

**City of Portage Common Council Meeting  
Council Chambers of City Municipal Building  
115 West Pleasant Street, Portage, WI  
Regular Meeting – 7:00 p.m.  
March 27, 2014  
Agenda**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Minutes of Previous Meeting
6. Consent Agenda
  - A. Reports of Sub-Committees, Boards, and Commissions
    1. Park and Recreation Board, March 11, 2014
    2. Historic Preservation Commission, March 18, 2014
  - B. License Applications
    1. Operator
7. Committee Reports
  - A. Finance/Administration Committee, March 10, 2014
    1. Consideration of recommendation for Amendment No. 3 for the Haertel Street Reconstruction Design Services Agreement with Jewell Associates
    2. Consideration of recommendation for award of contract for lawn mower replacement
    3. Consideration of recommendation on proposal from Ehlers to establish and amend Tax Increment Finance Districts
  - B. Human Resources Committee, March 10, 2014
    1. Consideration of recommendation for bonus for City Administrator
  - C. Plan Commission, March 17, 2014
8. Old Business
  - A. Ordinances
    1. Ordinance No. 14-009 relative to Zoning Lot 1, CSM 2254-14-45 Located at 641 Latton Lane
9. New Business
  - A. Resolutions

1. Resolution No. 14-013 relative to Fee Schedule
  2. Resolution No. 14-014 relative to Proposing to Discontinue that Portion of Old Highway 33 Lying North of State Highway 33 and that Portion of Bronson Avenue Lying North of State Highway 33 in the City of Portage, Columbia County, Wisconsin, Pursuant to Wis. Stat. § 66.1003
  3. Resolution No. 14-015 relative to Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703 of the Wisconsin Statutes (2014 Municipal Alley Improvement Project)
  4. Resolution No. 14-016 relative to Policy for Communication and Computer Systems Security and Usage
  5. Resolution No. 14-017 relative to Employment Agreement with City Administrator
- B. Consideration of recommendation from Municipal Services and Utilities Committee for East Albert Street Reconstruction Project
- C. Consideration of recommendation on Class B Combination Alcohol and Fermented Malt Beverage License application for Michael D. Kubinieć, 316 DeWitt Street (Renee's Bar)
- D. Resignations
1. Park and Recreation Board, Fred Reckling and Brian Zirbes
- E. Mayor's Comments
1. Newsletter
  2. Council orientation update
- F. City Administrator's Report
1. Election
- G. Closed Session
- The Common Council will go into closed session pursuant to Wisconsin State Statutes 19.85(1)(e) for consideration of the potential sale of city-owned property, tax parcel 5000
- H. Reconvene to open session for remainder of the meeting
- I. Consideration of item(s) discussed in closed session
10. Adjournment

Common Council Public Hearing  
City of Portage

Council Chambers  
City Municipal Building

March 13, 2014  
6:55 p.m.

Consider rezoning Lot 1, CSM 2254-14-45 located at 641 Latton Lane, further described as tax parcel 2512.04, City of Portage, Columbia County, Wisconsin

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

Present: Ald. Dodd, Ebnetter, Garetson, Hamre (arrived at 6:57 p.m.), Klapper, Maass, Miller, Oszman

Excused: Ald. Havlovic

Also Present: Mayor Tierney, City Clerk Moe, City Administrator Murphy, Fire Chief Simonson, Manager of Parks and Recreation Kremer, Assistant Police Chief O'Neill

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 Tierney asked if anyone present wished to speak for or against the rezoning.

Janice Novak, 621 Latton Lane, owner of American Way, stated she supported the rezoning as it may help her property as well.

Ald. Hamre arrived at 6:57 p.m.

Mike Krueger stated he supported the rezoning.

Mayor Tierney asked two more times if anyone present wished to speak for or against the rezoning.

Mo one present wished to speak for or against the rezoning, so Mayor Tierney 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

March 13, 2014  
7:00 p.m.

**1. Call to Order**

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

**2. Roll Call**

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

Excused: Ald. Havlovic

Also Present: Mayor Tierney, City Clerk Moe, City Administrator Murphy, Fire Chief Simonson, Manager of Parks and Recreation Kremer, Assistant Police Chief O'Neill

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**

AdHoc Canal Committee meeting of February 25, 2014 was taken off the consent agenda and move to the first item under Committee Reports.

**5. Minutes of Previous Meeting**

Motion by Klapper, second by Dodd to approve the minutes of the February 27, 2014 Common Council meeting. Motion carried unanimously on call of roll.

**6. Presentation by Potter Lawson, consultants for Columbia County's space needs study**

Ron Lawson, representing Potter Lawson Architects, gave a presentation of their report for Columbia County addressing the space needs of the various county offices. Mr. Lawson explained the options, which are still being discussed and reviewed by the County. Options included expanding the downtown campus to include Health and Human Services; moving the court functions to the location of the Sheriff's Department and jail complex; using the old grocery store site on the south side of the city.

County Board Chairperson Andy Ross explained that the county will be moving ahead in their planning process and looks forward to continue

having the city involved. Mr. Ross explained that it would not be beneficial for the county to have property removed from the tax roll.

County Board Vice Chairperson Vern Gove stated he looks forward to keeping the communication open with the city, and doing what's best for the entire county and also the city.

**7. Consent Agenda**

Reports of Sub-Committees, Boards, and Commissions  
Community Development Authority, February 25, 2014

Motion by Dodd, second by Maass to accept the report on the consent agenda. Motion carried unanimously on call of roll.

License Applications

Operator applications for Jennifer A. Anagnostopoulos, Diane M. Casey, Cory Erickson, Patricia A. Hinickle, and Tracy L. Mraz.

Motion by Dodd, second by Oszman to approve the license applications as presented. Motion carried unanimously on call of roll.

**8. Committee Reports**

AdHoc Canal Committee meeting of February 25, 2014

Ald. Maass had questions regarding the railing and number of public meetings being planned. Ald. Klapper explained that if a railing was necessary, it would be similar to the other railing. Administrator Murphy explained that the committee felt that it will be more effective to hold smaller, more frequent presentations to small groups; and to send out publications regarding the project.

Municipal Services and Utilities Committee meeting of March 6, 2014

Finance/Administration Committee meeting of March 10, 2014

Motion by Dodd, second by Garetson to approve of claims in the amount of \$929,729.91. Motion carried unanimously on call of roll.

**9. Old Business**

Ordinances

Ordinance No. 14-008 relative to Offenses Against Public Safety and Peace. Motion by Oszman, second by Hamre to suspend the rules and have the third reading by title only. Motion carried 7 to 1 on call of roll with Maass voting no. Administrator Murphy explained that the reference in Sec. 46-31(a) reading "unless it is unloaded and enclosed or encased within a carrying case or other suitable container pursuant to state law" was removed and replaced with the following language "except as permitted by state law". Ordinance No. 14-008 relative to Offenses Against Public Safety and Pease received its third reading by title only.

Motion by Maass, second by Oszman to pass Ordinance No. 14-008 relative to Offenses Against Public Safety and Peace. Motion carried 7 to 1 on call of roll with Garetson voting no.

**10. New Business**

Ordinances

Ordinance No. 14-009 relative to Zoning Lot 1, CSM 2254-14-45 Located at 641 Latton Lane received its first and second readings.

Resignations

Motion by Maass, second by Oszman to accept the resignation of Andy Murphy from the Tourism Promotion Committee. Motion carried unanimously on call of roll.

Motion by Dodd, second by Garetson to accept the resignation of Philip Tegen from the Board of Zoning Appeals, effective April 1, 2014. Motion carried unanimously on call of roll.

Appointments

Motion by Oszman, second by Miller to approve the appointment of Chad Stevenson to the Tourism Promotion Committee. Motion carried unanimously on call of roll.

Motion by Oszman, second by Maass to accept the appointment of Dave Carlson as the Chairperson of the Board of Zoning Appeals, effective April 1, 2014. Motion carried unanimously on call of roll.

Proclamation – Arbor Day

The Arbor Day Proclamation was read.

Discussion regarding Funding of Skate Park

This item was on the agenda at the request of Ald. Miller. Ald. Miller distributed a handout to the council outlining his proposal to design and bid out the skateboard park and water gardens in 2014, for completion in 2015, with funding (\$240,000.00) coming from long term borrowing. It was Ald. Miller's belief that the completed project would be a recruitment tool to show others that the community is progressive and growing. Ald. Miller also suggested naming rights for the skateboard park. Ald. Miller was looking for commitment from the council for the project.

Administrator Murphy informed the council that it would be challenging to add another project this year; but suggested 2015 for design and 2016 for construction.

Manager of Parks and Recreation Kremer explained that there is only a

concept plan at this point. He is investigating different construction materials for the park; and does not know if the \$240,000 proposed by Ald. Miller is a realistic estimate until questions are answered as to the type of construction materials and components for the park.

Ald. Oszman, Hamre and Maass voiced their support for the project.

Kyle Little representing Portage Family Skate Park will be invited to the council meeting on April 10, 2014 to continue discussion.

#### Mayor's Comments

There is a declared write-in for Aldermanic District 1; but not for District 2 or 5.

Council orientation will be held April 19, 2014 from 10:00 a.m. to noon.

#### City Administrator's Report

An update was given on the following state legislation affecting municipalities: limiting local regulation on non-metallic mining; limiting the security a municipality can require for plat approval; TIF – allowing redetermination of base values, and allowing towns to create TIFs if requirements are met; election – including limiting absentee voting hours and adjusting buffer zones for observers; changes to Board of Review; and reducing of discharge of phosphorus.

The city is monitoring changing river levels and making preparations for potential flooding.

### **11. Adjournment**

Motion by Maass, second by Oszman to adjourn. Motion carried unanimously on call of roll at 9:08 p.m.

Marie A. Moe, WCPC, MMC  
City Clerk

**City of Portage  
Park and Recreation Board Meeting  
Tuesday, March 11, 2014, 6:30 p.m.  
Conference Room One  
Minutes**

**1. Roll Call**

The meeting called to order at 6:30 pm by Chairperson Zirbes.

Present: Brian Zirbes, Chairperson, Larry Messer, Kirk Konkell, Mike Lindner, Todd Kreckman.

Excused: Fred Reckling

**2. Approval of minutes of February 11, 2014 meeting**

Motion was made by Konkell and seconded by Lindner to approve the minutes from the February 11th, 2014 meeting.

The motion passes 4-0 on call of roll with Kreckman abstaining.

**3. Discussion and possible action on proposed amenities at Good Year Park Splash Pad**

Kremer presented the final layout for the shade structures, park benches, and Adirondack chair locations for Goodyear Park to the board and gave brief explanation as to why they decided on each location. Underground utility lines and available space were concerns that were taken into consideration with current locations. Kremer then provided overviews on cost of benches (\$547 each) shade structures (\$8000 for both) and the chairs (\$220 - \$350 depending on type) and talked about the warranties and durability of each. Colors presented were red and blue for the shade structures, orange and blue for the benches and rainbow color for the chairs.

Konkell expressed importance of anchoring down the plastic chairs to prevent theft and vandalism. Zirbes asked why red wasn't considered as a color for the benches since the shade structures were red and blue. Kremer said he would speak with Splash Pad Group and recommend benches are blue and red to match shades.

Motion by Konkell and seconded by Messer to proceed with the ordering and installation of all amenities as presented.

Motion carried 5-0 on call of roll.

**4. Manager's Report**

Kremer gave details that the online registration module is up and viewable, but the department is waiting on finalizing the credit card processing for it to go live on April 14. The Pauquette Pond warming shelter is now closed for the season but ice is still safe to be on. A pipe is frozen on building #8 at the fairgrounds; the maintenance crew is trying to thaw this out in time for rentals. There is a portable bathroom in front of the building for the time being.

Kremer explained that he is working with the public works director to put together an RFP for Lawton concession and bathroom project. Kremer informed the board that 6 proposals were received for the master plan at Veteran's Memorial and 5 of them were under budget. They will be reviewed and interviews will be set up with the top few. Kremer gave a brief description of a cleanup day that will be on April 22<sup>nd</sup> in partnership with Renewal Resources. More to come at next meeting.

**5. Adjournment**

Motion by Messer, second by Kreckman to adjourn. Motion carried 5-0 upon call of the roll. Meeting adjourned at 6:50 pm.

Respectfully submitted

Dan Kremer

Park & Recreation Department

**City of Portage  
Historic Preservation Commission  
Tuesday, March 18, 2014, 6:00 p.m.  
Municipal Building, 115 West Pleasant Street  
Conference Room One  
Minutes**

**Members Present:** Doug Klapper, Chairperson; Todd Bennett, Marlena Cavanaugh, Erin Foley, Wade Udelhoven

**Members excused:** Kristin Droste, Stephanie Miller-Lamb

**Members absent:** Rob Nurre

**Guests Present:** Bill Wade (Cable TV)

**1. Roll call**

Klapper called the meeting to order at 6:07 pm. Kyle Dumbleton's name should no longer appear on the agenda. Rob Nurre's name will appear until his term ends in April.

Approval of the February meeting minutes will be considered at the April meeting.

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

The 2014 budget is \$3104, of which \$54.51 has been spent. Klapper informed the Commission that the encumbrance of 2013 HPC funds did not happen. He will ask what happened to those funds.

**3. Discussion on serving on HPC for Another Term**

The Mayor wishes to know which HPC members wish to continue on the Commission. All present members stated they are willing to continue. Miller-Lamb informed Klapper by e-mail that she will continue for another term. The HPC is allowed 9 members; it currently has 7 active members.

**4. Discussion on Historic Preservation Month (May) activities**

Miller-Lamb agreed to produce another architectural scavenger hunt. After discussion, the Commission members recommended that the photographs be taken of buildings within the proposed Prospect Hill historic district.

Cavanaugh has two churches that will participate in the open house tour on Saturday, May 17: St. Mary's Catholic Church and the Portage Presbyterian Church. She hopes to add two more to the tour, which she would like to schedule between 11 am and 3 pm.

Judy Eulberg has agreed to do two architectural walking tours during the month. The Commission suggested that her downtown tour should be on May 4, and her Society Hill tour should be on May 27.

