

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

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, JULY 21, 2014 7:00 p.m.

LOCATION: Germantown Village Hall Board Room

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

II. **ROLL CALL**

III. **PLEDGE OF ALLEGIANCE**

IV. **PRESIDENT'S REPORT**

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

The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney and Village Clerk.

VI. **CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:**
Please be advised per §19.84(2), information will be received from the public. It is the policy of this municipality that there be a three (3) minute time period, per person, with time extension per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments. (15 minutes)

VII. **CONSENT AGENDA:**

A. Minutes – July 7, 2014

B. Accounts payable/payroll

1. July 10, 2014 Accounts Payable \$ 337,582.76

2. July 15, 2014 Payroll (hourly & salary) \$ 334,591.57

C. Operator Licenses: July 22, 2014 - June 30, 2015:

Jessica M. Koepp, Cassidy R. Liederbach, Cynthia C. Nelson, Jonathan A. Nelson, and Wendy S. Sarwas

The following items were forwarded from the Public Safety Committee with a unanimous recommendation:

D. "Class A" Fermented Malt Beverage and Intoxicating Liquor License August 1, 2014 – June 30, 2015: (New/Transfer) Sycon Inc., Zohaib Hussain Syed, 4137 W Martinton Drive, Franklin, WI, d/b/a Willow Creek BP, W201 N10451 Appleton Avenue, Germantown, WI 53022 [Recommended Approval]

VII. **CONSENT AGENDA continued:**

- E. Application for Dance License, Germantown Historical Society, N128 W18780 Holy Hill Road, Germantown, WI – September 27 & 28, 2014, 11:00 a.m. – 11:00 p.m. [Recommended Approval]
- F. Application for Dance License, St. Boniface Congregation, W204 N11940 Goldendale Rd., Germantown, WI, tent in parking lot – August 29 & 30, 2014, 4:00 p.m. – 11:00 p.m. and August 31, 2014, 10:00 a.m. – 10:30 p.m. [Recommended Approval]

The following items were forwarded from the Public Works Committee with a unanimous recommendation:

- G. Payment of Invoice to D.F. Tomasini in the amount of \$9,611.50 for Emergency Repair of Police Department Water Lateral. Funds to be allocated from Acct. #40-521-570-8210 [Recommended Approval]
- H. Adoption of Donges Bay Road into Years 2015 & 2016 Local Road Improvement Projects [Recommended Approval]
- I. Eliminate the Donges Bay Road/Pilgrim Road Intersection Elements Design as Part of The Donges Bay Road Improvements [Recommended Approval]

VIII. **UNFINISHED BUSINESS:**

- A. In The Matter Of The Complaint Against: Maple Road, LLC, Holder Of “Class B” Alcohol Beverage Licenses For Buzdum’s Pub & Grill, Radomir Buzdum, Agent, Premises At W188 N10515 Maple Road, Germantown, Wisconsin; Hearing Pursuant To Wis. Stat. § 125.12(2) And §§12.02(1) And (12) Of The Municipal Code Of The Village Of Germantown, Wisconsin
 - 1. Rules Of Evidence, Burden Of Proof, Impartial Decision-Maker And Other Procedural Matters.
 - 2. Hearing Pursuant To Wis. Stat. §125.12(2)(B)1. Or 2. And 3.
- B. Action on Buzdum’s License (Approval or Non-Renewal) The Village Board May Enter Closed Session During The Meeting Pursuant To Wis. Stat. § 19.85(1)(A) To Deliberate Upon Any Proposed And Submitted Stipulated Disposition And/Or Upon A Failure To Appear Or The Conclusion Of A Hearing To Discuss Its Determination, And To Reenter Open Session At The Same Place Thereafter To Act On Such Matters As Discussed Therein As It Deems Appropriate

IX. **PUBLIC HEARINGS – 7:00 P.M. OR LATER** –*The purpose of said hearing(s) is to hear any and all parties, their attorneys or agents, for or against the application(s) filed by the petitioner(s).*

- A. Tim & Robert Aiken, Property Owners and applicant to Rezone property from the A-1: Agricultural District & the Rs-2: Single-Family District to the Rs-1: Single Family Residential District pursuant to Section 17.14 of the Village Zoning Code on the property of Tax Key No. GTNV 144-989 located at N120 W14454 Freistadt Road.
- B. Karen Martinson, Operator and agent for James Barry, Property Owner and applicant for a Conditional Use Permit for the operation of an Indoor Recreation Center (the “Play Zone”) pursuant to Section 17.33(3)(h) of the Village Zoning Code on the property of Tax Key No. GTNV 201-964 located at W188 N11927 Maple Road Suite 10.

X. NEW BUSINESS:

- A. Tim & Robert Aiken, Property Owners, Application to Rezone Property at N120 W14454 Freistadt Rd; **Ordinance No.** -14 to Amend the Official Zoning Map of the Village of Germantown Zoning Code
- B. Tim & Robert Aiken, Property Owners, 2-Lot Certified Survey Map (**CSM**) for property at N120 W14454 Freistadt Road (Tax Key No. 144-989)
- C. Karen Martinson, Operator and Agent for James Barry, Property Owner, W188 N11927 Maple Road Suite 10, Conditional Use Permit (**CUP**) No. -14 for Operation of an Indoor Recreation Center (the "Play Zone")
- D. Kiwanis Club of Germantown – Addendum to Application for PUBLIC Grant Program – Coin Operator Machine License
- E. Fire Department Request to Purchase New Rescue Fire Engine
- F. Selection of Donges Bay Road Pavement and Drainage Template Elements
- G. Donges Bay Road Pathways
- H. Recommend Award of Contract – R.A. Smith National to Convert Donges Bay Road Drawings from Facilities Development Manual to Local Standards

XI. ADJOURNMENT

The next Village Board meeting will be on August 4, 2014 at 7:00 p.m.

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

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
July 7, 2014**

CALL TO ORDER: The meeting was called to order at 7:10 p.m. by President Wolter

ROLL CALL: President Wolter, Trustees Baum, Daniels, Hughes, Vanderheiden, Warren, Werderman and Zabel. Trustee Kaminski was absent and excused. Also present: Administrator Schornack, Attorney Sajdak, Planner Retzlaff, DPW Director Ludwig, Engineer Bischke, Police Chief Hoell, Fire Chief Weiss and Clerk Goeckner.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter – 4th of July event was well attended and very successful. Many volunteers and hours to make this event successful and wish to thank all who were involved. Administrator Schornack also stated Lynn Grgich needs to be mentioned as someone who works very hard and does a tremendous job to put this event on.

Lynn Grgich W168N11062 Ashbury Circle #5 Germantown, echoed what President Wolter said and applauded all of the various Village Departments for all of their work. Between this and the Christmas parade she appreciates the Village, the support and all the staff they provide for these events.

PRESENTATION TO OUTGOING TRUSTEE JEFF WERDERMAN

Trustee Werderman announced his resignation of the Village Board for a career move to Florida. Expressed his appreciation of the people in Germantown and his time as a Trustee.

President Wolter expressed his appreciation to Trustee Werderman for his work on Village Board and the committees he has been involved in and presented him with a proclamation and a Germantown flag.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST &

COMMITTEE REPORTS: Upcoming meetings were announced as well as other items of interest by Trustees.

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

The following persons spoke against New Business Item 'D' regarding SEWRPC STP-M funding: Judi Kind, N109 W17334 Virginia Ave, Germantown WI, John Penkal N104 W16075 Hedge Way, Germantown WI, Michael Isherwood N104 W15259 Donges Bay Road, Germantown WI, Lynnae Langmann N99 W21950 Indian Parkway, Germantown WI, Daniel Wing N116 W16044 Main Street, Germantown WI

CONSENT AGENDA:

- | | | | |
|----|--------------------------|------------------|---------------|
| A. | Minutes – June 16, 2014 | | |
| B. | Accounts payable/payroll | | |
| 1. | June 13, 2014 | Payroll (salary) | \$ 79,249.63 |
| 2. | June 17, 2014 | Payroll (hourly) | \$ 221,657.07 |
| 3. | June 25, 2014 | Accounts Payable | \$ 814,501.00 |

CONSENT AGENDA continued:

4.	June 30, 2014	Payroll (salary)	\$ 78,804.60
5.	June 2014	Accounts Payable	\$ 26,046.20
6.	July 1, 2014	Payroll (hourly)	\$ 224,664.42

C. **Operator Licenses: July 8, 2014 - June 30, 2015:**

Renewals: Barbara Awve, Jane Boudreau, Anthony Buck, Boro Buzdum, Samantha Cloyd-James, Christopher Cummings, Carol Feit, Cassandra Feuerstahler, Christine Feuerstahler, Amber Fitzwilliams, Alyssa Gagnon, Julie Gagnon, Jewelia Gorzynski, Dawn Hardy-Reith, Jason Larsen, Vickie Matt, Yadira Ortiz, Mishal Panchal, Tammi Perkins, Jill Peters, Melissa Sue Recore, Dona Schneidervin, Cheree Spychalla, Richard Tomczek.

New: Wayne Andler, Shonnette Garner, Cindy Greenblatt, Ethan Jahns, Megan Matheus, Austin Mitzel, Annette Robenhorst, Gary Vilar. [Recommended Approval]

MOTION (Baum/Werderman) to approve items A-C, by roll call vote, carried. Trustee Zabel abstained from voting on the minutes as he wasn't at the meeting, but votes to approve the other items.

UNFINISHED BUSINESS:

- A. **Resolution for Budget Amendment TIF No. 4 Signalization Mequon & Eisenhower**
DPW Director Ludwig presented this item with information included in the packet. DOT standards set the requirements for the signalization and the Village agreed to do the signalization as part of the Memorandum of Understanding for this intersection when the business park was installed. When complete the DOT will take over the maintenance of this signalization. Funding mechanism currently for this is TIF District funding. **MOTION (Zabel/Werderman) to approve the resolution as presented.** Discussion of vote that occurred at June 16th Village Board meeting and DOT requirements for the signalization. **By roll call vote, 7 in favor, 1 opposed (Baum), carried.**

PUBLIC HEARINGS – 7:00 P.M. OR LATER –

The purpose of said hearing(s) is to hear any and all parties, their attorneys or agents, for or against the application(s) filed by the petitioner(s).

(Trustee Hughes left the room at 8:10 p.m. and returned at 8:19 p.m.)

- A. **MLG Germantown Investment LLC, Agent for Donald & Gloria Neu and NMMR & Associates, Property Owners and applicant to rezone 121.68-acre area from the A-1: Agricultural and I: Institutional Zoning Districts to the M-1: Limited Industrial Zoning District pursuant to Sections 17.33 of the Village Zoning Code, and a Comprehensive Plan Map Amendment to the 2020 Land Use Plan Map classification for portions of the 121.68-acre area from "Commercial" and "Mixed Use" to the "Industrial/Office" classification, on the property of Tax Key Nos. 321-981, 321-984, 321-985, 321-991 & 321-999 (Land located south of Lannon Road, north/east of Appleton Ave. and west of Maple Road. ** Original date of this combined hearing was June 16, 2014****
Planner Retzlaff presented information regarding the applications and requests. Plan Commission recommendation is to approve the applications.
President Wolter – combining the two public hearings for rezoning and plan map amendment as one hearing.
President Wolter opened the public hearing at 8:20 p.m.

PUBLIC HEARINGS continued:

No one spoke regarding this request.

President Wolter closed the public hearing at 8:21 p.m.

- B. Keller Inc., Owner/Operator and Agent for Gary Mayworm & Allied Utility Equipment Inc., Property Owner and applicant for a Conditional Use Permit for the operation of a Construction Services/Contractor Shop business pursuant to Section 17.30(3)(j) of the Village Zoning Code, from the property located at W204 N11509 Goldendale Road (Parcel ID # GTNV 194-987)

Planner Retzlaff presented information regarding this application request.

Plan Commission recommends approval with conditions. The Board did not requiring reading the conditions at this time.

President Wolter opened the public hearing at 8:25 p.m.

No one spoke regarding this request.

President Wolter closed the public hearing at 8:26 p.m.

- C. Ryan Rahl, Agent for Project Design management, Property Owners and applicant for a Conditional Use Permit to allow development within a 25' wetland setback pursuant to Section 24.04(3) of the Village Shoreland-Wetland Zoning Code on a portion of the property located at N111 W18611 Mequon Road, (Parcel ID #GTNV 282-992)

Planner Retzlaff presented information regarding this application request.

Plan Commission recommends approval with conditions.

President Wolter opened the public hearing at 8:30 p.m.

No one spoke regarding this request.

President Wolter closed the public hearing at 8:31 p.m.

NEW BUSINESS:

- A. MLG Germantown Investment LLC, Agent for Donald & Gloria Neu, and NMMR & Associates, Property Owners, 2020 Land Use Plan Map Amendment & Rezoning Applications:

1. Ordinance No. __-14 – An Ordinance to Amend the Land Use Plan Map of the Village of Germantown 2020 “Smart Growth” Comprehensive Plan, Donald & Gloria Neu Property (Sections 29 & 32)
2. Ordinance No. __-14 – An Ordinance to Amend the Official Zoning Map of the Village of Germantown Zoning Code (Donald & Gloria Neu, Property Owners)
3. Ordinance No. __-14 – An Ordinance to Amend the Land Use Plan Map of the Village of Germantown 2020 “Smart Growth” Comprehensive Plan, NMMR & Associates Property (Section 32)
4. Ordinance No. __-14 – An Ordinance To Amend The Official Zoning Map of the Village of Germantown Zoning Code (NMMR & Associates, Property Owners)

MOTION (Zabel/Baum) to approve all four ordinances as presented, carried.

- B. Ryan Rahl, Agent for Project Design Management, Property Owners, N111 W18611 Mequon Road, Conditional Use Permit (CUP) No. __-14 for 25' Wetland Setback Development Encroachment

MOTION (Baum/Vanderheiden) to approve as presented, carried.

