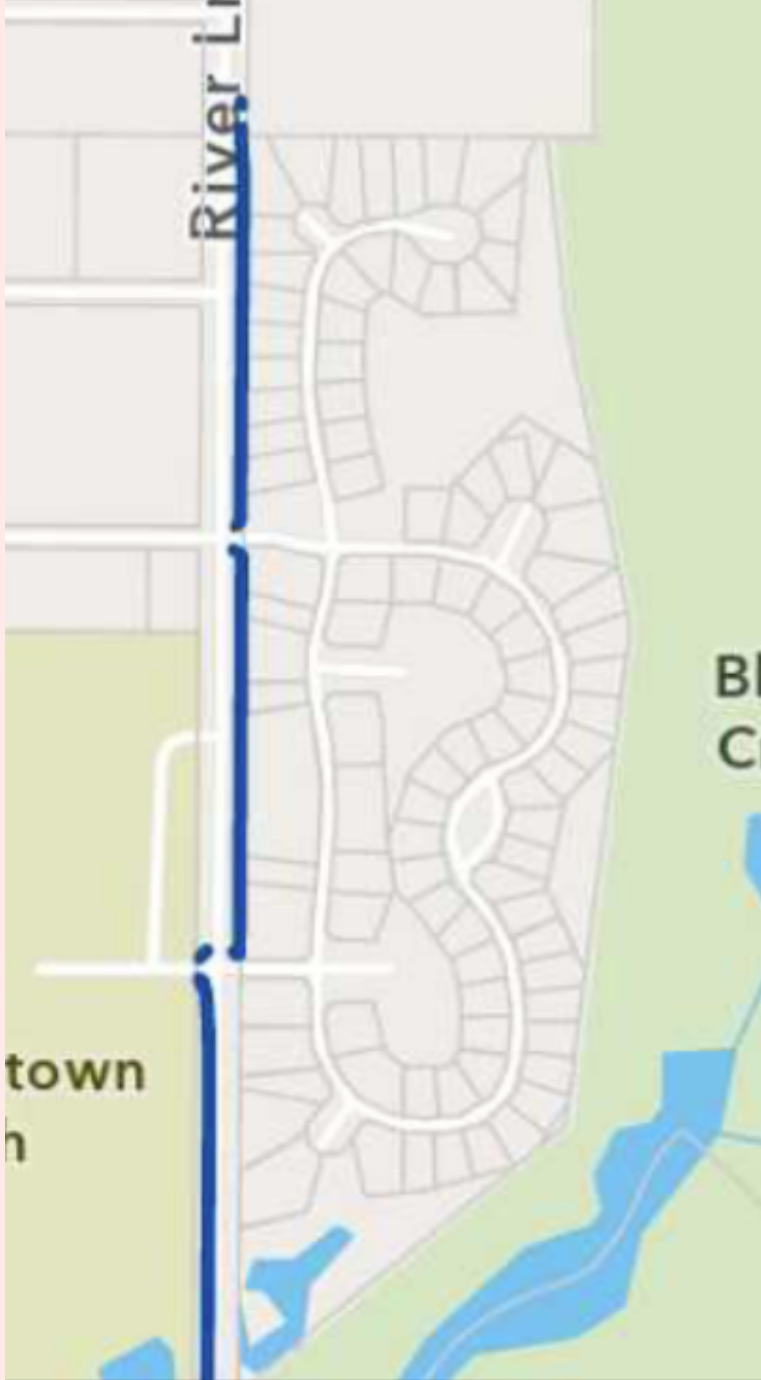
AREAS THAT REQUIRED ADDITIONAL ANALYSIS

COMMERCIAL PROPERTY

Responsibility for snow removal along commercial properties is proposed to transfer to the adjacent commercial property owner.

EX: The north side of Mequon Rd

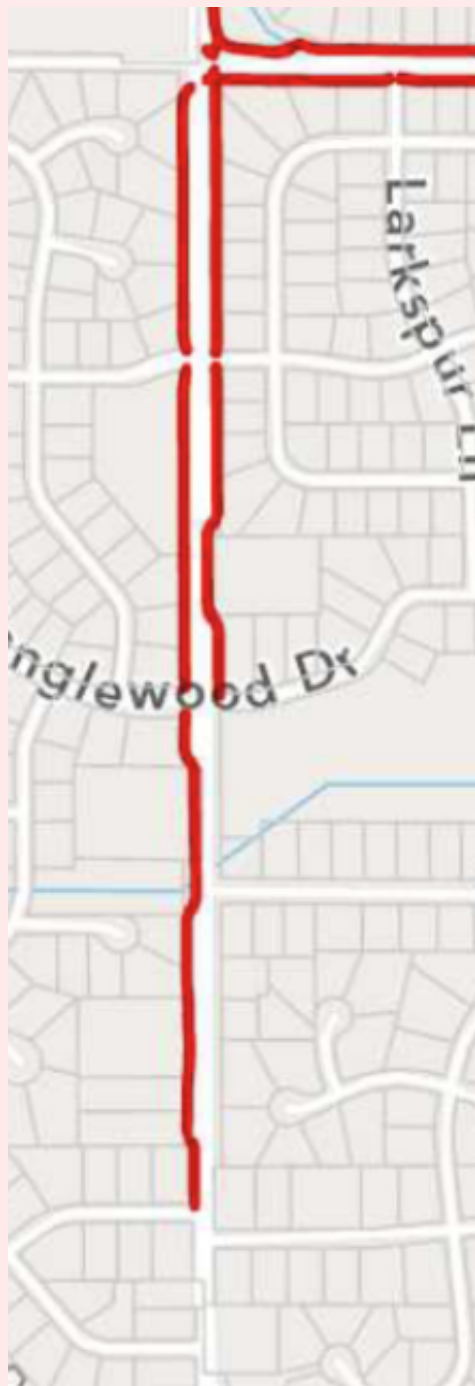




HOA, CONDO ASSOCIATION OR APARTMENT BUILDINGS

Responsibility for snow removal is proposed to transfer where the adjacent property is managed by an HOA, Condo Association, or is an apartment building.

EX: Blackstone, Lake Park, etc.



HOA, CONDO ASSOCIATION BUT IN PRIMARY CORRIDOR

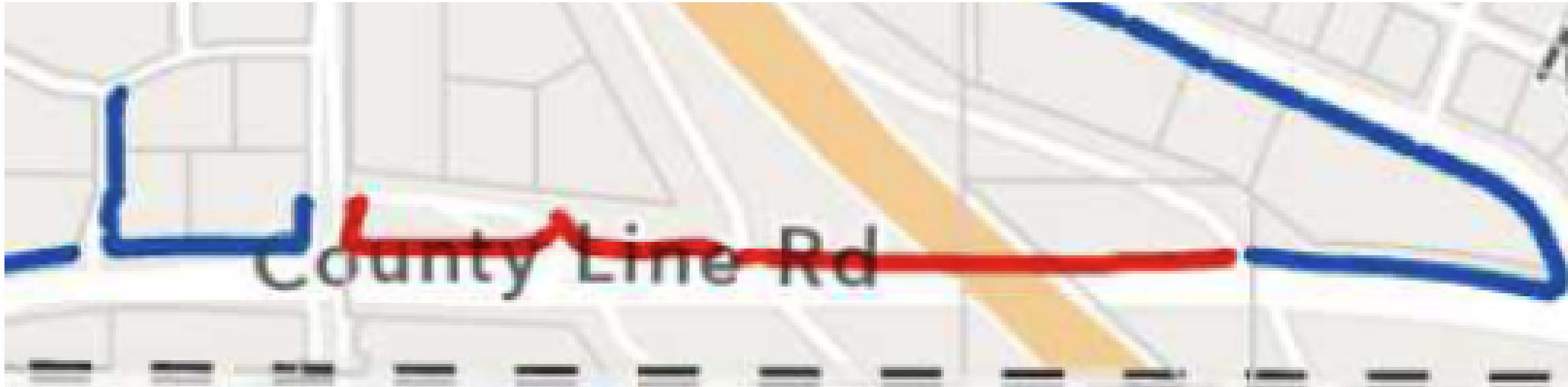
Responsibility for snow removal is not proposed to be transferred where the adjacent property is managed by an HOA, Condo Association, or is an apartment building, but is in the priority corridor.

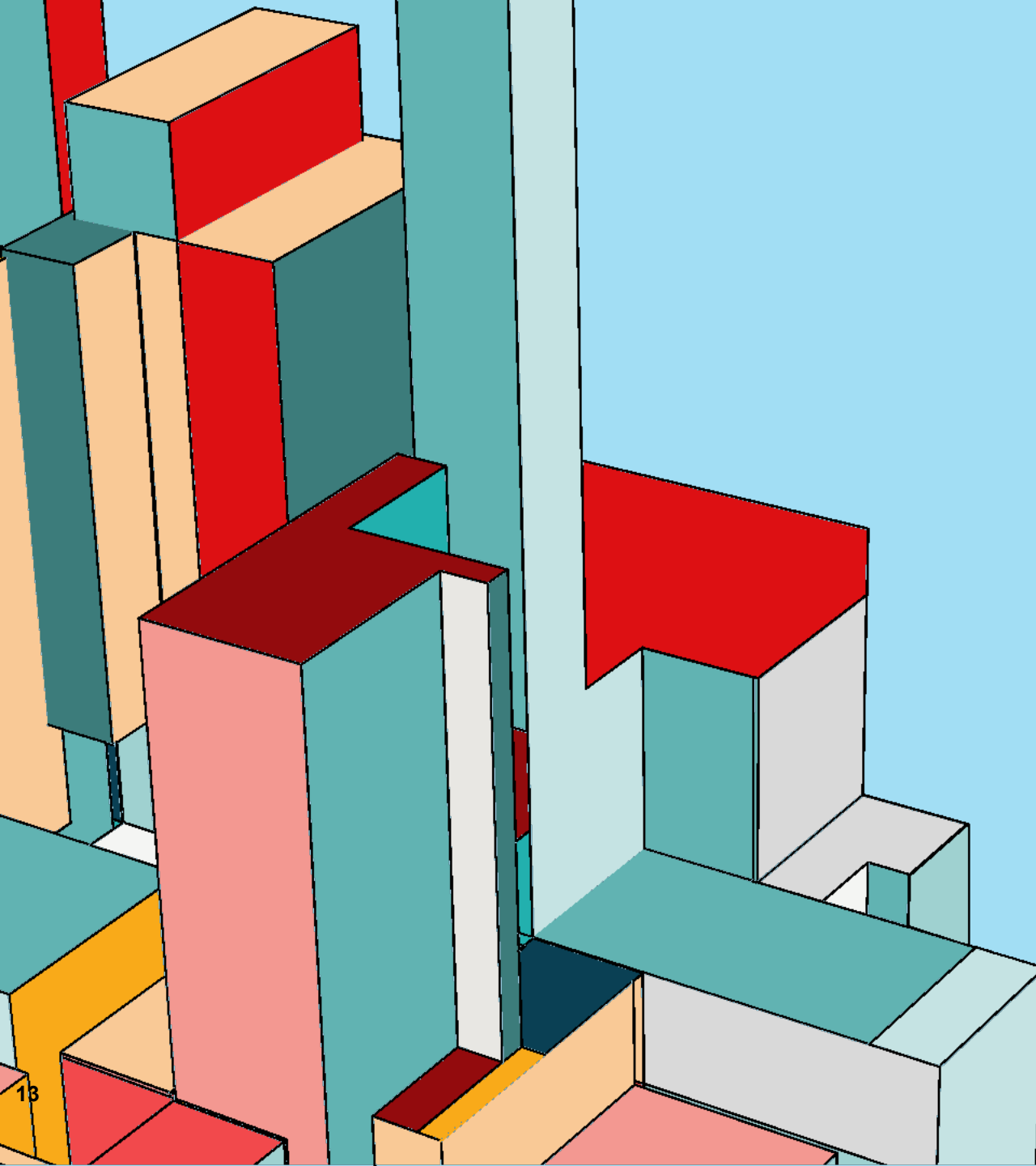
EX: Willow Creek Heights

DOT ROW

Responsibility for snow removal remained with the Village in several areas of DOT and County ROW.

EX: DOT ROW on County Line Road over I-41





MAP REVIEW

BUSINESS OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE

MEETING DATE: March 4, 2026

PLACEMENT: Action Item

ITEM TITLE: Contract with Dan Larsen Landscaping for spring tree planting for an amount not to exceed \$27,866.00. (ACTION)

SUBMITTED BY: Scott Anderson, Superintendent

SUMMARY EXPLANATION:

Each year trees around the village are removed for various reasons which include vehicle damage, storm damage and disease. The village currently has an estimated 229 “vacant” planting sites as reflected on our GIS layer. Tree planting was reflected as part of the 2026 Highway Department capital budget in the amount of \$30,000.00. While it would be cost prohibitive to replace every tree at one time, staff works to maintain the urban tree canopy by planting a portion of these vacant sites annually. The proposed planting will be completed in accordance with the Comprehensive Tree Plan, and as reflected in the approved 5-year planting maps. This seasonal planting will focus on the section outlined as “year-3”.

Trees provide significant value to our community, but the most prevalent would be the aesthetic value that can be seen as you travel our roadways and walk in our parks. This year’s project will replace an estimated 90 trees in various areas around the village. The project areas may include main throughfares, around village buildings and in the park system. Again this year, replacement of trees within residential areas is also part of the project scope. Trees planted in residential areas, have been confirmed to be a previous planting site.

Staff has solicited pricing from area contractors and the results are listed below.

Dan Larsen Landscaping, Inc:	\$27,866.00
Property Solutions:	\$29,495.00
ESI LTD:	\$38,786.00
Johnson’s Nursery:	\$41,443.95
Century Landscape:	\$43,885.00
Wendland Nursery:	\$49,775.00
Your Personal Gardner, LLC:	\$95,500.00

ATTACHMENT:

1. g1

STAFF RECOMMENDATION:

Staff recommends contracting with Dan Larsen Landscaping, Inc. to complete the 2026 spring tree planting project in an amount not to exceed \$27,866.00. If approved, funds shall be allocated from the parks department capital account: 40562000-592100.

ACTION BY COMMITTEE:

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

**VILLAGE OF GERMANTOWN
 BID PROPOSAL**

I/We hereby agree to furnish to the Village of Germantown all necessary materials, equipment, labor, etc. to complete **TREE PLANTING** in accordance with provisions, instructions, and specifications of the Village of Germantown for the prices as follows:

1. INVITATION TO BID - CONTRACTOR INFORMATION

Company Name: Dan Larsen Landscaping, Inc.

Address: 289 Huntington Drive

City, State, Zip Code: Cedarburg, Wisconsin 53012

Email: larsenkim@wi.rr.com

**2. TREE PLANTING Bid Price Table per Specification
 TREE PLANTING Bid Price Table**

Scientific Name	Common Name	Estimated Quantity	Unit Price 2.0" – 2.5" B&B	Extended Amount
Deciduous Trees				
<i>Celtis occidentalis 'Chicagoland'</i>	Chicagoland Hackberry	7	\$292.00	\$2,044.00
<i>Gleditsia triacanthos 'Skycole'</i>	Skyline Honeylocust	4	\$249.00	\$ 996.00
<i>Ginkgo biloba 'Princeton Sentry'</i>	Princeton Sentry Ginkgo	8	\$369.00	\$2,952.00
<i>Gymnocladus dioicus 'Espresso'</i>	Espresso Kentucky Coffeetree	7	\$329.00	\$2,303.00
<i>Nyssa sylvatica</i>	Black Tupelo	5	\$292.00	\$1,460.00
<i>Liriodendron tulipifera</i>	Tuliptree / Yellow Poplar	12	\$292.00	\$3,504.00
<i>Ostrya virginiana</i>	Ironwood	8	\$309.00	\$2,472.00
<i>Platanus acerifolia 'Exclamation'</i>	Exclamation London Planetree	6	\$269.00	\$1,614.00
<i>Quercus bicolor</i>	Swamp White Oak	5	\$329.00	\$1,645.00
<i>Quercus x schuettei</i>	Swamp White x Bur Oak Hybrid	7	\$449.00	\$3,143.00
<i>Syringa reticulata 'Ivory Silk'</i>	Ivory Silk Tree Lilac	6	\$289.00	\$1,734.00
<i>Tilia tomentosa</i>	Silver Linden	5	\$252.00	\$1,260.00
<i>Ulmus japonica x wilsoniana 'Morton'</i>	Accolade Elm	6	\$249.00	\$1,494.00
<i>Ulmus 'New Horizon'</i>	New Horizon Elm	5	\$249.00	\$1,245.00

Total Bid (Numeric) \$27,866.00

Total Bid (Script) Twenty seven thousand eight hundred sixty six dollars

Any and all exceptions to these specifications MUST be clearly and completely indicated on the bid sheet. Attach additional pages if necessary.

**NOTE TO BIDDERS: IF YOU CANNOT SUPPLY THE REQUESTED QUANTITIES,
 SUBSTITUTIONS MUST BE INCLUDING WITHIN YOUR REPLY**

BUSINESS OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE

MEETING DATE: March 4, 2026

PLACEMENT: Action Item

ITEM TITLE: Purchasing street lighting fixtures from Graybar for an amount not to exceed \$112,226.58. (ACTION)

SUBMITTED BY: Scott Anderson, Superintendent

SUMMARY EXPLANATION:

As part of the 2026 Highway Department capital budget, \$114,000.00 was allocated to upgrade street lighting fixtures. The project will replace 134 “cobra” and 81 “shoebox” fixtures along many main throughfares.

The project will greatly reduce staff time spent responding to outages due to recent lamp failures. Increased visibility would also be a safety improvement, especially at major intersections in the project areas. County Line Road, Appleton Avenue, Lannon Road, Pilgrim Road, River Lane and the Maple Road Industrial Park are some of the areas where the project will have the greatest impact.

If approved, the street lighting fixtures will be supplied to the village through a local vendor, Graybar. Graybar has been coordinating this project on behalf village staff with the manufactures representative for both fixtures to be used in the project. The project coordination dates back to the start of the 2026 budget process. Because of this, the manufactures representative provides Graybar with a pricing discount over other potential supply vendors. While staff could solicit pricing from other supply houses, the cost per fixture will not be lower than the price obtained through Graybar. This is because of the manufacture representatives internal controls. Please see the pricing as outlined below.

Graybar Electrical Supply: \$112,226.58

ATTACHMENT:

1. 2001648906_OLSONAX2

STAFF RECOMMENDATION:

Staff recommends purchasing the replacement street lighting fixtures from Graybar in an amount not to exceed \$112,226.58 and to forward this request onto the Village Board with a positive recommendation. If approved, the funds shall be allocated from the Highway Department borrowed capital account: 40562000-594400.

ACTION BY COMMITTEE:

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



650 S 108TH ST
 WEST ALLIS WI 53214-1134
 Phone: 414-607-7700
 Fax: 414-778-1873

To: VILLAGE OF GERMANTOWN
 N122 W17177 FOND DU LAC
 GERMANTOWN WI 53022
 Attn: Scott Anderson
 Phone: 262-250-4700
 Email: ap@germantownwi.gov
 Fax:

Date: 02/20/2026
Project Name:
GB Quote #: 2001648906
 Purchase Order Nbr:
 Release Nbr:
 Additional Ref#:
 Revision Nbr:
 Valid From: 02/20/2026
 Valid To: 03/22/2026
 Contact: Andrew Olson
 Email: andrew.olson@graybar.com

Proposal

We appreciate your request and take pleasure in responding as follows

Notes:

Item	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
100	136	HOLOPHANE	ATB0 P304 MVOLT R3 NR		\$410.39	1	\$55,813.04
GB Part#: ATB0 P304 MVOLT R3 NR							
Item Note: * ESTIMATED LEAD TIME 35 BUSINESS DAYS AT TIME OF ORDER * NON- CANCELABLE * NON-RETURNABLE							
200	82	COOPER LTG	USSL-PA2B-74 0-U-T3-SA-BZ -U165762		\$663.00	1	\$54,366.00
GB Part#: USSL-PA2B-740-U-T3-SA-BZ -U165762							
300	82	COOPER LTG	USSL/DIS-FDV		\$24.97	1	\$2,047.54
GB Part#: USSL/DIS-FDV							

Total in USD (Tax not included): \$112,226.58

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

To: VILLAGE OF GERMANTOWN
N122 W17177 FOND DU LAC
GERMANTOWN WI 53022
Attn: Scott Anderson

Date: 02/20/2026
Project Name:
GB Quote #: 2001648906

Proposal

We appreciate your request and take pleasure in responding as follows

Item	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
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Signed: _____

This Graybar quote is based on the terms of sale in the EV2370 Master Agreement which can be found by clicking the link found at https://www.omniapartners.com/suppliers-files/E-J/Graybar/Contract_Documents/EV2370/EV2370_Graybar_MAD_2017_12_20.pdf

BUSINESS OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE

MEETING DATE: March 4, 2026

PLACEMENT: Presentation

ITEM TITLE: Development Handbook (DISCUSSION)

SUBMITTED BY: Kevin Driscoll, Village Engineer

SUMMARY EXPLANATION:

The Village Board approved a rezoning and CSM for the Cirrus site development along Division Road, and Village staff met with the Developer regarding their Site Plan. During this meeting, the section of the Development Handbook was brought into question about acceleration, deceleration and bypass lanes. The Village Development Handbook states a requirement based on average daily traffic (ADT > 100). A traffic impact analysis was completed by the Developer and identified an ADT of 220.

The Developer transmitted a letter in February that requests an allowance for their design to vary from the Development Handbook requirements. See attached letter.

In response to the letter, Village Staff reviewed the American Association of State Highway and Transportation Officials (AASHTO) Geometric Design Highway Standards, the National Cooperative Highway Research (NCHRP) reports and the Wisconsin Department of Facilities Development Manual (FDM). In general acceleration, deceleration, and bypass lane design requirements are based on risk, approaching volumes, speed, using simulation models, or a combination of approaches. For this speed limit (35 MPH) and configuration (two lane rural cross section for this segment of Division Road), staff found no specific prescribed criteria in AASHTO, NCHRP, or FDM for acceleration/ deceleration/bypass lanes.

In addition, staff reviewed adjacent municipal requirements:

- New Berlin and Waukesha have the same ADT requirement as Germantown for bypass/accel/decel lanes (required when ADT > 100).
- Mequon requires bypass/accel/decel at the entrance to all new subdivisions or developments.
- New Berlin and Brookfield reference a similar drawing version to Germantown.
- Waukesha and Mequon reference the WisDOT standard detail drawing 9A1, similar to the Germantown drawing.

In addition, Village staff then reached out to a Professional Traffic Operations Engineer for additional insight in the form of a memo. The memo concludes: Given that there is no defined threshold in the FDM, Green Book, or NCHRP Reports and that the requirements for when a bypass lane is warranted are not consistent across municipalities, the decision to require an acceleration/deceleration/bypass lane should be based on a completed Traffic Impact Analysis, roadway speeds, volumes, roadway

characteristics, and engineering judgment. See attached. One option is no change to this section and require the acceleration, deceleration and bypass lanes that are present throughout the Division Road corridor. Another option is to consider an amendment to Development Handbook. Village Staff have drafted revised language for this section of the Development Handbook requiring a Traffic Impact Analysis for new intersections.
See attached.

Village staff are planning to bring proposed updates to the Development handbook in a future PWHC meeting in 2026, as the last update was in 2024. With respect to the proposed development schedule, Village staff seeks clarification on an amendment to the Development Handbook for the acceleration / deceleration / bypass lane requirements.

ATTACHMENT:

- 1. Exhibits for Development Handbook Item 5.1.12

STAFF RECOMMENDATION:

Staff requests that the PWHC discuss the merits of a potential revision to the Development Handbook.

ACTION BY COMMITTEE:

Exhibit 1 - DEVELOPMENT HANDBOOK

5.1.8.1 Minimum horizontal curve requirements, per WDOT Geometric Design of Highways and Streets, Current Edition including all updates.

5.1.8.2 Compound Curves

5.1.8.2.1 Compound curves are only allowed on roads with a posted speed limit of 25 mph or less.

5.1.8.2.2 A minimum horizontal curve radius of 250 feet is required along the roadway centerline.

5.1.8.2.3 A horizontal curve radius of 200 feet may be accepted when a 100' long tangent length is provided between curves.

5.1.9 VERTICAL CURVES

5.1.9.1 Maintain "K" Values per AASHTO Geometric Design of Highways and Streets, Current Edition including all updates.

5.1.10 SIGHT DISTANCE

5.1.10.1 For minimum sight distance requirements at intersections and driveways, refer to AASHTO Geometric Design of Highways and Streets, Current Edition including all updates.

5.1.11 INTERSECTION RADII

5.1.11.1 Internal to development for minor streets (measured from the edge of pavement/flange line):

5.1.11.1.1 Residential and multi-family: 25 feet

5.1.11.1.2 Commercial and industrial: 42 feet

5.1.11.1.3 Intersection radii at side roads, shall be as approved by the Village Engineer.

5.1.12 ACCELERATION/DECELERATIONS/BYPASS LANES

5.1.12.1 Any roadway intersecting with a collector or arterial street projected to have more than 100 ADT shall require Acceleration/Decelerations/Bypass Lanes per Detail Figure No. 4.

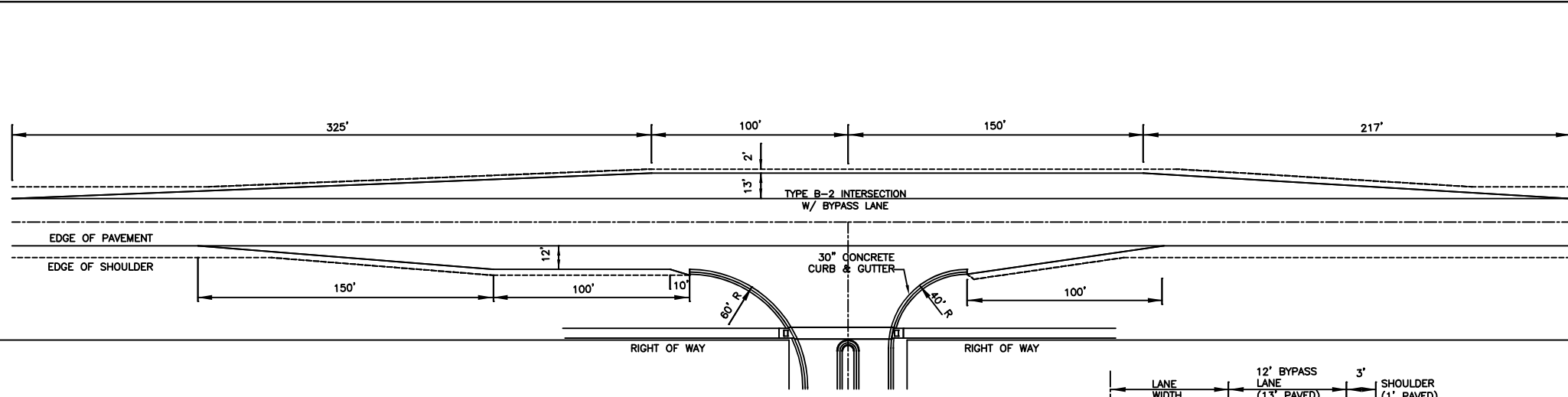
5.1.13 TRANSITIONS

5.1.13.1 Transitions areas, such as lane additions, bypass lanes, traffic shifting lanes, and areas between existing pavement and new pavement sections with varying widths, shall be transitioned based on speed and road type.

5.2 SPECIFICATIONS

5.2.1 SUBGRADE

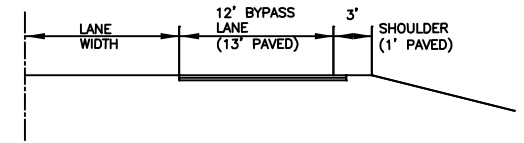
5.2.1.1 DESIGN STANDARDS



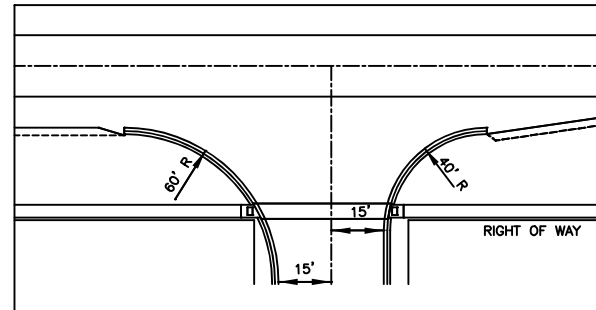
GENERAL NOTES

1. DESIGN OF TYPE B-2 INTERSECTION SHALL BE USED FOR ANY TEE INTERSECTION SUBDIVISION ENTRANCE, WITH OR WITHOUT ISLAND.
2. DESIGN WITH NO ISLAND, SHALL HAVE A LANE WIDTH OF 15 FEET TO CENTERLINE AT THE END OF THE CURVE RADIUS. A 10:1 TAPER ON THE SIDE STREET FROM CURVE ENDPOINT (15 FT, WIDTH) TO THE INTERIOR WIDTH SHALL BE USED.
3. BYPASS LANE SHALL BE ADDED TO ENTRANCE, EXCEPT WHEN DETERMINED TO BE UNNECESSARY BY THE VILLAGE PUBLIC WORKS.
4. CONCRETE CURB & GUTTER FOR ENTRANCE RADII SHALL MATCH CURB OF EXTERIOR ROADWAY. IF THERE IS NO CONCRETE CURB & GUTTER ON THE EXTERIOR ROADWAY, THE CONCRETE CURB & GUTTER SHALL MATCH THAT USED ON INTERIOR STREET. IF THERE IS NO CONCRETE CURB & GUTTER ON PROJECT, MOUNTABLE TYPE CURB SHALL BE USED.
5. REFER TO STANDARD DETAIL, SUBDIVISION ENTRANCE WITH ISLAND FOR INTERIOR DIMENSIONS & LAYOUT.

WITH ISLAND

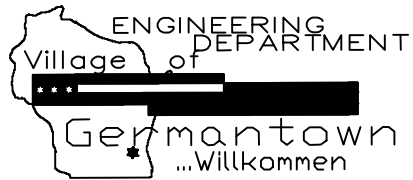


BYPASS LANE DETAIL



WITHOUT ISLAND

REVISED 3/2008



TYPE B-2 INTERSECTION
DETAIL
WITH BYPASS LANE



February 3, 2026

Public Works & Highways Committee
The Village of Germantown
N112 W17001 Mequon Road
Germantown, WI 53022

Re: The Carillon at Germantown – Infrastructure

Dear Trustees Kaminski, J. Miller, R. Miller and Warren,

We are reaching out to you in your capacity as members of the Public Works & Highways Committee (the “**Committee**”) of the Village of Germantown at the request of Community Development Director Retzlaff with respect to a matter concerning our proposed development, The Carillon at Germantown (the “**Project**”).

As you may recall, the Project recently received approval at the Village Board meeting on January 19, 2026 with respect to a Planned Development District and Certified Survey Map to rezone the Property and split the current parcel on which it is located, following approval by the Plan Commission of those items on December 8, 2025. We are now working towards a final Site Plan approval from the Plan Commission. A copy of the most recent iteration of the Site Plan is attached hereto as **Exhibit A**.

In connection with seeking these approvals for the Project, at the Village’s request we contracted with Traffic Analysis & Design, Inc. – a reputable, professionally licensed traffic engineering firm, to obtain a traffic impact analysis for the Project (the “**TIA**”), a copy of which was provided to both the Plan Commission and the Village Board, and another copy of which is enclosed with this message. The TIA analyzed the traffic and safety impacts of both of the Project’s proposed driveway entrances onto Division Road.

The TIA concludes that the Project will generate 220 trips per weekday, with 15 trips in the peak hour, and recommends that we construct the Project’s north driveway “as shown on the site plan with single lane approaches”, and the south driveway “as shown on the site plan with... single-lane approaches.” (TIA, p.4.).

Exhibit 9 of the TIA (attached hereto as **Exhibit B**) indicates that the Project is expected to generate a “negligible” (meaning *less than three*) amount of left-hand turns into, and right-hand turns out of, the Project in the AM and PM peak hours.

Following a conversation with Village Engineer Driscoll in November, 2025, we obtained a supplement to the TIA that specifically concludes, based on our existing proposed driveway layout, that “There is adequate visibility to meet AASHTO ISD and SSD requirements for traffic turning at [the Project’s] north and south driveways to Division Road.”

In connection with the site planning process, we had a meeting with Director Retzlaff, Village Engineer Driscoll and Associate Planner Yanke on February 2, 2026. At the meeting, among other things, we discussed Section 5.1.12.1 of the Development Handbook, which states: “Any roadway intersecting with a collector or arterial street projected to have more than 100 ADT shall require Acceleration/Decelerations/Bypass Lanes per Detail Figure No. 4.” Importantly, the Development Handbook does not contain, nor has it ever contained,¹ a depiction of Detail Figure No. 4.

We are writing to ask for confirmation that, notwithstanding the guideline set forth in the Development Handbook, Village staff and the Plan Commission may approve the Site Plan as recommended by the TIA without additional acceleration, deceleration or bypass lanes. Not only does this comport with good engineering practices, but it avoids the inequity and waste that would result from requiring the construction of a bypass lane that almost no one is expected to use, and the impossibility of building infrastructure improvements according to a specification that does not exist.

This result is also recommended by the Village’s own website, which has a page dedicated to “Standard Specifications & Details”² that states: “A properly developed traffic impact analysis study can **provide the factual basis for good decision making**” (emphasis added), and notes that the Village relies on TIAs to answer questions such as: “Are roadway system improvements needed to maintain an acceptable level of service (LOS) beyond those already programmed or included in the local transportation plan?” and “What are the recommended roadway improvements that may be necessary to accommodate the expected development traffic?” The TIA directly answered these questions and declined to recommend acceleration, deceleration or bypass lanes.

The issues outlined above are only compounded by the upcoming reconstruction of Division Road, and the attendant timing, design and coordination challenges to which Village Engineer Driscoll can ably attest.

We would be happy to make ourselves available to the Commission to discuss any questions, concerns or comments. We are excited to bring to the Village a much-needed housing option and to provide quality accommodations to new and aspiring residents of Germantown, and look forward to continuing in partnership with the Village. Thank you for your consideration.

Respectfully,

Daniel Hasbani
Vice President of Development
Cirrus Property Group, LLC

¹ The Development Handbook was most recently approved by the Committee on September 9th, 2024. The 2024 version is an update of a document that was approved by the Committee on February 4th, 2020 – neither version contains Detail Figure No. 4. The 2020 version attached to the 2/4/2020 Agenda contains a note stating that it was “Adopted by Public Works & Highway Committee (PWHC) as “Developer’s Handbook” 9-25-2018”, however no Committee meeting was held that day, and no meeting agenda from 2018 contains any version of the handbook.

² <https://www.germantownwi.gov/179/Standard-Specifications-Details>

EXHIBIT A

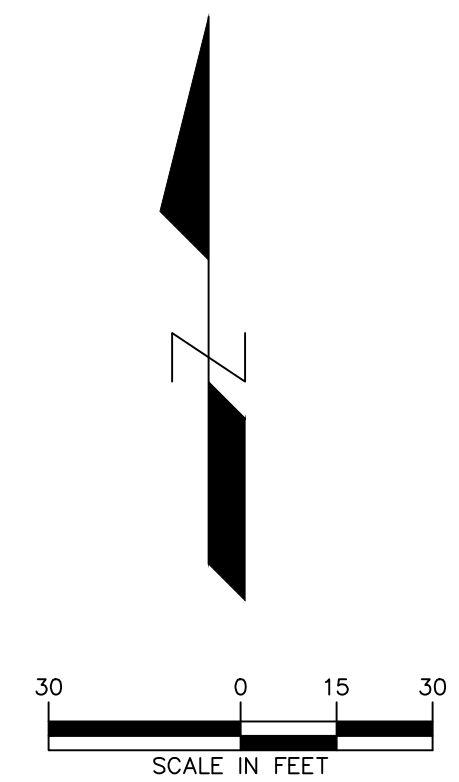
Site Plan

[See attached]

EXHIBIT B

AM and PM Peak Traffic Volumes

[See attached]



TOTAL AREA:	5.39 AC
PERVIOUS AREA:	1.89 AC (35%)
IMPERVIOUS AREA:	3.51 AC
NUMBER OF BUILDINGS:	11
NUMBER OF UNITS:	36
TOTAL BUILDING AREA:	64,855 SF
LOT COVERAGE PERCENTAGE:	27%
TOTAL REQUIRED PARKING:	72 STALLS
TOTAL PROVIDED PARKING:	108 STALLS

Property Address:
W172N1183 Division Road
Germantown, WI 53022

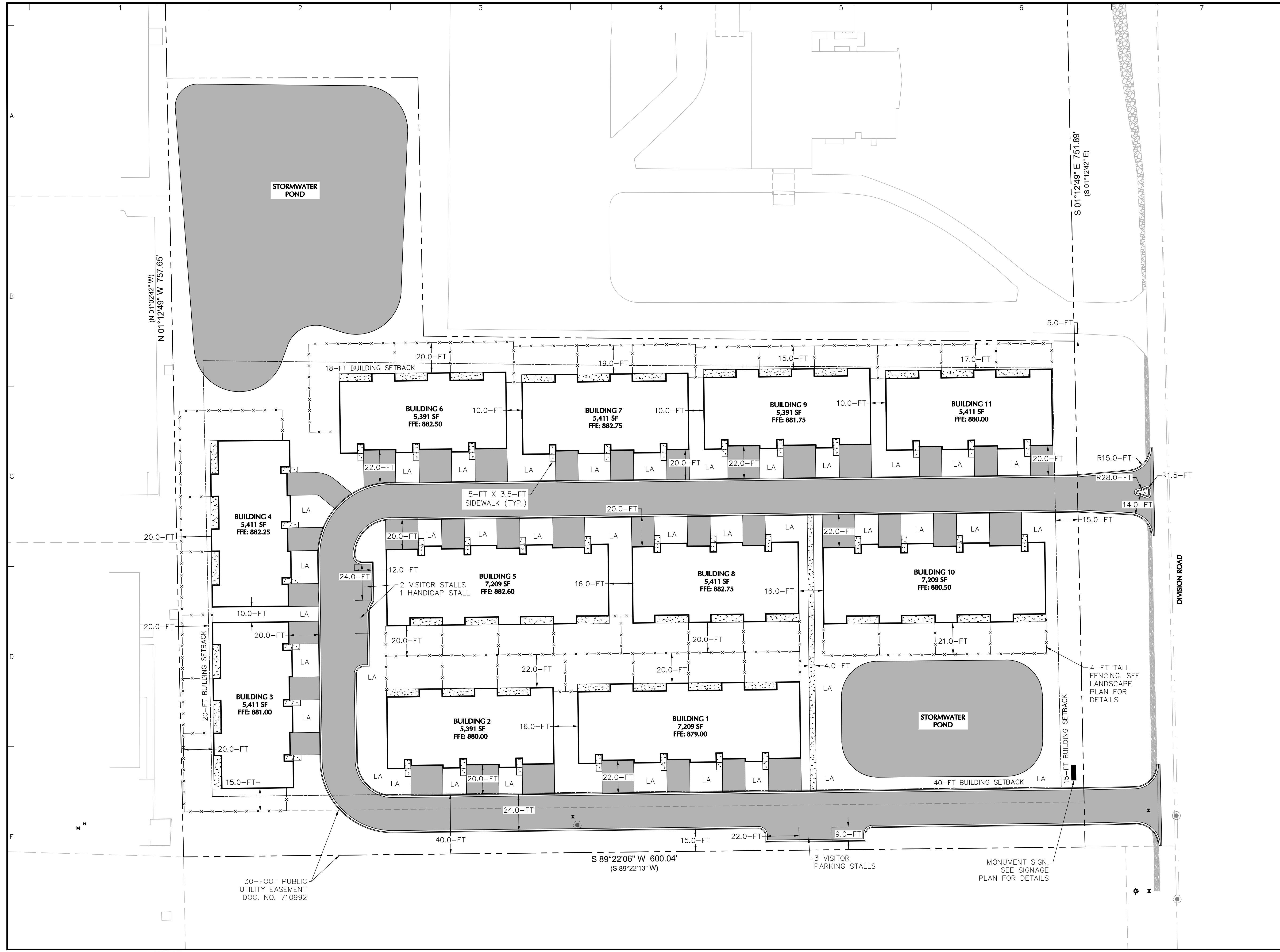
Date	Description	No.
Revisions		

LANGAN
Langan Engineering, Environmental, Surveying,
Landscape Architecture, and Geology, D.P.C.
247 Freshwater Way, Suite 532
Milwaukee, WI 53204
T: 973.560.4580 www.langan.com

Project
THE CARILLON AT GERMANTOWN
GERMANTOWN
WASHINGTON COUNTY WISCONSIN

Drawing Title
SITE PLAN

Project No.	543001101	Drawing No.	CS101
Date	10/13/2025		
Drawn By	ZF		
Checked By	JK		



DIVISION ROAD

© 2025 Langan

LEGEND

- XX AM Peak Hour Traffic Volumes
- (XX) PM Peak Hour Traffic Volumes
- Negligible Traffic Volumes (Less than 3 vph)

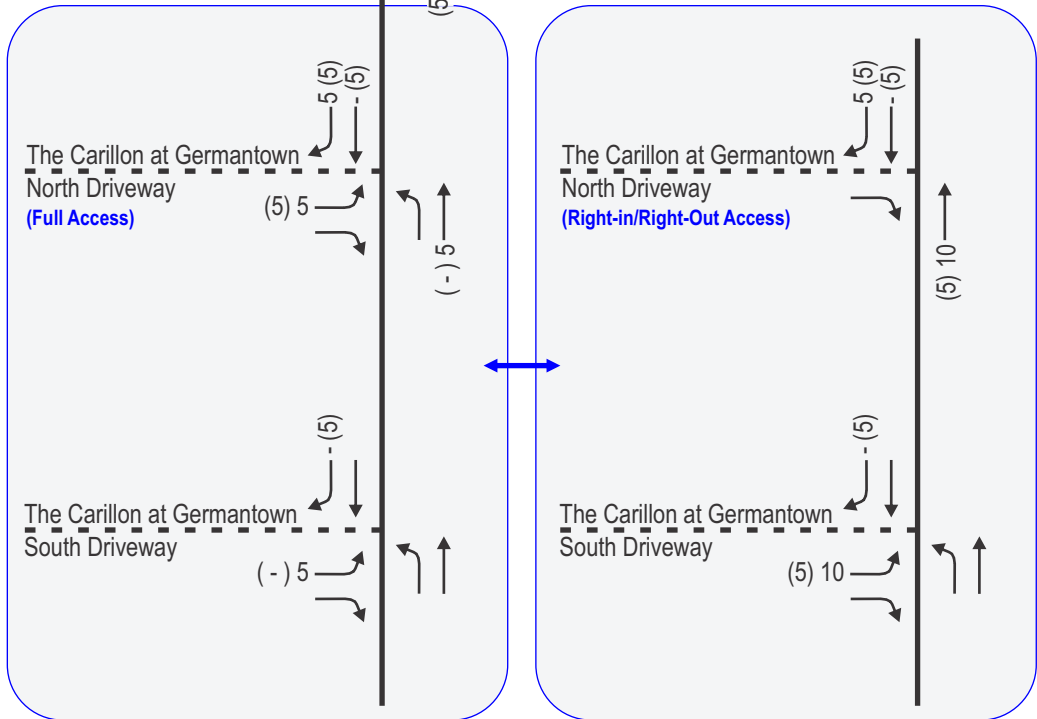
Mequon Road

167

Division Road

Faith Lutheran Church Driveway

Village Hall Driveway





memo

Date: 25 February 2026
 To: Kevin Driscoll, PE – Village of Germantown
 Cc: Neal Styka, PE, PTOE, RSP1 – Kapur & Associates, Inc.
 Files
 From: Kapur & Associates, Inc.
 RE: The Carillon at Germantown Residential Development Traffic Impact Analysis (TIA) Review and Bypass Lane Requirements

Project Background & Existing Conditions

The Village of Germantown seeks to understand the impact of the traffic from the proposed Carillon at Germantown Residential Development. Per the Traffic Impact Analysis (TIA), “The Carillon at Germantown is a 35-unit residential development on 5.4 acres along the west side of Division Road, just south of the Faith Lutheran Church property.” This development is proposing two new access points on Division Road. The “North Site Driveway” is approximately 135 feet south of the Faith Lutheran Church driveway. While the “South Site Driveway” connects to Division Road approximately 200 feet south of the North Site Driveway. The TIA uses new data for this development along with off-site development traffic from the previously approved September 3, 2025, Blackstone Creek Mixed-Use Development TIA September 3, 2025, Blackstone Creek Mixed-Use Development TIA, October 14, 2024, Kwik Trip TIA, and the July 29, 2024, STH 167/Pilgrim Road Mixed-Use Development TIA. The offsite development traffic and counts from those studies were used to determine the balanced traffic counts at the intersection of STH 167/Mequon Road with Division Road.

The TIA was reviewed based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition and the Wisconsin Department of Transportation (WisDOT) Traffic Impact Analysis Guidelines most recent update of April 2024.

The Development is expected to generate a very minimal number of trips in the peak hours based on ITE Trip Generation Manual with 15 trips in the AM peak hour and 15 trips in the PM peak hour. The site is expected to generate a total of approximately 220 trips per weekday.

The expected trip distribution follows the major traffic patterns in the area with

- 43% to/from the west on Mequon Road (STH 167)
- 42% to/from the east on Mequon Road (STH 167)
- 3% to/from the north on Division Road
- 12% to/from the south on Division Road

The TIA evaluated right-in-right-out access at the North Driveway as well as full access. The analysis shows that both options will generate minimal queuing.



TIA Review Comments

In Exhibit 6 the percentages for the AM and PM Trips in and Out of the Development do not match what is shown in ITE Trip Gen 11th Edition for Land Use Code 215 for Peak Hour of Adjacent Street. It appears that the percentages were used from Peak Hour of Generator, but the Volumes calculated were for Peak Hour of Adjacent Street. If that is not the case, please clarify which method was used.

In Exhibit 12 For the Restricted Site Access analysis, Under the Carillon of Germantown North Driveway & Division Road (Right-in/Right-Out Access) section, LOS for Eastbound right should be A not B based on the Synchro Reports.