Jen Davel will be asked to give a presentation about the Historic Preservation Tax Credits at an event to be held in downtown Portage on May 21. The location and time will be decided later. Cavanaugh expects 10 or 15 guests at this event.

The next HPC meeting will be Wed., April 9. The agenda for that meeting will include a discussion on the appearance and wording on the plaques the HPC will provide to the award-winning property. Udelhoven will compile samples of award plaques.

**5. Discussion and possible action on HPC Award Winning Home for 2014**

Klapper shared photographs of two homes to consider for the next award. Commission members were encouraged to bring other suggestions to the next meeting.

**6. Discussion and possible action on books and booklets**

Shannon Schultz, the Director of the Portage Public Library, will add the preservation booklets to her library's collection. Bennett moved that the National Trust for Historic Preservation booklets currently in Ms. Foley's possession be given to the Portage Public Library to be made available to the public. Klapper seconded the motion, which passed unanimously by voice vote.

**7. Adjournment**

Chair Klapper adjourned the meeting at 6:51 pm.

Respectfully submitted,  
Erin Foley  
Secretary

## OPERATOR LICENSE APPLICATIONS - BY LAST NAME

MICHAEL D. BRIGGS  
MARCUS TAYLOR  
SHERI L. TERPSTRA  
CEJAY ROSAS

**City of Portage  
Finance/Administration Committee Meeting  
Monday, March 10, 2014, 6:00 p.m.  
City Municipal Building, 115 West Pleasant Street  
Conference Room One  
Minutes**

Present: Rick Dodd, Chairperson; Jeff Garetson, Doug Klapper, Rita Maass

Excused: Martin Havlovic

Also Present: City Administrator Murphy, Finance Director Mohr, Director of Business Development and Planning, Sobiek, Mayor Tierney, Craig Sauer from Daily Register

**1. Roll call**

Chairperson Dodd called the meeting to order at 6:00 pm.

**2. Approval of minutes from February 27, 2014**

Motion by Maass, second by Klapper to approve the minutes from the February 27, 2014 meeting. Motion carried unanimously on call of roll.

**3. Discussion and Possible Recommendation on Claims**

Motion by Maass, second by Garetson to approve claims in the amount of \$929,729.91. Motion carried unanimously on call of roll.

**4. Discussion and Possible Recommendation on Amendment No. 3 Haertel St. Reconstruction Design Services, Jewell Associates.**

Murphy reviewed the above Amendment detailing out the various sections and the basis behind each one; also noting that the ROW negotiation section is set at a "Not to Exceed" amount of \$11,500. The total Amendment request is \$44,040 bringing the total Contract with Jewell to \$112,453. Murphy stated that the design section is expected to be completed by this spring/summer. The design section will include a preliminary estimate for the construction stage for borrowing purposes.

Motion by Klapper, second by Garetson to recommend approval of Amendment No.3 Haertel Street Reconstruction Design Services, Jewell Associates as presented in the amount of \$44,040. Motion carried unanimously on call of roll.

**5. Discussion and Possible Recommendation on Quotes Received for Lawn Mower Replacement.**

Murphy presented two bids for the replacement of two lawn mowers. Parks & Recreation Manager Kremer is recommending the lower bidder with trade in, Riesterer & Schnell, Inc. for the amount of \$39,445.70. It was noted that there is \$65,000 in the budget for the purchase excluding the trade in amount.

Motion by Klapper, second by Maass to recommend awarding the contract to Riesterer & Schnell, Inc. for the amount of \$39,445.70 for two lawn mowers including the trade ins. Motion carried unanimously on call of roll.

**6. Discussion and Possible Recommendation on Information Technology Use Policy.**

Murphy explained that the policy is established to prevent personal use of city property specifically related to communication and computer systems. This policy applies to both employees and alderpersons. Maass recommended the policy be adopted as a resolution in order to incorporate the application of it to both employees and alderpersons.

Motion by Maass, second by Garetson to recommend the proposed policy with the correction to take out the prohibiting personal cell phone use. Motion carried unanimously on call of roll.

**7. Discussion and Possible Recommendation on Proposal from Ehlers to Establish & Amend Tax Increment Finance Districts.**

Murphy reviewed the Proposal from Ehlers to establish TIF #8 district in the Hamilton Street area; to amend the boundary area for TIF #7 in the First Ward area; and to reestablish the base for TIF #6 in the Downtown district pending state approval currently in front of legislature.

Motion by Dodd, second by Maass to recommend the Proposal from Ehlers to Establish & Amend the Tax Increment Finance Districts as noted above. Motion carried unanimously on call of roll.

**8. Discussion and Possible Recommendation on Proposed Revisions to Fee Schedule.**

Murphy reviewed the changes to the Fee Schedule. It was pointed out that since it is stated in the top section that Non-Residents shall pay an additional \$10.00 per person, per program, it is not necessary to have a line under Lessons; Student and Preschool/Infant for Non-Resident.

Motion by Maass, second by Klapper to recommend the Proposed Revisions to Fee Schedule with the above noted changes. Motion carried unanimously on call of roll.

**9. Discussion and Possible Recommendation on Funding Options for 2014 Capital Projects.**

Mohr reviewed the previous three borrowings; 2011A, 2012A, and 2012B and how the 2014 projects are planned to be funded with the borrowings. The 2014 projects included current updates from 2014 budget approved in November 2013.

Mohr indicated that the recommendation includes funding the Cable TV upgrades through the 2012A borrowing with the amount projected to be left over from the Visitor Center portion; along with an additional project for six Tasers in the amount of \$13,000. Dodd recommended switching the source for the six Tasers to General Fund Surplus and adding the Muni Building Lower Level Flooring & Plumbing projects and the Fire Garage Floor Drains for \$14,000 to be funded through the 2012A borrowing. Mohr to make changes.

The Recycling Carts in the amount of \$155,000 are slotted to be funded through the 2012B borrowing. Dodd questioned if this worked with the categories of borrowing, Murphy noted it would as they are used to keep the streets clean.

**10. Adjournment**

Motion by Klapper, second by Garetson to adjourn at 7:35 pm. Motion carried unanimously on call of roll.

Prepared by Jean Mohr  
Finance Director

March 3, 2014

**Amendment #3 to  
ENGINEERING SERVICES CONTRACT  
Project I.D. 6996-05-69/70  
City of Portage, East Haertel Street  
(New Pinery Road to East Albert Street)  
Local Street  
Columbia County**

This is an amendment to the Engineering Services Contract (Contract) dated July 10, 2012, between City of Portage (Client or Municipality) and Jewell Associates Engineers, Inc. (Consultant). The Consultant will provide Engineering Services to the Client.

**SCOPE OF SERVICES:**

- **DESIGN REPORTS (\$3,200.00)** - The following reports will be prepared by the CONSULTANT for this project:
  1. **Pavement Report**

The CONSULTANT shall prepare an abbreviated flexible pavement design report and calculations for the PROJECT. The typical procedure for pavement design approval on Local Program Projects is to submit a WisPave printout and attach the flexible pavement design calculations as an attachment to the Design Study Report. Due to the unique existing conditions regarding organic soils and the former City landfill site, WisDOT is requesting that an abbreviated flexible pavement design be completed to document the proposed pavement design.
  2. **Trans 75 Report**

The CONSULTANT shall prepare the Trans 75 exception report and resolution for the City of Portage for the PROJECT. The contract states that the Trans 75 checklist shall be prepared and incorporated into the Design Study Report. The checklist sheet referenced is required to be completed for all projects containing state and/or federal funding. The signed Trans 75 checklist will still be submitted along with the Design Study Report. This Amendment is seeking compensation for the Exceptions to Standards Report completed where Exception 4 (Absence of Need) to Trans 75 standards was submitted and approved by WisDOT for not providing pedestrian accommodations (sidewalk) along the south side of East Haertel Street.
- **ENVIRONMENTAL DOCUMENTATION (\$2,235.00)**

By its execution of this CONTRACT, the CONSULTANT does hereby specify in accordance with the disclosure statement requirements of 40 CFR 1506.5(c) and 23 CFR 771.123(d) that CONSULTANT has no financial or other interest in the outcome of this PROJECT.

The CONSULTANT shall prepare an Environmental Report (2C-ER) for the PROJECT as specified in the MANUAL and Chapter TRANS 400, Wisconsin

Administrative Code. The appropriate number of copies shall be furnished to the MUNICIPALITY and DEPARTMENT for approval.

The CONSULTANT shall comply with the requirements specified in the MANUAL as well as in Chapter TRANS 400, Wisconsin Administrative Code. In the event of any unresolvable conflict between the MANUAL and Chapter TRANS 400, Wisconsin Administrative Code, the administrative rule controls.

1. Hazardous Materials/Contamination Assessments:

- a. The CONSULTANT shall coordinate and review the necessary Phase 2.5 Hazardous Materials Assessment for the PROJECT in accordance with the MANUAL.
  - i. Preparation for Scope of Work on Phase 2.5 Investigation. Includes coordination with multiple agencies/companies including WisDOT, WisDNR, Kjohnson Engineers, Inc. (LPMC), and environmental consultants.
  - ii. Includes coordination for bidding of Phase 2.5 Investigation work with six (6) different environmental consultants. Phase 2.5 Investigation was bid out twice after comment was received from subconsultant that required revising the scope of work for Phase 2.5 Investigation services and required re-bidding.
  - iii. Review of Proposals for Phase 2.5 services and selection.
  - iv. Coordination with subconsultant selected for Phase 2.5 Investigation.
  - v. Review of Phase 2.5 Investigation Report prepared by subconsultant and submittal to WisDOT.

2. Wetland Investigations:

- a. The CONSULTANT shall locate and identify wetland impacts in conjunction with the Department of Natural Resources and provide for compensation of wetland loss, if necessary, following the procedures in the MANUAL and the "Wisconsin Department of Transportation Wetland Mitigation Banking Technical Guideline dated March 2002". Wetland Delineation was previously completed by Taylor Conservation and delineation work previously compensated via Amendment No. 2. Wetlands delineated were located along the North Mud Lake in the area of the northerly equalizer pipe outfall. However, Amendment No. 2 did not include the following work completed by the CONSULTANT:
  - i. Surveying – Shooting delineation flags and downloading into CADD.
  - ii. Updating plans and exhibits to depict updated wetlands limits.

iii. Calculating updated wetland impact area.

a. Wetland Mitigation Plans for the PROJECT shall be considered EXTRA WORK.

3. Environmental Report (2C-ER):

The CONSULTANT shall revise the Environmental Report (2C-ER) for the PROJECT to include the discussion of hazardous materials located within project area. This includes preparation of Factor Sheet D-4 Hazardous Substances or Contamination Evaluation Form.

• **AGENCY COORDINATION (\$840.00)**

1. General:

a. The CONSULTANT shall consult with all affected local, state, and federal agencies and supply them with the necessary information concerning the PROJECT due to the additional work that has been included on the project.

i. Wetland Delineation – Updated wetland impacts require re-coordination with both the Wisconsin Department of Natural Resources and the Corps of Engineers.

ii. Settling Basins (2 Each) for Storm Water – Coordination with the Wisconsin Department of Natural Resources.

iii. Phase 2.5 Investigation – Coordination with the Wisconsin Department of Transportation, KJohnson Engineers, Inc. (LPMC), and Wisconsin Department of Resources.

• **MEETINGS (\$985.00)**

1. Project Meetings:

a. The CONSULTANT conducted two (2) Municipal Services Committee Meetings to provide an update on the project status. These meetings were held on January 3, 2013 and September 5, 2013 at the request of the City of Portage. These two meetings offset the contracted meetings; 3j (assessment hearing) and 3k (30% plan review meetings). The 60% plan review meeting will not be held and is deleted from the contract.

b. The CONSULTANT shall conduct one (1) meeting with the City of Portage and KJohnson Engineers, Inc. The meeting was held on May 16, 2013 to discuss the status of the project and revise the schedule to accommodate the Phase 2.5 Investigation work.

- c. The CONSULTANT shall conduct one (1) Wisconsin Department of Natural Resources Meeting on-site. This meeting was held on November 5, 2013 at the request of the Wisconsin Department of Natural Resources to discuss wetland impacts, settling basin location, and hazardous material impacts.

- **ROAD PLANS (\$10,250.00)**

The CONSULTANT will prepare revised Road Plans for the PROJECT to include:

- a. Hazardous Materials
  - Construction Details and soil boring log
- b. Updated Wetlands
  - Construction Details for salvaged wetlands
- c. Two (2) settling basins
  - Construction Details (Includes hydrology and sizing/design of basins)
- d. Storm sewer
  - Design and plans to include equalizer pipe and settling basin system.

- **PLANS, SPECIFICATIONS, AND ESTIMATES (P.S.&E.) (\$3,200.00)**

The CONSULTANT will prepare revised P.S.&E. for the PROJECT to include:

- a. Revised estimate to include Phase 2.5 Investigation, updated wetlands, and settling basins
- b. Revised specifications to include Phase 2.5 Investigation, updated wetlands, and settling basins
- c. Revised bid documents to include Phase 2.5 Investigation, updated wetlands, and settling basins

- **PLATS (\$11,830.00)**

- (1) The CONSULTANT shall prepare a Right of Way Plat as defined in the MANUAL. The Right of Way Plat shall be prepared on 11-inch by 17-inch reproducible sheets.
- (2) The CONSULTANT shall prepare Right of Way Descriptions for all individual parcels of land to be acquired as Right of Way for the PROJECT. Descriptions shall be by metes and bounds in accordance

with the provisions as set forth in the MANUAL, or in the case of platted property by suitable reference to the platted data. For all unplatted property the descriptions shall be referenced to and tied into the pertinent section or quarter section corners. The CONSULTANT shall prepare the descriptions on conveyance documents.

- (3) The CONSULTANT shall prepare the Relocation Order for the MUNICIPALITY'S use.
- (4) The CONSULTANT shall submit the Right of Way Plat and Descriptions and the Relocation Order to the DEPARTMENT for review and examination prior to acceptance by the MUNICIPALITY.
- (5) The CONSULTANT shall field locate and temporarily mark the new right of way boundaries in a manner which will facilitate the appraisal of all affected parcels.
- (6) The CONSULTANT shall monument the new and existing right of way boundaries by placing an 18-inch long #6 rebar pounded down even with the top of the soil and placing a wooden lath next to it. The right of way markers will be included in the plans.