NEW BUSINESS continued:

- C. Keller Inc., Agent for Gary Mayworm & Allied Utility Equipment Inc., Property Owner, W204 N11509 Goldendale Road, Conditional Use Permit (CUP) No. -14 for the operation of a Construction Services/Contractor Shop
MOTION (Baum/Warren) to approve as presented. Discussion of water and sanitary sewer connections for property. **Carried.**
- D. Update on SEWRPC STP-M Funding Decision for Donges Bay Road Reconditioning Project and Possible Board Action Based on The Same
President Wolter - The reason this is back on the agenda is because another offer came and when it was brought to my attention I felt it should be placed on the agenda for a Board decision and I am the one who made the decision to put it on the agenda. I don't think you want me making a decision on this type of thing on my own because I could choose what I want or what I don't want to bring forward so I put it on this agenda because this was the next meeting and I wanted to get it taken care of immediately. It was not a staff driven topic, they do not put things on an agenda on their own, this was my decision. This offer was more and it was different and it required the full governmental body to respond. **MOTION (Zabel/Baum) to reject this offer for STP-M funds. 7 in favor, 1 opposed (Daniels), carried.**
- E. Application for Public Grant Program, Germantown Historical Society, Bier Garden and Oktoberfest
MOTION (Zabel/Baum) to approve as requested, carried.
- F. Application for Amendment of "Class B" Fermented Malt Beverage & Intoxicating Liquor License Outside Premises Extension, Gamroth's Kuhburg Junction, W140 N10385 Fond Du Lac Ave., Germantown WI, 20' x 30' tent, back yard area, southwest of building, August 9, August 16 & September 20, 2014, 2:00 p.m. – 10:00 p.m.
MOTION (Baum/Daniels) to approve as requested, carried.
- G. Application for Amendment of "Class B" Fermented Malt Beverage & Intoxicating Liquor License Outside Premises Extension, KJ's Bar & Grill, N112 W21209 Mequon Road, Germantown WI, 20' x 30' tent, west of building adjacent to parking lot, July 19, 2014, 4:00 p.m. – 10:00 p.m. and August 23, 2014, 2:00 p.m. – 10:00 p.m.
MOTION (Warren/Baum) to approve as requested, carried.
- H. Selection Process to Address Trustee Vacancy
Attorney Sajdak stated Statutory requirements allows the Village Board to fill the vacancy either by appointment through the time of expiration of existing term, appointment to fill term until a special election can be held at the next Spring Election or just wait for a special election in spring 2015. Also could keep the position vacant. Discussion of options. **MOTION (Baum/Zabel) to proceed with application process and appoint an applicant to fill the term until a special election can be held at the Spring Election 2015, carried.** Discussion of dates for application process. **MOTION (Baum/Warren) to give notice of opening and applications due back by July 25th, background checks to be completed and applicants to be presented to Village Board on August 4th, carried.**

NEW BUSINESS continued:

- I. Cancellation Of Village Board Meeting Of September 1, 2014 Due To Labor Day Holiday and Village Board Meeting of November 3, 2014 Due to Clerk's Office Election Duty Requirements

MOTION (Baum/Hughes) to approve cancellation of Village Board meetings scheduled for September 1st and November 3rd. Discussion of budget schedule/approval and consideration at a later date to call a Special Village Board meeting to replace the November 3rd meeting dependent on requirement. **Carried.**

- J. Appointments:

Commissions/Boards/Committees

Utility Advisory Committee

Financial/Accounting Member Patrick Broesch 07/08/2014–04/30/2015
(completing vacant term)

Alternate Member Julie Reichert 07/08/2014-04/30/2016
(completing vacant term)

Chair & Trustee Representative Robert Warren 07/08/2014-04/30/2015

MOTION (Baum/Daniels) to approve appointments as presented, carried.

- K. **MOTION (Baum/Daniels) to go into Closed Session at 9:00 p.m. per Wis. Stats. §19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, when competitive or bargaining reasons require a closed session and include Deb Reinbold and Paul Stangl, regarding Memorandum of Understanding between the Village and Rafrad, LLC for the development of lot 44 and purchase of lot 45 in the Germantown Business Park (TIF 4), by roll call vote, carried.**

MOTION (Baum/Zabel) to go into open session at 10:40 p.m., carried.

MOTION (Baum/Hughes) to authorize the Village Attorney to draft the Memorandum of Understanding as recommended in closed session and authorize Village Board President to execute the documents, carried.

- L. **MOTION (Baum/Hughes) to go into closed session at 10:41 p.m. per Wis. Stats. §19.85(1)(e) for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, when competitive or bargaining reasons require a closed session and include Labor Attorney Kyle Gulya, Police Chief Hoell and Fire Chief Weiss regarding the Germantown Professional Police Association Local 306 Negotiations, by roll call vote, carried.**

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:15 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk

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

MEETING DATE: July 21, 2014

AGENDA ITEM: CONSENT AGENDA

ITEM TITLE: Adoption of Donges Bay Road into Years 2015 and 2016 Local Road Improvement Projects

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

Purpose:

1. Adopt Donges Bay Road into Years 2015 and 2016 Local Road Improvement Projects.
2. This agenda item is NOT intended to establish design criteria for the Donges Bay Road project.

Reasons:

1. Southeast Wisconsin Regional Planning Commission (SEWRPC) Transportation Improvement Program (TIP) Committee Surface Transportation Program – Milwaukee Urbanized Area (STP-M) reallocated funding from construction of the Donges Bay Road project to the City of Milwaukee's Humboldt Road project.
2. The project now relies on Village funding mechanisms.

Project Limits:

1. The segment between Pilgrim Road and Magnolia Drive should be done in Year 2016:
 - a. Allows WE Energies to install their improvements in Year 2015
 - b. Correlates with Wisconsin DOT's round-about project in Year 2016
2. The segment between Division Road and Pilgrim Road could be done in Year 2015

ATTACHMENTS: None

STAFF RECOMMENDATION TO COMMITTEE:

Adopt Donges Bay Road into the Years 2015 and 2016 Local Road Improvement Projects:

- Year 2015: Segment between Division Road and Pilgrim Road
- Year 2016: Segment between Pilgrim Road and Magnolia Drive

PUBLIC WORKS & HIGHWAY COMMITTEE ACTION (JULY 1, 2014):

MOTION made by Vanderheiden, seconded by Warren, to forward to the Village Board with a positive recommendation to adopt Donges Bay Road into the Years 2015 and 2016 Local Road Improvement Projects. Motion carried unanimously.

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

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

MEETING DATE: July 21, 2014

AGENDA ITEM: CONSENT AGENDA

ITEM TITLE: Selection of Donges Bay Road/Pilgrim Road Intersection Elements

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

Purpose:

1. Establish design criteria of the Pilgrim Road intersection elements for the Donges Bay Road project.
2. This agenda item is NOT intended to establish design criteria of pavement and drainage elements for the Donges Bay Road project because that is a separate agenda item for this meeting.
3. This agenda item is NOT intended to establish design criteria for a pathway because that was addressed during the Park & Recreation Commission's June 11, 2014 meeting.

Reasons:

1. Southeast Wisconsin Regional Planning Commission (SEWRPC) Transportation Improvement Program (TIP) Committee Surface Transportation Program – Milwaukee Urbanized Area (STP-M) reallocated funding from construction of the Donges Bay Road project to the City of Milwaukee's Humboldt Road project.
2. American Association of State Highway and Transportation Officials (AASHTO) and Village local standards are less stringent than Facilities Development Manual (FDM) standards.
3. Provide Village Engineering Dept. direction and ability to bid contract documents in January, 2015.
4. Northbound & Southbound legs will reach full capacity in 2016-2017 with new traffic generated from the FedEx development on County Line Road east of Pilgrim Road.

Recommended Improvements:

1. The Village Board's Contracted Professional Consultant R.A. Smith National's *Traffic Analysis Report*¹, recommends the following improvements:
 - a. Remove existing split phase signal operation and construction left-turn lanes on all approaches with zero or positive offset. Removing split phase operation will introduce new left-turn conflicts which can be mitigated by providing left-turn lanes with appropriate offset.
 - b. Construct a northbound left-turn lane with 200' of storage and proper taper.
 - c. Construct a westbound left-turn lane with 150' of storage and proper taper.
 - d. Construct a southbound left-turn lane with 150' of storage and proper taper.
 - e. Construct an eastbound left-turn lane with 100' of storage and proper taper.
 - f. Provide protected-permitted left-turn phasing northbound, southbound, and westbound utilizing flashing-yellow arrow signals. Sight distance requirements for the left-turn movements introduced along Pilgrim Road are expected to be met.

¹ Hawley, P.E., P.T.O.E., Pat. *Traffic Analysis Report*. R.A. Smith National: Brookfield, March 28, 2013

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

Reasons:^{2,3}

1. No improvements will result in poor future year operations.
2. Reduces chance of angle crashes involving left-turning vehicles.
3. New signal equipment with better visibility, updated signal timings, and additional signing may reduce the number of rear end crashes.

² Hawley, P.E., P.T.O.E., Pat. *Intersection Control Evaluation*. R.A. Smith National: Brookfield, August 5, 2013.

³ Hawley, P.E., P.T.O.E., Pat. *Traffic Analysis Report*. R.A. Smith National: Brookfield, March 28, 2013.

ATTACHMENTS:

- Recommended Improvements exhibit.

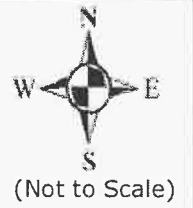
STAFF RECOMMENDATION TO COMMITTEE:

1. Adopt removing existing split phase signal operation and construction left-turn lanes on all approaches with zero or positive offset.
2. Adopt constructing a northbound left-turn lane with 200' of storage and proper taper.
3. Adopt constructing a westbound left-turn lane with 150' of storage and proper taper.
4. Adopt constructing a southbound left-turn lane with 150' of storage and proper taper.
5. Adopt constructing an eastbound left-turn lane with 100' of storage and proper taper.
6. Adopt providing protected-permitted left-turn phasing northbound, southbound, and westbound utilizing flashing-yellow arrow signals.

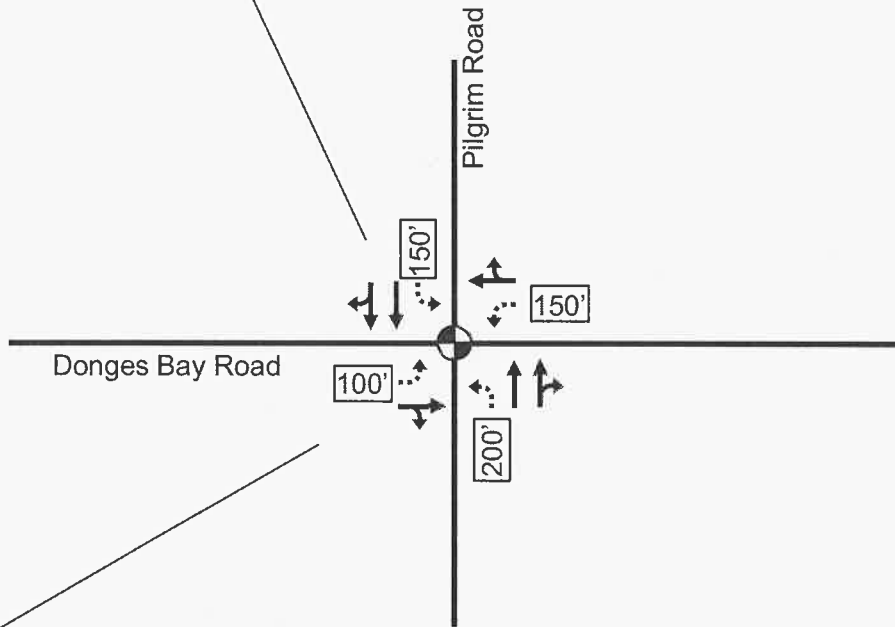
PUBLIC WORKS & HIGHWAY COMMITTEE ACTION (JULY 1, 2014):

MOTION made by Zabel, seconded by Kaminski, to forward to the Village Board with a positive recommendation to eliminate the intersection design as part of the Donges Bay Road improvements at this time. Motion carried unanimously.

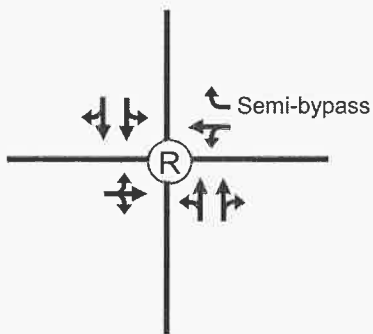
Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.



Implement protected-permitted left-turn phasing northbound, southbound, and westbound.



Roundabout Alternative



Legend

- | | | | |
|--|------------------|---|---------------------------------|
| | = Traffic Signal | XX' | = Turn Bay Length (ft) |
| | = Stop Sign | XX' | = Proposed Turn Bay Length (ft) |
| | = Roundabout |> | = Proposed Lane Addition |
| | = Raised Median | | |

Recommended Improvements

IX - A

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, July 21, 2014
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following applicant for: (1) a REZONING application to rezone the following described property from the A-1: Agricultural District & the Rs-2: Single-family District to the Rs-1: Single-Family Residential District pursuant to Section 17.14 of the Village Zoning Code on the following described property:

Petitioners: Tim & Robert Aiken, Property Owners
Property: N120 W14454 Freistadt Road; Tax Key No. 144-989

A re-division of Certified Survey Maps 3990 & 6418, being a part of the Southwest 1/4 of the Southeast 1/4 of Section 14, Township 9 North, Range 20 East, located in the Village of Germantown, Washington County, Wisconsin, now being more particularly bounded and described and follows:

Commencing at the South 1/4 Corner of said 1/4 Section, thence North 88°32'05" East on and along the South line of said 1/4 Section, 805.96 feet to a point; thence North 01°27'55" West, 60.00 feet to a point on the North Right of Way line of Freistadt Road and the Southeast corner of Certified Survey Map 6418, said point is the point of beginning of lands hereinafter described; thence on and along Lot 2 of said Certified Survey map the following courses; North 01°27'55" West, 517.02 feet to a point; thence North 88°32'05" East, 422.95 feet to a point; thence South 01°05'43" East, 517.02 feet to a point; thence South 88°32'05" West on and along said North Line 419.61 feet to the Place of Beginning of this description. The gross area of said parcel contains 217,804 Square feet or 5.0 acres of land more or less.

A copy of the application is on file in the Village Planning Department office and is available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Dated this 24th day of June, 2014.
Barbara K. D. Goeckner, Village Clerk

To Be Published On: July 3rd and July 10th, 2014

**NOTICE OF PUBLIC HEARING
VILLAGE OF GERMANTOWN**

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Village Board at the Germantown Village Hall located at N112 W17001 Mequon Road, Germantown, Wisconsin on the following date and at the time noted below (or soon thereafter):

DATE: Monday, July 21, 2014
TIME: 7:00 p.m. or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the application filed by the following applicant for: (1) a CONDITIONAL USE PERMIT for the operation of an Indoor Recreation Center (the "Play Zone") from the property described below pursuant to Section 17.33(3)(h) of the Village Zoning Code.

Petitioner: Karen Martinson, Operator and agent for James Barry, Property Owner
Property: W188 N11927 Maple Road Suite 10 (Parcel ID# 201-964)

Parcel 1 of CSM No. 4902, recorded in Volume 33 of Certified Survey Maps on Pages 297 to 299, as Document No. 760859, located in that part of the Northeast 1/4 of the Northeast 1/4 of Section 20, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

A copy of the application is on file in the Planning & Zoning Division of the Community Development Department, N112 W17001 Mequon Road, and available for public inspection during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

Dated this 24th day of June, 2014.
Barbara K. D. Goeckner, Village Clerk

To Be Published On: July 3rd and July 10th, 2014

X-A

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

MEETING DATE: July 21, 2014

AGENDA ITEM: Public Hearing & New Business (REZONING ORDINANCE &
CERTIFIED SURVEY MAP)

ITEM TITLE: Tim & Robert Aiken, Property Owners; N120 W14454 Freistadt
Road; Rezoning Application & 2-Lot Certified Survey Map (CSM)

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:

Tim Aiken, property owner of a 2.0-acre parcel and agent for Robert Aiken, property owner of the abutting 17.2-acre parcel is seeking approval of a 2-lot Certified Survey Map (CSM) and Rezoning from A-1: Agricultural & Rs-2: Single-family to Rs-1: Single-family in order to increase the size of the 2-acre parcel to 5.0 acres.

