

City of Portage Common Council Meeting  
Council Chambers of City Municipal Building  
115 West Pleasant Street, Portage, WI  
Regular Meeting – 7:00 p.m.  
July 26, 2012  
**Amended Agenda**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Minutes of Previous Meeting and Council Committee of the Whole
6. Consent Agenda
  - A. Reports of Sub-Committees, Boards, and Commissions
    1. Library Board Fundraising Task Force Committee
    2. Library Board
    3. Joint Park and Recreation Board and AdHoc Committee for Proposed Welcome Center
    4. Park and Recreation Board
    5. Business Improvement District Board of Directors
    6. Airport Commission
    7. Board of Zoning Appeals
    8. Historic Preservation Commission
  - B. License Applications
    1. Operator
7. Committee Reports
  - A. Plan Commission
  - B. Legislative and Regulatory Committee
    1. Action on Change of Agent for Kwik Trip Store #683, 2970 New Pinery Road – Nona Hartman
    2. Action on Operator License application for Michael W. Madsen
8. Old Business
  - A. Ordinances
    1. Ordinance No. 12-007 relative to Floodplain Zoning
9. New Business
  - A. The Council will go into closed session pursuant to Wisconsin State Statutes 19.85(1)(e) to consider the potential purchase of property on West Cook/DeWitt Street.
10. Adjournment  
Amended 7/25/12; 12:30 pm

Common Council Proceedings  
City of Portage

Public Hearing  
Council Chambers  
City Municipal Building

July 12, 2012  
6:40 p.m.

Consider rezoning 501 Washington Street, further described as tax parcel 218, City of Portage, Columbia County, Wisconsin.

**Call to Order**

Mayor Jahn called the Public Hearing to order at 6:40 p.m.

**Roll Call**

Present: Ald. Dodd, Hamre, Klapper, Maass, Miller, Oszman

Excused: Ald. Ebnetter, Garetson, Havlovic

Also Present: Mayor Jahn, City Clerk Moe, City Attorney Spankowski, Director of Public Works/Utilities Manager Redelings, Assistant Police Chief O'Neill, City Treasurer Lohr

Media Present: Craig Sauer from Portage Daily Register, Bill Welsh from Cable TV

Clerk Moe read the Notice of Public Hearing, stated it had been published according to law, and an Affidavit of Mailing is on file.

Mayor Jahn asked three times if anyone present wished to speak for or against the rezoning.

No one present wished to speak for or against the rezoning, so Mayor Jahn declared the Public Hearing closed at 6:43 p.m.

Marie A. Moe, WCPC, MMC  
City Clerk

Common Council Proceedings  
City of Portage

Public Hearing  
Council Chambers  
City Municipal Building

July 12, 2012  
6:45 p.m.

To hear comments on the proposed Floodplain Zoning Ordinance.

**Call to Order**

Mayor Jahn called the Public Hearing to order at 6:45 p.m.

**Roll Call**

Present: Ald. Dodd, Hamre, Klapper, Maass, Miller, Oszman

Excused: Ald. Ebnetter, Garetson, Havlovic

Also Present: Mayor Jahn, City Clerk Moe, City Attorney Spankowski, Director of Public Works/Utilities Manager Redelings, Assistant Police Chief O'Neill, City Treasurer Lohr

Media Present: Craig Sauer from Portage Daily Register, Bill Welsh from Cable TV

Clerk Moe read the Notice of Public Hearing and stated that it had been published according to law.

Mayor Jahn asked three times if anyone present wished to speak for or against the proposed floodplain zoning ordinance.

No one present wished to speak for or against the proposed floodplain ordinance, so Mayor Jahn declared the Public Hearing closed at 6:47 p.m.

Marie A. Moe, WCPC, MMC  
City Clerk

Common Council Proceedings  
City of Portage

Public Hearing  
Council Chambers  
City Municipal Building

July 12, 2012  
6:55 p.m.

Declaring intent to exercise special assessment powers relative to the reconstruction of sanitary sewers on Oneida Street from Armstrong Street to Cass Street, Dunn Street from West Burns Street to Oneida Street, West Burns Street from Dunn Street to MacFarlane Road, East Conant Street from Hamilton Street to Jackson Street, West Howard Street (north side) from Lock Street to 100' east of Lock Street.

Mayor Jahn called the Public Hearing to order at 6:55 p.m.

Present: Ald. Dodd, Hamre, Klapper, Maass, Miller, Oszman

Excused Ald. Ebnetter, Garetson, Havlovic

Also Present: Mayor Jahn, City Clerk Moe, City Attorney Spankowski, Director of Public Works/Utilities Manager Redelings, Assistant Police Chief O'Neill, City Treasurer Lohr

Media Present: Craig Sauer from Portage Daily Register, Bill Welsh from Cable TV

Clerk Moe read the Notice of Public Hearing, stated that it had been published according to law, and an Affidavit of Mailing is on file.

Director of Public Works/Utilities Manger Redelings explained the scope of the project.

Mayor Jahn asked three times if anyone present wished to speak for or against the special assessments.

No one present wished to speak for or against the special assessments.

Mayor Jahn declared the Public Hearing closed at 6:58 p.m.

Marie A. Moe, WCPC, MMC  
City Clerk

Common Council Proceedings  
City of Portage

Regular Meeting  
Council Chambers  
City Municipal Building

July 12, 2012  
7:00 PM

**1. Call to Order**

Mayor Jahn called the meeting to order at 7:00 p.m.

**2. Roll Call**

Present: Ald. Dodd, Hamre, Klapper, Maass, Miller, Oszman

Excused: Ald. Ebnetter, Garetson, Havlovic

Also Present: Mayor Jahn, City Clerk Moe, City Attorney Spankowski,  
Director of Public Works/Utilities Manager Redelings, Assistant Police  
Chief O'Neill, City Treasurer Lohr

Media Present: Craig Sauer from Portage Daily Register, Bill Welsh from  
Cable TV

**3. Pledge of Allegiance**

The Pledge of Allegiance was said.

**4. Approval of Agenda**

As there was no objection from the council, the Resolutions relative to  
borrowing were moved up on the agenda to follow the consent agenda.

**5. Minutes of Previous Meetings**

Motion by Klapper, second by Oszman to approve the minutes of the June  
28, 2012 Common Council meeting. Motion by Hamre, second by Maass  
to reconsider the minutes approved from the June 14, 2012 meeting. The  
reason for reconsideration according to Hamre and Maass was that it was  
Ald. Klapper's opinion that there was not enough information available to  
make an informed decision on the former nursing home property, not  
necessarily the entire council's. Motion carried unanimously on call of roll.  
Motion by Maass, second by Hamre to amend the original motion to insert  
the following highlighted language in the motion approving the June 14,  
2012 minutes: "...that **it was Ald. Klapper's opinion** that not enough  
information was available to make an informed decision on the former  
nursing home property." Motion carried unanimously on call of roll. The  
original motion, as amended, carried unanimously on call of roll.

**6. Consent Agenda**

Reports of Sub-Committees, Boards, and Commissions  
Library Board Meeting of June 12, 2012

Applications

Operator License applications for period ending June 30, 2013 for the following: Erick R. Burnstad, Lori A. Elsner, Kimberly A Gavinski, Heaher J. Hawley, Brett M. Lamson, Debbie A. Miller, Wendy L. Seely, Kirstie L. Smith

Taxi Cab Operator applications for period ending June 30, 2013 for the following: Thomas R. Schneller

Motion by Dodd, second by Oszman to approve the consent agenda.  
Motion carried unanimously on call of roll.

**7. Resolutions**

Jim Mann, representing Ehlers & Associates, the city's financial advisor, was present to explain the Resolutions and sale of the bonds and notes. With the winning bids coming back at a lower cost than was considered during planning, the cost of the issues is less.

Motion by Dodd, second by Klapper to have the readings of Resolution No. 12-032 relative to Authorizing the Issuance and Sale of \$1,995,000 General Obligation Promissory Notes, Series 2012A; Resolution No. 12-033 relative to Awarding the Sale of \$5,520,000 General Obligation Corporate Purpose Bonds, Series 2012B; and Resolution No. 12-034 relative to the Sale of \$2,175,000 Taxable General Obligation Corporate Purpose Bonds, Series 2012C by title only. Motion carried 5 to 1 on call of roll with Maass voting no.

Resolution No. 12-032 relative to Authorizing the Issuance and Sale of \$1,995,000 General Obligation Promissory Notes, Series 2012A was read by title only and adopted 5 to 1 on motion by Oszman, second by Miller and call of roll with Maass voting no. Maass questioned if the issue was flexible enough that money would go for storm water improvements and not the Canal. Mr. Mann explained that the statutes are relatively flexible, as the funds must be used for public purposes.

Resolution No. 12-033 relative to Awarding the Sale of \$5,520,000 General Obligation Corporate Purpose Bonds, Series 2012B was read by title only and adopted unanimously on motion by Oszman, second by Dodd and call of roll.

Resolution No. 12-034 relative to Awarding the Sale of \$2,175,000 Taxable General Obligation Corporate Purpose Bonds, Series 2012C was

read by title only and adopted unanimously on motion by Oszman, second by Dodd and call of roll.

**8. Committee Reports**

Finance/Administration Committee meeting of July 2, 2012 and July 12, 2012

Motion by Dodd, second by Maass to approve a Professional Service Agreement with General Engineering Company for Cross Connection Control Inspection in an amount not to exceed \$5000.00. Motion carried unanimously on call of roll.

Motion by Dodd, second by Miller to approve Change Order No. 1 for Contract No. 12-003, 2012 Watermain and Sanitary Service Construction Project in the amount of \$46,750.00. Motion carried unanimously on call of roll.

Motion by Dodd, second by Hamre to approve the award of Contract No. 12-003, 2012 Watermain and Sanitary Service Construction Project to Allen Steele Co. in the amount of \$343,406.75. Motion carried unanimously on call of roll.

Motion by Dodd, second by Hamre to approve claims in the amount of \$1,123,491.74. Motion carried unanimously on call of roll.

Motion by Dodd, second by Klapper to approve an Agreement for Engineering Services with General Engineering Company for grandstand renovation in the amount of \$17,942.00, which excludes the concrete repair and deck sealing. Motion carried unanimously on call of roll.

Municipal Services and Utilities Committee meeting of July 3, 2012

Motion by Oszman, second by Miller to approve the street closure and in-kind request for St. Mary's 4K – 8<sup>th</sup> School Car Show, October 6, 2012. Motion carried unanimously on call of roll.

Motion by Oszman, second by to Klapper to approve the request from Greater Portage Area Youth Education Foundation to place banners on city property. Motion carried unanimously on call of roll.

The discussion on the 15 minute parking should read on West Pleasant Street from Clark Street to DeWitt Street.

**9. Old Business**

Ordinance

Ordinance No. 12-005 relative to Alcohol License Closing Hours received its third reading. Motion by Maass, second by Dodd to deny Ordinance No. 12-005 relative to Alcohol License Closing Hours. It was Maass'

opinion that the hours did not need to be extended. Motion failed 5 to 1 with Dodd, Hamre, Klapper, Miller and Oszman voting no. Motion by Oszman, second by Klapper to pass Ordinance No. 12-005 relative to Alcohol License Closing Hours. Motion carried 5 to 1 on call of roll with Maass voting no.

**10. New Business**

Ordinances

Ordinance No 12-006 relative to Zoning (Tax Parcel 218, 501 Washington Street) received its first and second readings. Motion by Oszman, second by Dodd to suspend the rules and have the third reading of Ordinance No. 12-006 relative to Zoning (Tax Parcel 218, 501 Washington Street) and have it read by title only. Motion received a 3 to 3 vote with Dodd, Klapper and Maass voting no. Mayor Jahn broke the tie voting aye and motion carried. Ordinance No. 12-006 relative to Zoning (Tax Parcel 218, 501 Washington Street) reading its third reading by title only and passed unanimously on motion by Oszman, second by Klapper and call of roll.

Motion by Oszman, second by Hamre to have the first and second readings of Ordinance No. 12-007 relative to Floodplain Zoning by title only. Motion carried unanimously on call of roll. Ordinance No. 12-007 relative to Floodplain Zoning received its first and second readings by title only.

Ordinance No. 12-008 relative to Public Depositories received its first and second readings. Motion by Oszman, second by Maass to suspend the rules and have the third reading of Ordinance No. 12-008 relative to Public Depositories and have it read by title only. Motion carried unanimously on call of roll. Ordinance No. 12-008 relative to Public Depositories received its third reading by title only and pass unanimously on motion by Oszman, second by Dodd and call of roll.

Resolutions

Resolution No. 12-031 relative to Public Depositories was read and adopted unanimously on motion by Oszman, second by Maass and call of roll.

Correspondence

Correspondence has been received and filed from Kammer & Greiber, S.C. regarding the fire at the corner of Cook and DeWitt Street and potential opportunities for the site. Klapper inquired about putting the Welcome Center downtown, but since the grant was written for Riverside Park, the location is most likely set. Director Redelings will contact the State to verify.

Correspondence has been received and filed from Wisconsin Historical Society regarding the Old Indian Agency House Entry in the National Register and State Register of Historic Places.

Correspondence has been received and filed from Mid-Wisconsin Home Builders Association thanking the council for recent action on a moratorium for building permit fees.

Carnival License Application and request for waiver of license fee from Lydia Reilly for Library Fun Day, July 17, 2012 at Collipp-Worden Park  
Motion by Oszman, second by Hamre to approve the carnival license and waiver of the license fee for Lydia Reilly for the Library Fun Day, July 17, 2012. Motion carried unanimously on call of roll.

**11. Adjournment**

Motion by Oszman, second by Hamre to adjourn. Motion carried unanimously on call of roll at 8:57 p.m.

Marie A. Moe, WCPC, MMC  
City Clerk

City of Portage  
Common Council Committee of the Whole  
Council Chambers  
July 17, 2012, 7:00 p.m.

1. **Call to Order**

Mayor Jahn called the meeting to order at 7:00 p.m.