• **RIGHT OF WAY NEGOTATING SERVICES**

**This is to be completed on a time and material basis not to exceed \$11,500.00**  
Jewell Associates Engineers, Inc. shall provide right of way and release of rights negotiating services according to the right of way plat for the PROJECT:

- a.) The documents shall include:
  - i. Statement to Construction Engineer
  - ii. Negotiation Diary
  - iii. Signed Document by property owner and notarized
  - iv. Summary Sheet of Negotiations
  - v. Nominal Payment Parcel Report or Nominal Payment Parcel-Waiver of Appraisal or Donation-Waiver of Appraisal.
  - vi. Signed W-9 Form
  - vii. Sales Study

**ASSUMPTIONS:**

1. This Contract does not include appraisal costs or services.
2. All recording fees, review fees and acquisition costs will be paid as extras by the Client.
3. This Contract includes one (1) project coordination meeting with the City of Portage if necessary.

4. Additional Fees not included in the above Lump Sum fee are any applicable government permit and/or review and recording fees, cost for publication of public notices or advertisements, appraisals, exception to design standards report, archeological research and reporting Phase II, environmental exploration (Hazardous Materials) beyond a Phase 2.5 investigation, individual wetland permits and any additional added scope of work not defined in this contract.
5. Construction Observation and Construction layout for are not included in the above Lump Sum fee.
6. The CONSULTANT shall submit invoices monthly for SERVICES and payment is due within 30 days. If payment in full is not received within 30 days from due date, the invoice will be deemed past due and will bear interest at 1.5% of the past due amount per month.
7. If the MUNICIPALITY fails to make payments, any collection costs the CONSULTANT incurs shall become immediately due and payable to the CONSULTANT. The costs include, but are not limited to, legal fees, collection agency fees, and court costs.

All other Contract provisions remain in full effect.

**SCHEDULE FOR EAST HAERTEL STREET:**

This Agreement is based upon the following anticipated schedule.

Start of Work: June 25, 2012  
Completion Date: August 1, 2014

**COMPENSATION:**

This section is deleted and replaced with the following:

The CONSULTANT will be compensated for services provided under this CONTRACT on the following basis:

- (a) For Road Plans performed by CONSULTANT, a lump sum of \$45,188.01, plus \$20,710.00 (amendment #3), for a total cost of \$65,898.01 (an increase of \$20,710.00).
- (b) For Right of Way Plat and Descriptions performed by CONSULTANT, a lump sum of \$11,830.00 (amendment #3), (an increase of \$11,830.00).
- (c) For Right of way negotiations performed by CONSULTANT, on a time and material basis not to exceed \$11,500.00 (amendment #3), (an increase of \$11,500.00).
- (d) For Phase 1 Archaeological Survey sublet to Commonwealth

Cultural Resources Group, the CONSULTANT'S actual cost not to exceed \$2,435.21, based on the subconsultant's estimated cost proposal, (no change).

- (e) For Wetland Delineation sublet to Taylor Conservation, LLC, the CONSULTANT'S actual cost not to exceed \$1,890.00, based on the subconsultant's estimated cost proposal, plus \$1,250.00 (amendment #2), for a total cost of \$3,140.00 (no change).
- (f) For Subsurface Investigations sublet to Nummelin Testing Services, Inc., and associated administrative costs for coordination performed by CONSULTANT, a lump sum of \$4,600.00 (amendment #1), (no change).
- (g) For Title Searches sublet to Title Experts, LLC, the CONSULTANT'S actual cost not to exceed \$4,200.00 (amendment #2), based on the subconsultant's estimated cost proposal (no change).
- (h) For Phase 2.5 Hazardous Materials Investigations sublet to General Engineering Company, the CONSULTANT'S lump sum of \$8,850.00 (amendment #2), (no change).
- (i) For the CONSULTANT'S total costs, not to exceed \$112,453.22 (an increase of \$44,040.00).

**CLIENT**

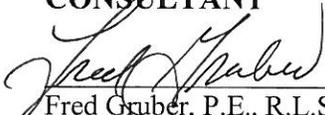
\_\_\_\_\_  
Bill Tierney  
City of Portage, Mayor

Date: \_\_\_\_\_

\_\_\_\_\_  
Marie Moe  
City of Portage, City Clerk

Date: \_\_\_\_\_

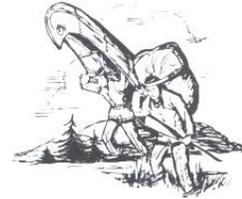
**CONSULTANT**

  
\_\_\_\_\_  
Fred Gruber, P.E., R.L.S., Sr. Vice-President  
Jewell Associates Engineers, Inc.

Date: 3/3/14

# CITY OF PORTAGE

115 West Pleasant Street  
Portage, Wisconsin 53901  
Telephone: (608) 742-2176 • Fax: (608) 742-8623



"Where the North Begins"

To: Finance Committee  
From: Dan Kremer, Manager of Parks and Recreation  
Date: March 6, 2014  
Subject: Lawn Mower Replacement

Two bids were received on March 6<sup>th</sup> for replacement of two lawn mowers within the department. The bid tabulation is summarized as follows:

## Proposals

	<b>Riesterer &amp; Schnell Inc. Wesfield, WI</b>	<b>Mid-State Columbus, WI</b>
A. Lawn Mower	\$ 21,072.81	\$20,950
-Deduct for #89 trade-in	\$ 6000.00	\$5,000
B. Lawn Mower w/ Snowblower	\$31,372.85	\$30,300.00
-Deduct for #90 trade-in	\$7,000.00	\$6,000
C. Total w/o Trade in (A1 + B1)	\$52,445.70	\$51,250.00
D. Total with Trade In	\$39,445.70	\$40,250.00

*Copies of bid documents below*

## Summary:

Both proposals meet all specifications outlined in RFP and both proposals bid a John Deere 1445 Series II Commercial mower. Both bidders are reputable equipment dealers within the state.

Based on the bids above, I recommend awarding the bid to Riesterer & Schnell Inc. in the amount of \$39,445.70 and trading in the used machines #89 and #90.

Riesterer & Schnell Inc.

- Complete w/ John Doore Cab

PROPSAL FORM (Revised 3/13/14)

A. Provide one front mount lawn mower complete as specified for \$ 21072.85

Twenty-One Thousand Seventy-two & 85/100 dollars.  
(written)

Deduct for Trade-in of City unit #89

\$ 6000.00 Six Thousand dollars  
(written)

B. Provide one front mount lawn mower complete with cab and snow blower as specified for \$ 31372.85

Thirty-One Thousand Three Hundred Seventy-two & 85/100 dollars.  
(written)

Deduct for trade-in of City unit #90

\$ 7000.00 Seven Thousand dollars  
(written)

Proposal for equipment described in A&B above w/o trade-in; \$ 52445.70

Fifty-Two Thousand Four Hundred Forty-five & 70/100 dollars.  
(written)

Net proposal for equipment described in A&B above including trade-in; \$ 39445.70

Thirty-Nine Thousand Four Hundred Forty-five & 70/100 dollars.  
(written)

Name of Proposer: Riesterer & Schnell Inc. % Jan Carlton

Address: 16701 Harris Ct.

City/State/zip: Westfield WI. 53964

Phone: 608 296 2191 Fax: 608-296-3912

Email: jcarlton@rands.com

Signature: Jan Carlton

# Mid State

## PROPSAL FORM (Revised 3/13/14)

A. Provide one front mount lawn mower complete as specified for \$ 20,950<sup>00</sup>  
Twenty Thousand Nine Hundred Fifty dollars.  
(written)

Deduct for Trade-in of City unit #89

\$ 5,000<sup>00</sup> Five Thousand dollars  
(written)

B. Provide one front mount lawn mower complete with cab and snow blower as specified for \$ 30,300<sup>00</sup>

Thirty Thousand Three Hundred dollars.  
(written)

Deduct for trade-in of City unit #90

\$ 6,000<sup>00</sup> Six Thousand dollars  
(written)

Proposal for equipment described in A&B above w/o trade-in; \$ 51,250<sup>00</sup>  
Fifty One Thousand Two Hundred Fifty dollars.  
(written)

Net proposal for equipment described in A&B above including trade-in; \$ 40,250<sup>00</sup>  
Forty Thousand Two Hundred Fifty dollars.  
(written)

Name of Proposer: Mid State Rental & Sales

Address: 1115 Bristol Rd.

City/State/zip: Columbus, WI. 53925

Phone: 920 623 4300 Fax: 920 623 3105

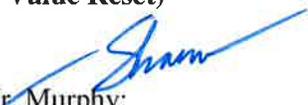
Email: g peeper @ midstate equipment . com

Signature: George Peepers

March 5, 2014

Shawn Murphy  
City Administrator  
City of Portage  
115 West Pleasant Street  
Portage, WI 53901

**RE: Proposed Tax Incremental District No. 8 Mixed-Use Creation, Tax Incremental District No. 7 Boundary Amendment & Tax Incremental District No. 6 Project Plan Amendment (Base Value Reset)**



Dear Mr. Murphy:

In accordance with your request, we are herewith transmitting our Agreement to provide Tax Incremental Financing Services. Please have one copy signed and returned to our office.

Ehlers has been involved in the evaluation, creation and amendment of more tax increment districts than any other firm in the state, which makes Ehlers the right choice to guide the City through this process. Throughout the evaluation and creation process, it is important to have a partner that is not driven by potential future fees guiding you through the process. This means that the advice given is free of any conflicts and is based on a fiduciary duty to you, the client.

Please note that our contract is divided into phases. A breakdown of the services to be provided by phase has been outlined in this agreement. The City would have the right to terminate the project at the conclusion of each phase. At this time, Ehlers is prepared to begin the Feasibility Analysis. Should the City decide to move forward with this project, following the completion of the analysis, Ehlers is prepared to begin all other phases outlined.

Ehlers & Associates has been providing tax increment assistance to Wisconsin municipalities since the tool was developed in the 1970's. We look forward to the opportunity to work with the City on this important project. If you have any questions regarding the agreement feel free to contact me at any time.

Sincerely,

**EHLERS & ASSOCIATES, INC.**



James A. Mann, CIPFA  
*Senior Financial Advisor - Vice President*



David A. Wagner, CIPFA  
*Senior Financial Advisor - Vice President*

cc: Marie Moe, City Clerk, City of Portage  
Paula Czaplewski, TIF & Continuing Disclosure Coordinator, Ehlers

[www.ehlers-inc.com](http://www.ehlers-inc.com)



# Agreement to Provide Tax Incremental Financing Services

Date of Agreement: March 5, 2014  
Client: City of Portage, WI  
Proposed Project: Proposed Tax Incremental District No. 8 Mixed-Use Creation, Tax Incremental District No. 7 Boundary Amendment & Tax Incremental District No. 6 Project Plan Amendment (the "Projects")

This Agreement is between the City of Portage (the "Client") and Ehlers & Associates, Inc. ("Ehlers"). Ehlers agrees to provide the following scope of services for the above Project:

## Scope of Services

### Phase I – Feasibility Analysis

The purpose of Phase I is to determine whether or not the Project is a statutorily and economically feasible option to achieve the Client's objectives. This phase begins upon your authorization of this engagement, and ends on completion and delivery of a feasibility analysis report. As part of Phase I services, Ehlers will:

- Consult with appropriate Client officials to identify the Client's objectives for the Project.
- Provide feedback as to the appropriateness of using Tax Incremental Financing in the context of the "but for" test.
- If the Project includes creation of or addition of territory to a district, identify preliminary boundaries and gather parcel data from Client. Determine compliance with the following statutory requirements as applicable:
  - Equalized Value test.
  - Purpose test (industrial, mixed use, blighted area, or in need of rehabilitation or conservation).
  - Vacant land test.
  - Newly platted residential land use test.
- Prepare feasibility analysis report. The report will include the following information, as applicable:
  - Identification of the type or types of districts that may be created.
  - A description of the type, maximum life, expenditure period and other features corresponding to the type of district proposed.
  - A summary of the development assumptions used with respect to timing of construction and projected values.
  - Projections of tax increment revenue collections to include annual and cumulative present value calculations.

- Qualification of the district as a donor or recipient of shared increment, and projected impact of any allocations of shared increment.
  - Qualification of the district for distressed, or severely distressed, status and the projected impact of that designation.
  - If debt financing is anticipated, a summary of the sizing, structure and timing of proposed debt issues.
  - A cash flow *pro forma* reflecting annual and cumulative district fund balances and projected year of closure.
  - A draft time table for the Project.
  - Identification of how the creation date may affect the district's valuation date, the base value, the number of revenue collection periods, compliance with the equalized value test, and the ability to capture current year construction values and changes in economic value.
  - When warranted, evaluate and compare options with respect to boundaries, type of district, project costs and development levels.
  - Ehlers will provide guidance on district design within statutory limits to creatively achieve as many of the Client's objectives as possible, and will provide liaison with State Department of Revenue as needed in the technical evaluation of options.
- Present the results of the feasibility analysis to the Client's staff, Plan Commission or governing body.

## Phase II – Project Plan Development and Approval

If the Client elects to proceed following completion of the feasibility analysis, the Project will move to Phase II. This phase includes preparation of the Project Plan, and consideration by the Plan Commission<sup>1</sup>, governing body, and the Joint Review Board. This phase begins after receiving notification from the Client to proceed, and ends after the Joint Review Board takes action on the Project. As part of Phase II services, Ehlers will:

- Based on the goals and objectives identified in Phase I, prepare a draft Project Plan that includes all statutorily required components.
- We will coordinate with your staff, engineer, planner or other designated party to obtain a map of the proposed boundaries of the district, a map showing existing uses and conditions of real property within the district, and a map showing proposed improvements and uses in the district.
- Submit to the Client an electronic version of the draft Project Plan for initial review and comment.
- Coordinate with Client staff to confirm dates and times for the meetings indicated below and on the following. Ehlers will ensure that selected dates meet all statutory timing requirements, and will provide documentation and notices as indicated.

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<sup>1</sup> If Client has created a Redevelopment Authority or a Community Development Authority, that body may fulfill the statutory requirements of the Plan Commission related to creation or amendment of the district.