Proposed Lot 1 is currently a 17.2-acre parcel owned by Robert Aiken and proposed Lot 2 is currently a 2-acre parcel owned by Tim Aiken that is surrounded by the 17.2-acre Robert Aiken property. Tim is acquiring 3 acres of land from his father and attaching it to his 2-acre parcel to make one 5.0-acre parcel to be rezoned into the Rs-1: Single-family District.

ATTACHMENTS:

- ◆ 6/23/14 Staff Report
- ◆ 6/23/14 Plan Commission Meeting Minutes
- ◆ Draft Ordinance
- ◆ Preliminary CSM

PLAN COMMISSION RECOMMENDATION:

APPROVE rezoning the 5.0-acre Lot 2 from A-1: Agricultural & Rs-2: single-family to Rs-1: Residential; and

APPROVE the 2-lot Certified Survey Map re-division of the 19.27-acre area owned by Tim and Robert Aiken located on Pleasant View Drive subject to the following conditions:

1. All technical corrections identified by the Village Surveyor in the June 18, 2014 memo shall be made prior to recording the CSM by the Village Board.

ORDINANCE NO. _____

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

(Tim & Robert Aiken, Property Owners)

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

SECTION 1. That the zoning map of the Village of Germantown is amended by rezoning from the A-1: Agricultural District to the Rs-1: Single-family District the following described property:

A re-division of Certified Survey Maps 3990 & 6418, being a part of the Southwest 1/4 of the Southeast 1/4 of Section 14, Township 9 North, Range 20 East, located in the Village of Germantown, Washington County, Wisconsin, now being more particularly bounded and described and follows:

Commencing at the South 1/4 Corner of said 1/4 Section, thence North 88°32'05" East on and along the South line of said 1/4 Section, 805.96 feet to a point; thence North 01°27'55" West, 60.00 feet to a point on the North Right of Way line of Freistadt Road and the Southeast corner of Certified Survey Map 6418, said point is the point of beginning of lands hereinafter described; thence on and along Lot 2 of said Certified Survey map the following courses; North 01°27'55" West, 517.02 feet to a point; thence North 88°32'05" East, 422.95 feet to a point; thence South 01°05'43" East, 517.02 feet to a point; thence South 88°32'05" West on and along said North Line 419.61 feet to the Place of Beginning of this description. The gross area of said parcel contains 217,804 Square feet or 5.0 acres of land more or less.

SECTION 2. This ordinance shall take effect and be in full force the day after its passage and publication, as provided by law.

Introduced by Trustee: _____

Adopted: _____, 2014

Vote: Ayes: _____
Nays: _____

Dean Wolter, Village President

ATTEST:

Barbara K. D. Goeckner, Village Clerk

APPROVED AS TO FORM:

Brian Sajdak, Attorney
Published:

CERTIFIED SURVEY MAP (CSM) & REZONING APPLICATION

6/23/14 Plan Commission Meeting

Tim Aiken / Robert Aiken

Village Planner Report

Germantown, Wisconsin

Summary

Tim Aiken, property owner of a 2.0-acre parcel and agent for Robert Aiken, property owner of a 17.2-acre parcel located on Pleasant View Drive is seeking approval of a 2-lot Certified Survey Map (CSM) and Rezoning from A-1: Agricultural & Rs-2: Single-family to Rs-1: Single-family in order to increase the size of the 2-acre parcel to 5.0 acres.

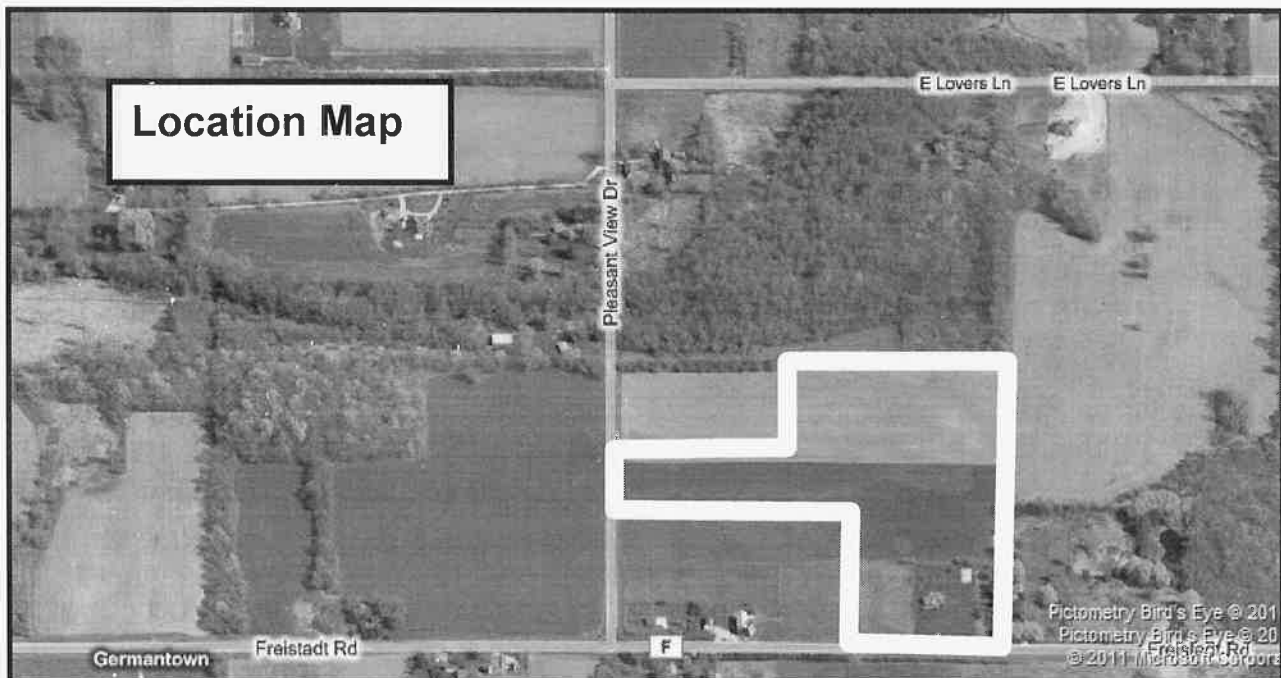
Location: N120 W14454 Freistadt Road (¼ mile east of Pleasant View Drive)

Applicant/

Property Owner: Tim Aiken Robert Aiken
N120 W14454 Freistadt Road W140 N11660 Country Aire
Germantown, WI Germantown, WI

Current Zoning District: A-1: Agricultural (3.0 acres owned by Robert Aiken)
Rs-2: Single-family (2.0 acres owned by Tim Aiken)

Adjacent Land Uses		Zoning
North	Agricultural	A-2
South	Agricultural	A-2
East	Agricultural	A-1
West	Residential/Agricultural	Rs-1/A-1



Proposal

Tim Aiken, property owner of a 2.0-acre parcel and agent for Robert Aiken, property owner of a 17.2-acre parcel located on Pleasant View Drive is seeking approval of a 2-lot Certified Survey Map (CSM) and Rezoning from A-1: Agricultural & Rs-2: Single-family to Rs-1: Single-family in order to increase the size of the 2-acre parcel to 5.0 acres.

Proposed Lot 1 is currently a 17.2-acre parcel owned by Robert Aiken (see attached CSM #6418). Proposed Lot 2 is currently a 2-acre parcel owned by Tim Aiken that is surrounded by land owned by Robert Aiken. Tim is acquiring 3 acres of land from Robert Aiken and combining it with his 2-acre parcel to make a single 5.0-acre parcel to be rezoned into the Rs-1: Single-family District.

Staff Analysis

The proposed A-1 & Rs-2 to Rs-1 rezoning for the combined 5-acre parcel (proposed Lot 2) is consistent with the 2020 Land Use Plan that classifies this area as "Agricultural/Conservation Residential" and with the minimum area and frontage requirements for the Rs-1 Zoning District. Proposed Lot 1 will remain in the A-1: Agricultural District.

Access to Lot 2, the expanded 5-acre residential parcel, will continue to be to/from Freistadt Road. Lot 1 will continue to have road frontage onto both Freistadt Road and Pleasant View Drive.

Soil evaluations to determine the suitability for installation of an on-site sanitary system are NOT needed in this case because the 2-acre parcel already contains a residential dwelling with a functioning on-site sanitary system.

The Village Surveyor has identified a few technical corrections in a June 18, 2014 memo (copy attached) that will need to be corrected prior to Village Board action on the CSM.

Village Planner Recommendation

APPROVE rezoning the 5.0-acre Lot 2 from A-1: Agricultural & Rs-2: single-family to Rs-1: Residential; and

APPROVE the 2-lot Certified Survey Map re-division of the 19.27-acre area owned by Tim and Robert Aiken located on Pleasant View Drive subject to the following conditions:

1. All technical corrections identified by the Village Surveyor in the June 18, 2014 memo shall be made prior to recording the CSM by the Village Board.

a minimum, a written emergency plan shall be prepared and submitted to the Fire Department prior to occupancy.

Commissioner Gray expressed some concern that problems may occur if beer is served in a space where children are. Planner Retzlaff said it would be similar to restaurants and other establishments that have the same allowance saying management would control any issues that arise.

MOTION carried unanimously.

Tim Aiken – N120 W14454 Freistadt Road. Tim Aiken, property owner of a 2 acre parcel and agent for Robert Aiken, property owner of a 17.2 acre parcel located on Pleasant View Drive is seeking approval of a 2 lot Certified Survey Map and Rezoning from A:1 Agricultural & Rs-2: Single family to Rs-1 Single family in order to increase the size of the 2 acre parcel to 5 acres. Planner Retzlaff summarized the proposal.

MOTION Baum second Yokes to Approve rezoning the 5 acre Lot 2 from A-1: Agricultural & Rs-2 Single family to Rs-1 Residential and Approve the 2 lot Certified Survey Map re-division of the 19.27 acre area owned by Tim and Robert Aiken located on Pleasant View Drive subject to the following conditions:

- 1. All technical corrections identified by the Village Surveyor in the June 18, 2014 memo shall be made prior to recording the CSM by the Village Board.***

MOTION carried unanimously.

Rue 21/Rue Guy – N96 W19062 County Line Road. Core Commercial, property owner of the Germantown Plaza III retail development is requesting approval of wall signs for the new tenant. Planner Retzlaff summarized the proposal.

MOTION Gray second Shadid to Approve the proposed wall signs and monument sign insert for Rue21/Rue Guy in the Germantown Plaza III retail commercial center located at N96 W19140 County Line Road subject to the following conditions:

- 1. Electrical permits shall be obtained from the Building Inspection Department prior to installation.***
- 2. All electronic components shall be inspected and labeled by a licensed lab.***
- 3. The white background proposed for the monument sign inserts needs to be opaque or a different dark background color.***

Trustee Baum said the Rue Guy sign won't be visible next to the canopy and recommended relocating the sign.

MOTION to Amend Baum second Gray to raise the Rue Guy sign above the canopy.

Paul Radermacher, Sign Me Up LLC, explained Rue 21 is the name of the store and the Rue Guy name would be a secondary sign. He indicated that raising the sign to be visible is a good idea.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

Certified Survey Map

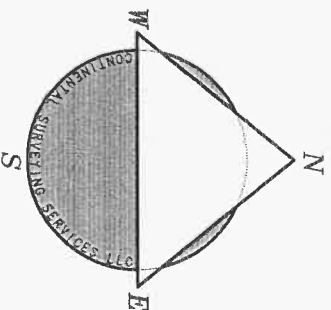
A re-division of Certified Survey Maps 3990 & 6418, being a part of the Southwest 1/4 of the Southeast 1/4 of Section 14, Township 9 North, Range 20 East, located in the Village of Germantown, Washington County, Wisconsin.

RECEIVED
JUN 10 2014

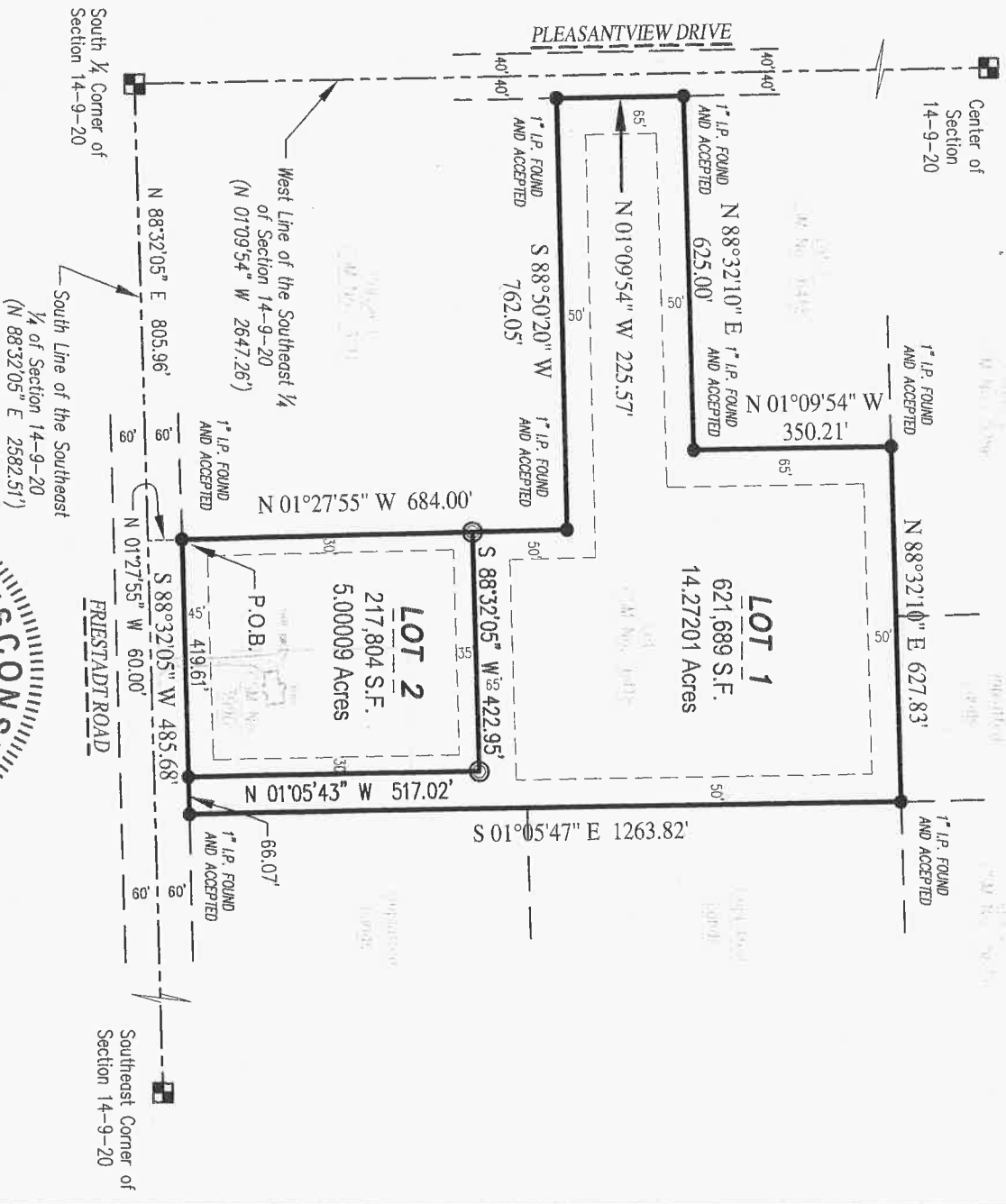
OFFICE OF THE VILLAGE PLANNER
VILLAGE OF GERMANTOWN

LEGEND

- P.O.B. POINT OF BEGINNING
- MONUMENT FOUND
 - MONUMENT SET
 - SECTION CORNER



SCALE:
1"=300'

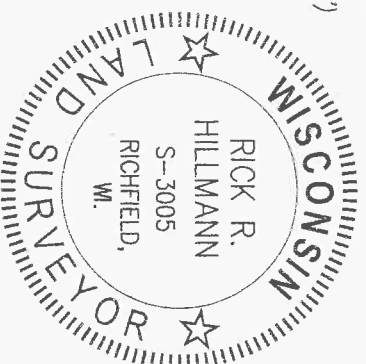


Elder Surveying Services

A CONTINENTAL SURVEYING SERVICES, LLC Company
Doing Business As Elder Surveying Services

"The Tradition Continues"

2386 Ball Drive
Richfield, WI. 53076
PHONE (262) 628-1409
Website: www.ess-surveys.com
Email: survey@ess-surveys.com



OWNER

Timothy & Melinda Aiken
N120 W14454 Prieststadt Road
Germantown, WI. 53022

NOTE: All bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone, in which the South line of the Southeast 1/4 of Section 14, Township 9 North, Range 20 East bears N 88°32'05" E.