2. **Roll Call**

Present: Ald. Dodd, Garetson, Hamre, Havlovic, Klapper, Maass, Miller, Oszman

Excused: Ald. Ebnetter

Also Present: Mayor Jahn, City Clerk Moe, City Attorney Spankowski, City Treasurer Lohr

Media Present: Craig Sauer from Portage Daily Register, Bill Welsh from Cable TV

Others Present: Richard Lynn

3. **Discussion and possible recommendation on City Administrator position and full time Mayor**

There was discussion on changing the Mayor's position from part-time to full-time. The consensus of the council was there would most likely not be enough qualified candidates and it would limit who would run for the position if the Mayor's position was full-time. Miller was the only person in favor of a full-time position, but had reservations as well.

There was discussion as to what should be included in the Administrator's job description. Economic development should not be part of the Administrator's job. Duties that the council felt should be included were knowledge of grants, finance, budget, staying abreast of state and federal law changes, human resources, and good communication skills. The Human Resources Committee will look at including these duties in a job description.

4. **Discussion regarding changing the length of alderperson terms**

There was discussion regarding the advantages and disadvantages of a two year versus a three year term for alderpersons. If the term of office was changed, it would require a charter ordinance. All members would be up for election and the terms staggered as follows: three members would

have a one year term; three members a two year term; and three members a three year term. Another suggestion was to change the make-up of aldermanic districts with five of the seats elected by district and four at large.

There was discussion that a two year term does not allow enough time to learn what is going on before having to decide to run for office again; and that would be even less interest in running for office if the term of office was three years instead of two.

Discussion of the advantages of a three year term included continuity on the council and knowledge of experienced members.

A charter ordinance will be drawn up for the first council meeting in August, and the issue will be placed on the ballot for referendum, if approved.

Those in favor of changing the term to three years were Havlovic, Oszman, Miller, Garetson and Dodd; while Maass, Hamre and Klapper were opposed.

5. **Adjournment**

Motion by Oszman, second by Hamre to adjourn. The meeting adjourned at 8:45 p.m.

Marie A. Moe, WCPC, MMC  
City Clerk



CABINET MEETING DISCUSSION POINTS

Tuesday, July 10, 2012

8:00 a.m. to 9:00 a.m.

Memorial Room

Members Present: Jim Crawford                      Jeff Ligel  
Jon Crawford    Sue Martin  
Rich Davis     Dustin Mueller  
Jim Dalton     Shannon Schultz  
Ginni Hamele    Dr. Jan Seubert  
Rich Heimerl     Chad Stevenson  
Ber Hoffman     Addie Tamboli  
Mayor Ken Jahn     Ellie Voigt  
Barb Knight

Members Absent: Dr. Mark Curran  
Matt Meyers

Consultant: Peter Woodburn

I.	Welcome <ul style="list-style-type: none"><li>Chad welcomed everyone in attendance at 9:05 a.m.</li></ul>
II.	Enlistment Needs <ul style="list-style-type: none"><li>Other groups will share givers in Major Division.</li></ul>

<p>III.</p>	<p><i>Soliciting Division Reports and Updates</i></p> <ul style="list-style-type: none"> <li>• <i>Consultant reviewed Board/Leader Team and Pace Gifts Division Reports.</i></li> <li>• <i>Ginni reported that Primary Gifts Division was underway.</i></li> </ul>
<p>IV.</p>	<p><i>Non-Soliciting Division Reports</i></p> <ul style="list-style-type: none"> <li>• <i>Peter will send an updated list to Rich H for review.</i></li> <li>• <i>Radio spots and newspaper ads going well.</i></li> <li>• <i>Fair Booth will be open July 25-29; lots of help is needed for manning the booth. Culver's and Summit Credit will donate prizes for a drawing.</i></li> </ul>
<p>V.</p>	<p><i>Open Discussion</i></p> <ul style="list-style-type: none"> <li>• <i>Clergy Breakfast will be held July 24 at 8:30 in the Bidwell Room.</i></li> <li>• <i>Changeable sign day is August 11. A list of businesses with changeable signs has been sent to WK&amp;C.</i></li> <li>• <i>Jon and Addie will contact Murph Schaper about demolition of house next to library.</i></li> </ul>
<p>VI.</p>	<p><i>Consultant's Comments</i></p> <ul style="list-style-type: none"> <li>• <i>Peter reported that \$1,093,220. has been pledged.</i></li> </ul>
<p>VII.</p>	<p><i>Adjournment</i></p> <ul style="list-style-type: none"> <li>• <i>Chad and Jeff adjourned the meeting at 9:00.</i></li> </ul> <p style="text-align: center;"><b>NEXT CAMPAIGN CABINET MEETING</b>  <b>Tuesday, August 7, 2012</b>  <b>8:00 A.M. – 9:00 A.M.</b>  <b>Bidwell Room</b></p>

Portage Public Library  
253 W. Edgewater Street  
Portage WI 53901  
Phone: (608) 742-4959  
E-mail: [porill@scls.lib.wi.us](mailto:porill@scls.lib.wi.us)  
Web Site: [www.portagelibrary.us](http://www.portagelibrary.us)

LIBRARY BOARD MEETING Minutes  
July 10, 2012

Meeting called to order 12:05

Present: Davis, Tamboli, Hoffmann, McLeish, Poches, Gregory, Varvil-Weld

Excused: Voigt

- 1) Motion to approve June 12, 2012 meeting minutes. (CP/DV-W)
- 2) Financial Reports:
  - a) Motion to approve June 2012 City/County and Library restricted funds claims for payment as presented. (AT/CP)
- 3) Director's Report: Shannon Schultz
  - a) Over 550 patrons are enrolled in the summer library programs.
  - b) As part of a pilot study for SCLS, Windows 7 (OS) has been installed on all staff computers.
- 4) Library Fundraising Campaign Report: Addie Tamboli
  - a) 57.9% of the goal of \$1.75 million has been raised.
  - b) The Library Foundation incorporation process has begun.
  - c) Mike Bahr of Plunkett Raysich Architects will be present at the July 24 special Board meeting to discuss finalizing expansion/renovation plans.
- 5) Business:
  - a) Motion to approve the 2013 City budget as presented. (DV-W/DG)
- 6) Meeting adjourned 12:50 (CP/DG)

Richard Davis – President  
Addie Tamboli – Vice President  
Beverly Hoffmann - Treasurer  
Eleanor McLeish – Secretary  
Charles Poches – School Superintendent  
Dr. David Gregory  
Dr. Douglas Varvil-Weld  
Eleanor Voigt

**City of Portage**  
**Joint Park and Recreation Board and AdHoc Committee for Proposed Welcome**  
**Center Meeting Minutes**  
**Tuesday, July 10, 2012- 6:00 p.m.**  
**General Engineering, 916 Silver Lake Drive**

Park and Recreation Board Members Present: Brian Zirbes, Dan Brunt, Fred Reckling, Kirk Konkel

Park and Recreation Board Members Excused: Larry Messer, Russ Shaw

AdHoc Committee for Proposed Welcome Center Members Present: Dan Brunt, Marianne Hanson, Gil Meisgeier, Tim Raimer, Bob Redelings

AdHoc Committee for Proposed Welcome Center Members Excused: Peggy Joyce

Others Present: Mayor Ken Jahn, Jason Jackson and Jolene O'Brien of General Engineering, Craig Sauer or Portage Daily Register

1. Roll call

2. Discussion and possible action for Riverside Park Welcome Center

- Design plan - reviewed and consensus was to go forward with design.
- Outside restroom discussion – timed locks to be installed, stainless steel sinks and toilets, no baby changing station, dryers instead of towel holders, automatic flushing toilets, stand alone keying system, radiant heating but no air conditioning
- Inside Restrooms – dryers instead of towel holders along with automatic flushing toilets
- Water – install one meter for inside restrooms and concession and another for outside restrooms. Heat/Electric/Air would be separated the same
- Concession Area – 1 sink with a separate heating/air control
- Air /Heating units – install on the side near Associated Bank
- Lighting – install lighting for reception area and displays area with movable track lighting, have Wifi for the interior and look into a hot spot from Frontier for park
- Conference Room – TV used for projection with connections on 2 walls, center of floor and controlled lighting in the room for after use.
- Security System – run conduit to have installed if wanted

3. Adjournment at 7pm with a motion by Bob and second by Marianne. Call of Roll 9-0.

Next committee meeting July 31<sup>st</sup> at 8:30am at City Hall  
Public Participation Meeting on Aug 23<sup>rd</sup> at 6pm at City Hall

**City of Portage  
Park and Recreation Board Meeting  
Tuesday, July 10, 2012 Park and Recreation Office  
Minutes**

Members Present: Brian Zirbes Chairperson, Dan Brunt, Fred Reckling, Russ Shaw, Kirk Konkel , Manager Raimer

Members Excused: Larry Messer

Others Present: Gary O'Hearn, Craig Sauer ( Daily Reg.), Rita Maass, Jason Jackson, Kory Anderson, Ken Jahn

**1. Roll Call**

The meeting was called to order, by rule count, by Chairman Zirbes at 7:02 p.m.

**2. Approval of minutes of last previous meeting**

Reckling made a motion to approve the meeting minutes from the last meeting, seconded by Konkel. Motion passed 5-0.

**3. Discussion and possible action on sprinkler system for vet's field.**

Brunt made a motion to approve up to \$500.00 for water bills to water the soccer fields at Vet's Field for the Youth Soccer group. The motion was seconded by Konkel. Motion passed 5-0. This item will be forwarded to the City Council for final approval.

**4. Discussion and possible action for the Recreation at Goodyear Park.**

a. Splash Park

Quite a long discussion took place on this item. Kory Anderson and Gary O'Hearn spoke on the project, show cost figure, design layout. The Committee had concerns about the City's cost for the project. Chairman Zirbes made a motion to have stronger numbers with real cost, less the in kind service number for the board. He also included hard numbers for maintenance cost for the project once completed. Motion was seconded by Shaw. Motion passed 5-0.

b. Skate Board Park

Manager Raimer will be getting a hold of the skate park supporters and work with them on hard numbers for the different pieces that they would like on the skate park. He should have those numbers for next meeting.

**5. Discussion and possible action on working with Divine Savior Hospital, Portage School District and P.A.T.H.S. to plan and layout a cross country/ walking/ skiing trail around the northeast side of the City.**

A member from the P.A.T.H.S. group did not show for the meeting. The committee agreed that this would be a good project to work on. They will be looking for updates when they are available.

**6. Discussion and possible action on Silver Lake Beach projects**

Manager Raimer talked about the projects at Silver Lake and some of the problems that have come up. The group talked about re-facing the new wall at the boat landing and the retaining wall at the beach area. Raimer will bring back numbers for both projects. The committee wants the numbers for the leftover budget on this project.

Chairman Zirbes wanted to talk about maybe looking into Sunsails for the beach area. This might be a good solution for the lack of shade on the beach. The group will look into pricing and bring it back to the committee. He also asked about setting the color standard for park shelter roof to be green, seeing how the last few project have green metal roofs on them. Manager Raimer agreed, but wants to keep any new roof at Blue Start Park to remain Blue.

**7. Grandstands at Vet's Field**

This project is being handled City Engineer Redelings. Raimer will try to keep up on the numbers for this project and keep the committee informed. With this possible being two projects, the surface and the storm shelter, the numbers for both will have to be compared to see if any savings can be found.

**8. Building #7 Facial Repairs**

Manager Raimer is trying to get construction cost for this project. One of the local contractors did not want to put in a bid for the project. He will be looking at getting a couple more proposals for the materials and find a contractor willing to install the metal siding.

**9. Managers Report**

Manager Raimer talked about several projects going on. Including the pool, youth and adult programs.

An issue about ownership of Sunset Park was brought to the committee by Mr. Raimer. The committee feels this item should go unto Council for their review and discussion and financing. Alderperson Maass brought up her concern about running programs when there is a heat advisory in affect.

**10. Adjournment**

A motion was made by Brunt and seconded by Konkel to adjourn at 9:05 p.m. Motion passed 5-0.

Respectfully submitted

Tim Raimer Manager

City of Portage  
Minutes of Business Improvement District Board of Dir. meeting  
Wednesday, July 11, 2012  
Municipal Building 115 West Pleasant Street, Conference room 1

Meeting called to order at 7:30 a.m.

- 1. Roll Call: Members Present:** Peggy Joyce; President; John Krueger, Vice President;; Larry Wilz, Treasurer; Chris Shadel, Jim Rusch, Shane Schmidt, Steve Polnow

**Non-Members Present:** Gil Meisgeier, BID Contractor, Main Street Portage Ex. Dir. /BID Administrator; PACC Exec. Dir. Mariann Hanson.

- 2. Approval of June 13, 2012 Minutes.**

Motion to approve June 13, 2012 minutes. Motion by Rusch, 2nd by; Schmidt  
Motion carried, all in favor.

Later motion to correct June minutes to reflect that Shadel abstained on approval of re-allocated funds from Triangle Park to Portage Area Community Center fund due to a possible conflict of interest. Motion to amend June Minutes by Krueger; 2<sup>nd</sup>.Polnow. Motion carried, all in favor.

- 3. Claims to pay & Financials Report**

Claims were presented by Treasurer Wilz, Motion to approve. Motion by Schmidt, 2nd by Krueger Motion carried, all in favor.

Motion to approve Treasurers report, financials as presented by Wilz. Motion by Krueger; 2<sup>nd</sup> by Shadel. Motion carried, all in favor.

Discussion took place re: City's report for annual request for funding allocated to BID. President Joyce to appoint budget committee to have details of their work at August meeting.

- 4. Discussion and possible action on BID Contractors report.**

Motion to accept Contractors report. Motion by Krueger, 2<sup>nd</sup> Schmidt, Motion carried, all in favor.

- 5. Discussion and possible action on MSP Executive Directors report.**

MSP E.D. Report was presented by MSP E.D. Meisgeier. Motion to accept MSP report. Motion by Polnow, 2<sup>nd</sup> Krueger, and Motion carried, all in favor.

- 6. Discussion and possible action on requests for financial support for 2012 down town events.**

PACC Exec. Dir. Mariann Hanson presented the request for funding a Downtown segment to appear on Discover Wisconsin program on Portage.

Motion was made to provide payment of \$3,500.00 for the Downtown segment to be paid in three equal annual payments of \$1,167.00. Motion by Polnow; 2<sup>nd</sup>.Schmidt; Rusch abstained all others in favor, Motion carried.