Meeting	Ehlers Responsibility	Client Responsibility
Initial Joint Review Board	<p>Prepare Notice of Meeting and transmit to Client's designated paper.</p> <p>Mail meeting notice, informational materials, and draft Project Plan to overlapping taxing jurisdictions.</p> <p>Provide agenda language to Client.</p> <p>Attend meeting to present draft Project Plan.</p>	<p>Post or publish agenda and provide notification as required by the Wisconsin Open Records Law.</p> <p>Prepare meeting minutes.</p> <p>Designate Client Joint Review Board representative.</p> <p>Identify and recommend Public Joint Review Board representative for appointment.</p>
Plan Commission Public Hearing	<p>Prepare Notice of Public Hearing and transmit to Client's designated paper.</p>	<p>Post or publish agenda and provide notification as required by the Wisconsin Open Records Law.</p>
Plan Commission Public Hearing	<p>For districts created on the basis of blight elimination, or on the basis of properties in need of conservation or rehabilitation, provide a format for the required individual property owner notification letters.</p> <p>Attend hearing to present draft Project Plan.</p>	<p>Prepare and mail individual property owner notices (only for districts created on the basis of blight elimination, or on the basis of properties in need of conservation or rehabilitation).</p> <p>Prepare meeting minutes.</p>
Plan Commission	<p>Provide agenda language to Client.</p> <p>Attend meeting to present draft Project Plan.</p> <p>Provide approval resolution for Plan Commission consideration.</p>	<p>Post or publish agenda and provide notification as required by the Wisconsin Open Records Law.</p> <p>Distribute Project Plan &amp; resolution to Plan Commission members in advance of meeting.</p> <p>Prepare meeting minutes.</p>
Governing Body Action	<p>Provide agenda language to Client.</p> <p>Attend meeting to present draft Project Plan.</p> <p>Provide approval resolution for governing body consideration.</p>	<p>Post or publish agenda and provide notification as required by the Wisconsin Open Records Law.</p> <p>Provide Project Plan &amp; resolution to governing body members in advance of meeting.</p> <p>Prepare meeting minutes.</p>
Joint Review Board Action	<p>Mail meeting notice and copy of final Project Plan to overlapping taxing jurisdictions.</p> <p>Prepare Notice of Meeting and transmit to Client's designated paper.</p> <p>Provide agenda language to Client.</p> <p>Attend meeting to present final Project Plan.</p> <p>Provide approval resolution for Joint Review Board consideration.</p>	<p>Post or publish agenda and provide notification as required by the Wisconsin Open Records Law.</p> <p>Prepare meeting minutes.</p>

- Throughout the meeting process, provide drafts of the Project Plan and related documents in sufficient quantity for the Client’s staff, Plan Commission, governing body and Joint Review Board members.
- Provide advice and updated analysis on the impact of any changes made to the Project Plan throughout the approval process.

### Phase III – State Submittal

This phase includes final review of all file documents, preparation of filing forms, and submission of the base year or amendment packet to the Department of Revenue. This phase begins following approval of the district by the Joint Review Board, and ends with the submission of the base year or amendment packet. As part of Phase III services, Ehlers will:

- Assemble and submit to the Department of Revenue the required base year or amendment packet to include a final Project Plan document containing all required elements and information.
- Provide the Client with an electronic copy of the final Project Plan (and up to 15 bound hard copies if desired).
- Provide the municipal Clerk with a complete electronic and/or hard copy transcript of all materials as submitted to the Department of Revenue for certification.
- Act as a liaison between the Client and the Department of Revenue during the certification process in the event any questions or discrepancies arise.

### Compensation

In return for the services set forth in the “Scope of Services,” Client agrees to compensate Ehlers as follows:

	TID No. 8 Creation	Simultaneous TID No. 7 Boundary Amendment	Simultaneous TID No. 6 Project Plan Amendment
Phase I	\$ 5,200	\$3,600	
Phase II	\$ 7,300	\$4,900	\$4,900
Phase III	\$ 1,500	\$1,500	\$1,500
<b>Total</b>	<b>\$ 14,000</b>	<b>\$10,000</b>	<b>\$6,400</b>

- Pricing assumes all phases are done concurrently, utilizing same meeting nights. In the event that meetings for districts do not occur on the same evening, full fee shall be charged per district.

### Payment for Services

For all compensation due to Ehlers, Ehlers will invoice Client for the amount due at the completion of each Phase. Our fees include our normal travel, printing, computer services, and mail/delivery charges. The invoice is due and payable upon receipt by the Client.

### Client Responsibility

The following expenses are not included in our Scope of Services, and are the responsibility of Client to pay directly:

- Services rendered by Client's engineers, planners, surveyors, appraisers, assessors, attorneys, auditors and others that may be called on by Client to provide information related to completion of the Project.
- Preparation of maps necessary for inclusion in the Project Plan.
- Preparation of maps necessary for inclusion in the base year or amendment packet.
- Publication charge for the Notice of Public Hearing and Notices of Joint Review Board meetings.
- Legal opinion advising that Project Plan contains all required elements (normally provided by municipal attorney).
- Preparation of District metes & bounds description (needed in Phase III)
- Department of Revenue filing fee and annual administrative fees. The current Department of Revenue fee structure is:

Current Wisconsin Department of Revenue Fee Schedules	
Base Year Packet	\$1,000
Amendment Packet with Territory Addition	\$1,000
Amendment Packet	No Charge
Distressed or Severely Distressed Designation	\$500
Annual Administrative Fee	\$150

### Execution and Authority

By executing this Agreement, the person signing on behalf of Client represents that he/she has the authority to execute agreements of this type on behalf of Client and that this Agreement constitutes a binding obligation of Client enforceable in accordance with its terms/

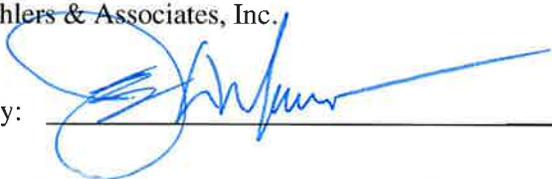
The above Contract is hereby accepted

by the City of Portage, Wisconsin,

by its authorized officer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_ Title: \_\_\_\_\_

Ehlers & Associates, Inc.

By:  \_\_\_\_\_ Title: \_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_.

**City of Portage**  
**Human Resources Committee Meeting**  
**Monday, March 10, 2014, 7:30 p.m.**  
**Municipal Building, Conference Room One**  
**Minutes**

Present: Bill Tierney, Chairperson, Jeff Garetson, Rick Dodd and Rita Maass.  
Absent/Excused: Mike Oszman & Frank Miller.  
Also Present: City Administrator Shawn Murphy

**1. Roll call**

The meeting was called to order by Mayor Tierney at 7:40 pm.

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

Motion by Garetson, second by Dodd to approve minutes from the February 4, 2014 meeting. Motion carried unanimously on call of roll.

**3. Motion to convene to Closed Session per Chap. 19.85(1)(c) to discuss and provide possible recommendation on contract terms for City Administrator.**

Motion by Dodd, second by Maass to convene to Closed Session per Chap. 19.85(1)(c) to discuss and provide possible recommendation on contract terms for City Administrator. Motion carried unanimously on call of roll at 7:42 pm.

**4. Reconvene to Open session for possible recommendation on item(s) discussed in closed session.**

Motion by Dodd, second by Maass to reconvene to open session for possible recommendation on item(s) discussed in closed session. Motion carried unanimously on call of roll at 8:48 pm.

Motion by Dodd, second by Maass to recommend a one-time bonus of \$4500 for City Administrator. Tierney stated he will vote no as he supported a % increase to base salary in lieu of bonus. Motion carried 3-1 with Tierney voting no.

Motion by Dodd, second by Tierney to recommend amending Section 6.1 of the employment agreement with City Administrator to require residency by 12/31/2014. Motion carried unanimously on call of the roll.

Motion by Dodd, second by Maass to recommend amending Section 6.2 of the employment agreement with City Administrator to reimburse moving expenses not to exceed \$2,000 if residency attained by 12/31/2014. Motion carried unanimously on call of the roll.

**5. Adjournment**

Motion by Dodd, second by Garetson to adjourn the meeting at 8:54 pm. Motion carried unanimously on call of roll.

Respectfully submitted,  
Shawn M. Murphy, City Administrator

**City of Portage  
Plan Commission Meeting  
Monday, March 17, 2014  
Public Hearing – 6:25 p.m.  
Regular Meeting – 6:30 p.m.  
City Municipal Building, 115 West Pleasant Street  
Conference Room One**

Members: Mayor Bill Tierney, Chairperson; Robert Redelings, City Engineer, Jan Bauman, Vicki Greenwold, Brian Zirbes, Mike Oszman

Members excused: Peter Tofson

Others present: Administrator Murphy, Director Sobiek, Tom Wood, Janet Atkinson, Bill Smiley, Peggy Joyce, Nancy Davis, Ann Sadowski, Elizabeth Stevens, Ken Thiele, Kathleen Hartl, Bill Welsh and Craig Sauer

**Public Hearing – 6:25 p.m.**

Consider conditional use permit to allow a bed and breakfast on parcel 1241.02; 328 W. Edgewater Street, Portage, Wisconsin.

Mayor Tierney read the Notice of Public Hearing and indicated it had been legally published and noticed. He also indicated that there were two letters presented to the City in opposition to the proposal.

The mayor inquired for the first time if there was anyone present who wished to speak for or in opposition to the proposed Conditional Use Permit (CUP).

Janet Atkinson, applicant, 328 W. Edgewater St., expressed her support for the Bed & Breakfast, providing a Wikipedia definition and indicating the additional revenue would assist her to live in her own home as long as possible.

The mayor inquired for the second time if there was anyone present who wished to speak for or in opposition to the proposed CUP.

Bill Smiley, 402 W. Edgewater St., indicated his support for the proposed CUP.

Peggy Joyce, 319 W. Franklin St., is an advocate for the Bed & Breakfast, expressed her opinion that it would be good for the community and could actually increase property values.

Nancy Davis, 101 Saddle Ridge, vouched for the applicant as a care giver and feels it would be a positive thing for Portage.

Ann Sadowski, W8063 Whitetail Dr., Pardeeville, supports the proposal and has had positive experience with renting from the applicant.

The mayor inquired for the third and final time if there was anyone present who wished to speak for or in opposition to the proposed CUP. Hearing no more comments he declared the Public Hearing closed at 6:36 p.m.

### **Regular Meeting – 6:30 p.m.**

**1. Roll call**

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

Motion by Zirbes, second by Greenwold to approve the minutes.  
Motion passed 5 to 0 w/ Oszman abstaining.

**3. Discussion and possible action on Conditional Use Permit for Janice Atkinson to operate a bed and breakfast on parcel 1241.02; 328 W. Edgewater Street.**

Ms. Atkinson provided a rebuttal to the 2 letters of opposition. She indicated that she wouldn't permit noise after 10 p.m., but doesn't have control of noise coming from the island.

She suggests the decrease in values is an unsubstantiated negative speculation and she has strict rules, which would result in a termination of her tenants agreement if they were violated.

Zirbes inquired about parking. Ms. Atkinson indicated there was space along vacated MacFarlane Rd. and in her driveway/garage.

Mayor Tierney inquired about the length of stay. Sobiek indicated that by ordinance, there's a 14 day maximum requirement. Also, some form of landscape screening is also a requirement.

Oszman recognizes the concerns of some neighbors and suggested a 6 month or one year review may be in order.

Motion by Oszman, second by Bauman to approve the CUP subject to a review within a year and having no parking along W. Edgewater St.  
Motion passed 6 to 0 on call of the roll.

**4. Discussion and possible recommendation on re-zoning parcel 2512.29 on the east side of Airport Road, north of Latton Lane from R1 Single Family Residential to R5 Large Scale Multi-Family.**

Redelings introduced the proposal by the developer to construct 11 – 12 unit buildings on the Latton property east of Airport Rd. and north of Latton Lane. The property is currently zoned R1 Single Family, but the area surrounding the property is generally Multi-Family in nature.

Tom Wood with Harris & Associates and representing Premier Real Estate Management (developer) presented a drawing of the property. The drawing illustrated the area to be rezoned. A drawing of the proposed development was also presented. He indicated the build out would consist of 132 one and two bedroom units.

Oszman inquired as to whether there would be any concerns with impacting the airport. Mr. Wood said the dimension from the ground to the highest ridge on the building is 27'. Redelings said there shouldn't be any setback issues.

Mr. Wood indicated the buildings would be similar to townhouses and the development would strive to retain as many trees as possible.

Zirbes asked about the timing of the two phases. Mr. Wood design details have been completed and phase 1 is expected to proceed this year. Phase 2 is up in the air yet.

Redelings suggested the proposed zoning is appropriate for the area and Oszman concurred. The rezoning doesn't prompt any concerns, but there may be comments on the site plan. The site plan is expected to be addressed by the Plan Commission next month.

Motion by Oszman, second by Zirbes to recommend the City Council hold a Public Hearing at their April 10 meeting to consider the rezoning of the property from R1 to R5. Sobiek mentioned that the R5 zoning would be in conformance with the City's land use plan. Motion passed 6 to 0 on call of the roll.

**5. Discussion and possible recommendation on the proposed script for Plan Commission Public Hearings.**

Mayor Tierney provided a proposed script for conducting Public Hearings before the Plan Commission. The script was well received by the Commission and it's employment should provide uniform guideline for public hearings and a clearer expectation for applicants and participants.

Administrator Murphy clarified that there are 2 separate elements – the presentation of comments by the public and the more in-depth exploratory and action session by the Plan Commission.

**6. Review and discussion of Proposed Amendments & Creation of Tax Increment Districts.**

Administrator Murphy introduced the TID concept and provided an overview of TID creation and local history. Elements of a TID creation include a development of a District Boundary Map and a Project Plan. The proposed TID then needs to be approved by the Joint Review Board.

He explained that several modifications to existing TIDs and the creation of a new TID will be forthcoming at next month's meeting and provided a handout (attached) describing the proposals.

**7. Adjournment.**

Motion by Oszman, second by Redelings to adjourn. Motion passed 6 to 0 on call of the roll. The meeting concluded at 7:34 p.m.