Village of Germantown Handbook

Developments need to follow the Village of Germantown Development Handbook. In the 2024 version in Section 5.1.12.1 it states that “Any roadway intersecting with a collector or arterial street projected to have more than 100 ADT shall require Acceleration/Decelerations/Bypass Lanes.” The Village desires to clarify the requirements of when this lane should be required. A review of the American Association of State Highway and Transportation Officials’ (AASHTO) *Policy on Geometric Design of Highways and Streets* (7th Edition) manual, also known as the “Green Book”. As well as other sources such as the Wisconsin Department of Transportation’s Facility Development Manual (FDM) Section 11-25 which uses guidance based on the Green Book as well as the National Cooperative Highway Research Program (NCHRP) Reports Numbers 457 and 600. These reports discuss human factors as well as warrants for left and right turn lanes but not for a bypass or acceleration/deceleration lane that doesn’t have any vehicle storage. NCHRP Report 780 and 650 which detail taper rates, deceleration lengths, alternative intersections, median design, and auxiliary lanes for displaced left turn intersections. WisDOT Standard Detail Drawing 9A1 includes geometric information on how to lay out an acceleration/deceleration lane. The requirements are listed in FDM 11-25 Attachment 1.1. However, the requirements are listed as applying to rural high-speed roadways with speeds greater than or equal to 50 MPH. Division Road in the subject area has a posted speed limit of 35 MPH. Therefore, the criteria for which intersection detail to follow doesn’t apply but provides general guidance on how a bypass lane should be laid out. The NCHRP Reports and Green Book do not provide specific recommendations on when a bypass lane should be installed. The FDM does have warrants, however, the speed on Division Road doesn’t match what is in the FDM in Attachment 1.1.

After a review of other communities in Southeast Wisconsin, multiple other communities such as Waukesha County and City of New Berlin have similar thresholds as to when a traffic impact analysis (TIA) should be conducted (>100 new vehicle trips). Others such as the City of Waukesha have a detailed listing of what types of developments should require a traffic impact analysis. Other communities such as City of Mequon, City of Kenosha, City of Wauwatosa, and City of Brookfield do not have specific requirements for triggering a TIA but many of them mention that a TIA may be required through staff review. Regarding requirements for acceleration/deceleration and bypass lanes, Village of Germantown, The City of New Berlin, and the City of Waukesha have development handbooks that require the acceleration/deceleration/bypass lane be installed on all roadways with a projected Average Daily Traffic (ADT) of greater than 100 vehicles per day. New Berlin also has a detail drawing that closely matches WisDOT SDD 9A1 while Waukesha directly cites SDD 9A1.

Table 1 shows the various requirements that different communities/counties in Wisconsin have adopted for acceleration and deceleration lanes.



TABLE 1

Community	Acceleration/Deceleration Lane Requirement
City of Waukesha	ADT > 100 on intersecting roadway
City of Pewaukee	When a minor street intersects a collector or arterial, deceleration, acceleration, and bypass lanes may be required as determined by the City Engineer
City of Mequon	Acceleration and deceleration lanes required on all roads classified as minor arterial or higher when peak traffic demand and access location warrant
Ozaukee County	Acceleration and deceleration lanes may be required when ADT is above 1,000 or when peak traffic demand and access location warrant
Town of Brooklyn, Green County, WI	Acceleration and deceleration lane adjacent to the traffic lane nearest the intersection as approved by the Town Engineer
City of Pewaukee	Engineer may require at collector/arterial intersections
City of Edgerton	Plan Commission may require after a recommendation from City Engineer
Village of Mount Pleasant	Plan Commission may require after a recommendation from Public Works Director

Given that there is no defined threshold in the FDM, Green Book, or NCHRP Reports and that the requirements for when a bypass lane is warranted are not consistent across municipalities, the decision to require an acceleration/deceleration/bypass lane should be based on a completed Traffic Impact Analysis, roadway speeds, volumes, roadway characteristics, and engineering judgment.



Exhibit 5

Section 5.1.12 of the Village of Germantown Development Handbook states:

ACCELERATION/DECELERATIONS/BYPASS LANES

5.1.12.1

Any roadway intersecting with a collector or arterial street projected to have more than 100 ADT shall require Acceleration/Decelerations/Bypass Lanes per Detail Figure No. 4.

Consider Section 5.1.12.1 to read:

- Any roadway intersecting with a collector or arterial street and/or a site development with a projected ADT greater than 100, shall require a Traffic Impact Analysis to evaluate and design Acceleration/Decelerations/Bypass Lanes, based on design speed and average daily traffic criteria as factors per current American Association of State Highway and Transportation Officials (AASHTO) Geometric Design Highway Standards, the National Cooperative Highway Research (NCHRP) reports, the Wisconsin Department of Transportation Facilities Development Manual (FDM), and Village Standard Detailed Drawings.
- As part of a Development Agreement, or prior to entering into one, the Village reserves that all 3rd party costs are to be covered by the Developer for a Traffic Impact Analysis and review of recommendations on when design is warranted to construct acceleration, deceleration, and bypass lanes.

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

MEETING DATE: March 4, 2026

AGENDA ITEM: New Business

ITEM TITLE: Consultant Services to Review Permit Applications for Fiberoptic Telecommunications Installations and Inspections

SUBMITTED BY: Kevin Driscoll – Village Engineer

SUMMARY EXPLANATION:

In previous Director’s Reports the topic of anticipated large scale Fiberoptic Telecommunications installations was identified. One applicant anticipates fiberoptic installation over two miles in the Lone Oaks and Meadow Creek Cross subdivisions. A second applicant anticipates fiberoptic installation beginning with a five-mile ring along Pilgrim Road, Mequon Road and Division Road, then expects to build out and expand from that ring in the future over two years over 100 miles.

Village staff historically have issued permits under the Village of Germantown Code of Ordinance “Section 8.06 - Street Excavations” for utility work in the right-of-way under with a fixed fee per permit application. That fee is typically \$500 for street cut permit, and \$150 for work outside of the roadway. In addition to 8.06, the Village of Germantown Code of Ordinance “Section 8.065 Regulation of Rights of Way” was established following the Telecommunications Act of 1996 to recover costs. It is anticipated that Village staff review and inspection time is anticipated to exceed the \$500 fee per permit, where the amount collected in permit fees may not cover the amount time to review and inspect the proposed Fiberoptic Telecommunications work. In addition, that amount of time would pull staff away from Village Board approved public works projects.

Village have requested proposals from consultant firms with experience in permit reviews and inspection services. Prior to incurring consultant fees, Village staff expect to enter into agreements to be signed by the respective utilities. These agreements with the respective fiberoptic utility applicants are intended for the Village to recover costs per 8.065.

The following firms have submitted proposals:

Firm	Hours	Amount	Rate
raSmith	833	\$120,000	\$144/hr
Ruekert Mielke	1,070	\$165,330	\$154/hr
Sigma	1,980	\$249,600	\$126/hr
Clark Dietz	2,400	\$360,000	\$150/hr
S.E.H.	3,087	\$445,400	\$144/hr

The consultant range of services greatly varies due to the uncertainty and unknown range of services that will be required. R-M and Clark Dietz each have direct experience with similar

fiber optic installations being completed. Staff has contacted references and all references for both the consulting firm, Ruekert Mielke, and the consulting firm Clark Dietz had positive references. The proposals for these two firms with applicable experiences are attached. Staff requested the footages of the fiber optics their project experiences. Ruekert Mielke responded with 1,170 miles of project experience. Staff plans to provide additional information on Clark Dietz at the meeting.

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER _____
Proposals

RECOMMENDATION:

Staff requests a discussion with the Public Works and Highways Committee prior to making a recommendation to the Village Board for entering into a Consultant Contract to Complete Permit Reviews and Site Inspections as a pass through cost with the respective utility company, contingent upon Village Attorney review.

COMMITTEE ACTION:

A motion to support authorize staff and a vote “Aye” is in the affirmative to support the contract award.

February 26, 2026

Mr. Kevin R. Driscoll, P.E.
 Village Engineer
 Village of Germantown
 N112 W17001 Mequon Road
 Germantown, WI 53022-0337

Dear Kevin:

Ruekert & Mielke, Inc. (R/M) is pleased to submit this proposal to provide engineering and construction review services to coordinate, monitor and manage the telecommunications installation project on behalf of the Village of Germantown. The project will extend throughout the Village limits and will impact a significant number of residents and businesses throughout 2026 and 2027.

Successful delivery of this work will rely on dedicated and experienced staff. R/M has extensive experience assisting municipalities with similar large-scale utility installation projects, and we understand the level of coordination and communication required. Our team brings substantial construction review expertise and is known for being highly responsive, communicative, and effective in working with municipal staff, residents, business owners, and Contractors. We will represent the Village professionally by enforcing standard processes and construction methods, while also working closely with Village staff to reduce their workload as much as possible. Our recent experience with comparable utility installation projects includes, but is not limited to:

- City of Brookfield – MetroNet (current),
- City of Brookfield – TDS,
- City of Kenosha – SiFi,
- City of Neenah – TDS,
- Village of Oregon – TDS,
- Village of Howard – TDS.

R/M will provide the services outlined below in the scope of services to assist with project administration, plan review, permitting, coordination, and construction review. In this role, R/M will serve as an extension of Village staff.

Scope of Services

Task 1 - Project Administration:

- Meet with Village staff to review project objectives and define the plan review and permit process. Our team will function as an extension of Village staff to ensure seamless coordination and consistent application of procedures.
- Verify that private utility contractors are progressing on schedule for each permit area. We generally require complete restoration in permitted areas prior to the approval of additional permits and (if necessary) incorporate winter shutdown and Village events into the permit schedules.
- R/M staff will participate in onsite or remote meetings with Village staff and contractors throughout the permit process. We will familiarize ourselves with the Village's standard permit procedures to maximize efficiency, maintain consistency, and minimize review and approval time. We will collaborate with Village staff to establish the appropriate frequency for recurring site meetings.

Mr. Kevin R. Driscoll, P.E.
Village of Germantown
February 26, 2026
Page 2

- Maintain and update permit status and construction review reports in a format acceptable to the Village. In addition to weekly PDF reports, R/M will coordinate with Village staff to determine the most effective format for submitting permit updates and construction review data.
- Upon notification by the private utility, provide permit closeout review and recommendation. R/M staff will evaluate the completed work and coordinate with Village staff to either finalize permit closure or issue a list of outstanding items within one week of notification.
- Coordinate with private utility consultants and contractors as necessary. Maintain regular communication with private utility representatives and contractor crews to address project-related issues, including resident concerns, in a timely and organized manner.
- Work closely with Village staff during the initial round of permits and throughout the project to determine the appropriate level of Village involvement. Consult with staff on all critical matters, including utility damage, traffic disruptions, permit closure challenges, and significant resident and/or business concerns.
- Review, refine, and streamline the submittal process with telecommunications companies to improve overall project efficiency.
- Provide structured communication opportunities for residents and work closely with contractors to promptly address concerns and maintain resident satisfaction. Track and document resident questions, concerns, and complaints, including names, addresses, and contact information.

Task 2 - Review Permits and Perform Inspection Services based on 8.065:

- Utilize the Village's standards (8.065) for permit review, operations, construction, and installation to review the private utility contractor work and define communication protocol. R/M will establish a file transfer site for the Village to upload submittals for review and coordination with the Village's permit system.
- Import the Village's utility infrastructure mapping data from Survey123 to identify potential impacts and conflicts within the Village right-of-way and upload inspection data into the Village's GIS system. R/M anticipates developing an internal GIS platform to support project management, utility tracking, and GIS data integration.
- Review and provide comments on existing permits, as requested or desired by the Village. R/M will provide feedback and comments on existing or proposed Village permits to avoid potential future conflicts.
- Provide permit review assistance for project area plans and issue written comments where revisions are necessary to ensure compliance with Village standards and requirements.
- Establish and communicate design expectations, including handhole placement, utility crossings, network alignment, and other applicable design and installation requirements.
- Provide plan review to verify that private utility proposed facilities are located per Village standards, Village infrastructure is accounted for to prevent utility conflicts, and above-ground facilities are appropriately located. We will review that project areas are not excessive in size and impact, and that equipment storage areas are defined for each permit area. R/M staff will perform plan and permit reviews, and Village staff will issue the permits.
- Coordinate installation activities within rear yards and verify existing easement locations to ensure work remains within authorized areas.

Mr. Kevin R. Driscoll, P.E.
 Village of Germantown
 February 26, 2026
 Page 3

- Provide weekly electronic PDF reports during active construction periods summarizing permit submittals, completed and pending construction activities, site photos, contractor operations, resident interactions, and other key project updates.

Task 3 - Inspection Services:

- R/M staff will apply Village standards to verify that restoration is completed in accordance with specifications and within established timelines to minimize impacts to residents and business owners. These standards will also be enforced within easement areas to protect private property. R/M will review and approve construction schedules for each permit-defined project area.
- Provide on-site review of the construction work on an as-needed basis, in coordination with the Village’s needs and the contractor’s progress. Our staff will provide additional review as deemed necessary by Village staff or necessitated by contractor operations. Services will also include tracking utility alignment staking in the field and verifying utilities located to support construction compliance and coordination.
- Conduct a punch list inspection for each permit area within one week of notification from the Contractor. R/M prefers to perform these inspections jointly with a Contractor representative and a Village staff member to ensure clear communication, alignment on outstanding items, and mutual agreement on required corrective actions.

For initial work beginning in the Spring of 2026 and continuing for two (2) years or potentially more, we anticipate that the Village will issue the required permits. R/M will offer guidance on the review and permitting process based on our experience with similar large-scale utility projects. Once construction begins, R/M will coordinate the Contractor’s phasing, attend site meetings as needed, and perform part-time construction observation to verify that utilities are installed according to approved plans and that restoration is completed properly and efficiently. Our staff will be present in the field to help mitigate disruptions to residents and businesses as work progresses throughout the Village. R/M will also use the Village’s GIS platform to track construction and restoration progress, helping all stakeholders stay informed and aligned.

These services will be provided on a time-and-expense basis in accordance with our standard hourly rates. The level of effort may increase or decrease depending on the extent of permit and plan review needs, Contractor progress, and the number of active crews. R/M will coordinate with the Village to ensure our level of involvement remains appropriate and cost-effective.

Our estimated cost to assist the Village in approximately 100 miles of Telecommunications utility installation is shown below.

	Hours	Fees
Task 1: Project Administration (2 yrs)	130	\$25,870
Task 2: Track and Review Permits	240	\$47,760
Task 3: Inspection Services	700	\$91,700
Total	1,070	\$165,330

Mr. Kevin R. Driscoll, P.E.
Village of Germantown
February 26, 2026
Page 4

This estimate does not include costs associated with preparing record drawings or conducting post-construction field surveys. Reimbursable mileage will be charged \$0.74 per mile, in accordance with the IRS mileage tables.

The 2026 standard hourly rates listed below reflect the core staff classifications anticipated to support this project throughout 2026. Rates will be adjusted annually on January 1 for each subsequent year in which our services are required for this project.

- Administrative Assistance: \$97/hour,
- Senior Construction Review Technician: \$131/hour,
- GIS Analyst 2: \$174/hour,
- Engineer 2: \$154/hour,
- Engineer 5: \$199/hour.

We appreciate the opportunity to potentially support the Village of Germantown on this important project. Please feel free to contact our office with any questions or comments.
Respectfully,

RUEKERT & MIELKE, INC.



Michael E. Michalski
Project Engineer
mmichalski@ruekert-mielke.com

MEM:acI

cc: Jerad Wegner, P.E., Ruekert & Mielke, Inc.
John Kelliher, Ruekert & Mielke, Inc.

Administrative & Construction Inspection Services for Telecommunications Permitting



Germantown, WI

February 27, 2026



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ClarkDietz

Engineering Quality of Life®

Kevin R. Driscoll, P.E.
Village Engineer
N112 W17001 Mequon Rd.
Germantown, WI 53022
engineering@germantownwi.gov

Re: Consultant Administrative Permitting Services and Construction Inspection Services for
Telecommunications Permitting per Ordinance Section 8.065
CC: Matthew Mortwedt – Director of Public Works, Village of Germantown

Dear Kevin:

Clark Dietz has significant recent experience dealing with broadband fiber installation across Southern Wisconsin and Northern Illinois. In fact, we have most recently developed a process for permit reviews and construction observations within this broad service area with a vetted solution and tracking database to achieve the most efficient result. Enclosed you'll find details on our approach, considerations, and qualifications of our staff and firm to better explain the following pillars of our capabilities.

- **Permit submittal expectations for streamlined workflow.** Our unique approach consists of upfront development with the permittee regarding plan submittals, insurance requirements, public outreach expectations, performance bond requirements, and restoration specifications.
- **Fully customized project tracking.** Our exceptional GIS capabilities allow us to provide an accessible dashboard, fully customized to the needs of the Village, for tracking this widespread and complex undertaking. Graphical visualization of each project area by stage (plan review, layout verification, installation, restoration and completion) is foundational for improved communication and information sharing.
- **Understanding of the importance of protecting Germantown's infrastructure for the future.** Not only is the existing underground infrastructure critical, but the community perception and disruption must be managed during widespread impacts. Setting clear expectations upfront is crucial to controlling the speed of installation and thus minimizing Village resources.

A project of this size can be a major undertaking, and Clark Dietz proposes to act as a partner in achieving long-term success. Having worked with many communities on this type of project, we know what to prepare for: drain on local resources, risk of field conflicts with existing infrastructure, appropriate installation depths to prevent future disruption after the project is complete, frequent resident communication, and necessary assurances regarding restoration. We look forward to your consideration and please contact me with any additional information or discussion.

Sincerely,

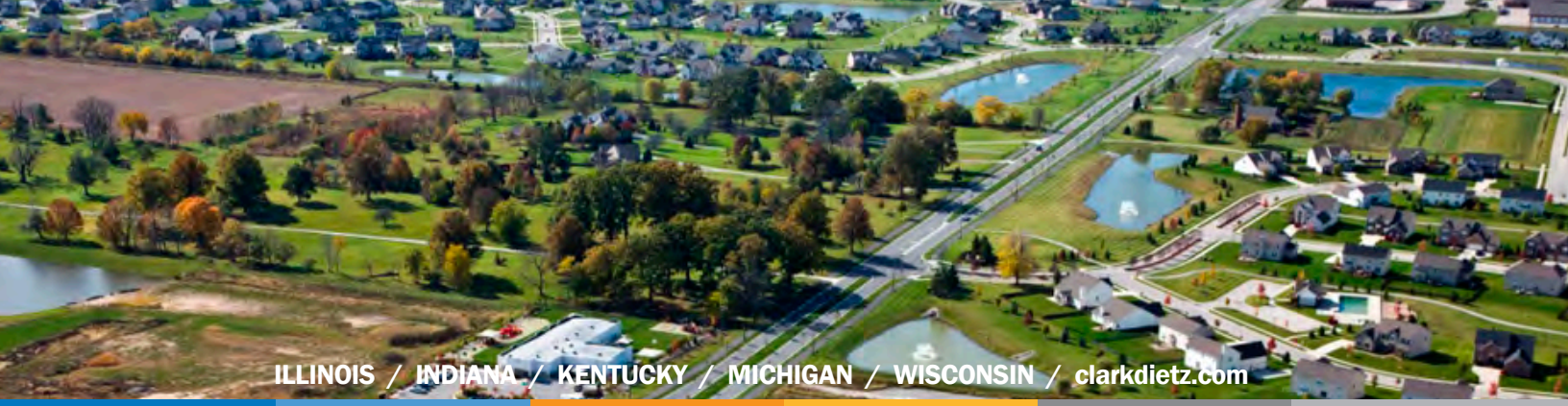


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ClarkDietz

ABOUT US

Clark Dietz, Inc. is a multi-disciplined consulting engineering firm operating from offices in Illinois, Indiana, Kentucky, Michigan, and Wisconsin. Our primary areas of service include civil and environmental infrastructure, transportation, structural, mechanical, and electrical engineering.

OUR PHILOSOPHY

As experienced consultants, we serve as trusted advisors to our clients. As partners, we become fully vested in achieving their goals. We believe in serving our clients to our utmost capacity, period. We operate with integrity, foster collaboration, and expect excellence in all we do. For more than 70 years we have built a reputation for the integrity of our work, our actions, and our results. With an unwavering commitment to our clients, we stand behind everything we do.

BELONGING & OPPORTUNITY

At Clark Dietz, we believe that the strength of our firm lies in the diverse perspectives, experiences, and talents of our people. As an employee-owned company, we succeed together by cultivating a workplace where every individual feels valued, empowered, and motivated to contribute their best.

We are committed to creating an environment where team members can show up authentically and thrive—personally and professionally. Our focus is on fostering engagement, belonging, and collaboration, ensuring that everyone has a fair opportunity to grow and contribute to our shared success.

Through partnerships with universities across the Midwest, we are also investing in the next generation of engineering talent by offering scholarships and experiential learning opportunities to students with strong potential and drive. We believe that when people belong, they excel—and when they excel, we all benefit.

SUSTAINABILITY

Nature’s most precious assets need our protection and we take this responsibility seriously. Our specialists in environmental science, green infrastructure, and our LEED Accredited professionals thoroughly assess the impact a design may have on energy consumption, waterways, habitat, vegetation, and water quality. At Clark Dietz, we are fully committed to optimizing the benefits of sustainability in every solution we design.

OUR HISTORY

Our roots go back to the 1940's to three University of Illinois Engineering professors; James Clark, Eugene Daily, and Jess Dietz. These three formalized their association by incorporating in 1953. By the late 1970s Clark Dietz was a recognized leader among Midwest-based civil engineering companies serving clients from seven regional offices. The original owners sold the firm and it was ultimately owned by CRS Sirrinc, one of the nation’s largest engineering and architectural firms. Through an employee buy-out of the Champaign office and the name, Clark Dietz again became a privately held corporation in 1987. Employee ownership has been a key factor in the success of the firm, with approximately 30 percent of current employees now owning stock in the company and all employees participating through an ESOP. Today Clark Dietz employs more than 195 professionals in 13 offices.

OUR LOCATIONS





ClarkDietz

Engineering Quality of Life®

Our work is driven by purpose. To have a positive impact on people, the natural environment, and the economic well-being of our client communities. We are engineering more than infrastructure, we are engineering quality of life.

ENGINEERING SERVICES

WATER, WASTEWATER, STORMWATER

- Supply, Distribution, Storage*
- System Modeling and Studies*
- Facility and Master Plans*
- Treatment Processes*
- System Renewal and Rehabilitation*
- Sanitary Sewer Collection Systems*
- CSOs and SSOs*
- I/I Evaluation and Characterization*
- Geospatial Asset Management*

MECHANICAL AND ELECTRICAL

- Heating, Ventilation, Air Conditioning*
- Chiller and Boiler Plants*
- Facility Piping Systems*
- Power Distribution Systems*
- Energy Modeling*
- Building, Site, Roadway Lighting*
- Plumbing and Fire Protection*
- SCADA, Automation, Controls*
- Security and Telecom*
- ARC Flash Hazard Analysis*

Our mission is to collaborate with clients to create infrastructure and built environments that improve the quality of life.

- CIVIL/STRUCTURAL**
- WATER RESOURCES**
- TRANSPORTATION**
- TRAFFIC**
- MECHANICAL**
- ELECTRICAL**
- CONSTRUCTION**

TRANSPORTATION

- Public Involvement*
- Streetscaping and Lighting*
- Traffic Engineering*
- Roadways and Highways*
- Multi-Modal Transportation*
- Intersection Design*
- Urban Drainage*
- Structural Engineering*

MUNICIPAL SERVICES

- Municipal Engineering*
- Development Reviews*
- Roadway Maintenance*
- Storm, Sewer, Water Main Maintenance*
- Regulatory Compliance and Reports*
- Grant Funding Assistance*
- Capital Planning*
- Land Acquisition*

CONSTRUCTION

- Resident Engineering*
- Observation Services*
- Construction Layout*
- Documentation*
- Cost and Schedule Control*

RENEWABLE ENERGY

- Feasibility Assessments*
- Conceptual Design*
- Civil/Electrical/Structural Analysis*



Fiber Programs Are Expanding... And Clark Dietz Is Already There.

Clark Dietz is currently under contract for fiber installation program management and inspection services in multiple municipalities, giving our team real-time, boots-on-the-ground experience with the exact challenges Germantown is preparing to face: multi-permit phasing, neighborhood coordination, juggling multiple providers at once, restoration enforcement, and public communication.



Clark Dietz understands the importance of delivering high-speed fiber infrastructure to the residents of Germantown in a manner that is efficient, well-coordinated, and minimally disruptive. We are currently supporting North Shore communities as well as several municipalities in Northern Illinois as telecommunications providers advance of similar installations. Based on this experience, we have developed a repeatable and scalable process for managing community-wide fiber projects that aligns closely with municipal preferences and operational needs.

Our approach emphasizes clear expectations, proactive coordination, transparent tracking, and consistent public communication to ensure a successful outcome for all stakeholders.

TASK 1 – PROJECT ADMINISTRATION

Pre-construction coordination is critical to the success of a village-wide fiber installation program. The following activities establish a clear baseline for execution and communication. Each task can be adjusted to align with Village preferences; however, Clark Dietz strongly recommends addressing expectations upfront to minimize field conflicts and schedule impacts.

1.1 MEETINGS

KICK-OFF MEETING

Kick-Off Meeting (Village and Clark Dietz)

Establish project expectations prior to commencement. Based on our experience reviewing right-of-way permits for community-wide fiber installations, clear guidelines are essential to maintaining schedule and avoiding surprises.

Topics may include:

- Submittal procedures
- Restoration standards
- Inspection and tracking processes
- Roles, responsibilities, and communication protocols

REGULAR PROGRESS MEETINGS

Clark Dietz will lead weekly meetings and prepare agendas and minutes. These meetings will continue at a weekly basis until they can be transitioned to less frequent meetings with mutual consent of the Village and Clark Dietz staff.

Topics may include, depending on the timeline of activities:

- Schedule updates
- Resident issues and resolutions
- RFIs and response timelines
- Coordination with Village departments
- Status of notifications
- Dashboard feedback
- Process adjustments
- Customization or troubleshooting
- Overall schedule and progress
- Dashboard feedback
- Process adjustments
- Customization or troubleshooting
- Overall schedule and progress
- Monthly invoicing by permit area and stage

PROJECT APPROACH



WHAT SETS OUR APPROACH APART:

- **Dedicated, experienced staffing**
- **GIS-driven inspection and documentation**
- **Municipal-first mindset:** we act on behalf of the Village, not telecomm providers, with a focus on resident needs, locator availability, and speed/schedule of installation.
- **Proven resident-facing coordination**
- **Approach built from scratch: lessons learned, already applied**

PRE-CONSTRUCTION MEETING

A formal MANDATORY pre-construction meeting with the Contractor will be conducted prior to any field work.

At a minimum, the meeting will address:

- Utility potholing requirements (hydro-excavation recommended)
- Verification of permits outside the public right-of-way
- Restoration standards, timelines, and procedures
- Notification protocols for field work initiation
- Use of centralized email and dashboard updates for stage tracking
- Meeting minutes will be prepared and distributed

TRACK RESIDENT FEEDBACK, COMPLAINTS, AND PROJECT PROGRESS

Clark Dietz will work with the Village's existing GIS tracking systems, including Survey123, and enhance functionality as needed to manage feedback tracking, project documentation, and status.

Village staff will have direct access to view records and submit comments or tasks.

Dashboard elements may include:

- Permit number with geographic project location
- Resident complaints and resolutions (linked spatially)
- Stage-based tracking, color-coded for clarity:
 - Plan Review
 - Initial Centerline Layout Inspection
 - Construction
 - Restoration Inspection
 - Reinspection / Spot Inspection
 - Punch List
 - Final Approval
 - Field records summarized by permit area

ADJUST SUBMITTAL PROCESS WHEN NEEDED

Setting expectations with the permittee/contractor prior to commencement of the project is integral to its success. In our prior experience reviewing right-of-way permits for community-wide fiber installation projects, guidelines are the best way to keep the project on schedule while minimizing surprises.

Clark Dietz will be open to discussions with the Village and the permit applicants to fine tune intake and submittal requirements as the project progresses.

Task 2 describes an initial list of submittal requirement – however, these conditions may be adjusted to the needs to the Village and the expectations of the residents in living with the disruption of fiber installation.

There may also be additional changes needed to accommodate constraint on the contractor and permit applicant. Overall, Clark Dietz will come to the table with an open mind but hold firm in enforcing the letter and the intent of Ordinance 8.065.

TROUBLESHOOT ISSUES WITH PERMIT APPLICATIONS

In our experience, many permit submittals will be incomplete and some will ignore the established requirements. Clark Dietz is fully prepared to handle these issues and work with applicants to remedy the inconsistencies and incompleteness of submittals.

PROJECT APPROACH

As fiber projects accelerate across the region, **Clark Dietz is focused on this specialized municipal infrastructure**—bringing accountability, structure, and confidence to a type of project that **must be managed with a community’s needs in mind**, while maintaining a positive relationship with fiber installers.



We have some lessons learned on this matter – such as recognition of ‘systemic’ submittal deficiencies that must be addressed before we are too far into the project. An example of this type of deficiency is the use of the wrong scale, consistently not including necessary items on plans, or consistently not using the appropriate clearance or set back distances etc.

In our view, one of the most significant consequences of permit application issues will be the additional review costs that will be incurred by the applicant. In almost every case, the applicant will be completely “surprised” by these additional costs incurred and will demand immediate explanations. The explanations are not difficult, but the financial consequences might be.

We are prepared for such inquiry: we will work with the Village in setting up the appropriate amount of escrow or other financial tool to cover these somewhat expected overruns, in the event that they come to reality.

UPDATES ON RESPONSES TO COMPLAINTS

The tracking dashboard is proposed as a great tool for the maintenance of issue resolution documentation and updates on complaint resolution.

Clark Dietz proposes to implement a resident notification system that seeks to prevent most complaints. Stakeholder communication is essential to minimizing disruption and maintaining public confidence.

Clark Dietz recommends the following outreach milestones:

- **Initial Village-wide Mailer**
 - Distributed during plan review; includes QR code linking to the Village’s GIS.

- **Door Hangers by Permit Area**
 - Distributed at least 7 days prior to construction, including:
 - Schedule
 - Contractor and contact information
 - FAQs

1.2 SUMMARY OF SUBMITTALS/STAGES OF WORK

Clark Dietz is proposing to leverage and enhance the Village’s existing GIS tools, including Survey123, for project tracking purposes. We have used dashboard concepts on many occasions and have found that it helps in tracking resident and project participant inquiries enables the team to respond to and track resident inquiries during construction.

1.3 SET UP CALL LINE

DEDICATED PHONE NUMBER

Clark Dietz will create the toolset to track Emergency Contact and Communications.

- Establish a 24-hour emergency response contact for resident inquiries
- Develop a centralized email inbox linked to the GIS dashboard to ensure all correspondence is logged and traceable

FAQ

Clark Dietz will prepare a FAQ document that will be continuously maintained and updated as the project progresses. The FAQ document will be widely distributed and addressed to Village officials as well as residents.



TRACK RESIDENT COMPLAINTS

Ongoing Complaint Tracking will leverage the Village’s GIS tools, including Survey123 and associated tracking dashboards, as enhanced for this project.

- Field concerns logged and resolved through the dashboard
- Information provided to Village staff for GIS updates, including:
 - Project timeline and purpose
 - Updated schedules
 - FAQs
 - Contact information

1.4 PERMIT CLOSEOUT/REPORTS/RECORDS

PUNCH LIST

- Maintain a preliminary punch list during construction within the dashboard
- Coordinate formal punch list walkthroughs with Village staff for each permit area
- Coordinate punch list completion with the Contractor within 20 working days

FINAL WALKTHROUGH AND RECORD DRAWINGS

- Conduct final inspections with Village staff
- Update dashboard status to Final Approval
- Review Contractor-submitted record drawings (hardcopy and GIS formats)
- Cross-check as-builts against field-collected survey data

TASK 2 – REVIEW PERMITS / INSPECTIONS PER 8.065

2.1 REVIEW OVERALL NETWORK PLAN

APPROVAL OF OVERALL PLAN

We strongly recommend that the applicants be required to submit an OVERALL WORKPLAN. Review and approve the overall network vision, including the hub location, prior to individual permit submittals.

The review and approval of an overall vision of the network will help address anticipated conflicts with alignment, including the hub (starting point) prior to individual submittals.

The overall plan review will accomplish the early identification of:

- Alignment conflicts
- Non-public right-of-way segments
- Environmental or jurisdictional constraints ensures compliance with local requirements and minimizes redesign.

COORDINATE REVIEWS WITH VILLAGE STAFF

Conduct an initial review of fiber plans prior to the formal pre-construction meeting. Fiber plan detail varies significantly, and early alignment on expectations reduces downstream conflicts.

- Conduct a pre-application meeting with the applicants
- Provide formal guidance on plan content, level of detail, and conditions



Proven, Repeatable Municipal Fiber Program Mode: Clark Dietz is not developing this process from scratch. We are currently supporting multiple North Shore and Northern Illinois communities through similar scale fiber installations. Our approach is refined, field-tested, and scalable—reducing learning curves, preventing common pitfalls, and accelerating program startup for Germantown.

PERMIT APPLICATION WORKFLOW AND GUIDELINES

The following items are recommended before submittals begin. These can be adjusted based on the preferences of the Village, but it's important to address each item early on with all stakeholders.

For example, a reasonable submittal framework for the applicant could have the following set of requirements and expectations:

- Each submittal to consist of approximately 1 mile of fiber installation (8-10 pages, no more than 1"=60' scale half size, depending on congestion of the corridor). Anything deviating from this will warrant additional review times and fees.
- Establish escrow amount for collection of fees prior to review/inspection. This allows the Village to reduce even temporary expenditures of their taxpayer funds.
- Set expectations for the location of any structures (handholes), and requirements for the fiber network alignment (outside of pavement, rear yards, clearance from other utilities, etc.).
- Require hydro-excavation for any potholing necessary within Village right-of-way and notification to residents
- Determine a process for installation in rear yards and verification of existing easements (if applicable).
- Finalize process for review, request for inspections, and final approval (for locations in Village right-of-way and on private property).

2.2 REVIEW INDIVIDUAL WORK PLANS

COORDINATE PERMIT TRACKING

Tracking individual permits will be done through an online system built upon and integrated with the Village's existing GIS tools (including Survey123), with enhancements added as necessary. The system leverages an automatic notification process for each request by sending an email to Clark Dietz and the Village. This process of direct input by the permittee/contractor to request each of the 4 Stages of the project (Plan Review, Initial Centerline (CL) Inspection, Final Inspection, or Reinspection) would allow better clarity and organization and improve efficiency of communication.

This Task will help to minimize the shuffling of paperwork, scanning documents, and inconsistencies during submittal intake.

- There is a potential to create additional functionality in addition to the Village's current GIS tools.

PROJECT APPROACH

Unlike traditional spreadsheet-based tracking, we'll use the Village's GIS tools to provide spatial permit tracking, stage-based color coding, resident complaint linkage, photo documentation, and a full “**who-what-when**” accountability chain. This creates transparency for Village staff, improves response time, and provides defensible documentation aligned with Section 8.065 requirements. **This is real-time accountability, not just a permit-log.**

REVIEW EACH SUBMITTAL FOR 8.065 COMPLIANCE

In order to clearly demonstrate compliance with Section 8.065, Clark Dietz will create a form that mimics the contents of that section for use by the applicants. In our experience, having a stand-alone document that contains all of the requirements of the ordinance is a great resource, both for the review agent and the applicant.

In the past, we have transformed stormwater ordinances into a stormwater management plan approval application, the erosion control ordinance into an erosion control permit application, etc. The ordinance in fact refers to an application form, which may be available already. The ordinance also refers to the “required attachments,” in other words, many of the items we would expect to use are already in place, though may also need some tweaks and updates to clarify the intent of the Village.

The application form will essentially “bridge” the ordinance requirements with the engineering review, and thereby offer a comprehensive tool that satisfies the intent of the ordinance and the practicalities of construction.

Here's the excerpt from the ordinance regarding permit applications:

EXCAVATION PERMIT APPLICATION. Application for a permit shall be made to the Department. Permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

- 1) Registration with the Department if required by this chapter;*
- 2) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all existing and proposed facilities;*
- 3) Payment of all money due to the Village for:
 - a. Applicable permit fees and costs as set forth below;*
 - b. Subject to section e., unpaid fees or costs due for prior excavations; or*
 - c. Subject to section e., any loss, damage, or expense suffered by the Village because of applicant's prior excavations of the rights-of-way or any emergency actions taken by the Village.*
 - d. When an excavation permit is requested for purposes of installing additional facilities, and the posting of a restoration bond for the additional facilities is insufficient, the posting of an additional or larger restoration bond for the additional facilities may be required.*
 - e. The Department shall not deny a registrant an excavation permit because of a dispute between the Village and the registrant, related to subsections b. and/or c. if the dispute has been adjudicated in favor of the registrant or if the dispute is the subject of an appeal filed by the registrant and no decision in the matter has at yet been rendered.**

PROJECT APPROACH

Clark Dietz transforms ordinance language into functional application tools and review checklists that help applicants achieve compliance the first time. By creating structured intake forms and clear submittal standards, we reduce rework, minimize disputes over fees, and protect Village resources.



UNDERSTAND SCOPE OF WORK FOR EACH SUBMITTAL

Part of the requirement of an overall plan is to understand where in the network at any given permit application fits – in other words, our understanding and access of the overall plan helps in positioning any given permit application within the overall network.

And understanding the position of a permit application within the network gives us and the Village and understanding of the constraints that the segment may create or solve as part of the overall network.

For example, a less-than-optimal location of a hub (or ring) may affect connecting network links to the hub to potential space or alignment constraints.

At Clark Dietz, we have developed an understanding of fitting each component of a network in the overall system and predict potential pitfalls.

SET LOCATION AND ALIGNMENT EXPECTATIONS

Clark Dietz will assist the Village in establishing clear program-wide guidelines, including:

- **Submittal Criteria**
 - Maximum plan scale requirements
 - Identification of all existing utilities
 - Recommendation that all permit areas be submitted concurrently, when feasible, to avoid connectivity conflicts
- **GIS Data Requirements**
 - Require submittal of proposed fiber linework in GIS format
 - Integrate approved alignments into the project dashboard to support inspections and coordination
- **Aboveground Infrastructure Standards**
 - Locations and placement requirements
 - Clearance from existing utilities
- **Fiber Conduit Depth**
 - Preferred depth: 24–36 inches
 - Balance shallow installation (utility avoidance) with long-term Village maintenance needs (e.g., sidewalks)
- **Agency Coordination**
 - Address permit requirements with WisDOT, Washington County DOT, WDNR, and other agencies as applicable
- **Escrow Consideration**
 - Assistance in establishing an escrow account for review and inspection fees to reduce any use of Village funds

COORDINATE INSTALLS/EXCAVATIONS IN PUBLIC ROW

Clark Dietz will require that the contractor/applicant perform hydro-excavation for any potholing necessary within Village right-of-way and notification to residents. This will greatly reduce disturbance to both the public realm and affected private properties.



COORDINATE INSTALLS/EXCAVATIONS OUTSIDE OF PUBLIC ROW

Outside of the public ROW, Clark Dietz believes that the installations in private property are tightly defined and prescribed by the applicant.

We will require that the contractor determine and present for approval a process for installation on private property and verification of existing easements.

FINAL APPROVALS AND INSPECTION NEEDS

Before the permit intake process is started, Clark Dietz will work with Village staff to create a clear submittal requirements document for the applicants. The workflow we envision as a deliverable for this work is as follows:

- **Stage 1:** Plans and application are submitted for review:
 - Enter/confirm plan location, documents, and application into the GIS database
 - Verify presence of existing easement (rear yard installation)
 - Draw schematic location of centerline alignment (based on plan)
 - Notify contractor of comments/revisions or approval of plan
- **Stage 2:** Centerline alignment is staked in the field and utilities located:
 - Conduct preliminary field inspection to ensure location matches approved plans
 - Track photos, comments, and create a field report in the GIS database
 - Notify contractor of comments/revisions or approval of centerline
- **Stage 3:** Installation and restoration is complete:
 - Conduct final field inspection
 - Track photos, comments, and create a field report in the GIS database
 - Notify contractor of comments/punchlist items or final approval
- **Stage 4:** Re-Inspections requested by Village or necessary for follow-up of comments:
 - Conduct additional field inspection
 - Track photos, comments, and create a field report in the GIS database
 - Determine next steps (if any) or resolution and notify contractor and Village

ARCGIS SURVEY 123 UPDATES

We will work with the Village to leverage its Survey 123 system to keep track of the project.

- Each time the permit application moves through the intake-review-comment-approval-construction-verification workflow, the Online dashboard is updated, and accountability chain is recorded.
- Each time a complaint is filed, and response-action-resolution workflow is implemented, the Online Dashboard is updated, and accountability chain is recorded.

Our GIS Specialist will be available for troubleshooting and modifications as necessary during ongoing maintenance of the dashboard and corresponding database throughout the life of the project.

Note: “accountability chain” refers to the recording of “who, what, when” for responses to permit movements or complaint resolution.

Proactive Resident Communication:

Fiber installation is highly visible and disruptive. Our layered communication strategy—**Village-wide mailers, door hangers, 24-hour call line, centralized email logging, and live dashboard tracking**—prevents most complaints before they occur and provides defensible documentation when issues arise. This protects public trust while minimizing staff time spent responding to escalations.

TRACK SUBMITTALS, REVIEWS, INSTALLS, INSPECTIONS

We will use the Village’s GIS tools to track the fiber installation. Our specialists may offer enhancements for existing tools to elevate the functionality of existing tools.

This is a completely customized setup to fit the needs of the Village, including custom summaries, ability to submit feedback and detailed daily activities.

Permit applications and status tracking will be accomplished through an enhanced version of the Villages Survey 123 tool described above.

The dashboard will offer Stage-based tracking, color-coded for clarity:

- Permit number with geographic “project” location established for each submittal
- Tracking of Stage (color coded for easy visual navigation) with database information captured for each stage:
 - Stage 1: Plan Review
 - Reviewer
 - Comments/Next Steps
 - Approval Date
 - Stage 2: Initial CL Inspection
 - Inspector
 - Photos
 - Comments/Next Steps
 - Approval Date
 - Stage 3: Final Inspection
 - Inspector
 - Photos
 - Comments/Next Steps
 - Approval Date
 - Stage 4: Reinspection/Spot Inspection (as needed or requested)
 - Inspector
 - Photos
 - Comments/Next Steps
 - Final Approval Date
- Resident complaints and resolutions (linked to permit number location)
- Summary section of # of submittals in each Stage and linear footage

2.3 WEEKLY REPORTS

The proposed Project dashboard will have the capability to produce weekly (or any other frequency) reports for distribution. The distribution may be internal project participants or to a wider audience as directed by the Village staff.

PROJECT APPROACH

TASK 3 – INSPECTION SERVICES

The Construction phase services consist of the following main elements:

- Pre-construction photos and video
- Daily field reports integrated into ArcGIS Online, including:
- Work activities
- Field notes
- GIS-based photos and survey shots
- Resident outreach and resolutions

3.1 CENTERLINE LAYOUT VERIFICATION

- Require Contractor to stake or paint the proposed centerline prior to construction
- Clark Dietz will verify alignment against approved plans and confirm JULIE locates
- Recommend a pre-application meeting with JULIE due to current locate delays

3.2 INSTALLATION AND RESTORATION VERIFICATION

- Conduct final field inspection
- Track photos, comments, and create a field report in the GIS database
- Notify contractor of comments/punchlist items or final approval

3.3 RE-INSPECTIONS IF NEEDED OR REQUIRED

Re-Inspections requested by Village or necessary for follow-up of comments:

- Conduct additional field inspection
- Track photos, comments, and create a field report in the GIS database
- Determine next steps (if any) or resolution and notify contractor and Village

PROFESSIONAL FEES AND INVOICE DETAILS

As you know, the devil in computing the fee is in the details. For this purpose, we are assuming that the limits and rules set for permit applications and submittals will roughly follow the example given in the above referenced **PERMIT APPLICATION WORKFLOW AND GUIDELINES**.

Under this scenario, we would expect to receive and process about 100 permit applications (each for about a mile of installation).

Task 1: Project Administration (2 yrs)	400 hours	\$80,000
Task 2: Track and Review 100 Permits (1 Review Per Permit)	1,000 hours	\$140,000
Task 3: Inspection Services (2 Field Visits Per Permit)	1,000 hours	\$140,000
TOTAL:	2,400 hours	\$360,000

For a 100-mile fiber installation, broken into 100 separate submittals, the above fee structure can be presented as:

- 20 hours of review and inspections per 1 mile submittal.
- \$2,800 in professional fees for review and inspections per 1 mile submittal.
- We are anticipating that the hours and fee breakdown between review and inspection will be 50-50.
- The above numbers do not include potential additional expenses for re-inspections, violations of permit conditions, or submittals that require additional revisions due to incomplete materials etc.

Once an overall plan is discussed and approved, submittal limitations and process are established, work will be conducted with a mix of the staff below, as necessary.

Assigned Staff and Rates

Project Manager	Emily Basalla	\$255/hr
GIS Specialist	Devin Carlson	\$175/hr
Reviews	Andy Ashley	\$180/hr
	Tania Tkatchuk	\$140/hr
Inspections	Steve Wlahovich	\$180/hr
	Tania Tkatchuk	\$140/hr
	Jake Westall	\$135/hr

Monthly invoices to the Village will be formatted exactly in the three categories listed above and will include permit number and location.

PROJECT APPROACH

GIS EXPERIENCE & SOLUTIONS

Clark Dietz recognizes GIS as an integral and rapidly evolving technology. Our team is committed to leveraging its potential to enhance our services. Guided by our values of flexibility, community, and trust, we design solutions that combine process improvement principles with geospatial technology. We balance infrastructure needs with economic pressures, ensuring that our solutions are not only effective, but also aligned to the unique needs of our clients and the communities we serve.

In the ever-evolving landscape of Construction Management, our team recognized a growing challenge: traditional inspection processes were often time-consuming, prone to errors, and lacked the ability to capture real-time data. To address these issues, we developed a GIS-based Construction Inspection Solution that streamlines inspection workflows and project management.

Our Construction Inspection Solution was developed with the needs of Field Inspectors, Project Managers, and our Clients in mind. Central to this solution is our ArcGIS based inspection app, which empowers inspectors to collect data and project photos directly from the field using mobile devices. This data is instantly uploaded to a cloud-based, centralized database, eliminating the need for cumbersome paper forms and reducing the risk of errors.