- a. There was discussion on the approval of Roger Krechik request at the June meeting for \$ 4,000.00 previously placed in designated funds for future development for triangle park bounded by Edgewater, Wisconsin and DeWitt streets be reallocated to the proposed site development plan for a community center to be located on the former woolen mill site on Mullet Street. Following discussion no further action was taken. June action stands.

**7. Discussion and possible action on downtown street scape and marketing.**

Studinski sculpture as were selected for street art and recommended by Street scape committee after viewing a sample of his work. Meisgeier reported that his Studinski sculpted bluegill and a dragon fly sculpture purchased by him at the 2012 Sand County Fine Arts Festival have been placed in two planters for demonstration purposes. Meisgeier stated that the sculptures have received several favorable comments.

NOTE: BID representatives to the Street Scape Committee appointed by Joyce are Joyce, Polnow and Meisgeier. With Polnow acting as chair, committee was expanded to include Carol LaVigne, Jenny Dumbleton, Alderman Klapper and City Forester Raimer.

- 10.** Motion to adjourn at 9:07 by Krueger, 2<sup>nd</sup> Schmidt; Motion carried. All in favor.

prepared by gam

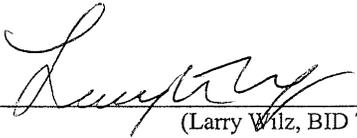
**City of Portage Business Improvement District Committee  
2012  
Schedule of Vouchers**

245.00 56720

Date	# of Invoice	Vendor	Description	Account	Amount
6-27-12	M562712	MAIN STREET AMS	JUNE ADMIN SERVICES BID CUSTODIAL SERVICES	550 241	1562.00 2489.00
	BID MINUTES	PORTAGE LIBRARY	PORTAGE LIBRARY FUND	715	5000.00
4-20-12	8975	LEE RECREATION	#10 PLOIR PLANTERS	821	3000.00
4-19-12	6160979	HOLIDAY WHOLESALER	ICS CAN LIMEZS	390	35.45
6-4-12	PL6412	PORTAGE LUMBER	PIPE CLEANER : CEMENT	351	6.64
5-9-12	56610	WALSH ACE HARDWARE	U-BOLT	351	1.02
5-21-12	56929	" " "	HANDLE/BRUSH/ARMR ALL	351	23.38
5-22-12	56962	" " "	PCP PIPE	351	5.89
4-30-12	56334	" " "	LOCK/BOLTS	351	8.75
2-13-12	199080	NAPA	SCREWS	351	11.22
5-9-12	209456	"	U-BOLT	351	1.66
6-3-12	212458	"	CABLE TIES	351	39.17
6-30-12	187921	WEAVER AUTO	HORN BOTTOM E BRACKET	351	2.81
6-29-12	187849	" "	BOTT SPLICE CONNECTOR	351	1.07
6-18-12	6228510	HOLIDAY WHOLESALER	CAN LIMEZS	390	79.80
<del>7-27-12</del>	<del>BID MINUTES</del>	PIACC	DISC WISC 1 of 3 YEARLY PAYMENTS	290	1167.00
<b>TOTAL</b>					

Page 3 of 4

Approved for payment at 7/11/12 meeting of the City of Portage Bid Improvement District Committee

  
\_\_\_\_\_  
(Larry Wilz, BID Treasurer)

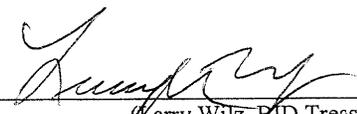
7-20 2012

**City of Portage Business Improvement District Committee  
2012  
Schedule of Vouchers**

Date	# of Invoice	Vendor	Description	Account	Amount
3-21-12	1880555	CAPITAL NEWSPAPERS	BID PORTAGE AD CC PLANNET	296	1200.00
<b>TOTAL</b>					

Page 4 of 4

Approved for payment at 7/11/12 meeting of the City of Portage Bid Improvement District Committee

  
(Larry Wilz, BID Treasurer)

7-20 2012

**2012 JUNE BID Maintenance Contractor Report**  
**6/01/12 to 6/30/12 submitted by**  
**Gil Meisgeier, Associated Management Services on July 4th 2012**

**I.Trash** Some containers still being used for household garbage and may fill rapidly.

**II. Equipment**

All's well at this time.

**III Snow removal**

**IV. BID Farmer's Market**

Market has been drawing both vendors and patrons exceptionally well in spite of excessively high heat. Other neighboring markets have been reporting smaller patron counts due mainly to the heat. Early food crops are available with an abundance of flowering plants. Two bakeries participating both commented on good sales.

The new parking signs approved by the BID Board for Senior and Handicapped parking have been made and are now in use at the market.

**V. BID flower and trash containers etc.**

With ten new large black planters placed south of Edgewater St. we are now up to 67 of them. Also added four new wooden whiskey barrel planters that have been placed along new canal walk. An astounding number of plant sites that now exceed one hundred. More sites + high heat = extra watering required! Have been watering on an every day basis during high heat and drought conditions.

Contractor and volunteer stepped up to clean out most weeds in the Plaza beds. Also planted 98 annual flower plants in four groupings (Zinnias as suggested by Links plant pathologist Rob Gehm) in the Plaza in June. Many additional businesses have asked that contractor assist them in watering planters they have placed in front of their buildings. This looks great! The more the better!

BID Contractor has placed 4 hanging baskets and one large ground planter in front of the Mercantile

There are many favorable comments being made regarding the beauty and condition of flowers in the BID!

Weed spraying has been on going with three major applications since May. They seem to do better through the drought.

One of the 12 new Cook St. trees has been destroyed and another broken off. The 11 remaining trees have been watered on a regular basis by contractor. Park and Rec has been watering them also with large tank on truck. Some trees are still stressed because of high heat.

BID/MSP Streetscape committee is working on getting sites selecting sites for placement of permanent preformed flower beds on Cook St., presently awaiting plans showing electrical conduits etc.

**VI. Parking lot cleanup, planted areas maintenance and tree grates etc.**

Cleanup/pick up of all streets, parking lots, alleys and curb pick up is ongoing. Cigarette butts etc in front of a few of the bars is still often a problem.

**VII. Additional Items of Interest in the BID**

- Main Street Canal Days 2012, June 1<sup>st</sup> – June 3<sup>rd</sup>. Was considered a huge PR success. Weather was absolutely superb and all plans laid came off without any major occurrences. With MSP playing a major part in this year's events, most of all the activities were scheduled in the Downtown with most of those at Market Square having brought thousands of folks into the BID!!!  
4,000 of the **BID** Promotional piece "**80 REASONS TO EXPLORE DOWNTOWN PORTAGE**" listing the over 80 types of businesses we have in the BID plus listings of nineteen Downtown businesses Parade Of Values offerings on the reverse side were printed by Downtown printer Terry Allen.. These were distributed to the thousands of parade goers. Several of the businesses that listed the business offers on the flyer enjoyed increased business and others had regular customers who were stimulated to stop in the businesses for the various offerings.

***When you need printing check with Terry Allen Associates the only printing firm located in the BID/MSP 608-201-7060. He did a great job on the flyers! SHOP THE BID!***

- The tragic fire that destroyed the historic Rhyme building took its toll on two BID/MSP businesses. Flirt Dress Shop and Sweet Tees Tattoo Shop were wiped out. On the Thursday after the fire Mayor Jahn contacted MSP E.D. informing him that the remaining structure was to be razed the next day. The mayor was in a meeting with the PFD Chief Simonson. They asked that E.D. see if volunteers could be rounded up to assist the owners retrieve, haul and store their personnel and salvaged business items. Five volunteers stepped up and spent most of the day and three days following assisting the owners. General Engineering V.P. Kent Fish provided storage space at their storage facility. MSP treated the crew to dinners during the salvage.
- The underground parking facility was on the Municipal Services Committee agenda again for the June meeting. Indications are that it will be a 2013 budget item. This is a result of BID/MSP representation before the MS Committee and individual Alders. MS Committee has asked that BID survey the downtown businesses and residents to see how many would potentially use the underground parking facility if it were repaired and made secure.
- The City Tourism Committee program to have Portage as a 2013 on Discover Wisconsin show is progressing. The contract has been inked and spots are going fast. A spot is reserved for a Downtown segment per BID request. Production Company has begun doing shoots in the Portage area.
- The Riverside Park Welcome Center ad-hoc committee work is progressing with some design changes and recommendations.
- The Downtown Portage Area Community Center (PACC) committee has embarked on a program with General Engineering to provide preliminary plans of the proposed project on the former Woolen Mill site for presentation to City Council, Administration et al. This would be a tremendous anchor for Downtown!!!!  
Project concept should be ready for presentations around the beginning of September. Several groups and individuals have stepped up to provide the \$7,500.00 funding required for this effort. GEC is doing the work at half price for the PACC!
- The I-90, 94, 39 billboard project is advancing and awaiting commitment from the City Community Development Authority. City Tourism Com and BID are the other participants in the effort. As BID had requested, the bill board bottom line will read "Historic Downtown next exit" with a large arrow pointing right.
- The program for placing high quality two sided banners on the Hwy 33 bridge is advancing. There will be three sets of six banners. At BID request a historical set will include a banner for Historic Downtown, The Portage Canal. Also pictured will be Surgeons Quarters, Agency House and two end banners that will contain Welcome and Thank You messages on reverse sides.
- Sand County Fine Arts Festival is scheduled to take place in Market Square on July 14<sup>th</sup>. BID contractor provided sandwich boards for their use and placed them in the BID.
- MSP will be hosting a Lemon Ice stand at the Garden Tractor Daze show at the Fairgrounds on July 13 & 14 as a fund raiser. MSP director is organizing a volunteer crew to assist for a few hours. Call Gil to volunteer.
- MDA Ride for Life on Sat July 21<sup>st</sup> 2 hour lunch stop in our Downtown. Approximately 1,000 bikes will take part. Through the efforts of the Chamber, BID and MSP we have arranged for the bikes to be parking on the 100 blocks of East and West Cook Street and nearby areas. This should make for a good day for some BID businesses!

BID has committed for the cost of Porta Potties for the event.

Main Street Executive Director is organizing a twelve person crew to assist the 100 road guards, The MSP VOLs will be monitoring traffic at all intersections on Wisconsin St. from Treceks to Edgewater Street for the MDA ride arrival at approximately noon. Anyone wishing to join the fun and volunteer to assist please call. Gil

It promises to be a sight to behold.

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**NOTE: For detailed report of the above and other items, see emails from GAM**

- **SEE MSP E.D. report for additional items in the District**

END OF JUNE, 2012 REPORT.

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AND AS ALWAYS.....

**PLEASE LET ME KNOW IF THERE ARE THINGS THAT I MAY HAVE OVERLOOKED OR ANY ITEMS THAT NEED ATTENTION. I WELCOME YOUR SUGGESTIONS.**

**YOU DON'T HAVE TO WAIT FOR A BID MEETING! CONTRACTOR IS AVAILABLE 24/7 !**

**JUST GIVE A CALL TO 742-5054; CELL # 608 334-4207**

Thank You, STAY COOL AND ENJOY LIFE !!!

Gil Meisgeier, Portage BID Contractor, Associated Management Services.

MAIN STREET PORTAGE  
Executive Director's Report (Final/revised)  
JUNE 2012 ACTIVITY  
**Prepared by GAM**

**NOTE: BE FULLY INFORMED ON YOUR "NEIGHBORHOOD GOINGS ON"**  
**READ THIS AND ALSO SEE BID REPORT FOR ADDITIONAL PERTINENT INFORMATION.**  
**DON'T MISS IT!**  
**FIND IT ON LINE AT THE MAIN STREET PORTAGE WEB SITE**  
**THE MSP E.D. REPORT WILL ALSO BE ON THE MSP WEB SITE**  
**Some information is carried in both MSP & BID reports as it applies to the Downtown.**

**WEDC MAINSTREET STATE AND NATIONAL NEWS**

**DON'T FORGET, SEE BID REPORT ON THE MSP WEB SITE FOR ADDITIONAL HAPPENINGS**  
**PERTINENT TO ALL BUSINESSES AND PROPERTY OWNERS IN THE MSP/BID DISTRICT.**

**WHERE DOES THE SMART SHOPPER SHOP FIRST? ? ? ?**

**MSP COMMITTEE REPORTS**

**ORGANIZATION COMMITTEE**

**MSP Web Site improvements ongoing:** Through the combined efforts of Web master Marlena Cavanaugh and the director greatly improved information is being carried on the web site. MSP/BID Business links and ads, more events details, improved communications are a few of the areas of improvements and/or additions.

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**ECONOMIC REVITALIZATION COMMITTEE**

**MSP/BID MARKETING** 4,000 of the **BID** Promotional piece "**80 REASONS TO EXPLORE DOWNTOWN PORTAGE**" listing the over 80 types of businesses we have in the BID plus listings of nineteen Downtown businesses Parade Of Values offerings on the reverse side were printed by Downtown printer Terry Allen.. These were distributed to the thousands of parade goers. Several of the businesses that listed the business offers on the flyer enjoyed increased business and others had regular customers who were stimulated to stop in the businesses for the various offerings.

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The same piece was used extensively in Canal Days advertizing / marketing promotions. Additional uses such as counter cards, future events flyers, ads etc.and bag stuffers are being looked at as well. Also in 35,000 Dells Shopping Guides placed in racks within 25 miles of Dells.

**USDA GRANT(s)**

Corresponded with Kristen Peterson from USDA. Final scheduling and budgeting for the fulfillment of the work plans submitted and approved by the USDA should be completed by the end of July.

**SUMMARY and STATUS OF 2012 MSP / USDA TECHNICAL ASSISTANCE WORK PLAN**

**Repeat FYI**

1. **SCHEDULED EXACT DATE TBD - Using Interactive Media in a Small Business – Wave of the Future Is Now; Use of internet, social media and e-commerce to expand your small business and business horizons.**

As of now it looks like Mike McCrary of Keystone Click is most likely to be conducting the program for MSP member businesses.

2. **SCHEDULED JULY - Upstairs Downtown, Grow Up, Not Out – Professor Mike \_\_\_\_\_ will be giving two presentations in Portage. One at the Agency House about green reuse/redevelopment of vintage properties. Also the Upstairs, Downtown describes how unused or under used or second stories. How to capitalize on the increased retail space and/or residents while enhancing the appeal of the Downtown.**

We will be conducting this program in August in conjunction with a program on preservation at the Indian Agency House on the reconstruction that is underway this year.