Respectfully submitted

Robert G. Redelings, Public Works Director

MEMORANDUM

TO: Plan Commission  
FROM: Shawn Murphy, City Administrator   
DATE: March 17, 2014  
RE: Proposed Amendments to Existing TID's and Creation of TID No. 8

As you know, the City of Portage has 5 Tax Incremental Finance Districts (TID) in existence as of March, 2014. Due to various reasons explained herein, I propose the following modifications:

**TID No. 3:**

Staff will be seeking Council consideration for the closure of TID No. 3 (est. 1995) (Phoenix Bldg development-single parcel TID). This TID was paid off last year by the developer who subsequently sought and received tax exempt status for the parcel. As we will not receive any further increment revenue from this, we need to close it out by May 15. No Plan Commission action is required for this.

**TID No. 6:**

I attached a few pages from the adopted project plan in your meeting packet showing the district location and proposed projects. Currently this TID (created in 2008) is in decrement (negative increment) by \$2.5 million. Therefore the TID will need new development worth at least \$2.5 million just to attain its original base value. As a result it currently is not realizing any increment revenue. Additionally, the city acquired and demolished the Black's Bldg (310 DeWitt) for a cost of approx. \$100,000. This expense was placed against TID #6. The CDA has authorized staff to proceed with issuing a jurisdictional offer to acquire the vacant lot next to the Black's Bldg (101 W Cook St) from Patrick Kraemer. If/when acquired, it is the goal to re-develop these lots. This is an identified project in the adopted project plan. Interestingly, canal improvements were also identified in the project plan.

The State legislature adopted SB 252 into law in which cities may re-establish the Base Value of existing TID's that are in decrement. This allows existing TID to re-set the base value to the current value, allowing any additional value to generate revenue. This requires approval of the Joint Review Board. Therefore, in light of the aforementioned projects, we will be asking Plan Commission to approve a resolution to reconvene the Joint Review Board for purposes of re-establishing the base valuation of this TID and allow the City to proceed with the Project Plan.

**TID #7:**

This TID (established 2010) is located in the SE corner of the City. I wish to amend the district boundaries to include city owned lots to the east along with the vacant former Pick N Save strip mall. Additionally, Alliant has offered the vacant lots along Ontario to the City for \$15,000 and in 2013 we improved the Morgan St lots to prepare them for redevelopment – therefore I wish to capture any subsequent development value to assist in repaying for those costs. Also, including the Pick N Save parcel would give us ability to provide some incentives to assist with and adding any subsequent development value to the TID.

**TID #8:**

This newly proposed TID would be created to capture the development value as a result of the CBRF planned for construction this year at the NE corner of E. Slifer and Hamilton Sts. The TID would use the development increment revenue to fund public improvements associated with the reconstruction of Hamilton St (Evergreen north to Town Limits near Meadowlark) including curb & gutter, storm sewer, sidewalk and repaving. The initial development has an estimated value of \$2.5 million. There is potential for an addition within 3-5 years.

All three of these actions will require preparation of exhibits for Joint Review Board (as well as Plan Commission and Council approval). The formal process will start in April with the Plan Commission action of setting a public hearing. The City will retain Ehlers Associates to assist with the proposed amendments to TID Nos. 6 & 7 and creation of TID No. 8. Consolidating all 3 TID proposals saves time and expense as opposed to separate JRB/Plan Commission and Council actions for each one.

**ORDINANCE NO. 14-009**

**ORDINANCE RELATIVE TO ZONING LOT 1, CSM 2254-14-45 LOCATED AT 641 LATTON LANE**

The Common Council for the City of Portage does hereby Ordain as follows:

The official zoning map as set forth in Section 90-22 is hereby amended as follows: Lot 1, CSM 2254-14-45 located at 641 Latton Lane, further described as tax parcel 2512.04, City of Portage, Columbia County, Wisconsin.

The above described parcel is hereby rezoned to B-1 Neighborhood Business District.

This Ordinance shall take effect upon passage and publication thereof.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
W.F. "Bill" Tierney, Mayor

Attest:

\_\_\_\_\_  
Marie A. Moe, WCPC, MMC, City Clerk

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

Ordinance requested by:  
Plan Commission

**RESOLUTION NO. 14-013**

**RESOLUTION RELATIVE TO FEE SCHEDULE**

**WHEREAS**, the City of Portage previously adopted a Fee Schedule, Resolution No. 13-035, dated November 26, 2013; and

**WHEREAS**, attached to this Resolution is a list of revisions to various fees prescribed by the Code of Ordinances.

**NOW THEREFORE IT IS HEREBY RESOLVED** by the Common Council of the City of Portage that the attached revisions are hereby adopted and shall be incorporated into the Official Fee Schedule placed on file with the City Clerk.

**DATED** this 13th day of March, 2014.

\_\_\_\_\_  
W.F. "Bill" Tierney, Mayor

Attest:

\_\_\_\_\_  
Marie A. Moe, WCPC, MMC, City Clerk

Resolution requested by:  
Finance/Administration Committee

## City of Portage Proposed Fee Schedule Revisions

Revised 03/2714

### Businesses

<del>14-235(a)</del>	<del>Transient and Temporary Public Entertainment Carnivals</del>	<del>\$25.00 per day</del>
	<del>Circuses</del>	<del>\$25.00 per day</del>
	<del>Public Entertainment</del>	<del>\$10.00/day, \$25.00/week</del>
<del>14-272(a)</del>	<del>Dance</del>	<del>\$25.00 per license year</del>
<del>14-275</del>	<del>Floor Manager</del>	<del>\$25.00 per license year</del>
14-303	Junk Dealer	\$25.00 plus \$5.00 for each additional storage building, yard or premises per license year
14-306	Special Junk Dealer	\$5.00 per day
<del>14-341(b)</del>	<del>Amusement Devices</del>	<del>\$10.00 per license year</del>
<del>14-342</del>	<del>Skating Rink</del>	<del>\$10.00 per license year</del>
<del>14-343</del>	<del>Bowling Alleys</del>	<del>\$10.00 each lane per license year</del>
<del>14-344</del>	<del>Theaters</del>	<del>\$25.00 each screen per license year</del>
<del>14-374(e)</del>	<del>Weights and Measures</del>	<del>\$35.00 per license year</del>

### Hunting

**46-31 Bow/Cross Bow Hunting Permit..... \$5.00**

### Park and Recreation

#### Recreation Program Fees

All fees listed apply to city residents. Non-residents shall pay an additional **\$10.00 per person, per program \$25.00 to be paid each six (6) month period**, per program, unless the township pays a co-sponsorship fee of \$1,000 per year. A family may petition the Parks & Recreation Board for a hardship waiver for the payment of fees.

Youth Programs: **New program fees will be assigned with the objective to recover 25% of program costs.**

~~Resident and Non-resident~~ ..... \$15.00 per event per person

Adult Programs: **New program fees will be assigned with the objective to recover 50% of program costs.**

<del>Non-resident</del>	<del>\$25/season</del>
Basketball	\$325/team
Karate	\$20/session
Senior Fitness	\$1/day
Softball	\$325/team
Volleyball	\$65/team - \$150/team officiated

#### Swimming Program

##### Lessons

##### Student (Level 1-6)

Resident	\$33
<del>Non-Resident</del>	<del>\$43</del>
Max/Family (In house registration)	\$100 Resident/\$125 <b>150</b> Non-Resident
Preschool/Infant	
Resident	\$23
<del>Non-Resident</del>	<del>\$33</del>
Max/Family(In house registration)	\$50 Resident/\$90 <b>100</b> Non-Resident

Adult Lessons..... \$33 Resident/\$43 ~~Non-Resident~~

**RESOLUTION NO. 14-014**

**A resolution proposing to discontinue that portion of Old Highway 33 lying North of State Highway 33 and that portion of Bronson Avenue lying North of State Highway 33 in the City of Portage, Columbia County, Wisconsin, pursuant to Wis. Stat. § 66.1003.**

**WHEREAS**, the Common Council of the City of Portage believes the public interest may be served by discontinuing that portion of Old Highway 33 lying North of State Highway 33 and that portion of Bronson Avenue lying North of State Highway 33 in the City of Portage, Columbia County, Wisconsin.

**WHEREAS**, the subject parcel was dedicated as and for a public street and right-of-way several years ago; and

**WHEREAS**, the parcels abutting the subject parcel continue to have direct access onto a public street and is not dependent upon the portions of Bronson Avenue or Old Highway 33 to be discontinued for direct access onto a public way, and will not be landlocked as a result of the discontinuance; and

**WHEREAS**, discontinuance of the subject parcel will terminate all responsibility of the City of Portage for maintenance, repair, and liability with respect to its possible use by the public; and

**WHEREAS**, pursuant to Wis. Stat. §66.1005(1), the City's easement rights related to utilities located in the subject parcel shall remain in the event of discontinuance of the right-of-way; and

**WHEREAS**, the City Plan Commission on February 17, 2014 moved and recommended that the subject parcel be discontinued, contingent on the City retaining a twenty (20) foot utility easement over a portion of the subject parcel; and

**WHEREAS**, pursuant to Wis. Stat. §840.11, a lis pendens containing a map and description of the subject parcel was filed in the Columbia County Register of Deeds Office on March 18, 2014 at 2:14 p.m. as Document No. 858387; and

**WHEREAS**, the Common Council believes the public interest may require vacating and discontinuing the subject parcel as it serves no public purpose and where said discontinuance will have no harmful effect upon the citizens and general public of the City of Portage nor to the abutting and adjacent property owners;

**NOW, THEREFORE**, the Common Council of the City of Portage does hereby resolve as follows:

1. That on May 8, 2014 the Common Council of the City of Portage shall meet to consider and conduct a public hearing on the passage of a resolution declaring the public interest requires that a notice of public hearing the proposed discontinuance of the subject parcel.

2. That the Clerk of the City of Portage be authorized and directed to personally serve the notice of said public hearing upon all of the owners of the land abutting those portions of Bronson Avenue and Old Highway 33 to be discontinued, and any other parties required to be served under Wis. Stat. §66.1003.

3. That the Clerk is further authorized and directed to publish a Class 3 notice of said public hearing, pursuant to Wis. Stat. §66.1003(4)(b) and (8)(b).

**DATED** this 27th day of March, 2014.

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W.F. "Bill" Tierney, Mayor

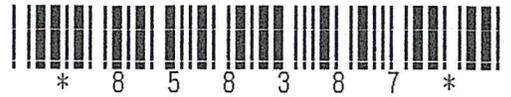
Attest:

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Marie A. Moe, WCPC, MMC, City Clerk

Resolution requested by:  
Plan Commission

3



**COLUMBIA COUNTY                      STATE OF WISCONSIN**

**DOC # 858387**

REGISTER OF DEEDS  
COLUMBIA COUNTY

IN RE: THAT PORTION OF BRONSON AVENUE AND THAT  
PORTION OF OLD HIGHWAY 33 TO BE VACATED  
LOCATED IN THE CITY OF PORTAGE, COLUMBIA  
COUNTY, WISCONSIN, DESCRIBED BELOW:

RECORDED ON: /  
03/18/2014 02:14:50PM  
PAGES: 3

**LIS PENDENS**

LISA WALKER  
REGISTER OF DEEDS

REC FEE: 30.00  
Exempt #:

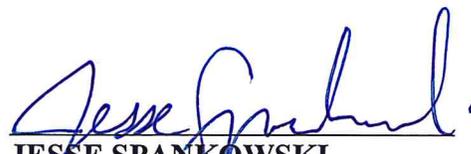
Return to:  
City of Portage *Miller + Miller*  
Marie Moe, City Clerk  
115 W. Pleasant St.  
Portage, WI 53901

Tax Parcel Nos. (P)11-271-97,  
(P)11-271-97.A and  
(P)11-271-97.01

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**NOTICE IS HEREBY GIVEN** by the Common Council of the City of Portage, Columbia County, Wisconsin, that it will consider a Resolution to discontinue that portion of Bronson Avenue and that portion of Old Highway 33 lying North of State Highway 33, more particularly described on attached Exhibit A. A map is attached as Exhibit B which shows the location of those portions of Bronson Avenue and Old Highway 33.

Dated this 18 day of March, 2014.

  
**JESSE SPANKOWSKI,**  
Portage City Attorney  
Columbia County, Wisconsin

This Instrument Drafted by:  
Attorney Jesse Spankowski  
Miller and Miller, LLC  
P.O. Box 200  
Portage, WI 53901  
(608) 742-8585

### LEGAL DESCRIPTION

Being a part of Grignon Claim No. 21 and a part of Block 186, Webb & Bronson's Plat of the Town of Fort Winnebago located in Section 4, Town 12 North, Range 9 East, City of Portage, Columbia County, Wisconsin described as follows:

Commencing at the north quarter corner of said Section 4;  
thence South  $01^{\circ}26'44''$  West along a line connecting the North Quarter corner with the South Quarter corner of said Section 4, 709.35 feet;  
thence North  $88^{\circ}33'16''$  West, 355.02 feet to the point of beginning;  
thence North  $63^{\circ}10'03''$  West along the southeasterly extension of the northeasterly right-of-way line of Bridge Street, 11.26 feet to the most southerly corner of Block 68, Webb & Bronson's Plat of the Town of Fort Winnebago;  
thence North  $13^{\circ}23'10''$  East along the westerly right-of-way line of Bronson Avenue, 541.13 feet to a point in the Northwesterly line of Grignon Claim No. 21;  
thence North  $51^{\circ}59'11''$  East along said Northwesterly line of Grignon Claim No. 21, 80.14 feet to a point in the easterly right-of-way line of Bronson Avenue;  
thence South  $13^{\circ}23'10''$  West along the easterly right-of-way line of Bronson Avenue, 119.68 feet to a point in the Northwesterly right-of-way line of Old Highway 33;  
thence Northeasterly along a 883.00 foot radius curve to the right in the Northwesterly right-of-way line of Old Highway 33 having a central angle of  $01^{\circ}43'55''$  and whose long chord bears North  $33^{\circ}37'10''$  East, 26.69 feet;  
thence continuing Northeasterly along the Northwesterly right-of-way line of Old Highway 33 along a 183.00 foot radius curve to the right having a central angle of  $47^{\circ}35'22''$  and whose long chord bears North  $58^{\circ}17'10''$  East, 147.67 feet;  
thence North  $82^{\circ}04'51''$  East along the Northwesterly right-of-way line of Old Highway 33, 10 feet more or less to a point in the waters edge of the Fox River;  
thence southwesterly along the waters edge of the Fox River, 70 feet more or less to a point in the Southeasterly right-of-way line of Old Highway 33;  
thence Southwesterly along a 117.00 foot radius curve to the left in the Southeasterly right-of-way line of Old Highway 33 having a central angle of  $42^{\circ}31'29''$  and whose long chord bears South  $55^{\circ}45'14''$  West, 84.86 feet;  
thence Southwesterly along a 817.00 foot radius curve to the left in the Southeasterly right-of-way line of Old Highway 33 having a central angle of  $21^{\circ}06'19''$  and whose long chord bears South  $23^{\circ}56'20''$  West, 299.25 feet;  
thence South  $13^{\circ}23'10''$  West along the Southeasterly right-of-way line of Old Highway 33, 65.71 feet;  
thence southwesterly along a 1,687.02 foot radius curve to the left having a central angle of  $04^{\circ}44'11''$  and whose long chord bears South  $36^{\circ}38'32''$  West, 139.42 feet to the point of beginning.  
Containing 47,300 square feet, (1.09acres), more or less.