While GIS platforms are not new to the Engineering industry, Clark Dietz has developed a way to give up-to-date information to our Clients in real time.

Our construction site observers enter the data into their smartphone or tablet, and the customized dashboard populates for both the project/construction manager and client to access.

This information includes:

- Resident contacts (time of call, name, address, inquiry, date of resolution, and needed follow-up);
- Field data input information (similar to field book with weather, conditions, challenges, and workings of the day);
- Quantity tracking (both preliminary and final at the end of the field day);
- Project photos (including geolocated location and direction of each photo);
- Reporting options, such as weekly progress reports.



Our GIS solution can be fully customizable to the needs and desires of the Client. Additionally, once this information is housed in the GIS, cloud-based database, certain information can be posted for the public to see as well such as phase maps for a project, anticipated start of construction, updates, contact information, and so much more.



Why GIS

Fiber installation infrastructure projects require tracking information on a parcel-by-parcel basis. With GIS, data tracking includes quantities, photos, and resident inquiries, and engineering coordination.

Managing this complexity with GIS allows for **clear communication** among the Village, contractor, consultant, and public, now and into the future.

How We Use It

Our GIS-integrated inspection system enables real-time field data collection, parcel-based documentation, custom dashboards for staff updates, and streamlined reporting and regulatory compliance.

Field-Ready Tools

We tailor GIS solutions for construction inspection, utility asset management, and communication, using mobile tools designed with **inspectors, engineers, and municipal staff** in mind.

The Result

A structured, location-based platform that supports accurate documentation, improved public transparency, faster project delivery, and smarter infrastructure decisions.

Explore More

Scan the QR code to explore our GIS StoryMap.



TEAM ORGANIZATION*



CLIENT LIAISON

Mustafa Emir, PhD, PE
MILWAUKEE OFFICE



PROJECT MANAGER

Emily Basalla, PE, CFM
MILWAUKEE OFFICE

***OUR MILWAUKEE OFFICE IS
LESS THAN 20 MILES FROM
GERMANTOWN**



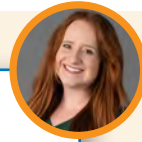
GIS SPECIALIST

*Program Manager/
GIS Specialist*
Devin Carlson, GISP
KENOSHA OFFICE



Plan Reviewer
Andy Ashley, PE
MILWAUKEE OFFICE

PLAN REVIEW



*Plan Reviewer/
Field Observer*
Tania Tkatchuk, EIT
MILWAUKEE OFFICE

INSPECTION



Construction Oversight
Steve Wlahovich
MILWAUKEE OFFICE



Field Observer
Jake Westall
MILWAUKEE OFFICE

TEAM RESUMES



EMILY BASALLA, PE, CFM
PROJECT MANAGER
CLARK DIETZ

Emily Basalla is a senior project manager with more than 20 years of experience in municipal, environmental, and civil engineering, with deep expertise in stormwater management and permitting. Her experience includes storm sewer and drainage design, roadway and pavement projects, water main relocations, sanitary sewer systems, and wastewater processes. Emily is a Certified Floodplain Manager and regularly supports communities with floodplain mapping, regulatory compliance, and flood risk reduction strategies.

Emily is particularly valued for her leadership in municipal permitting and developer review services. She is highly experienced with NPDES, state, and local permitting processes and serves as a trusted on-call reviewer for multiple municipalities, handling stormwater design, grading and drainage, floodplain impacts, and hydrologic and hydraulic analyses. Her balanced approach protects neighborhood integrity while supporting responsible development, ensuring municipalities receive technically sound, defensible reviews that stand up to regulatory and public scrutiny.

- ▶ Gurnee Fiber Management, Gurnee, IL
- ▶ Glendale Fiber Management, Glendale, WI
- ▶ Elmhurst Fiber Design & Management, Elmhurst, IL
- ▶ Village Engineering, Green Oaks, IL
- ▶ Village Engineering Services, Bayside, WI
- ▶ Scott Street Basin Design, Franklin Park, IL
- ▶ Stormwater Quality Initiative, Glendale, WI
- ▶ City Engineering Services, Glendale, WI
- ▶ Village Staff Eng. Services, Harwood Heights, IL
- ▶ Village Engineering, Shorewood, WI
- ▶ Village Engineering Services, River Hills, WI
- ▶ Village Staff Eng. Services, Franklin Park, IL

EXPERIENCE

22 Years

EDUCATION

BS, Civil Engineering, Univ. of Missouri Columbia

REGISTRATIONS

PE, WI, E-41026
PE, MI, 6201313671
PE, IN, 12100316
ASFP/MCFM, MST, US-17-09577
PE, IL, 062.061744

ADDITIONAL TRAINING

Using Hec-Ras to Model Bridges, Culverts and Floodplains, University of WI - Madison
BMP-LID Design with EPA-SWMM, IAFSM
WinSLAMM for Urban Stormwater Quality Management, NASECA
Wisconsin
Designing Bio/Infiltration BMPs for Stormwater Quality Improvement, University of WI-Madison
XP-SWMM Training, XP

Emily Says...

“Large-scale fiber installations are not traditional construction projects, and they shouldn’t be managed like them.

They are utility programs that touch nearly every neighborhood, every right-of-way condition, and every municipal department at once. **The difference between a smooth program and a community headache is proactive inspection, clear expectations, and constant coordination.**

Clark Dietz is already navigating this exact challenge for fiber installations

in communities like Gurnee and Warren Township, where we serve as the City’s extension, coordinating with contractors, managing resident concerns, protecting municipal infrastructure, and documenting every step through **GIS-based tracking and reporting.** We understand how quickly issues can escalate if they are not addressed in real time, particularly related to right-of-way restoration, erosion control, and utility conflicts.

For Germantown, our focus is simple: be present in the field, **responsive** to residents, and **accountable** to the Village. Our inspection approach is *structured, repeatable, and proven*, aiding efficiency of the fiber network installation while the character, infrastructure, and standards of the community are protected throughout construction and long after the work is complete.”

TEAM RESUMES



DEVIN CARLSON, GISP
PROGRAM MANAGER/
GIS SPECIALIST
CLARK DIETZ

Devin Carlson is a Certified GIS Professional and Clark Dietz GIS Specialist with more than 15 years of experience supporting municipal infrastructure programs. Her expertise includes GIS-based asset management, potable water and sanitary sewer systems, field data collection, and utility mapping. Devin has developed and maintained GIS platforms that help municipalities better understand, manage, and plan for their infrastructure investments.

Devin plays a key leadership role in integrating GIS with stormwater, water, and sewer programs. Her experience includes stormwater quality modeling support, erosion control enforcement mapping, utility inspections, and coordination with county and state agencies. By leveraging GIS to link inspection data, CCTV footage, and maintenance records, Devin provides municipalities with actionable information that improves decision-making, transparency, and long-term system performance.

- ▶ Gurnee Fiber Management, Gurnee, IL
- ▶ Glendale Fiber Management, Glendale, WI
- ▶ Elmhurst Fiber Design & Management, Elmhurst, IL
- ▶ Village Engineering, Green Oaks, IL
- ▶ City Engineering Services, Glendale, WI
- ▶ Village Engineering Services, Bayside, WI
- ▶ Village Engineering, River Hills, WI
- ▶ Village Engineering, Random Lake, WI
- ▶ Municipal Engineering Services, Kenosha, WI
- ▶ Erosion Control Enforcement, Glendale, WI
- ▶ Engineering Services, Whitefish Bay, WI
- ▶ General Engineering, Elmhurst, IL
- ▶ Village Engineering, Brown Deer, WI

EXPERIENCE

15 Years

EDUCATION

AS, Civil Engineering, Fresh Water Resources, Gateway Technical College
AS, Architectural Structural Engineering, Gateway Technical College
BA, Environmental Science, Carthage College
MS, Cartography & GIS, University of Wisconsin - Madison

ADDITIONAL TRAINING

Certified GIS Professional
WinSLAMM for Urban Stormwater Quality Management
ESRI Training - Going Places with Spatial Analysis
ESRI Training - Field Data Collection and Management Using ArcGIS
Esri Training - Cartography



ANDREW ASHLEY, PE
PLAN REVIEWER
CLARK DIETZ

Andy Ashley is a civil engineer with broad municipal planning, design, and construction observation experience that supports effective plan review and inspection for infrastructure projects. His background includes street, sanitary sewer, and stormwater design; surveying; hydrologic and hydraulic modeling; water main replacement; and construction management, with regular involvement in reviewing plans for constructability and compliance with municipal standards. Andy serves as a trusted municipal engineer to multiple communities, acting as the primary consultant for roadway rehabilitation and traffic engineering in Whitefish Bay and leading annual water main replacement programs in Glendale that replace more than 7,000 feet of pipe per year. His experience also includes roadway resurfacing and reconstruction design, traffic studies, bidding support, and incorporation of green infrastructure and sustainable design elements. In addition, Andy assists municipalities with grant identification and application development and supports park and trail planning efforts that reflect local conditions and community priorities.

- ▶ Gurnee Fiber Management, Gurnee, IL
- ▶ Glendale Fiber Management, Glendale, WI
- ▶ Elmhurst Fiber Design & Management, Elmhurst, IL
- ▶ City of Glendale, 2021 Resurfacing Construction, Glendale, WI
- ▶ 2015 Stormwater Plan Review, New Albany, IN
- ▶ Alley Construction, Glendale, WI
- ▶ Brown Deer 2023 Permit Review Services, Brown Deer, WI
- ▶ Old Grand Ave Water Main, Gurnee, IL
- ▶ 2022 City Engineering, Glendale, WI
- ▶ Bayside 2024 Village Engineering, Bayside, WI
- ▶ Village Engineering, Whitefish Bay, WI
- ▶ General Engineering Services, Shorewood, WI
- ▶ 2022 Village Engineering Services, River Hills, WI
- ▶ General Engineering Services, Pleasant Prairie, WI

EXPERIENCE

14 Years

EDUCATION

BS, Civil Engineering, University of Wisconsin Milwaukee

REGISTRATIONS

PE, IL, 062.070457
PE, WI, 45780-6

AFFILIATIONS

American Public Works Association

TEAM RESUMES



STEVEN WLAHOVICH
CONSTRUCTION OVERSIGHT
CLARK DIETZ

Steven is a seasoned Construction Inspector with more than 20 years of field experience. His experience includes managing daily field operations of public infrastructure projects including water main, sanitary, storm sewer, and roadway construction. He completes detailed documentation of daily field operations (IDR's), measure and document job quantities, plan review, implementation of job specifications and local governing specifications, implementing soil erosion/soil control procedures, project estimating, preparing bidding documents and progress payments for various projects, survey and layout, preparing record drawings, and on the job problem solving.

As a former Construction Manager for the Village of Pleasant Prairie, Steven managed the Construction Management department operations, budgeting, and field staff. Steven had full oversight of Village projects related to Public Infrastructure: survey, design, estimating, bidding documents, contract administration, permitting, and specification documents. Other responsibilities included management of GPS Village assets, plan reviews, job specification review and local governing specification review, traffic control plan review, and job safety review, right-of-way inspection and permitting, and implementation of soil erosion/soil control procedures.

- ▶ Kenosha Water Utility, Redevelopment Block I Inspection, Kenosha, WI
- ▶ Annual Sidewalk and C&G Inspection, Kenosha, WI
- ▶ Vel R. Phillips Plaza Construction Inspection Services, Milwaukee, WI
- ▶ Maple Fields Site Development Phase 2, Construction Inspection, Jackson, WI
- ▶ PPII Sump Collection Inspection, Franklin, WI
- ▶ Lake County Public Works, Oak Terrace Wellhouse Construction Services, Lake County, IL
- ▶ East Side Sewer Construction, Bayside, WI
- ▶ Resurfacing Construction, Glendale, WI
- ▶ Glencoe Sewer Construction Services, Bayside, WI

EXPERIENCE

24 Years

ADDITIONAL TRAINING

Medium Diameter Pipe
Fusion Certified

EDUCATION

AAS, Civil Engineering
Technician-Highway, Gateway
Technical College



TANIA TKACHUK, EIT
FIELD OBSERVER
CLARK DIETZ

Tania is a civil engineer with an emphasis in structural engineering and extensive experience in construction inspection for municipal infrastructure projects. She has served as a construction inspector on a wide range of public works projects, including water main installations, paving, sidewalks and ramps, parking structures, demolition, and reservoir upgrades. Tania is trained in erosion control through NASECA and has inspected projects funded by agencies such as MMSD, including Regenerative Stormwater Conveyance (RSC) and Green Alley improvements.

She is experienced in monitoring contractor compliance, maintaining thorough documentation, and coordinating with residents, contractors, and municipal stakeholders to keep projects on schedule and minimize community disruption. Her professional and approachable demeanor helps maintain clear communication throughout construction.

In addition to her inspection work, Tania is proficient in AutoCAD, Civil 3D, ArcGIS Pro, Survey123, and Bluebeam, allowing her to efficiently review plans, track field changes, and support accurate project recordkeeping. Her combined field and design experience brings a practical, detail-oriented approach to infrastructure inspection projects.

- ▶ Port Washington & Jean Nicolet Water Sewer Construction Inspection, Glendale, WI
- ▶ Lateral Replacement Inspection, Glendale, WI
- ▶ Annual Sidewalk and C&G Inspection, Kenosha, WI
- ▶ Komatsu Mining Parking Lot Inspection, Oak Creek, WI
- ▶ Vel R. Phillips Plaza Construction Inspection Services, Milwaukee, WI
- ▶ Lead Service Line Replacement Program Construction Inspection Services, Milwaukee, WI
- ▶ Sump Collection Inspection, Franklin, WI
- ▶ Rosenow Creek Trail Construction Inspection, Oconomowoc, WI

EXPERIENCE

9 Years

EDUCATION

BS, Civil Engineering, Univ. of
Wisconsin Platteville

REGISTRATIONS

EIT, WI, 514139-500

ADDITIONAL TRAINING

Naseca, Construction Site
Erosion Control & Stormwater
Permit Compliance Training

WinSLAMM for Urban
Stormwater Quality
Management

TEAM RESUMES



JAKE WESTALL
FIELD OBSERVER
CLARK DIETZ

Jacob (Jake) Westall is an Environmental Engineer with Clark Dietz, supporting municipal infrastructure and construction projects throughout Wisconsin and Illinois. A December 2024 graduate of the University of Wisconsin–Milwaukee with a Bachelor of Science in Environmental Engineering, Jake brings strong technical skills in GIS, AutoCAD, and hydraulic modeling, along with hands-on experience in roadway, sidewalk, storm sewer, and watermain improvement projects. His Clark Dietz project experience, led by high-hour involvement on major construction assignments such as the City of Kenosha 38th Street Construction project and the City of Glendale 2024 ARPA Sidewalk Construction program, reflects substantial participation in active construction environments and coordination with municipal stakeholders.

Jake’s background includes construction-phase support, field coordination, inspection assistance, and contractor communication. His prior field and GIS experience with the Milwaukee Metropolitan Sewerage District further strengthened his inspection, documentation, and utility coordination capabilities.

- ▶ 38th Street Construction, Kenosha, WI
- ▶ 2024 ARPA Sidewalk Construction, Glendale, WI
- ▶ 2024 Emergency Storm Sewer Improvements, Whitefish Bay, WI
- ▶ 2024 Alley Construction, Glendale, WI
- ▶ 38th Street Construction, Kenosha County, WI
- ▶ 2024 Resurfacing Construction, Glendale, WI
- ▶ Glen Flora Avenue Construction, Gurnee, IL
- ▶ East Side Sewer Construction, Bayside, WI
- ▶ Construction Inspection, Oconomowoc, WI
- ▶ Watermain Design, Elmhurst, IL
- ▶ 2026 Watermain and Road Design, Glendale, WI
- ▶ Sewer Lateral Digitization, Milwaukee, WI

EXPERIENCE

1 Year

EDUCATION

BS, Environmental Engineering, University of Wisconsin Milwaukee

ADDITIONAL TRAINING

Medium Diameter Pipe
Fusion Certified

Our Milwaukee-based team, less than 20 miles from Germantown, combines senior municipal permitting leadership, dedicated GIS expertise, and experienced construction inspectors.

Our strategy pairs ordinance-level review expertise with real-time, parcel-based inspection tracking.

The result is a field-tested, accountable program model that protects Village infrastructure, minimizes staff burden, and maintains public trust from permit intake through final restoration.

Our decades of public infrastructure experience will provide Germantown with responsive, defensible information through the project lifecycle.

PROJECT EXPERIENCE



FIBER INSTALLATION/INSPECTION PROJECTS

City-Wide Fiber Optic Installation

City of Elmhurst, IL

Clark Dietz designed and provided construction oversight for 12 miles of fiber optic cable throughout the City of Elmhurst. Clark Dietz was responsible for permitting the length of the fiber through City owned properties and right of way, IDOT roadways, Illinois Prairie Path crossings, and creek crossings. A majority of the fiber was installed in residential areas which required heavy coordination with the City and residents. The work required potholing of all utility crossings, including all water and gas services, installation of fiber handholes, directional drilling of 2" conduit with tracer wire, pulling fiber, and fiber terminations and connections to various facilities. Weekly map updates were delivered to residents detailing where crews would be and what to expect along with City website updates throughout the project. **We developed a GIS dashboard for monitoring installation locations and documenting photos of the work, including before, during, and restoration which streamlined our ability to respond to resident questions and concerns.**

Village of Gurnee Fiber Management Program

Village of Gurnee, Illinois

The Village of Gurnee reached out to Clark Dietz for assistance regarding the management of a community-wide fiber installation project. **Clark Dietz and the Village worked together to develop a construction monitoring dashboard, brainstorming and customizing ways to organize the permit review submittals, comments, project stage and overall mapping for easy access by Village staff.** Clark Dietz established permit requirements, service request processes, and created standard permit applications and restoration specifications for fiber optic installation permitting. Services include plan reviews for conflicts with existing utilities, restoration requirements, and construction inspections for alignment and restoration.

Warren Township Highway Department (WTHD) Fiber Management Program

Warren Township, Lake County, Illinois

Clark Dietz is currently assisting the WTHD with fiber company coordination. Two different fiber companies have applied for permits for community-wide fiber optic in northern Illinois. Being a small township entity, WTHD reached out to Clark Dietz to help develop a right-of-way permit application, set permit requirements for plan submittals, provide recommendations on escrow and insurance limits, and work to file a Master License Agreement with each company. **Clark Dietz led a process expectation meeting with the WTHD and two fiber companies, is currently reviewing submittals, providing comments, ensuring permits from other agencies are being received, and handling part-time construction inspection and restoration expectations.**



PROJECT EXPERIENCE



RIGHT OF WAY (ROW) PERMIT REVIEW PROJECTS

Right-of-Way Permit & Development Review Services

Village of Green Oaks, Illinois

Clark Dietz provides right-of-way permit review and development review services for the Village of Green Oaks as part of our role as Village Engineer. Clark Dietz reviews ROW permit applications and associated plans for compliance with Village ordinances, floodplain and stormwater requirements, erosion control standards, and accepted engineering practices. Reviews are coordinated with Village staff and outside agencies as needed to ensure consistency and timely approvals.

During construction, Clark Dietz provides inspection oversight within the public right-of-way to verify compliance with approved permits and standards, while maintaining clear documentation and communication through project closeout.

Right-of-Way Permit Review & Construction Coordination

City of Glendale, Wisconsin

Clark Dietz performs right-of-way permit review services for the City of Glendale, supporting development and utility projects within the public right-of-way. Services include review of permit applications, construction plans, and supporting documentation for compliance with municipal codes, stormwater and erosion control requirements, and infrastructure standards. **Clark Dietz coordinates closely with City staff, contractors, and utility providers to address conflicts, clarify requirements, and expedite reviews.** Construction inspections are conducted as needed to confirm permitted work is installed in accordance with approved plans, protecting City infrastructure and minimizing impacts to residents and traffic.

Right-of-Way Permit & Engineering Review Services

Village of Bayside, Wisconsin

Clark Dietz assists the Village of Bayside with right-of-way permit reviews for public and private projects, ensuring proposed work complies with Village ordinances and engineering standards. Reviews include evaluation of roadway, grading, drainage, utility, and restoration details within the public right-of-way, with particular sensitivity to established residential neighborhoods. **Clark Dietz provides clear review comments and works directly with applicants and Village staff to resolve issues efficiently.** When construction occurs, Clark Dietz supports compliance through field coordination and inspection, helping ensure safe, orderly, and properly restored rights-of-way.

Right-of-Way Permit Review & Compliance Oversight

Village of Brown Deer, Wisconsin

Clark Dietz provides right-of-way permit review services for the Village of Brown Deer, supporting development, utility, and infrastructure projects within the public right-of-way. Clark Dietz reviews permit submittals for compliance with municipal codes, subdivision and zoning requirements, stormwater and erosion control standards, and accepted engineering practices. **Our staff coordinates reviews with Village departments and utility providers to identify conflicts early and maintain efficient permit processing.** Construction activities within the right-of-way are monitored as needed to verify compliance with approved permits and restoration requirements.

Right-of-Way Permit Review & Neighborhood-Focused Coordination

Village of Whitefish Bay, Wisconsin

Clark Dietz provides right-of-way permit review services for the Village of Whitefish Bay, supporting development and utility work within a highly developed and neighborhood-focused community. **Clark Dietz reviews ROW permit applications and associated engineering plans for compliance with Village ordinances, stormwater and erosion control requirements, and infrastructure standards, with careful attention to constructability and neighborhood impacts.** Our team coordinates closely with Village staff, contractors, and residents to clearly communicate requirements and expectations. When construction occurs, Clark Dietz supports the Village through field coordination and inspection to ensure permitted work is completed properly and public rights-of-way are restored in accordance with Village standards.

PROJECT EXPERIENCE



EROSION CONTROL PROJECTS

Erosion Control Plan Review & Inspection Services

Village of Green Oaks, Illinois

Clark Dietz serves as the Village Engineer and Erosion Control Enforcement Officer for the Village of Green Oaks, providing erosion control plan review, permitting support, and construction-phase inspections for public and private projects. Clark Dietz reviews development applications for compliance with local ordinances and Lake County Watershed Development Ordinance requirements, coordinates reviews with Village staff and outside agencies, and conducts routine and follow-up site inspections to identify deficiencies and protect downstream resources. Inspection findings are documented and communicated to permit holders and Village staff, and corrective actions are tracked through project closeout. **This structured, responsive approach allows the Village to maintain consistent ordinance enforcement while minimizing construction impacts to residents and natural resources.**

Erosion Control Inspection & Ordinance Administration

City of Glendale, Wisconsin

Clark Dietz provides erosion control inspection services for the City of Glendale, administering the City's erosion control ordinance and enforcing compliance with WDNR and NPDES construction site requirements. Services include review of erosion control plans prior to permit issuance and routine inspections of active construction sites, including projects one acre or greater, conducted at frequencies required by NPDES permits. **Clark Dietz documents site conditions, identifies non-compliance or potential threats to waters of the state, and works directly with contractors and City staff to ensure timely corrective action.** Inspection records are maintained and shared with the City to support enforcement, compliance tracking, and reporting.

Municipal Erosion Control Review & Construction Oversight

Village of Bayside, Wisconsin

Clark Dietz assists the Village of Bayside with erosion control plan review and construction-phase inspection services for development and infrastructure projects. Clark Dietz evaluates erosion control and grading plans for ordinance compliance and constructability, then performs field inspections to verify proper installation and maintenance of approved best management practices, particularly within public rights-of-way and established residential areas. **Deficiencies are communicated directly to contractors and Village staff, with corrective actions tracked to resolution.** This proactive inspection and coordination approach supports Bayside's development goals while protecting adjacent properties and environmental resources.

Erosion Control Permitting & Inspection Services

Village of Brown Deer, Wisconsin

Clark Dietz provides erosion control permitting support and inspection services for the Village of Brown Deer, assisting with plan review, permit administration, and construction-phase compliance monitoring. Erosion control plans are reviewed for adherence to Village ordinances and applicable regulatory standards, followed by routine site inspections to verify implementation and maintenance of approved measures. **Clark Dietz documents inspection findings, coordinates corrective actions with contractors and Village staff, and maintains organized permit and inspection records through project closeout.** This approach helps the Village manage construction activity efficiently while safeguarding public infrastructure and waterways.

PROJECT EXPERIENCE



CONSTRUCTION INSPECTION PROJECTS

Vel R. Phillips Plaza Construction Inspection Services

City of Milwaukee, Wisconsin

Clark Dietz is providing construction inspection and oversight services for the City of Milwaukee's \$15 million Vel R. Phillips Plaza development at 401 West Wisconsin Avenue, a 30,000-square-foot civic space honoring the legacy of civil rights leader Vel R. Phillips and designed to serve as a gateway gathering place in the Westtown district. The project includes a 2,900-square-foot food and beverage tenant space, landscaped public plaza areas, integration with the MCTS East-West Bus Rapid Transit (BRT), and provisions for a future Milwaukee Streetcar extension. **During construction, Clark Dietz identified a modified design approach that significantly reduced the volume of contaminated soil requiring off-site disposal, saving the City more than \$500,000 while maintaining project quality and schedule.** In partnership with Ellis Engineering and Construction Management Services (EECMS), our team has provided full-time inspection, pay quantity oversight, budget management, documentation, and coordination to address unforeseen site conditions, expedite permitting, and support successful delivery of this highly visible public project.

Watermain Construction Administration

City of Elmhurst, Illinois

Clark Dietz provided construction administration and inspection services for the City of Elmhurst's 2022 Water Main Improvements Project, which included the replacement of approximately 3,500 linear feet of water main along IL-83 and Fellows Court and was completed in 2024. Our team oversaw construction activities within the State Highway 83 right-of-way, ensuring contractor compliance with project specifications, schedules, and budget requirements while monitoring water main installation, pavement replacement, and parkway restoration. Construction inspectors managed contract administration, reviewed and tracked pay quantities, maintained paperless daily reports and project documentation, and coordinated closely with City staff, IDOT, and contractors. Advanced traffic control measures were monitored to maintain public and worker safety along this high-traffic corridor, and GIS-supported, digital reporting tools were used for real-time tracking and efficient project management. **Through consistent field oversight and proactive coordination, Clark Dietz helped deliver the project on time, within budget, and in full compliance with City and state standards.**

Oak Terrace Well House/Interconnect Construction Observation

Lake County, Illinois

Clark Dietz provided construction observation services for the Oak Terrace Well House Interconnect and System Improvements project for Lake County Public Works. Our inspection team monitored the construction of the new well house and integration with the existing water distribution system, including installation of well pumps, treatment equipment, controls, site piping, HVAC, a backup generator, and a sanitary sewer relocation. **Throughout construction, we verified compliance with project plans, regulatory requirements, safety standards, and quality control procedures, coordinating closely with the contractor and County staff to support successful system integration and project completion.**

Special Service Areas Construction Engineering and Inspection

Village Green Oaks, Illinois

Clark Dietz provided construction engineering and inspection services for Special Service Areas 14 and 15 and associated Village-funded water system extensions in the Village of Green Oaks. The project included installation of approximately 5,100 linear feet of new water main serving 29 residential lots along Cranbrook Road, Kenton Lane, and Lexington Road, as well as roadway rehabilitation using full-depth reclamation with cement stabilization. **Our construction staff coordinated closely with Village representatives, contractors, and residents, providing field inspection, quantity tracking, and documentation to support multiple funding sources.** Services also included resident coordination, inspection of water main installation and testing, oversight of roadway reconstruction, and verification that all improvements met Village standards and IEPA requirements prior to project closeout.

REFERENCES

Client relationships are important to Clark Dietz. We believe strong relationships are built by listening to and understanding our clients. We see our clients as integral members of our project teams, and we genuinely value our rapport with them. We encourage you to contact our clients listed below to discuss their experiences working with us.



Ted Sianis, PE

City Engineer
City of Elmhurst
630.530.3769
ted.sianis@elmhurst.org

Amy Sarver

Highway Commissioner
Warren Township
847.244.1101 x301
highway@warrentownship.net

Nicholas Leach, PE, CFM

Village Engineer
Village of Gurnee
847.599.7586
nleach@village.gurnee.il.us

What our Clients have to say ...



“Clark Dietz’s professionalism, teamwork, ingenuity, and collaboration brought improvements well beyond the original goal... Their genuine interest in listening to our needs and vision to optimize the result brought our entire community a [project] of which they can be proud...”

– Robert Vanden Noven, PE, Director of Public Works
Port Washington, WI

“Clark Dietz remained committed to delivering a successful product, ultimately contributing to a project that has positively impacted our community in meaningful ways. The 60th Street Reconstruction project not only fulfilled its original objectives but also introduced additional benefits, such as increased mobility throughout the corridor, incorporation of planned flooding relief, and all six segments designed and constructed over \$1.5M below the City’s budget, despite unforeseen challenges. Thanks to the dedication and expertise of Clark Dietz, the project stands as a lasting example of thoughtful engineering and community-driven solutions.”

– Brian Cater, PE, Director of Public Works
Kenosha, WI

“The Brush Hill Roadway Improvements included a section of road that was a full reconstruction and raising of the pavement in front of two large condo buildings and a church. [Clark Dietz’s] excellent communication between the contractor, city staff and these properties made this project a success, as the City didn’t need to address any complaints or issues from these properties for the entire month of pavement removal, a temporary stone pavement section and paving operations.”

– Michael Litwin, Civil Engineer II
City of Elmhurst



Engineering Quality of Life®

Emily Basalla, PE, CFM

Senior Vice President

Project Manager

Clark Dietz, Inc.
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Milwaukee, WI 53202

 414.727.4990

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clarkdietz.com

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

MEETING DATE: March 4, 2026

AGENDA ITEM: New Business

ITEM TITLE: Fiberoptic Telecommunications Agreements

SUBMITTED BY: Kevin Driscoll – Village Engineer

SUMMARY EXPLANATION:

The Village anticipates Fiberoptic Telecommunications installations in 2026 in STH 145/Fond du Lac Ave, Donges Bay Road, Pilgrim Road, and the subdivisions of Glenwood Heights, Pilgrim Park, Lone Oaks, Meadow Creek Crossing and Rustic Meadows. This includes one fiberoptic installation over two miles, and a second fiberoptic installation beginning with a five-mile ring that is expected to build out with significant expansion from that ring in the future.

Village staff historically have issued permits under the Village of Germantown Code of Ordinance “Section 8.06 - Street Excavations” for utility work in the right-of-way based on a fixed fee per permit application. That fee is typically \$500 for street cut permit, and \$150 for work outside of the roadway. In addition to 8.06, the Village of Germantown Code of Ordinance “Section 8.065 Regulation of Rights of Way” was established following the Telecommunications Act of 1996 to recover costs. It is anticipated that Village staff time for the plan reviews and inspections may exceed the \$500 fee and the Village would not recover 100% of the costs to review and inspect the proposed Fiberoptic Telecommunications work.

In coordination with the Village Attorney, Village staff are looking to establish agreements with the respective fiberoptic utility applicants. These agreements are intended to recover 100% of the costs associated with permit review and inspection of the fiberoptic work. The Village is looking to contract consultant services for permit reviews and inspections. Village staff have been in communication with the prospective applicants of the respective utility companies regarding these agreements based on 8.065.

ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER_____

Exhibit of anticipated Fiberoptic Work Areas, Draft Agreements, Ordinances

RECOMMENDATION:

Staff requests that the Public Works and Highways Committee recommend approval to the Village Board to enter into agreements with the respective utility companies that allows the Village to pass through costs of Consultant Permit Reviews and Inspection Services, contingent upon final review by the Village Attorney.

COMMITTEE ACTION:

A motion to support authorize staff and a vote “Aye” is in the affirmative to support the agreements.

Exhibit 1 - Overview Map

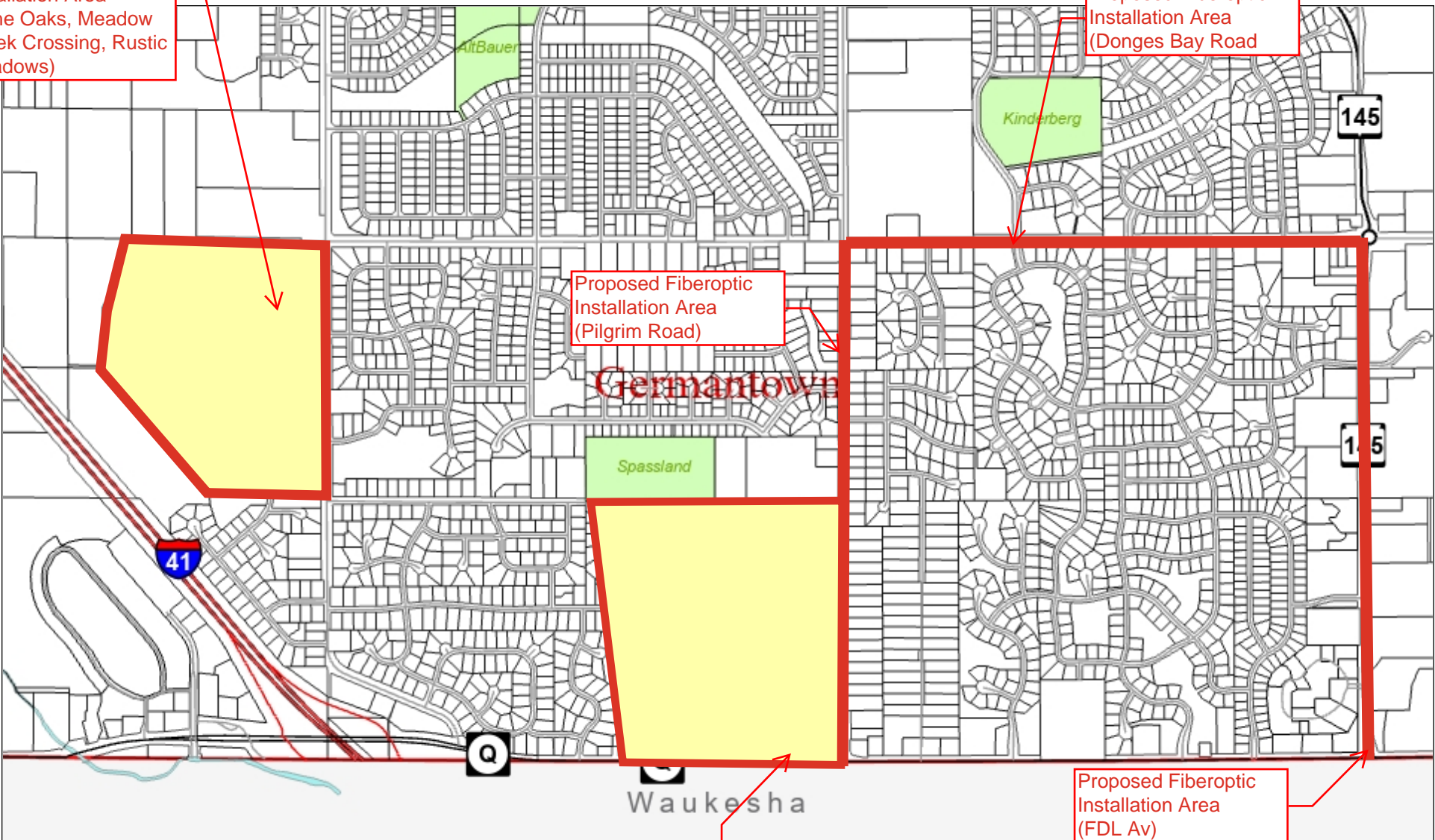
Proposed Fiberoptic Installation Area
(Lone Oaks, Meadow Creek Crossing, Rustic Meadows)

Proposed Fiberoptic Installation Area
(Donges Bay Road)

Proposed Fiberoptic Installation Area
(Pilgrim Road)

Proposed Fiberoptic Installation Area
(FDL Av)

Proposed Fiberoptic Installation Area
(Glenwood Park, Pilgrim Heights)



Village of Germantown GIS
Proposed Fiberoptic Utility Installations

DISCLAIMER:

This map is not a survey of the actual boundary of any property this map depicts.

The Village of Germantown Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



Village Of Germantown
N112 W17001 Mequon Road
Germantown, WI 53022
262-250-4700



SCALE: 1 = 2000'

Print Date: 2/27/2026

Exhibit 2 - Metronet Draft Agreement

LICENSE AGREEMENT

THIS LICENSE AGREEMENT ("this Agreement") is entered into by and between the Village of Germantown, a village organized and existing under the laws of the state of Wisconsin ("Village"), and Metro Fibernet, LLC, a Nevada limited liability company ("Licensee"), for the use of Village's rights-of-way for the installation, operation and maintenance of telecommunications facilities.

WHEREAS, the Village is the owner of certain public rights-of-way, and has adopted official standards governing the construction of facilities within those rights-of-way; and

WHEREAS, the Village is authorized under applicable law, including Village of Germantown Code of Ordinance 8.065, to grant, renew and revoke licenses for the use of the public rights-of-way for the installation, operation and maintenance of telecommunications facilities within its municipal boundaries; and

WHEREAS, Licensee desires to construct, install, operate, and maintain telecommunications facilities in and/or upon the Village's public rights-of-way (the "ROWS") within the Village's boundaries, subject to the provisions of this Agreement; and

WHEREAS, the Village desires to permit Licensee to utilize the ROWs for such purposes, subject to the provisions of this Agreement; and

WHEREAS, the Village Board has determined that establishing a License Agreement for telecommunications use of public rights-of-ways will provide an efficient and consistent framework for managing the deployment of telecommunications facilities, while ensuring compliance with applicable laws and Village standards, and without requiring a telecommunications company to seek separate Village Board approval for each site-specific permit involving a Village right-of-way; and

WHEREAS, Licensee is authorized and empowered to enter into this Agreement and to perform the covenants and promises herein made and undertaken.

NOW, THEREFORE, in consideration of the above stated preambles and the mutual covenants and promises hereinafter contained, the Licensee and the Village agree as follows:

1. **Recitals.** The foregoing recitals are hereby incorporated into this License Agreement as if fully set forth in herein.
2. **Grant of License.** For and in consideration of the mutual covenants herein, and subject to the terms and conditions set forth herein and compliance with all Federal, State and local laws and regulations, the Village grants a non-exclusive revocable license ("License") to Licensee to use the ROWs to install, operate and maintain telecommunications and broadband equipment (the "Facilities"). This License does not convey to Licensee any right, title or interest (including

leasehold interest) in the ROWs, but constitutes only a license to use and occupy the ROWs for the purposes stated herein.

The rights granted to Licensee are and shall remain at all times subordinate to the Village's superior rights of ingress, egress, and use of the public ROWs. This Agreement and the rights granted herein are non-exclusive and do not, explicitly or implicitly, preclude the Village from granting other licenses or permissions for the installation and operation of telecommunications facilities within the Village's municipal boundaries.

3. **Term.** The term of this Agreement shall be for a period of five (5) years, beginning on the date approved by the Village Board and ending five (5) years thereafter, unless sooner terminated as provided for herein. Upon expiration of the initial term, this Agreement shall automatically renew for successive five (5) year terms. Either party may terminate this Agreement at the end of the initial term or renewal term by providing the other party with at least twelve months (12) months' prior written notice of termination.

4. **Title; Condition of ROWs.** It is understood and agreed that the Village makes no representations, warranties, or assurances regarding: (a) the condition of title or boundaries of the ROWs; (b) the condition of any underground ducts, conduits, utilities, or other facilities within the ROWs; (c) any improvements or soil conditions located on the ROWs; or (d) the suitability of the ROWs for Licensee's intended use.

Licensee assumes all risks associated with the placement, operation, and maintenance of the Facilities within the ROWs, including the suitability of the ROWs for such Facilities. Licensee accepts the ROWs in an "AS IS, WHERE IS" condition, including any environmental conditions. Accordingly, the Village shall not be liable for any damages, claims, or liabilities arising from or related to adverse claims concerning the title, boundaries, or condition of the ROWs.

5. **Location.** The location of the Facilities shall be subject to approval by the Village's Director of Public Works or designee. Unless otherwise specified in a permit issued by the Village, Licensee shall not place the Facilities in any manner that unreasonably interferes with the use of the ROWs by the Village, any utility, the general public, or other persons lawfully authorized to use or be present in the public ROWs. Licensee shall comply with all applicable Village ordinances and regulations, including the Village of Germantown Development Handbook, regarding permitting for the design, installation, operation, and maintenance of the Facilities. If any portion of the Facilities is designed to be installed in a location that does not comply with permit requirements or applicable standards, Licensee shall, at its sole cost and expense, promptly relocate such Facilities to a location approved by the Village.

6. **Use of ROWs.** In its use of the ROWs and any work performed thereon, Licensee shall comply with all applicable laws, ordinances, regulations, and requirements of Federal, State, County, and local regulatory authorities, including all applicable Village ordinances governing permitting and construction within the ROWs, including Germantown Municipal Code §8.065, attached as an exhibit to this agreement.

Prior to work in the ROW, applicant to provide registration information as outlined in sections 8.065 (d) and (e). Upon authorization from Village, Licensee shall use and occupy the ROWs solely for the installation, operation, and maintenance of the Facilities, which shall be limited to:

- underground conduit, fiber optic telecommunications cable, and related equipment where existing similar utilities are underground; and
- aerial fiber optic telecommunications cable and related equipment where existing similar utilities are aerial.

Applicant shall satisfy all requirements of the excavation permit as outlined in the Village Code of Ordinances 8.06 and 8.065. In addition, applicant to provide a traffic control plan conforming with the MUTCD, a staging plan showing equipment and materials storage areas, a communication plan for resident outreach and complaints, and a corresponding schedule for the traffic control and staging and operations. These plans are to be in accordance with the Village of Germantown Development Handbook Section 1.2 and be provided by the applicant to the Village for review, comment and approval in advance of mobilizing and beginning work. It is specifically understood that the ROWs shall not be used for the burning of refuse, the accumulation or storage of debris or other material, or for any unsanitary or unhealthful purposes. All parts of Licensee's Facilities shall be underground except in areas where existing similar utilities are aerial. Any unauthorized or impermissible use of the ROWs shall constitute a material breach of this License Agreement.

If necessary, Licensee shall adjust and/or relocate any affected portion of a permitted or unpermitted utility facility that occupies Village ROW to facilitate the alteration, improvement, safety enhancement or maintenance of a highway as may be directed by the Village. The adjustment or relocation may affect facilities off the ROW as well. A utility is responsible for all costs associated with the adjustment or relocation unless a specific Village executed utility parcel or agreement otherwise provides. This paragraph shall not impact utility priorities otherwise established by law.

7. **Installation, Operation and Maintenance.** In performing any work or exercising any rights under this Agreement, Licensee shall not obstruct or interfere in any manner with the Village's ROWs, existing utility easements, private rights-of-way, sanitary sewers, sewer laterals, water mains, storm drains, gas mains, poles, aerial facilities, or other existing telecommunications facilities without the express written approval of the Village or the owners, including franchisees, of the affected property.

Maintenance of the Facilities within the ROWs shall be the sole responsibility of Licensee. Licensee shall maintain the Facilities in good and safe condition and in compliance with all applicable Federal, State, and local laws, regulations, and policies. The Village reserves the right to enter upon and repair any damage to areas surrounding the licensed premises. If such damage is caused by Licensee, the actual, reasonable, and documented cost of such repair shall be borne by Licensee.

Notwithstanding any provisions to the contrary, in the event of an unexpected repair or emergency (“Emergency Maintenance”), Licensee is required to notify the Village’s on site representative (Inspector) and may access the ROWs and commence such Emergency Maintenance work, following communication with the Director of Public Works and as required under the circumstances.

8. **Marking.** Prior to and during any installation or relocation of any underground cables or utility lines, Licensee shall contact the Diggers Hotline One Call System (commonly known as “Call Before You Dig” or “811”) to obtain planning prints for design and for hotline markings in the respective field location to ascertain the presence and location of existing aboveground and underground facilities within the ROWs to be occupied by Licensee’s Facilities and shall install route markers in accordance with applicable law. On application materials submitted to the Village, applicant to provide Diggers Hotline registration certificate number as required by Village of Germantown Ordinance section 8.065 (e)(1)a, along with other contact registration information

Licensee agrees that it will become a member of the One Call System (811) as a requirement of this Agreement. This system is designed to alert Licensee to planned work in the rights-of-way so that Licensee can mark the location of its Facilities to avoid damage.

In the event the field markings are different than the plan drawings, such as due to changes in underground utility locations, Contractor to stop and cease work in that area, and applicant to resubmit updated plans for that excavation area.

9. **Public Safety.** Licensee or other person acting on its behalf, at its own expense, shall submit a traffic control plan for the placement and use of suitable barricades, flags, flagmen, lights, flares and other measures as required per the Manual for Uniform Traffic Control for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of any work in or affecting the ROWs or other property. The Village may require regular weekly meetings, and interim phone calls with the Foreman, to discuss safety and schedule and communication and overall project plans and progress.

10. **Restoration of ROWs.** Within fourteen (14) days after completion of initial construction operations or any repair, relocation, or removal of the Facilities, Licensee shall grade and restore all areas disturbed by such work to a condition substantially similar to that which existed prior to the work. This time period may be reasonably extended upon written request by Licensee for good cause shown. Applicant is required to notify the Village’s representative (Inspector) of restoration activity, as scheduled, to document the restoration condition and proceed as outlined in Village of Germantown Code of Ordinances sections 8.065 (j) and (k).

If weather or other conditions prevent full restoration within the required time, Licensee shall perform temporary restoration at its sole expense and shall promptly complete permanent restoration when conditions permit.

In the event Licensee fails to restore disturbed areas or make necessary repairs to the ROWs or other Village property as required herein, the Village may, after providing Licensee with at least

fourteen (14) days' prior written notice and an opportunity to cure, perform or cause such restoration or repairs to be made. The Village may then seek reimbursement from Licensee for the actual, reasonable, and documented costs incurred, which shall be supported by invoices and documentation provided to Licensee. Licensee shall remit payment within thirty (30) days of receipt of such documentation. Alternatively, the Village may draw upon any security posted by Licensee to recover such costs.

11. **Damage to Licensee's Facilities.** The Village shall not be liable for, and Licensee expressly waives, any claims for damage to or loss of Licensee's Facilities within the ROWs arising from or in connection with public works, public improvements, construction, excavation, grading, filling, or other work of any kind in the ROWs by or on behalf of the Village, except to the extent such damage or loss is caused by the Village's gross negligence or willful misconduct.