3. **DONE - Smart Interior Design & Layout - Increase Traffic, Sales and Profits through proven merchandising & display techniques. Individual consults, hands on physical modifications.**  
Lyn Falk- Done in November 2012
4. **Marketing Management Development** – Marketing, Sales Management and Customer Service. Facilitator will also work with MSP Co-op Marketing Team to form, organize MSP team (#5 below)
5. **Marketing Your Products or Service** - Improve Sales, network by forming a local Marketing co-op(#4 below).
6. **SCHEDULED SPRING / SUMMER / FALL Paint the Town: Enhance customer appeal of your business through visible exterior improvements (curb appeal) of your property. 2012 plans are to add to and include the eight façade improvements completed during summer of 2011 through MSP Paint the Town assistance, technical instruction, procurement, equipment use and/or materials and volunteers.**

NOTE: Lynn properties scissor lift is in the downtown and is available to any downtown BID/ MSP business wishing to use it for property improvement. We will also have a three story bucket truck that has been made available to us for the same uses.

7. **PLANNED BIDS RECEIVED TBA - Attracting New Customers** through visible, attractive improvements to our Main Street Portage business community boosting tourism and attracting tourists to downtown shops and restaurants. A community wide effort of volunteerism mentored by a nationally recognized mural artist's team whose program is focused on capturing a town's heritage. People of all ages are invited to join in to improve and support their Downtown.

Included in the above work plan is the renovation of two vintage wall signs in the MSP district. We received bids from Keith Willa and I have met with Gary Leamons of L'Sign seeking additional bids.

Wall Dogs Mural Painters could get here in August/September if we

wished.

### **BUSINESSES NEWS IN MSP/BID:**

- Presently conferring with a person wishing to open a healing center, massage etc. on Cook St.(Now Open).
- Former Larry's Smoke House now The Smoke House has new owners. Adam Moore and his fiancé are the new operators. Asked for MSP help, E.D. assisted them in getting their license expedited.
- There is still interest in the occupancy of the former Penny's building with the potential of bringing up to 60 staff people back to the MSP/BID.
- Relocation of a second business within the district is being worked on.
- E.D. has conferred with Harris bank officials and Krista Bleich in an attempt to salvage the once very popular Bakery/Café/ Coffee House in some way shape or form.

### **PORTAGE WELCOME & SENIORS CENTER ADVANCES**

Plans for the new Welcome/Visitors Center in Riverside Park have advanced with joint meetings between the mayors ad hoc committee, Portage Park and Rec Committee and General Engineering who was awarded the contract for the engineering of the facility. There has been some discussion regarding inclusion of the second story being considered again.

### **PORTAGE CANAL RE-HAB PROJECT JEOPARDIZED !!!!**

The proposed 2013 city budget contains funding for the continuation of the Canal Project. The City council has approved including funding in the 2013 budget

**The funds for engineering are in place..**

**However, two things brought up by council members place the canal project in danger:**

- 1. It has been advocated by some alders that the project be held off for the present time.**
- 2. It has been stipulated that the CITY funding provided for the canal project can be used other infrastructure projects, namely storm water management!**

**These types of actions would jeopardize the 80% share of federal and state funding for the re-hab of the next segment that is in place. It is possible that if the City does not follow through on its commitment that over \$1,500,000.00 in state and federal funding grants could be lost. Also, if that were to happen it is questionable as to whether Portage could count on any future grants for projects of this type!!!! This after seven successful attempts bringing over \$5,000,000.00 to Portage**

**for the projects !!! AND WITH ANOTHER TEA 21 GRANT CYCLE APPROACHING! NUMBER 8 MAY DEPEND ON PORTAGE CITY COUNCIL ACTION!!**

**1. \$750,000.00 DNR Grant through then DNR Secretary George Meyer**

NOTE: #1.Obtained through efforts of State Representative Joan Wade.

**2. \$1,000,000.00 Federal Grant from Federal Omnibus Transportation bill**

**3. \$3,000,000.00 Federal Grant from Federal Omnibus Transportation bill**

NOTE: #s 2 & 3 were obtained through efforts of Tammy Baldwin

**4. \$250,000.00 Wisconsin River Lock #1 re-hab TEA grant**

**5. \$550,000.00 TEA grant for trail completion Adams St to CP rail bridge**

**6. Above included grant for two bridges over canal at Lock St. and**

**7. \$187,000.00 TEA grant for Portage Canal Trails and Welcome Center**

NOTE: Narratives for # 2, 3, 4, 5, and 6 written by GAM. Grants # 4, 5, 6, 7 co-authored by GAM with

- #4.Amy Squiteiri of Mead and Hunt,
- #5 & 6 with Portage City Engineer Bob Redelings
- # 7 by General Engineering Staff and PATHS Chair Fred Galley.

**DESIGN COMMITTEE**

**STREET SCAPE COMMITTEE** E.D. has been participating as a member of the BID/MSP Street Scape committee gathering information and pricing on welded street art sculptures and precast concrete planters for tree islands/planted beds.

**MSP PAINT THE TOWN 2012** MSP has the scissor lift available for use by any business/property owner desiring to use it to improve their property.

Any property in the BID/MSP is eligible for the MSP paint the town program. Any business that could use MSP assistance is to get on the list if you intend to take advantage of this opportunity !!!!

Again, big thanks to those businesses that cared enough to help make our downtown look much better. This will encourage others to do the same.

**THE MURAL PORTION OF PAINT THE TOWN PROGRAM** is advancing in that we have obtained two bids for the restoration of two vintage painted wall signs. We would require a signed agreement with the property owners. Insurance etc. Other wall art is in the planning stages. The planned restoration of two vintage signs and a new mural or two would surely greatly improve the ambiance of our downtown.

Andy at the House of Clocks has had a twelve foot tall image of a grandfather clock produced to be mounted on his building at the point facing Wisconsin and Cook Streets.

**PROMOTIONS COMMITTEE** – GAM temporary chair,

Main Street Portage Canal Days 2012 Festival came off as planned as a Downtown MSP event. All activities except the Divine Savior Run Walk and Kite Fly and the Historic Re-enactors Guild encampment were in the Downtown centered in Market Square. MSP partnered with the other participating entities in C'Days 2012. The primary reasons for participating at a higher level in the iconic event are to enhance and increase the awareness and visibility of Main Street Portage and to develop an income stream from future events. Final figures are not completed as of this time as we are awaiting final bills from suppliers.

**The C'Days 2012 events listed below took place in the BID/MSP District.**

**FRIDAY.**

- Fish boil (over 80 dinners sold)
- Beer tent
- Two bands

**SATURDAY.**

- Parade (Sponsored by Canal Society)
- MSP parade float entry
- Badger Antique Auto Club Car Show (Sponsored by Norm's Pit Stop)
- Pony rides
- Petting zoo
- Horse drawn rides (Provided by Blue Skyy Stables)
- Bounce houses (Provided by Ace Hardware)
- Face Painting by Carol Shogren
- Chalk drawing contest
- Food vendor
- Beer tent
- Two bands

**SUNDAY**

- Free Canoe Rides
- 2<sup>ND</sup> Annual 100 Paddlers At The Portage (on Canal & River trip)  
(T&G Canoeing Adventures provided access to up to fifty canoes/kayaks.)

**MANY SUMMER EVENTS ARE HELD IN WHOLE OR IN PART IN OUR DOWNTOWN AS DEMONSTRATED BY THE SUMMER CALENDAR OF DOWN TOWN EVENTS**

- May – October - Portage BID Farmers Market, every Thursday, noon to 6pm.
- June – September - Community Wellness Walk, every Wednesday , 6 to 7pm
- May – October; Downtown Walking Tour, every 1<sup>st</sup>. Saturday, 10am, from Chamber office
- June – August - Concerts At the Portage every Wednesday night, Riverside Park
- June 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> – Canal Days 2012
- June 30<sup>th</sup>. Fourth of July Parade, Cook St.
- July 7th. Sand County Fine Arts Festival
- July 21<sup>st</sup>; MDA Ride For Life, 1,000 bikes Downtown, Cook St. 12:30 to 2:30
- August 4<sup>th</sup> - MSP Super Sidewalk Sales/Antique Appraisal Fair & Flea market

- August 11<sup>th</sup> Kiwanis Bike to Read, hundreds of cyclers depart from Riverside Park
- August 24<sup>th</sup>, 25<sup>th</sup> Taste of Portage

**TIME WELL SPENT**

- During the month of May, Director worked extensively on Canal Days 2012 preparations. This in itself enabled the Director to personally visit, phone, correspond with and/or patronize over 130 MSP business/property owners in the MSP/BID .
- Contacts with 3 Chamber staffers, several of County Court House personnel/County Board members, Library personnel, City staffers, Council Members, the mayor, Main Street board members, Canal Society board members, seven BID board members and several meetings of the Canal Days Task Force,
- Spoke personally on BID/MSP matters with the City Administrator, City Clerk and staff, City Treasurer, City Engineer, Mayor, two City Council members.
- During May, Director attended a total of 9 meetings of MSP associated entities including Mayor’s ad-hoc Committee on the Welcome Center, Finance Com., Tourism Com., Municipal Services and Utilities committee, City Council, BID Board, MSP Board, Fox Wisconsin Heritage Parkway Core Planning Com.
- Numerous contacts with the Fox Wisconsin Heritage Trail team members.
- Numerous day to day contacts with MSP/BID leadership on various issues.
- Conferred and/or corresponded with Wisconsin Main Street administrators in Madison..
- Spoke with over a hundred participating Canal Day’s entities, vendors, entertainers, suppliers etc.
- Fielded hundreds of phone calls and emails re: MSP/BID business, activities and involvements.

**Total estimated MSP Director Hours expended on MSP associated business during May was approximately 300 hrs. (70 hrs/wk. average). THX**

**END OF MSP EXECUTIVE DIRECTOR’S REPORT ON MARCH 2012 ACTIVITY REPORT.**

**SOMETHING TO THINK ABOUT**

**BID PROMOTION, “80 GREAT REASONS TO EXPLORE PORTAGE DOWNTOWN” LISTS 100**

**BUSINESS CATEGORIES !!**

**HOW MANY OF THOSE DOWNTOWN BUSINESSES DID YOU PATRONIZE THIS PAST MONTH??**

**IF YOU DON’T HOW CAN YOU EXPECT OTHERS TO?**

**City of Portage Airport  
Commission Meeting  
Wednesday, July 11, 2012**

**1. Roll Call:**

Meeting called to order 6:00 PM. Present: Rita Maass, Chairperson; Michael Oszman. Barry Erath, Jeff Garetson, Fred Langbecker, David Tesch.

Also present: Wendy Hottenstein, Wis/DOT BOA; Todd Wright, HNTB Corp; Bill Welsh. CATV; Craig Sauer, Daily Register

At this time the commission agreed to move items 4 and 5 (discussion on status of airport and discussion of the 5 year plan, respectively) up and addressed before the other agenda items.

**4-5. Discussion on status of airport and Discussion of the 5 year plan**

The chairperson asked at this time if any of the commission members had any questions of either Wendy or Todd regarding the letter from the FAA dated May 1, 2012 giving their recommendations for the status of our airport; as well as the meeting notes from meeting held June 8, 2012 with Mayor Jahn, Rick Dodd, Rita Maass, Larry Plaster, and Bob Redelings; Wis/DOT BOA: Wendy Hottensteinn and Mark Arnold; and HNTB: Greg Alberg, Tom Angus, and Todd Wright.

There were no questions asked, therefore Wendy and Todd both gave a quick synopsis. Todd also stated that the recommendation to develop an Airport Layout Plan that some of the information for this has already been obtained and will be used in the ALP and will collect added data necessary indicating air navigation obstructions and safety issues at the current location to be forwarded to the FAA. It was brought to the commissions' attention that no one from the City of Portage attends the airport conferences and lends people from the FAA and BOA to believe there is no true interest in upgrading our airport. Many of the commission members feel that it is important in the future to attend these meetings.

**2. Approval of minutes from the previous two meeting.**

Michael Oszman states that the minutes from May 16, 2012 his named is misspelled Motion by Fred Langbecker, seconded by Dave Tesch to approve minutes as printed from the previous two meetings making the correction to the spelling of Oszman (05-16-12). The motion carried 6-0.

**3. Discussion and possible action on 2013 budget.**

Discussion regarding (7000.00) funds place in the budget 2011 and that it was to be carried forward and placing another 7000.00 the next year to purchase a new VASI, as well as well as funds for airport commissioners to attend airport conferences in the future. Committee requesting a copy of budget and updated expenditures from airport budget. Will review at next meeting first week of August, 2012.

**6. Adjournment**

Meeting adjourned at 7:00 PM, motion by Michael Oszman, second by Barry Erath. Motion carried 6-0.

Respectively submitted  
Rita Maass, Chairperson

**City of Portage  
Board of Zoning Appeals  
Monday, July 16, 2012, 5:30 p.m.  
Municipal Building, Conference Room One  
Minutes**

Members Present: Philip Tegen, Chairperson; Carol L. Heisz, Fred Reckling, Michael Paul

Members Absent: Adam Field

Also Present: Ken Jahn, Craig Corning & Dennis Locy for Miller, Brussell, Ebben and Glaeske, LLC

1. **Call to order** – Chairperson Tegen call the meeting to order at 5:30pm
2. **Approval of minutes from previous meeting**

Motion by Reckling, 2<sup>nd</sup> by Tegen to approve May 1, 2012 minutes as presented.

Motion carries with Heisz abstaining.

**Public hearings and determinations**

5:30 p.m.

The application of Miller, Brussell, Ebben and Glaeske, LLC, City of Portage, Columbia County, Wisconsin, 614 East Wisconsin Street, for a variance to Chapter 90, Article XII, Section 90-670, (b)(3), governing yard setback requirements in a B-4 General Business District according to the City of Portage Zoning Ordinance.

Said variance will allow the construction of a sign one (1) foot from the street (front) yard, a variance of nineteen (19) feet.