EXHIBIT "A"



## RESOLUTION NO. 14-015

### PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703 OF THE WISCONSIN STATUTES (2014 MUNICIPAL ALLEY IMPROVEMENT PROJECT)

**BE IT HEREBY RESOLVED** by the Common Council by the City of

Portage, Columbia County, Wisconsin:

1. That the Common Council of the City of Portage, Wisconsin, does hereby declare its intention to exercise its powers under Section 66.0703 of the Wisconsin Statutes to levy special assessments for construction of Municipal Alley improvements upon the properties improved by such construction;
2. That said public improvement shall include the asphalt resurfacing of the following Municipal Alleys:  
  
Alley No. 15; From Adams St. to Jefferson St. between E. Franklin St. and E. Carroll St.  
  
Alley No. 18; From Park St. to Pierce St. between W. Carroll St. and Prospect Ave.  
  
Alley No. 53; From Cass St. to Dunn St. between W. Cook St. and W. Edgewater St.  
  
Alley No. 77; From Thompson St. to E. Wisconsin St. between Superior St. and Michigan St.
3. The Common Council of the City of Portage, Columbia County, Wisconsin, determines that such improvements shall be made under the police power for the health, safety and public welfare and that the amount assessed against each parcel shall not exceed the actual cost of the project as prorated to each parcel.
4. The special assessments against any parcel for alley construction costs totaling \$300.00 or less shall be paid in full within 60 days of being invoiced. Alley construction costs exceeding \$300.00 that are not paid in full shall automatically be placed on the property tax bill with the principal being collected in five equal annual installments together with interest charged each year on the unpaid balance, plus interest, at the rate of 3.735% per annum on the unpaid balance.

5. The City Engineer is hereby ordered to prepare a report concerning the following:
  - A. Preliminary plans and specifications for said improvements.
  - B. An estimate of the entire costs of the proposed improvements.
  - C. A schedule of the proposed assessments to be levied and a breakdown as to how said assessments affect each parcel in the area being assessed.
  - D. A statement that the property against which the assessments are proposed is benefited by the project.
6. Upon completion, a copy of such report shall be filed with the City Clerk for inspection by the general public.
7. Upon receiving such report, the City Clerk is directed to give notice of a public hearing on such reports, as specified in Section 66.0703(7) of the Wisconsin Statutes. A hearing shall be held at the Common Council Chamber in the City Municipal Building, Portage, Columbia County, Wisconsin, at a time set by the Clerk, in accordance with Section 66.0703(7) of the Wisconsin Statutes unless waived by all owners of benefited property.

**DATED** this 13<sup>th</sup> day of March, 2014.

---

W.F. "Bill" Tierney, Mayor

Attest:

---

Marie A. Moe, WCPC, MMC, City Clerk

Resolution recommended by:  
City Engineer

**RESOLUTION NO. 14-016**

**RESOLUTION RELATIVE TO POLICY FOR COMMUNICATION AND  
COMPUTER SYSTEMS SECURITY AND USAGE**

**WHEREAS**, the City of Portage provides electronic and telephonic communication and, when necessary, computers and mobile devices for use by employees and elected officials; and

**WHEREAS**, the City has need to establish a policy setting forth the rules and regulations for employees and elected officials to follow; and

**WHEREAS**, attached to this Resolution is a policy for Communication and Computer Systems Security and Usage.

**NOW THEREFORE, IT IS HEREBY RESOLVED** by the Common Council of the City of Portage that the attached Communication and Computer Systems Security and Usage Policy is hereby adopted.

**DATED** this 13th day of March, 2014.

---

W.F. "Bill" Tierney, Mayor

Attest:

---

Marie A. Moe, WCPC, MMC, City Clerk

Resolution requested by:  
Finance/Administration Committee

**City of Portage**  
**COMMUNICATION AND COMPUTER SYSTEMS SECURITY AND USAGE POLICY**  
(ver. 3/11/14)

The City's computer, telephone, and communication hardware and software Systems have been installed and are used to facilitate City communications. Although each employee has an individual password to access these Systems, they belong to the City and the contents of all communications are accessible by the City for any business purpose. The City reserves the right to monitor and may periodically monitor its Systems in order to ensure compliance with this Policy. Employees and elected officials should not consider any materials transmitted or stored in City systems to be private. Similarly, personal items received or stored on City property are not entitled to a guarantee of privacy. Further, to help provide for the safety and security of City employees, guests and property, the City conducts video surveillance of some City-owned properties.

The City provides electronic and telephonic Communication and, when necessary, computers and mobile devices to employees and/or elected officials. Although assigned to the employee/official, these items still belong to the City. Similarly, any electronic files created on or software downloaded on, a City computer or mobile device belong to the City. Unauthorized programs and files may not be used or installed on City computers without the written permission of the City. Additionally, employees may not encrypt work or otherwise prevent access other than to insure confidentiality. Employees may not destroy or delete files from City computers or mobile devices except pursuant to the City's record retention policy.

The City reserves the right to review voice mail, electronic mail, computer and mobile device files, text messaging, and other electronic information generated by or stored in the City's electronic systems. The City also reserves the right to report the finding of such reviews to appropriate agencies. Due to the fact that managers, supervisors and elected officials and other employees have work and personal obligations outside of the normal business hours, it is acknowledged that periodic and infrequent personal texts, telephone calls or e-mails may occur on city issued electronic devices. These personal communications are allowed if they do not result in any additional costs to the City. Although incidental and occasional personal use of City electronic communication equipment is permitted, any such personal use will be treated the same as all other communications under this Policy. However, employees are at all times strictly prohibited from downloading information from the Internet for personal use.

The following uses are absolutely forbidden:

1. To access any material the City considers to be pornographic; to transmit or knowingly accept receipt of any communication that is pornographic, obscene, or in the City's opinion might contribute to a hostile work environment in that it demeans individuals on the basis of race, sex, age, national origin, disability or some similar distinction (access by Police pursuant to investigation excepted).
2. To conduct business for outside employment or a side-business.

3. To solicit others for non-work related reasons
4. To attempt to break into any computer, whether internal or external to the City, to copy or steal electronic files without permission or to knowingly cause or aid the spread of computer viruses;
5. To write resumes, junk mail, mass-mailings, or other documents unrelated to City business or to create and/or forward "chain letters";
6. To run computer games or other personal software during working hours;

City employees may not use personal electronic equipment (including but not limited to personal laptop computers, mobile devices and cellular phones) on City property or at City work sites to engage in conduct that would be prohibited if using City equipment.

**Important Notice:** The City has the capacity to examine the computer and mobile device usage of individual employees in detail. Even though an item has been "deleted" and the employee cannot retrieve it, this does not mean that the City cannot do so. It is also possible to generate a report of every Internet connection made by each user and of how much time was spent in each connection.

### **Social Networks, Personal Websites and Blogs**

Social networking, personal websites, and blogs have become common methods of self-expression. The City respects the right of employees to use these media during their personal time. Employees may not access social media sites, other than for business use, during working hours or using City equipment.

Employees must understand that material posted on these media may be read by persons other than those for whom it is intended. Employees are cautioned that they are responsible for the contents of social media posts they make. Posts that contain obscene or harassing material, that are unlawful, that contain personal attacks on coworkers, that reasonably call into question the employee's judgment, or that reasonably cause concern among the public are prohibited. Similarly, conduct that would violate City policies if done in person also violates City policy if done through social media. Employees shall not disclose confidential information over social media or similar sites. Employees who post on media sites and who have identified themselves as a member or employee of the City on those sites must make it clear that they are expressing their own views and not those of the City.

**Personal Mail** - All mail that is delivered to the City is presumed to be related to City business. City postage meters and letterhead may not be used for personal correspondence.

### **Use of City Owned/Issued Software**

Computer software, whether purchased, developed, or modified by the City, may not be downloaded, copied, reproduced, altered, deleted, or appropriated by employees without prior City authorization. Any such computer software is the property of the City

and may not be copied or appropriated by employees for personal use during employment with the City or upon separation. Employees should be aware that the illegal duplication of computer software may result in the filing of criminal copyright charges by the owners of the copyrights; copyright infringement is punishable by fines and/or imprisonment.

The City does not condone the use of “bootleg” or “pirate” software on its Computer System. The use of “bootleg” or “pirated” software is a violation of copyright laws and can be harmful to the City’s communications network. Any employee who becomes aware of the presence of any “bootleg” or “pirate” software on the City’s communication system should notify management immediately.

The use of personal software in the City’s computer system without prior authorization is strictly prohibited. Employees are further prohibited from accessing the City’s systems from remote locations via modem and from connecting City systems to outside systems via modem without prior authorization.

### **Cell Phones and Other Handheld Electronic Devices**

It is recognized that all employees and elected officials have obligations outside of work. Therefore it is anticipated that occasional, infrequent personal use of either city-issued telephones, cell phones and computers as well as personal cell phones (for the remainder of this policy, these devices are collectively referred to as “electronic devices”) will be used during work. While this occasional personal use is permitted, excessive use of electronic devices, as determined by the City, is prohibited. Employees are encouraged to use such devices during meal or authorized break times, if possible. Excessive use of electronic devices during the workday can interfere with employee productivity and be distracting to others. Flexibility will be provided in circumstances demanding immediate attention. Excessive use of electronic devices for personal use during work hours that result in lost productivity, additional cost to the City or otherwise interfere with the employees’ ability to perform their jobs may result in disciplinary action and/or forfeiture of their right to use electronic devices for any personal use. The City will not be liable for the loss of handheld devices brought into the workplace.

The City prohibits unauthorized photography, audio or video recording of its employees, confidential documents, or its customers. Employees may not use handheld devices in a manner that violates the City’s Policy against Harassment Policy, Equal Employment Opportunity Policy, or other City policy.

Employees are encouraged to refrain from using their handheld devices while driving in connection with their job duties. Safety must come before all other concerns. Under no circumstances are employees allowed to place themselves or anyone else at risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their handheld devices while driving will be solely responsible for all liabilities that result from such actions.

## **Penalties for Violation of the City's Communication and Computer Systems Security and Usage Policy**

Violations of any aspect of the City's COMMUNICATION AND COMPUTER SYSTEMS SECURITY AND USAGE POLICY may result in discipline, up to and including termination. The City may also seek civil damages against any employee who appropriates or copies the City's property as described in this Policy.

**RESOLUTION NO. 14-017**

**RESOLUTION RELATIVE TO EMPLOYMENT AGREEMENT WITH CITY ADMINISTRATOR**

**WHEREAS**, the City of Portage previously entered into an Employment Agreement with Shawn M. Murphy, Resolution No. 13-005, dated February 12, 2013; and

**WHEREAS**, the Human Resources Committee has reviewed the Agreement and has recommended amending Section 6.1 and Section 6.2 of the Agreement; and

**WHEREAS**, attached to this Resolution an Agreement showing the recommended revisions.

**NOW THEREFORE IT IS HEREBY RESOLVED** by the Common Council of the City of Portage that the Mayor and City Clerk are hereby authorized to execute the attached Employment Agreement with Shawn M. Murphy.

**DATED** this 27th day of March, 2014.

---

W.F. "Bill" Tierney, Mayor

Attest:

---

Marie A. Moe, WCPC, MMC, City Clerk

Resolution requested by:  
Human Resources Committee

**CITY OF PORTAGE, WISCONSIN**  
Employment Agreement City Administrator  
Proposed 03/27/14

THIS EMPLOYMENT AGREEMENT (this "Agreement") made and entered into this 12<sup>th</sup> \_\_\_\_\_ day of ~~February~~ **March**, 2013 ~~2013~~ **2014**, by and between the CITY OF PORTAGE, Wisconsin, a municipal corporation with principal offices in Columbia County and located at 115 West Pleasant Street, Portage, WI 53901 (hereafter known as Employer) and Shawn M. Murphy, (hereafter known as Employee) agree to the following terms for employment as the City Administrator

**WITNESSETH:**

**WHEREAS**, Employer desires to employ Employee as its Administrator and whose services are regarded by Employer as being important to continued orderly growth and success of the community; and

**WHEREAS**, Employee desires to be employed by Employer and having an agreement to formalize its relationship and maximize the security of his position in order to focus on the continued success of Employer;

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

**1. DUTIES**

**1.1. Employer** hereby employs, engages, and hires Employee as City Administrator for the CITY OF PORTAGE, an office created by Ordinance No. 05-002, and Employee does hereby accept and agree to such engagement and employment.

**1.2. Employee** agrees to carry out the functions and to perform the duties as generally described in, but not limited to, the Job Description (attached as Exhibit A) that may be amended from time to time, and the Employee hereby accepts and agrees to such employment.

**1.3.** Subject to the general supervision and pursuant to the orders, advice and direction of the Mayor and Common Council, Employee shall perform such duties with diligence and his best personal effort, and shall render such other services and duties as may be assigned from time to time by Employer.