This instrument was drafted by Rick R. Hillmann, a registered Land Surveyor, S-3005 on this Xxxx day of MONTH, 2014

Project No.: 2C140501_CSM0003

283056

RECORDED
August 04, 2011 9:30 AM
SHARON A MARTIN, REGISTER OF DEEDS
WASHINGTON COUNTY, WISCONSIN

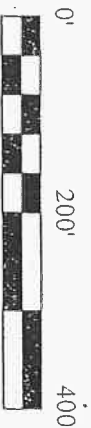
Fee Amount: \$30.00
Exemption: 77.25(2R)

Certified Survey Map

Part of the Southwest 1/4 of the Southeast 1/4 of Section 14, Township 9 North,
Range 20 East, Village of Germantown, Washington County, Wisconsin

Northwest corner of the
Southeast 1/4 of Section 14-9-20
458,757.07
2,507,951.62

Scale 1"=200'



#77.25 (2R)
TFF
EXEMPT

Parcel 2 CSM# 5286

(S 88°31'59" W)

N 88°32'07" E 1292.84'

North line of the Southwest 1/4 of the Southeast 1/4 of Section 14-9-20

627.83'

A1 Zoning (Lot 2)

- 60' - Front yard setback
- 50' - Side yard setback
- 50' - Rear yard setback

ROBERT
ALLEN

Lot 2

750907.6 Sq. Feet
17.2 Acres

3.0 Acres
Addition

East line of the Southwest 1/4 of the Southeast 1/4 of Section 14-9-20
S 01°05'50" E 1273.61'

1263.61'

N 01°09'57" W 575.57'
West line of the Southeast 1/4 of Section 14-9-20 2647.26'

Parcel 1 CSM# 3711

23018.7 Sq. Ft.
0.53 Acres

Land dedicated to the Village of Germantown for road purposes

Owner:

Daniel and Tania Aiken
412 Kames Cove
Slinger, WI 53086

Surveyor:

Richard Simon
Elder Engineering, LLC
3782 Overlook Drive West
Hibernetus WI 53033
(262) 628-1409

Southwest corner of the
Southeast 1/4 of Section 14-9-20
456,110.64
2,508,005.48

Land dedicated to the Village of Germantown for road purposes (South 10')

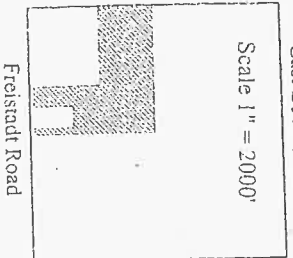
2656.50 Sq. Ft.
0.06 Acres

Location Map

Southeast 1/4 of Section 14-9-20

East Lovers Lane

Scale 1"=2000'



Southwest corner of the
Southeast 1/4 of Section 14-9-20
456,110.64
2,508,005.48

South line of the Southeast 1/4 of Section 14-9-20, 2582.51'

Freistadt Road

Southeast corner of the Southeast
1/4 of Section 14-9-20
456,176.71
2,510,586.84

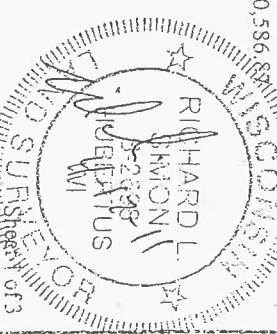
Legend:

- Iron Pipe, Found
- 1" OD X 1/8" Iron Pipe 1.13 Lbs./Lin. Ft., Set
- ⊗ Concrete Monument with Brass Cap, Found
- △ "MAG" Nail in Blacktop, Set

Notes:

- 1) Bearings or distances in () are recorded measurements.
- 2) Bearings are related to match the West line of the Southeast 1/4 of Section 14-9-20, assumed to bear N01°09'57"W. Wisconsin State Plane Coordinate System, South Zone (NAD 1927)

This instrument prepared by Richard L. Simon



X-C

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

MEETING DATE: July 21, 2014

AGENDA ITEM: Public Hearing & New Business (CONDITIONAL USE PERMIT)

ITEM TITLE: Karen Martinson, Operator and Agent for 1800 Florist Avenue LLC & James Barry, Property Owner; W188 N11927 Maple Road; Conditional Use Permit (CUP) Application for the operation of an Indoor Recreation Center (the "Play Zone")

SUBMITTED BY: Jeffrey W. Retzlaff, Director, Community Development Department

SUMMARY EXPLANATION:

Karen Martinson, agent for 8100 West Florist Avenue LLC & James Barry, property owner, is seeking a Conditional Use Permit to allow the operation of the Play Zone, an indoor recreation center, from the east end suite of the existing building located at W188 N11927 Maple Road in the Germantown Industrial Park (Alpine Business Center).

The Play Zone is intended to be an indoor recreation center marketed toward Industrial Park employees and businesses for "stress relief" outings, lunch breaks, and parties. The Play Zone will also cater to "future industrial park employees", i.e. toddlers and school age children, with slides and climbing equipment. Saz's Catering and D&S/Davians Food Service has agreed to provide catering services to the facility. Pre-packaged foods will also be provided via vending machines. The operator proposes to obtain a retail food license (Washington County) and a beer license (Village of Germantown).

The Play Zone would operate from 9:00 am to 8:00 pm Monday to Thursday, 9:00 am to 11:00 pm Friday, 8:00 am to 11:00 pm Saturday, and 8:00 am to 8:00 pm on Sunday. The Play Zone would have up to five (5) employees.

ATTACHMENTS:

- ◆ 6/23/14 Staff Report
- ◆ 6/23/14 Plan Commission Meeting Minutes
- ◆ Play Zone Operation Summary
- ◆ Draft CUP

PLAN COMMISSION RECOMMENDATION:

APPROVE a CUP for the operation of an indoor recreation center from the building located at W188 N11927 Maple Road (Alpine Business Center Suite 10) subject to seven (7) conditions.

[SEE DRAFT CUP FOR COMPLETE LIST OF RECOMMENDED CONDITIONS].

CONDITIONAL USE PERMIT APPLICATION

6/23/14 Plan Commission Meeting

Karen Martinson / 8100 West Florist Avenue LLC

Village Planner Report

Germantown, Wisconsin

Summary

Karen Martinson, agent for 8100 West Florist Avenue LLC, property owner, is seeking a Conditional Use Permit to allow the operation of the Play Zone, an indoor recreation center, from tenant space in the existing building located at W188 N11927 Maple Road in the Germantown Industrial Park (Alpine Business Center).

Property Location: W188 N11927 Maple Unit 10

Property Owner: 8100 West Florist Avenue LLC
c/o James Barry
1232 N. Edison Street
Milwaukee, WI 53202

Current Zoning: M-1: Limited Industrial District

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



Proposal

Karen Martinson, agent for 8100 West Florist Avenue LLC, property owner, is seeking a Conditional Use Permit to allow the operation of the Play Zone, an indoor recreation center, from tenant space in the existing building located at W188 N11927 Maple Road in the Germantown Industrial Park (Alpine Business Center).

The proposed Play Zone would occupy an existing, vacant tenant space in the Alpine Business Center, a multi-tenant industrial/office building in the northern part of the Germantown Industrial Park. As indicated in the attached project description, the Play Zone is intended to be an indoor recreation center marketed toward Industrial Park employees and businesses for "stress relief" outings, lunch breaks, and parties. The Play Zone will also cater to "future industrial park employees", i.e. toddlers and school age children, with slides and climbing equipment.

Since the Plan Commission reviewed this proposal in May, additional food service options have been added. Saz's Catering and D&S/Davians Food Service has agreed to provide catering services to the facility. Pre-packaged foods will also be provided via vending machines. The operator proposes to obtain a retail food license (Washington County) and a beer license (Village of Germantown).

The Play Zone would operate from 9:00 am to 8:00 pm Monday to Thursday, 9:00 am to 11:00 pm Friday, 8:00 am to 11:00 pm Saturday, and 8:00 am to 8:00 pm on Sunday. The Play Zone would have up to five (5) employees.

Staff Comments

As discussed in May, while "indoor recreation" is not a specifically permitted use in the M-1 District, the proposed Play Zone could be allowed in the M-1 District with a conditional use permit. As set forth in the Zoning Code, the list of CUP uses that may be allowed in the M-1 District includes ***"Commercial activities allowed in the B-2 Community Business District when the Plan Commission finds that the activity directly supports the businesses in the Industrial Park and can be integrated into an overall plan..."*** [see Section 17.33(3)(h)]. Based on the consultation discussion with the Plan Commission in May, it appears that the PC has/will determine that the proposed Play Zone is the type of "support" business or activity that directly supports the businesses in the Industrial Park (in a manner similar to the child daycare center operating from the same building).

The Fire Department has the following comments/recommendations:

1. The change of use to Assembly or Institutional use may require state-approved plans and interior improvements in order to comply with applicable safety codes for the Village, Wisconsin DHS and DSPS;
2. A fire alarm evacuation system may be required based on the use or capacity of people. Further discussion with the Fire Department are required once further details on the specific uses, activities, and occupancy capacity is determined;
3. The property is in an industrial setting and not retail commercial. Consequently, hazards will likely exist for children patronizing the business in parking lot and adjacent roadways.
4. A written emergency plan is required prior to occupancy along with a pre-

occupancy inspection.

5. Compliance with all applicable health and safety codes in effect at the time of occupancy is required, including those adopted by the Village, Washington County, Wisconsin DHS and DSPS.

Village Planner Recommendation

APPROVE a conditional use permit for the operation of an indoor recreation center from tenant space in the existing building located at W188 N11927 (Alpine Business Center Unit 10) Maple Road in the Germantown Industrial Park subject to the following conditions:

1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated June 12, 2014 and in the supporting documents and plans made part of the application on file with the Village. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.
3. All required licenses needed to operate, including a retail food license and beer license, shall be obtained prior to occupancy. Copies of all required licenses, including a retail food license and beer license, shall be submitted to the Community Development Department.
4. All interior and exterior building modifications (including exterior lighting) and/or site improvements may require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling.
5. All exterior signage, including temporary signs, require a permit from the Village.
6. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.
7. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing business operations. A fire alarm evacuation system may be required based on the use or capacity of people. Further discussion with the Fire Department is required once further details on the specific uses, activities, and occupancy capacity is proposed. At a minimum, a written emergency plan shall be prepared and submitted to the Fire Department prior to occupancy.

CUP # xx – 14

Document No.

CONDITIONAL USE PERMIT

Document Title

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

Whereas the Applicants:

Karen Martinson, Owner/Operator and Agent for James Barry, Property Owner

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

Now, therefore, this permit is issued to the Applicants to permit the operation of an indoor recreation center (the "Play Zone") from tenant space in the existing Alpine Business Center property located at W188 N11927 Maple Road pursuant to Section 17.33(3)(h) of the Village Zoning Code.

Name & Return Address:

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

Parcel Identification No:

GTNV 201-964

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

Parcel 1 of CSM No. 4902, recorded in Volume 33 of Certified Survey Maps on Pages 297 to 299, as Document No. 760859, located in that part of the Northeast 1/4 of the Northeast 1/4 of Section 20, Town 9 North, Range 20 East, in the Village of Germantown, County of Washington, State of Wisconsin.

Tax Key No: 201-964

Address: W188 N11927 Maple Road

Pursuant to the following condition(s):

1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated June 12, 2014 and in the supporting documents and plans made part of the application on file with the Village. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.
2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.

3. All required licenses needed to operate, including a retail food license and beer license, shall be obtained prior to occupancy. Copies of all required licenses, including a retail food license and beer license, shall be submitted to the Community Development Department.
4. All interior and exterior building modifications (including exterior lighting) and/or site improvements may require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling.
5. All exterior signage, including temporary signs, require a permit from the Village.
6. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.
7. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing business operations. A fire alarm evacuation system may be required based on the use or capacity of people. Further discussion with the Fire Department is required once further details on the specific uses, activities, and occupancy capacity is proposed. At a minimum, a written emergency plan shall be prepared and submitted to the Fire Department prior to occupancy.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin on the _____ day of _____, 2014.

ATTEST:

Dean Wolter, Village President

Barbara K. D. Goeckner, Village Clerk

STATE OF WISCONSIN) SS
WASHINGTON COUNTY)

Personally came before me this _____ day of _____, 2014, the above named Dean Wolter, Village President, and Barbara K. D. Goeckner, Village Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin

My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY OPERATOR

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

Dated this ____ day of _____, 2014

Karen Martinson, Business Owner/Operator, the Play Zone

STATE OF WISCONSIN) SS
_____) COUNTY)

Personally came before me this ____ day of _____, 2014, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Notary Public, State of Wisconsin
My Commission Expires: _____

ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER

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

Dated this ____ day of _____, 2014

James Barry, Property Owner

STATE OF WISCONSIN) SS
_____) COUNTY)

Personally came before me this ____ day of _____, 2014, being the above named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

{type or print name of Notary on this line}

{signature of Notary on this line}

Conditional Use Permit (CUP) # xx-14

Karen Martinson, Owner/Operator and James Barry, Property Owner

Page 4 of 4

DRAFT

underlying district and not the Wetland Overlay district that applies to any delineated wetland areas).

MOTION carried unanimously.