Ken appeared on behalf of MBE&G to discuss the sign. He indicated he met with Police Chief Manthey and Bob Redelings who wanted the sign back 15' from the edge of the sidewalk, with the bottom of the sign no less than 14' high, so as not to obstruct traffic, or interfere with the triangle of vision. This sign does that. Phil and Fred said the sign fits in with other signs in the area, and that it's approximately in the same position as the old AmCore Bank sign. Motion by Reckling, 2<sup>nd</sup> by Paul to approve. Motion carries 4-0.

3. **Adjournment** - Motion by Tegen, 2<sup>nd</sup> by Paul to adjourn at 5:30 pm motion carries 4-0.

Philip Tegen, Chairperson

**City of Portage  
Historic Preservation Commission  
Tuesday, July 17, 2012, 6:00 p.m.  
Municipal Building, 115 West Pleasant Street  
Conference Room One  
Minutes**

**Members Present:** Doug Klapper, Chairperson; Richard Beebe, Marlena Cavanaugh, Erin Foley, Stephanie Miller-Lamb, Destinee Udelhoven

**Members Absent:** J. Robert Curtis, Mary Ann Harding

**Guests:** Alan Hanson (intern, Historic Indian Agency House), Bill Welsh (Cable TV)

**1. Roll call**

Klapper called the meeting to order at 6:01 pm.

Klapper noted that Harding will no longer be serving on the PHPC, as she has moved out of the area. A resignation letter has not yet been tendered to the City Clerk, but is expected to be forthcoming.

**2. Approval of previous minutes**

- Beebe moved to approve minutes as written; Miller-Lamb seconded the motion. Motion passed unanimously by voice vote.
  - Klapper noted that item #4 from last meeting (reimbursement for J. Eulberg) was confirmed to be paid.
  - Klapper also noted that item #7 from last meeting (letter sent in support of the bill) may not have gone through the email system. He also noted that the hearing on the same item was postponed for 30 days.

**3. Discussion and possible action on claims**

Udelhoven presented receipts for claims for purchase of additional quarterly historic preservation awards and copying expenses.

- Miller-Lamb moved that the PHPC pay \$140.00 to Supreme Awards for purchase and engraving of (4) 9x12 plaques with Plexiglas slide in. Foley seconded the motion, which passed unanimously by voice vote.
- Miller-Lamb moved that the PHPC pay Portage Printing \$100.00 for the printing of (10) copies of the Historic Indian Agency House nomination form, to be added to the committee members' binders. Cavanaugh seconded the motion, which passed unanimously by voice vote. Udelhoven noted that an additional (5) copies will need to be created for remaining binders.

**4. Discussion and possible action on HPC quarterly award**

General discussion of whether we have awarded too many homes made of Portage brick; group agreed that the Portage brick is an important part of our architectural history. There are many Portage brick homes which are appropriate for nomination. Udelhoven will write up the most current list of homes that have been recognized and will distribute to commissioners. Group charged with bringing nominations to August meeting. No action taken

**5. Discussion and possible action on 2013 budget request**

- Group discussed 2013 budget request, which will be decreased for a second year in a row. Proposed budget of \$3,200.00 will include the following:

\$1,400.00 for Educational Programs, Speakers, etc.  
\$1,000.00 for Conference-related activities, memberships, travel, accommodations, etc.  
\$250.00 for expenses related to additions to the Municipal Register  
\$250.00 for printing expenses  
\$150.00 for National Historic Preservation Month Activities  
\$150.00 for Quarterly Preservation Award plaques

- Klapper moved to approve the budget as outlined; Miller-Lamb seconded the motion. Motion passed unanimously by voice vote.
- Group discussed whether specific budget requests within these general categories needed to be approved in this meeting. Group agreed that it would be best to wait until we receive a final budget to approve any allocation requests.

## **6. Discussion and possible action on Municipal Register**

- The Surgeon's Quarters is currently the only property on the Portage Municipal Register. Due to recent personnel changes, the site is now only open Wednesday through Saturday, through the month of August. The Daughters of the American Revolution (DAR) will meet in September to discuss the future of the site/property.
  - Our community has a right to ask the DAR to do right by the property and to continue to maintain it properly.
  - Nancy Lesh, of the State Region of WI, can be reached with feedback for the DAR via email at nleah@live.com. Ms. Lesh is asking for feedback from the community regarding the site.
  - Group discussed involvement and support from the city for this very important site, as well as for the Historic Indian Agency House. These are two of Portage's most important historical sites. Is there an opportunity to link the sites in order to help support, sustain and grow their significance in our community and region?
  - Group was disappointed that the reduction in hours and tenuous situation has not been reported in the local Portage Daily Register.
  - There will be great focus on these two sites in the near future due to preservation efforts, speaker series, publication of historic texts, etc. This is the perfect time to throw support behind these two sites; this will also benefit the city's tourism efforts.
  - We need to raise community awareness of what's going on at the Surgeon's Quarters.
  - Miller-Lamb will draft a letter on behalf of the PHPC to the DAR, voicing our concern for and support of the Surgeon's Quarters, its care and maintenance and its future. Letter will be reviewed and discussed at August meeting.
- Group had general discussion about various types of updates and improvements (for example, adding siding over clapboard) and whether they would keep a property from being considered for the register. No action taken.

## **7. Adjournment**

Klapper adjourned the meeting at 7:01 pm.

Respectfully submitted,  
Stephanie Miller-Lamb  
Secretary

**OPERATOR LICENSE APPLICATIONS - BY LAST NAME**

**LICENSE YEAR: JULY 12, 2012-JUNE 30, 2013**

RENEE L. BOLL  
BRIAN M. CRUSE  
ERIN E. DALEY  
JENNIFER A. GREEN  
JEFFERY L. HEISKANEN  
JESSE E. JAHN  
HUNTER R. LANE  
THOMAS S. PINION  
JUDITH A. TAYLOR

**City of Portage  
Plan Commission Meeting  
Monday, July 16, 2012, 6:00 p.m.  
City Municipal Building, 115 West Pleasant Street  
Conference Room Two**

**Members present:** Mayor Kenneth Jahn, Chairperson; Dan Daley, Michael Oszman, Peter Tofson and Brian Zirbes

**Members excused:** Robert Redelings, City Engineer and Addie Tamboli

**Also present:** George Beasley, Jerry Foellmi, Gary O'Hearn, Craig Sauer, Bill Welsh

1. **Roll call**  
Meeting called to order @ 6:00 pm.
2. **Approval of minutes from 06/07/12 and 06/18/12 meetings**  
Motion to approve minutes from 6/7/12 and 6/18/12 meetings by Oszman, second by Tofson. Passed 5-0 on call of roll.
3. **Election of Vice Chairperson and recording secretary**  
Motion to nominate Oszman vice chair by Daley, second by Tofson. Passes 4-1 with Oszman abstaining. Motion by Oszman, second by Daley to nominate Tamboli as back-up recording secretary. Passed on 5-0 on call of roll.
4. **Discussion and possible action on Goodyear Park preliminary site plan**  
Gary O'Hearn gave a brief presentation on the Splash pad, 2,500 sq. ft. splash pad using approx \$5,500 annual cost for water.  
Jerry Foellmi gave a presentation and answered questions. Motion by Tofson, second by Zirbes to give preliminary approval of the site plan and move forward with the next steps. Passed 5-0 on call of roll.
5. **Adjournment**  
Motion by Oszman, second by Daley. Passed 5-0 on call of roll @ 7:15 pm.

**City of Portage**  
**Legislative & Regulatory Committee Meeting**  
**(This meeting will constitute a meeting of the Municipal Services and**  
**Utilities Committee as a quorum of members will be present; but no**  
**business of that committee will be taken up.)**  
**Thursday, July 19, 2012, 6:30 p.m.**  
**City Municipal Building, 115 West Pleasant Street**  
**Conference Room One**

**Members:** Michael G. Oszman, Chairperson; Carolyn Hamre, Martin Havlovic, Rita A. Maass, Frank Miller

**1. Roll call**

The meeting was called to order at 6:30 P M. All members were present. Others in attendance: Jesse Spankowski, Marie Moe, E. Kevin O'Neill, Marianne Hanson, Shyann Dilley, and Lisa Shier

**2. Approval of minutes from previous meeting**

A motion was made by Maass to approve the minutes as printed for the previous meeting, seconded by Miller. Passed on a 5-0 call of roll.

**3. Discussion and possible action on appeal by Patrick Shier of dangerous dog declaration**

A motion was made by Oszman to declare Patrick Shier's dog as dangerous, seconded by Miller. After much discussion the motion was withdrawn by Oszman and the second withdrawn by Miller. A second motion was made by Oszman and seconded by Maass. The Committee agreed to adjourn the hearing until July 30, 2012, at 6:30 P M pending an evaluation by a certified handler of the dog. The dog must remain on a five foot or less leash with a no-bite muzzle whenever the dog is outside the house. Patrick Shier may not have contact with the dog until after the July 30, 2012, hearing. Passed on a 5-0 call of roll.

**4. Discussion and possible action on change of agent (Class "A" Fermented Malt Beverage License) for Kwik Trip Inc. Store #683, 2970 New Pinery Road, Nona Hartman, agent**

Motion by Havlovic on change of agent (Class "A" Fermented Malt Beverage License) for Kwik Trip Inc. Store #683, 2970 New Pinery Road, Nona Hartman, agent, seconded by Hamre. Passed on a 5-0 call of roll.

**5. Discussion and possible action on Operator License application for Michael W. Madsen**

Motion by Maass to deny an Operator License application for Michael W. Madsen because of two cases of serving alcohol to a minor in the past five years, seconded by Miller. Passed on a 5-0 call of roll.

**6. Discussion and possible action on Ordinance allowing chickens**

No action was taken. Hamre will gather information about how other towns regulate chickens within the city and send that information to Clerk Moe who will send it on to the Committee members. Will be discussed at a later date.

**7. Discussion and possible action on Ordinance regarding placement of banners on city owned property**

No action was taken. City Attorney Spankowski will look into modeling possible language to coordinate with language for the city sign ordinance. Will be back on the August agenda for further discussion.

**8. Adjournment**

Motion made to adjourn by Havlovic, seconded by Miller. Passed on a 5-0 call of roll. The meeting was adjourned at 7:40 P M.

**Frank C. Miller Secretary**



## Kwik Trip, Inc.

1626 Oak Street • P.O. Box 2107 • La Crosse, WI 54602-2107  
Phone: (608) 781-8988 • Human Resources Fax: (608) 779-9252 • www.kwiktrip.com

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*"To serve our customers and community more effectively than anyone else by treating our customers, co-workers and suppliers as we, personally, would like to be treated, and to make a difference in someone's life."*

June 22, 2012

Marie Moe, City Clerk  
City of Portage  
115 W. Pleasant  
Portage, WI 53901-1742

RE: Kwik Trip #683  
2970 New Pinery Rd.

Dear Marie:

Vickie Lahti, the agent of Kwik Trip #683 has retired. In her place, Nona Hartman, will take over leadership of our Portage Kwik Trip #683 store.

Therefore, we would like to appoint Nona as the agent of the store. Enclosed please find completed appointment of agent and auxiliary questionnaire forms as well as a \$10 check for the administrative fee. I respectfully request that you include this item on the agenda of your City Council meeting for consideration.

If you require anything further from me, please don't hesitate to call. Thank you for your assistance with this matter.

Yours truly,

A handwritten signature in cursive script, appearing to read "Deanna".

Deanna Hafner  
Licensing Agent  
(608) 793-6262

Enclosures

**SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY**

Submit to municipal clerk.

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

To the governing body of:  Town City of Portage County of Columbia  
 Village of \_\_\_\_\_  
 City \_\_\_\_\_

The undersigned duly authorized officer(s)/members/managers of Kwik Trip, Inc.  
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as  
Kwik Trip #683  
(trade name)

located at 2970 New Pinery Rd., Portage, WI 53901

appoints Nona M. Hartman  
(name of appointed agent)

327 W. Conant St., Portage, WI 53901  
(home address of appointed agent)

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

Yes  No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).  
Agent of Kwik Trip # 657 in Baraboo until new agent appointment approved.

Is applicant agent subject to completion of the responsible beverage server training course?  Yes  No All my life

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

Place of residence last year 327 W. Conant St., Portage, WI 53901

For: Kwik Trip, Inc.  
(name of corporation/organization/limited liability company)

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

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

**ACCEPTANCE BY AGENT**

I, Nona M. Hartman, hereby accept this appointment as agent for the  
(print type agent's name)  
 corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[Signature] 6/20/12  
(signature of agent) (date)  
327 W. Conant St., Portage, WI 53901  
(home address of agent)  
 Agent's age 42  
 Date of birth 10/6/69

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

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

Approved on \_\_\_\_\_ by \_\_\_\_\_ Title \_\_\_\_\_  
(date) (signature of proper local official) (town chair, village president, police chief)

\$10.00  
 19-C120702

**AUXILIARY QUESTIONNAIRE  
ALCOHOL BEVERAGE LICENSE APPLICATION**

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Hartman		Nona		May	
Home Address (street/route)		Post Office	City	State	Zip Code
327		Portage		WI	53901
				Place of Birth	
				Madison, WI	

The above named individual provides the following information:

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- Agent** of **Kwik Trip, Inc.**  
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? All my life
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality?  Yes  No  
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. *(if more room is needed, continue on reverse side of this form.)*  
DUI 1995 - Possession 1999
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality?  Yes  No  
If yes, describe status of charges pending.
4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit?  Yes  No  
If yes, identify. Agent of Kwik Trip # 657 in Baraboo until new agent approved  
(Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin?  Yes  No  
If yes, identify.  
(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
The Fisherman's Cover	Hwy 113, Lodi, WI	4/97	10/97
Pasquals	6918 University Ave	10/94	4/97

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

NOTARY

Subscribed and sworn to before me  
this 21 day of June, 2012  
Ann Eggleston  
(Clerk/Notary Public)  
My commission expires 6-21-15

Nona Hartman  
(Signature of Named Individual)  
Nona Hartman

**ANN M. EGGLESTON  
Notary Public  
State of Wisconsin**

**CITY OF PORTAGE  
APPLICATION FOR LICENSE TO SERVE  
FERMENTED MALT BEVERAGES & INTOXICATING LIQUORS**

License Year: July 1, 2012 through June 30, 2013

Original   
Renewal   
Provisional

License Fee: \$25

Receipt # C120516-37

Application Date: 5/17/12

**APPLICANT MUST BE 18 YEARS OF AGE OR OLDER TO APPLY**

To the Clerk of the City of Portage, WI: I hereby apply for a License to serve Fermented Malt Beverages and Intoxicating Liquors, subject to the limitations imposed by Section 125.32 (2) and 125.68 (2) of the Wisconsin Statutes and all acts amendatory thereof and supplementary thereto, and hereby agree to comply with all laws, resolutions, ordinances and regulations, Federal, State or Local, affecting the sale of such beverage and liquors if a license be granted to me.