**2. TERM.** The term of this appointment shall be INDEFINITE, subject to Section 9 TERMINATION AND SEVERANCE COMPENSATION. Employee is an at-will employee.

**3. COMPENSATION.**

**3.1.** Effective upon mutual signing of this Agreement, the annual salary (January 1<sup>st</sup> through December 31<sup>st</sup> ) shall be \$93,000. The first year shall be prorated from the commencement of employment as City Administrator through December 31, 2013. Thereafter, regular salary raises shall be determined according to normal practices of Employer with regard to non-represented employees including that Employer agrees to

consider an increase in the base salary and for other benefits of Employee in such amounts and to the extent that Employer may determine is desirable on the basis of each annual salary review of Employee.

- 3.2.** All salary shall be subject to applicable state and federal withholdings and deductions.

#### **4. FRINGE BENEFITS**

##### **4.1. Health, Dental, Life, and Income Continuation Insurance.**

- 4.1.1.** The insurance benefit provisions shall consist of the current municipal plan for non-represented employees.
- 4.1.2.** If the starting date of employment precludes health coverage as of the first day of employment, Employer is prepared to pay the premium of Employee's existing policy until the transition to the municipal plan is completed, if necessary, in order to provide continuous coverage.
- 4.1.3.** Employer agrees to provide group life insurance coverage because of Employee's participation in the Wisconsin Retirement Fund. The base amount of coverage is equal to Employee's annual earnings rounded to the highest \$1,000 increment.
- 4.1.4** Employer agrees to provide Employee with basic income continuation insurance coverage.

##### **4.2. Retirement**

The retirement benefit shall consist of the current municipal plan for non-represented employees.

##### **4.3. Vacation and Holidays.**

- 4.3.1.** Employee shall be granted 15 days vacation for the first year of employment, to be accumulated at the rate of three days per month for the first five months of employment. Following years vacation shall accrue at the rate of 1/12 per month. Employee shall be granted 20 days vacation for the second through sixth year of employment. Commencing with the seventh year of employment, Employee shall be granted 25 days annual vacation. All vacation is to be used within each calendar year without carrying forward into the next calendar year unless allowed by and in accordance with policy for other non-represented employees.
- 4.3.2.** Employee shall be entitled to all holidays granted by Employer to non-represented employees.

##### **4.4. Sick Leave**

Employee shall be granted ten days of sick leave at the commencement of employment and continuing through the eleventh month of employment. During the eleventh and succeeding months of employment, Employee shall accrue sick leave at the rate of one day (eight hours) per month, in accordance with policy for other non-represented employees.

##### **4.5. Travel Expenses**

- 4.5.1.** Employer shall reimburse Employee for the use of a personal vehicle where necessary to conduct municipal business at the municipal rate at the time that the

expense is incurred provided that Employee provides proof of general liability coverage of at least \$500,000.

**4.5.2.** If Employer provides Employee with a municipal vehicle at any time. Employee shall use the municipal vehicle for travel to conduct municipal business in lieu of compensation for the use of a personal vehicle and Employer shall provide directly for all costs associated with the municipal vehicle.

**4.5.3.** A municipal vehicle may not be used to travel to and from work nor will such costs be reimbursed for the use of Employee's personal vehicle for same.

**4.6. HOURS OF WORK.** It is recognized that Employee must attend various meetings and address certain emergencies outside of normal working hours in such circumstances. Employee will be allowed to adjust his work schedule to allow for reasonable compensatory time off to conduct personal business, provided this adjustment does not interfere with fulfillment of his duties.

## **5. PROFESSIONAL DEVELOPMENT**

**5.1.** Employer shall budget for and pay reasonable travel and subsistence expenses of Employee for professional and official travel to meetings and professional conferences and training programs including expenditures for attendance at conferences and meetings within the state not to exceed the amount authorized in the budget annually. Specifically, Employee shall be permitted to attend two conferences per year of the Wisconsin City/County Management Association and one national conference of the International City/County Management Association every second year.

**5.2.** Employer shall budget for and pay reasonable professional dues and subscriptions of Employee necessary for his participation in national, regional, state, and local associations and organizations found to be desirable for continued professional growth and for the good of Employer, including:

**5.2.1.** Wisconsin City/County Management Association (WCMA).

**5.2.2.** International City/County Management Association (ICMA).

**5.2.3.** Any other professional or civic organization when specifically authorized by action of employer.

## **6. RESIDENCY**

**6.1.** Employee shall be required to establish residency within the boundaries of CITY OF PORTAGE not later than ~~March 1~~ **December 31**, 2014. In the event that Employee needs additional time to secure appropriate housing, Employer may elect, at its discretion, to extend the deadline.

**6.2.** Employer shall pay for moving and relocations expenses based upon bids from at least two established moving companies, not to exceed ~~\$4,000.00~~ **2,000.00**, if Employee moves to Portage within one year of commencement of employment.

## **7. BEST EFFORTS OF THE EMPLOYEE**

**7.1.** Employee agrees that he will at all times faithfully, industriously, and to the best of his

ability and experience, perform the duties that may be required of him pursuant to the express and implicit terms hereof.

- 7.2. Such duties shall be rendered in and around the CITY OF PORTAGE, Wisconsin, and at such other place or places as Employer shall in good faith require or as the interest, need, business or opportunity of Employer shall require.

## **8. PERFORMANCE EVALUATION**

- 8.1. The Mayor and Common Council shall at their sole discretion define in writing such goals and performance objectives which they determine to be necessary for the proper operation of the City of Portage and shall establish a relative priority among those various goals and objectives on an annual basis.
- 8.2. Employer and Employee shall mutually determine the process by which performance shall be evaluated. In the event that agreement is not reached, Employer shall determine the process.
- 8.3. The Mayor and the Common Council shall review annually the performance of Employee and assign annual goals and performance objectives..

## **9. TERMINATION AND SEVERANCE COMPENSATION**

- 9.1. Employee shall serve at the pleasure of Employer and can be terminated upon a 2/3 vote of the entire Common Council or as otherwise provided under conditions of this Agreement.
- 9.1.1. **If termination is for cause**, defined as misfeasance, malfeasance, or misconduct in office, Employee shall be suspended immediately upon written notice and shall not be entitled to additional pay until due process is completed as follows:
- 9.1.1.1. After deliverance of written notice, Employee shall be required to respond in writing within fourteen (14) days as to the cause(s) of termination cited.
  - 9.1.1.2. Within 30 days of receipt of Employee's response, the Mayor and Common Council shall hold a closed session hearing at which time Employee may present evidence and argument against the cause(s) claimed. Employee shall have the right to request an open session.
  - 9.1.1.3. The Mayor and Common Council shall make a determination and notify Employee of same within 30 days of the closed hearing.
- 9.2.1. **If termination is without cause**, Employer shall in its sole discretion provide employee with:
- 9.2.1.1 written notice of immediate termination and lump sum payment equal to six months salary, net of required state and federal withholding taxes and FICA, and six months payment for continuation of existing health insurance coverage as severance compensation, but no other benefits except as specified in 9.2.1.3 **or**;
  - 9.2.1.2 six months prior written notice of termination with regular employment compensation and benefits continuing until the date of termination; **or**
  - 9.2.1.3 any combination of severance compensation and termination providing in the aggregate not more than six months of financial protection.

**9.2.1.3.** any verified accrued and unused vacation days benefits at the date of termination.

**9.3.** Employee shall give Employer 30 calendar-days written notice of his intention to resign. No severance compensation or retirement benefit shall be paid in the event of a voluntary resignation other than for accrued vacation.

**9.4** In the event of the death or total incapacitation of Employee, this contract shall terminate. Employee and/or his heirs shall be compensated for accrued benefits under the provisions applicable to all non-represented employees.

**9.5.** In the event of sickness or any other cause incapacitating Employee from attending to his duties as Administrator for ten consecutive weeks, and provided Employee has been determined to be disabled and eligible for disability insurance coverage, Employer may terminate this agreement upon payment to Employee of all arrears of salary and severance. Employee shall be compensated for accrued benefits under the provisions applicable to all other non-represented employees.

**9.6.** Employer shall not reduce the salary and/or benefits of Employee unless the salary and/or benefits of all non-represented employees are reduced in the same manner and by the same percentage. If Employee's salary and/or benefits are reduced in a different manner and/or by a greater percentage than those of other non-represented employees, Employee has the option of deeming her employment terminated and receiving the severance terms described in section 10.3.1 of this agreement.

## **10. BONDING AND INDEMNIFICATION**

**10.1.** Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

**10.2.** Employee shall be covered as an insured employee on the auto liability, general liability and errors and omissions policies held by Employer. These policies are provided and paid for by Employer and will remain in effect for the duration of Employee's employment. Employer shall maintain current limits of coverage, subject to a reduction uniformly applied to all non-represented employees and officers.

**10.3.** Employer shall defend, save harmless, and indemnify Employee against any tort, professionally liability claim or demand, or other non-criminal legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Administrator.

**10.4** Employee will cooperate fully with Employer in the settlement, compromise, preparation of defense, or trial of any such claim, action or suit. Employer's obligation to defend, save harmless, and indemnify Employee does not apply to cases, claims, or causes of action involving gross negligence or intentional actions that are illegal or motivated by malice or bad faith.

**11. GENERAL PROVISIONS**

**11.1.** This agreement as well as attached Exhibits A, Job Description, which is fully incorporated herein, contains all the terms and conditions agreed on by the parties hereto and no other agreements, oral or otherwise, regarding the subject matter of this agreement shall bind either of the parties hereto. In the event that Employer policies conflict with any term of this agreement, agreement language shall control.

**11.2.** No waiver or modification of this agreement, or any other covenant, condition, or limitation herein contained, shall be valid unless in writing and duly executed by the party to be charged therewith. No evidence in any proceeding, arbitration, or litigation between the parties hereto arising out of or affecting the agreement, of the rights or obligation of the parties hereunder shall be binding, unless such waiver or modification is in writing, duly executed as aforesaid, and the said parties further agree that the provisions of this section may not be waived except as herein set forth.

**11.3.** If any provision, or any portion thereof, contained in this agreement is held unconstitutional, invalid, or unenforceable, the remainder of this agreement, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

**11.4.** This Employment Agreement shall be construed in accordance with and governed by the laws of the State of Wisconsin.

APPROVED by the PORTAGE COMMON COUNCIL on ~~February 12, 2013~~ \_\_\_\_\_.

**Employee:**

**For Employer:**

\_\_\_\_\_  
Shawn M. Murphy

\_\_\_\_\_  
W.F. "Bill" Tierney, Mayor

\_\_\_\_\_  
Marie A. Moe, City Clerk

Job Description: City of Portage Administrator  
Approved by Common Council 06-23-05

## GENERAL NATURE OF POSITION

This is a highly responsible position providing professional services to support the elected Mayor and Common Council of the City of Portage.

Under the policy guidance and supervision of nine-member Council and elected Mayor, the Administrator serves as the Chief Administrative Officer to direct and coordinate work of professional consultants; directly supervise departments of administration, finance, parks/recreation/forestry, public works and utilities; and supervise work of police and fire departments and library.

- The Administrator provides research, analysis, and guidance in areas of finance, personnel, operations, economic development, growth, and other policy areas as requested by the Mayor or Common Council.
- The Administrator facilitates effective relations between elected and appointed officials, citizens, employees, and professional service providers.
- The Administrator assures that all laws and ordinances are faithfully executed.

## ESSENTIAL DUTIES AND RESPONSIBILITIES

1. Mayor and Common Council
  - a. Attends all meetings of the Common Council and provides support for their work as requested including prepares reports, analyses, options, and recommendations on policies and operational matters both directly and in coordination with other city personnel.
  - b. Coordinates the implementation of all actions taken by the Common Council
  - c. Initiates short- and long-range financial, strategic, and work implementation plans for Mayor and Common Council consideration; implements plans to meet goals as directed; reports progress regularly and recommends changes, if needed.
  - d. Keeps abreast of changes in state and federal funding and laws having an impact on the City and brings concerns to the attention of the Common Council
2. Other Boards, Committees, and Commissions
  - a. Attends all meetings of the Finance/Administration Committee and Human Resources Committee. Attends other City committees, boards and commissions as necessary to meet needs of the City.
  - b. Attends meetings of other governmental agencies and civic groups on behalf of the City as directed by the Mayor and Council.
3. Finance
  - a. Coordinates the development of the Annual Budget
    - i. Reviews budget requests submitted by each department and makes recommendations to the Mayor.
    - ii. Organizes annual budget process and directs production of operating, capital improvements, debt service, enterprise, and other budgets for Common Council review and approval.
    - iii. analyzes and prepares reports on the fiscal impact of proposals and alternative funding sources as directed by the Mayor and/or Common Council.

- b. Manages the implementation of the approved Annual Budget and all of its funds.
    - i. Supervises the expenditure of public funds per approved policies and procedures.
    - ii. Supervises all accounting functions including cash flow management
    - iii. Monitors revenues and expenditures of all funds and regularly reports on their status to the Mayor and Common Council.
  - c. Assures that appropriate purchasing and fiscal control policies and procedures are in place and followed.
  - d. Seeks out alternative funding sources including appropriate grants, public-private partnerships, and fee systems to broaden and supplement city tax revenues.
  - e. Coordinates the work of financial advisors, auditors, bond advisors, and bond counsel
4. City Personnel
- a. Provides leadership to promote productivity and good employee relationships within and among all departments.
  - b. Evaluates and recommends the appointment, promotion, suspension, and termination of Department Heads to the Human Resource Committee.
  - c. Supervises and coordinates the functions of administration and finance; parks, recreation, and forestry; and public works including streets, engineering, and utilities.
  - d. Promotes service quality, efficiency, and organizational improvement in all departments, agencies, and offices of the City.
    - i. With the Mayor and Common Council, develops performance goals for departments and, at least annually, evaluates the performance of all department heads appointed by the Common Council.
    - ii. Encourages professional development and training to improve job-related knowledge and skills.
    - iii. Advises department heads in the recruitment, training, management, and evaluation of employees.
    - iv. Reviews grievance appeals.
  - e. Negotiates with collective bargaining units under the direction of the Human Resources Committee and brings tentative agreements to the Common Council for ratification.
5. Legal Matters
- a. Consults with the City Attorney regarding legal matters as necessary before recommending action to the Common Council.
  - b. Regularly reviews City's liability, property, and other insurance needs.
6. Citizen Relations
- a. Monitors service request/complaint responses by appropriate department.
7. Other Duties as assigned by Mayor and Common Council

#### DESIRED MINIMUM QUALIFICATIONS

##### Education and Experience:

1. Graduation from an accredited four-year college or university with a degree in public administration, business, political science, urban affairs or a closely related field; a Masters Degree in public administration or business administration preferred.
2. Five years of progressive experience as a municipal administrator or manager.
3. Experience in developing collaborative teams in a public environment.
4. Experience in economic development and growth management.