12. **Reimbursement of Village Expenses.** Licensee shall reimburse the Village for all actual, reasonable, and documented costs incurred by the Village for third-party contracted services and related expenses directly attributable to Licensee's activities under this Agreement, including but not limited to:

- (a) inspection services;
- (b) engineering or technical review;
- (c) traffic control services; and
- (d) restoration work performed by contractors on behalf of the Village.

The Village shall provide Licensee with written documentation of such costs, including copies of invoices and receipts. Licensee shall remit payment within thirty (30) days of receipt of such documentation.

In accordance with Wisconsin statutory requirements, the Village shall not charge Licensee overhead or administrative costs in excess of those amounts recoverable under state law, and any such charges must be separately itemized and supported by documentation.

This Section shall comply with applicable Wisconsin statutes and municipal ordinances governing municipal cost recovery.

13. **No Transfer or Assignment.** This License Agreement shall be binding upon and shall inure to the benefit of the parties and their successors and assigns. During the term of this License Agreement, Licensee acknowledges and agrees that it does not have the right or authority to transfer or assign this License Agreement or any interest herein without the prior written consent of the Village; provided, however that Licensee shall have the right, without the Village's prior written consent, to assign or otherwise transfer this License Agreement to any successor entity or affiliate or subsidiary of Licensee, or to any entity into which Licensee may be merged or consolidated or which purchases all or substantially all of the assets of Licensee. Any such written consent required under this Section 12 may not be unreasonably withheld or delayed. Any

transferee or assignee must, at a minimum, show satisfactory evidence that it meets the insurance requirements and other terms, conditions, and provisions contained herein.

14. **Indemnity/Hold Harmless.** Each party (the “Indemnifying Party”) agrees to defend, indemnify, and hold harmless the other party (the “Indemnified Party”), including its officers, directors, employees, agents, affiliates, successors, and permitted assigns, from and against any and all third-party claims, actions, proceedings (including administrative or informal proceedings), judgments, damages, penalties, fines, costs, liabilities, or losses, together with reasonable attorneys’ fees and other expenses, to the extent arising directly out of or directly related to:
 (a) the Indemnifying Party’s breach of this Agreement; or
 (b) the negligent acts, errors, or omissions, or willful misconduct of the Indemnifying Party or its contractors, agents, or employees in connection with activities undertaken pursuant to this Agreement.

This indemnity shall not apply to the extent that any claim or liability results from the negligence or willful misconduct of the Indemnified Party.

Nothing contained within this License Agreement is intended to be a waiver or estoppel of the Village or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained within Wisconsin Statutes §§ 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the Village or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law.

15. **Insurance.** Licensee shall, at its sole expense, cause to be issued and maintained during the Term of this Agreement insurance coverages of the types and in the amounts set forth below, as applicable:

<u>Type of Insurance</u>	<u>Limit</u>	
General Liability (including contractual liability) written on an occurrence basis	General Aggregate	\$2,000,000
	Prod./Comp. Op. Agg.	\$1,000,000
	Personal & Adv. Injury	\$1,000,000
	Each Occurrence	\$1,000,000
Automobile Liability, including any auto, hired auto and non-owned autos	Combines Single Limit	\$1,000,000
Excess Liability, Umbrella Form	Each Occurrence	\$2,000,000
	Aggregate	\$2,000,000
Workers’ Compensation	Each Accident	\$ 500,000

Prior to commencing work on the Facilities described herein, Licensee shall furnish the Village with the appropriate Certificates of Insurance, and applicable policy endorsements. Licensee shall have the Commercial General Liability, Automobile Liability, and Umbrella/Excess Liability policies endorsed to add the “Village of Germantown, its officers, officials, agents and employees” as “additional insureds”.

17. **No Encumbrances.** Licensee shall not place, permit, or allow any liens, mortgages, security interests, pledges, claims, or other encumbrances to attach to or be filed against the Village’s title to the ROWs. This provision shall not restrict Licensee from granting security interests or liens in its own Facilities, provided that such interests do not encumber or otherwise affect the Village’s ownership of the ROWs.

18. **Taxes.** Nothing contained in this License Agreement shall be construed to exempt Licensee from any fee, tax, property tax levy or assessment, which is or may be hereinafter lawfully imposed on it relative to its use of the ROWs or its operation of the Facilities.

19. **Termination.** The Village may terminate this License Agreement and the License granted herein for any of the following reasons:

- (i) **Fraud or Misrepresentation:** Licensee knowingly made fraudulent, false, or materially incomplete statements in the permit application; or
- (ii) **Failure to Cure Breach:** Licensee fails to cure a material breach of this Agreement or noncompliance with any material provision after receiving written notice and a forty-five (45) day cure period; provided, however, that if such noncompliance cannot reasonably be cured within forty-five (45) days, the cure period shall be extended for such additional time as is reasonably necessary under the circumstances, provided Licensee has commenced and is diligently pursuing such cure; or
- (iii) **Public Safety Threat:** Licensee’s physical presence or the presence of its Facilities within the ROWs presents a direct or imminent threat to public health, safety, or welfare; or
- (iv) **Failure to Construct as Approved:** Licensee fails to construct the Facilities substantially in accordance with the permit and approved plans; or
- (v) **Traffic Control Deficiencies:** Licensee fails to provide required traffic control and does not respond to Village requests to correct such deficiencies within a reasonable time frame.

Upon termination of this Agreement for any reason, Licensee shall, within one hundred eighty (180) days of written notice from the Village, remove its Facilities from all Village ROWs and restore all ROWs as required herein.

This paragraph shall not apply to decisions to non-renew this License under paragraph 3.

20. **No Waiver.** The waiver by one party of any breach of this Agreement or the failure of one party to enforce at any time, or for any period of time, any of the provisions hereof will be limited to the particular instance and will not operate or be deemed to waive any future breaches of this Agreement and will not be construed to be a waiver of any provision except for the particular instance.

21. **Amendments.** This Agreement represents the entire agreement between the parties. No oral changes or modifications of this Agreement shall be permitted or allowed. Changes or modifications to this Agreement shall be made only in writing and upon necessary and proper signature of the Licensee and the Village.

22. **Notices.** Any notice will be in writing and will be deemed to be effectively served when deposited in the mail with sufficient first-class postage affixed and addressed to the party at the party's place of business. Notices shall be addressed to designated representatives of both parties as follows:

Village: Department of Public Works –
Engineering Section
N112 W17001 Mequon Road
Germantown, WI 53022

Licensee: Metro Fibernet, LLC
Attn: Sr. Vice President OSP
3701 Communications Way
Evansville, IN 47715

With a copy to: Metro Fibernet, LLC
Attn: Legal – ROW Permitting
11880 College Boulevard. Ste 100
Overland Park, KS 66210

23. **Severability.** In the event that any provision of this License Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereto.

24. **Conflict with Village Ordinances.** In the event of any conflict or inconsistency between the provisions of this License Agreement and any applicable Village ordinance, the terms of this License Agreement shall control and govern the rights and obligations of the parties with respect to the subject matter herein.

25. **Law and Venue.** This License Agreement shall be governed by, interpreted, and construed in accordance with the laws of the State of Wisconsin, without regard to its conflict of law principles. Any legal action or proceeding arising under this Agreement shall be brought exclusively in a state or federal court of competent jurisdiction located within the State of Wisconsin who's jurisdiction includes Washington County, and each party hereby consents to the jurisdiction and venue of such courts.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed and to become effective as of the date first written above.

METRO FIBERNET, LLC

By: _____
Printed Name: _____
Its:

Date: _____, 20____

VILLAGE OF GERMANTOWN

By: _____
Printed Name: _____
Its: Village President

Date: _____, 20____

8.065 REGULATION OF RIGHTS-OF-WAY. (Cr. Ord. #05-16)

- (a) **FINDINGS AND PURPOSE.** The Village finds that the passage of the Telecommunications Act of 1996 has resulted in increased use of the public rights-of-way and increased costs to the taxpayers of the Village and that these costs are likely to continue into the foreseeable future.

The Village finds that excavation and occupancy of the public rights-of-way causes direct and indirect costs to be borne by the Village and its taxpayers, including but not limited to:

- (1) Administrative costs associated with public right-of-way projects, such as registration, permitting, inspection and supervision, supplies and materials.
- (2) Management costs associated with ongoing management activities necessitated by public right-of-way users.
- (3) Repair costs to the roadway associated with the actual excavation into the public right-of-way.
- (4) Degradation costs defined as depreciation caused to the roadway in terms of decreased useful life, due to excavations into the public rights-of-way.

In response to the foregoing facts, the Village hereby enacts this ordinance relating to administration of and permits to excavate, obstruct and/or occupy the public rights-of-way, together with an ordinance making necessary revisions to other Code provisions. This ordinance imposes reasonable regulations on the placement and maintenance of facilities currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies.

The Village's authority to enact this ordinance is pursuant, but not limited to, the following federal, state and local authority: 47 U.S.C. 253(c); Wis. Stat. § 61.34(1); Wis. Stat. § 66.0425; Wis. Stat. § 66.0915; Wis. Stat. § 86.16; Wis. Stat. § 182.017; Wis. Stat. § 196.58; and Wis. Stat. § 196.499(1).

The purpose of this [section] is to provide the Village a legal framework within which to regulate and manage the public rights-of-way, and to provide for recovery of costs. This [section] provides for the health, safety and welfare of the residents of the Village as they use the rights-of-way of the Village, as well as to ensure the structural integrity of the public rights-of-way. The Village desires to minimize and anticipate the number of excavations taking place thereon and to regulate the placement of facilities within the rights-of-way to ensure that they remain available for public services. The taxpayers of the Village bear the financial burden for the upkeep of the rights-of-way. A primary cause for the early and excessive deterioration of its rights-of-way is the frequent excavation by persons who locate facilities therein. Under this chapter, all persons who excavate, obstruct and/or occupy the public rights-of-way will reimburse the Village's administrative, ongoing management and degradation costs. Right-of-way users will bear a fair share of the financial responsibility for the integrity of the public rights-of-way.

- (b) **DEFINITIONS.** The following definitions apply in this [section]. References hereafter to "sections" are unless otherwise specified references to sections in this [section]. Defined terms remain defined terms whether or not capitalized.

"Alternative Telecommunications Utility Other" has the meaning in Wis. Stat. § 196.01.

"Applicant" means any person requesting permission to excavate, obstruct and/or occupy a right-of-way.

"Degradation" means the accelerated depreciation of the right-of-way, caused by an excavation of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur,

"Department" means the Department of Public Works of the Village.

"Department Inspector" means any person authorized by the Department to carry out inspections related to the provisions of this chapter.

"Emergency" means a condition that (1) poses a clear and immediate danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement in order to restore service to a customer.

"Excavate" means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

"Facilities" means all equipment owned, operated, leased or subleased in connection with the operation of a service or utility service, and shall include but is not limited to poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines and other structures and appurtenances.

"In," when used in conjunction with "right-of-way," means over, above, in, within, on or under a right-of-way.

"Local Representative" means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this chapter.

"Obstruct" means to place any object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

"Occupy" means to dwell or reside above, on, in, or below the boundaries of the public rights-of-way.

"Permittee" means any person to whom a permit to excavate or occupy a right-of way has been granted by the Village under this chapter.

"Person" means, municipality, corporation, company, association, firm, partnership, limited liability company, limited liability partnership and individuals and their lessors, transferees and receivers.

"PSC" means the Public Service Commission of the State of Wisconsin.

"Public Utility" has the meaning provided in Wis. Stats. § 196.01.

"Registrant" means any person who has registered with the Village (1) to have its facilities located in any right-of-way, or (2) to use or seek to occupy or use the right-of-way or any facilities in the right-of-way.

"Repair" means to perform construction work necessary to make the right-of-way useable for travel, according to department specifications, or to return facilities to an operable condition.

"Repair Bond" means a performance bond, a letter of credit, or cash deposit posted to ensure the availability of sufficient funds to assure that right-of-way excavation repair work is completed in both a timely and quality manner, per Department specifications.

"Restore or Restoration" means the process by which an excavated right-of-way and surrounding area, including pavement and foundation, is reconstructed according to Department specifications.

"Restoration Bond" means a performance bond, a letter of credit, or cash deposit posted to ensure the availability of sufficient funds to assure that right-of-way excavation restoration work is completed in both a timely and quality manner, per Department specifications.

"Right-of-Way" means the surface and space above and below a public roadway, highway, street, bicycle lane and public sidewalk in which the Village has an interest, including other dedicated rights-of-way for travel purposes.

"Service" or "Utility Service" includes municipal sewer and water services and also includes, except as provided herein, but is not limited to (1) those services provided by a public utility as defined in Wis. Stat. § 196.01(5); (2) telecommunications, pipeline, fire and alarm communications, water, electricity, light, heat, cooling energy, or power services; (3) the services provided by a district heating or cooling system; and (4) cable service as defined and regulated under 47 U.S.C. 521 through 573. Wireless telecommunications service and cellular mobile radio telecommunications (CMRS) services as defined by Section 332(d) of the Federal Communications Act of 1996 (47 U.S.C. 332 (d)(1)) are excluded, unless these services have a presence in the right-of-way.

"Supplementary Application" means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

"Telecommunications Carrier" has the meaning in Wis. Stat. § 196.01.

"Telecommunications Provider" has the meaning in Wis. Stat. § 196.01.

"Telecommunications Rights-of-Way User" means a person owning or controlling a facility in the public right-of-way, or seeking to own or control a facility in the public right-of-way, that is used or is intended to be used for transporting telecommunication or other voice or data information. This includes telecommunications providers, utilities, ATUs, and carriers. For purposes of this chapter, a cable television system defined and regulated under Wis. Stat. § 66.082(2)(d), and telecommunication activities related to providing natural gas or electric energy services, and which are not offered for resale as telecommunications services, are not telecommunications right-of-way users.

"Telecommunications Service" means the offering for sale or the conveyance of voice, data or other information at any frequency over any part of the electromagnetic spectrum, including the sale of service for collection, storage, forwarding, switching and delivery incidental to such communication and including the regulated sale of customer premises equipment. Telecommunications service does not include cable television service, wireless service or broadcast service.

"Telecommunications Utility" has the meaning in Wis. Stat. § 196.01.

"Unusable Facilities" means facilities in the right-of-way which have remained unused for one year and for which the registrant is unable to provide proof that it has either a plan to begin using them within the next 24 months or a potential purchaser or user of the facilities.

"Village" means the Village of Germantown, Wisconsin, a Wisconsin municipal corporation.

(c) **ADMINISTRATION.** The Department of Public Works ("Department") is responsible for the administration of the rights-of-way, and the permits and ordinances related thereto.

(d) **REGISTRATION FOR RIGHT-OF-WAY OCCUPANCY.**

- (1) Registration. Each person who occupies, uses, or seeks to occupy or use, the right-of-way or any facilities in the right-of-way, including by lease, sublease or assignment, or who has, or seeks to have, facilities located in any right-of-way shall register with the Department and pay the fee set forth in subsection (f). Registration will consist of providing application information and paying a registration fee.

This section shall not apply to those persons exclusively utilizing facilities provided by another right-of-way user.

- (2) Registration Prior to Work. No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof in any right-of-way without first being registered with the Department.
- (3) Exceptions. Nothing herein shall be construed to repeal or amend the provisions of a Village ordinance requiring persons to plant or maintain the tree lawn in the area of the right-of-way between their property and the street curb, construct sidewalks, install street signs or perform other similar activities. Persons performing such activities shall not be required to obtain any permits under this Chapter.

(e) **REGISTRATION INFORMATION.**

- (1) Information Required. The information provided to the Department at the time of registration shall include, but not be limited to:
- a. Each registrant's name, Diggers Hotline registration certificate number, address and e-mail address, if applicable, and telephone and facsimile numbers.
 - b. The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current

information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

- c. All right-of-way users shall demonstrate to the satisfaction of the Village the financial capability to cover any liability which might arise out of their presence in the right-of-way.
 - d. If the person is a corporation, a LLC or LLP, a copy of any certificate required to be filed under Wisconsin statute as recorded and certified to by the Department of Financial Institutions.
 - e. A copy of the person's certificate of authority from the Wisconsin Public Service Commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.
 - f. Execution of an indemnification agreement in a form prescribed by the Department, which is consistent with, and shall not exceed the obligations provided in, Section 1.24 herein.
- (2) Notice of Changes. The registrant shall keep all of the information listed above current at all times by providing to the Department information as to changes within 15 working days following the date on which the registrant has knowledge of any change.
- (f) **REGISTRATION FEE.**
- (1) Registration Fee. The Department shall establish the registration fee in an amount sufficient to recover the costs incurred by the Village for processing registrants. This fee shall be computed as the average of labor costs, indirect costs, and other costs associated with registration.
 - (2) Fee Computation. The Village may recalculate, and by resolution, establish the registration fee.
- (g) **EXCAVATION PERMIT REQUIREMENT.**
- (1) Excavation permit required. Except as otherwise provided in this chapter or other chapters of the Village Code, no person shall excavate any right-of-way or place facilities in a right-of-way without first having obtained an excavation permit from the Department. No person shall excavate the right-of-way or maintain an excavation in the right-of-way beyond the date or area specified in the permit unless such person makes a supplementary application for another excavation permit before the expiration of the initial permit, pursuant to subsection (n), and a new permit or permit extension is granted.
 - (2) Permit Display. A copy of any permit issued under this chapter shall be made available at all times by the permittee at the indicated work site and shall be available for inspection by the Department upon request.
- (h) **EXCAVATION PERMIT APPLICATION.** Application for a permit shall be made to the Department. Permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:
- (1) Registration with the Department if required by this chapter;
 - (2) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all existing and proposed facilities;
 - (3) Payment of all money due to the Village for:
 - a. Applicable permit fees and costs as set forth below;
 - b. Subject to section e., unpaid fees or costs due for prior excavations; or
 - c. Subject to section e., any loss, damage, or expense suffered by the Village because of applicant's prior excavations of the rights-of-way or any emergency actions taken by the Village.

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- d. When an excavation permit is requested for purposes of installing additional facilities, and the posting of a restoration bond for the additional facilities is insufficient, the posting of an additional or larger restoration bond for the additional facilities may be required.
 - e. The Department shall not deny a registrant an excavation permit because of a dispute between the Village and the registrant, related to subsections b. and/or c. if the dispute has been adjudicated in favor of the registrant or if the dispute is the subject of an appeal filed by the registrant and no decision in the matter has at yet been rendered.

(i) **EXCAVATION PERMIT FEE.**

- (1) Fee Calculation. The excavation permit fee shall be established by the Department in an amount sufficient to recover the costs incurred by the Village. This fee shall recover costs incurred by the Village for each of the following categories as provided herein:
 - a. *Administrative:* The general formula for computing the administrative fee shall be the average per-permit costs for labor plus indirect and other costs.
 - b. *Repair:* No repair fee shall be collected by the Village, however the Permittee shall be required to repair the public right-of-way to Department specifications, subject to inspection and acceptance by the Department, as per subsection (j), and to pay a degradation fee.
 - c. *Degradation:* The general formula for computing the degradation fee shall be the cost per square yard for street, overlay and seal coat multiplied by the appropriate depreciation rate for that street multiplied by the area of the patch. The area of the patch shall be calculated by adding 2 feet to each side of the actual street cut. Depreciation schedules shall be provided by type of street.
 - d. The total excavation permit fee shall be calculated as follows:
$$\text{Total Excavation Permit Fee} = \text{Administrative Cost} + \text{Degradation Fee (if applicable).}$$
- (2) Village Exemption. Notwithstanding subsection (1)c., the Village and its contractors shall not pay degradation fees.
- (3) Payment of Permit Fees. No excavation permit shall be issued without payment of applicable fees.
- 4. Non refundable. Permit fees paid for a permit that the Department has revoked for a breach as stated in subsection (q) are not refundable.

(j) **RIGHT-OF-WAY REPAIR.**

- (1) Timing. The work to be done under the excavation permit, and the repair of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonable or unreasonable under subsection (p).
- (2) Repair. In addition to repairing its own work, the permittee must repair the general area of the work, and the surrounding areas, including the paving and its foundations, to the specifications of the Department. The Department shall inspect the area of the work and accept the work when it determines that proper repair has been made, per specifications of the Department. A Permittee may request to have the Village repair the right-of-way.
 - a. *Village Repair.* If the permittee requests to have the Village repair the right-of-way, the Village may accept or reject the request at its sole option. If the Village accepts, the permittee shall be billed for the Village's costs, and shall pay the amount thereof within 30 days of billing.
 - b. *Permittee Repair.* If the Permittee chooses to repair the right- of-way, it shall at the time of application for an excavation permit post a repair bond in an amount determined by the

Department to be sufficient to cover the cost of repairing the right-of-way to Department specifications. If, 36 months after completion of the repair of the right-of-way, the Department determines that the right-of-way has been properly repaired, the surety on the repair bond shall be released.

- (3) **Standards.** The Permittee shall perform repairs according to the specifications of the Department and/or in the conditions specified in the permit the Department shall have the authority to prescribe the manner and extent of the repair, and may do so in written procedures of general application or on a case-by-case basis.
 - (4) **Guarantees.** The permittee guarantees its work and shall maintain it for 36 months following its completion, except for organic material which shall be maintained for 12 months. During this period it shall, upon notification from the Department, correct all repair work to the extent necessary, using the method required by the Department. Said work shall be completed within 10 calendar days of the receipt of the notice from the Department, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under subsection (p).
 - (5) **Failure to Repair.** If the permittee fails to repair the right-of-way in the manner and to the condition required by the Department, or fails to satisfactorily and timely complete all repair required by the Department, the Department at its option may do such work. In that event the permittee shall pay to the Village, within 30 days of billing, the cost of repairing the right-of-way. If permittee fails to pay as required, the Village may exercise its rights under the repair bond.
- (k) **RESTORATION IN LIEU OF REPAIR AND DEGRADATION.** The permittee may elect to restore the excavation and surrounding pavement in lieu of repair and a degradation fee. If restoration is elected, the Department shall specify the area to be restored, and the methods and materials to be used for the restoration. The permittee shall then also comply with the preceding subsection (j), as applied to restoration instead of repair.
- (l) **INSPECTION.**
- (1) **Notice of Completion.** When the work under any permit hereunder is completed, the permittee shall notify the Department.
 - (2) **Site Inspection.** Permittee shall make the work site available to the Department and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.
 - (3) **Authority of Department.** At the time of inspection, the Village may order the immediate cessation of any work which poses a threat to the life, health, safety or well being of the public. The Village may issue an order to the registrant for any work that does not conform to the applicable standards, conditions or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within 10 days after issuance of the order, the registrant shall present proof to the Department that the violation has been corrected. If such proof has not been presented within the required time, the Department may revoke the permit pursuant to subsection (q).
- (m) **ONGOING MANAGEMENT FEES.**
- (1) **Fee Basis.** Fees shall reflect the ongoing or long-term costs to the Village of managing access to the right-of-way. These costs are exclusive of Administrative costs collected under Excavation Permit Fees. Fees shall be initially set, and may be annually re-computed, to recover the costs incurred by the Village in ongoing management of the right-of-way. Ongoing management costs include, but are not limited to, inventory maintenance, facility tracking, GIS, tree trimming, grass mowing, right of way maintenance, location marking and general inquiries related to public right-of-way users. The fee shall be based on the number of feet of right-of-way occupancy by a Telecommunications Right-of-Way

User. The per foot management fee shall be calculated as follows: Annual management fee per foot = Total annual management cost/Total ROW occupancy feet.

- (2) Payment of Fees. Ongoing management fees shall be subject to adjustment and correction at the conclusion of the calendar year. Such fees shall be paid for all and any part of a calendar year, prorated on a daily basis, during any time period in which the said person uses or occupies the right-of-way to furnish telecommunications service, or places, maintains or uses the person's wires, mains, pipes, or any other facilities in the right-of-way.

(n) **JOINT APPLICATIONS.**

- (1) Joint Application. Registrants may jointly apply for permits to excavate the right-of-way at the same place and time.
- (2) With Village Projects. Registrants who join in a scheduled excavation performed by the Village, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the degradation portion of the excavation permit fee.
- (3) Shared Fees. Registrants who apply for permits for the same excavation, which the Department does not perform, may share in the payment of the excavation permit fee. Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

(o) **SUPPLEMENTARY APPLICATIONS.**

- (1) Limitations on Area. An excavation permit is valid only for the area of the right-of-way specified in the permit. No permittee may perform any work or excavate outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be excavated must, before working in that greater area (1) make application for a permit extension and pay any additional fees required thereby, and (2) be granted a new permit or permit extension.
- (2) Limitation on Dates. An excavation permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit.
- (3) Fees for Supplementary Applications. A permittee shall pay administration costs for any additional permits. A permittee is not required to pay an additional degradation fee for the same excavation, if one has already been paid on the original permit.

(p) **OTHER OBLIGATIONS.**

- (1) Compliance with Other Laws. Obtaining a permit to excavate and/or occupy the right-of-way does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other Village, County, State, or Federal rules, laws or regulations. A permittee shall comply with all requirements of local, state and federal laws. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.
- (2) Prohibited Work. Except in an emergency, or with the approval of the Department, no right-of-way excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

(q) **REVOCATIONS, SUSPENSIONS, REFUSALS TO ISSUE OR EXTEND PERMITS.**

- (1) Grounds. The Department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:

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- a. The applicant or permittee is required by subsection (d) to be registered and has not done so;
 - b. The applicant or permittee is seeking to perform work not included in its construction and major maintenance plan required under subsection (g); which work was reasonably foreseeable by the applicant or permittee at the time said plan was filed;
 - c. Issuance of a permit for the requested date would or interfere with an exhibition, celebration, festival, or other event;
 - d. Misrepresentation of any fact by the applicant or permittee;
 - e. Failure of the applicant or permittee to maintain required bonds and/or insurance;
 - f. Failure of the applicant or permittee to complete work in a timely manner;
 - g. The proposed activity is contrary to the public health, safety or welfare, including factors related to clear zones, fall zones and other similar concerns;
 - h. The extent to which right-of-way space where the permit is sought is available;
 - i. The competing demands for the particular space in the right-of-way;
 - j. The availability of other locations in the right-of-way or in other rights-of-way for the facilities of the permit applicant;
 - k. The applicability of ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;
 - l. The condition and age of the right-of-way, and whether and when its is scheduled for total or partial reconstruction; or
 - m. The applicant or permittee is otherwise not in full compliance with the requirements of this chapter or other local, state or federal law.
- (2) Discretionary Issuance. Notwithstanding subsection (1)b., the Department may issue a permit where issuance is necessary (a) to prevent substantial economic hardship to a customer of the permittee or applicant, or (b) to allow such customer to materially improve its utility service, or (c) to allow the permittee or applicant to comply with state or federal law or Village ordinance or an order of a court or administrative agency.
- (3) Appeals. Any person aggrieved by a decision of the Department revoking, suspending, refusing to issue or refusing to extend a permit may file a request for review with the Public Works and Highways Committee. A request for review shall be filed within 10 days of the decision being appealed. Following a hearing, the Public Works and Highways Committee may affirm, reverse or modify the decision of the Department.
- (r) **WORK DONE WITHOUT A PERMIT.**
- (1) Emergency Situations. Each registrant shall immediately notify the Village by verbal notice on an emergency phone number provided by the Village of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Within 2 business days after the occurrence of the emergency the registrant shall apply for the necessary permits, pay the fees associated therewith and otherwise fully comply with the requirements of this Chapter. If the Village becomes aware of an emergency regarding a registrant's facilities, the Department may attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. The Village may take whatever action it deems necessary to protect the public safety as a result of the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

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- (2) Non-Emergency Situations. Except in an emergency, any person who, without first having obtained the necessary permit, excavates a right-of-way must subsequently obtain a permit, and shall in addition to any penalties prescribed by ordinance, pay double the normal fee for said permit, pay double all the other fees required by this chapter or other chapters of the Village Code, deposit with the Department the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this chapter.
- (s) **SUPPLEMENTARY NOTIFICATION**. If the excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the Department of the accurate information as soon as this information is known.
- (t) **LOCATION OF FACILITIES**.
- (1) Undergrounding. Under conformity with local, state and federal law, unless existing aboveground facilities is used, the installation of new facilities and replacement of old facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes except where otherwise authorized by the Department.
- (2) Corridors. The Department may assign specific corridors within the right-of-way, consistent with Wisconsin Public Service Commission standards. All excavation or other permits issued by the Department involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue consistent with the Wisconsin Public Service Commission's corridor selection standards.
- (3) Limitation of Space. The Department may prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests of persons to occupy and use the right-of-way. In making such decisions, the Department shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but may prohibit or limit the placement of new or additional facilities when required to protect the public, health, safety or welfare.
- (u) **RELOCATION OF FACILITIES**. Except as prohibited by State or Federal law, a Registrant must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities in the right-of-way whenever the Department requests such removal and relocation, and shall restore the right-of-way to the same condition it was in prior to said removal or relocation. The Department may make such request to prevent interference by the company's facilities with (i) a present or future Village use of the right-of-way, (ii) a public improvement undertaken by the Village, (iii) an economic development project in which the Village has an interest or investment, (iv) when the public health, safety and welfare require it, or (v) when necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way.

Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the person therefor.

- (v) **INTERFERENCE WITH OTHER FACILITIES DURING MUNICIPAL CONSTRUCTION**. When the Village performs work in the right-of-way and finds it necessary to maintain, support, shore, or move a registrant's facilities, the Village shall notify the local representative. The registrant shall meet with the Village's representative within 24-hours and coordinate the protection, maintenance, supporting, and/or shoring of the registrant's facilities. The registrant shall accomplish the needed work within 72-hours, unless the Village agrees to a longer period. In the event that the registrant does not proceed to maintain, support, shore, or move its facilities, the Village may arrange to do the work and bill the registrant, said bill to be paid within 30 days.
- (w) **INDEMNIFICATION**. Permittee expressly acknowledges and agrees, by acceptance of the permit, to indemnify, defend, and hold harmless the Village, its officers, boards, committees, commissions, elected

officials, employees and agents, from and against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon the Village or its agents or employees for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the permittee's acts or omissions in the exercise of its rights under this permit, whether caused by or contributed to by the Village or its agents or employees.

(x) **ABANDONED FACILITIES.**

(1) Discontinued Operations. A registrant who has determined to discontinue its operations in the Village must either:

- a. Provide information satisfactory to the Department that the registrant's obligations for its facilities under this chapter have been lawfully assumed by another registrant; or
- b. Submit to the Department a proposal and instruments for dedication of its facilities to the Village. If a registrant proceeds under this clause, the Village may, at its option:
 - i. Accept the dedication for all or a portion of the facilities; or
 - ii. Require the registrant, at its own expense, to remove the facilities in the right-of-way at ground or above ground level; or
 - iii. Require the registrant to post a bond or provide payment sufficient to reimburse the Village for reasonably anticipated costs to be incurred in removing the facilities.

However, any registrant who has unusable and abandoned facilities in any right-of-way shall remove it from that right-of-way within 2 years, unless the Department waives this requirement.

(2) Abandoned Facilities. Facilities of a registrant who fails to comply with subsection (1) and which, for 2 years, remains unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. In addition to any remedies or rights it has at law or in equity, the Village may, at its option (i) abate the nuisance, (ii) take possession of the facilities, or (iii) require removal of the facilities by the registrant, or the registrant's successor in interest.

(3) Public Utilities. This section shall not apply to a public utility as defined by Wis. Stat. § 196.01(5).

(y) **RESERVATION OF REGULATORY AND POLICE POWERS.** The Village, by the granting of a permit to excavate, obstruct and/or occupy the right-of-way, or by registering a person under this chapter does not surrender or to any extent lose, waive, impair, or lessen the lawful powers and rights, which it has now or maybe hereafter granted to the Village under the Constitution and statutes of the State of Wisconsin to regulate the use of the right-of-way by the permittee; and the permittee by its acceptance of a permit to excavate, obstruct and/or occupy the right-of-way or of registration under this chapter agrees that all lawful powers and rights, regulatory power, or police power, or otherwise as are or the same may be from time to time vested in or reserved to the Village, shall be in full force and effect and subject to the exercise thereof by the Village at any time. A permittee or registrant is deemed to acknowledge that its rights are subject to the regulatory and police powers of the Village to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general law, and ordinances enacted by the Village pursuant to such powers.

(z) **SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

LICENSE AGREEMENT

THIS LICENSE AGREEMENT ("this Agreement") is entered into by and between the Village of Germantown, a Village organized and existing under the laws of the state of Wisconsin ("Village"), and AT&T ("Licensee"), for the use of Village's rights-of-way for the installation, operation and maintenance of telecommunications facilities.

WHEREAS, the Village is the owner of certain public rights-of-way, and has adopted official standards governing the construction of facilities within those rights-of-way; and

WHEREAS, the Village is authorized under applicable law, including Village of Germantown Code of Ordinance 8.065, to grant, renew and revoke licenses for the use of the public rights-of-way for the installation, operation and maintenance of telecommunications facilities within its municipal boundaries; and

WHEREAS, Licensee desires to construct, install, operate, and maintain telecommunications facilities in and/or upon the Village's public rights-of-way (the "ROWs") within the Village's boundaries, subject to the provisions of this Agreement; and

WHEREAS, the Village desires to permit Licensee to utilize the ROWs for such purposes, subject to the provisions of this Agreement; and

WHEREAS, the Village Board has determined that establishing a License Agreement for telecommunications use of public rights-of-ways will provide an efficient and consistent framework for managing the deployment of telecommunications facilities, while ensuring compliance with applicable laws and Village standards, and without requiring a telecommunications company to seek separate Village Board approval for each site-specific permit involving a Village right-of-way; and

WHEREAS, Licensee is authorized and empowered to enter into this Agreement and to perform the covenants and promises herein made and undertaken.

NOW, THEREFORE, in consideration of the above stated preambles and the mutual covenants and promises hereinafter contained, the Licensee and the Village agree as follows:

1. **Recitals.** The foregoing recitals are hereby incorporated into this License Agreement as if fully set forth in herein.
2. **Grant of License.** For and in consideration of the mutual covenants herein, and subject to the terms and conditions set forth herein and compliance with all Federal, State and local laws and regulations, the Village grants a non-exclusive revocable license ("License") to Licensee to use the ROWs to install, operate and maintain telecommunications and broadband equipment (the "Facilities"). This License does not convey to Licensee any right, title or interest (including

Exhibit Village Ordinance for Telecommunications

leasehold interest) in the ROWs, but constitutes only a license to use and occupy the ROWs for the purposes stated herein.

The rights granted to Licensee are and shall remain at all times subordinate to the Village's superior rights of ingress, egress, and use of the public ROWs. This Agreement and the rights granted herein are non-exclusive and do not, explicitly or implicitly, preclude the Village from granting other licenses or permissions for the installation and operation of telecommunications facilities within the Village's municipal boundaries.

3. **Term.** The term of this Agreement shall be for a period of five (5) years, beginning on the date approved by the Village Board and ending five (5) years thereafter, unless sooner terminated as provided for herein. Upon expiration of the initial term, this Agreement shall automatically renew for successive five (5) year. Either party may terminate this Agreement at the end of the initial term or renewal term by providing the other party with at least twelve months (12) months' prior written notice of termination.

4. **Title; Condition of ROWs.** It is understood and agreed that the Village makes no representations, warranties, or assurances regarding: (a) the condition of title or boundaries of the ROWs; (b) the condition of any underground ducts, conduits, utilities, or other facilities within the ROWs; (c) any improvements or soil conditions located on the ROWs; or (d) the suitability of the ROWs for Licensee's intended use.

Licensee assumes all risks associated with the placement, operation, and maintenance of the Facilities within the ROWs, including the suitability of the ROWs for such Facilities. Licensee accepts the ROWs in an "AS IS, WHERE IS" condition, including any environmental conditions. Accordingly, the Village shall not be liable for any damages, claims, or liabilities arising from or related to adverse claims concerning the title, boundaries, or condition of the ROWs.

5. **Location.** The location of the Facilities shall be subject to approval by the Village's Director of Public Works or designee. Unless otherwise specified in a permit issued by the Village, Licensee shall not place the Facilities in any manner that unreasonably interferes with the use of the ROWs by the Village, any utility, the general public, or other persons lawfully authorized to use or be present in the public ROWs. Licensee shall comply with all applicable Village ordinances and regulations, including the Village of Germantown Development Handbook, regarding permitting for the design, installation, operation, and maintenance of the Facilities. If any portion of the Facilities is designed to be installed in a location that does not comply with permit requirements or applicable standards, Licensee shall, at its sole cost and expense, promptly relocate such Facilities to a location approved by the Village.

6. **Use of ROWs.** In its use of the ROWs and any work performed thereon, Licensee shall comply with all applicable laws, ordinances, regulations, and requirements of Federal, State, County, and local regulatory authorities, including all applicable Village ordinances governing permitting and construction within the ROWs, including Germantown Municipal Code §8.065, attached as an exhibit to this agreement.

Prior to work in the ROW, applicant to provide registration information as outlined in 8.065 sections (d) and (e).

Upon authorization from Village, Licensee shall use and occupy the ROWs solely for the installation, operation, and maintenance of the Facilities, which shall be limited to:

- underground conduit, fiber optic telecommunications cable, and related equipment where existing similar utilities are underground; and
- aerial fiber optic telecommunications cable and related equipment where existing similar utilities are aerial.

Applicant shall satisfy all requirements of the excavation permit as outlined in the Village Code of Ordinances 8.06 and 8.065 Sections (g) and (h). In addition, applicant to provide a traffic control plan conforming with the MUTCD, a staging plan showing equipment and materials storage areas, a communication plan for resident outreach and complaints, and a corresponding schedule for the traffic control and staging and operations. These plans are to be in accordance provided by the applicant to the Village for review, comment and approval in advance of mobilizing and beginning work. It is specifically understood that the ROWs shall not be used for the burning of refuse, the accumulation or storage of debris or other material, or for any unsanitary or unhealthful purposes. All parts of Licensee's Facilities shall be underground except in areas where existing similar utilities are aerial. Any unauthorized or impermissible use of the ROWs shall constitute a material breach of this License Agreement.

7. **Installation, Operation and Maintenance.** In performing any work or exercising any rights under this Agreement, Licensee shall not obstruct or interfere in any manner with the Village's ROWs, existing utility easements, private rights-of-way, sanitary sewers, sewer laterals, water mains, storm drains, gas mains, poles, aerial facilities, or other existing telecommunications facilities without the express written approval of the Village or the owners, including franchisees, of the affected property.

Maintenance of the Facilities within the ROWs shall be the sole responsibility of Licensee. Licensee shall maintain the Facilities in good and safe condition and in compliance with all applicable Federal, State, and local laws, regulations, and policies. The Village reserves the right to enter upon and repair any damage to areas surrounding the licensed premises. If such damage is caused by Licensee, the actual, reasonable, and documented cost of such repair shall be borne by Licensee.

Notwithstanding any provisions to the contrary, in the event of an unexpected repair or emergency ("Emergency Maintenance"), Licensee is required to notify the Village's on site representative (Inspector) and may access the ROWs and commence such Emergency Maintenance work, following communication with the Director of Public Works and as required under the circumstances.

8. **Marking.** Prior to and during any installation or relocation of any underground cables or utility lines, Licensee shall contact the Diggers Hotline One Call System (commonly known as “Call Before You Dig” or “811”) to obtain planning prints for design and for hotline markings in the respective field location to ascertain the presence and location of existing aboveground and underground facilities within the ROWs to be occupied by Licensee’s Facilities and shall install route markers in accordance with applicable law. On application materials submitted to the Village, applicant to provide Diggers Hotline registration certificate number as required by Village of Germantown Ordinance 8.065 Section (e)(1)a, along with other contact registration information

Licensee agrees that it will become a member of the One Call System (811) as a requirement of this Agreement. This system is designed to alert Licensee to planned work in the rights-of-way so that Licensee can mark the location of its Facilities to avoid damage.

In the event the field markings are different than the plan drawings, such as due to changes in underground utility locations, Contractor to stop and cease work in that area, and applicant to resubmit updated plans for that excavation area.

9. **Public Safety.** Licensee or other person acting on its behalf, at its own expense, shall submit a traffic control plan for the placement and use of suitable barricades, flags, flagmen, lights, flares and other measures as required per the Manual for Uniform Traffic Control for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of any work in or affecting the ROWs or other property. The Village may require regular weekly meetings, and interim phone calls with the Foreman, to discuss safety and schedule and communication and overall project plans and progress.

10. **Restoration of ROWs.** Within fourteen (14) days after completion of initial construction operations or any repair, relocation, or removal of the Facilities, Licensee shall grade and restore all areas disturbed by such work to a condition substantially similar to that which existed prior to the work. This time period may be reasonably extended upon written request by Licensee for good cause shown. Applicant is required to notify the Village’s representative (Inspector) of restoration activity, as scheduled, to document the restoration condition and proceed as outlined in Village of Germantown Code of Ordinances 8.065 Sections (j) and (k).

If weather or other conditions prevent full restoration within the required time, Licensee shall perform temporary restoration at its sole expense and shall promptly complete permanent restoration when conditions permit.

In the event Licensee fails to restore disturbed areas or make necessary repairs to the ROWs or other Village property as required herein, the Village may, after providing Licensee with at least fourteen (14) days’ prior written notice and an opportunity to cure, perform or cause such restoration or repairs to be made. The Village may then seek reimbursement from Licensee for the actual, reasonable, and documented costs incurred, which shall be supported by invoices and documentation provided to Licensee. Licensee shall remit payment within thirty (30) days of receipt of such documentation. Alternatively, the Village may draw upon any security posted by Licensee to recover such costs.

11. **Damage to Licensee's Facilities.** The Village shall not be liable for, and Licensee expressly waives, any claims for damage to or loss of Licensee's Facilities within the ROWs arising from or in connection with public works, public improvements, construction, excavation, grading, filling, or other work of any kind in the ROWs by or on behalf of the Village, except to the extent such damage or loss is caused by the Village's gross negligence or willful misconduct.

12. **Reimbursement of Village Expenses.** Licensee shall reimburse the Village for all actual, reasonable, and documented costs incurred by the Village for third-party contracted services and related expenses directly attributable to Licensee's activities under this Agreement, including but not limited to:

- (a) inspection services;
- (b) engineering or technical review;
- (c) traffic control services; and
- (d) restoration work performed by contractors on behalf of the Village.

The Village shall provide Licensee with written documentation of such costs, including copies of invoices and receipts. Licensee shall remit payment within thirty (30) days of receipt of such documentation.

In accordance with Wisconsin statutory requirements, the Village shall not charge Licensee overhead or administrative costs in excess of those amounts recoverable under state law, and any such charges must be separately itemized and supported by documentation.

This Section shall comply with applicable Wisconsin statutes and municipal ordinances governing municipal cost recovery.

13. **No Transfer or Assignment.** This License Agreement shall be binding upon and shall inure to the benefit of the parties and their successors and assigns. During the term of this License Agreement, Licensee acknowledges and agrees that it does not have the right or authority to transfer or assign this License Agreement or any interest herein without the prior written consent of the Village; provided, however that Licensee shall have the right, without the Village's prior written consent, to assign or otherwise transfer this License Agreement to any successor entity or affiliate or subsidiary of Licensee, or to any entity into which Licensee may be merged or consolidated or which purchases all or substantially all of the assets of Licensee. Any such written consent required under this Section 12 may not be unreasonably withheld or delayed. Any transferee or assignee must, at a minimum, show satisfactory evidence that it meets the insurance requirements and other terms, conditions, and provisions contained herein.

14. **Indemnity/Hold Harmless.** Each party (the "Indemnifying Party") agrees to defend, indemnify, and hold harmless the other party (the "Indemnified Party"), including its officers, directors, employees, agents, affiliates, successors, and permitted assigns, from and against any and all third-party claims, actions, proceedings (including administrative or informal proceedings), judgments, damages, penalties, fines, costs, liabilities, or losses, together with reasonable

attorneys' fees and other expenses, to the extent arising directly out of or directly related to:
 (a) the Indemnifying Party's breach of this Agreement; or
 (b) the negligent acts, errors, or omissions, or willful misconduct of the Indemnifying Party or its contractors, agents, or employees in connection with activities undertaken pursuant to this Agreement.

This indemnity shall not apply to the extent that any claim or liability results from the negligence or willful misconduct of the Indemnified Party.

15. **Insurance.** Licensee shall, at its sole expense, cause to be issued and maintained during the Term of this Agreement insurance coverages of the types and in the amounts set forth below, as applicable:

<u>Type of Insurance</u>	<u>Limit</u>	
General Liability (including contractual liability) written on an occurrence basis	General Aggregate	\$2,000,000
	Prod./Comp. Op. Agg.	\$1,000,000
	Personal & Adv. Injury	\$1,000,000
	Each Occurrence	\$1,000,000
Automobile Liability, including any auto, hired auto and non-owned autos	Combines Single Limit	\$1,000,000
Excess Liability, Umbrella Form	Each Occurrence	\$2,000,000
	Aggregate	\$2,000,000
Workers' Compensation	Each Accident	\$ 500,000

Prior to commencing work on the Facilities described herein, Licensee shall furnish the Village with the appropriate Certificates of Insurance, and applicable policy endorsements. Licensee shall have the Commercial General Liability, Automobile Liability, and Umbrella/Excess Liability policies endorsed to add the "Village of _____, its officers, officials, agents and employees" as "additional insureds".

17. **No Encumbrances.** Licensee shall not place, permit, or allow any liens, mortgages, security interests, pledges, claims, or other encumbrances to attach to or be filed against the Village's title to the ROWs. This provision shall not restrict Licensee from granting security interests or liens in its own Facilities, provided that such interests do not encumber or otherwise affect the Village's ownership of the ROWs.

18. **Taxes.** Nothing contained in this License Agreement shall be construed to exempt Licensee from any fee, tax, property tax levy or assessment, which is or may be hereinafter lawfully imposed on it relative to its use of the ROWs or its operation of the Facilities.

19. **Termination.** The Village may terminate this License Agreement and the License granted herein for any of the following reasons:

- (i) **Fraud or Misrepresentation:** Licensee knowingly made fraudulent, false, or materially incomplete statements in the permit application; or
- (ii) **Failure to Cure Breach:** Licensee fails to cure a material breach of this Agreement or noncompliance with any material provision after receiving written notice and a forty-five (45) day cure period; provided, however, that if such noncompliance cannot reasonably be cured within forty-five (45) days, the cure period shall be extended for such additional time as is reasonably necessary under the circumstances, provided Licensee has commenced and is diligently pursuing such cure; or
- (iii) **Public Safety Threat:** Licensee's physical presence or the presence of its Facilities within the ROWs presents a direct or imminent threat to public health, safety, or welfare; or
- (iv) **Failure to Construct as Approved:** Licensee fails to construct the Facilities substantially in accordance with the permit and approved plans; or
- (v) **Traffic Control Deficiencies:** Licensee fails to provide required traffic control and does not respond to Village requests to correct such deficiencies within a reasonable time frame.