Karen Martinson – W188 N11927 Maple Road, Suite 10. Conditional Use Permit Application for an Indoor Recreational Operation (the “Play Zone”). Planner Retzlaff summarized the proposal.

MOTION Campbell second Baum to Approve a Conditional Use Permit for the operation of an indoor recreation center from tenant space in the existing building located at W188 N11927 Maple Road (Alpine Business Center Unit 10) in the Germantown Industrial Park subject to the following conditions:

- 1. This permit authorizes limited uses and activities as set forth in the conditional use permit application dated June 12, 2014 and in the supporting documents and plans made part of the application on file with the Village. All of the operational characteristics and services as described, as well as any commitments made by the Applicant as set forth in the application, supporting documents, and made during presentations to the Village Plan Commission, Village Board and Village staff are deemed to be conditions of approval.***
- 2. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities and/or uses which cause problems or harmful effects not anticipated at the time of approval of this CUP or where conditions imposed were anticipated to ameliorate or eliminate such problems or harmful effects but are subsequently insufficient to do so, or, for similar cause based upon consideration for the public comfort, safety, and welfare, the conditional use permit may be terminated or modified by the Village Board by the amendment to or addition of conditions after public hearing thereon.***
- 3. All required licenses needed to operate, including a retail food license and beer license, shall be obtained prior to occupancy. Copies of all required licenses, including a retail food license and beer license, shall be submitted to the Community Development Department.***
- 4. All interior and exterior building modifications (including exterior lighting) and/or site improvements may require permits and/or other approvals from the Village. State-approved plans may be required for any proposed improvements or remodeling.***
- 5. All exterior signage, including temporary signs, require a permit from the Village.***
- 6. If the proposed use constitutes the type of change in occupancy that requires interior and/or exterior remodeling or additional fire safety features to comply with current building, fire safety and other applicable codes and regulations, the operator shall coordinate the preparation and submittal of state-approved plans to and approved by the Village Fire Department and Inspection Services prior to occupancy.***
- 7. The owner/operator shall contact the Fire Department and Inspection Services for a pre-occupancy inspection prior to commencing business operations. A fire alarm evacuation system may be required based on the use or capacity of people. Further discussion with the Fire Department is required once further details on the specific uses, activities, and occupancy capacity is proposed. At***

a minimum, a written emergency plan shall be prepared and submitted to the Fire Department prior to occupancy.

Commissioner Gray expressed some concern that problems may occur if beer is served in a space where children are. Planner Retzlaff said it would be similar to restaurants and other establishments that have the same allowance saying management would control any issues that arise.

MOTION carried unanimously.

Tim Aiken – N120 W14454 Freistadt Road. Tim Aiken, property owner of a 2 acre parcel and agent for Robert Aiken, property owner of a 17.2 acre parcel located on Pleasant View Drive is seeking approval of a 2 lot Certified Survey Map and Rezoning from A:1 Agricultural & Rs-2: Single family to Rs-1 Single family in order to increase the size of the 2 acre parcel to 5 acres. Planner Retzlaff summarized the proposal.

MOTION Baum second Yokes to Approve rezoning the 5 acre Lot 2 from A-1: Agricultural & Rs-2 Single family to Rs-1 Residential and Approve the 2 lot Certified Survey Map re-division of the 19.27 acre area owned by Tim and Robert Aiken located on Pleasant View Drive subject to the following conditions:

- 1. All technical corrections identified by the Village Surveyor in the June 18, 2014 memo shall be made prior to recording the CSM by the Village Board.***

MOTION carried unanimously.

Rue 21/Rue Guy – N96 W19062 County Line Road. Core Commercial, property owner of the Germantown Plaza III retail development is requesting approval of wall signs for the new tenant. Planner Retzlaff summarized the proposal.

MOTION Gray second Shadid to Approve the proposed wall signs and monument sign insert for Rue21/Rue Guy in the Germantown Plaza III retail commercial center located at N96 W19140 County Line Road subject to the following conditions:

- 1. Electrical permits shall be obtained from the Building Inspection Department prior to installation.***
- 2. All electronic components shall be inspected and labeled by a licensed lab.***
- 3. The white background proposed for the monument sign inserts needs to be opaque or a different dark background color.***

Trustee Baum said the Rue Guy sign won't be visible next to the canopy and recommended relocating the sign.

MOTION to Amend Baum second Gray to raise the Rue Guy sign above the canopy.

Paul Radermacher, Sign Me Up LLC, explained Rue 21 is the name of the store and the Rue Guy name would be a secondary sign. He indicated that raising the sign to be visible is a good idea.

MOTION to Amend carried unanimously.

MOTION to Approve as Amended carried unanimously.

**Description of Proposed Operation
-Conditional Use Permit Application Attachment**

Name and Location of Proposed Operation

Play Zone

W188 N11927 Maple Road, Unit 10

Germantown, WI 53022

Hours and Days of Operation

Monday – Thursday (9:00 am – 10pm), Friday (9:00 am – 11pm), Saturday (8am – 11pm), Sunday (8am-8pm)

Description of Business

Play Zone will be an indoor recreational establishment that will primarily market our services to the industrial park businesses for company outings, employee appreciation days, retirement parties, business meetings, and/or lunch break activities. Industrial park employees will have an opportunity to relieve stress by enjoying attractions such as archery tag, a billiards table, a rock wall, golf simulator and a track to race RC cars or fly helicopters & planes. For future industrial park employees, Play Zone will offer climbing equipment and slides for toddlers through school age children, play houses, and riding equipment. Play Zone's final offering will include food service provided both through our facility and catering partners (D&S and Saz's). Both Saz's and D&S have agreed to cater events for company parties, retirement parties, etc., which will provide more adult meal choices and beverages. In addition to event catering, D&S will also supply vending machines that will allow us to expand our mealtime offerings to include sandwich wraps, salads, etc. Play Zone will receive a retail food license that will allow us to serve pizza, popcorn, ice cream and other pre-packaged foods for less informal snacks/meals. Lastly, Play Zone will apply for a beer and wine license so that we may offer an adult beverage as part of our menu offerings as well.

Number of Employees

Play Zone will initially begin with 5 employees, including members of management and will add/remove staff as needed.

Credentials of the Owner/Operator

- Owner's Credentials:
 - Degree in Biology with Minors in Chemistry and Computers
 - Current DCF license for The Place For Kids Child Care, which is currently operating in the Industrial Park
- Manager's Credential
 - Degrees in both Human Resource Management and Business Management
 - More than 15 years of experience in customer services that includes teaching and training.
- Credentials of Supporting Staff
 - High School Diplomas
 - College Degrees

Description of any interior and exterior remodeling proposed (including anything that involves room/wall construction, electrical work, plumbing).

- One additional bathroom with two/three stalls
- Wall construction to both the north and south walls of the loft area



GERMANTOWN INDUSTRIAL PARK

RENTAL LOCATIONS ON REVERSE SIDE

PHONE: 262 255-3663

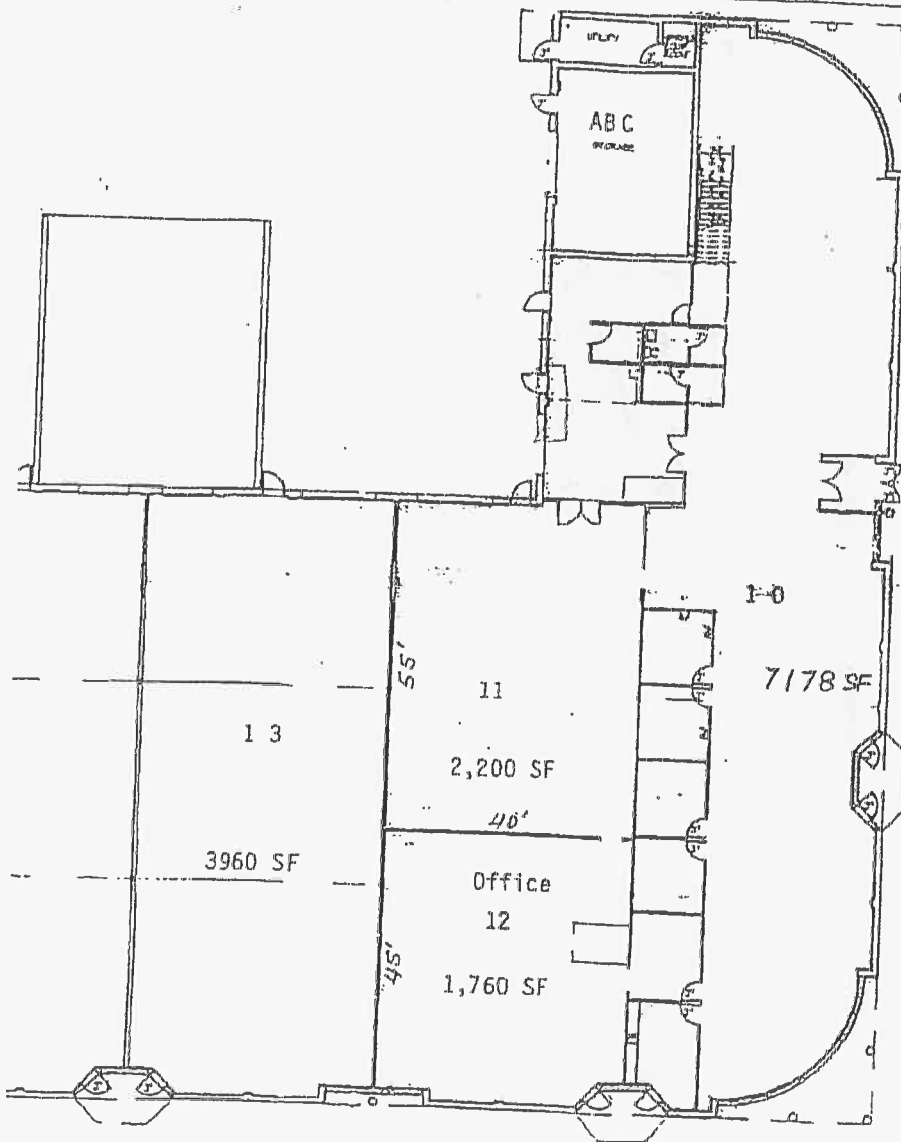
MAILING ADDRESS
ALPINE BUSINESS CENTER
3057 RED FOX CIRCLE
COLGATE, WI 53017

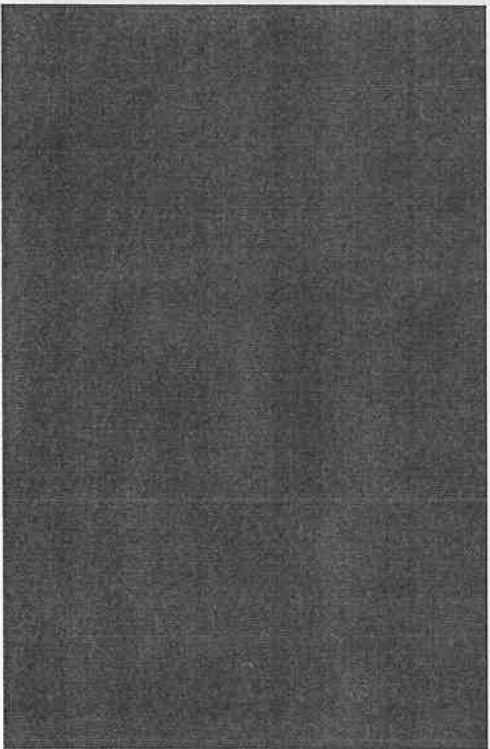
FAX: 262 255-2725

EXHIBIT A

Premises

Units # 10





Play Zone

Presented By
Karen Martinson
May 12, 2014



Agenda

- What is Play Zone
- How Industrial Park Companies Benefit
- Team Building Activities
- Our Offerings
 - Mini-Golf, Private Rooms, Etc.
- Germantown Benefits
- Questions



What Is Play Zone?

- Play Zone will be an indoor recreational center that will primarily market our services to the industrial park businesses. Industrial park employees will have an opportunity to relieve stress by enjoying attractions such as archery tag, a rock wall and a remote control room to race RC cars or fly helicopters and planes. We will also offer an area for future industrial park employees such as climbing equipment and slides for toddlers through school age children, play houses, and riding equipment. Play Zone's final offering will include a concession area that will serve food for lunch breaks, meetings and parties.



How Will Industrial Park Companies Benefit?

- Team Building Opportunity
- Private Rooms for Trainings Luncheons
- Customer Appreciation Days
- Employee Appreciation Days
- Retirement Parties
- Stress Relief During Lunch Breaks

Importance of Team Building Activities

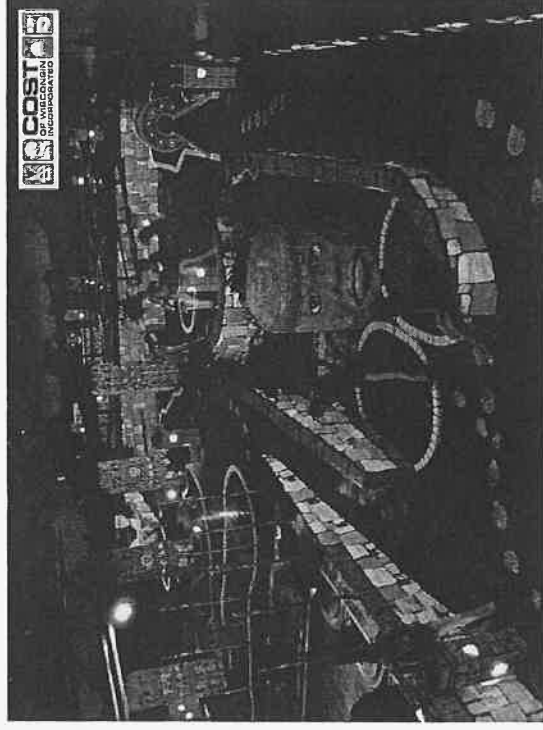
- Facilitates better communication
- Motivates employees
- Promotes creativity
- Develops problem-solving skills
- Breaks the barrier



Literally Reaching For The Top

Glow In The Dark Mini Golf

Important business decisions are made over the game of golf every day.



Couldn't those
same decisions
happen over a
good game of
miniature golf?

Private Rooms

- 5 Private Rooms for:
 - Trainings
 - Luncheons
 - Themed Parties
 - Retirement
 - Birthdays

Accommodations of
up to 40 guests.