Necessary Knowledge, Skills and Abilities;

1. Comprehensive knowledge, experience, and skill in planning and administering municipal budgets as well as planning, directing and administering municipal programs.
2. Working knowledge of personnel and human resources, risk management, public works, public safety, and economic development
3. Ability to establish and maintain effective working relationships with employees, city officials and the public; efficiently and effectively administer municipal government with a variety of departmental structures; and carry out assigned projects.
4. Ability to maintain composure and professionalism while dealing with multiple tasks with a high level of responsibility and within the public domain.
5. Ability to analyze complex issues, to prepare concise written reports, and to develop and consider the implications of alternative courses of action.
6. Ability to effectively communicate orally in large and small group settings.
7. Proficiency with commonly used office applications; e.g., Microsoft Office programs.

Residency:

Residency within the corporate limits of the City is required.

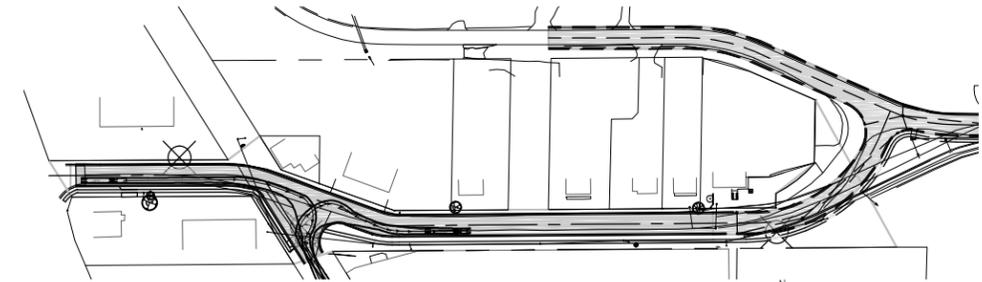
This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.



General Engineering Company

P.O. Box 340 • 916 Silver Lake Dr. • Portage, WI 53901  
608-742-2169 (Office) • 608-742-2592 (Fax)

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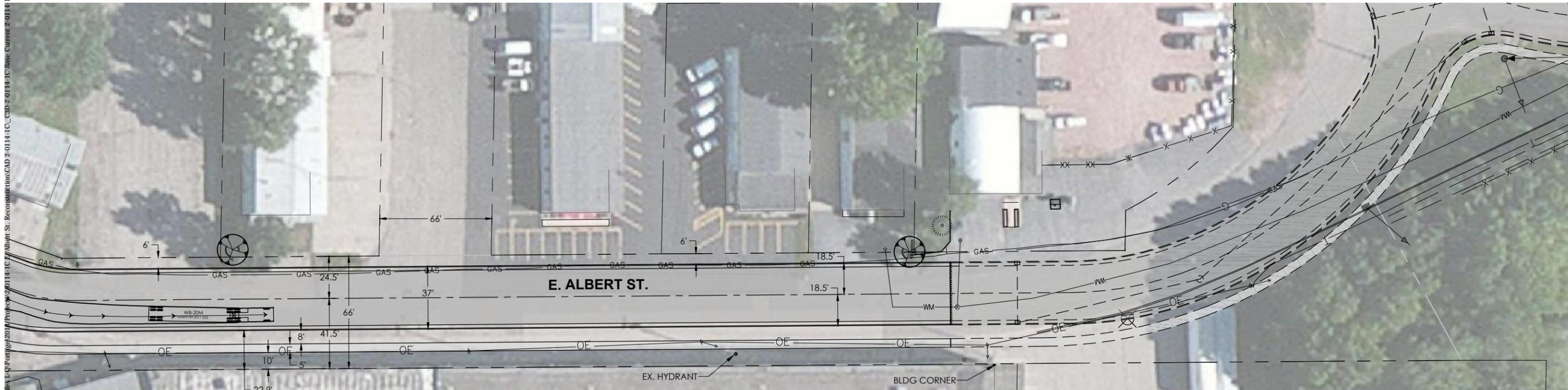
OVERALL PLAN VIEW

SCALE: 1"=300' (11x17)



EXPANDED PLAN VIEW

SCALE: 1"=60' (11x17)



EXPANDED PLAN VIEW

SCALE: 1"=60' (11x17)



SITE PLAN  
E. Albert St. - Option 1  
City of Portage

City of Portage  
Columbia County, WI

NO.	REVISIONS	BY	DATE



DRAWN BY SRR  
DATE Feb. 2014  
GEC FILE NO. 2-0114-1C  
SHEET NO.

SP1

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**SITE PLAN**  
E. Albert St. - Option 2  
City of Portage

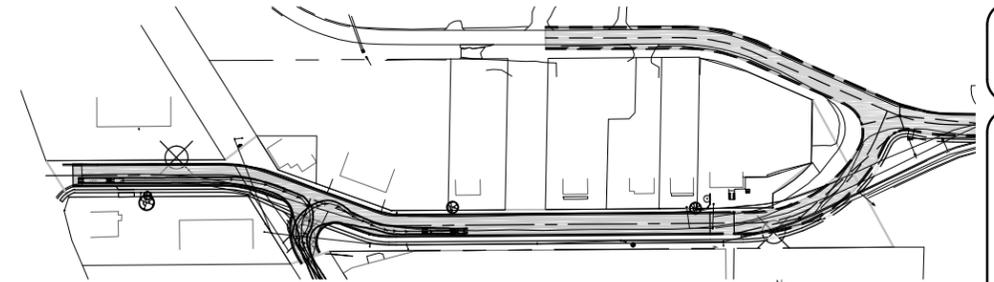
City of Portage  
Columbia County, WI

REVISIONS	NO.	BY	DATE



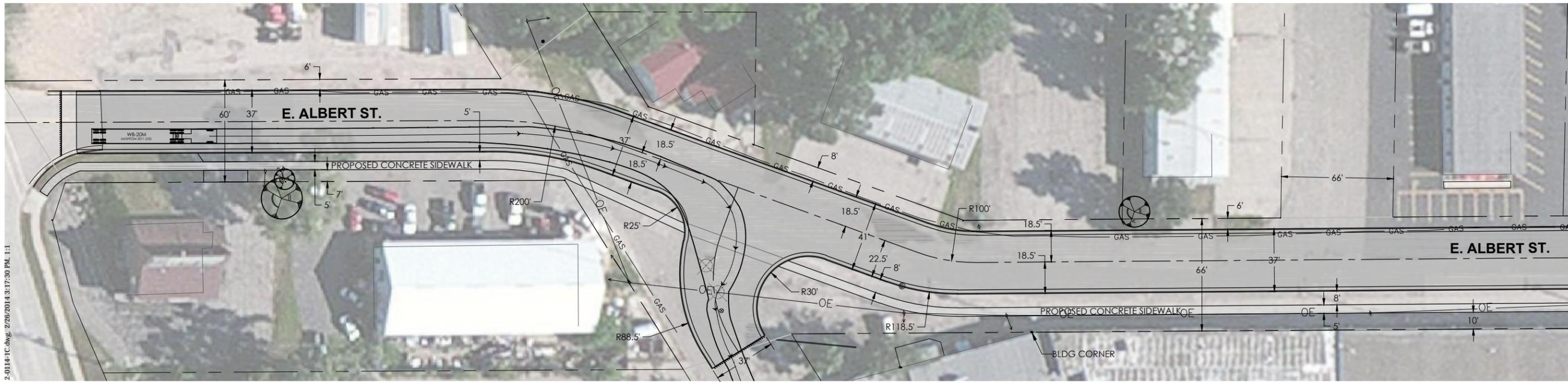
DRAWN BY SRR  
DATE Feb. 2014  
GEC FILE NO. 2-0114-1C  
SHEET NO.

**SP1**



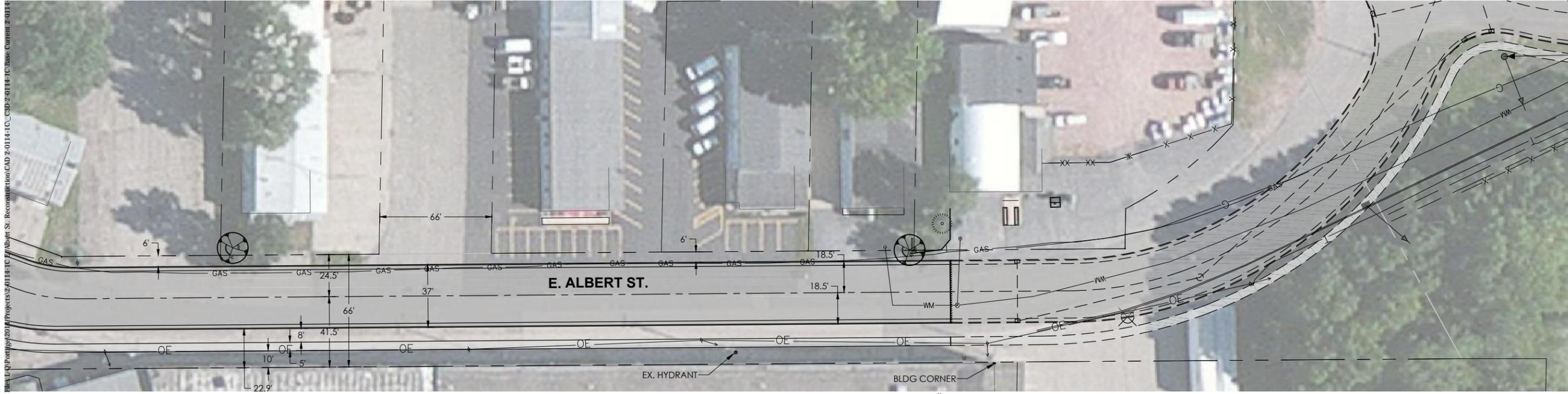
**OVERALL PLAN VIEW**

SCALE: 1"=300' (11x17)



**EXPANDED PLAN VIEW**

SCALE: 1"=60' (11x17)



**EXPANDED PLAN VIEW**

SCALE: 1"=60' (11x17)



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# ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning April 1 20 14 ;  
 ending June 30 20 14

TO THE GOVERNING BODY of the:  Town of } Portage  
 Village of }  
 City of }

County of Columbia Aldermanic Dist. No. \_\_\_\_\_ (if required by ordinance)

1. The named  INDIVIDUAL  PARTNERSHIP  LIMITED LIABILITY COMPANY  
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Kubiniec Michael D.

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member			
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent			
Directors/Managers			

3. Trade Name Phonex's Bar Business Phone Number 608-617-4411

4. Address of Premises 316 Dewitt St. Post Office & Zip Code Portage, 53901

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period?  Yes  No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant?  Yes  No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business?  Yes  No
8. (a) **Corporate/limited liability company applicants only:** Insert state \_\_\_\_\_ and date \_\_\_\_\_ of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company?  Yes  No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin?  Yes  No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Bar Area, Pool Room Area, Liquor/Beer stored in Basement

10. Legal description (omit if street address is given above): \_\_\_\_\_

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year?  Yes  No

(b) If yes, under what name was license issued? Shamrock Bar & Grill / Greene Enterprise / Tim Greene

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864]  Yes  No

13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776]  Yes  No

14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs?  Yes  No

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

## SUBSCRIBED AND SWORN TO BEFORE ME

this 15<sup>th</sup> day of February, 2014

Melanie Doherty (Clerk/Notary Public)  
Michael Kubiniec (Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

My commission expires 2/18/15  
 \_\_\_\_\_ (Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

Applicant's Wisconsin Seller's Permit Number: _____	
Federal Employer Identification Number (FEIN): _____	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>24.99</u>
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input checked="" type="checkbox"/> Class B liquor	\$ <u>125.01</u>
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ <u>25.00</u>
<b>TOTAL FEE</b>	\$ <u>175.00</u>

## TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>2-18-14</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

2-0140218

# AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)	(middle name)	
Kubinieć, JR.		MICHAEL	DOMINIC	
Home Address (street/route)	Post Office	City	State	Zip Code
[REDACTED]		Baraboo	WI	53913
Home Phone Number	Age	Date of Birth	Place of Birth	
[REDACTED]	33	[REDACTED]	OAK PARK, I.L.	

The above named individual provides the following information as a person who is (check one):

Applying for an alcohol beverage license as an **individual**.

A member of a **partnership** which is making application for an alcohol beverage license.

\_\_\_\_\_ of \_\_\_\_\_  
(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:

- How long have you continuously resided in Wisconsin prior to this date? 1990-2014 (24 yrs)
- 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.)
- 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.
- 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. \_\_\_\_\_  
(Name, Location and Type of License/Permit)
- 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.

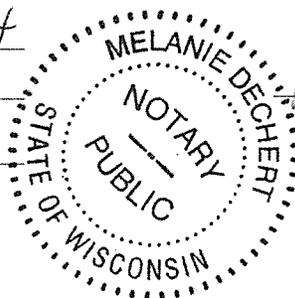
Employer's Name	Employer's Address	Employed From	To
Sand Ridge	1111 NORTH RD MAUSTON, WI 53948	June 2012	Current
Badger Ammunition Plant	57560 Hwy 12 North Freedom, WI 53951	- 2009	May 2012

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.

Subscribed and sworn to before me

this 18<sup>th</sup> day of February, 20 14  
Melanie DeChert  
(Clerk/Notary Public)

My commission expires 2/18/15



Michael Kubinieć  
(Signature of Named Individual)



03/17/14

Michael D. Kubiniec Class B Combination License application

Proposed premise description: entire first floor of building located at 316 DeWitt Street; and basement which is used for liquor and beer storage.