Upon termination of this Agreement for any reason, Licensee shall, within one hundred eighty (180) days of written notice from the Village, remove its Facilities from all Village ROWs and restore all ROWs as required herein.

20. **No Waiver.** The waiver by one party of any breach of this Agreement or the failure of one party to enforce at any time, or for any period of time, any of the provisions hereof will be limited to the particular instance and will not operate or be deemed to waive any future breaches of this Agreement and will not be construed to be a waiver of any provision except for the particular instance.

21. **Amendments.** This Agreement represents the entire agreement between the parties. No oral changes or modifications of this Agreement shall be permitted or allowed. Changes or modifications to this Agreement shall be made only in writing and upon necessary and proper signature of the Licensee and the Village.

22. **Notices.** Any notice will be in writing and will be deemed to be effectively served when deposited in the mail with sufficient first-class postage affixed and addressed to the party at the party's place of business. Notices shall be addressed to designated representatives of both parties as follows:

Village: Village Clerk
Village of Germantown
N112 W17001 Mequon Road
Germantown, WI 53022

Licensee: AT&T
Attn: Jeff Oldenburg
<Address>

With a copy to: AT&T
Attn: Legal – ROW Permitting
<Address>

23. **Severability.** In the event that any provision of this License Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereto.

24. **Conflict with Village Ordinances.** In the event of any conflict or inconsistency between the provisions of this License Agreement and any applicable Village ordinance, the terms of this License Agreement shall control and govern the rights and obligations of the parties with respect to the subject matter herein.

25. **Law and Venue.** This License Agreement shall be governed by, interpreted, and construed in accordance with the laws of the State of Wisconsin, without regard to its conflict of law principles. Any legal action or proceeding arising under this Agreement shall be brought exclusively in a state or federal court of competent jurisdiction located within the State of Wisconsin, and each party hereby consents to the jurisdiction and venue of such courts.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed and to become effective as of the date first written above.

AT&T

By: _____
Printed: _____
Title: _____

Date: _____, 20____

VILLAGE OF GERMANTOWN

By: _____
Printed: _____
Title: Village President

Date: _____, 20____

8.06 STREET EXCAVATIONS. (Rep. & Recr. Ord. #5-94)

- (1) **PERMIT REQUIRED.** (Am. Ord. #10-05) No person shall excavate in any street, alley or public ground without a permit therefore from the Public Works Department.
- (2) **FEE.** (Am. Ord. #9-00; Am. Ord. #10-05; Am. Ord. #36-05)
 - (a) The following permit issuance and administration fees shall be collected by the Public Works Department prior to the issuance of any permit for excavating in the municipal right-of-way but outside paved or improved streets, and excavating within a paved or improved street, except that such fees shall not apply to telecommunications carriers and utilities, public service corporations, and cooperative associations organized under Ch. 185, Wis. Stats., to furnish telecommunications, gas, light, heat or power services:
 1. For excavating in the municipal right-of-way but outside paved or improved streets: \$200.00.
 2. For excavating within a paved or improved street: \$500.00.
 - (b) The following permit issuance and administration fees shall be collected by the Public Works Department prior to the issuance of any permit to telecommunications carriers and utilities, public service corporations, and cooperative associations organized under Ch. 185, Wis. Stats., to furnish telecommunications, gas, light, heat or power services, for excavating in the municipal right-of-way but outside paved or improved streets, and excavating within a paved or improved street:
 1. For excavating in the municipal right-of-way but outside paved or improved streets, and for excavating within a paved or improved street: \$150.00.
- (3) **PROTECTION OF THE PUBLIC.** (Am. Ord. #10-05) No permit shall be issued unless the method of construction and location of the work to be performed shall be such that the public safety and convenience will not be impaired. The person seeking the permit (1) shall erect and maintain such barriers, warning lights and signs in accordance with the Manual on Uniform Traffic Control Devices as to adequately inform the traveling public of the nature and location of the work being performed, and (2) shall comply with all provisions and conditions as stated on the permit.
- (4) **REPAIR OF STREET OPENING.** The person to whom a permit is issued under this section shall complete the work involved as soon as possible and shall immediately repair all pavements, gutters and sidewalks in as good condition as before the opening and as may be directed by the Village Engineer in accordance with standards and specifications established by the Public Works Committee and on file in the office of the Village Engineer.
- (5) **CERTIFICATE OF INSURANCE REQUIRED.** In addition, the applicant shall file with the Village Clerk a certificate of general liability and property damage insurance in the amount of \$1,000,000.00 bodily injury per occurrence, \$1,000,000.00 aggregate and \$500,000.00 property damage per occurrence, \$500,000.00 aggregate, conditioned that the applicant will indemnify and save harmless the Village, its officers and agents against all injuries and property damage resulting or arising from any negligence on the part of the applicant or his agents, employees or subcontractors and that such applicant or his insurer shall notify the Village, in writing, 10 days prior to the cancellation of any certificate of insurance afforded hereunder.
- (6) **PERFORMANCE BOND.** (Cr. Ord. #10-05) Applicant shall submit to the Public Works Department a performance bond or check in the amount of \$1,500.00 to be returned upon satisfactory completion of road opening repair and final inspection.
- (7) **EXPIRATION.** (Cr. Ord. #23-10) Permits shall remain valid for 90 days from the date of issuance, after which the permit shall expire.

-
- (8) **PENALTIES.** (Cr. Ord. #23-10) Persons who violate the terms of the permit or who neglect to receive an approved permit before beginning street excavation in the right-of-way shall be penalized as provided in section 25.04 of the Municipal Code.

BUSINESS OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE

MEETING DATE: March 4, 2026

PLACEMENT: Action Item

ITEM TITLE: Consideration of award of contract to Ruekert & Mielke for consultant services to improve Main Street Lift Station and Old Farm Lift Station not to exceed \$532,659.00. (ACTION)

SUBMITTED BY: Kevin Driscoll, Village Engineer, Timothy Zimmerman, Superintendent

SUMMARY EXPLANATION:

The Utility Advisory Committee, Public Works and Highway Committee and Village Board authorized the generation of the Sanitary Sewer System Facilities Plan in 2024 and finalized the Main Street and Old Farm Lift Station Facilities Plan Report in 2025. The Village Board approved a budget amount for a consultant contract to design improvements to the Main Street and Old Farm Lift Stations and force mains. Staff requested proposals to select consultants with experience in lift station design. The proposals are summarized:

Firm	Hours	Amount
Ruekert Mielke	2,917	\$532,659
S.E.H.	3,952	\$795,215
ATI	5,352	\$1,094,478
MSA	6,513	\$1,122,472

Hourly rates are comparable ranging from \$172/hr to \$204/hr, where the budgeted amount of hours is based on the respective consultants' project background familiarity of the Village's sanitary system.

ATTACHMENT:

1. 2026-03-04_Award Lift Station Design Contract
2. R-M - Main St_Old Farm Lift Station_Force Mains(REV_DRAFT)

STAFF RECOMMENDATION:

Village Staff requests the Public Works and Highways Committee recommend to the Village Board the award of a contract for Consultant Design Services to Improve Main Street Lift Station and Old Farm Lift Station and Force Mains to Ruekert Mielke on a time and materials basis in an amount not to exceed \$532,659.

ACTION BY COMMITTEE:

A motion to support authorize staff and a vote "Aye" is in the affirmative to support the contract award.

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

MEETING DATE: March 4, 2026

AGENDA ITEM: New Business

ITEM TITLE: Old Farm Lift Station and Main Street Lift Station Design Project

SUBMITTED BY: Tim Zimmerman – Wastewater Utility Superintendent

SUMMARY EXPLANATION:

The Utility Advisory Committee, Public Works and Highway Committee and Village Board authorized the generation of the Sanitary Sewer System Facilities Plan in 2024 and finalized the Main Street and Old Farm Lift Station Facilities Plan Report in 2025. The Village Board approved a budget amount for a consultant contract to design improvements to the Main Street and Old Farm Lift Stations and force mains. Staff requested proposals to select consultants with experience in lift station design. The proposals are summarized:

Firm	Hours	Amount
Ruekert Mielke	2,917	\$532,659
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ATI	5,352	\$1,094,478
MSA	6,513	\$1,122,472

Hourly rates are comparable ranging from \$172/hr to \$204/hr, where the budgeted amount of hours is based on the respective consultants' project background familiarity of the Village's sanitary system.

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER X
Proposal

RECOMMENDATION:

Village Staff requests the Public Works and Highways Committee recommend to the Village Board the award of a contract for Consultant Design Services to Improve Main Street Lift Station and Old Farm Lift Station and Force Mains to Ruekert Mielke on a time and materials basis in an amount not to exceed \$532,659.

COMMITTEE ACTION:

A motion to support authorize staff and a vote "Aye" is in the affirmative to support the contract award.

VILLAGE OF GERMANTOWN



**Consultant Design Services to Improve Main Street Lift Station and
Old Farm Lift Station and Force Mains (#2609)**

February 20, 2026

February 20, 2026

Matthew Mortwedt
Director of Public Works
Village of Germantown
N112 W17001 Mequon Road
Germantown, WI 53022

Re: Consultant Design Services to Improve Main Street Lift Station and Old Farm Lift Station and Force Mains (#2609)

Mr. Mortwedt:

Ruekert & Mielke, Inc. is pleased to submit our proposal to provide professional engineering services for the Main Street Lift Station and Old Farm Lift Station and Force Mains project. We have received and reviewed addenda 1 through 4 and have incorporated their requirements into this submittal.

A Proven Team Aligned with the Village's Project Goals

The Village is undertaking a critical investment in its wastewater conveyance system to address aging infrastructure, improve reliability, and support long-term growth. Over 45 years of work with the Village culminated most recently in our collaboration on the Facilities Plan for this project. Our long-standing knowledge of the Village's wastewater system, combined with the recent study efforts and ongoing engagement with Village staff, positions the R/M team and the Village to move forward with confidence in developing this project.

In-House Expertise for Efficient Project Execution

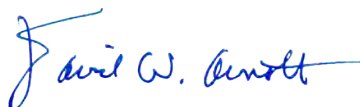
Our multidisciplinary, in-house team offers comprehensive expertise in wastewater process design, force mains, structural, mechanical, electrical, HVAC, environmental permitting, and SCADA integration. This approach provides continuity, clear accountability, and a coordinated design that supports constructability and long-term system performance.

Proven Navigation of WDNR and Clean Water Fund Requirements

Our environmental team offers extensive experience navigating WDNR and Clean Water Fund Program requirements. This expertise supports the Village's regulatory compliance and funding objectives while minimizing delays during permitting and implementation.

We appreciate the opportunity to support the Village on this important project and look forward to continuing our long-standing partnership. If you have any questions or would like additional information, please let us know.

Sincerely,
RUEKERT & MIELKE, INC.



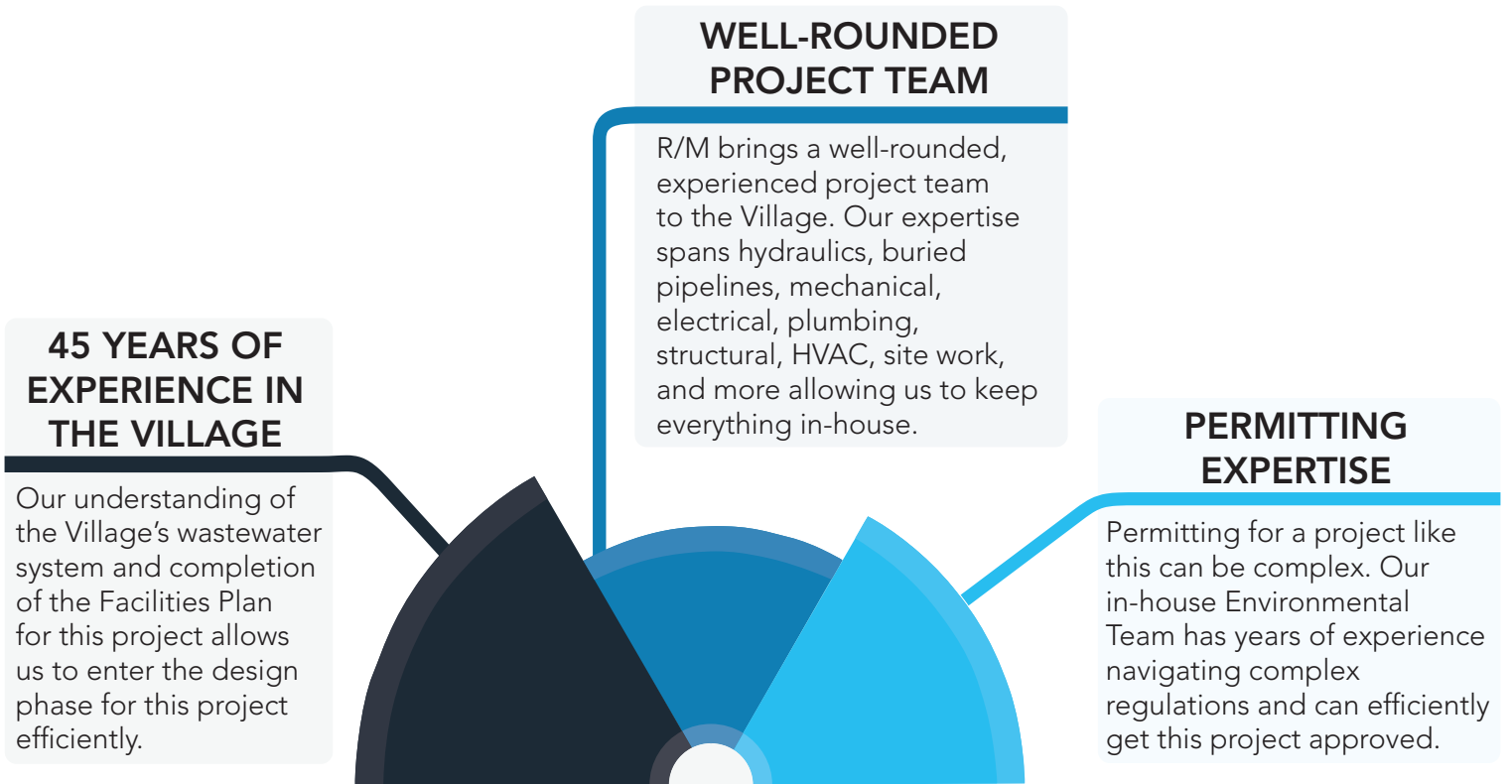
Dave Arnott, P.E.
Project Manager
darnott@ruekert-mielke.com



Jerad Wegner, P.E.
Client Liaison
jwegner@ruekert-mielke.com

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20 FIRM EXPERIENCE	



KEY DIFFERENTIATORS

WHY RUEKERT & MIELKE?

Ruekert & Mielke, Inc. (R/M) is uniquely positioned to support the Main Street and Old Farm lift station and force main project with expertise, experience, and a deep understanding of the Village's specific needs.

R/M has worked with the Village for over 45 years on your sanitary sewer system and lift stations. We are familiar with your collection system, lift stations, permitting system, internal committee organization, approval processes, and SCADA system. This will reduce hassle and extra effort on the part of the Village for this project with a tight design timeline. **Dave Beyer, Dave Arnott, and Jared Wegner offer a combined 72 years of experience with the Village.**

EXPERIENCE WITH THE VILLAGE






Dave Beyer
30 YEARS

Dave Arnott, PE
26 YEARS

Jerad Wegner, PE
16 YEARS

Our environmental group delivers comprehensive environmental permitting expertise. This is critical for this project with complex permits, such as waterway crossings, wetland permits and floodplain permits. **We will work to identify the critical path for environmental and other permitting at the project onset through a permitting matrix that we will prepare initially with the preliminary Design Study Report. The R/M environmental group will be an asset to the Village for this project with multiple complex permits.**

Our Environmental Experts are skilled in compliance efforts and permits, including:

-  Wetland & Waterway Disturbance Permitting
-  Threatened Endangered Species Compliance
-  Cultural, Archeological, & Historic Compliance Oversight

R/M has a full-service team that includes electrical, mechanical, structural, plumbing, and HVAC.

R/M acquired Axiom Consultants in 2024 to provide our clients with in-house structural, plumbing, and HVAC services. This advantage will provide the Village with structural, plumbing, and HVAC services will provide cohesion and consistency for the design project.



The Axiom addition to R/M also brings enhanced building expertise and design to R/M. No subconsultants for electrical, mechanical, structural, plumbing, and HVAC will be used by R/M on this project.



R/M's reputation extends beyond the Village, with a **proven history of similar successful projects for communities across southeastern**

Wisconsin, including:

- Lake Pewaukee Sanitary District
- Village of Hartland
- City of Oconomowoc
- City of Pewaukee
- Village of Pewaukee

Area operators consistently provide positive references to our work.

REGIONAL REPUTATION



R/M offers the Village of Germantown a high-value solution for this project. Our long history with your system, combined with in-house multidisciplinary and environmental expertise, allows us to anticipate challenges, streamline coordination, and deliver a cohesive design that supports reliable operations and long-term performance.



PROJECT UNDERSTANDING

The Village is undertaking a significant upgrade to its two primary wastewater conveyance assets: the Main Street and Old Farm Lift Stations and their associated force mains to address aging infrastructure, operational reliability, and long-term capacity needs. Both stations, constructed in 1986, are critical components of the Village’s conveyance system and are currently challenged by pump clogging, aging mechanical/electrical systems, limited ventilation, aging building assets such as roofing and brickwork, and capacity constraints associated with future growth, including anticipated full build-out with development in the Town of Richfield.

The Village’s 2025 Facilities Plan, authored by R/M, outlines a comprehensive improvement strategy that increases conveyance capacity, enhances reliability and safety, and provides the redundancy needed for long-term system resilience. The final WDNR Facilities Plan approval is pending, and the R/M design will incorporate all elements as described in the approved plan.

Lift Station Conditions & Drivers

Both facilities are wet well/dry well stations with three pumps, a recirculation chopper pump for rag mitigation, and original 1986 equipment. The Main Street station provides 6,250 gpm of firm capacity, and Old Farm provides 7,400 gpm of firm capacity. While structurally sound, both stations require modernization to address capacity, ventilation, safety,

and operational issues, particularly the persistent clogging problems that reduce pump efficiency and increase maintenance burden at the most critical times during wet weather events.

Force Main Improvements

At Main Street, the existing force main consists of a 16-inch ductile iron pipe, while at Old Farm, it is a 20-inch ductile iron pipe. These existing pipes will be retained and lined to backup systems for redundancy. New C-900 PVC force mains with larger diameters (20-inch and 30-inch) will be installed to deliver the increased conveyance capacity needed for anticipated growth. The new mains may follow the current alignment and are likely to be constructed using open-trench methods, which support cost-effectiveness and simplify both permitting and easement processes. Three options for force main alignment will be presented to the Village in the preliminary Design Study Report. We will coordinate with the Village to help determine the optimal force main route from each station.

Process, Mechanical, HVAC, Electrical, and Structural Upgrades

The project includes comprehensive mechanical improvements: new pumps and motors at Old Farm, upgraded pump impellers at Main Street, and full replacement of original check and plug valves. Aging overhead cranes require replacement due to parts unavailability.



Main Street Pumps

HVAC upgrades are essential to increase ventilation in the lower pump rooms and avoid Class I, Division 1 classification. Conversion from electric to natural gas heating, heat recovery units in the generator rooms, and corrosion-minimizing exhaust routing are key safety and energy-efficiency improvements for the HVAC systems.

Electrical modernization includes new motor control centers, switchgear, PLC-based controls, and upgraded service capacity. The existing variable frequency drives will be reused.



Old Farm Motor Control Center

New Buildings and Facility Enhancements

Two significant new structures will be constructed at each site: the Generator Buildings and the Screenings Buildings. Both will be designed to match the architecture of the existing buildings and will provide expanded functionality. Natural-gas-powered standby

generators will be appropriately sized to supply power to all three pumps at each station, ensuring full redundancy and resiliency during outages. The new Screenings Buildings will include an automated fine screen and washer/compactor, which will greatly reduce the frequency of pump clogging and the amount of pump maintenance required.



Old Farm Lift Station

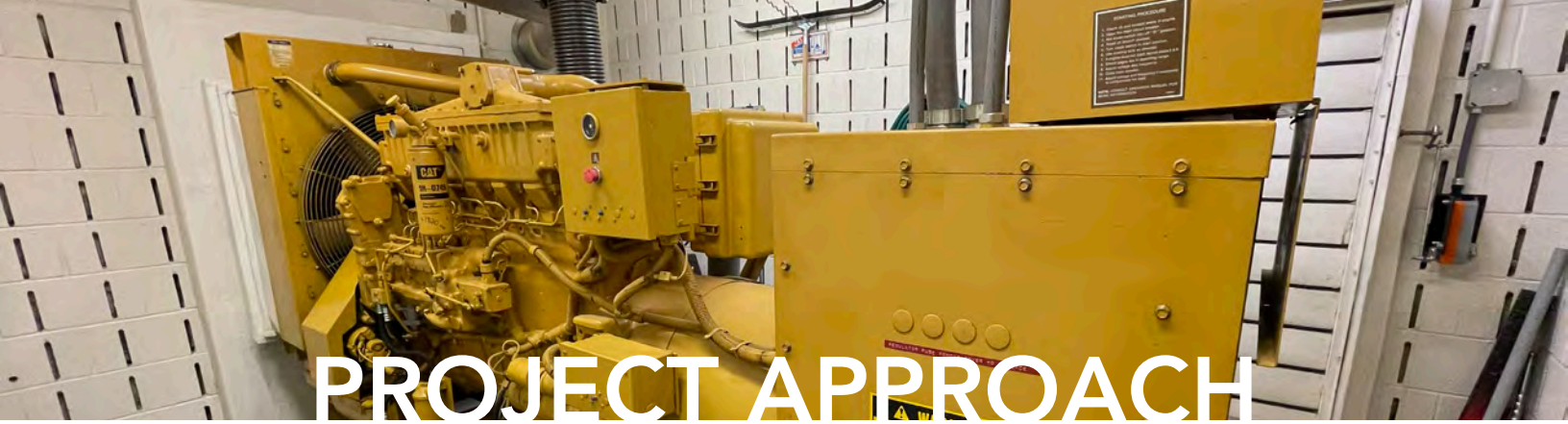
Building and site upgrades will include roof replacement, tuckpointing, wet well HVAC improvements, wet well crack sealing, and replacement of access door interlocks. These improvements are intended to extend the life of existing assets and enhance operator safety.



Main Street Lift Station

Funding and Regulatory Framework

The Village intends to finance the project through the WDNR Clean Water Fund Program (CWFP), which provides low-interest loans and can significantly reduce life-cycle costs. Design must therefore incorporate all CWFP requirements, including Buy America, Build America (BABA) provisions, documentation for financial assistance, and coordination with WDNR throughout permitting and bidding.



PROJECT APPROACH

There are several technical factors that we will be focusing on early in the project:

1 R/M will confirm that new station piping is not required for the Old Farm lift station. We expect the fittings immediately before and after the pumps may have to be replaced. We will confirm that no additional pump room space is needed at the Old Farm station.

2 The size of the screening facilities at each station will be critical. The hydraulics of sewer system immediately upstream of each lift station are very important. We will have to determine how much the sewer can be surcharged at each station with a partially blinded screen. It is likely that a screen with a lower capacity compared with the projected peak hour (8.0 MGD for Main Street and 13.7 MGD for Old Farm) capacity may be economical and still provide a significant reduction in the amount of rags entering the wet well. In general, residents do not use more rags in wet weather when flow rates to the lift stations are the highest. However, we also realize that higher-than-normal flow rates can dislodge rags that are caught up in the sewers and temporarily cause a release of significant rags in a slug.

3 The pump controls will be analyzed to accommodate the temporary higher flow rates to the wet well when the screen takes several steps clearing the screen field. When this happens, wastewater at a high flow rate will enter the wet well. R/M will coordinate the screen controls with the pump controls to optimize overall performance.

4 The methodology of lining the existing force main with its bends will be investigated. Detailed specification and design will be completed based on coordination with multiple contractors. R/M has already started this process in the lift stations Facilities Plan.

R/M will utilize our full-service team with our technical expertise to deliver a complete, accurate, constructible, and CWF-compliant project while minimizing operational disruptions and ensuring long-term performance.

1. Project Initiation and Data Collection

We will begin with a comprehensive kick-off meeting to confirm project goals, facility constraints, schedules, and design preferences. Early tasks include:

- Reviewing the Facilities Plan and integrating any WDNR feedback.
- Verifying pump curves, hydraulic conditions, and operational histories.
- Conducting field assessments of structural, mechanical, HVAC, electrical, and Instrumentation & Control (I&C) components.
- Surveying force main routes for constructability, utility conflicts, and restoration needs. We plan to use a drone flight for each force main route. We have used drones before on utility projects in the last 5 years to efficiently capture existing utility (paint and flags) and topographic information.

These initial tasks were completed by R/M in the successful design of the recent Lake Pewaukee Sanitary District Lift Station 13 Reconstruction project. We will use this experience for the Village of Germantown.

2. Basis of Design Development

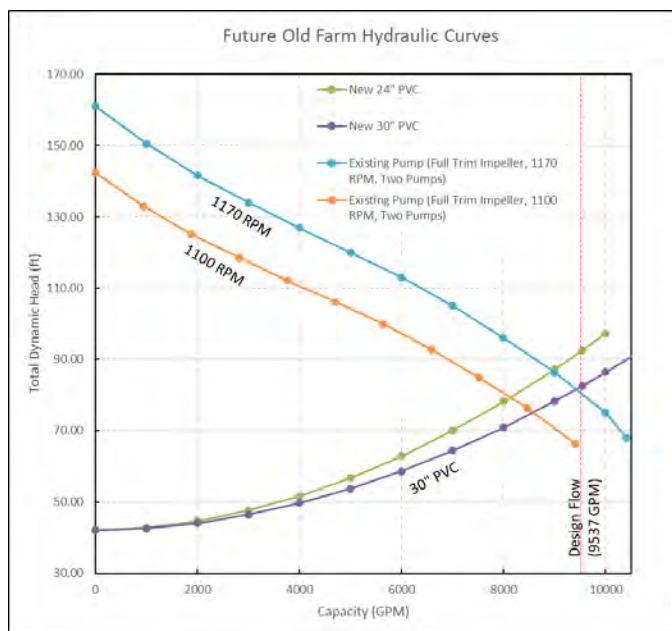
As a foundation for our design, we will prepare a preliminary and final Design Study Report (DSR) that clearly defines:

- A listing of project upgrades based on our kickoff meeting and initial coordination.

- An initial size, location and configuration of the Generator and Screenings Buildings.
- Three alternatives to the force main alignment for each station.
- We will identify how the new force main for Old Farm Lift will be constructed with respect to the Village's plan to reconstruct Division Road in 2027 from the Jefferson Creek to County Line Road.
- Force main lining methodology and constructability.

R/M will meet and coordinate with the Village on the preliminary and final Design Study Report. After coordination with the Village and a decision on the chosen route, a Final Design Study Report will be issued along with 30% plans. The deliverables of this report and plans are:

- Pump selection and hydraulic modeling for both stations and force mains.



Old Farm Hydraulic Curve From Study

- Mechanical and HVAC design standards consistent with code and safety requirements.
- Initial footprint, layout, size, and configuration for the new Generator and Screenings Buildings.
- Initial electrical one-lines, MCC and PLC configurations, and standby power needs.
- Wet well rehabilitation approach and confined-space entry improvements.
- Open-trench force main construction sequencing and traffic/restoration requirements.

- Geotechnical analysis of the lift station sites and chosen force main route.
- 30% plans.
- Initial cost estimate.

The DSR will be reviewed collaboratively with Village staff to ensure alignment before progressing to detailed design.

3. Detailed Design (60% and 90% Submittals)

Design will proceed through structured milestones, each accompanied by cost estimates and permitting updates. Key design elements include:

Force Mains: Plan and profile drawings, air release valves, connection/tie-in details, and lining approach for the existing mains.

Lift Station Improvements: Pump sizing, structural modifications, valve replacement details, crane replacements, and wet well rehabilitation specifications.

Buildings: Architectural, structural, HVAC, plumbing, electrical, and controls design for both new buildings.

Electrical Systems: New MCCs, PLC panel design, generator integration, grounding, and safety compliance.

I&C and SCADA: Standardized controls architecture that aligns with Village preferences. We will coordinate the new designed controls and telemetry equipment at each location with the Village's SCADA system. SCADA design will be completed. SCADA integration (most of item Addendum 2, item 5.7.1) will be completed in a future construction phase.

Constructability reviews at each stage ensure safe sequencing, efficient tie-ins, and minimized downtime.

4. Permitting and CWFPP Coordination

We will prepare all WDNr submittals required for:

- WDNr lift station and force main plan review and permitting.
- Environmental permits (floodplain, storm water, wetland and waterway, other).
- CWFPP Application and Financial Assistance Agreement and loan closing coordination after the bidding process.

- Buy American Build American compliance and material certifications.

Our team maintains up-to-date knowledge of WDNR review timelines and will coordinate closely to avoid schedule delays.

5. Public Bidding Support

We will prepare complete, biddable, and clear contract documents including front-end specifications consistent with CWFP requirements (e.g. Disadvantaged Business Enterprise solicitation, Federal wage rates, and Buy America, Build America provisions). Bidding services include:

- Conducting a pre-bid meeting.
- Answering bidder questions.
- Managing addenda.
- Attending bid opening.
- Reviewing bids and preparing award recommendations.
- Our scope includes bidding services for the Old Farm and Main Street projects separately. Main Street will likely be approximately one year after the Old Farm bidding.

6. Construction-Period Support (If Authorized)

Although construction management is not part of the RFP, our documents will be prepared with construction-phase clarity in mind.

Subconsultants

R/M does not propose the use of subconsultants for this project. **We will complete all work in-house, which will streamline coordination and support efficient project delivery while keeping the project on schedule.**

PROJECT SUCCESS

We will utilize our technical expertise and knowledge of the Village to deliver a high-quality design for this crucial project. By grounding design decisions in the Facilities Plan, engaging closely with Village operators, and aligning with WDNR CWFP requirements, we will deliver a project that meets future growth needs, enhances safety, and extends the life of critical wastewater assets.

Project Flexibility

The R/M team also offers the Village project flexibility in the following aspects:



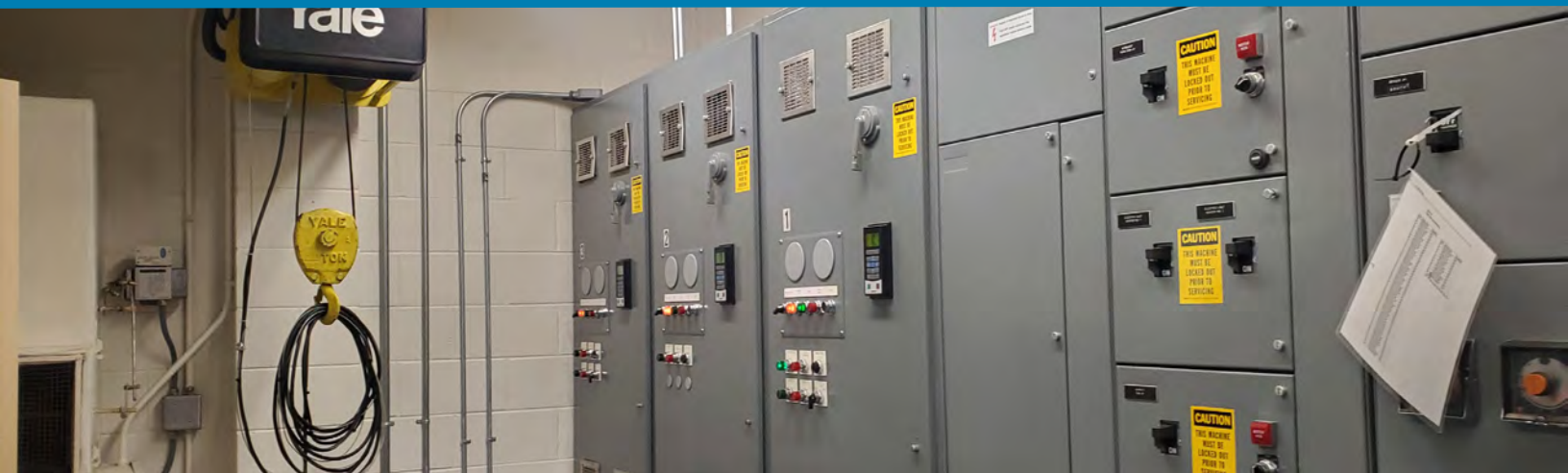
R/M will present the option to the Village to bid the Old Farm lift station and force main project approximately 1 year before the bid for the Main Street lift station and force main.



R/M will present the option to the Village to bid both lift stations and force main together. In this case, there would be one phase construction project.



R/M will present three force main route options for each lift station. The Village can choose the option that is optimum for cost and ongoing maintenance.



ORGANIZATIONAL CHART



Matt Mortwedt, Tim Zimmerman, Kevin Driscoll

Client Liaison

Jerad Wegner, P.E.



Project Manager

Dave Arnott, P.E.



Project Engineer

Ethan Botmen, P.E.



Project Engineer,
Quality Control

Don Heikkila, P.E.



Electrical Engineer

Eric Widas



SCADA Analyst

Dave Beyer



Environmental
Specialists

Kaley Simonis
Tiffany Wagner, AEP



Force Main
Project Engineers

Shane Davis, P.E.
Mike Blazejovsky



Structural
Engineer

Justine Siglin, P.E.



HVAC/Plumbing
Engineer

Joe Lomheim, P.E.



OUR TEAM



DAVE ARNOTT, P.E.
Project Manager

Dave will serve as the Project Manager and oversee overall management for the design and bidding phases. He has more than 25 years of experience in the municipal water and wastewater industry and has completed numerous lift station projects. His expertise includes hydraulics, pump selection, process mechanical design, and lift station plumbing and HVAC. His experience spans the planning, design, bidding, and construction phases.



ETHAN BOTMEN, P.E.
Project Engineer

Ethan will lead the site, process mechanical, and building design. He has four years of experience in the municipal water and wastewater industry, including a recent design project with upgrades at 21 lift station locations. Typical improvements included pump replacements, hydraulic upgrades, and building design.



DON HEIKKILA, P.E.
Project Engineer, Quality Control

Don brings more than 27 years of experience in the water and wastewater industry. He has expertise in process mechanical, instrumentation, electrical, and building systems. Don's strong attention to detail and focus on completeness support his role in quality assurance.



JOE LOMHEIM, P.E.
HVAC and Plumbing Engineer

Joe is a Senior Mechanical Engineer with over 15 years of experience in building systems design and construction with plumbing and HVAC. He will lead the plumbing and HVAC design for the Screening Building, Generator Building and existing buildings at each lift station.



JUSTINE SIGLIN, P.E.
Structural Engineer

Justine is a Senior Structural Engineer with over a decade of experience in building design and construction. She will lead the building design for the Screening and Generator Buildings at each lift station.



ERIC WIDAS
Electrical Engineer

Eric will serve as the Project Engineer for electrical and controls. He has completed several lift station upgrades with new or replacement natural gas powered standby generators. He designs 480V power distribution for R/M water and wastewater projects and has experience with SCADA systems, including PLC programming. Eric will work closely with Dave Beyer to ensure the correct controls, SCADA, and telemetry components are specified for the new station.



DAVE BEYER
SCADA Analyst

Dave will assist Eric with the controls and telemetry design for the new lift station components. During construction, Dave will lead telemetry coordination for alarms and generator operational status. He will ensure this information is integrated into the station PLC and communicated back to the City's main SCADA system.



SHANE DAVIS, P.E.
MIKE BLAZEJOVSKY
Project Engineers

Mike will design the existing force main lining and assist Shane with the new force main design. They recently completed the design and construction management of 7,000 feet of force main for the Lake Pewaukee Sanitary District. They will apply this experience to the Village of Germantown project.



KALEY SIMONIS
TIFFANY WAGNER, AEP
Environmental Specialists

Kaley and Tiffany will oversee environmental compliance, including wetland and waterway disturbance permitting, threatened endangered species compliance, and cultural, archaeological, and historic compliance oversight.



DAVID W. ARNOTT, P.E.

PROJECT MANAGER

With 27 years of municipal wastewater experience, Dave interfaces with multiple internal project stakeholders to ensure alignment and efficiency on the design process. He is committed to delivering high-quality results and will work closely with the Village to ensure a reliable, long-term solution for the Old Farm and Main Street lift station and force main project. Dave realizes that close communication with the Village throughout the design process is critical to success.

EXPERTISE:

- Screening Processes
- Hydraulics
- Mechanical Equipment
- Standby Power
- Energy Efficiency
- Force Main Design

EXPERIENCE

Dave is an experienced project manager specializing in wastewater infrastructure design and improvement. He has led numerous lift station and treatment facility upgrades, focusing on enhancing safety, efficiency, and providing capacity for future growth. Dave has successfully managed projects involving influent pumping system upgrades, screening facilities upgrades, and standby power improvements. With a strong ability to lead multidisciplinary teams, he ensures projects are completed on time and within budget while prioritizing reliability and cost-effective solutions that benefit operators and communities for decades.

LIFT STATION EXPERIENCE

Atkinson Street Lift Station Upgrade

Village of Mukwonago

This project upgraded the Village’s largest lift station by converting the existing dry pit station to a submersible design, eliminating confined space hazards associated with the buried steel pump chamber. The improvements significantly increased station capacity to support future development in the tributary area. A new control building now houses the valves and controls near the wet well, and the station was upgraded from a duplex to a triplex design. The enhanced system also resolved issues with rags accumulating on pump impellers. The existing wet well was reused to reduce costs, and the station now operates without confined spaces.

Wastewater Treatment Facility Influent Lift Station Upgrade

Village of Mukwonago

To meet increased influent pumping demands, this project converted an existing dry pit station with a buried steel pump chamber into a modern dry pit design within a heated, well-lit, and ventilated pump room, eliminating confined space hazards. The new underground pump room houses three larger-capacity dry pit submersible pumps, piping, and valves, providing a peak hour capacity of 3,600 GPM. Upgraded pumps prevent rag accumulation, improving facility operations. Variable speed drives and enhanced controls were also implemented for better performance during peak events.

CONTACT

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- 🏢 Waukesha

EDUCATION

- Master of Science, Civil Engineering and Mechanics - University of Wisconsin, Milwaukee
- Bachelor of Science, Civil and Environmental Engineering - University of Wisconsin, Madison



DAVID W. ARNOTT, P.E. PROJECT MANAGER

Kopmeier Drive Lift Station

Village of Pewaukee

This project upgrades the existing dry pit lift station to a submersible design, eliminating confined space hazards associated with the buried pump and valve chamber. The improvements increase station capacity to accommodate future growth in the tributary area. A new adjacent control building will house valves, controls, and a standby generator, while the existing concrete wet well will be preserved with an epoxy coating for longevity. Variable speed drives will enhance pumping rate flexibility, and special permitting was required due to the station's proximity to a railroad. This project is currently in construction.

Wastewater Treatment Facility Influent Lift Station Upgrade

City of Columbus

The City needed extra capacity for its influent pumping at the wastewater treatment facility. Five vertical line shaft pumps were replaced with three larger capacity dry pit submersible pumps for maintenance considerations. The pumps were located in an existing lower level pump room in a building. Valve and pipe fitting changes were made too. With the different style pumps, staff no longer must grease shaft couplings at elevated levels increasing safety. The station capacity was expanded to over 3,500 gpm. The newer pumps no longer catch rags improving the operation of the facility. The pump motors were outfitted with variable speed drives and the controls were upgraded for improved operation during peak events.

Jericho Acres Lift Station Upgrade

City of Pewaukee

This project upgraded an existing dry pit station to a submersible design, eliminating the buried steel pump chamber and associated confined space hazards. The existing wet well was reused to reduce costs. A new building was constructed to house pump controls, switchgear, valves, and a standby generator, with valve access available from both inside and outside the building. The upgrade also increased station capacity to accommodate future development in the tributary area.

WWTF UPGRADE EXPERIENCE

Wastewater Treatment Facility Screening Upgrade

City of Columbus

The City replaced their screening facilities that were located on the wet well deck level. The new screen and washer/compactor were located on the finished floor level. The upgrade improved operator safety by eliminating the need to manually carry bagged screenings up a staircase 25 feet deep on a daily basis. The project greatly reduced the operators from needing to access the lower level of the influent wet well which contained hazardous gases. The project included much updated screening and washing equipment and ventilation equipment that benefited the City with enhanced operations.

Grit Removal System Wastewater Treatment Facility Upgrade

City of Oconomowoc

Project Manager for the replacement and upgrade of the facilities grit removal system. Dave led a technical team for planning, design, and construction management for a newer, more efficient grit removal system. This project included mechanical, hydraulic, structural, electrical, and control components. The upgraded system allowed the facility to capture more grit protecting downstream processes and tanks.

Wastewater Treatment Facility & Screening Addition

Village of Mukwonago

The Village replaced their comminuter (cutting and grinding) facilities with screening facilities. A new fine screen was placed in the lift station wet well deck. Rags and debris were removed before the wastewater fell to the lower wet well level. Screenings were automatically transferred to the ground floor level of a building addition where the screenings compactor was located. Here, the screening were washed and compacted before being compressed and collected in a rolling dumpster for disposal. The project included new plumbing, electrical and HVAC equipment for code requirements. The project allowed inert material to be removed at the headworks of the facility instead of collecting in downstream tanks and treatment processes. The farm-applied biosolids from the facility are now cleaner and do not contain rag material that was previously only cut up in smaller pieces.



ETHAN J. BOTMEN, P.E.

PROJECT MANAGER

Ethan has hands-on and project administration experience with a wide range of municipal engineering and pursued his master's studies to focus on water and wastewater treatment. Ethan focused on studying the biochemistry involved in treating a variety of constituents, as well as experimenting with different water treatment technologies.

EXPERIENCE

Lift Station 13 Reconstruction

Lake Pewaukee Sanitary District

The goal of this project was to convert an existing wet well/dry well "can-style" lift station into a submersible station without routine confined entry concerns. Ethan assisted in the mechanical design of the system and site design, as well as coordinating between disciplines for a canopy-covered wet well and controls building.

Mukwonago WWTF Biosolids Study

Village of Mukwonago

For this ongoing study, Ethan checked calculations for solids generation, developed conceptual designs for alternatives, and conducted equipment sizing and cost coordination. This study will provide the Village with a plan for more efficient management of their biosolids including the potential to accept high strength waste.

Waterford Lift Station Upgrades

Waterford Sanitary District #1

This design project was to upgrade lift station facilities that were determined to have undersized pumping capabilities in a previous study. Ethan assisted in hydraulic calculations and subsequent pump sizing. He also worked on the site and mechanical design at multiple lift stations, and is currently assisting in ongoing construction administration.

Main Street & Old Farm Lift Station Facilities Plan Report

Village of Germantown

This study focused on identifying the upgrades necessary for two major lift stations in the Village. Ethan assisted in hydraulic calculations and cost estimating for establishing a plan and budget for improvement.

Evergreen Lift Station Upgrades

City of Cedarburg

This project converted an existing wet well/dry well "can-style" lift station into a submersible station with an above ground control and valve building. Ethan was the project manager for this project and designed the hydraulic and mechanical features as well as site design for the lift station and nearby access driveway.

CONTACT

- 920.876.6382
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- Green Bay

EDUCATION

- B.S. - Civil & Environmental Engineering
- University of Wisconsin, Madison
- M.S. - Civil & Environmental Engineering
- University of Minnesota, Twin Cities

REGISTRATIONS & AFFILIATIONS

- Professional Engineer - WI



DONALD J. HEIKKILA, P.E.

PROJECT ENGINEER, QA/QC

Don has over 25 years of experience with planning, design, and construction administration related to Wastewater Pumping, Wastewater Treatment, and Water Supply and Treatment facilities. Don is the engineer of record for the Erie Sewer Authority and is the project manager for planning studies and capital projects for the City of Erie/ Erie Sewer Authority Wastewater Treatment Plant.

CONTACT

- 920.876.6382
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- Green Bay

EDUCATION

- B.S. - Environmental Engineering - Michigan Technological University

REGISTRATIONS & AFFILIATIONS

- Professional Engineer - WI, PA
- Central States Water Environment Association (CSWEA)
- Water Environment Federation (WEF)
- Wisconsin Wastewater Operators Association (WWOA)
- American Waterworks Association (AWWA)



» professional engineer «

EXPERIENCE

Wastewater Treatment Facility Upgrade

City of Oconomowoc

Lead designer for grit removal system. Project involved replacing the aeration system and grit collection and dewatering system for the existing aerated grit chambers with an induced vortex stacked tray grit removal system and the installation of grit pumps and high efficiency grit classification and dewatering equipment. The project also involved repairs and painting of circular sludge and scum collector mechanisms in one primary clarifier and one secondary clarifier.

Wastewater Treatment Facility Upgrade

Village of Mukwonago

Lead designer. The project involved rehabilitating the existing floating covers for anaerobic digesters, the addition of a pumped mixing system for the anaerobic digesters, replacement of the grit pump and grit classifier and dewatering equipment, enhancements to the grit chamber, and the addition of a septage receiving station.

Wastewater Treatment Facilities Design & Planning

- City of Oconomowoc
- City of Peshtigo
- Village of Suring
- Salem Utility District
- City of Waupaca
- City of Erie
- Town of Baileys Harbor
- Village of Mukwonago
- City of Oconto Falls
- Village of Crivitz

Sewage Lift Stations

- Village of Suamico
- City of Peshtigo
- Village of Mishicot
- Kenosha County Parks
- Delevan Lake Sanitary District
- City of Columbus
- Village of Mukwonago
- Village of Crivitz

Industrial Wastewater Treatment Design & Operation Assistance

- Industrial Meat Processing
- Dairy/Cheese, WI & MN



SHANE DAVIS, PE
FORCE MAIN PROJECT
ENGINEER

Office

90.876.6382

Email

sdavis@ruekert-mielke.com

Education

- Master of Science, Civil & Environmental Engineering
- Brigham Young University, Utah
- Bachelor of Science, Civil Engineering
- Brigham Young University, Idaho

Shane is a project engineer with experience in the design and planning of water supply, distribution systems, and booster stations. Shane also has experience with drinking water and wastewater treatment processes design and construction administration.