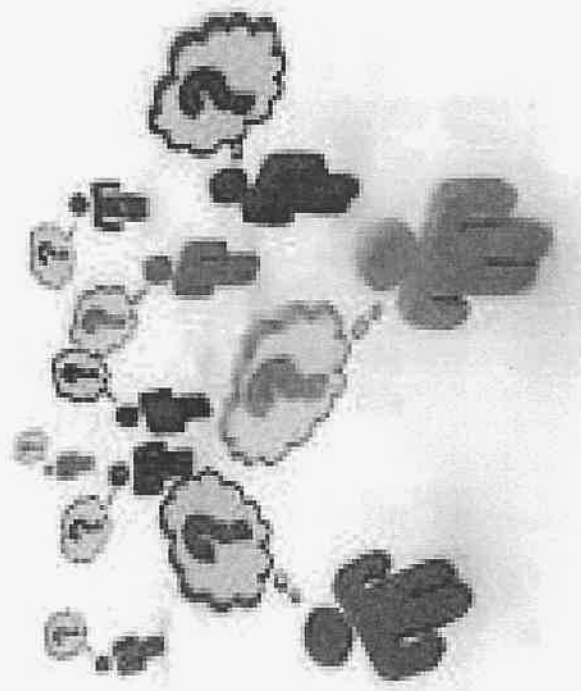




How Germantown Benefits

- Grow Local Employment in Germantown
- Increased Revenue
- Increased Local Income Taxes
 - Businesses pay a significant portion of all taxes in the United States, including income tax, property tax and employment tax. Having more businesses in the local economy can boost tax income for local governments, bringing in more money to repair roads, develop schools and improve public services.

Questions



'Addendum'

X-D

VILLAGE OF GERMANTOWN APPLICATION FOR PUBLIC GRANT PROGRAM

RECEIVED

JUL 14 2014

OFFICE OF VILLAGE CLERK
VILLAGE OF GERMANTOWN

Application Date: 7/1/14

Organization/Group Name: Kiwanis Club of Germantown

Applicant's Name: George Herro

Applicant's Address: PO Box 531 Germantown, WI 53022

Telephone Number: 262-255-2161

Purpose or Mission Statement: Our mission is to make our community part of
A Better world, one child & one community at a time. Kiwanis, through
guidance & example, works to develop future generations of leaders.

Event No. 1 Date: _____ Event Description: _____

Com operated machines

Estimated Attendance: _____ Times of Event: _____

Location of Event: Germantown Police, Aldo's Pizza, Virginia Highlands, Bruno Harris Bank
First Bank.

Event No. 2 Date: _____ Event Description: _____

Estimated Attendance: _____ Times of Event: _____

Location of Event: _____

Event No. 3 Date: _____ Event Description: _____

Estimated Attendance: _____ Times of Event: _____

Location of Event: _____

How will the event(s) benefit the Village of Germantown: Machines are located in

Village & help Bring Awareness to Club & to Show Community through
other events, what Raised money will be used for & to Foster & fund
Children across in Community

☐ Insurance submitted \$1,000,000 (minimum limit) – required for events having over 100 people in attendance.

Kiwanis Club of Germantown organization or individual shall hold harmless, defend and indemnify the Village of Germantown and its officers, agents, officials, employees and volunteers from and against any and all liability, loss damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with the organization's or individual's performance or work related to the event(s), project(s) or gatherings which are the subject of the grant award or any failure to comply with any obligations or conditions contained in the Public Grant Program, except such loss or damage which was caused by the sole negligence or willful misconduct of the Village.

Date: 7/1/14

George Herr
Signature

George Herr
Print Name of Signature

Box 531
Street Address

Germantown, WI 53022
City, State & Zip Code

Village of Germantown

Coin Operated Machine License

WHEREAS, the local governing body of the Village of Germantown, County of Washington, Wisconsin, has, upon application duly made, granted and authorized the issuance of a license to:

License No:

14- 25

Fee:

\$25.00

Kiwanis Club Of Germantown, George Herro, Agent

P.O. Box 531
Germantown, WI 53022

and has complied with all requirements necessary for such license; and

WHEREAS, this license is subject to all resolutions, ordinances, regulations and provisions as may be at any time imposed by the local governing body or any laws of the State of Wisconsin, and is subject to revocation as provided by law;

AND WHEREAS, the said applicant has paid to the Treasurer the sum of \$25.00 for each machine in said Municipality.

Kiwanis Club Of Germantown
P.O. Box 531
Germantown, WI 53022

Location:
Allows for Coin Operated
Candy Machines at the
Following Locations:
Germantown Police Department;
Aldo's Pizza; Virginia Highlands;
BMO Harris Bank;
First Bank Financial.

for the period from 7/01/2014 to 6/30/2015.
Given under my hand, this 18th day of June, 2014.



Barbara K.D. Goeckner, Village Clerk

RECEIVED

MAY 07 2014
OFFICE OF VILLAGE CLERK
VILLAGE OF GERMANTOWN

DATE FILED: 5-7-14
DATE ISSUED: 10-18-14

14-25

VILLAGE OF GERMANTOWN
OFFICE OF THE VILLAGE CLERK
P.O. BOX 337
GERMANTOWN, WI 53022

APPLICATION FOR COIN OPERATED MACHINE LICENSE

DATE: 5/6/14

FEE: \$25.00 PER MACHINE

NAME: (Individual/Partnership/Corporation) Germantown Kiwanis Club

TRADE NAME: Germantown Kiwanis Club

AGENT NAME: George Herro

HOME ADDRESS: Box 531

CITY/STATE/ZIP CODE: Germantown, WI 53022

HOME PHONE NO.: 262-255-2161

ADDRESS OF PREMISES: ALDO PIZZA, BMO Harris Bank, Germantown Police Dept,
GERMANTOWN, WI. 53022 First Bank, Virginia Highlands
(SEE ATTACHED)

PLEASE FILL OUT THE BACKSIDE OF THIS FORM LISTING YOUR AMUSEMENT
DEVICES

TYPE	IDENTIFICATION #	LOCATION ON PREMISES
SODA MACHINE		
CIGARETTE MACHINE		
VENDING	Candy Machine	LOBBY
SOAP		
OTHER		
OTHER		

✓ ALDO'S PIZZA W156 N 11054 PILGRIM RD
LOBBY

✓ BMO HARRIS BANK W156 N11150 PILGRIM RD
LOBBY

✓ GERMAN TOWN Police DEPT. N112 W 16877 MEQUON RD
LOBBY

✓ FIRST BANK N112 W 17100 MEQUON RD
LOBBY

VIRGINIA HIGHLANDS W173 N10915 BARNES WAY
(EMPLOYEE BREAK RM)

X-E

BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI

MEETING DATE: July 21, 2014

AGENDA ITEM: New Business

ITEM TITLE: New Rescue-Engine

SUBMITTED BY: Chief Gary L. Weiss 

SUMMARY EXPLANATION:

Under capital items this year there is the purchase of a new Rescue-Engine (40-522-570-8520), the fire department sent out bid packages to 4 fire apparatus manufactures on May 9, 2014. Only one company (Pierce Manufacturing, Inc.) returned the bid by the due date of May 30, 2014.

The bid for the new Rescue-Engine is \$770,061.00. This includes all equipment to make the truck ISO compliant and a 100% Performance Bond. An additional \$1000.00 was requested to purchase an air dryer for the compressor at station 1 to prevent from putting contaminated air into the new truck. Making the total cost 771,061.00.

With the purchase of this truck, the Village will not have to purchase another primary Engine or Heavy Rescue for approximately 20 years.

ATTACHMENT: ORDINANCE___ RESOLUTION___ OTHER__X__

Pierce Manufacturing Proposal for Furnishing Fire Apparatus

RECOMMENDATION:

Approval to to award the bid to Pierce Manufacturing for the new Rescue-Engine at an estimated cost of \$770,061.00 plus the additional \$1000,00 for the air dryer. Total \$771.062. This is below the amount budgeted.

PUBLIC SAFETY COMMITTEE ACTION

During the July 7, 2014 Public Safety Committee Meeting it was recommended by majority vote to recommend to the Village Board to approve awarding the bid to Pierce Manufacturing, Inc.

PROPOSAL FOR FURNISHING FIRE APPARATUS

June 25, 2014

Germantown Fire Department
N115 W18752 Edison Drive
Germantown, WI 53022

The undersigned is prepared to manufacture for you, upon an order being placed by you, for final acceptance by Pierce Manufacturing, Inc., at its home office in Appleton, Wisconsin, the apparatus and equipment herein named and for the following prices:

<u>PAYMENT OPTION #8: 100% PREPAYMENT, NO PERFORMANCE BOND,</u>	\$
<u>PLUS \$100,000.00 LOOSE EQUIPMENT</u>	799,322.00
<u>One (1) Pierce Velocity Rescue Pumper per Attached Proposal #380 from Reliant</u>	
<u>Fire Apparatus Dated May 30, 2014, less deductions in attached proposal change</u>	
<u>order form, plus \$100,000.00 loose equipment.</u>	
<u>LESS: 100% Prepayment Discount</u>	(31,420.00)
<u>PAYMENT TERMS: Payment in the amount of \$770,061.00 to be paid in full at</u>	
<u>time of contract signing.</u>	
<u>ADD: 100% Performance Bond</u>	2,159.00
<u>Total Vehicle Cost with Payment Option #8 Including 100% Performance Bond</u>	Total \$ 770,061.00

Said apparatus and equipment are to be built and shipped in accordance with the specifications hereto attached, delays due to strikes, war, or intentional conflict, failures to obtain chassis, materials, or other causes beyond our control not preventing, within about 9 months after receipt of this order and the acceptance thereof at our office at Appleton, Wisconsin, and to be delivered to you at F.O.B. Pierce Manufacturing, Appleton, WI.

The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the purchaser, provided such alterations are interlined prior to the acceptance by the company of the order to purchase, and provided such alterations do not materially affect the cost of the construction of the apparatus.

The proposal for fire apparatus conforms with all Federal Department of Transportation (DOT) rules and regulations in effect at the time of bid, and with all National Fire Protection Association (NFPA) Guidelines for Automotive Fire Apparatus as published at the time of bid, except as modified by customer specifications. Any increased costs incurred by first party because of future changes in or additions to said DOT or NFPA standards will be passed along to the customers as an addition to the price set forth above.

Unless accepted within 30 days from date, the right is reserved to withdraw this proposition.

Pierce Manufacturing, Inc.

By: _____
AUTHORIZED SALES REPRESENTATIVE
Brett Krueger



X-F

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

MEETING DATE: July 21, 2014

AGENDA ITEM: New Business

ITEM TITLE: Selection of Donges Bay Road Pavement and Drainage Template Elements

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

Purpose:

1. Establish design criteria of pavement and drainage elements for the Donges Bay Road project.
2. This agenda item is NOT intended to establish design criteria for a pathway because that was addressed during the Park & Recreation Commission's June 11, 2014 meeting.
3. This agenda item is NOT intended to establish design criteria of the Pilgrim Road intersection elements for the Donges Bay Road project because that is a separate agenda item for this meeting.

Reasons:

1. Southeast Wisconsin Regional Planning Commission (SEWRPC) Transportation Improvement Program (TIP) Committee Surface Transportation Program – Milwaukee Urbanized Area (STP-M) reallocated funding from construction of the Donges Bay Road project to the City of Milwaukee's Humboldt Road project.
2. American Association of State Highway and Transportation Officials (AASHTO) and Village local standards are less stringent than Facilities Development Manual (FDM) standards.
3. Provide Village Engineering Dept. direction & ability to bid contract documents in January, 2015.

Pavement Thickness:

1. The Village Board's Contracted Professional Consultant R.A. Smith National's *Pavement Type Selection Report (PTSR)*¹ recommends the following along the Mainline:

Upper Layer Hard Surface: Place 1.75 inches of 12.5 mm HMA Pavement Type E-1 with Asphaltic Material PG 64-28, as an upper layer.
Lower Layer Hard Surface: Place 2.75 inches of 19.0 mm Hot Mix Asphalt (HMA) Pavement Type E-1 with Asphaltic Material PG 64-22, as a lower layer.
Base: Pulverize the existing pavement, full depth (5.5" average), atop existing base material (6" average)

¹ Elkin, P.E., John, and Andrew Axt, E.I.T. *Pavement Type Selection Report*. R.A. Smith National: Brookfield, December 21, 2012.

BUSINESS OF THE VILLAGE BOARD GERMANTOWN, WI

2. The Village Board's Contracted Professional Consultant R.A. Smith National's *PTSR*² recommends the following along 3,054 l.f. of the Mainline designated for Excavation Below Subgrade (EBS):

Upper Layer Hard Surface: Place 1.75 inches of 12.5 mm HMA Pavement Type E-1 with Asphaltic Material PG 64-28, as an upper layer.
Lower Layer Hard Surface: Place 2.75 inches of 19.0 mm Hot Mix Asphalt (HMA) Pavement Type E-1 with Asphaltic Material PG 64-22, as a lower layer.
Base: Remove existing pavement structure. Place 10 inches Base Aggregate Dense 1 ¼ inch.

² Elkin, P.E., John, and Andrew Axt, E.I.T. *Pavement Type Selection Report*. R.A. Smith National: Brookfield, December 21, 2012.

Drive Lane & Shoulder Widths:

Donges Bay Road					
Wisconsin Information System for Local Roads (WISLR), Latest Construction Condition, 1976 & 1993		AASHTO, <i>A Policy on Geometric Design of Highways and Streets</i> , 2011, Pg. 7-5		Transportation Research Board (TRB), <i>Special Report 214 Designing Safer Roads</i> , 1987, Pgs. 7 ³	
Drive Lanes	Shoulders	Drive Lanes ⁴	Shoulders ⁴	Drive Lanes ⁷	Shoulders ⁷
2 x 12'	2 x 6'	2 x 12' ⁵	2 x 8' ⁶	2 x 11'	2 x 6'

³ Document introduced by Trustee Art Zabel during Public Works & Highway Committee's January 7, 2014 meeting.

⁴ Posted speed of 40 mph therefore 45 mph design speed; [2013 ADT 2,100 and 2015 ADT 2,200-2,500] > 2,000.

⁵ 2 x 11' acceptable for reconstruction projects.

⁶ 2' of 8' recommended to be paved.

⁷ [2013 ADT 2,100 and 2015 ADT 2,200-2,500] > 2,000; 5.5% Truck Traffic.

Benefits of Wide Lanes & Shoulders^{8,9}:

1. Space is provided away from the traveled way for vehicles to stop because of mechanical difficulties, flat tires, or other emergencies.
2. Space is provided for motorists to stop occasionally to consult road maps or for other reasons.
3. Space is provided for evasive maneuvers to avoid potential crashes or reduce their severity.
4. The sense of openness created by shoulders of adequate width contributes to driving ease and reduced stress.
5. Sight distance is improved in cut sections, thereby potentially improving safety.
6. Space is provided for maintenance operations such as snow removal and storage.
7. Lateral clearance is provided for signs and guardrails.
8. Stormwater can be discharged farther from the traveled way, and seepage adjacent to the traveled way can be minimized. This may directly reduce pavement breakup.
9. Structural support is given to the pavement.
10. Space is provided for pedestrian and bicycle use, for occasional encroachment of vehicles, for mail delivery vehicles, and for the detouring of traffic during construction.

⁸ AASHTO, *A Policy on Geometric Design of Highways and Streets*, 2011, Pg. 4-9

⁹ TRB, *Special Report 214*, 1987, Pg. 80-81. Document introduced by Trustee Art Zabel during Public Works & Highway Committee's January 7, 2014 meeting.

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

Roadside Drainage Ditches:

Donges Bay Road			
Village-Funded¹³			Resident-Funded Alternative
Min. Depth^{10,11}	Max. Foreslope¹²	Max. Backslope¹²	Enclosure
18"	4H:1V	3H:1V	12" @ \$50±/l.f. 15" @ \$53±/l.f. 18" @ \$56±/l.f. 24" @ \$59±/l.f. 30" @ \$63±/l.f. 36" @ \$67±/l.f.