**PLEASE PRINT CLEARLY:**

Name: Madsen Michael W.  
Last First Middle Initial Maiden

Address: 211 East Carroll St. Portage, WI 53901  
House # and Street City, State & Zip Code

Home Phone Number (608) 742-0685 Sex: Male  Female

Date of Birth 12/27/1977 Age 34

List all prior addresses within the last 5 years:

Street Address	City	State	Zip	From	To

City and State Where You Live \_\_\_\_\_

Social Security Number: 3

Driver's License Number: 1

09

Applicant Name: Madsen Michael W  
Last First Middle Initial Maiden

1. How long have you continuously resided in the State of Wisconsin prior to the date of this application?  
Forever. 😊 34 years

**NOTE: If you need assistance in answering the questions below, please contact the Local Police Dept., the County Sheriff's department or the authority who made the arrest, issued the citation or the summons.**

2. Have you ever been convicted of a felony (unless pardoned)? No If YES, list violation, give conviction date and jurisdiction where convicted \_\_\_\_\_

3. Have you ever been arrested or convicted of violating any other laws of the United States, State, County, City, Village or Town, relating to the use or abuse (either as an adult or juvenile) of alcohol or controlled substances within the past 5 years? Yes

If YES, describe the circumstances and give conviction date and jurisdiction where convicted  
7/3/08 - Sale of alcohol to a minor - Fort Winnebago, Columbia County  
3/30/12 - Sale of alcohol to a minor - City of Portage

4. Are there charges of any kind pending against you (either as an adult or juvenile)? No  
If YES, describe the circumstances and give conviction date and jurisdiction where convicted \_\_\_\_\_

5. Name of the licensed establishment(s) where you will be working. Crawford Oil / Fort BP

6. Have you previously held an Operator License in the State of Wisconsin? Yes

If yes, list dates held and issuing jurisdiction

Date	Issuing Jurisdiction
<del>10-2006</del> 2001-2006, 2010-present	Portage, WI
2001-2010	Fort Winnebago
2001-2006	Caledonia Twp.

7. Have you ever had an Operator License denied or revoked by the City of Portage? No

If YES, explain when and why \_\_\_\_\_

8. Have you completed the training session on alcohol beverage regulations? Yes

If YES, when and where 2001 MATC

If No, are you currently registered to attend a training session? \_\_\_\_\_

If YES, you must attach a copy of the registration form.

*If you haven't held an Operator (Bartender) License or a Class A or Class B Alcohol License, or were not an alcohol agent for a corporation within the past two years of the application date, you **MUST** complete the Alcohol Awareness Course and submit a copy of the Certificate of Completion before the Operator License can be issued.*

**READ CAREFULLY BEFORE SIGNING**

The undersigned, being duly sworn on oath, deposes and says that he/she is the person named in the foregoing application, that the applicant has read and made a complete answer to each question, and the answers in each instance are true and correct.

**The undersigned further understands that an incomplete, inaccurate or false answer constitutes sufficient reason for rejection, denial or revocation of the license.**

The undersigned further understands that a full background investigation may be conducted by the Portage Police Department prior to consideration of this application.

The undersigned further understands that any license contrary to Chapter 125 of Wisconsin Statutes shall be void and under penalty of State law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Applicant Signature: 

Subscribed and sworn to before me this 17<sup>th</sup> day of May, 2012

Clerk/Notary Public Marie A. Moe

**DEPARTMENT RECOMMENDATIONS**

Department	Approved	Denied	Signature/Date
City Clerk	X		Marie A. Moe 05-17-12
City Treasurer			
Police Chief		X	Ken Mantey 6-18-12

If denied, explain reason \_\_\_\_\_

MR. MADSEN HAS TWO CONVICTIONS FOR THE SALE OF ALCOHOL  
TO UNLICENSED PERSONS IN THE PAST FIVE YEARS. SEE ATTACHED  
CCAP/REPORTS. HE WAS COOPERATIVE WITH OFFICERS AND HE  
WAS TRUTHFUL ON THE FORM.

CHIEF Ken Mantey

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**Columbia County vs. Michael W Madsen**  
**Columbia County Case Number 2008FO000855**

[Printable Version \(PDF\)](#)

What is RSS? 

<b>Filing Date</b>	<b>Case Type</b>	<b>Case Status</b>	<b>Court Record Events</b>
07-03-2008	Non-Traffic Ordinance Violation	Closed	<input type="radio"/> Ascending Date Order <input checked="" type="radio"/> Descending Date Order
<b>Defendant Date of Birth</b>	<b>Address</b>		
12-1977	W10898 Walker Rd, Portage, WI 53901		
<b>Branch Id</b>	<b>DA Case Number</b>		
1	2008CO001831		

**Charge(s)**

Count No.	Statute	Description	Severity	Disposition
1	125.07(1)(a)	Sell Alcohol to Underage Person (1st)	Forf. U	Guilty Due to No Contest Plea

[View history and details of Charge\(s\)/Sentence\(s\)](#)

Defendant Owes the Court: \$ 0.00

<b>Responsible Official</b>	<b>Prosecuting Agency</b>	<b>Prosecuting Attorney</b>	<b>Defense Attorney</b>
George, Daniel	District Attorney		

**Defendant**

<b>Defendant Name</b>	<b>Date of Birth</b>	<b>Sex</b>	<b>Race<sup>1</sup></b>
Madsen, Michael W	12-1977	Male	Caucasian
<b>Address</b>			<b>Address Updated On</b>
W10898 Walker Rd, Portage, WI 53901			07-03-2008
<b>JUSTIS ID</b>	<b>Finger Print ID</b>		

**Citations**

Citation 14703522			
<b>Bond Amount</b>	<b>Deposit Type</b>	<b>Appearance Date and Time</b>	<b>Mandatory</b>
\$ 438.00	None	07-28-2008 at 10:00 am	No
<b>Name</b>		<b>Date of Birth</b>	<b>Sex</b>
Madsen, Michael W		12-1977	Male
<b>Address</b>			<b>Address Updated On</b>
W10898 Walker Rd, Portage, WI 53901			07-03-2008
<b>Plate Number</b>	<b>State</b>	<b>Expiration</b>	<b>VIN</b>
<b>Issuing Agency</b>	<b>Officer Name</b>	<b>Violation Date</b>	<b>MPH Over</b>
Columbia County Sheriff Dept	Agnew, Alexander J	06-21-2008	
<b>Plaintiff Agency</b>	<b>Ordinance or Statute</b>	<b>Statute</b>	<b>Charge Description</b>
Columbia County	Statute	125.07(1)(a)	Sell Alcohol to Underage Person (1st)
<b>Severity</b>			
Forf. U			

**Total Receivables**

Court Assessments	Adjustments <sup>3</sup>	Paid to the Court	Probation/Other Agency Amount <sup>4</sup>	Balance Due to Court	Due Date <sup>5</sup>
\$ 312.00	\$ 0.00	\$ 312.00	\$ 0.00	\$ 0.00	

<sup>1</sup> The designation listed in the Race field is subjective. It is provided to the court by the agency that filed the case.

<sup>2</sup> Non-Court activities do not require personal court appearances. For questions regarding which court type activities require court appearances, please contact the Clerk of Circuit Court in the county where the case originated.

<sup>3</sup> Includes collection agency fees; bankruptcy discharge of debt; Department of Revenue collection fees; and forgiven debts due to indigence, death, time served, or community service.

<sup>4</sup> Some amounts assessed by the courts are collected by the Department of Corrections or other agencies. This column is rarely updated by the courts and may be less than the actual amount owed.

<sup>5</sup> For cases with multiple assessments, the due date represents the assessment with the latest date.

<sup>6</sup> Your payment may not be processed immediately.

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# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date **03/30/2012 2010** Type of Incident **ALCOHOL OFFENSE -FURNISHING TO MINORS** Complaint No. **12-02791** Case Status **CITATION**

Occurred on **03/30/2012 1910** to **03/30/2012 1915**

**Incident Location**  
Street Address **1901 E HY 33** City **PORTAGE** State **WI** Zip Code **53901**  
Sector **SOUTH** Longitude Latitude Primary Location

**Dispatch Information**  
Received Date / Time Call Received Via **CITIZEN** Dispatched Date / Time Call Dispatched As  
Arrived Date / Time Departed Date / Time Offense Category **LIQUOR LAWS** TTY Ref.# TeleType Operator

**Officers**  
ID Name Role Primary Arrived Scene Departed Scene  
**10 YOUNG, BLAINE REPORTING**   
**10 YOUNG, BLAINE ARRESTING**

**Offenses**  
Charge Cause Number Local Code Jurisdiction State Statute Type/Class State Charge Code Category  
**ALCOHOL OFFENSE -FURNISHING TO MINORS 524090 46-1 ORDINANCE LIQUOR LAWS**

**Witness**  
Name (Last, First Middle Suffix) Race Sex DOB Age Juvenile SSN Moniker  
**KIRK, ROBBIN LEE BLACK F 05/05/1992 19 N**

**Addresses**  
Type Street Address City State Zip Code Country  
**310 VINCE ST PARDEEVILLE WI 53954 USA**

**Phone Numbers** **Email Addresses**  
Type Phone Ext/PIN Type Email Address  
**CELL (608) 697-0337**

**Witness**  
Name (Last, First Middle Suffix) Race Sex DOB Age Juvenile SSN Moniker  
**DREDSKE, JESSICA R WHITE F 07/24/1991 20 N**

**Addresses**  
Type Street Address City State Zip Code Country  
**W7966 MARIAH RAE DR PARDEEVILLE WI 53954 USA**

**Phone Numbers** **Email Addresses**  
Type Phone Ext/PIN Type Email Address  
**CELL (608) 566-3461**

Reporting Officer **10 YOUNG, BLAINE** Approving Officer ( 1 ) **10 YOUNG, BLAINE**  
( Cover Pages Only )

# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date **03/30/2012 2010** Type of Incident **ALCOHOL OFFENSE -FURNISHING TO MINORS** Complaint No. **12-02791** Case Status **CITATION**

Drivers License	Type	State	Expires	Restrictions	Marital Status	Ethnicity	Language
D632-4369-1764-09		WI					

### Witness

Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
ENGER, CAITLIN L	WHITE	F	02/04/1989	23	N		

### Addresses

Type	Street Address	City	State	Zip Code	Country
	W6411 PATCHIN RD	PARDEEVILLE	WI	53954	USA

### Phone Numbers

Type	Phone	Ext/PIN
CELL	(608) 279-9231	

### Email Addresses

Type	Email Address
------	---------------

### Arrestee

Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
MADSEN, MICHAEL W	WHITE	M	12/27/1977	34	N		

### Addresses

Type	Street Address	City	State	Zip Code	Country
HOME	211 E CARROLL ST	PORTAGE	WI	53901	USA
	W10898 WALKER RD	PORTAGE	WI	53901	

### Phone Numbers

Type	Phone	Ext/PIN
CELL	(608) 617-5146	
BUSINESS	(608) 742-6427	
ALTERNATE	(608) 742-7552	
HOME	(608) 742-0685	
WORK	(608) 745-0263	

### Email Addresses

Type	Email Address
------	---------------

Drivers License	Type	State	Expires	Restrictions	Marital Status	Resident Status	Ethnicity	Language
M325-5597-7467-09		WI						

### Physical Description

Height	Weight	Build	Skin Color	Complexion	Eyes	Type of Eyewear	Place of Birth
510	170		WHITE		BLUE		City State
Hair	Hair Length	Hair Style	Beard	Mustache	Side Burns	Mannerisms	Country
BLONDE							

### Charges

Charge	Type Class	Jurisdiction
ALCOHOL OFFENSE -FURNISHING TO MINORS	ORD	

Reporting Officer <b>10 YOUNG, BLAINE</b>	Approving Officer (1) <b>10 YOUNG, BLAINE</b> ( Cover Pages Only )
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# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date <b>03/30/2012 2010</b>	Type of Incident <b>ALCOHOL OFFENSE -FURNISHING TO MINORS</b>	Complaint No. <b>12-02791</b>	Case Status <b>CITATION</b>
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### Arrest Information

Arrest No. <b>12-02791</b>	Arrest Date / Time <b>03/30/2012 2034</b>	Arresting Officer ID - Name <b>10 - YOUNG, BLAINE</b>	Booking Date / Time	Booking Officer ID - Name -
Agency Held For <b>PORTAGE PD</b>	Department <b>PORTAGE PD</b>	Arrest Classification	Reference Number	
CCH Record <b>N</b>	Hold Order <input type="checkbox"/>			

### Alerts

Caution	Under Watch <input type="checkbox"/>	Reason for Watch	Under Medication <input type="checkbox"/>	Type of Medication
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### Arrest Location

Street <b>1901 E HY 33</b>	City <b>PORTAGE</b>	State <b>WI</b>	Zip Code <b>53901</b>	Sector <b>SOUTH</b>
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### Transported

Transported By -	Transported To
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### Offense / Incident Narrative

#### CITATION SUMMARY:

On 3/30/12 at approximately 8:34p.m., Michael W. Madsen was issued a citation for FURNISHING ALCOHOL TO MINORS in violation of City Ordinance 46-1. A non-mandatory court date is scheduled for 5/7/12 at 9:00a.m. with a bond amount of \$177.00.

#### INITIAL INFORMATION:

On 3/30/12, I, Officer Young was working with Columbia County Connects to perform alcohol compliance checks. The following businesses were checked: Market Basket, Corner Pocket, Tolley's Alleys, The Good Stuff Bar and Grill, Sarbackers Bar, Cathay Gardens and the Fort BP. Among these establishments checked, there was only one establishment that sold alcohol to the minors, which was Fort BP.