PROJECT HIGHLIGHTS

Lift Station 13 Force Main | Lake Pewaukee Sanitary District

Shane designed 7,000 feet of new 16-inch force main for the LPSD’s Lift Station 13. The force main is located under a county trunk highway and was carefully designed around existing utilities including water, sewer, gas, and communication lines. Shane’s responsibilities included creation of project drawings, specifications, and project contract, obtain DNR approval, and construction administration.

State Highway 117 Water Main Replacement | Village of Bondeul

Shane was the primary design engineer for a water main replacement along State Highway 117. The project included roughly 2,700 feet of new water main. Shane’s responsibilities included water main design and writing project specifications for review within the Wisconsin Department of Transportation.

ADDITIONAL EXPERIENCE

- Water Distribution System Modeling | Village of Howard
- Well Head Protection Programs | Village of Oregon
- Well Site Investigation | Village of Menomonee Falls



MIKE BLAZEJOVSKY
FORCE MAIN PROJECT
ENGINEER

Office

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Education

- Bachelor of Science, Civil Engineering
- Marquette University

Mike has extensive experience managing a wide variety of projects including sanitary and storm sewer inspection, sewer condition analysis, sewer main and lateral rehabilitation, chemical grouting, manhole rehabilitation, sanitary and storm sewer design, sanitary sewer inflow and infiltration studies, cost estimating, and quantity take-offs. Mike also has unique field experience with hands-on installation of sewer, water, and storm utilities as well as design, permitting, and installation of Private Onsite Wastewater Treatment Systems (POWTS) in the State of Wisconsin.

PROJECT HIGHLIGHTS

Lift Station 13 Force Main | Lake Pewaukee Sanitary District

Completed design, bidding, and construction management for a 7,000 linear foot 16-inch diameter force main installation to serve a new pumping station and alleviate capacity issues within the LPSD sanitary system. The project required significant coordination with other municipal and County stakeholders and was completed early and under budget.

Sanitary Sewer Interceptor Rehabilitation | Lake Pewaukee Sanitary District

Completed planning, design, bidding, and currently managing construction of televising, lining, and grouting of the Sanitary District’s main sanitary sewer interceptor, which showed signs of severe deterioration in many locations. A key component of the project was planning for bypass of the District’s main lift station, pumping almost continuously through an existing 16” Force Main.

ADDITIONAL EXPERIENCE

- Sanitary Sewer System Facilities Plan | Village of Germantown



JUSTINE SIGLIN, PE
STRUCTURAL ENGINEER

Office

319.519.6220

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Education

Bachelor of Science, Civil
Engineering (Structures)
- Iowa State University

Justine is a Senior Structural Engineer with over a decade of experience in building design and construction. She specializes in multi-story wood, concrete, and steel structures, as well as architectural integration, existing building analysis, and historic rehabilitation. As a team leader, Justine manages projects from concept through completion, ensuring tailored, cost-effective solutions that meet client goals.

PROJECT HIGHLIGHTS

Lift Station 13 Reconstruction | Lake Pewaukee Sanitary District

Justine completed the structural design efforts, project drawings, and specifications for a new control building, a new adjacent wet well structure, and a canopy structure covering the wet well. The control building was designed as a masonry structure with a wood framed roof, supported on traditional shallow foundation system. The interior design aspects of the control building included a recessed in ground control room, generator pad, and equipment hoist beam. The wet well structure was designed out of concrete and extended 36 feet below grade. The owner also requested the design of a steel framed, open air, canopy structure over the surface of the wet well. Integrated into the design of the canopy was a hoist beam system and two operable roof hatches. The roof hatches were controlled by a hydraulic ram system allowing the hatches to be opened, providing the required access for pumping equipment to easily gain entrance into the wet well for required maintenance and pumping.

ADDITIONAL EXPERIENCE

- Reasoner Dam Analysis | City of Humboldt
- Muscatine County Maintenance Building | City of Muscatine



JOE LOMHEIM, PE
HVAC & PLUMBING
ENGINEER

Office

319.519.6220

Email

[jломheim@axiom-con.com](mailto:jlomheim@axiom-con.com)

Education

Bachelor of Science, Mechanical
Engineering
- University of Iowa

Joe is a Senior Mechanical Engineer with over 15 years of experience in building systems design and construction. He leads the Mechanical, Electrical, Plumbing, and Technology (MEPT) Division, specializing in systems analysis, specialty studies, and building rehabilitation. He oversees multidisciplinary coordination and ensures seamless delivery from kickoff to completion. His expertise and leadership make him a trusted consultant for integrated solutions that align with client goals.

PROJECT HIGHLIGHTS

Harrison Elementary School Additions & Renovations | City of Cedar Rapids

Joe provided mechanical engineering leadership for the Harrison Elementary School additions and renovations. His work included HVAC system design, plumbing layouts, and integration with architectural plans to ensure energy efficiency and occupant comfort.

Iowa River Power Building Rehabilitations | City of Coralville

Joe managed mechanical system upgrades for the historic Iowa River Power Building. He focused on modernizing HVAC and plumbing systems while preserving the building's character and meeting current code requirements.

ADDITIONAL EXPERIENCE

- The MoLo Historica Rehabilitation | City of Des Moines
- Field Day Brewery Co. | City of North Liberty
- MidAm Building Supply New HQ | City of Mount Pleasant



ERIC WIDAS
ELECTRICAL ENGINEER

Office

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Email

ewidas@ruekert-mielke.com

Education

Bachelor of Science, Electrical
Engineering

- Michigan Technological University

Eric has more than 34 years of design and project management experience in the water, automotive, pulp and paper, food, packaging and personal hygiene industries. Eric has a broad range of skill sets including facility power distribution, generators, motor control, instrumentation, CAD, and PLC/SCADA software.

PROJECT HIGHLIGHTS

Lift Station Upgrades | Waterford Sanitary District

20 Lift Station upgrades included electrical designs for three new generator/pump control buildings, new pump control panel specification for all locations, instrumentation and PLC/SCADA upgrades.

Well 3 Upgrade & Well 6 Building | Village of Oregon

Well 3 upgrade included electrical designs for replacing an existing MCC, new outdoor generator, chemical rooms additions, SCADA/PLC panel replacement, and other facility upgrades. Well 6 new construction included electrical designs for a MCC, building lighting, HVAC, chemical rooms, filter system, PLC/SCADA panel, and generator.

ADDITIONAL EXPERIENCE

- Lift Station Upgrades | Village of Hartland, Village of East Troy, Village of Pewaukee
- Well 4 HMO Treatment Upgrade | Village of Pewaukee
- SCADA & PLC | City of New Berlin
- Wastewater Treatment Facility Aeration Expansion | Village of Slinger
- Booster Station Upgrades | City of Muskego



DAVE BEYER
SCADA ANALYST

Office

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Email

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Education

Associate of Science, Electrical
Engineering Technology

- Wisconsin School of Electronics

Dave brings over 30 years of SCADA experience that includes the design, configuration, start-up, training, and operations support of SCADA systems for water and wastewater utilities.

PROJECT HIGHLIGHTS

Village of Germantown

- SCADA Service Work
- SCADA Upgrades
- Goldendale Booster SCADA Integration
- Well 4 Controls & SCADA
- Well 7 SCADA PLC Integration
- Well 12 SCADA Integration
- SCADA Radio System Upgrade

Water & Wastewater Utility - SCADA System | Village of Grafton

Responsibilities included: Evaluation of SCADA system status and preparation of System Analysis report; SCADA system hardware and software design; SCADA computer network and radio network design; supervision of radio system hardware installation and configuration; coordination of the project team throughout system design and deployment; on-going support for the entire SCADA system.

ADDITIONAL EXPERIENCE

- SCADA System Design & Analysis
- Design & Integration of Controls and SCADA Telemetry (Lift Station Rehabilitation/Upgrade)
- PLC Programming & Network Design



KALEY SIMONIS

ENVIRONMENTAL
SPECIALIST & PERMITTING

Office

920.486.6628

Email

ksimonis@ruekert-mielke.com

Education

Bachelor of Science, Environmental
Studies, Business Minor,
Concentration in Leadership &
Management
- California University, Pennsylvania

Kaley brings more than 15 years of experience in environmental project management and planning. She specializes in complex permitting, and excels in coordinating field data collection, government communication, and stakeholder engagement to ensure the successful completion of permit applications. Her strategic approach to ecological assessments has led to the successful delineation, routing, and oversight of environmentally sensitive projects.

PROJECT HIGHLIGHTS

Wisconsin Public Service Commission (PSC) Construction Authorizations

Kaley facilitates project planning and guidance for clients to meet PSC’s Application Filing Requirements for critical infrastructure projects, including water towers, wells, and treatment facilities.

Clean Water Act 401/404 Permitting

Kaley has been performing wetland and waterway disturbance permitting and compliance for over 15 years. She has worked across the state of Wisconsin to facilitate compliance for projects ranging from private development to large scale municipal infrastructure, and utility scale development. She provides guidance during sitting to facilitate compliance and scheduling.

ADDITIONAL EXPERIENCE

- NEPA/WEPA Environmental Assessments for Clean Water Fund/Safe Drinking Water Loan Programs and Community Development Block Grant



TIFFANY WAGNER,
AEP

ENVIRONMENTAL
SPECIALIST & PERMITTING

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Education

Bachelor of Science, Environmental
Studies, Minor in Geoscience
- University of Wisconsin, Parkside

Tiffany plays a key role in integrating environmental considerations into project development and ensuring regulatory compliance. She has supported environmental review efforts for municipal, utility, and private sector projects, including Certified ER Reviews, NEPA/WEPA reviews under the SDWLP, and wetland and waterway permitting and field assessments. Her work includes evaluating natural resource impacts, coordinating with regulatory agencies, and providing field data to support project planning.

PROJECT HIGHLIGHTS

Certified Endangered Resource (ER) Review

Perform ER Reviews to screen a proposed project area for potential impacts on endangered resources like rare plants, animals, and natural communities for clients.

Wetland and Waterway Permitting Compliance

Support municipal, utility, and private sector projects through preparation and coordination of state and federal wetland and waterway permits. Experience includes permitting for road improvements, paths, water main extensions, and other infrastructure. Responsibilities include impact evaluation, preparing applications, coordinating with regulators, and ensuring compliance.

ADDITIONAL EXPERIENCE

- Wetland and Waterway Delineation
- Safe Drinking Water Loan Program Environmental Review
- Wisconsin Public Service Commission (PSC) Construction Authorization

LIFT STATION, FORCE MAIN, SCREENING FACILITIES PROJECT EXPERIENCE

R/M has partnered successfully with dozens of municipal clients over the past 40 years to complete lift station, force main, and screening projects. The table below highlights our experience with these project types. It includes brief project descriptions, a dot matrix illustrating similarities to the Germantown components, the R/M staff who completed the work and are part of this project team, and reference information.

Client/Project Name	Project Components	Clean Water Fund	Screening Facilities	Building	Standby Generator	Team/Area of Responsibility	Contact
City of Columbus WWTF Screening Facilities	Design new screenings facilities with fine screen and washer/compactor. Design of building addition to house screening equipment. HVAC upgrades.		X	X		Dave Arnott - Mechanical and Building Don Heikkila - Electrical and Controls	Peter Gallun 920-630-0037
WI Dept of Admin. Div. of Facilities Development Oshkosh Correctional Institute	Design new heavy duty screenings facilities with fine screen and washer/compactor. Design of building addition to house screening equipment. HVAC upgrades. Plumbing upgrades.		X	X		Dave Arnott - Mechanical and Building Don Heikkila - Electrical and Controls	Kathy Kalscheur (retired)
Village of Mukwonago WWTF Upgrade	Design new screenings facilities with fine screen and washer/compactor. Design of building addition to house screening equipment. HVAC upgrades. Plumbing upgrades.		X	X		Dave Arnott - Mechanical and Building	Wayne Castle 262-441-1366
City of Oconomowoc WWTF Septage Receiving Improvements	Project management of new septage receiving screening facilities, lift station, and storage system.		X	X		Dave Arnott - Administration and Management Mike Hallada - Inspection	Tim Reel 262-569-2192
Lake Pewaukee Sanitary District Lift Station 13 Reconstruction	Design of 7,000 feet of 16-inch PVC force main. Design of new lift station, with chopper pumps for rags, building design and canopy design. Project includes standby generator.	X		X	X	Dave Arnott, Ethan Botmen - Mechanical and Building Eric Widas, Dave Beyer - Electrical and Controls Shane Davis - Force Main Justine Siglin - Structural Joe Loheim, Plumbing and HVAC Don Heikkila - QA/QC	Tom Koepp 262-333-9603
City of Cedarburg Evergreen Lift Station Upgrade	Design of new lift station to replace a dry pit station, also included new wet well and bike path.			X	X	Ethan Botmen - Mechanical and Buildings Eric Widas, Dave Beyer - Electrical and Controls Don Heikkila - QA/QC	Mike Weiser 262-375-7900
Town of Waterford Sanitary District No. 1 Lift Station Upgrades	Design of upgrades at 21 lift stations. Upgrades included new pumps, buildings, generators, controls, and SCADA system.	X		X	X	Ethan Botmen, Dave Arnott - Mechanical and Buildings Eric Widas, Dave Beyer - Electrical and Controls Don Heikkila - QA/QC	Dan Dickinson 414-331-0065
City of Oconomowoc Northeast Park Lift Station	New submersible lift station. Provide generator inside new park shelter building.			X	X	Dave Arnott - Structural, Mechanical, and Site Work	Tim Reel 262-569-2192
Village of Mukwonago Atkinson Dr. Lift Station	Add generator and vavle building. Replace controls and valves. Convert station to submersible design.			X	X	Dave Arnott - Site Plan and Mechanical Don Heikkila - Electrical and Controls	Dave Brown 262-363-6416
City of Columbus Kiwanis Lift Station Renovation	Flow rate analysis with pump run time data, pump replacement and generator addition, wet well mixing system addition.				X	Dave Arnott - Mechanical Don Heikkila - Electrical and Controls	Peter Gallun 920-623-5915
Village of Hartland Crystal Drive Lift Station Renovation	Building addition, generator addition, telemetry upgrade.			X	X	Dave Arnott - Building	Tom Jenson 262-367-8168
City of Cedarburg Dorchester Dr. Lift Station	Convert drypit station to submersible design. Provide piping and valves in new generator building.			X	X	Dave Arnott - Mechanical Don Heikkila - Electrical and Controls	Mike Wieser 262-375-7900
Village of Benseville Redmond Reservoir Pump Station Upgrade	Storm water pump station rehabilitation including Res mechanical.					Dave Arnott - Site Plan and Mechanical	Mehul Patel 630-350-3405
City of Crystal Lake Lift Station 12 upgrade	Pump replacement, piping upgrades & MCC replacement.					Dave Arnott - Mechanical	Dan Langguth 815-459-2020, ext. 4169

Client/Project Name	Project Components	Clean Water Fund	Screening Facilities	Building	Standby Generator	Team/Area of Responsibility	Contact
Village of Dousman Main Street Lift Station	New submersible lift station with building. Electrical & piping upgrades. New force main & gravity sewer.			X	X	Dave Arnott - Site Plan, Mechanical, and Force Main	262-965-3302
City of Muskego McShane Dr. Lift Station	Wet well rehabilitation. Emergency force main to creek. Valve replacement. Controls replacement.					Dave Arnott - Site Plan and Mechanical	Tim Bourdo 262-679-4100
Village of Mukwonago Black Bear Lift Station	New submersible lift station with building.			X	X	Dave Arnott - Site Plan and Mechanical	Dave Brown 262-363-6416
City of Pewaukee Northmound Dr. Lift Station	Replace generator and building. Replace controls. Add auxiliary pump connection. Rehabilitate maintenance elevator. Re-route force main. Reconfigure site. Provide temporary pumping facilities.			X		Dave Arnott - Mechanical, Structural and Site Plan	Jane Mueller 262-691-0804
City of Oconomowoc Lily Rd. Lift Station	Replace valves. Replace pumps and a portion of force main. Incorporation of salvaged control panel. Add wet well riser sections. Add valve manhole.					Dave Arnott - Mechanical, and Force Main	Tim Reel 262-569-2192
City of Pewaukee Jericho Acres Lift Station	Convert drypit station to submersible design. Provide piping and valves in new generator building.			X	X	Dave Arnott - Mechanical	Jane Mueller 262-691-0804
Village of Menomonee Falls Menomonee Ave Lift Stations and Force Main	Wet weather sewage lift stations & force main. Reroute sewage to another party of collection system with greater capacity. Project included 12,000 feet of 12-inch forcemain.			X		Dave Arnott - Main and Gravity Sewer Force	Tom Hoffman 262-535-4415
Village of Germantown Lift Station No. 6	Replace generator in relocated building. Replace pumps, valves, drives and controls. Replace manhole decks. Provide temporary pumping facilities.			X	X	Dave Arnott - Mechanical and Structural	Tim Zimmerman 262-253-7765
Village of Hartland Arlene Dr. Lift Station	Updated controls, added VFDs, replace pumps. Provide temporary pumping facilities.				X	Dave Arnott - Mechanical Don Heikkila - Electrical Dave Beyer - Controls and SCADA	Tom Jenson 262-367-8168
City of Pewaukee Kopmeier Dr. Lift Station	Replace pumps. Add valve manhole. Replace generator, building and controls. Provide temporary pumping facilities. Draw down testing.				X	Dave Arnott - Mechanical, Structural and Site Work	Jane Mueller 262-691-0804
Village of Dousman WWTF	Design new screenings facilities with fine screen and washer/compactor	X	X	X		Dave Arnott- Mechanical and Process	262-965-3302

"Dave Arnott and Ruekert & Mielke did a fantastic job with the rehabilitation of two of our lift stations in 2024. We had no issues during the project. The whole process went smoothly."

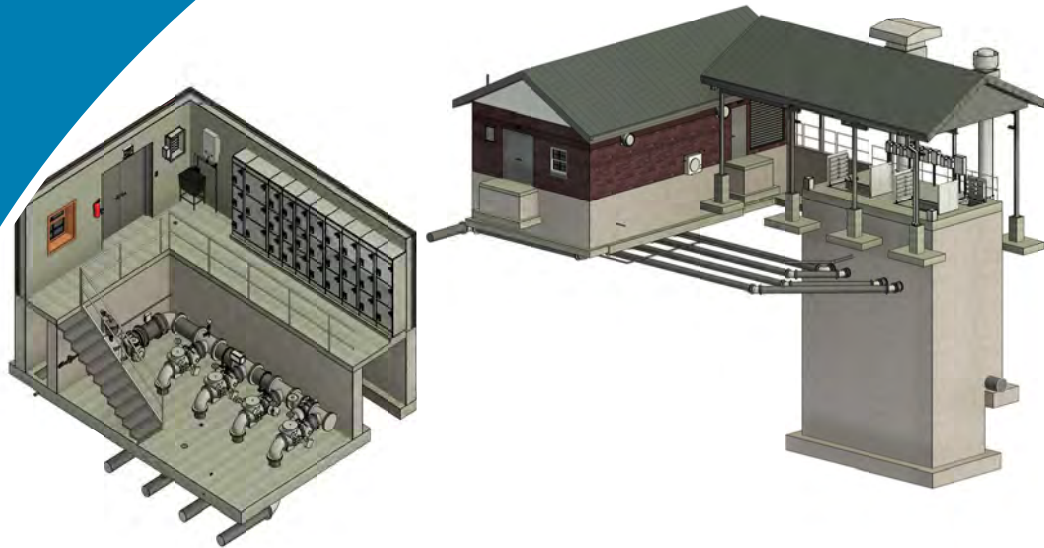
Peter Gallun
Lead Wastewater Operator
Columbus WWTP

Dan Dickinson
President
Town of Waterford
Sanitary District

"I have worked personally with Dave Arnott and his team and find them excellent to work with. We are currently working with Dave and his team on our large lift station upgrade design project. They adapted well to the ideas we had and our needs. Dave also did a great job guiding us through the Clean Water Fund application process which will save the District over \$1M during the course of the 20-year loan. The depth and breadth of their capabilities, from engineering through help with securing favorable financing for the project is beyond our expectations. I highly recommend Ruekert & Mielke, Inc."

"You can always rely on Dave and his team to respond to your needs. You call and they answer, there is no delay in response time. This is absolutely critical when the pressure is on. Dave has a great professional relationship with the WDNR and is well respected in the field. This is key to getting approvals and achieving project success."

Thomas Koepp
Manager
Lake Pewaukee
Sanitary District



SERVICES

- Planning
- Cost Estimating
- Design
- Bidding
- Clean Water Fund Application

PROJECT TEAM

- Dave Arnott, PE
- Eric Widas
- Ethan Botmen, PE
- Justin Siglin, PE
- Joe Loeheim, PE
- Bill Bancroft
- Dave Beyer

CLIENT CONTACT

Tom Koepf
Manager
Lake Pewaukee Sanitary
District
262.691.4485
tkoepf@lakepewaukee.org

LIFT STATION 13 RECONSTRUCTION

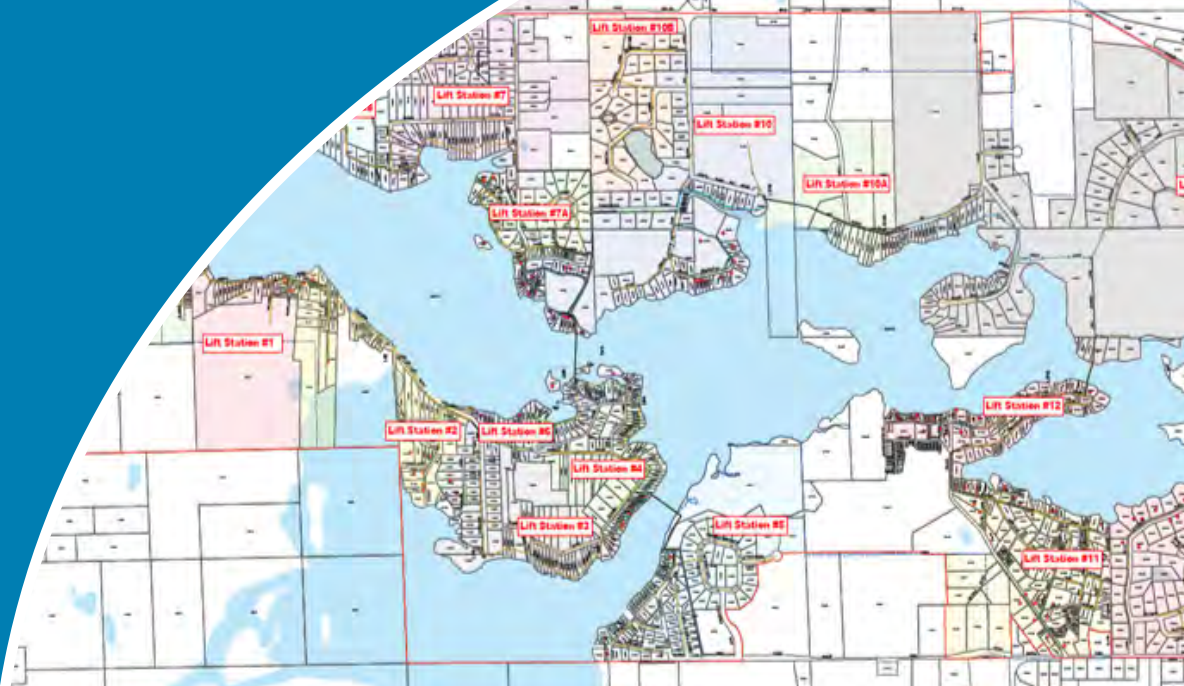
This project addressed capacity, reliability, and safety deficiencies at a critical wastewater facility for the Lake Pewaukee Sanitary District. The existing station lacked sufficient hydraulic capacity and experienced frequent pump clogging during rain events. These failures forced operators to respond under emergency conditions while working in a deep, confined space in a below grade steel structure that housed the pumps and valves. The District needed a solution that increased capacity, reduced downtime, and improved operations and maintenance.

The primary challenges involved pump clogging, limited access, and severe site constraints. The original wet well and dry well configuration placed pumps and valves in a buried steel chamber approximately 30 feet underground, requiring confined-space permits and complicating routine maintenance. During high-flow events, operators had to manually de-clog pumps, often with one unit out of service.

The project team designed a new submersible lift station that eliminated the need to enter a buried chamber. Pumps could be removed from the new wet well and reinstalled using an overhead bridge crane system, improving safety and efficiency. The design incorporated specialty pumps with improved clog resistance, a pumped recirculation mixing system to break down rags in the wet well, and a four-pump configuration to increase redundancy. Valves were relocated to an accessible lower level of the control building, simplifying maintenance and reducing service interruptions.

The completed design will increase pumping capacity and significantly reduced pump downtime caused by clogging. Operations and maintenance will improve through safer access and more efficient equipment handling. The team also coordinated with an architect working on a headquarters expansion at the same site to submit a joint Clean Water Fund application. The combined effort secured approximately \$10 million in funding through a 20-year low-interest loan at 55% of the standard market rate, saving the District hundreds of thousands of dollars over the life of the loan and supporting long-term system reliability.

WATERFORD SANITARY DISTRICT NO. 1



SERVICES

- Lift Station Design & Rehab
- Pump Selection & Capacity Analysis
- Force Main & Gravity Sewer Evaluation
- Wet well & Valve Vault Upgrades
- Standby Generator Design
- Site Design

PROJECT TEAM

- Dave Arnott, PE
- Ethan Botmen, PE
- Eric Widas

CLIENT CONTACT

Dan Dickinson
President
Town of Waterford Sanitary
District #1
414-331-0065
dcdickinson2@hotmail.com

LIFT STATION UPGRADES

The Town of Waterford Sanitary District required significant upgrades to its aging wastewater collection system, which had seen little reinvestment since the late 1980s. A chain of 20 lift stations served the lakefront community, and several key stations struggled to manage rising flows during major storms.

The September 2022 event that forced emergency pumping at Lift Station 15 illustrated the system’s vulnerability and confirmed findings from the 2023–2024 capacity study. Stations 1, 2, 6, 10, and 15 did not have adequate firm capacity for existing or future peak hour flows, and many sites lacked reliable power, modern controls, or flood resilient structures. These issues created a clear risk of backups, environmental impacts, and operational strain.

R/M addressed these challenges with a comprehensive upgrade program guided by flow metering, pump testing, and site evaluations. Improvements included new pumps sized for future conditions, updated control panels, expanded SCADA capabilities, and new or replacement standby generators across the system. The most complex work occurred at Lift Stations 6, 10, and 15 due to their size and proximity to homes near the lake. Design solutions included flood resistant buildings, larger valve vaults, refined grading, and a full conversion to triplex pumping at Lift Station 15. Together, these upgrades strengthened system reliability, improved emergency response, and positioned the District for long term operational resilience.

Lift Station #6



Lift Station #10



Lift Station #15





SERVICES

- Mechanical Process Equipment Addition
- Electrical Upgrades
- Building Addition
- HVAC Improvements

PROJECT TEAM

- David Arnott, P.E.
- Don Heikkila, P.E.

CLIENT CONTACT

Peter Gallun
Wastewater Director
Columbus Utilities
920.623.5915
kanding@columbuswi.us

WWTF INFLUENT SCREEN REPLACEMENT AND BUILDING ADDITION

R/M, in partnership with IBC Engineering, designed an upgrade at the Influent Building at the WWTF. The upgrade consisted of a new screen and compactor/washer. A building addition was also constructed to house the new equipment. The building addition matched the architecture and height of the adjacent existing building.

The new screen transfers captured solids from the influent flow upstream of pumping, to the finished floor level. Previously, the screenings with a much older and inefficient screen, were collected in a dumpster at the lower wet well deck level. The screenings, weighing approximately 70 pounds, were manually carried up 15 sets of stairs every day and hoisted to a refuse container at chest level.

To accommodate the new equipment, a new building addition was constructed as an extension to the existing building. In addition, the overall HVAC, plumbing, and electrical were greatly improved for this classified area. To save cost associated with the screen vertical height, a lower floor was added for the compactor/washer. This equipment compressed the screenings and transported them to the finished floor level dumpster.

R/M specified an alternate screen and compactor/washer that provided greater solids capture efficiency while saving approximately \$37,000 in upfront capital cost. The project was completed in December of 2020.





SERVICES

- Screen Addition
- Influent Pump and Piping Replacement
- Blower Replacement
- Addition of IFAS

PROJECT TEAM

- Dave Arnott, P.E.
- Dave Beyer

CLIENT CONTACT

Dave Brown
Utilities Director
Village of Mukwonago
dbrown@
villageofmukwonago.com

WASTEWATER TREATMENT FACILITY DESIGN

In 2008, Ruekert & Mielke was hired to design upgrades needed to be undertaken in response to tighter permit requirements enacted by the Wisconsin Department of Natural Resources (WDNR). The upgrades ensured that the facility's discharge into the Fox River remained at their consistently high levels. Three new influent pumps and new blowers, both equipped with variable speed drives, provided energy savings. The headworks building was completely revamped. The original building had an elevator that posed significant safety concerns. That elevator was removed and a new open staircase and ventilation system was installed.

Three new variable speed, positive displacement blowers replaced three 1980's vintage centrifugal blowers. The energy savings from this aeration upgrade are approximately 30%, according to energy bills.

An influent step screen has proven especially beneficial. It removes debris at the headworks of the facility that in the past would accumulate in the downstream tanks. This greatly reduces the expected cleaning and maintenance of downstream treatment processes. Once screenings are cleaned and then compressed to remove water, they are deposited directly into a large plastic bag that rests inside a small, roll-off dumpster. Once a week, the bag is emptied. The screen has proven to be especially beneficial to the primary digester as rags and debris no longer accumulate in this tank.

A new ammonia limit was the impetus for the upgrade and the decision to install Integrated Fixed Film Activated Sludge (IFAS) modules at the facility. The IFAS submerged grid of media sheets upon which beneficial microorganisms attach and thrive, increases the treatment capacity of the facility to remove organic wastes and ammonia without constructing an additional aeration tank. This is the first application of IFAS in the State of Wisconsin, and one of only a handful of sites in the nation at the time.



Ruekert • Mielke

YOUR INFRASTRUCTURE ALLY

Ruekert & Mielke, Inc. (R/M) is a 100% employee-owned civil engineering firm with **more than 75 years of service** to local communities and organizations. Our engineers, environmental scientists, agricultural experts, and technology consultants empower our clients to thrive by solving infrastructure challenges.

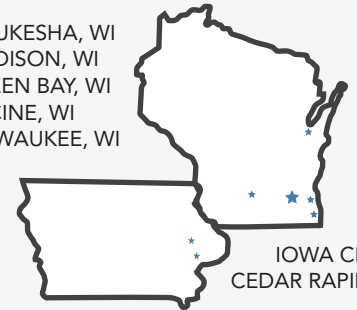
ABOUT

- Established in 1946
- 125+ Employees Located in Wisconsin & Iowa
- 8x Top Workplace

100%
EMPLOYEE OWNED

LOCATIONS

WAUKESHA, WI
MADISON, WI
GREEN BAY, WI
RACINE, WI
MILWAUKEE, WI



IOWA CITY, IA
CEDAR RAPIDS, IA

SERVICES



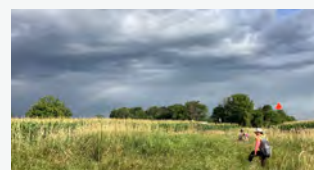
AGRICULTURE



CONSTRUCTION SERVICES



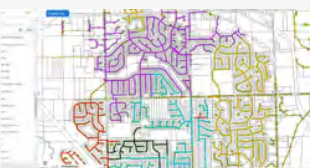
DRONE & SURVEY



ENVIRONMENTAL



MECHANICAL, ELECTRICAL,
PLUMBING, TECHNOLOGY



GIS



GRANTS



MUNICIPAL



PAVEMENT MANAGEMENT



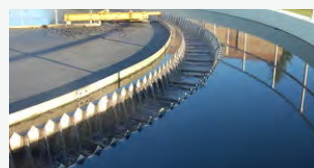
STREETS & ROADS



STRUCTURAL



SITE DEVELOPMENT



WASTEWATER



WATER & SCADA



WATER RESOURCES

SCHEDULE

The scheduling of the project revolves around meeting the Clean Water Fund application deadline of September 30, 2026. The application must include complete plans and specifications with all front-end contract documents. This deadline is technically for receiving principal forgiveness. The Village is unlikely to receive principal forgiveness because of its high median household income relative to the overall State of Wisconsin. However, even to receive a low-interest rate loan, **it is advantageous for the Village to submit on or very close to September 30, 2026 for the State Fiscal Year 2027 funding cycle. R/M will aggressively complete the design to meet this critical milestone.** The Village can save approximately \$2.7M over the life of the 20-year loan if they receive a low-interest rate loan through the Clean Water Fund at 55% of the normal market rate.

The following milestones are proposed to support the schedule in meeting the September 30, 2026 deadline:

1. Final Design Study Report and 30% Plans and Specifications - May 25, 2026
2. 60% Plans and Specifications - July 20, 2026
3. 90% Plans and Specifications - September 13, 2026

R/M anticipates that Old Farm lift station and force main work will be bid first followed by the Main Street lift station and force main work. The Old Farm project would start in spring of 2027, and the force main work would be timed to take place before the construction on Division Road.

CONSULTANT EFFORT AND COST

The detailed project tasks are based on the RFP. We have added tasks we believe are necessary to deliver a complete project. Some RFP tasks are organized differently in our scope.

Task 3:

- R/M understands that geotechnical work will not be performed by R/M and will instead be completed by a geotechnical firm hired by the Village. R/M will coordinate with the Village during the selection process.
- Included 30% Plans and Specifications.

Task 4:

- Our scope includes permit fees, with the exception of the floodplain permitting with HEC RAS modeling at the Old Farm lift station (there was a great degree of variability for this particular permit fee). In general, these would not be an extra cost to the Village for permit fees.

Task 5:

- We included the effort for the one Clean Water Fund Application.

Task 6:

- Included a separate bidding effort for the Main Street lift station and force main work.
- We have included assistance with the Clean Water Fund Loan closing and Financial Assistance Agreement services.

COST

	Hours	Fees
Task 1: Meetings	82	\$ 17,892
Task 2: Survey/Data Collection	165	\$ 25,667
Task 3: Complete Design Study Report with Geotechnical Analysis*	854	\$ 157,408
Task 4: Permits	291	\$ 55,991
Task 5: Prepare Contract Documents	1,413	\$ 253,708
Task 6: Administration and Bid Services	112	\$ 21,993
Total	2,917	\$ 532,659

**Task 3 revisions include*

additional analysis of two additional options for both lift station/force main locations as part of the Design Study Report. First, in lieu of a screening facility and building, consider a below ground vault with an inline grinder to comminute rags. Provide new Flygt N- impeller pumps at each lift station. Second, in lieu of one larger force main and the existing lined force main, use two smaller force mains and do not line and reuse the existing force main.

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

MEETING DATE: March 4, 2026

AGENDA ITEM: New Business

ITEM TITLE: Stormwater Ordinance Update

SUBMITTED BY: Kevin Driscoll – Village Engineer

SUMMARY EXPLANATION:

The Wisconsin Department of Natural Resources completed Audit of the Village of Germantown Stormwater Program in 2025, and WDNR staff identified a number of updates to the ordinances. In general, the revisions are clerical to update the references to the appropriate code sections of NR 151 – Runoff Management. Scanned comments are attached for reference:

For Chapter 27 – Post Construction Stormwater Management

On page 3, Section 27.04 (1) (b) 3. Minor revision to reference Wis. Admin Code. NR 151.[121](#) and NR 151.[241](#) related to applicability of the ordinance.

On page 8, Section 27.08 (3) (a) 1. Minor revision to reference Wis. Admin Code. NR 151.[122](#) and NR 151.[242](#) related to Total Suspended Solids.

On page 8, Section 27.08 (3) (b) Add “[5. Post Construction Performance Standard for new development and re-development as presented in Wis. Admin Code. NR 151.123 and NR 151.243 related to Peak Discharge.](#)”

For Chapter 29 – Construction Site Erosion Control

On page 2, Section 29.04 (1) (a) 1. - Minor revision to delete a typo of an extra “[/](#)”

On page 4, Section 29.07 (3) (b) delete section and replace with

- (b) ~~80% reduction of potential sediment load in stormwater runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site.~~

[Construction Site Erosion Control performance standard for new development and redevelopment as presented in Wis. Adm. Code §§NR 151.11.](#)

On page 4, Section 29.07 (4) (b) delete section and replace with

- (b) ~~40% reduction of potential sediment load in stormwater runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site.~~

[Construction Site Erosion Control performance standard for new development and redevelopment as presented in Wis. Adm. Code §§NR 151.11.](#)

Staff plans to draft revisions to the ordinances upon recommendation of the PWHC, and present the updated ordinance to Village Board.

ATTACHMENT: ORDINANCE X RESOLUTION OTHER

RECOMMENDATION:

It is staff's recommendation to update the Storm Water Ordinances based on WDNR's comments.

COMMITTEE ACTION:

A motion to support authorize staff and a vote "Aye" is in the affirmative to support the contract award.

Revisions needed

CHAPTER 27
POST-CONSTRUCTION STORMWATER MANAGEMENT
(Cr. Ord. #18-08)

SUBCHAPTER I: GENERAL PROVISIONS	
27.01	Purpose
27.02	Authority
27.03	Findings of Fact
27.04	Applicability and Jurisdiction
27.05	Reserved
27.06	Definitions
SUBCHAPTER II: TECHNICAL AND PERFORMANCE STANDARDS	
27.07	Technical Standards
27.08	Performance Standards
27.09	Permitting Requirements, Procedures and Fees
27.10	Stormwater Management Plan
27.11	Maintenance Declaration
27.12	Financial Guarantee
27.13	Fee Schedule
27.14	Enforcement
SUBCHAPTER III: APPEALS AND VIOLATIONS	
27.15	Penalties

SUBCHAPTER I: GENERAL PROVISIONS

27.01 PURPOSE. (Am. Ord. #07-14)

The general purpose of this chapter is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

- (1) Further the maintenance of safe and healthful conditions.
- (2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

-
- (3) Control exceedances of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

27.02 AUTHORITY. (Am. Ord. #07-14)

- (1) This chapter is adopted by the Village of Germantown under the authority granted by §61.354, Wis. Stats., for villages. This chapter supersedes all provisions of an ordinance previously enacted under §61.35, Wis. Stats., that relate to stormwater management regulations. Except as otherwise specified in §61.354, Wis. Stats., §61.35, Wis. Stats., applies to this chapter and to any amendments to this chapter.
- (2) The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Village of Germantown shall administer and enforce the provisions of this chapter.
- (4) The requirements of this chapter do not preempt more stringent stormwater management requirements that may be imposed by any of the following: (Am. Ord. #22-10)
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §§281.16 and 283.33, Wis. Stats., and NR Chs. 151 and 216, Wis. Adm. Code.
 - (b) Ch. 13, Milwaukee Metropolitan Sewerage District.

27.03 FINDINGS OF FACT. (Am. Ord. #07-14)

The governing body finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (4) Reduce the quality of groundwater by increasing pollutant loading.
- (5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainageways, and other minor drainage facilities.
- (6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

27.04 APPLICABILITY AND JURISDICTION. (Am. Ord. #22-10; Am. Ord. #07-14)

- (1) **APPLICABILITY.**
 - (a) Where not otherwise limited by law, this chapter applies to all sites meeting any of the criteria in this paragraph, unless the site is otherwise exempt under paragraph (b).
 1. Sites subject to runoff management requirements as presented in §13.10, MMSD Rules and Regulations.

2. Sites subject to construction site performance standards for new development and redevelopment as presented in §§NR 151.11 or 151.23, Wis. Adm. Code.
 3. Sites subject to post-construction performance standard for new development and redevelopment as presented in §§NR 151.12 or 151.24, Wis. Adm. Code.
 4. Sites, which in the opinion of the Village Engineer, may cause adverse impact to existing drainage facilities, the environment or to property.
- (b) A site that meets any of the criteria in this paragraph is exempt from the requirements of this chapter.
1. Sites exempt from runoff management requirements as presented in §13.10, MMSD Rules and Regulations.
 2. Sites exempt from construction site performance standards for new development and redevelopment as presented in §§NR 151.11 or 151.23, Wis. Adm. Code.
 3. Sites exempt from post-construction performance standard for new development and redevelopment as presented in §§NR 151.12 or 151.24, Wis. Adm. Code.
- (2) **JURISDICTION.** Post-construction sites within the boundaries and jurisdiction of the Village of Germantown, as well as all lands located within the extraterritorial plat approval jurisdiction of the Village, even if plat approval is not involved.

Commented [PW1]: Should be NR 151.121 and 151.241

27.05 RESERVED.

27.06 DEFINITIONS. (Am. Ord. #07-14)

- (1) **ADMINISTERING AUTHORITY** means a governmental employee, or a regional planning commission empowered under §§59.693, 60.627, 61.354, 62.234, Wis. Stats., that is designated by the Governing body to administer this chapter.
- (2) **AGRICULTURAL FACILITIES AND PRACTICES** has the meaning given in §281.16, Wis. Stats.
- (3) **AVERAGE ANNUAL RAINFALL** means a calendar year of precipitation, excluding snow, which is considered typical.
- (4) **BEST MANAGEMENT PRACTICE** or **BMP** means structural or nonstructural measures, practices, techniques or devices employed to reduce peak flows and minimize sediment or pollutants carried in runoff.
- (5) **BIOSWALE** means a vegetated, mulched or xeriscaped channel that provides treatment and retention as it moves stormwater from one place to another.
- (6) **BUSINESS DAY** means a day the office of the Village is routinely and customarily open for business.
- (7) **CEASE AND DESIST ORDER** means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (8) **COMBINED SEWER SYSTEM** means a system for conveying both sanitary sewage and stormwater runoff.
- (9) **CONNECTED IMPERVIOUSNESS** means an impervious surface that is directly connected to a separate storm sewer or water of the State via an impervious flow path.
- (10) **CRITICAL TIME** means the period starting at the time of peak rainfall intensity with a duration equal to the time of concentration of the watershed.
- (11) **DESIGN STORM** means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

-
- (12) **DEVELOPMENT** means any manmade changes to improved or unimproved real estate including, but not limited to, construction of or additions or substantial improvements to buildings, other structures or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or deposition of materials.
- (13) **DIVISION OF LAND** means the creation from one parcel of 2 or more parcels or building sites of any total area, where such creation occurs at one time or through the successive partition within a 5-year period.
- (14) **DOWNSPOUT DISCONNECTION** means rerouting of rooftop drainage pipes to drain rainwater to rain barrels, cisterns, or permeable areas instead of the storm sewer.
- (15) **EFFECTIVE INFILTRATION AREA** means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
- (16) **EROSION** means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (17) **EXCEPTIONAL RESOURCE WATERS** means waters listed in Wis. Adm. Code NR §102.11.
- (18) **EXISTING DEVELOPMENT** means development in existence on October 1, 2004, or development for which a notice of intent to apply for a storm water permit.
- (19) **EXTRATERRITORIAL** means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
- (20) **FINAL STABILIZATION** means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- (21) **FINANCIAL GUARANTEE** means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Village by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.
- (22) **GOVERNING BODY** means Village Board of Trustees.
- (23) **GREEN INFRASTRUCTURE** means a runoff management system that uses vegetation, soils and natural processes to mimic nature's ability to soak up and store storm water. Example green infrastructure BMPs include downspout disconnection, rainwater harvesting, rain gardens, planter boxes, bioswales, permeable pavements, green alleys and streets, green parking, green roofs, urban tree canopy, amended soils, and land conservation.
- (24) **GREEN PARKING, STREETS AND ALLEYS** means integrating green infrastructure elements into the parking, street and/or alley design to store, infiltrate, and evapotranspire stormwater.
- (25) **GREEN ROOF** means a roof covered with growing media and vegetation that enables rainfall infiltration and evapotranspiration of storm water.
- (26) **IMPERVIOUS SURFACE** means a surface area that releases as runoff all or a large portion of the precipitation that falls on it including, but not limited to, rooftops, sidewalks, driveways, gravel or paved parking lots, and streets, but excluding frozen soil.
- (27) **IN-FILL AREA** means an undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural man-made features where development cannot occur. "In-fill" does not include any undeveloped area that was part of a larger new development for which a notice of intent to apply for a storm water permit in accordance with Wis. Adm. Code Ch. NR 216 Subch. III was required to be submitted after October 1, 2004.
- (28) **INFILTRATION** means the entry of precipitation or runoff into or through the soil.

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- (29) **INFILTRATION SYSTEM** means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.
- (30) **KARST FEATURE** means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.
- (31) **LAND DISTURBING CONSTRUCTION ACTIVITY** means any manmade alteration of the land surface resulting in a change in the topography or existing vegetative or nonvegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the State. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
- (32) **MAINTENANCE DECLARATION** means a legal document that provides for long-term maintenance of stormwater management practices.
- (33) **MEP or MAXIMUM EXTENT PRACTICABLE** means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this chapter.
- (34) **MMSD** means Milwaukee Metropolitan Sewerage District.
- (35) **NEW DEVELOPMENT** means development resulting from the conversion of previously undeveloped land or agricultural land uses.
- (36) **OFF-SITE** means located outside the property boundary described in the permit application.
- (37) **ON-SITE** means located within the property boundary described in the permit application.
- (38) **ORDINARY HIGH-WATER MARK** has the meaning given in Wis. Adm. Code NR §115.03(6).
- (39) **OUTSTANDING RESOURCE WATERS** means waters listed in Wis. Adm. Code NR §102.10.
- (40) **PERCENT FINES** means the percentage of a given sample of soil, which passes through a #200 sieve.
- (41) **PERFORMANCE STANDARD** means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (42) **PERMEABLE PAVEMENTS** means paved surfaces that infiltrate, treat, and/or store rainwater where it falls. Permeable pavements may be constructed from pervious concrete, porous asphalt, permeable interlocking pavers, and several other materials.
- (43) **PERMIT** means a written authorization made by the Village to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the State.
- (44) **PERMIT ADMINISTRATION FEE** means a sum of money paid to the Village by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (45) **PERVIOUS SURFACE** means a surface area that releases as runoff a small portion of the precipitation that falls on it including, but not limited to, lawns, gardens, parks, forests or other similar vegetated areas.
- (46) **PLANTER BOX** means an urban rain garden with vertical walls and open or closed bottoms that collect and absorb runoff from sidewalks, pavements, and other impervious surfaces.
- (47) **POLLUTANT** has the meaning given in §283.01(13), Wis. Stats.
- (48) **POLLUTION** has the meaning given in §281.01(10), Wis. Stats.
- (49) **POST-CONSTRUCTION SITE** means a construction site following the completion of land disturbing construction activity and final site stabilization.