¹⁰ Needs to be below bottom of pavement's bottom of base material, which from the PTSR is [(4.5" HMA + 5.5" Pulverized Asphalt + 6" Existing Base) = 16"] < 18"

¹¹ Brubaker, P.E., P.S., Alan. *Roadside Ditches in Summit County*. Summit County Engineer: Akron.

¹² AASHTO, *A Policy on Geometric Design of Highways and Streets*, 2011, Pg. 4-24 to 4-25

¹³ \$26±/l.f. Average Village cost to construct roadside ditches with culverts

Benefits of Roadside Ditches¹⁴:

1. **Extends road service life by 25%¹⁵**
2. Prevents unsafe accumulations of rain water on the roadway surface.
3. Drains water from the base under the roadway, maintaining pavement strength and eliminating freeze-thaw deterioration.
4. Reduces flooding resulting from heavy rainfall.
5. Provides valuable filtering of water.
6. Reduces flow rates and erosion.
7. Cheaper than storm sewers.
8. Preserves rural aesthetic character.

¹⁴ Brubaker, P.E., P.S., Alan. *Roadside Ditches in Summit County*. Summit County Engineer: Akron.

¹⁵ Wisconsin DOT *Facilities Development Manual*, Ch. 14, Sec. 15, Sub. 10, Pg. 3

ATTACHMENTS:

- Roadside Ditches in Summit County.

STAFF RECOMMENDATION TO COMMITTEE:

1. **Pavement Thickness:** Adopt the mainline and EBS pavement thicknesses recommended in R.A. Smith National's PTSR.
2. **Drive Lane Width:** Adopt 2 x 12' drive lane widths along the mainline.
3. **Shoulder Width:** Adopt 2 x 6' shoulder widths, 4' paved and 2' gravel, along the mainline.
4. **Roadside Ditches:** Adopt 18" minimum depth, 4H:1V maximum foreslope, and 3H:1V maximum backslope. Allow alternative for ditch enclosures fronting resident parcels at resident expense, which shall require permits under Section 8.03 *Driveways and Culverts* of the Municipal Code.

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

PUBLIC WORKS & HIGHWAY COMMITTEE ACTION (JULY 1, 2014):

1. MOTION made by Zabel, seconded by Kaminski, to forward to the Village Board with a positive recommendation to adopt the mainline and EBS pavement thicknesses recommended in R.A. Smith National's PTSR for Donges Bay Road. Motion carried unanimously.
2. MOTION made by Warren, seconded by Vanderheiden, to forward to the Village Board with a positive recommendation to adopt 2 x 12' drive lane widths along the mainline of Donges Bay Road. Motion carried 3 ayes vs. 1 no (Zabel).
3. MOTION made by Zabel, seconded by Vanderheiden, to forward to the Village Board with a positive recommendation to adopt two foot minimum gravel shoulder widths or match existing shoulder if greater than two feet along Donges Bay Road. Motion failed 2 ayes vs. 2 noes (Kaminski, Warren). Goes to Village Board without recommendation.
4. MOTION made by Warren, seconded by Kaminski, to forward to the Village Board with a positive recommendation to adopt an 18" minimum depth, 4H:1V maximum foreslope, and 3H:1V maximum backslope of the roadside ditches on Donges Bay Road and allow an alternative for ditch enclosures fronting resident parcels at resident expense. Motion failed 2 ayes vs. 2 noes (Vanderheiden, Zabel). Goes to Village Board without recommendation.

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.

Roadside Ditches in Summit County



WHY ROADSIDE DITCHES?

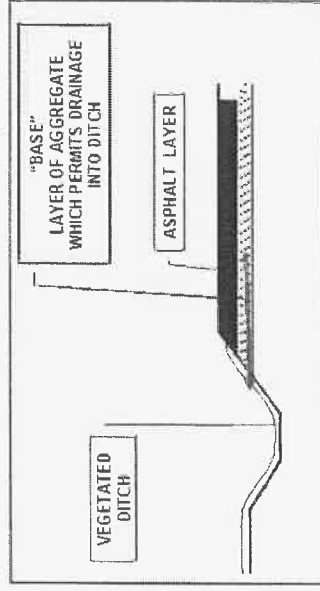
The question is often asked, "Why does Summit County prefer open roadside ditches along county roads instead of enclosed pipe drainage systems?" Below are some of the reasons:

Surface Drainage Improved

One of the purposes of a roadway drainage ditch is to prevent unsafe accumulations of rain water on the roadway surface. An open ditch allows water to move fully away from a road surface. In contrast, a piped storm sewer system uses the edge of the roadway surface if there is a curb, or a shallow swale over the former ditch to convey the water until it reaches a catch basin or other point of interception. An open ditch also continuously intercepts rain water flowing toward the roadway from adjacent land. For these reasons, a roadway drainage ditch is less likely to allow accumulation of water on or near a roadway surface than an a storm sewer system.

Roadway Base Drainage

Another purpose of a roadway drainage ditch is to drain water from under the roadway. The base is the foundation for supporting the load of traffic on the asphalt roadway. If water becomes trapped in the base, it weakens the structure of the roadway, leading to premature failure of the roadway. In addition, during cold weather, freezing and thawing of water trapped in the base under the pavement causes rapid deterioration of the pavement. An open ditch of sufficient depth provides continuous drainage of the base.



Flooding Reduced

An open ditch has more capability than a piped system to reduce flooding resulting from heavy rainfall. During an extreme rainfall event, flow in a roadway drainage ditch is usually limited by driveway culverts or water elevations at discharge points, such as intercepting streams. When that happens, each roadway ditch becomes a small detention basin, storing excess water until discharge capacity becomes available. A piped system does not have capability to store excess water. A piped system also accelerates water flow, making downstream flooding conditions worse.

Water Quality Issues Improved

An open ditch helps to maintain healthy water quality in receiving streams.

1. Vegetation in a roadway drainage ditch provides valuable **filtering of water**. Roadways gradually accumulate rubber tire wear, lubricants, metal particles, rust fragments and other substances from the wear and weathering of motor vehicles. These substances, as well as roadway materials loosened by wear and weathering, are washed from roadways by rain water. Ditch vegetation helps to trap these substances, and reduce flow rates, promoting settlement of solid particles and preventing them from entering the natural waterways. Mowing of roadside ditches should be kept to a minimum in order to maximize filtering.



2. Ditches **reduce flow rates** and increase storage of excess rainwater which helps reduce downstream erosion and the impact on stream habitat caused by high concentrations of suspended solids.

3. The **detection of illicit discharges** is easier in open ditches than in closed piped systems. EPA rules require that non-rainwater discharges be eliminated from urban drainage systems. Such discharges include failing septic system discharges and disposal of solvents, motor vehicle fluids, and cleaning products.

Infrastructure Costs Reduced

Piped drainage systems, including storm sewers, catch basins, manholes, headwalls and under drain piping are much more costly to construct than roadside ditches. If a piped drainage system is constructed without adding an adequate under drain system, additional costs are incurred for roadway repair and reconstruction due to roadway deterioration caused by the inadequate base drainage.



X-G
Germantown Park and Recreation Department
N112 W17001 Mequon Road
P.O. Box 337
Germantown, Wisconsin 53022-0337

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

MEETING DATE: July 21, 2014
TO: Village Board
FROM: Justin Casperson, Park & Recreation Director
RE: Donges Bay Road Pathways

SUMMARY:

The purpose of this memo is to convey the information from the Park and Recreation Commission to the Village Board as it relates to the Donges Bay Road pathway. The current pathway is intermittent with some sections containing a path on both sides of the road, some sections containing a path on only one side of the road, some sections that are very close to the road, and some sections containing no paths at all. The pathway contains numerous mid-block crossings and dead ends. Lastly the pathway is deteriorating and violates ADA standards.

Pathways should be safe and serene places for people to travel through a community. Pathways are a critical infrastructure that has consistently shown to increase property values and have an overwhelming positive influence on the quality of life for neighbors as well as the community.

Everyone has different preferences when it comes to transportation, but there's one that all road users share is pedestrians. Unfortunately, pedestrians were one of the few groups to experience an increase in fatalities in the United States in 2011, totaling 4,432 deaths and over 69,000 injuries. More than 62% of all pedestrians killed were adults 21 to 64 years old and 19% were children between 10 to 15 years old. There are a number of contributing factors to each pedestrian fatality, but one of the most important issues related to pedestrian injuries and deaths is driver speed. The faster a driver is traveling, the more difficult it is to stop and the greater the chance of a pedestrian's death. Safety risks result in more than deaths but in reduction of use. For example, parents may be increasingly worried about traffic safety for their children, resulting in their refusal to use Donges Bay pathways. Children may have more difficulty seeing (and being seen by) drivers, and often have trouble deciding when and where it is safe to cross the street. Older pedestrians may have reduced motor skills that limit their ability to walk at certain speeds, so they may need more time to cross a street. People with disabilities may be more affected by surface irregularities, and width restrictions. Safety is a huge concern on Donges Bay Road as vehicle speeds typically exceed 40 mph and the pathway forces pedestrians to travel extremely close to fast moving vehicles and cross at dangerous mid-block sections.

The 'Quality of Life' factor is a significant key economic driver in attracting desirable employers and a skilled labor force. Pathways have a significant positive economic impact on real estate values and local business sales. In the past 10 years, it has become clear that sidewalks and pathway systems are the lowest-cost amenity to build. More importantly sidewalks and pathway systems are the most popular amenity preferred by home buyers and usually consume very little land. Given those advantages, it is surprising how little consideration is given to such high-yielding amenities. Businesses want to locate in the same kinds of communities that home buyers want to live in: places perceived as safe and attractive, with opportunities for recreation and pathways.

"Trails consistently remain the number one community amenity sought by prospective homeowners."
— National Association of Homebuilders (2008)

The larger goal of any community is to improve the health of their community. Currently two-thirds of U.S. adults are overweight or obese. The Centers for Disease Control and Prevention (CDC) predicts that one in three Americans will develop diabetes in their lifetime, and the New England Journal of Medicine reports the first reduction in life expectancy (5 years or more shorter in coming decades) in our nation's history. A well designed community sidewalk and pathway system benefits the region's economic and physical health. There is a lot of education about smoking, healthy food choices, and exercise, however there is little effort given to sidewalks and pathways that can be major contributors to the health of a community. With the emphasis on health and fitness in today's society, pathways and sidewalks are just as important as streets.

The design of a sidewalk and pathway system is important to all pedestrians, but is particularly important to those with disabilities who have limited travel choices and rely mostly on the pedestrian environment. For example, older adults, persons with vision impairments, and children frequently rely on the pedestrian environment to travel independently within their community. Traditionally, design parameters have been based on the "standard pedestrian," an agile person with good vision, hearing, and mobility. These design parameters do not meet the needs of the growing disabled population. The Bureau of Census data indicates that: Approximately 20 percent of all Americans have a disability. A good community sidewalk and pathway system uses design principles based on creating an environment that is usable for people of all abilities. Currently the Donges Bay Road pathway contain curb ramps, which benefit people with walking impairments, but they lack detectable warning markers for people with vision impairments. The pathway comes to a complete stop at random locations without any indicators for the visually impaired. The pathway crosses at mid-block crossing, causing a greater safety risk for those who disabilities.

Some residents said no one uses the pathway, however no one asked 'why'? I believe its use is dictated by its usability and the current pathway is too narrow, too beat-up and too dangerous for children, families, senior citizens, and persons with disabilities. Some residents said a 6-foot pathway is wide enough, however 6-feet does not allow adequate space for all safe pedestrian traffic crossing. Some residents said to add only a section between Pilgrim Road and Heritage Hills Parkway, but that does not address its usability and the Village will have to repair older failing sections in the next 5 years. With an estimated cost for an 8-foot wide pathway at approximately \$177,000, it only makes sense the Village take advantage of the construction and save money to improve and complete the pathway.

COMMITTEE & COMMISSION ACTION:

6/11/2014 PARK & RECREATION COMMISSION - Motion by Depies, seconded by Coulthurst to reaffirm the Park and Recreation Commission November 20, 2013 recommendation to forward to the Village Board with a positive recommendation to include an 8-foot asphalt path separated by a grass terrace on the North of the road extending the entire section of the project and removal of the existing southern paths. Motion carried unanimously.

4/2/2013 PUBLIC WORKS & HIGHWAY COMMITTEE - Motion made by Vanderheiden, seconded by Zabel recommending the consultant proceed with the design of 5 foot sidewalks on each side of Donges Bay Road and purchase land as needed for the sidewalks. Motion carried unanimously.

X-H

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

MEETING DATE: July 21, 2014

AGENDA ITEM: New Business

ITEM TITLE: Award of Contract – R.A. Smith National to Convert Donges Bay Road Drawings from Facilities Development Manual to Local Standards

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

Purpose:

1. Scope and award a contract with the Village Board's Professional Consultant R.A. Smith to convert Donges Bay Road drawings from Facilities Development Manual (FDM) to local standards
2. This agenda item is NOT intended to establish design criteria for the Donges Bay Road project.

Reasons:

1. Southeast Wisconsin Regional Planning Commission (SEWRPC) Transportation Improvement Program (TIP) Committee Surface Transportation Program – Milwaukee Urbanized Area (STP-M) reallocated funding from construction of the Donges Bay Road project to the City of Milwaukee's Humboldt Road project.
2. FDM uses a different coordinate system than the Village.
3. Village Engineering Department's workload capacity may be filled by prospective Tax Increment Financing (TIF) projects, Local Road Improvement projects, Utility projects, Wisconsin Pollutant Discharge Elimination System (WPDES) activities, Annual reports, Development Plan Reviews, etc.
4. R.A. Smith National is the present custodian of project data; therefore, there is no learning curve.
5. Neither Wisconsin State Statutes nor Administrative Code requires bidding of professional services.

ATTACHMENTS: R.A. Smith National Proposal (June 24, 2014)

STAFF RECOMMENDATION TO COMMITTEE:

Award contract to R.A. Smith National to convert Donges Bay Road drawings from Facilities Development Manual to local standards, with value to be determined during Village Board meeting.

PUBLIC WORKS & HIGHWAY COMMITTEE ACTION (JULY 1, 2014):

MOTION made by Kaminski, seconded by Vanderheiden, to forward to the Village Board with a positive recommendation to award a contract to R.A. Smith National to convert Donges Bay Road drawings from Facilities Development Manual to local standards, with value to be determined by the Village Board. Motion carried 3 ayes vs. 1 no (Zabel).

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.

June 24, 2014

Brionne R. Bischke, P.E.
Village Engineer
Village of Germantown
N112 W17001 Mequon Road, P.O. Box 337
Germantown, WI 53022-0337

Re: Proposal for Professional Services

Dear Brionne,

Thank you for this opportunity to provide a quotation for professional services. The contents of this proposal letter spell out the Scope of Services to be provided, the Services Not Included, the proposed Completion Schedule, the Professional Fees, and the Assumptions and Conditions under which this proposal is being made.