I worked with two underage buyers who were identified as Jessica K. Dredske and Robbin Lee Kirk. Jessica is 20 years old and Robbin is 19 years old. Both Jessica and Robbin had their Wisconsin State issued drivers license, with their correct date of births on them. Both drivers licenses were printed in a vertical fashion, indicating that they were under the age of 21. I did perform a search of Robbin and Jessica to ensure that they did not have any other forms of identification on them. The only identification that Robbin and Jessica had were their Wisconsin

Reporting Officer <b>10 YOUNG, BLAINE</b>	Approving Officer ( 1 ) <b>10 YOUNG, BLAINE</b> ( Cover Pages Only )
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# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date  
03/30/2012 2010

Type of Incident  
ALCOHOL OFFENSE -FURNISHING TO  
MINORS

Complaint No.  
12-02791

Case Status  
CITATION

state issued identification cards that had not been altered in any way. These identification cards did accurately indicate the true age of Jessica and Robbin. It should also be noted that directly underneath the photographs on the drivers license it did indicate what date that turned 21 years old, and this date had not yet arrived. The supervisor for the compliance checks was Caitlin L. Enger.

### CONTACT AT FORT BP:

At approximately 19:10p.m., we parked in the rear parking lot of Fort BP. The supervisor, Caitlin Enger, entered the gas station and a short while later, Robbin entered. Robbin proceeded to purchase a Mike's Hard Lemonade. The clerk did not request any identification and sold the product to Robbin. The Mike's Hard Lemonade is a beverage containing alcohol.

Robbin described the clerk who sold it to her as a late male with short blonde hair and gauged earrings in his ears. She stated that he was wearing a black zip up hoodie and blue jeans.

### CONTACT WITH MICHAEL MADSEN:

Later that evening I responded to the Fort BP and made contact with Michael Madsen. I was able to identify Michael as the clerk whom had sold to Robbin based off of her description. Michael did confirm that he was working the entire evening and that he admittedly made a mistake. I issued and explained to Michael the City Ordinance citation to Michael for Furnishing Alcohol to a Minor. Michael was very cooperative and cordial and apologetic. Michael did except responsibility for his mistake and again was very cooperative.

A photograph was taken of the alcoholic beverage that was purchased and it was disposed of. There was also photographs taken of Jessica and Robbin's identification, which is attached to this report.

End of report

Officer Young #10  
typed 4/2/12;jm

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### Images

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Reporting Officer 10 YOUNG, BLAINE

Approving Officer ( 1 ) 10 YOUNG, BLAINE  
( Cover Pages Only )

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# Portage Police Department

117 W Pleasant St., Portage, WI 53901

## Offense / Incident Report

Report Date  
**03/30/2012 2010**

Type of Incident  
**ALCOHOL OFFENSE -FURNISHING TO MINORS**

Complaint No.  
**12-02791**

Case Status  
**CITATION**

	ID Number	Date / Time	Subject Type	Image / Attachment Type	Sealed
	Name	<b>03/30/2012 2013</b>	<b>OFFENSE / INCIDENT</b>		<input type="checkbox"/>
	Taken Date / Time	Agency	Image Captured By	Original File Name	
	<b>03/30/2012 0000</b>	<b>DEPARTMENT PHO1</b>	<b>10 - YOUNG, BLAINE</b>	<b>I:\DCIM\133__03\IMG_0020.JPG</b>	
	ID Number	Date / Time	Subject Type	Image / Attachment Type	Sealed
	Name	<b>03/30/2012 2013</b>	<b>OFFENSE / INCIDENT</b>		<input type="checkbox"/>
	Taken Date / Time	Agency	Image Captured By	Original File Name	
	<b>03/30/2012 0000</b>	<b>DEPARTMENT PHO1</b>	<b>10 - YOUNG, BLAINE</b>	<b>I:\DCIM\133__03\IMG_0015.JPG</b>	
	ID Number	Date / Time	Subject Type	Image / Attachment Type	Sealed
	Name	<b>03/30/2012 2013</b>	<b>OFFENSE / INCIDENT</b>		<input type="checkbox"/>
	Taken Date / Time	Agency	Image Captured By	Original File Name	
	<b>03/30/2012 0000</b>	<b>DEPARTMENT PHO1</b>	<b>10 - YOUNG, BLAINE</b>	<b>I:\DCIM\133__03\IMG_0016.JPG</b>	
	ID Number	Date / Time	Subject Type	Image / Attachment Type	Sealed
	Name	<b>03/30/2012 2013</b>	<b>OFFENSE / INCIDENT</b>		<input type="checkbox"/>
	Taken Date / Time	Agency	Image Captured By	Original File Name	
	<b>03/30/2012 0000</b>	<b>DEPARTMENT PHO1</b>	<b>10 - YOUNG, BLAINE</b>	<b>I:\DCIM\133__03\IMG_0017.JPG</b>	
	ID Number	Date / Time	Subject Type	Image / Attachment Type	Sealed
	Name	<b>03/30/2012 2013</b>	<b>OFFENSE / INCIDENT</b>		<input type="checkbox"/>
	Taken Date / Time	Agency	Image Captured By	Original File Name	
	<b>03/30/2012 0000</b>	<b>DEPARTMENT PHO1</b>	<b>10 - YOUNG, BLAINE</b>	<b>I:\DCIM\133__03\IMG_0018.JPG</b>	
	ID Number	Date / Time	Subject Type	Image / Attachment Type	Sealed
	Name	<b>03/30/2012 2013</b>	<b>OFFENSE / INCIDENT</b>		<input type="checkbox"/>
	Taken Date / Time	Agency	Image Captured By	Original File Name	
	<b>03/30/2012 0000</b>	<b>DEPARTMENT PHO1</b>	<b>10 - YOUNG, BLAINE</b>	<b>I:\DCIM\133__03\IMG_0019.JPG</b>	

Reporting Officer **10 YOUNG, BLAINE**

Approving Officer ( 1 ) **10 YOUNG, BLAINE**

( Cover Pages Only )

**ORDINANCE NO. 12-007**

**ORDINANCE RELATIVE TO FLOODPLAIN ZONING**

The Common Council for the City of Portage does hereby Ordain as follows:  
The following Article is hereby repealed and recreated to read as follows:

**ARTICLE IX. FLOODPLAIN ZONING**

**DIVISION 1. - STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS**

Sec. 90-271. – Statutory authorization.  
Sec. 90-272. – Finding of fact.  
Sec. 90-273. – Statement of purpose.  
Sec. 90-274. – Title.  
Sec. 90-275. – General provisions.  
Secs. 90-276 - 90-300. – Reserved.

**Sec. 90-271 Statutory authorization.**

This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and cities; and the requirements in s. 87.30, Stats.

**Sec. 90-272 Finding of fact.**

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

**Sec. 90-273 Statement of purpose.**

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

**Sec. 90-274 Title.**

This ordinance shall be known as the Floodplain Zoning Ordinance for the City of Portage, Wisconsin.

**Sec. 90-275 General provisions.**

(1) *Areas to be regulated.* This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by the Wisconsin Department of Natural Resources (DNR). Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as A Zones on the FIRM. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) *Official maps and revisions.* The boundaries of all floodplain districts are designated as A-Zones on the maps based on the FIS listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the FIRM must be reviewed and approved by the DNR and the Federal Emergency Management Agency (FEMA) through the Letter of Map Change (LOMC) process (see s. 90-431 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Portage Zoning Administrator, 115 West Pleasant Street, Portage, Wisconsin. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) *Official Maps* : Based on the Columbia County, Wisconsin And Incorporated Areas FIS Number 55021CV000A dated April 2, 2008.

1. FIRM, community number 550063, dated April 2, 2008 with corresponding profiles that are based on the FIRM panel numbers listed below:  
55021C0234E, 55021C0242E, 55021C0253E, 55021C0254E,  
55021C0258E, 55021C0261E, 55021C0262E, 55021C0263E,  
55021C0264E, 55021C0266E and 55021C0268E,  
FIRM Effective Date: 04/02/2008  
FIS: 55021CV000A  
FIS Effective Date: 04/02/2008

(b) *Official Analysis*: Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

1. Letter of Map Change (Case No. 07-05-0473V, Effective Date 04/03/2008).

(3) *Establishment of floodplain zoning districts.* The regional floodplain areas are divided into three districts as follows:

(a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.

- (b) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
- (c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

(4) *Locating floodplain boundaries.* Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 90-431 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 90-414(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 90-431 *Amendments*.

- (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- (b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

(5) *Removal of lands from floodplain.* Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 90-431 *Amendments*.

(6) *Compliance.* Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) *Municipalities and state agencies regulated.* Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

- (8) *Abrogation and greater restrictions.*
- (a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 62.23 for cities; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
  - (b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) *Interpretation.* In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) *Warning and disclaimer of liability.* The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) *Severability.* Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) *Annexed areas for cities and villages.* The Columbia County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

**Secs. 90-276 - 90-300. – Reserved.**

## **DIVISION 2. – GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS**

Sec. 90-301. – General standards applicable to all floodplain districts.

Sec. 90-302. – Hydraulic and hydrologic analyses.

Sec. 90-303. – Watercourse alterations.

Sec. 90-304. – Chapter 30, 31, Wis. Stats., development.

Sec. 90-305. – Public or private campgrounds.

Secs. 90-306 - 90-330. – Reserved.

### **Sec. 90-301 General standards applicable to all floodplain districts.**

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical

equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 90-412(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

**Sec. 90-302 Hydraulic and hydrologic analyses.**

- (1) No floodplain development shall:
  - (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
  - (b) Cause any increase in the regional flood height due to floodplain storage area lost.
- (2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 90-431 *Amendments* are met.

**Sec. 90-303 Watercourse alterations.**

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 90-302 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 90-431 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

**Sec. 90-304 Chapter 30, 31, Wis. Stats., development.**

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 90-431 *Amendments*.

**Sec. 90-305 Public or private campgrounds.**

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of Health Services;
- (2) A land use permit for the campground is issued by the zoning administrator;
- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;
- (6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- (7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 90-331, s. 90-351 or s. 90-371 for the floodplain district in which the structure is located;
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

**Secs. 90-306 - 90-330. – Reserved.**

### **DIVISION 3. – FLOODWAY DISTRICT (FW)**

Sec. 90-331. – Applicability.

Sec. 90-332. – Permitted uses.

Sec. 90-333. – Standards for development.

Sec. 90-334. – Prohibited uses.

Secs. 90-335 - 90-350. – Reserved.

#### **Sec. 90-331 Applicability.**

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 90-374.

### **Sec. 90-332 Permitted uses.**

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
  - they meet the standards in s. 90-333 and 90-334; and
  - all permits or certificates have been issued according to s. 90-412.
- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
  - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
  - (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 90-333(4).
  - (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with s. 90-333 and s. 90-334.
  - (5) Extraction of sand, gravel or other materials that comply with s. 90-333(4).
  - (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
  - (7) Public utilities, streets and bridges that comply with s. 90-333(3).

### **Sec. 90-333 Standards for development.**

- (1) *General.*
  - (a) Any development in the floodway shall comply with s. 90-301 and have a low flood damage potential.
  - (b) Applicants shall provide the following data to determine the effects of the proposal according to s. 90-302:
    1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
    2. An analysis calculating the effects of this proposal on regional flood height.
  - (c) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for subd. (b) above.
- (2) *Structures.* Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
  - (a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
  - (b) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  - (c) Must be anchored to resist flotation, collapse, and lateral movement;
  - (d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

- (e) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (3) *Public utilities, streets and bridges.* Public utilities, streets and bridges may be allowed by permit, if:
  - (a) Adequate floodproofing measures are provided to the flood protection elevation; and
  - (b) Construction meets the development standards of s. 90-302.
- (4) *Fills or deposition of materials.* Fills or deposition of materials may be allowed by permit, if:
  - (a) The requirements of s. 90-302 are met;
  - (b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
  - (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
  - (d) The fill is not classified as a solid or hazardous material.

**Sec. 90-334 Prohibited uses.**

All uses not listed as permitted uses in s. 90-332 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

**Secs. 90-335 - 90-350. – Reserved.**

**DIVISION 4. – FLOODFRINGE DISTRICT (FF)**

Sec. 90-351. – Applicability.

Sec. 90-352. – Permitted uses.

Sec. 90-353. – Standards for development.

Secs. 90-354 - 90-370. – Reserved.

**Sec. 90-351 Applicability.**

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 90-374.

**Sec. 90-352 Permitted uses.**

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 90-353 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 90-411 have been issued.

**Sec. 90-353 Standards for development in the floodfringe.**

S. 90-302 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 90-391 *Nonconforming Uses*;

- (1) *Residential uses.* Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 90-391 *Nonconforming Uses*;
  - (a) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s. 90-353(1)(b) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
  - (b) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
  - (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
  - (d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
    1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
    2. The municipality has a DNR-approved emergency evacuation plan.
- (2) *Accessory structures or uses.* Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- (3) *Commercial uses.* Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of s. 90-353(1). Subject to the requirements of s. 90-353(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (4) *Manufacturing and industrial uses.* Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s. 90-416. Subject to the requirements of s. 90-353(5), storage yards, surface parking

lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

- (5) *Storage of materials.* Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 90-416. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (6) *Public utilities, streets and bridges.* All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
  - (a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 90-416.
  - (b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (7) *Sewage systems.* All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 90-416(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.
- (8) *Wells.* All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 90-416(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
- (9) *Solid waste disposal sites.* Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- (10) *Deposition of materials.* Any deposited material must meet all the provisions of this ordinance.
- (11) *Manufactured homes.*
  - (a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
  - (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
    1. have the lowest floor elevated to the flood protection elevation; and
    2. be anchored so they do not float, collapse or move laterally during a flood
  - (c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 90-353(1).
- (12) *Mobile recreational vehicles.* All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 90-353(11)(b) and (c). A mobile

recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

**Secs. 90-354 - 90-370. – Reserved.**

**DIVISION 5. – GENERAL FLOODPLAIN DISTRICT (GFP)**

Sec. 90-371. – Applicability.  
Sec. 90-372. – Permitted uses.  
Sec. 90-373. – Standards for development.  
Sec. 90-374. – Determining floodway/floodfringe limits.  
Secs. 90-375 - 90-390. – Reserved.