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- (50) **PRE-DEVELOPMENT CONDITION** means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- (51) **PREVENTIVE ACTION LIMIT** has the meaning given in Wis. Adm. Code NR §140.05(17).
- (52) **PRIVATE STORM SEWERS, DITCHES AND SWALES:** Man-made exterior sewer and surface runoff management systems intended to directly drain runoff from privately-owned buildings, driveways, parking lots, lawns, etc. These systems are typically created by site plans associated with subdivision plats of survey, certified survey maps, or individual lot plats of survey.
- (53) **PUBLIC STORM SEWERS, DITCHES AND SWALES:** Man-made exterior sewer and surface runoff management systems intended to directly drain runoff from Village-owned buildings, streets, parks, lawns, etc. These systems are typically situated on Village-owned buildings and grounds, Village-owned outlots, and Village-owned rights-of-way.
- (54) **RAIN GARDEN** means a shallow, vegetated basin that collects and absorbs runoff from rooftops, pavements and other impervious surfaces.
- (55) **RAINWATER HARVESTING** means collecting and storing rainfall for later use.
- (56) **REDEVELOPMENT** means areas where development is replacing older development.
- (57) **RESPONSIBLE PARTY** means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction stormwater BMPs.
- (58) **RUNOFF** means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (59) **RUNOFF MANAGEMENT SYSTEM** means the complete combination of structural and non-structural means used to reduce the rate or volume from a particular area, including, but not limited to, facilities constructed for conveyance and storage, management practices, and the protection, creation, or restoration of natural areas or systems such as vegetated swales, prairies, and wetlands for storage, conveyance, or infiltration.
- (60) **RUNOFF RELEASE RATE** means the volume of storm water flowing off of development per unit of time and area.
- (61) **SEDIMENT** means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (62) **SEPARATE STORM SEWER** means a conveyance or system of conveyances including roads with drainage systems, streets, catchbasins, curbs, gutters, ditches, constructed channels or stormdrains, which meets all of the following criteria:
- (a) Is designed or used for collecting water or conveying runoff.
 - (b) Is not part of a combined sewer system.
 - (c) Is not draining to a stormwater treatment device or system.
 - (d) Discharges directly or indirectly to waters of the State.
- (63) **SITE** means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.
- (64) **STOP WORK ORDER** means an order issued by the Village which requires that all construction activity on the site be stopped.

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- (65) **STORMWATER MANAGEMENT PLAN** means a comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of the construction activity.
 - (66) **STORMWATER MANAGEMENT SYSTEM PLAN** is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
 - (67) **TECHNICAL STANDARD** means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
 - (68) **TIME OF CONCENTRATION** means the time required for the point furthest from the outlet of the watershed to contribute to flow at the outlet of the watershed.
 - (69) **TOTAL MAXIMUM DAILY LOAD (TMDL)** means the amount of pollutants specified as a function of one or more water quality parameters, than can be discharged per day into a water quality limited segment an still ensure attainment of the applicable water quality standard.
 - (70) **TOP OF THE CHANNEL** means an edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the State, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.
 - (71) **TR-55** means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.
 - (72) **TYPE II DISTRIBUTION** means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973". The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
 - (73) **WATERS OF THE STATE** has the meaning given in §281.01(18), Wis. Stats.

SUBCHAPTER II: TECHNICAL AND PERFORMANCE STANDARDS

27.07 TECHNICAL STANDARDS. (Am. Ord. #13-09; Am. Ord. #07-14)

The following resources and the methodologies contained therein are hereby adopted by reference in their entirety, and shall be used in designing the water quality, peak flow control, and infiltration components of stormwater practices needed to meet the water quality standards of this chapter:

- (1) Village of Germantown Stormwater Management Requirements, as promulgated and amended from time to time by the Village of Germantown Engineering Department, and as shall be approved by the Public Works Committee of the Village Board. (Runoff rates and quantities shall be analyzed using methodology as described in Urban Hydrology for Small Watersheds, USDA SCS Technical Release TR-55, using either the SEWRPC 2006 Regional Rainfall Distribution or the 24-hour NRCS MSE3 Distribution.) (Am. Ord. #03-17)
- (2) Ch. 13, MMSD Rules and Regulations. (Am. Ord. #22-10)
- (3) Technical standards (a.k.a., Conservation Practice Standards) identified, developed or disseminated by the Wisconsin Department of Natural Resources under Wis. Adm. Code Subch. V of NR Ch. 151. (Am. Ord. #22-10)
- (4) In this chapter, the Village of Germantown design storm shall be based on NOAA Atlas 14, Precipitation-Frequency Atlas of the United States, Volume 8, Version 2.0: Midwestern States (Colorado, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin).

27.08 PERFORMANCE STANDARDS. (Am. Ord. #07-14)

- (1) **RESPONSIBLE PARTY.** The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.
- (2) **PLAN.** A written stormwater management plan in accordance with section 27.10 shall be developed and implemented for each post-construction site.
- (3) **REQUIREMENTS.** The plan required under subsection (2) shall include the following:
 - (a) **Total Suspended Solids.** (Am. Ord. #22-10) BMPs shall be designed, installed and maintained to control total suspended solids compliant with all of the following, with the more restrictive controlling:
 - 1. Post-construction performance standard for new development and redevelopment as presented in Wis. Adm. Code §NR 151.121 and 151.241.
 - 2. Village Stormwater Management Requirements, as promulgated and amended from time to time by the Village of Germantown Engineering Department, and as shall be approved by the Public Works Committee of the Village Board.
 - 3. Site-specific standards, which in the opinion of the Village Engineer, will prevent adverse impact to existing drainage facilities, the environment or to property.
 - 4. Only green infrastructure BMPs that do not clog are permissible for achieving total suspended solids requirements.
 - (b) **Peak Discharge.** (Am. Ord. #22-10) BMPs shall be designed, installed and maintained to control peak discharge compliant with all of the following, with the more restrictive controlling:
 - 1. Runoff management requirements as presented in §13.11, MMSD Rules and Regulations.
 - 2. Village Stormwater Management Requirements, as promulgated and amended from time to time by the Village of Germantown Engineering Department, and as shall be approved by the Public Works Committee of the Village Board.
 - 3. Site-specific runoff management requirements, which in the opinion of the Village Engineer, will prevent adverse impact to existing drainage facilities, the environment or to property.
 - 4. Green infrastructure BMPs are permissible means for achieving peak discharge requirements.
 - (c) **Infiltration.** BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the maximum extent practicable, in accordance with Wis. Adm. Code §NR 151.124.
 - 1. *Low imperviousness.* For development up to 40% connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.
 - 2. *Moderate imperviousness.* For development with more than 40% and up to 80% connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the post-construction site is required as an effective infiltration area.

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3. *High imperviousness.* For development with more than 80% connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the post-construction site is required as an effective infiltration area.
 4. Green infrastructure BMPs are permissible means for achieving infiltration requirements.

(d) Protective Areas.

1. "Protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this paragraph, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location. The more restrictive of paragraphs a.—j., or all requirements pursuant to Section 24 including amended Ord. No. 23-07, Village of Germantown Shoreland-Wetland Zoning Code shall apply.
 - a. For outstanding resource waters and exceptional resource waters, 75 feet.
 - b. For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
 - c. For lakes, 50 feet.
 - d. For wetlands not subject to par. "e" or "f", 50 feet.
 - e. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
 - f. For less susceptible wetlands, 10% of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include: degraded wetlands dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
 - g. In paragraphs "d" to "f", determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in Wis. Adm. Code NR §103.03.
 - h. Wetland boundary delineation shall be made in accordance with Wis. Adm. Code §NR 103.08 (1m). This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.
 - i. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
 - j. Notwithstanding pars. "a" to "i", the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.

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2. Best management practices such as green infrastructure, filter strips, swales, or wet detention basins that are designed to control pollutants from non-point sources may be located in the protective area.
 3. Other regulations, such as Ch. 30, Wis. Stats., and Wis. Adm. Code NR Chs. 103, 115, 116 and 117, and their associated review and approval process may apply in the protective area.
 4. This paragraph does not apply to:
 - a. Structures constructed in accordance with §59.692(1v), Wis. Stats.
- (e) Fueling and Vehicle Maintenance Areas. Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the State contains no visible petroleum sheen.
1. A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or nonstructural method of preventing or treating petroleum in runoff.
- (f) Swale Treatment for Transportation Facilities.
1. *Applicability.* Except as provided in subparagraph 2., transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:
 - a. Be Vegetated. However, where appropriate, nonvegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams. It is preferred that tall and dense vegetation be maintained within the swale due to its greater effectiveness at enhancing runoff pollutant removal.
 - b. Carry runoff through a swale for 200 feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second for the peak flow generated using either a 2-year, 24-hour design storm or a 2-year storm with a duration equal to the time of concentration as appropriate. If a swale of 200 feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable. Check dams may be included in the swale design to slow runoff flows and improve pollutant removal. Transportation facilities with continuous features such as curb and gutter, sidewalks or parking lanes do not comply with the design requirements of this paragraph. However, a limited amount of structural measures such as curb and gutter may be allowed as necessary to account for other concerns such as human safety or resource protection.
 2. *Exemptions.* The Village may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with an average daily travel of vehicles greater than 2,500 and where the initial surface water of the State that the runoff directly enters is any of the following:
 - a. An outstanding resource water.
 - b. An exceptional resource water.
 - c. Waters listed in §303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to nonpoint source impacts.
 - d. Waters where targeted performance standards are developed under Wis. Adm. Code NR §151.004, to meet water quality standards.

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- (g) Snow Storage Areas. Site plans shall designate snow storage areas. Snow storage shall be prohibited upon green infrastructure BMPs and prohibited upon all areas used for runoff infiltration.

(4) **GENERAL CONSIDERATIONS FOR ON-SITE AND OFF-SITE STORMWATER MANAGEMENT MEASURES.** The following considerations shall be observed in managing runoff:

- (a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
- (b) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (c) Private Drainage Easements. Private easements shall overlay all private storm sewers, ditches, and swales. All private drainage easements shall be labeled as "Private Drainage Easements" on plats of survey, site plans, and as-built drawings.
- (d) Public Drainage Easements. Public easements shall overlay all public storm sewers, ditches, and swales not situated in Village-owned right-of-way. All public drainage easements shall be labeled as "Public Drainage Easements" on plats of survey, site plans, and as-built drawings.

(5) **LOCATION AND REGIONAL TREATMENT OPTION.**

- (a) The BMPs may be located on-site, or off-site only as part of a regional stormwater device, practice or system, intended to serve a common entity.
- (b) All commonly owned BMPs, (residential development, business or commercial districts, or other similar development where separate owners share a BMP), shall be located in an outlot. No BMP facilities and/or runoff from multiple properties may be directed or placed on any noncollectively owned private property or properties, except in cases in which easements and maintenance agreements are authorized by the Village Engineer and recorded at the Washington County Register of Deeds.
- (c) Post-construction runoff within a water of the State that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this chapter. Post-construction BMPs may be located in nonnavigable surface waters, provided all requirements of this chapter and Municipal Ord. No. 24 are met.
- (d) Except as allowed under paragraph (e), post-construction runoff from new development shall meet the post-construction performance standards prior to entering a water of the State.
- (e) Post-construction runoff from any development within a water of the State that flows into a BMP is not required to meet the performance standards of this chapter if:
 - 1. The BMP was constructed prior to the effective date of this chapter and the BMP either received a permit issued under Ch. 30, Wis. Stats., or the BMP did not require a Ch. 30, Wis. Stats., permit; and
 - 2. The BMP is designed to provide runoff treatment from future upland development.
- (f) Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this paragraph.
 - 1. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge.
 - 2. Post-construction BMPs for such runoff may be located in a water of the State if allowable under all other applicable federal, state and local regulations such as Wis. Adm. Code NR Ch. 103, and Ch. 30, Wis. Stats. This allows the location of BMPs in waters of the State where necessary to

augment management practices upstream of the navigable surface water to meet the performance standards.

- (g) The discharge of runoff from a BMP, such as a wet detention pond or green infrastructure, or after a series of such BMPs is subject to this chapter. This section does not supersede any other applicable Federal, State or local regulation such as Wis. Adm. Code NR Ch. 103 and Ch. 30, Wis. Stats.
- (h) The Village may approve off-site management measures provided that all of the following conditions are met:
 - 1. The Village determines that the post-construction runoff is covered by a stormwater management plan that is approved by the Village and the MMSD, and that contains management requirements consistent with the purpose and intent of this chapter.
 - 2. The off-site facility meets all of the following conditions:
 - a. The facility is in place.
 - b. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this chapter.
 - c. The facility has a legally obligated entity responsible for its long-term operation and maintenance, and a corresponding Maintenance Declaration.

27.09 PERMITTING REQUIREMENTS, PROCEDURES AND FEES. (Am. Ord. #07-14)

- (1) **PERMIT REQUIRED.** No responsible party may undertake a land-disturbing construction activity without receiving a post-construction runoff permit from the Village prior to commencing the proposed activity.
- (2) **PERMIT APPLICATION AND FEES.** Unless specifically excluded by this chapter, any responsible party desiring a permit shall submit to the Village a permit application made on a form provided by the Village for that purpose.
 - (a) Unless otherwise excepted by this chapter, a permit application must be accompanied by a stormwater management plan sealed and signed by a Wisconsin Professional Engineer, a Maintenance Declaration and a nonrefundable permit administration fee. (Am. Ord. #22-10)
 - (b) The stormwater management plan shall be prepared to meet the requirements of sections 27.07, 27.08, and 27.10. The maintenance agreement shall be prepared to meet the requirements of section 27.11. The financial guarantee shall meet the requirements of section 27.12, and fees shall be those established by the Governing Body as set forth in section 27.13
- (3) **REVIEW AND ACCEPTANCE OF PERMIT APPLICATION.** The Village Engineer or designee shall review any permit application that is submitted with a stormwater management plan, Maintenance Declaration, and the required fee. The following acceptance procedure shall be used:
 - (a) Within 10 business days of the receipt of a complete permit application, including all items as required by subsection (2), the Village Engineer or designee shall inform the applicant whether the application, plan and Maintenance Declaration are acceptable or unacceptable based on the requirements of this chapter.
 - (b) If the stormwater permit application, plan and maintenance agreement are accepted, and a letter of acceptance is received from the MMSD, if applicable, the Village Engineer shall issue the permit.
 - (c) If the stormwater permit application, plan or maintenance agreement are unacceptable, the Village Engineer or designee shall detail in writing the reasons they are unacceptable.

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- (d) Additional information from the applicant may be requested. If additional information is submitted, the Village Engineer or designee shall have 10 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either acceptable or unacceptable.
- (e) Acceptance by the Village Engineer shall not be deemed to represent a guarantee or inference of an acceptance by other applicable authorities or Village Departments.
- (4) **PERMIT REQUIREMENTS.** All permits issued under this chapter shall be subject to the following conditions, and holders of permits issued under this chapter shall be deemed to have accepted these conditions. The Village Engineer or designee may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Village to suspend or revoke this permit may be appealed in accordance with section 27.15
- (a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable Federal, State, and local laws and regulations.
- (b) The responsible party shall design and install all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan and this permit.
- (c) The responsible party shall notify the Village Engineer or designee at least two business days before commencing any work in conjunction with the stormwater management plan, and within five business days upon completion of the stormwater management practices. If required as a special condition under subsection (5), the responsible party shall make additional notification according to a schedule set forth by the Village Engineer so that practice installations can be inspected during construction.
- (d) Practice installations required as part of this chapter shall be certified by a licensed Wisconsin professional engineer or registered land surveyor retained by the responsible party. Completed stormwater management practices must pass a final inspection by the Village Engineer or designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The Village Engineer or designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit. (Am. Ord. #22-10)
- (e) The responsible party shall notify the Village Engineer or designee of any significant modifications it intends to make to an approved stormwater management plan. Modifications may require submittal for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
- (f) Responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices become the responsibility of the owners as specified in the approved maintenance declaration.
- (g) The responsible party authorizes the Administering Authority to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Subch. VII of Ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under section 27.12
- (h) If so directed by the Administering Authority, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainageways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
- (i) The responsible party shall permit property access to the Administering Authority, or its designee, for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.

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- (j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Village may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
 - (k) The responsible party is subject to the enforcement actions and penalties detailed in section 27.15, if the responsible party fails to comply with the terms of this permit.
- (5) **PERMIT CONDITIONS.** Permits issued under this subsection may include conditions established by the Administering Authority in addition to the requirements needed to meet the performance standards in section 27.08, and a financial guarantee as provided for in section 27.12
- (6) **PERMIT DURATION.** Permits issued under this section shall be valid from the date of issuance through the date the Village Engineer or designee notifies the responsible party that all stormwater management practices have passed the final inspection required under subsection (4)(d), and an acceptable Maintenance Declaration is recorded with the Register of Deeds as required under section 27.11.

27.10 STORMWATER MANAGEMENT PLAN. (Am. Ord. #22-10; Am. Ord. #07-14)

- (1) **PLAN REQUIREMENTS.** The stormwater management plan required under section 27.08 shall be sealed and signed by a Wisconsin professional engineer and shall comply with the following requirements, with the more restrictive controlling:
- (a) Site development stormwater management plan requirements as presented in §13.12, MMSD Rules and Regulations.
 - (b) Plan requirements as presented in Wis. Admin. Code §§NR 151.121(4) and 151.241(3).
 - (c) Village Stormwater Management Requirements, as promulgated and amended from time to time by the Village of Germantown Engineering Department, and as shall be approved by the Public Works and Highway Committee of the Village Board.
 - (d) Site-specific plan requirements, which in the opinion of the Village Engineer, may best communicate the prevention of adverse impact to existing drainage facilities, the environment or to property.
- (2) **GREEN INFRASTRUCTURE.** The stormwater management plan shall include an analysis of at least two green infrastructure BMPs appropriate for the site as compared to use of traditional BMPs only. For example, for green infrastructure BMP "G1" and traditional BMP "T1", the analysis shall be of the following form equilibrated by performance: ["G1" + ("T1"-G1")] as compared to "T1". Analysis criteria shall include spatial requirements, runoff peak flow reduction, runoff volume reduction, initial construction cost, life cycle, annual operation and maintenance cost, and seasonal weather constraints. The analysis shall include a Wisconsin professional engineer's recommendation whether or not to include green infrastructure BMPs in the site's runoff management system.

27.11 MAINTENANCE DECLARATION. (Am. Ord. #07-14)

- (1) **MAINTENANCE DECLARATION REQUIRED.** The maintenance declaration required is not an agreement between the Governing Body and the responsible party. The maintenance declaration shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the runoff management system practices.
- (2) **DECLARATION PROVISIONS.** The maintenance declaration shall contain the following information and provisions and be consistent with the maintenance plan required by section 27.10

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- (a) Identification of the runoff management system facilities and designation of the drainage area served by the facilities.
 - (b) A schedule for regular maintenance of each aspect of the runoff management system facility.
 - (c) Identification of the party or parties responsible for long-term maintenance of the runoff management BMPs.
 - (d) Declare that the responsible party or parties shall maintain runoff management BMPs in accordance with the schedule included in paragraph (b).
 - (e) Authorization for the Administering Authority to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (f) A stipulation that the Administering Authority may maintain public records of the results of any site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
 - (g) Declare that the party designated under paragraph (c), as responsible for long term maintenance of the stormwater management practices, may be notified by the Administering Authority of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Administering Authority, Village Engineer, or other designee.
 - (h) Authorization of the Administering Authority to perform the corrected actions identified in the inspection report if the responsible party designated under paragraph (c) does not make the required corrections in the specified time period. The Village of Germantown shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Subch. VII of Ch. 66, Wis. Stats.

27.12 FINANCIAL GUARANTEE. (Am. Ord. #07-14)

- (1) **ESTABLISHMENT OF THE GUARANTEE.** The Administering Authority shall require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Administering Authority. The financial guarantee shall be in an amount estimated by the responsible party and submitted to the Village Engineer and Village Attorney for review and approval. The amount of the guarantee shall be 100% of the estimated cost of construction of the stormwater management facility and post-construction submittals. The financial guarantee shall give the Administering Authority the authorization to use the funds to complete the stormwater management facility and post-construction documentation, if the responsible party defaults or does not properly implement the approved stormwater management plan. Upon written notice to the responsible party by the Village Engineer or designee that the requirements of this chapter have not been met, the responsible party shall have 10 calendar days to implement the requirements of the written notice before the Administering Authority shall pursue the release of the guarantee to conduct the work.
- (2) **CONDITIONS FOR RELEASE.** Conditions for the release of the financial guarantee are as follows:
 - (a) The Administering Authority shall release the financial guarantee established under this section, less any costs incurred to complete installation of practices and other appropriate fees, upon submission of "record drawing" plans and facility certification submitted and wet sealed by a licensed professional engineer, "final" Maintenance Declaration using actual construction data, all submitted for review and approval by the Village Engineer or designee, and Declaration forwarded by the Village to the Register of Deeds for recording, and a field inspection as may be applicable.
 - (b) As determined by Developer Agreement, if applicable.

27.13 FEE SCHEDULE. (Am. Ord. #07-14)

The fees referred to in other sections of this chapter shall be established by the Governing Body and may from time to time be modified by resolution. A schedule of the fees established by the Administering Authority shall be available for review at Village Hall DPW/Engineering office.

27.14 ENFORCEMENT. (Am. Ord. #07-14)

- (1) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this chapter by any person, firm, association, or corporation subject to the chapter provisions shall be deemed a violation unless conducted in accordance with the requirements of this chapter.
- (2) The Administering Authority shall notify the responsible party by certified mail of any noncomplying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (3) Upon receipt of written notification from the Administering Authority under subsection (2), the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Village in the notice.
- (4) If the violations to a permit issued pursuant to this chapter are likely to result in damage to properties, public facilities, or waters of the State, the Administering Authority may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Administering Authority plus interest and legal costs shall be billed to the responsible party.
- (5) The Administering Authority is authorized to post a stop work order on all land disturbing construction activity that is in violation of this chapter, or to request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.
- (6) The Administering Authority may revoke a permit issued under this chapter for noncompliance with ordinance provisions.
- (7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Administering Authority or by a court with jurisdiction.
- (8) The Administering Authority is authorized to refer any violation of this chapter, or of a stop work order or cease and desist order issued pursuant to this chapter, to the Village Attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (9) Any person, firm, association, or corporation who does not comply with the provisions of this chapter shall be subject to a forfeiture of not less than \$100.00 or more than \$500.00 per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (10) Compliance with the provisions of this chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings. Injunctive orders are authorized pursuant to §61.35, Wis. Stats., for villages.
- (11) When the Administering Authority determines that the holder of a permit issued pursuant to this chapter has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the Administering Authority or designee may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Village shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial

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security posted pursuant to section 27.12 of this chapter. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

SUBCHAPTER III: PENALTIES

27.15 PENALTIES. (Am. Ord. #07-14)

In addition to the penalties provided in this chapter, any person who shall violate any provision in this chapter, or any rule, regulation or order made hereunder shall be subject to a penalty as provided in section 25.04 of this Code. This chapter shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Board of Trustees of the Village of Germantown on the 15th day of September, 2008.

Revisions needed

CHAPTER 29
CONSTRUCTION SITE EROSION CONTROL
(Cr. Ord. #17-09)

29.01	Authority
29.02	Findings of Fact
29.03	Purpose
29.04	Applicability and Jurisdiction
29.05	Definitions
29.06	Technical Standards
29.07	Performance Standards
29.08	Permitting Requirements, Procedures and Fees
29.09	Erosion and Sediment Control Plan, Statement, and Amendments
29.10	Fee Schedule
29.11	Inspection
29.12	Enforcement
29.13	Appeals
29.14	Severability

29.01 AUTHORITY. (Am. Ord. #01-13)

- (1) This chapter is adopted under the authority granted by Wis. Stats. §61.354. This chapter supersedes all provisions of an ordinance previously enacted under Wis. Stats. §61.35, that relate to construction site erosion control. Except as otherwise specified in Wis. Stats. §61.354, Wis. Stats. §61.35, applies to this chapter and to any amendments to this chapter.
- (2) The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Village Board hereby designates the Building Inspector and/or the Village Engineer to administer and enforce the provisions of this chapter.
- (4) The requirements of this chapter do not preempt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Wis. Stats. §§281.16 and 283.33.
 - (b) Targeted nonagricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Wis. Admin. Code §NR 151.004.

29.02 FINDINGS OF FACT.

The Village Board finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the State in the Village of Germantown.

29.03 PURPOSE.

It is the purpose of this chapter to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve groundcover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the State in the Village of Germantown.

29.04 APPLICABILITY AND JURISDICTION.

(1) **APPLICABILITY.** (Am. Ord. #01-13)

(a) This chapter applies to:

1. All land disturbing construction activities which cumulatively equal or exceed 1/2 acre in area.
2. All land disturbing construction activities regulated by the Wisconsin Statutes and Wisconsin Administrative Code.
3. All land disturbing construction activities regulated by the Code of Federal Regulations.

Commented [PW1]: typo

(b) This chapter does not apply to the following:

1. All land disturbing construction activities and discharges expressly excluded from regulation by the Wisconsin Statutes and Wisconsin Administrative Code.
2. All land disturbing construction activities and discharges expressly excluded from regulation by the Code of Federal Regulations.

(c) Notwithstanding the applicability requirements in paragraph (1), this chapter applies to construction sites of any size that, in the opinion of the Village Building Inspector or the Village Engineer, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) **JURISDICTION.** This chapter applies to land disturbing construction activity located within the boundaries and jurisdiction of the Village of Germantown.

29.05 DEFINITIONS. (Am. Ord. #08-14)

- (1) **ADMINISTERING AUTHORITY** means a governmental employee, or a regional planning commission empowered under Wis. Stats. §61.354, that is designated by the Village Board to administer this chapter.
- (2) **AGRICULTURAL FACILITIES AND PRACTICES** has the meaning in Wis. Stats. §281.16(1).
- (3) **AVERAGE ANNUAL RAINFALL** means a calendar year of precipitation, excluding snow, which is considered typical.
- (4) **BEST MANAGEMENT PRACTICE** or **BMP** means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the State.
- (5) **BUSINESS DAY** means a day the office of the Building Inspector is routinely and customarily open for business.
- (6) **CEASE AND DESIST ORDER** means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

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- (7) **CONSTRUCTION SITE** means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.
- (8) **DIVISION OF LAND** means the creation from one parcel of 4 or more parcels or building sites of 5 or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5-year period.
- (9) **EROSION** means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
- (10) **EROSION AND SEDIMENT CONTROL PLAN** means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
- (11) **EXTRATERRITORIAL** means the unincorporated area within 1.5 miles of the Village.
- (12) **FINAL STABILIZATION** means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
- (13) **GOVERNING BODY** means the Village Board of Trustees.
- (14) **IMPERVIOUS SURFACE** means a surface area that releases as runoff all or a large portion of the precipitation that falls on it including, but not limited to, rooftops, sidewalks, driveways, gravel or paved parking lots, and streets, but excluding frozen soil.
- (15) **LAND DISTURBING CONSTRUCTION ACTIVITY** means any manmade alteration of the land surface resulting in a change in the topography or existing vegetative or nonvegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the State. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
- (16) **MEP or MAXIMUM EXTENT PRACTICABLE** means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this Chapter.
- (17) **PERFORMANCE STANDARD** means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (18) **PERMIT** means a written authorization made by the Building Inspector to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the State.
- (19) **POLLUTANT** has the meaning given in Wis. Stats. §283.01(13).
- (20) **POLLUTION** has the meaning given in Wis. Stats. §281.01(10).
- (21) **RESPONSIBLE PARTY** means any entity holding fee title to the property or performing services to meet the performance standards of this chapter through a contract or other agreement.
- (22) **RUNOFF** means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet, shallow or channelized flow.
- (23) **SEDIMENT** means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (24) **SEPARATE STORM SEWER** means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

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- (a) Is designed or used for collecting water or conveying runoff.
 - (b) Is not part of a combined sewer system.
 - (c) Is not draining to a stormwater treatment device or system.
 - (d) Discharges directly or indirectly to waters of the State.
- (25) **SITE** means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- (26) **STOP WORK ORDER** means an order issued by the Building Inspector, which requires that all construction activity on the site be stopped.
- (27) **TECHNICAL STANDARD** means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (28) **WATERS OF THE STATE** has the meaning given in Wis. Stats. §281.01(18).

29.06 TECHNICAL STANDARDS.

- (1) **DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS.** (Am. Ord. #01-13) All BMPs required to comply with this chapter shall meet the design criteria, standards and specifications based on the following:
- (a) Wisconsin Department of Natural Resources (WDNR) Conservation Practice Standards for Construction Site Erosion and Sediment Control.
 - (b) Village of Germantown Design, Drafting and Construction Standards and Specifications, Section 3, "Grading and Erosion Control Requirements."
 - (c) For this chapter, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.
- (2) **OTHER STANDARDS.** Other technical standards not identified or developed in subsection (1), may be used provided that the methods have been approved by the Village Building Inspector or Village Engineer.

29.07 PERFORMANCE STANDARDS. (Am. Ord. #01-13)

- (1) **RESPONSIBLE PARTY.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with section 29.09, that incorporates the requirements of this section.
- (2) **PLAN.** A written plan shall be developed in accordance with section 29.09 and implemented for each construction site.
- (3) **NEWLY CREATED IMPERVIOUS SURFACES.** For areas of newly created pavements, roofs, and other impervious surfaces situated upon areas of formerly pervious surfaces, all BMPs associated with shall meet the most stringent of the following performance standards:
- (a) Maximum soil loss of 5 tons per acre per year.
 - (b) ~~80% reduction of potential sediment load in stormwater runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site.~~
- (4) **MODIFIED IMPERVIOUS SURFACES.** For areas of modified pavements, roofs, and other impervious surfaces situated upon areas of formerly impervious surfaces, all BMPs associated with shall meet the most stringent of the following performance standards:
- (a) Maximum soil loss of 5 tons per acre per year.

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~~(b) 40% reduction of potential sediment load in stormwater runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site.~~

- (5) MANAGING SITE MATERIALS. The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into waters of the State. However, projects that require the placement of these materials in waters of the State, such as constructing bridge footings or BMP installations, are not prohibited by this paragraph.
- (6) CONSTRUCTION SEQUENCE. All BMPs used to comply with this section shall be completely designed, completely situated and completely constructed prior to beginning land disturbing construction activities.
- (7) ADDITIONAL REQUIREMENTS. The Village Building Inspector or Village Engineer may establish erosion and sediment control requirements more stringent than those set forth in this section if the Village Building Inspector or Village Engineer determines that an added level of protection is needed for sensitive resources.
- (8) REMOVAL. Upon final stabilization and no later than 30 calendar days afterwards, the responsible party shall completely remove and dispose of all temporary erosion, sediment and dust controls and BMPs.
- (9) RECLAMATION.
 - (a) Whenever any land disturbing construction activity has ceased to progress within any given 9-month time period by at least 5% of the Developer's Agreement or plans/drawings on file with the Director of Public Works, Village Planner, Village Engineer or Building Inspector, the responsible party shall complete reclamation activities as required by this section within 30 calendar days. If the responsible party desires extension of the 9-month time period, the responsible party may apply for a special exemption through the Public Works and Highway Committee.
 - (b) Where land disturbing construction activity has occurred, reclamation activities shall be employed, as necessary, and maintained to promote the removal or reuse of construction refuse, removal of roads no longer in use, grading of earth, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water flow and groundwater withdrawal, prevention of environmental pollution, and development and restoration of plant, fish and wildlife habitat.

Commented [PW2]: The NR 151.11 construction site performance standards apply to all construction sites regardless of the impervious surfaces. Also, the 5 tons/acre/year sediment performance standard is for sediment discharge not soil loss. I'd recommend they just reference the NR 151.11 performance standards similar to what was done in the post-construction storm water ordinance.

29.08 PERMITTING REQUIREMENTS, PROCEDURES AND FEES. (Am. Ord. #01-13)

- (1) PERMIT REQUIRED. Except where excluded by subsection (2), No responsible party may commence a land disturbing construction activity subject to this chapter without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Building Inspector.
- (2) EXCLUSIONS. Permits are not required for land disturbing construction activities managed by agencies of the U.S.A. Federal government, State of Wisconsin, Washington County, and the Village of Germantown.
- (3) PERMIT APPLICATION AND FEES. At least one responsible party desiring to undertake a land disturbing construction activity subject to this chapter shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of section 29.09 and shall pay an application fee as specified in the Village fee schedule adopted annually, to the Building Inspector. By submitting an application, the applicant is authorizing the Building Inspector and Village Engineer to enter the site to obtain information required for the review of the erosion and sediment control plan.
- (4) REVIEW AND APPROVAL OF PERMIT APPLICATION. The Building Inspector shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
 - (a) Within 15 business days of the receipt of a complete permit application, as required by subsection (3), the Building Inspector shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this chapter.

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- (b) If the permit application and plan are approved, the Building Inspector shall issue the permit.
 - (c) If the permit application or plan is disapproved, the Building Inspector shall state in writing the reasons for disapproval.
 - (d) The Building Inspector may request additional information from the applicant. If additional information is submitted, the Building Inspector shall have 15 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
 - (e) Failure by the Building Inspector to inform the permit applicant of a decision within 15 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (5) SECURITY FOR PERFORMANCE. As a condition of approval and issuance of the permit, the Building Inspector may require the applicant to deposit an irrevocable letter of credit in a form approved by the Village Attorney, to guarantee execution of the approved erosion control plan and any permit conditions.
- (6) PERMIT REQUIREMENTS. All permits shall require the responsible party to:
- (a) Notify the Building Inspector within 48 hours of commencing any land disturbing construction activity.
 - (b) Notify the Building Inspector of completion of any BMPs within 14 days after their installation.
 - (c) Obtain permission in writing from the Building Inspector or Village Engineer prior to any modification of the erosion and sediment control plan pursuant to section 29.09.
 - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (e) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land disturbing construction activities and document repairs in a site erosion control log.
 - (g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
 - (h) Allow the Building Inspector to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan at the construction site.
- (7) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Building Inspector and/or the Village Engineer in addition to the requirements set forth in subsection (6), where needed to assure compliance with the performance standards in section 29.09 below.
- (8) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector may extend the period one or more times for up to an additional 180 days. The Building Inspector may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this chapter.
- (9) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this chapter until the site has undergone final stabilization.

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29.09 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT, AND AMENDMENTS. (Am. Ord. #01-13)

- (1) ABBREVIATED EROSION AND SEDIMENT CONTROL PLAN:
- (a) For individual residential dwellings having 4 or less units, the responsible party shall prepare and submit to the Building Inspector an abbreviated erosion and sediment control plan consisting of all of the following elements:
1. Responsible party's contact information.
 2. Project narrative.
 2. Scaleable sketch of site.
 3. Existing contours, elevations, structures and features.
 4. Proposed contours, elevations, structures and features.
 5. Erosion, sediment and dust control best management practices in plan view.
 6. Area of land disturbance.
 7. Construction sequence and schedule.
- (2) COMPREHENSIVE EROSION AND SEDIMENT CONTROL PLAN: (Am. Ord. #08-14)
- (a) For all land disturbing construction activities which cumulatively equal or exceed ½ acre in area and are not individual residential dwellings having 4 or less units, the responsible party shall prepare and submit to the Building Inspector a comprehensive erosion and sediment control plan consisting of all of the following elements:
1. Responsible party's contact information.
 2. Project narrative.
 3. Scaleable AutoCAD drawing of site.
 4. Existing contours, elevations, structures and features.
 5. Proposed contours, elevations, structures and features.
 6. Erosion, sediment and dust control best management practices in plan view with details, to prevent or reduce all of the following:
 - a. The deposition of soil from being tracked onto streets by vehicles.
 - b. The discharge of sediment from disturbed areas into on-site storm water inlets.
 - c. The discharge of sediment from disturbed areas into adjacent waters of the state.
 - d. The discharge of sediment from drainage ways that flow off the site.
 - e. The discharge of sediment by dewatering activities.
 - f. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - g. The discharge of sediment from erosive flows at outlets and in downstream channels.
 - h. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period.
However, projects that require the placement of these materials in waters of the state,

such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

- i. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
 7. Area of land disturbance.
 8. Construction sequence and schedule.
 9. Soil loss and percent total suspended solids reduction computations demonstrating less than 5 tons per acre per year soil loss.
 10. Preventative measures incorporating all of the following:
 - a. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 - b. Minimization of soil compaction and preservation of topsoil.
 - c. Minimization of land disturbing construction activity on slopes of 20% or more.
 - d. Development of spill prevention and response procedures.
 11. Wisconsin Professional Engineer seal, signature, date and contact information.
- (3) AMENDMENTS. The applicant shall amend the plan if any of the following occur:
- (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the State and which has not otherwise been addressed in the plan.
 - (b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (c) The Building Inspector or Village Engineer notifies the applicant of changes needed in the plan.

29.10 FEE SCHEDULE.

The fees referred to in other sections of this chapter shall be established by the Village Board and may from time to time be modified by resolution. A schedule of fees shall be available for review in the office of the Building Inspector.

29.11 INSPECTION. (Am. Ord. #01-13)

If land disturbing construction activities are being carried out without a permit required by this chapter, the designee of the Building Inspector may enter the land pursuant to the provisions of Wis. Stats. §66.0119(1), (2), and (3).

29.12 ENFORCEMENT. (Am. Ord. #01-13)

- (1) The Building Inspector or Village Engineer may order the posting of a stop work order if any of the following occurs:
 - (a) Any land disturbing construction activity regulated under this chapter is being undertaken without a permit.
 - (b) The erosion and sediment control plan is not being implemented in a good faith manner.

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- (c) The conditions of the permit are not being met.
- (2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Building Inspector or Village Engineer may revoke the permit.
- (3) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Building Inspector or Village Engineer, or if a responsible party violates a stop work order posted under subsection (1), the Building Inspector or Village Engineer may request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.
- (4) The Building Inspector or Village Engineer may retract the stop work order issued under subsection (1) or the permit revocation under subsection (2).
- (5) After posting a stop work order under subsection (1), the Building Inspector or Village Engineer may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this chapter. The Building Inspector or Village Engineer may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Village, plus interest at the rate authorized by the Village Board, shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the Village Treasurer shall enter the amount due on the tax rolls and collect as a special charge or a special assessment against the property pursuant to Wis. Stats. Ch. 66, Subch. VII.
- (6) In addition to the penalties provided in this chapter, any person who shall violate any provision in the chapter, or any rule, regulation or order made hereunder shall be subject to a penalty as provided in section 25.04 of this Code. Each day a violation exists shall constitute a separate offense.
- (7) Compliance with the provisions of this chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunction proceedings.

29.13 APPEALS.

- (1) ADMINISTRATIVE REVIEW BOARD. The Administrative Review Board created pursuant to section 1.36 of the Code of Ordinances of the Village of Germantown:
- (a) Shall hear and decide appeals where it is alleged, by any aggrieved person, that there is error in any order, decision or determination made by the Building Inspector or Village Engineer in administering this chapter except for cease and desist orders obtained under section 29.12(3). (Am. Ord. #01-13)
- (b) Upon appeal, may authorize variances from the provisions of this chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
- (c) Shall use the rules, procedures, duties and powers authorized by ordinance in hearing and deciding appeals and authorizing variances.

29.14 SEVERABILITY.

If a court of competent jurisdiction judges any section, clause, provision or portion of this chapter unconstitutional or invalid, the remainder of the chapter shall remain in force and not be affected by such judgment.

CHAPTER 27 POST-CONSTRUCTION STORMWATER MANAGEMENT (Cr. Ord. #18-08)

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SUBCHAPTER I: GENERAL PROVISIONS

27.01 PURPOSE. (Am. Ord. #07-14)

The general purpose of this chapter is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

- (1) Further the maintenance of safe and healthful conditions.
- (2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life: control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

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- (3) Control exceedances of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

27.02 AUTHORITY. (Am. Ord. #07-14)

- (1) This chapter is adopted by the Village of Germantown under the authority granted by §61.354, Wis. Stats., for villages. This chapter supersedes all provisions of an ordinance previously enacted under §61.35, Wis. Stats., that relate to stormwater management regulations. Except as otherwise specified in §61.354, Wis. Stats., §61.35, Wis. Stats., applies to this chapter and to any amendments to this chapter.
- (2) The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Village of Germantown shall administer and enforce the provisions of this chapter.
- (4) The requirements of this chapter do not preempt more stringent stormwater management requirements that may be imposed by any of the following: (Am. Ord. #22-10)
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §§281.16 and 283.33, Wis. Stats., and NR Chs. 151 and 216, Wis. Adm. Code.
 - (b) Ch. 13, Milwaukee Metropolitan Sewerage District.

27.03 FINDINGS OF FACT. (Am. Ord. #07-14)

The governing body finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
- (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
- (4) Reduce the quality of groundwater by increasing pollutant loading.
- (5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainageways, and other minor drainage facilities.
- (6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
- (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

27.04 APPLICABILITY AND JURISDICTION. (Am. Ord. #22-10; Am. Ord. #07-14)

(1) APPLICABILITY.

- (a) Where not otherwise limited by law, this chapter applies to all sites meeting any of the criteria in this paragraph, unless the site is otherwise exempt under paragraph (b).
 1. Sites subject to runoff management requirements as presented in §13.10, MMSD Rules and Regulations.

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2. Sites subject to construction site performance standards for new development and redevelopment as presented in §§NR 151.11 or 151.23, Wis. Adm. Code.
 3. Sites subject to post-construction performance standard for new development and redevelopment as presented in §§NR 151.12 or 151.24, Wis. Adm. Code.
 4. Sites, which in the opinion of the Village Engineer, may cause adverse impact to existing drainage facilities, the environment or to property.
- (b) A site that meets any of the criteria in this paragraph is exempt from the requirements of this chapter.
1. Sites exempt from runoff management requirements as presented in §13.10, MMSD Rules and Regulations.
 2. Sites exempt from construction site performance standards for new development and redevelopment as presented in §§NR 151.11 or 151.23, Wis. Adm. Code.
 3. Sites exempt from post-construction performance standard for new development and redevelopment as presented in [§§NR 151.121 or 151.241](#), Wis. Adm. Code.
- (2) **JURISDICTION.** Post-construction sites within the boundaries and jurisdiction of the Village of Germantown, as well as all lands located within the extraterritorial plat approval jurisdiction of the Village, even if plat approval is not involved.

27.05 RESERVED.

27.06 DEFINITIONS. (Am. Ord. #07-14)

- (1) **ADMINISTERING AUTHORITY** means a governmental employee, or a regional planning commission empowered under §§59.693, 60.627, 61.354, 62.234, Wis. Stats., that is designated by the Governing body to administer this chapter.
- (2) **AGRICULTURAL FACILITIES AND PRACTICES** has the meaning given in §281.16, Wis. Stats.
- (3) **AVERAGE ANNUAL RAINFALL** means a calendar year of precipitation, excluding snow, which is considered typical.
- (4) **BEST MANAGEMENT PRACTICE** or **BMP** means structural or nonstructural measures, practices, techniques or devices employed to reduce peak flows and minimize sediment or pollutants carried in runoff.
- (5) **BIOSWALE** means a vegetated, mulched or xeriscaped channel that provides treatment and retention as it moves stormwater from one place to another.
- (6) **BUSINESS DAY** means a day the office of the Village is routinely and customarily open for business.
- (7) **CEASE AND DESIST ORDER** means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (8) **COMBINED SEWER SYSTEM** means a system for conveying both sanitary sewage and stormwater runoff.
- (9) **CONNECTED IMPERVIOUSNESS** means an impervious surface that is directly connected to a separate storm sewer or water of the State via an impervious flow path.
- (10) **CRITICAL TIME** means the period starting at the time of peak rainfall intensity with a duration equal to the time of concentration of the watershed.
- (11) **DESIGN STORM** means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

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- (12) **DEVELOPMENT** means any manmade changes to improved or unimproved real estate including, but not limited to, construction of or additions or substantial improvements to buildings, other structures or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or deposition of materials.
 - (13) **DIVISION OF LAND** means the creation from one parcel of 2 or more parcels or building sites of any total area, where such creation occurs at one time or through the successive partition within a 5-year period.
 - (14) **DOWNSPOUT DISCONNECTION** means rerouting of rooftop drainage pipes to drain rainwater to rain barrels, cisterns, or permeable areas instead of the storm sewer.
 - (15) **EFFECTIVE INFILTRATION AREA** means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
 - (16) **EROSION** means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
 - (17) **EXCEPTIONAL RESOURCE WATERS** means waters listed in Wis. Adm. Code NR §102.11.
 - (18) **EXISTING DEVELOPMENT** means development in existence on October 1, 2004, or development for which a notice of intent to apply for a storm water permit.
 - (19) **EXTRATERRITORIAL** means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
 - (20) **FINAL STABILIZATION** means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
 - (21) **FINANCIAL GUARANTEE** means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Village by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.
 - (22) **GOVERNING BODY** means Village Board of Trustees.
 - (23) **GREEN INFRASTRUCTURE** means a runoff management system that uses vegetation, soils and natural processes to mimic nature's ability to soak up and store storm water. Example green infrastructure BMPs include downspout disconnection, rainwater harvesting, rain gardens, planter boxes, bioswales, permeable pavements, green alleys and streets, green parking, green roofs, urban tree canopy, amended soils, and land conservation.
 - (24) **GREEN PARKING, STREETS AND ALLEYS** means integrating green infrastructure elements into the parking, street and/or alley design to store, infiltrate, and evapotranspire stormwater.
 - (25) **GREEN ROOF** means a roof covered with growing media and vegetation that enables rainfall infiltration and evapotranspiration of storm water.
 - (26) **IMPERVIOUS SURFACE** means a surface area that releases as runoff all or a large portion of the precipitation that falls on it including, but not limited to, rooftops, sidewalks, driveways, gravel or paved parking lots, and streets, but excluding frozen soil.
 - (27) **IN-FILL AREA** means an undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural man-made features where development cannot occur. "In-fill" does not include any undeveloped area that was part of a larger new development for which a notice of intent to apply for a storm water permit in accordance with Wis. Adm. Code Ch. NR 216 Subch. III was required to be submitted after October 1, 2004.
 - (28) **INFILTRATION** means the entry of precipitation or runoff into or through the soil.