I. PROJECT NAME: Donges Bay Road Design and Construction Plans

II. DESCRIPTION OF SERVICES TO BE PERFORMED:

R.A. Smith National, Inc. (RASN) will provide roadway design and develop construction plans for the above referenced project between Division Road and Magnolia Drive. One set of plans will be prepared, but with quantities broken out by the following segments for separate lettings:

January 2015 Let: Division Road to approximately Fieldstone Pass

January 2016 Let: Fieldstone Pass to Magnolia Drive

Our **base project scope** is predicated upon the following:

- A. The project will be locally let and the Village will prepare the construction contract documents, including all administrative and technical specifications.
- B. RASN will convert survey files from the Wisconsin County Coordinate System to the Wisconsin State Plane Coordinate System, South Zone, North American Datum of 1927. Additional survey is required to locate section corners and control points in State Plane NAD27 (SEWRPC) for proper correlation.
- C. Similar rehabilitation (pulverize and overlay) and EBS reconstruction areas as currently shown on the WisDOT 30% plans (dated 9/6/2013), except that the proposed roadway width will be the same as existing. A design profile for the rehabilitation segments will not be required. Cross-sections will not be provided and ditch grading will not be necessary. Standard Village construction details will be incorporated into the plans. Special construction details are not anticipated. Existing bypass and turn lanes are included in their current configuration only. Pavement marking and permanent signing are included.
- D. The base typical roadway cross-section will be 2-12' lanes and no shoulders. One public involvement meeting, two Village board or committee meetings, and three Village staff meetings are planned. No additional project advisory committee meetings will be required.
- E. A detour plan is included. Construction staging plans are not required.

Deliver excellence, vision, and responsive service to our clients.

- F. No wetland impacts and related DNR coordination are anticipated.
- G. The Village will prepare MMSD and DNR permits as needed.
- H. Changes to the existing sidewalk or adding sidewalk are not required.
- I. Utility relocation coordination is included.

Potential scope additions are described as follows:

- A. 2-foot wide shoulders: 2-foot wide gravel shoulders will be included for the project length.
- B. Driveways and Side Roads: Driveway paving will be included within the right-of-way and side roads paved to the end of return/radius (including Pilgrim Road).
- C. Ditches and culverts: Ditch grading will be included where necessary and designed with 4:1 typical ditch front slopes and back slopes, 3:1 maximum. Existing cross and driveway culverts will be replaced with similar size concrete culverts. Upsizing and/or analysis of culvert hydraulics will not be required.
- D. Bypass and turn lanes: Additional bypass and turn lanes or extensions will be included at the following intersections:
 Division Road (westbound turn lane)
 Larkspur Lane (right turn and bypass lanes)
 Wagon Trail (right turn lanes)
 Ridgeview Lane (right turn and bypass lanes)
 Hollowbrook Drive (right turn lane)
 Mohawk Drive (right turn lane)
 Fieldstone Pass (right turn and bypass lanes)
 Roger Drive (right turn lane)
 Preserve Parkway/Windson Road (right turn lanes)
 Heritage Hills Parkway (right turn lanes)
 Raintree Drive (right turn lane and bypass lanes)
 Magnolia Drive (bypass lane)

Bypass and right turn lane lengths will be less than those shown on the WisDOT 30% plans.

- E. 4-foot wide paved shoulders: 6-foot total width shoulders with 2-foot gravel will be provided for the project length.
- F. Pilgrim Road intersection turn lanes, traffic signals, right-of-way plat, title searches, and appraisal staking: The Pilgrim Road intersection will be improved with geometrics similar to the WisDOT 30% plans, but the Pilgrim Road pavement will not be rehabilitated. Widening will be accomplished by "hanging on" additional pavement and curb & gutter. Temporary signals during construction and new signal plans will be provided. A construction staging plan for Pilgrim Road will be provided to maintain one traffic lane in each direction. A plat will be included for the Pilgrim Road intersection improvements and include up to 10 parcels, including appraisal staking. Temporary grading easements are not anticipated elsewhere. Monumentation of property

corners/piping, if needed, would be completed by the Village. An allowance of 10 title searches (10 at \$220 each for a total of \$2,200) is included.

- G. 8-foot wide multi-use path: An 8-foot wide asphalt path will be provided on the north side of Donges Bay Road for the project length. This work includes removal of the existing sidewalk on the south side of the road and the provision of 8-foot wide curb ramps at road crossings on the north side of the road.
- H. Jefferson Ditch Crossing: This work includes replacement of the Jefferson Ditch culverts. A hydraulic report will be prepared and submitted to the DNR for approval. A Letter of Mapped Revision (LOMR) submittal to FEMA is not included.
- I. MMSD Analysis and Coordination: increases of impervious area of 0.5 acres or more require coordination with MMSD and include a volumetric analysis, technical memorandum and the design of permanent ditch checks. This task will need to be included if potential scope additions D, E, F, or G above are included.

Alternate Scope for Village In-house Design is described as follows:

File Conversion for Village Use: Convert survey files from the Wisconsin County Coordinate System to the Wisconsin State Plane Coordinate System, South Zone, North American Datum of 1927, and to Autocad 2004 format files readable by IntelliCAD and Carlson software packages. Additional survey is required to locate section corners and control points in State Plane NAD27 (SEWRPC) for proper correlation.

III. **COMPLETION SCHEDULE:**

Construction plans, quantity computations and right-of-way plat (if necessary) will be submitted to the Village by December 1, 2014.

IV. **PROFESSIONAL FEES:**

The above-described **base project scope** will be provided for a lump sum fee of **\$16,700**. Fees will be invoiced monthly on a percent complete basis.

The lump sum fees for **potential scope additions** described above are as follows:

- A. 2-foot wide shoulders: \$1,800
- B. Driveways and Side Roads: \$2,100
- C. Ditches and culverts: \$2,700
- D. Bypass and turn lanes: \$3,300
- E. 4-foot wide paved shoulders: \$2,700
- F. Pilgrim Road intersection turn lanes, traffic signals, right-of-way plat, title searches, and appraisal staking (including an allowance of \$2,200 for 10 title searches): \$36,400

- G. 8-foot wide multi-use path: \$3,300
 - H. Jefferson Ditch Crossing: \$4,700
 - I. MMSD Analysis and Coordination: \$6,000
- Total: \$79,700

Alternate Scope for Village In-house Design (File Conversion for Village Use): \$2,900

Usual and customary expenses such as mileage, postage, delivery, printing, telephone charges and applicable taxes are not included in the above fee, and will be invoiced at cost.

- A. As your project progresses, additional work beyond the scope of this agreement may be required. Please initial below how you would like us to proceed with such work (note: construction staking, if applicable is addressed in Section B):
 - _____ Time is critical. Proceed with any additional work and notify me with the details as soon as possible. I understand that this work will be performed on an hourly, time-and-material basis.
 - _____ Contact me to obtain my verbal authorization and to discuss fees prior to performing any additional work. I understand that this could delay the progress of my project.
 - _____ Contact me to obtain my written authorization and to discuss fees prior to performing any additional work. I understand that this could delay the progress of my project.

V. ASSUMPTIONS AND CONDITIONS:

Our estimated fees are based on the following set of assumptions and conditions. Deviations from these may result in additional fees:

- A. The terms and conditions set forth herein are valid for 30 days from the date of this proposal.
- B. The design of urban/curb and gutter sections is not required (exclusive of the Pilgrim Road Intersection option).
- C. Plans not provided include landscaping and storm sewer.
- D. Any wetland impacts and Section 401/404 permits will be prepared/coordinated by the Village.
- E. Historical coordination will not be necessary.
- F. Retaining wall design is not included.
- G. Fee right-of-way acquisition outside of the Pilgrim Road intersection and Jefferson Ditch improvements is not anticipated. Temporary grading easements/construction permits, if necessary, will be prepared and acquired by the Village.
- H. Additional geotechnical investigations are not required.

Brionne R. Bischke, P.E.
Page 5 / June 24, 2014

The attached Standard General Contract Terms for Professional Services are hereby made part of this Agreement. If there are any questions concerning those, or the terms as presented, please contact us. To authorize R.A. Smith National, Inc. to proceed please sign in duplicate and return one original to our office.

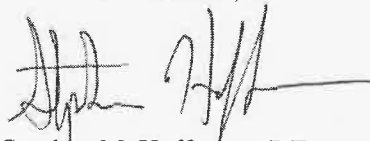
We look forward to a very successful project!

Sincerely,
R.A. Smith National, Inc.



John A. Elkin, P.E.
Senior Project Manager

R.A. Smith National, Inc.



Stephan M. Hoffmann, P.E.
Director of Transportation

Enclosures

**STANDARD GENERAL CONTRACT TERMS
FOR PROFESSIONAL SERVICES**

R.A Smith National

1. All of the work described herein shall be completed in accordance with generally and currently accepted engineering and surveying principles and practices.

2. Unless otherwise specifically included in the proposal, PROFESSIONAL'S scope of work shall not include geotechnical or environmental audits for the identification of hazardous wastes, wetlands, floodplains or any other structural or environmental qualities of land or air. It is understood that the Scope and the Completion Schedule defined in the Proposal are based on the information provided by the CLIENT. Verification of the accuracy and completeness of any information provided by others is beyond the scope of this agreement. Therefore, PROFESSIONAL cannot be held responsible for any design or construction problems resulting from the use of this information.

3. PROFESSIONAL strongly recommends that a geotechnical ENGINEER be engaged in the preliminary phases of the work to conduct field investigations, and analysis and prepare a report on the soils conditions.

4. PROFESSIONAL shall not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor or CLIENT, or the safety precautions and programs incident to the work of the Contractor, nor shall he be responsible for the failure of the Contractor to perform the construction work in accordance with the Contract Documents.

5. All original papers, electronic files, and documents, and copies thereof, produced as a result of this contract shall remain the property of the PROFESSIONAL.

6. In the event all or any portion of the work prepared or partially prepared by the PROFESSIONAL is suspended, abandoned, or terminated, the CLIENT shall pay the PROFESSIONAL all fees, charges and expenses incurred to date. Professional may suspend or terminate this Agreement upon seven (7) days written notice if the CLIENT fails to substantially perform in accordance with this Agreement. Failure to make payments in accordance herewith shall constitute substantial nonperformance.

7. PROFESSIONAL cannot be held responsible for project schedule delays caused by weather, violence, acts of God, and public agencies or private businesses over which it has no control. PROFESSIONAL shall act only as an advisor in all governmental relations. Such delays as caused by said occurrences, if not solely the result of PROFESSIONAL'S failure to meet submittal deadlines, may result in adjustments to said schedules and estimates/fees.

8. All electronic files transferred to CLIENT or his DESIGNEE by PROFESSIONAL are provided solely for the convenience of the CLIENT and are warranted only to the extent that they conform to the original document(s) produced by PROFESSIONAL. All electronic file(s) are transmitted in trust for the sole use of the CLIENT and his DESIGNEE and acceptance constitutes assumption of responsibility for its use and safekeeping. Any use by third parties shall be at the sole risk of the CLIENT. Any alterations to or tampering with the files shall constitute the agreement of the CLIENT to release, defend and hold harmless PROFESSIONAL from all claims and causes of action by said CLIENT and third parties.

9. Payment for invoices is due upon receipt; amounts outstanding after 30 days from the date of invoice will be considered delinquent and subject to a service charge at the rate of 1% compounded monthly. Invoices will usually be sent monthly for work performed during the previous month. CLIENT understands, and agrees to pay for all services rendered regardless of CLIENT'S ability or inability to proceed with the project for any reason, gain governmental approvals or permits, or secure financing for the project. The CLIENT shall provide PROFESSIONAL with a clear, written statement within twenty (20) days of the date of the invoice of any objections to the invoice. Failure to provide such a written statement shall constitute acceptance of the invoice as submitted. PROFESSIONAL reserves the right to immediately suspend work and/or terminate this agreement due to lack of timely payment of uncontested invoices by CLIENT.

The CLIENT further agrees to pay PROFESSIONAL any and all expenses incurred in recovering any delinquent amounts due, including attorney's fees and court costs.

10. The CLIENT agrees to limit PROFESSIONAL, by its agents or employees, total liability to the CLIENT and to all Construction Contractors and Subcontractors on the Project, due to PROFESSIONAL'S professional negligent acts, errors, omissions, strict liability, breach of contract, or breach of warranty and for any and all injuries, claims, losses, expenses, damages, or claim expenses arising out of this Agreement from any cause or causes, such that the total aggregate liability of PROFESSIONAL to those named shall not exceed the percentage share that PROFESSIONAL'S negligence bears to the total negligence of all negligent entities and individuals, and shall not exceed Fifty

Thousand Dollars (\$50,000.00) or the total fee for services rendered under this Agreement, whichever is less.

11. Both parties agree that all disputes, including, but not limited to errors, liability, claims for services and fees, expenses, losses, etc., shall, at the sole and exclusive option of PROFESSIONAL, be submitted for non-binding mediation, a prerequisite to further legal proceedings. PROFESSIONAL shall have the sole and exclusive right to choose the mediator. Any fees and/or expenses charged by the mediator shall be shared equally between PROFESSIONAL and CLIENT.

12. Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the CLIENT or the PROFESSIONAL. The PROFESSIONAL'S services under this Agreement are being performed solely for the CLIENT'S benefit, and no other entity shall have any claim against the PROFESSIONAL because of this Agreement or the performance or nonperformance of services hereunder. The CLIENT agrees to include a provision in all contracts with contractors and other entities involved in this project to carry out the intent of this paragraph.

13. AS REQUIRED BY THE WISCONSIN LIEN LAW, PROFESSIONAL HEREBY NOTIFIES CLIENT THAT PERSONS OR COMPANIES FURNISHING LABOR FOR ENGINEERING OR SURVEYING FOR THE CONSTRUCTION ON OWNER'S LAND, MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDING IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED, ARE THOSE WHO GIVE THE CLIENT NOTICE WITHIN 60 DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, CLIENT PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE SURVEYING OR ENGINEERING SERVICES, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO THE OWNER AND MORTGAGE LENDER, IF ANY. PROFESSIONAL AGREES TO COOPERATE WITH THE CLIENT AND THE CLIENT'S LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID, IF APPLICABLE.

R.A. Smith National, Inc.
16745 West Bluemound Road, Suite 200
Brookfield, WI 53005
John A. Elkin, P.E.
Senior Project Manager

PROFESSIONAL

By: 

Date: June 24, 2014

PROJECT: Donges Bay Road Design and Construction Plans

**The above and foregoing proposal is hereby accepted and
PROFESSIONAL is authorized to proceed with the work.**

Village of Germantown
N112 W17001 Mequon Road
P.O. Box 337
Germantown, WI 53022-0337

CLIENT

By: _____

CLIENT and R.A. Smith National, Inc. agree that digital and electronically reproduced signatures such as by facsimile transmission or email are valid for execution or amendment of this Agreement and that electronic transmission/facsimile is an authorized form of notice to proceed.

Printed Name: _____

Title: _____ Date: _____

©2013 R.A. SMITH NATIONAL, INC.

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