**Sec. 90-371 Applicability.**

The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

**Sec. 90-372 Permitted uses.**

Pursuant to s. 90-374, it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway (s. 90-332) and Floodfringe (s. 90-352) Districts are allowed within the General Floodplain District, according to the standards of s. 90-373, provided that all permits or certificates required under s. 90-412 have been issued.

**Sec. 90-373 Standards for development in the general floodplain district.**

Secs. 90-331 – 90-334 apply to floodway areas, secs. 90-351 – 90-353 apply to floodfringe areas. The rest of this ordinance applies to either district.

- (1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below, whichever is higher:
  - (a) at or above the flood protection elevation; or
  - (b) two (2) feet above the highest adjacent grade around the structure; or
  - (c) the depth as shown on the FIRM
- (2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

**Sec. 90-374 Determining floodway and floodfringe limits.**

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.

- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
  - (a) A Hydrologic and Hydraulic Study as specified in s. 90-412(2)(c).
  - (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
  - (c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

**Secs. 90-375 - 90-390. – Reserved.**

## **DIVISION 6. – NONCONFORMING USES**

Sec. 90-391. – General.

Sec. 90-392. – Floodway districts.

Sec. 90-393. – Floodfringe districts.

Secs. 90-394 - 90-410. – Reserved.

### **Sec. 90-391 General.**

- (1) *Applicability.* If these standards conform with s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.
- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
  - (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all

- modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 90-353(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
  - (e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 90-353(1).
  - (f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 90-353(1).
  - (g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
  - (h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.
    - 1. Residential Structures
      - a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 90-416(2).
      - b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
      - c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
      - d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 90-373(1).
  - f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
2. Nonresidential Structures
- a. Shall meet the requirements of s. 90-391(2)(h)1a-b and e-g.
  - b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 90-416(1) or (2).
  - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 90-373(1).
- (3) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 90-333(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 90-416 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 90-391(2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

**Sec. 90-392 Floodway district.**

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
- (a) Has been granted a permit or variance which meets all ordinance requirements;
  - (b) Meets the requirements of s. 90-391;
  - (c) Shall not increase the obstruction to flood flows or regional flood height;
  - (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 90-416, by means other than the use of fill, to the flood protection elevation; and
  - (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    - 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
    - 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
    - 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
    - 4. The use must be limited to parking, building access or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 90-416(3) and ch. SPS 383, Wis. Adm. Code.

- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 90-416(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

**Sec. 90-393 Floodfringe district.**

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 90-353 except where s. 90-393(2) is applicable.
- (2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board of zoning appeals, using the procedures established in s. 90-414, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
  - (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
  - (b) Human lives are not endangered;
  - (c) Public facilities, such as water or sewer, shall not be installed;
  - (d) Flood depths shall not exceed two feet;
  - (e) Flood velocities shall not exceed two feet per second; and
  - (f) The structure shall not be used for storage of materials as described in s. 90-353(5).
- (3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 90-416(3) and ch. SPS 383, Wis. Adm. Code.
- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 90-416(3) and ch. NR 811 and NR 812, Wis. Adm. Code.

**Secs. 90-394 - 90-410. – Reserved.**

**DIVISION 7. – ADMINISTRATION**

- Sec. 90-411. – Administration.
- Sec. 90-412. – Zoning administrator.
- Sec. 90-413. – Zoning agency.
- Sec. 90-414. – Board of adjustment/appeals.
- Sec. 90-415. – To review appeals of permit denials.
- Sec. 90-416. – Floodproofing.
- Sec. 90-417. – Public information.
- Secs. 90-418 - 90-430. – Reserved.

**Sec. 90-411 Administration.**

Where a zoning administrator, planning agency or a board of zoning appeals has already been appointed to administer a zoning ordinance adopted under s. 62.23(7), Stats., these officials shall also administer this ordinance.

**Sec. 90-412 Zoning administrator.**

- (1) *Duties and powers.* The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:
  - (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
  - (b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
  - (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
  - (d) Keep records of all official actions such as:
    1. All permits issued, inspections made, and work approved;
    2. Documentation of certified lowest floor and regional flood elevations;
    3. Floodproofing certificates.
    4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
    5. All substantial damage assessment reports for floodplain structures.
    6. List of nonconforming structures and uses. .
  - (e) Submit copies of the following items to the Department Regional office:
    1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
    2. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
    3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
  - (f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
  - (g) Submit copies of amendments and biennial reports to the FEMA Regional office.
- (2) *Land use permit.* A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:
  - (a) *General information.*
    1. Name and address of the applicant, property owner and contractor;
    2. Legal description, proposed use, and whether it is new construction or a modification;
  - (b) *Site development plan.* A site plan drawn to scale shall be submitted with the permit application form and shall contain:
    1. Location, dimensions, area and elevation of the lot;
    2. Location of the ordinary highwater mark of any abutting navigable waterways;
    3. Location of any structures with distances measured from the lot lines and street center lines;

4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of secs. 90-331 – 90-334 or secs. 90-351 – 90-353 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 90-302. This may include any of the information noted in s. 90-333(1).

(c) *Hydraulic and hydrologic studies to analyze development.* All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains:
  - a. Hydrology
    - i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
  - b. Hydraulic modeling
 

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of RFE* and the following:

    - i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
    - ii. channel sections must be surveyed.
    - iii. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
    - iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
    - v. the most current version of HEC\_RAS shall be used.
    - vi. a survey of bridge and culvert openings and the top of road is required at each structure.
    - vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
    - viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical

data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

- ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping

- i. A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
- ii. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- iii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of RFE* and the following:

i. Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

v. All changes to the Duplicate Effective Model and subsequent models

must be supported by certified topographic information, bridge plans, construction plans and survey notes.

- vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
- ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- iv. If an annotated FIRM and/or FBFM and digital mapping data; Geographic Information System (GIS) or Computer Aided Drafting/Design (CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- vii. Both the current and proposed floodways shall be shown on the map.
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) *Expiration.* All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(3) *Certificate of compliance.* No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;

- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 90-416 are met.

(4) *Other permits.* Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

**Sec. 90-413 Zoning agency.**

- (1) The plan commission shall:
  - (a) oversee the functions of the office of the zoning administrator; and
  - (b) review and advise the governing body on all proposed amendments to this ordinance, maps and text.
- (2) The plan commission shall not:
  - (a) grant variances to the terms of the ordinance in place of action by the board of zoning appeals; or
  - (b) amend the text or zoning maps in place of official action by the governing body.

**Sec. 90-414 Board of zoning appeals.**

The board of zoning appeals, created under s. 62.23(7)(e), Stats., for cities, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the board.

- (1) *Powers and duties.* The board of zoning appeals shall:
  - (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
  - (b) Boundary disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
  - (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.
- (2) *Appeals to the board*
  - (a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
  - (b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES
    - 1. Notice - The board shall:

- a. Fix a reasonable time for the hearing;
  - b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
  - c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
2. Hearing - Any party may appear in person or by agent. The board shall:
- a. Resolve boundary disputes according to s. 90-414(3);
  - b. Decide variance applications according to s. 90-414(4); and
  - c. Decide appeals of permit denials according to s. 90-415.
- (c) DECISION: The final decision regarding the appeal or variance application shall:
- 1. Be made within a reasonable time;
  - 2. Be sent to the Department Regional office within 10 days of the decision;
  - 3. Be a written determination signed by the chairman or secretary of the board;
  - 4. State the specific facts which are the basis for the board's decision;
  - 5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
  - 6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the board proceedings.

(3) *Boundary disputes.* The following procedure shall be used by the board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
- (b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the board; and
- (c) If the boundary is incorrectly mapped, the board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 90-431 *Amendments*.

(4) *Variance*

- (a) The board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
  - 1. Literal enforcement of the ordinance will cause unnecessary hardship;
  - 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
  - 3. The variance is not contrary to the public interest; and
  - 4. The variance is consistent with the purpose of this ordinance in s. 90-273.
- (b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
  - 1. The variance shall not cause any increase in the regional flood elevation;
  - 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
  - 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

- (c) A variance shall not:
  - 1. Grant, extend or increase any use prohibited in the zoning district;
  - 2. Be granted for a hardship based solely on an economic gain or loss;
  - 3. Be granted for a hardship which is self-created.
  - 4. Damage the rights or property values of other persons in the area;
  - 5. Allow actions without the amendments to this ordinance or map(s) required in s. 90-431 *Amendments*; and
  - 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (d) When a floodplain variance is granted the board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

**Sec. 90-415 To review appeals of permit denials**

- (1) The Zoning Agency (s. 90-413) or board shall review all data related to the appeal. This may include:
  - (a) Permit application data listed in s. 90-412(2);
  - (b) Floodway/floodfringe determination data in s. 90-374;
  - (c) Data listed in s. 90-333(1)(b) where the applicant has not submitted this information to the zoning administrator; and
  - (d) Other data submitted with the application, or submitted to the board with the appeal.
- (2) For appeals of all denied permits the board shall:
  - (a) Follow the procedures of s. 90-414;
  - (b) Consider zoning agency recommendations; and
  - (c) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the board shall:
  - (a) Uphold the denial where the board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 90-431 *Amendments*; and
  - (b) Grant the appeal where the board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

**Sec. 90-416 Floodproofing.**

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
  - (a) certified by a registered professional engineer or architect; or
  - (b) meets or exceeds the following standards:
    - 1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. the bottom of all openings shall be no higher than one foot above grade; and
  3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
- (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
  - (b) Protect structures to the flood protection elevation;
  - (c) Anchor structures to foundations to resist flotation and lateral movement; and
  - (d) Minimize or eliminate infiltration of flood waters.
  - (e) Minimize or eliminate discharges into flood waters.

**Sec. 90-417 Public information.**

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) Real estate transfers should show what floodplain district any real property is in.

**Secs. 90-418 - 90-430. – Reserved.**

**DIVISION 8. – ADMENDMENTS**

Sec. 90-431. – Amendments.

Sec. 90-432. – General.

Sec. 90-432. – Procedures.

Secs. 90-433 - 90-443. – Reserved.

**Sec. 90-431 Amendments.**

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 90-432.

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional LOMR from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 90-432. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional LOMR from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 90-432.

**Sec. 90-432 General.**

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 90-433 below. Actions which require an amendment to the ordinance and/ or submittal of a LOMC include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in s. 90-275(2)(b);
- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (5) Correction of discrepancies between the water surface profiles and floodplain maps;
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

**Sec. 90-433 Procedures.**

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities. The petitions shall include all data required by ss. 90-374 and 90-412(2). The Land Use Permit shall not be issued until a LOMR is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

**Secs. 90-434 - 90-443. – Reserved.**

**DIVISION 9. – ENFORCEMENT AND PENALTIES**

Sec. 90-444. – Violations.

Secs. 90-445 - 90-450. – Reserved.

**Sec. 90-444 Violations.**

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the city a penalty of not less than \$25.00 (twenty-five dollars) and not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

**Secs. 90-445 - 90-450. – Reserved.**

## **DIVISION 10. – DEFINITIONS**

Sec. 90-451. – Words and terms defined.

Secs. 90-452 - 90-460. – Reserved.

### **Sec. 90-451 Words and terms defined.**

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. AH ZONE – See “AREA OF SHALLOW FLOODING”.
3. AO ZONE – See “AREA OF SHALLOW FLOODING”.
4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
5. ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s FIRM with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
8. BASEMENT – Any enclosed area of a building having its floor sub-grade, i.e., below

ground level, on all sides.

9. BUILDING – See STRUCTURE.
10. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
11. CAMPGROUND – Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
12. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
13. CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
14. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. CRAWLWAYS OR "CRAWL SPACE" – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
16. DECK – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
17. DEPARTMENT – The Wisconsin Department of Natural Resources.
18. DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
19. DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
20. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.

21. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
22. FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
23. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
  - The overflow or rise of inland waters;
  - The rapid accumulation or runoff of surface waters from any source;
  - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
  - The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
24. FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
25. FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
26. FLOOD HAZARD BOUNDARY MAP (FHBM) – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
27. FLOOD INSURANCE STUDY (FIS) – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
28. FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
29. FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
30. FLOODPLAIN MANAGEMENT – Policy and procedures to insure wise use of

floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

31. FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
32. FLOODPROOFING – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
33. FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
34. FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
35. FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
36. FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
37. HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.
38. HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
39. HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
40. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
41. HISTORIC STRUCTURE – Any structure that is either:
  - Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - Certified or preliminarily determined by the Secretary of the Interior as contributing to the

historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
42. INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
43. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
44. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
45. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
46. MAINTENANCE – The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
47. MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
48. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
49. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
50. MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

51. MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
52. MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
53. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
54. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
55. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
56. MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
57. MUNICIPALITY" or "MUNICIPAL – The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
58. NAVD" or "NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.
59. NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.
60. NEW CONSTRUCTION – For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
61. NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the

area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

62. **NONCONFORMING USE** – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
63. **OBSTRUCTION TO FLOW** – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
64. **OFFICIAL FLOODPLAIN ZONING MAP** – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
65. **OPEN SPACE USE** – Those uses having a relatively low flood damage potential and not involving structures.
66. **ORDINARY HIGHWATER MARK** – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
67. **PERSON** – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
68. **PRIVATE SEWAGE SYSTEM** – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
69. **PUBLIC UTILITIES** – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
70. **REASONABLY SAFE FROM FLOODING** – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
71. **REGIONAL FLOOD** – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
72. **START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or

other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

73. **STRUCTURE** – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
74. **SUBDIVISION** – Has the meaning given in s. 236.02(12), Wis. Stats.
75. **SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
76. **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
77. **UNNECESSARY HARDSHIP** – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
78. **VARIANCE** – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
79. **VIOLATION** – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

80. WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.

81. WATER SURFACE PROFILE – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

82. WELL – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

**Secs. 90-452 - 90-460. – Reserved.**

This Ordinance shall take effect upon passage and publication thereof.

Dated this 12<sup>th</sup> day of July, 2012.

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Kenneth H. Jahn, Mayor

Attest:

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Marie A. Moe, WCPC, MMC, City Clerk

First and second readings:  
Rules suspended by motion:  
Third reading:  
Passed:  
Published:

Ordinance requested by:  
Legislative and Regulatory Committee