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- (29) **INFILTRATION SYSTEM** means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.
- (30) **KARST FEATURE** means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.
- (31) **LAND DISTURBING CONSTRUCTION ACTIVITY** means any manmade alteration of the land surface resulting in a change in the topography or existing vegetative or nonvegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the State. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
- (32) **MAINTENANCE DECLARATION** means a legal document that provides for long-term maintenance of stormwater management practices.
- (33) **MEP** or **MAXIMUM EXTENT PRACTICABLE** means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this chapter.
- (34) **MMSD** means Milwaukee Metropolitan Sewerage District.
- (35) **NEW DEVELOPMENT** means development resulting from the conversion of previously undeveloped land or agricultural land uses.
- (36) **OFF-SITE** means located outside the property boundary described in the permit application.
- (37) **ON-SITE** means located within the property boundary described in the permit application.
- (38) **ORDINARY HIGH-WATER MARK** has the meaning given in Wis. Adm. Code NR §115.03(6).
- (39) **OUTSTANDING RESOURCE WATERS** means waters listed in Wis. Adm. Code NR §102.10.
- (40) **PERCENT FINES** means the percentage of a given sample of soil, which passes through a #200 sieve.
- (41) **PERFORMANCE STANDARD** means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (42) **PERMEABLE PAVEMENTS** means paved surfaces that infiltrate, treat, and/or store rainwater where it falls. Permeable pavements may be constructed from pervious concrete, porous asphalt, permeable interlocking pavers, and several other materials.
- (43) **PERMIT** means a written authorization made by the Village to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the State.
- (44) **PERMIT ADMINISTRATION FEE** means a sum of money paid to the Village by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (45) **PERVIOUS SURFACE** means a surface area that releases as runoff a small portion of the precipitation that falls on it including, but not limited to, lawns, gardens, parks, forests or other similar vegetated areas.
- (46) **PLANTER BOX** means an urban rain garden with vertical walls and open or closed bottoms that collect and absorb runoff from sidewalks, pavements, and other impervious surfaces.
- (47) **POLLUTANT** has the meaning given in §283.01(13), Wis. Stats.
- (48) **POLLUTION** has the meaning given in §281.01(10), Wis. Stats.
- (49) **POST-CONSTRUCTION SITE** means a construction site following the completion of land disturbing construction activity and final site stabilization.

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- (50) **PRE-DEVELOPMENT CONDITION** means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- (51) **PREVENTIVE ACTION LIMIT** has the meaning given in Wis. Adm. Code NR §140.05(17).
- (52) **PRIVATE STORM SEWERS, DITCHES AND SWALES:** Man-made exterior sewer and surface runoff management systems intended to directly drain runoff from privately-owned buildings, driveways, parking lots, lawns, etc. These systems are typically created by site plans associated with subdivision plats of survey, certified survey maps, or individual lot plats of survey.
- (53) **PUBLIC STORM SEWERS, DITCHES AND SWALES:** Man-made exterior sewer and surface runoff management systems intended to directly drain runoff from Village-owned buildings, streets, parks, lawns, etc. These systems are typically situated on Village-owned buildings and grounds, Village-owned outlots, and Village-owned rights-of-way.
- (54) **RAIN GARDEN** means a shallow, vegetated basin that collects and absorbs runoff from rooftops, pavements and other impervious surfaces.
- (55) **RAINWATER HARVESTING** means collecting and storing rainfall for later use.
- (56) **REDEVELOPMENT** means areas where development is replacing older development.
- (57) **RESPONSIBLE PARTY** means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction stormwater BMPs.
- (58) **RUNOFF** means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (59) **RUNOFF MANAGEMENT SYSTEM** means the complete combination of structural and non-structural means used to reduce the rate or volume from a particular area, including, but not limited to, facilities constructed for conveyance and storage, management practices, and the protection, creation, or restoration of natural areas or systems such as vegetated swales, prairies, and wetlands for storage, conveyance, or infiltration.
- (60) **RUNOFF RELEASE RATE** means the volume of storm water flowing off of development per unit of time and area.
- (61) **SEDIMENT** means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (62) **SEPARATE STORM SEWER** means a conveyance or system of conveyances including roads with drainage systems, streets, catchbasins, curbs, gutters, ditches, constructed channels or stormdrains, which meets all of the following criteria:
- (a) Is designed or used for collecting water or conveying runoff.
 - (b) Is not part of a combined sewer system.
 - (c) Is not draining to a stormwater treatment device or system.
 - (d) Discharges directly or indirectly to waters of the State.
- (63) **SITE** means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.
- (64) **STOP WORK ORDER** means an order issued by the Village which requires that all construction activity on the site be stopped.

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- (65) **STORMWATER MANAGEMENT PLAN** means a comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of the construction activity.
 - (66) **STORMWATER MANAGEMENT SYSTEM PLAN** is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
 - (67) **TECHNICAL STANDARD** means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
 - (68) **TIME OF CONCENTRATION** means the time required for the point furthest from the outlet of the watershed to contribute to flow at the outlet of the watershed.
 - (69) **TOTAL MAXIMUM DAILY LOAD (TMDL)** means the amount of pollutants specified as a function of one or more water quality parameters, than can be discharged per day into a water quality limited segment an still ensure attainment of the applicable water quality standard.
 - (70) **TOP OF THE CHANNEL** means an edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the State, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.
 - (71) **TR-55** means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.
 - (72) **TYPE II DISTRIBUTION** means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973". The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
 - (73) **WATERS OF THE STATE** has the meaning given in §281.01(18), Wis. Stats.

SUBCHAPTER II: TECHNICAL AND PERFORMANCE STANDARDS

27.07 TECHNICAL STANDARDS. (Am. Ord. #13-09; Am. Ord. #07-14)

The following resources and the methodologies contained therein are hereby adopted by reference in their entirety, and shall be used in designing the water quality, peak flow control, and infiltration components of stormwater practices needed to meet the water quality standards of this chapter:

- (1) Village of Germantown Stormwater Management Requirements, as promulgated and amended from time to time by the Village of Germantown Engineering Department, and as shall be approved by the Public Works Committee of the Village Board. (Runoff rates and quantities shall be analyzed using methodology as described in Urban Hydrology for Small Watersheds, USDA SCS Technical Release TR-55, using either the SEWRPC 2006 Regional Rainfall Distribution or the 24-hour NRCS MSE3 Distribution.) (Am. Ord. #03-17)
- (2) Ch. 13, MMSD Rules and Regulations. (Am. Ord. #22-10)
- (3) Technical standards (a.k.a., Conservation Practice Standards) identified, developed or disseminated by the Wisconsin Department of Natural Resources under Wis. Adm. Code Subch. V of NR Ch. 151. (Am. Ord. #22-10)
- (4) In this chapter, the Village of Germantown design storm shall be based on NOAA Atlas 14, Precipitation-Frequency Atlas of the United States, Volume 8, Version 2.0: Midwestern States (Colorado, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin).

27.08 PERFORMANCE STANDARDS. (Am. Ord. #07-14)

- (1) **RESPONSIBLE PARTY.** The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.
- (2) **PLAN.** A written stormwater management plan in accordance with section 27.10 shall be developed and implemented for each post-construction site.
- (3) **REQUIREMENTS.** The plan required under subsection (2) shall include the following:
 - (a) **Total Suspended Solids.** (Am. Ord. #22-10) BMPs shall be designed, installed and maintained to control total suspended solids compliant with all of the following, with the more restrictive controlling:
 1. Post-construction performance standard for new development and redevelopment as presented in Wis. Adm. Code [§§NR 151.122 and 151.242.](#)
 2. Village Stormwater Management Requirements, as promulgated and amended from time to time by the Village of Germantown Engineering Department, and as shall be approved by the Public Works Committee of the Village Board.
 3. Site-specific standards, which in the opinion of the Village Engineer, will prevent adverse impact to existing drainage facilities, the environment or to property.
 4. Only green infrastructure BMPs that do not clog are permissible for achieving total suspended solids requirements.
 - (b) **Peak Discharge.** (Am. Ord. #22-10) BMPs shall be designed, installed and maintained to control peak discharge compliant with all of the following, with the more restrictive controlling:
 1. Runoff management requirements as presented in §13.11, MMSD Rules and Regulations.
 2. Village Stormwater Management Requirements, as promulgated and amended from time to time by the Village of Germantown Engineering Department, and as shall be approved by the Public Works Committee of the Village Board.
 3. Site-specific runoff management requirements, which in the opinion of the Village Engineer, will prevent adverse impact to existing drainage facilities, the environment or to property.
 4. Green infrastructure BMPs are permissible means for achieving peak discharge requirements.
 5. [Post-construction performance standard for new development and redevelopment as presented in Wis. Adm. Code §§NR 151.123 and 151.243.](#)
 - (c) **Infiltration.** BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the maximum extent practicable, in accordance with Wis. Adm. Code §NR 151.124.
 1. *Low imperviousness.* For development up to 40% connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.
 2. *Moderate imperviousness.* For development with more than 40% and up to 80% connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate

infiltration systems to meet this requirement, no more than 2% of the post-construction site is required as an effective infiltration area.

3. *High imperviousness.* For development with more than 80% connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the post-construction site is required as an effective infiltration area.
4. Green infrastructure BMPs are permissible means for achieving infiltration requirements.

(d) Protective Areas.

1. "Protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this paragraph, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location. The more restrictive of paragraphs a.—j., or all requirements pursuant to Section 24 including amended Ord. No. 23-07, Village of Germantown Shoreland-Wetland Zoning Code shall apply.
 - a. For outstanding resource waters and exceptional resource waters, 75 feet.
 - b. For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
 - c. For lakes, 50 feet.
 - d. For wetlands not subject to par. "e" or "f", 50 feet.
 - e. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
 - f. For less susceptible wetlands, 10% of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include: degraded wetlands dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
 - g. In paragraphs "d" to "f", determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in Wis. Adm. Code NR §103.03.
 - h. Wetland boundary delineation shall be made in accordance with Wis. Adm. Code §NR 103.08 (1m). This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.
 - i. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
 - j. Notwithstanding pars. "a" to "i", the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.

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2. Best management practices such as green infrastructure, filter strips, swales, or wet detention basins that are designed to control pollutants from non-point sources may be located in the protective area.
 3. Other regulations, such as Ch. 30, Wis. Stats., and Wis. Adm. Code NR Chs. 103, 115, 116 and 117, and their associated review and approval process may apply in the protective area.
 4. This paragraph does not apply to:
 - a. Structures constructed in accordance with §59.692(1v), Wis. Stats.
- (e) Fueling and Vehicle Maintenance Areas. Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the State contains no visible petroleum sheen.
1. A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or nonstructural method of preventing or treating petroleum in runoff.
- (f) Swale Treatment for Transportation Facilities.
1. *Applicability.* Except as provided in subparagraph 2., transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:
 - a. Be Vegetated. However, where appropriate, nonvegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams. It is preferred that tall and dense vegetation be maintained within the swale due to its greater effectiveness at enhancing runoff pollutant removal.
 - b. Carry runoff through a swale for 200 feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second for the peak flow generated using either a 2-year, 24-hour design storm or a 2-year storm with a duration equal to the time of concentration as appropriate. If a swale of 200 feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable. Check dams may be included in the swale design to slow runoff flows and improve pollutant removal. Transportation facilities with continuous features such as curb and gutter, sidewalks or parking lanes do not comply with the design requirements of this paragraph. However, a limited amount of structural measures such as curb and gutter may be allowed as necessary to account for other concerns such as human safety or resource protection.
 2. *Exemptions.* The Village may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with an average daily travel of vehicles greater than 2,500 and where the initial surface water of the State that the runoff directly enters is any of the following:
 - a. An outstanding resource water.
 - b. An exceptional resource water.
 - c. Waters listed in §303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to nonpoint source impacts.
 - d. Waters where targeted performance standards are developed under Wis. Adm. Code NR §151.004, to meet water quality standards.

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- (g) Snow Storage Areas. Site plans shall designate snow storage areas. Snow storage shall be prohibited upon green infrastructure BMPs and prohibited upon all areas used for runoff infiltration.
- (4) **GENERAL CONSIDERATIONS FOR ON-SITE AND OFF-SITE STORMWATER MANAGEMENT MEASURES.** The following considerations shall be observed in managing runoff:
- (a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
 - (b) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
 - (c) Private Drainage Easements. Private easements shall overlay all private storm sewers, ditches, and swales. All private drainage easements shall be labeled as "Private Drainage Easements" on plats of survey, site plans, and as-built drawings.
 - (d) Public Drainage Easements. Public easements shall overlay all public storm sewers, ditches, and swales not situated in Village-owned right-of-way. All public drainage easements shall be labeled as "Public Drainage Easements" on plats of survey, site plans, and as-built drawings.
- (5) **LOCATION AND REGIONAL TREATMENT OPTION.**
- (a) The BMPs may be located on-site, or off-site only as part of a regional stormwater device, practice or system, intended to serve a common entity.
 - (b) All commonly owned BMPs, (residential development, business or commercial districts, or other similar development where separate owners share a BMP), shall be located in an outlot. No BMP facilities and/or runoff from multiple properties may be directed or placed on any noncollectively owned private property or properties, except in cases in which easements and maintenance agreements are authorized by the Village Engineer and recorded at the Washington County Register of Deeds.
 - (c) Post-construction runoff within a water of the State that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this chapter. Post-construction BMPs may be located in nonnavigable surface waters, provided all requirements of this chapter and Municipal Ord. No. 24 are met.
 - (d) Except as allowed under paragraph (e), post-construction runoff from new development shall meet the post-construction performance standards prior to entering a water of the State.
 - (e) Post-construction runoff from any development within a water of the State that flows into a BMP is not required to meet the performance standards of this chapter if:
 - 1. The BMP was constructed prior to the effective date of this chapter and the BMP either received a permit issued under Ch. 30, Wis. Stats., or the BMP did not require a Ch. 30, Wis. Stats., permit; and
 - 2. The BMP is designed to provide runoff treatment from future upland development.
 - (f) Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this paragraph.
 - 1. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge.
 - 2. Post-construction BMPs for such runoff may be located in a water of the State if allowable under all other applicable federal, state and local regulations such as Wis. Adm. Code NR Ch. 103, and Ch. 30, Wis. Stats. This allows the location of BMPs in waters of the State where necessary to

augment management practices upstream of the navigable surface water to meet the performance standards.

- (g) The discharge of runoff from a BMP, such as a wet detention pond or green infrastructure, or after a series of such BMPs is subject to this chapter. This section does not supersede any other applicable Federal, State or local regulation such as Wis. Adm. Code NR Ch. 103 and Ch. 30, Wis. Stats.
- (h) The Village may approve off-site management measures provided that all of the following conditions are met:
 - 1. The Village determines that the post-construction runoff is covered by a stormwater management plan that is approved by the Village and the MMSD, and that contains management requirements consistent with the purpose and intent of this chapter.
 - 2. The off-site facility meets all of the following conditions:
 - a. The facility is in place.
 - b. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this chapter.
 - c. The facility has a legally obligated entity responsible for its long-term operation and maintenance, and a corresponding Maintenance Declaration.

27.09 PERMITTING REQUIREMENTS, PROCEDURES AND FEES. (Am. Ord. #07-14)

- (1) **PERMIT REQUIRED.** No responsible party may undertake a land-disturbing construction activity without receiving a post-construction runoff permit from the Village prior to commencing the proposed activity.
- (2) **PERMIT APPLICATION AND FEES.** Unless specifically excluded by this chapter, any responsible party desiring a permit shall submit to the Village a permit application made on a form provided by the Village for that purpose.
 - (a) Unless otherwise excepted by this chapter, a permit application must be accompanied by a stormwater management plan sealed and signed by a Wisconsin Professional Engineer, a Maintenance Declaration and a nonrefundable permit administration fee. (Am. Ord. #22-10)
 - (b) The stormwater management plan shall be prepared to meet the requirements of sections 27.07, 27.08, and 27.10. The maintenance agreement shall be prepared to meet the requirements of section 27.11. The financial guarantee shall meet the requirements of section 27.12, and fees shall be those established by the Governing Body as set forth in section 27.13
- (3) **REVIEW AND ACCEPTANCE OF PERMIT APPLICATION.** The Village Engineer or designee shall review any permit application that is submitted with a stormwater management plan, Maintenance Declaration, and the required fee. The following acceptance procedure shall be used:
 - (a) Within 10 business days of the receipt of a complete permit application, including all items as required by subsection (2), the Village Engineer or designee shall inform the applicant whether the application, plan and Maintenance Declaration are acceptable or unacceptable based on the requirements of this chapter.
 - (b) If the stormwater permit application, plan and maintenance agreement are accepted, and a letter of acceptance is received from the MMSD, if applicable, the Village Engineer shall issue the permit.
 - (c) If the stormwater permit application, plan or maintenance agreement are unacceptable, the Village Engineer or designee shall detail in writing the reasons they are unacceptable.

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- (d) Additional information from the applicant may be requested. If additional information is submitted, the Village Engineer or designee shall have 10 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either acceptable or unacceptable.
 - (e) Acceptance by the Village Engineer shall not be deemed to represent a guarantee or inference of an acceptance by other applicable authorities or Village Departments.
- (4) **PERMIT REQUIREMENTS.** All permits issued under this chapter shall be subject to the following conditions, and holders of permits issued under this chapter shall be deemed to have accepted these conditions. The Village Engineer or designee may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Village to suspend or revoke this permit may be appealed in accordance with section 27.15
- (a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable Federal, State, and local laws and regulations.
 - (b) The responsible party shall design and install all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan and this permit.
 - (c) The responsible party shall notify the Village Engineer or designee at least two business days before commencing any work in conjunction with the stormwater management plan, and within five business days upon completion of the stormwater management practices. If required as a special condition under subsection (5), the responsible party shall make additional notification according to a schedule set forth by the Village Engineer so that practice installations can be inspected during construction.
 - (d) Practice installations required as part of this chapter shall be certified by a licensed Wisconsin professional engineer or registered land surveyor retained by the responsible party. Completed stormwater management practices must pass a final inspection by the Village Engineer or designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The Village Engineer or designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit. (Am. Ord. #22-10)
 - (e) The responsible party shall notify the Village Engineer or designee of any significant modifications it intends to make to an approved stormwater management plan. Modifications may require submittal for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
 - (f) Responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices become the responsibility of the owners as specified in the approved maintenance declaration.
 - (g) The responsible party authorizes the Administering Authority to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Subch. VII of Ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under section 27.12
 - (h) If so directed by the Administering Authority, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainageways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
 - (i) The responsible party shall permit property access to the Administering Authority, or its designee, for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.

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- (j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Village may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
 - (k) The responsible party is subject to the enforcement actions and penalties detailed in section 27.15, if the responsible party fails to comply with the terms of this permit.
- (5) **PERMIT CONDITIONS.** Permits issued under this subsection may include conditions established by the Administering Authority in addition to the requirements needed to meet the performance standards in section 27.08, and a financial guarantee as provided for in section 27.12
- (6) **PERMIT DURATION.** Permits issued under this section shall be valid from the date of issuance through the date the Village Engineer or designee notifies the responsible party that all stormwater management practices have passed the final inspection required under subsection (4)(d), and an acceptable Maintenance Declaration is recorded with the Register of Deeds as required under section 27.11.

27.10 STORMWATER MANAGEMENT PLAN. (Am. Ord. #22-10; Am. Ord. #07-14)

- (1) **PLAN REQUIREMENTS.** The stormwater management plan required under section 27.08 shall be sealed and signed by a Wisconsin professional engineer and shall comply with the following requirements, with the more restrictive controlling:
- (a) Site development stormwater management plan requirements as presented in §13.12, MMSD Rules and Regulations.
 - (b) Plan requirements as presented in Wis. Admin. Code §§NR 151.121(4) and 151.241(3).
 - (c) Village Stormwater Management Requirements, as promulgated and amended from time to time by the Village of Germantown Engineering Department, and as shall be approved by the Public Works and Highway Committee of the Village Board.
 - (d) Site-specific plan requirements, which in the opinion of the Village Engineer, may best communicate the prevention of adverse impact to existing drainage facilities, the environment or to property.
- (2) **GREEN INFRASTRUCTURE.** The stormwater management plan shall include an analysis of at least two green infrastructure BMPs appropriate for the site as compared to use of traditional BMPs only. For example, for green infrastructure BMP "G1" and traditional BMP "T1", the analysis shall be of the following form equilibrated by performance: ["G1" + ("T1"- "G1")] as compared to "T1". Analysis criteria shall include spatial requirements, runoff peak flow reduction, runoff volume reduction, initial construction cost, life cycle, annual operation and maintenance cost, and seasonal weather constraints. The analysis shall include a Wisconsin professional engineer's recommendation whether or not to include green infrastructure BMPs in the site's runoff management system.

27.11 MAINTENANCE DECLARATION. (Am. Ord. #07-14)

- (1) **MAINTENANCE DECLARATION REQUIRED.** The maintenance declaration required is not an agreement between the Governing Body and the responsible party. The maintenance declaration shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the runoff management system practices.
- (2) **DECLARATION PROVISIONS.** The maintenance declaration shall contain the following information and provisions and be consistent with the maintenance plan required by section 27.10

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- (a) Identification of the runoff management system facilities and designation of the drainage area served by the facilities.
 - (b) A schedule for regular maintenance of each aspect of the runoff management system facility.
 - (c) Identification of the party or parties responsible for long-term maintenance of the runoff management BMPs.
 - (d) Declare that the responsible party or parties shall maintain runoff management BMPs in accordance with the schedule included in paragraph (b).
 - (e) Authorization for the Administering Authority to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
 - (f) A stipulation that the Administering Authority may maintain public records of the results of any site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
 - (g) Declare that the party designated under paragraph (c), as responsible for long term maintenance of the stormwater management practices, may be notified by the Administering Authority of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Administering Authority, Village Engineer, or other designee.
 - (h) Authorization of the Administering Authority to perform the corrected actions identified in the inspection report if the responsible party designated under paragraph (c) does not make the required corrections in the specified time period. The Village of Germantown shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Subch. VII of Ch. 66, Wis. Stats.

27.12 FINANCIAL GUARANTEE. (Am. Ord. #07-14)

- (1) **ESTABLISHMENT OF THE GUARANTEE.** The Administering Authority shall require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Administering Authority. The financial guarantee shall be in an amount estimated by the responsible party and submitted to the Village Engineer and Village Attorney for review and approval. The amount of the guarantee shall be 100% of the estimated cost of construction of the stormwater management facility and post-construction submittals. The financial guarantee shall give the Administering Authority the authorization to use the funds to complete the stormwater management facility and post-construction documentation, if the responsible party defaults or does not properly implement the approved stormwater management plan. Upon written notice to the responsible party by the Village Engineer or designee that the requirements of this chapter have not been met, the responsible party shall have 10 calendar days to implement the requirements of the written notice before the Administering Authority shall pursue the release of the guarantee to conduct the work.
- (2) **CONDITIONS FOR RELEASE.** Conditions for the release of the financial guarantee are as follows:
 - (a) The Administering Authority shall release the financial guarantee established under this section, less any costs incurred to complete installation of practices and other appropriate fees, upon submission of "record drawing" plans and facility certification submitted and wet sealed by a licensed professional engineer, "final" Maintenance Declaration using actual construction data, all submitted for review and approval by the Village Engineer or designee, and Declaration forwarded by the Village to the Register of Deeds for recording, and a field inspection as may be applicable.
 - (b) As determined by Developer Agreement, if applicable.

27.13 FEE SCHEDULE. (Am. Ord. #07-14)

The fees referred to in other sections of this chapter shall be established by the Governing Body and may from time to time be modified by resolution. A schedule of the fees established by the Administering Authority shall be available for review at Village Hall DPW/Engineering office.

27.14 ENFORCEMENT. (Am. Ord. #07-14)

- (1) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this chapter by any person, firm, association, or corporation subject to the chapter provisions shall be deemed a violation unless conducted in accordance with the requirements of this chapter.
- (2) The Administering Authority shall notify the responsible party by certified mail of any noncomplying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (3) Upon receipt of written notification from the Administering Authority under subsection (2), the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Village in the notice.
- (4) If the violations to a permit issued pursuant to this chapter are likely to result in damage to properties, public facilities, or waters of the State, the Administering Authority may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Administering Authority plus interest and legal costs shall be billed to the responsible party.
- (5) The Administering Authority is authorized to post a stop work order on all land disturbing construction activity that is in violation of this chapter, or to request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.
- (6) The Administering Authority may revoke a permit issued under this chapter for noncompliance with ordinance provisions.
- (7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Administering Authority or by a court with jurisdiction.
- (8) The Administering Authority is authorized to refer any violation of this chapter, or of a stop work order or cease and desist order issued pursuant to this chapter, to the Village Attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (9) Any person, firm, association, or corporation who does not comply with the provisions of this chapter shall be subject to a forfeiture of not less than \$100.00 or more than \$500.00 per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (10) Compliance with the provisions of this chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings. Injunctive orders are authorized pursuant to §61.35, Wis. Stats., for villages.
- (11) When the Administering Authority determines that the holder of a permit issued pursuant to this chapter has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the Administering Authority or designee may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Village shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial

security posted pursuant to section 27.12 of this chapter. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

SUBCHAPTER III: PENALTIES

27.15 PENALTIES. (Am. Ord. #07-14)

In addition to the penalties provided in this chapter, any person who shall violate any provision in this chapter, or any rule, regulation or order made hereunder shall be subject to a penalty as provided in section 25.04 of this Code. This chapter shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Board of Trustees of the Village of Germantown on the 15th day of September, 2008.

CHAPTER 29
CONSTRUCTION SITE EROSION CONTROL
(Cr. Ord. #17-09)

29.01	Authority
29.02	Findings of Fact
29.03	Purpose
29.04	Applicability and Jurisdiction
29.05	Definitions
29.06	Technical Standards
29.07	Performance Standards
29.08	Permitting Requirements, Procedures and Fees
29.09	Erosion and Sediment Control Plan, Statement, and Amendments
29.10	Fee Schedule
29.11	Inspection
29.12	Enforcement
29.13	Appeals
29.14	Severability

29.01 AUTHORITY. (Am. Ord. #01-13)

- (1) This chapter is adopted under the authority granted by Wis. Stats. §61.354. This chapter supersedes all provisions of an ordinance previously enacted under Wis. Stats. §61.35, that relate to construction site erosion control. Except as otherwise specified in Wis. Stats. §61.354, Wis. Stats. §61.35, applies to this chapter and to any amendments to this chapter.
- (2) The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Village Board hereby designates the Building Inspector and/or the Village Engineer to administer and enforce the provisions of this chapter.
- (4) The requirements of this chapter do not preempt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under Wis. Stats. §§281.16 and 283.33.
 - (b) Targeted nonagricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Wis. Admin. Code §NR 151.004.

29.02 FINDINGS OF FACT.

The Village Board finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the State in the Village of Germantown.

29.03 PURPOSE.

It is the purpose of this chapter to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve groundcover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the State in the Village of Germantown.

29.04 APPLICABILITY AND JURISDICTION.

- (1) **APPLICABILITY.** (Am. Ord. #01-13)
 - (a) This chapter applies to:
 1. All land disturbing construction activities which cumulatively equal or exceed 1/2 acre in area.
 2. All land disturbing construction activities regulated by the Wisconsin Statutes and Wisconsin Administrative Code.
 3. All land disturbing construction activities regulated by the Code of Federal Regulations.
 - (b) This chapter does not apply to the following:
 1. All land disturbing construction activities and discharges expressly excluded from regulation by the Wisconsin Statutes and Wisconsin Administrative Code.
 2. All land disturbing construction activities and discharges expressly excluded from regulation by the Code of Federal Regulations.
 - (c) Notwithstanding the applicability requirements in paragraph (1), this chapter applies to construction sites of any size that, in the opinion of the Village Building Inspector or the Village Engineer, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.
- (2) **JURISDICTION.** This chapter applies to land disturbing construction activity located within the boundaries and jurisdiction of the Village of Germantown.

29.05 DEFINITIONS. (Am. Ord. #08-14)

- (1) **ADMINISTERING AUTHORITY** means a governmental employee, or a regional planning commission empowered under Wis. Stats. §61.354, that is designated by the Village Board to administer this chapter.
- (2) **AGRICULTURAL FACILITIES AND PRACTICES** has the meaning in Wis. Stats. §281.16(1).
- (3) **AVERAGE ANNUAL RAINFALL** means a calendar year of precipitation, excluding snow, which is considered typical.
- (4) **BEST MANAGEMENT PRACTICE** or **BMP** means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the State.
- (5) **BUSINESS DAY** means a day the office of the Building Inspector is routinely and customarily open for business.
- (6) **CEASE AND DESIST ORDER** means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

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- (7) **CONSTRUCTION SITE** means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.
 - (8) **DIVISION OF LAND** means the creation from one parcel of 4 or more parcels or building sites of 5 or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5-year period.
 - (9) **EROSION** means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
 - (10) **EROSION AND SEDIMENT CONTROL PLAN** means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
 - (11) **EXTRATERRITORIAL** means the unincorporated area within 1.5 miles of the Village.
 - (12) **FINAL STABILIZATION** means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
 - (13) **GOVERNING BODY** means the Village Board of Trustees.
 - (14) **IMPERVIOUS SURFACE** means a surface area that releases as runoff all or a large portion of the precipitation that falls on it including, but not limited to, rooftops, sidewalks, driveways, gravel or paved parking lots, and streets, but excluding frozen soil.
 - (15) **LAND DISTURBING CONSTRUCTION ACTIVITY** means any manmade alteration of the land surface resulting in a change in the topography or existing vegetative or nonvegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the State. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
 - (16) **MEP or MAXIMUM EXTENT PRACTICABLE** means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this Chapter.
 - (17) **PERFORMANCE STANDARD** means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
 - (18) **PERMIT** means a written authorization made by the Building Inspector to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the State.
 - (19) **POLLUTANT** has the meaning given in Wis. Stats. §283.01(13).
 - (20) **POLLUTION** has the meaning given in Wis. Stats. §281.01(10).
 - (21) **RESPONSIBLE PARTY** means any entity holding fee title to the property or performing services to meet the performance standards of this chapter through a contract or other agreement.
 - (22) **RUNOFF** means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet, shallow or channelized flow.
 - (23) **SEDIMENT** means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
 - (24) **SEPARATE STORM SEWER** means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

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- (a) Is designed or used for collecting water or conveying runoff.
 - (b) Is not part of a combined sewer system.
 - (c) Is not draining to a stormwater treatment device or system.
 - (d) Discharges directly or indirectly to waters of the State.
- (25) **SITE** means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- (26) **STOP WORK ORDER** means an order issued by the Building Inspector, which requires that all construction activity on the site be stopped.
- (27) **TECHNICAL STANDARD** means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (28) **WATERS OF THE STATE** has the meaning given in Wis. Stats. §281.01(18).

29.06 TECHNICAL STANDARDS.

- (1) **DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS.** (Am. Ord. #01-13) All BMPs required to comply with this chapter shall meet the design criteria, standards and specifications based on the following:
- (a) Wisconsin Department of Natural Resources (WDNR) Conservation Practice Standards for Construction Site Erosion and Sediment Control.
 - (b) Village of Germantown Design, Drafting and Construction Standards and Specifications, Section 3, "Grading and Erosion Control Requirements."
 - (c) For this chapter, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.
- (2) **OTHER STANDARDS.** Other technical standards not identified or developed in subsection (1), may be used provided that the methods have been approved by the Village Building Inspector or Village Engineer.

29.07 PERFORMANCE STANDARDS. (Am. Ord. #01-13)

- (1) **RESPONSIBLE PARTY.** The responsible party shall implement an erosion and sediment control plan, developed in accordance with section 29.09, that incorporates the requirements of this section.
- (2) **PLAN.** A written plan shall be developed in accordance with section 29.09 and implemented for each construction site.
- (3) **NEWLY CREATED IMPERVIOUS SURFACES.** For areas of newly created pavements, roofs, and other impervious surfaces situated upon areas of formerly pervious surfaces, all BMPs associated with shall meet the most stringent of the following performance standards:
- (a) Maximum soil loss of 5 tons per acre per year.
 - (b) ~~80% reduction of potential sediment load in stormwater runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site.~~
Construction Site Erosion Control performance standard for new development and redevelopment as presented in Wis. Adm. Code §§NR 151.11.

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- (4) MODIFIED IMPERVIOUS SURFACES. For areas of modified pavements, roofs, and other impervious surfaces situated upon areas of formerly impervious surfaces, all BMPs associated with shall meet the most stringent of the following performance standards:
 - (a) Maximum soil loss of 5 tons per acre per year.
 - (b) ~~40% reduction of potential sediment load in stormwater runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site.~~
Construction Site Erosion Control performance standard for new development and redevelopment as presented in Wis. Adm. Code §§NR 151.11.
 - (5) MANAGING SITE MATERIALS. The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period, to prevent their entrance into waters of the State. However, projects that require the placement of these materials in waters of the State, such as constructing bridge footings or BMP installations, are not prohibited by this paragraph.
 - (6) CONSTRUCTION SEQUENCE. All BMPs used to comply with this section shall be completely designed, completely situated and completely constructed prior to beginning land disturbing construction activities.
 - (7) ADDITIONAL REQUIREMENTS. The Village Building Inspector or Village Engineer may establish erosion and sediment control requirements more stringent than those set forth in this section if the Village Building Inspector or Village Engineer determines that an added level of protection is needed for sensitive resources.
 - (8) REMOVAL. Upon final stabilization and no later than 30 calendar days afterwards, the responsible party shall completely remove and dispose of all temporary erosion, sediment and dust controls and BMPs.
 - (9) RECLAMATION.
 - (a) Whenever any land disturbing construction activity has ceased to progress within any given 9-month time period by at least 5% of the Developer's Agreement or plans/drawings on file with the Director of Public Works, Village Planner, Village Engineer or Building Inspector, the responsible party shall complete reclamation activities as required by this section within 30 calendar days. If the responsible party desires extension of the 9-month time period, the responsible party may apply for a special exemption through the Public Works and Highway Committee.
 - (b) Where land disturbing construction activity has occurred, reclamation activities shall be employed, as necessary, and maintained to promote the removal or reuse of construction refuse, removal of roads no longer in use, grading of earth, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water flow and groundwater withdrawal, prevention of environmental pollution, and development and restoration of plant, fish and wildlife habitat.

29.08 PERMITTING REQUIREMENTS, PROCEDURES AND FEES. (Am. Ord. #01-13)

- (1) PERMIT REQUIRED. Except where excluded by subsection (2), No responsible party may commence a land disturbing construction activity subject to this chapter without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Building Inspector.
- (2) EXCLUSIONS. Permits are not required for land disturbing construction activities managed by agencies of the U.S.A. Federal government, State of Wisconsin, Washington County, and the Village of Germantown.
- (3) PERMIT APPLICATION AND FEES. At least one responsible party desiring to undertake a land disturbing construction activity subject to this chapter shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of section 29.09 and shall pay an application fee as specified in the Village fee schedule adopted annually, to the Building Inspector. By submitting an

application, the applicant is authorizing the Building Inspector and Village Engineer to enter the site to obtain information required for the review of the erosion and sediment control plan.

- (4) REVIEW AND APPROVAL OF PERMIT APPLICATION. The Building Inspector shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:
- (a) Within 15 business days of the receipt of a complete permit application, as required by subsection (3), the Building Inspector shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this chapter.
 - (b) If the permit application and plan are approved, the Building Inspector shall issue the permit.
 - (c) If the permit application or plan is disapproved, the Building Inspector shall state in writing the reasons for disapproval.
 - (d) The Building Inspector may request additional information from the applicant. If additional information is submitted, the Building Inspector shall have 15 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.
 - (e) Failure by the Building Inspector to inform the permit applicant of a decision within 15 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (5) SECURITY FOR PERFORMANCE. As a condition of approval and issuance of the permit, the Building Inspector may require the applicant to deposit an irrevocable letter of credit in a form approved by the Village Attorney, to guarantee execution of the approved erosion control plan and any permit conditions.
- (6) PERMIT REQUIREMENTS. All permits shall require the responsible party to:
- (a) Notify the Building Inspector within 48 hours of commencing any land disturbing construction activity.
 - (b) Notify the Building Inspector of completion of any BMPs within 14 days after their installation.
 - (c) Obtain permission in writing from the Building Inspector or Village Engineer prior to any modification of the erosion and sediment control plan pursuant to section 29.09.
 - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
 - (e) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land disturbing construction activities and document repairs in a site erosion control log.
 - (g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
 - (h) Allow the Building Inspector to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan at the construction site.
- (7) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Building Inspector and/or the Village Engineer in addition to the requirements set forth in subsection (6), where needed to assure compliance with the performance standards in section 29.09 below.

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- (8) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector may extend the period one or more times for up to an additional 180 days. The Building Inspector may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this chapter.
 - (9) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this chapter until the site has undergone final stabilization.

29.09 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT, AND AMENDMENTS. (Am. Ord. #01-13)

(1) ABBREVIATED EROSION AND SEDIMENT CONTROL PLAN:

- (a) For individual residential dwellings having 4 or less units, the responsible party shall prepare and submit to the Building Inspector an abbreviated erosion and sediment control plan consisting of all of the following elements:
 - 1. Responsible party's contact information.
 - 2. Project narrative.
 - 2. Scaleable sketch of site.
 - 3. Existing contours, elevations, structures and features.
 - 4. Proposed contours, elevations, structures and features.
 - 5. Erosion, sediment and dust control best management practices in plan view.
 - 6. Area of land disturbance.
 - 7. Construction sequence and schedule.

(2) COMPREHENSIVE EROSION AND SEDIMENT CONTROL PLAN: (Am. Ord. #08-14)

- (a) For all land disturbing construction activities which cumulatively equal or exceed ½ acre in area and are not individual residential dwellings having 4 or less units, the responsible party shall prepare and submit to the Building Inspector a comprehensive erosion and sediment control plan consisting of all of the following elements:
 - 1. Responsible party's contact information.
 - 2. Project narrative.
 - 3. Scaleable AutoCAD drawing of site.
 - 4. Existing contours, elevations, structures and features.
 - 5. Proposed contours, elevations, structures and features.
 - 6. Erosion, sediment and dust control best management practices in plan view with details, to prevent or reduce all of the following:
 - a. The deposition of soil from being tracked onto streets by vehicles.
 - b. The discharge of sediment from disturbed areas into on-site storm water inlets.
 - c. The discharge of sediment from disturbed areas into adjacent waters of the state.
 - d. The discharge of sediment from drainage ways that flow off the site.

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- e. The discharge of sediment by dewatering activities.
 - f. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - g. The discharge of sediment from erosive flows at outlets and in downstream channels.
 - h. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
 - i. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
7. Area of land disturbance.
 8. Construction sequence and schedule.
 9. Soil loss and percent total suspended solids reduction computations demonstrating less than 5 tons per acre per year soil loss.
 10. Preventative measures incorporating all of the following:
 - a. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
 - b. Minimization of soil compaction and preservation of topsoil.
 - c. Minimization of land disturbing construction activity on slopes of 20% or more.
 - d. Development of spill prevention and response procedures.
 11. Wisconsin Professional Engineer seal, signature, date and contact information.
- (3) AMENDMENTS. The applicant shall amend the plan if any of the following occur:
- (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the State and which has not otherwise been addressed in the plan.
 - (b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (c) The Building Inspector or Village Engineer notifies the applicant of changes needed in the plan.

29.10 FEE SCHEDULE.

The fees referred to in other sections of this chapter shall be established by the Village Board and may from time to time be modified by resolution. A schedule of fees shall be available for review in the office of the Building Inspector.

29.11 INSPECTION. (Am. Ord. #01-13)

If land disturbing construction activities are being carried out without a permit required by this chapter, the designee of the Building Inspector may enter the land pursuant to the provisions of Wis. Stats. §66.0119(1), (2), and (3).

29.12 ENFORCEMENT. (Am. Ord. #01-13)

- (1) The Building Inspector or Village Engineer may order the posting of a stop work order if any of the following occurs:
 - (a) Any land disturbing construction activity regulated under this chapter is being undertaken without a permit.
 - (b) The erosion and sediment control plan is not being implemented in a good faith manner.
 - (c) The conditions of the permit are not being met.
- (2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Building Inspector or Village Engineer may revoke the permit.
- (3) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Building Inspector or Village Engineer, or if a responsible party violates a stop work order posted under subsection (1), the Building Inspector or Village Engineer may request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.
- (4) The Building Inspector or Village Engineer may retract the stop work order issued under subsection (1) or the permit revocation under subsection (2).
- (5) After posting a stop work order under subsection (1), the Building Inspector or Village Engineer may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this chapter. The Building Inspector or Village Engineer may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Village, plus interest at the rate authorized by the Village Board, shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the Village Treasurer shall enter the amount due on the tax rolls and collect as a special charge or a special assessment against the property pursuant to Wis. Stats. Ch. 66, Subch. VII.
- (6) In addition to the penalties provided in this chapter, any person who shall violate any provision in the chapter, or any rule, regulation or order made hereunder shall be subject to a penalty as provided in section 25.04 of this Code. Each day a violation exists shall constitute a separate offense.
- (7) Compliance with the provisions of this chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunction proceedings.

29.13 APPEALS.

- (1) ADMINISTRATIVE REVIEW BOARD. The Administrative Review Board created pursuant to section 1.36 of the Code of Ordinances of the Village of Germantown:
 - (a) Shall hear and decide appeals where it is alleged, by any aggrieved person, that there is error in any order, decision or determination made by the Building Inspector or Village Engineer in administering this chapter except for cease and desist orders obtained under section 29.12(3). (Am. Ord. #01-13)
 - (b) Upon appeal, may authorize variances from the provisions of this chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
 - (c) Shall use the rules, procedures, duties and powers authorized by ordinance in hearing and deciding appeals and authorizing variances.

29.14 SEVERABILITY.

If a court of competent jurisdiction judges any section, clause, provision or portion of this chapter unconstitutional or invalid, the remainder of the chapter shall remain in force and not be affected by such judgment.

ORDINANCE NO. ___-2026

AN ORDINANCE AMENDING CHAPTER 27 (POST CONSTRUCTION STORMWATER MANAGEMENT) AND CHAPTER 29 (CONSTRUCTION SITE EROSION CONTROL) OF THE VILLAGE OF GERMANTOWN MUNICIPAL CODE

WHEREAS, the Wisconsin Department of Natural Resources completed audit of the Village of Germantown Stormwater Program in 2025, and WDNR staff has identified several updates to the Village of Germantown Municipal Code;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

That Sections 27.04(1)(b)3, 27.08(3)(a)1., and 27.08(3)(b) of the Germantown Municipal Code are amended to read as follows where words that are ~~stricken~~ are deleted and words that are double-underlined are to be added:

27.04 APPLICABILITY AND JURISDICTION

- (b) 3. Sites exempt from post-construction performance standard for new development and redevelopment as presented in §§NR 151.~~42~~ 121 or 151.~~24~~ 241, Wis. Adm. Code.

27.08 PERFORMANCE STANDARDS

- (3)(a) Total Suspended Solids. (Am. Ord. #22-10) BMPs shall be designed, installed and maintained to control total suspended solids compliant with all of the following, with the more restrictive controlling:

1. Post-construction performance standard for new development and redevelopment as presented in Wis. Adm. Code §§NR 151.~~421~~ 122 and 151.~~241~~ 242.
2. Village Stormwater Management Requirements, as promulgated and amended from time to time by the Village of Germantown Engineering Department, and as shall be approved by the Public Works Committee of the Village Board.
3. Site-specific standards, which in the opinion of the Village Engineer, will prevent adverse impact to existing drainage facilities, the environment or to property.
4. Only green infrastructure BMPs that do not clog are permissible for achieving total suspended solids requirements.

- (3)(b) Peak Discharge. (Am. Ord. #22-10) BMPs shall be designed, installed and maintained to control peak discharge compliant with all of the following, with the more restrictive controlling:

1. Runoff management requirements as presented in §13.11, MMSD Rules and Regulations.
2. Village Stormwater Management Requirements, as promulgated and amended from time to time by the Village of Germantown Engineering Department, and as shall be approved by the Public Works Committee of the Village Board.

- 3. Site-specific runoff management requirements, which in the opinion of the Village Engineer, will prevent adverse impact to existing drainage facilities, the environment or to property.
- 4. Green infrastructure BMPs are permissible means for achieving peak discharge requirements
- 5. Post Construction Performance Standard for new development and re-development as presented in Wis. Admin Code. NR 151.123 and NR 151.243 related to Peak Discharge.

SECTION II

That Sections 29.04(1)(a)1., 29.07(3)(b), and 29.07(4)(b) of the Germantown Municipal Code are amended to read as follows where words that are ~~stricken~~ are deleted and words that are double-underlined are to be added:

29.04 APPLICABILITY AND JURISDICTION.

(1)(a)1. All land disturbing construction activities which cumulatively equal or exceed ~~1/2~~ 1/2 acre in area.

29.07 PERFORMANCE STANDARDS

(3) **NEWLY CREATED IMPERVIOUS SURFACES.** For areas of newly created pavements, roofs, and other impervious surfaces situated upon areas of formerly pervious surfaces, all BMPs associated with shall meet the most stringent of the following performance standards:

- (a) Maximum soil loss of 5 tons per acre per year.
- (b) ~~80% reduction of potential sediment load in stormwater runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site.~~ Construction Site Erosion Control performance standard for new development and redevelopment as presented in Wis. Adm. Code §§NR 151.11.

(4) **MODIFIED IMPERVIOUS SURFACES.** For areas of modified pavements, roofs, and other impervious surfaces situated upon areas of formerly impervious surfaces, all BMPs associated with shall meet the most stringent of the following performance standards:

- (a) Maximum soil loss of 5 tons per acre per year.
- (b) ~~40% reduction of potential sediment load in stormwater runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site.~~ Construction Site Erosion Control performance standard for new development and redevelopment as presented in Wis. Adm. Code §§NR 151.11.

SECTION III

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION IV

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION V

This ordinance shall take effect and be in full force upon its passage and the day after its publication.

Adopted:

Robert A Soderberg, Village President

ATTEST:

Donna Ott, Village Clerk

Approved as to form:

Brian C. Sajdak, Village Attorney

Published: