

**City of Portage Common Council Meeting
Council Chambers of City Municipal Building
115 West Pleasant Street, Portage, WI
Regular Meeting – 6:45 p.m.
November 12, 2015
Amended Agenda**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. 2016 Proposed Budget Presentation
6. Minutes of Previous Meeting
7. Consent Agenda
 - A. Reports of Sub-Committees, Boards, and Commissions
 1. Cable TV Commission, September 23, 2015
 2. Library Board, October 13, 2015
 3. Business Improvement District Board of Directors, October 14, 2014
 4. Emergency Planning Committee, October 30, 2015
 5. Board of Zoning Appeals, November 2, 2015
 6. Tourism Promotion Committee, November 3, 2015
 - B. License Applications
 1. Operator
8. Committee Reports
 - A. Plan Commission, October 19, 2015
 - B. Finance/Administration Committee, October 26, 2015; November 2, 2015
 1. Consideration of recommendation for approval of claims
 2. Consideration of recommendation for approval of Task Order No. 15-02 and Task Order No. 15-03 with Strand Associates, Inc.
 3. Consideration of recommendation for approval of Agreement for Bank Tax Collection with Bank of Wisconsin Dells Company
 4. Consideration of recommendation for approval of Inter-Municipal Agreement between City of Portage, Town of Caledonia, Town of

Fort Winnebago, Town of Lewiston, Town of Pacific, and the
Portage Firefighters Association

- C. Legislative and Regulatory Committee, November 2, 2015
 - D. Municipal Services and Utilities Committee, November 5, 2015
 - E. Park and Recreation Board, November 10, 2015
 - 1. Consideration of recommendation on Easement for American Transmission Co. Overhead Line Replacement.
9. Unfinished Business
- A. Ordinances
 - 1. Ordinance No. 15-007 relative to Miscellaneous Offenses (Regulation of Smoking, E-Cigarettes) Tabled 05/14/15 until such time the State Legislature takes action on the proposed legislation
 - 2. Ordinance No. 15-013 relative to Motor Vehicles and Traffic
10. New Business
- A. Ordinances
 - 1. Ordinance No. 15-012 relative to Fire Prevention & Protection
 - B. World Pancreatic Cancer Awareness Day
 - C. Mayor's Comments
 - 1. Leaf collection
 - 2. Newsletter follow-up
 - 3. Holiday parade
 - D. Department Report – Fire
 - E. City Administrator Report
 - 1. Public Information Meeting, November 17, 2015
 - 2. Budget Adoption Hearing, November 24, 2015
11. Adjournment
(Amended 11/11/15; 1:55pm)

Common Council Proceedings
City of Portage

Regular Meeting
Council Chambers
City Municipal Building

October 22, 2015
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. Charles, Dodd, Hamburg, Klapper, Kutzke, Lynn, Maass

Excused: Ald. Havlovic, Monfort

Also Present: Mayor Tierney, City Clerk Moe, City Administrator Murphy,
City Attorney Spankowski, Police Chief Manthey

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

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Approval of Agenda

Deletion: Cable TV Commission September 23, 2015 report

5. Minutes of Previous Meeting

Motion by Klapper, second by Charles to approve minutes of the October 8, 2015 Common Council meeting. Motion carried unanimously on call of roll.

6. Consent Agenda

Reports of Sub-Committees, Boards, and Commissions

Library Board meeting of September 8, 2015

Board of Zoning Appeals meeting of October 5, 2015

Tourism Promotion Committee meeting of October 6, 2015

AdHoc Canal Committee meeting of October 7, 2015

Historic Preservation Commission meeting of October 7, 2015

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

License Applications

Operator license applications for Melissa N. Anderson, Patricia L.

Pohlkamp and Lindsey D. Shutts.

Taxi Cab Operator license application for Desiree E. Osborn.

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

7. Committee Reports

Municipal Services and Utilities Committee meeting of October 1, 2015

Motion by Klapper, second by Hamburg to approve the Agreement to Continue Sanitary Sewer Connections and Initiate Connection to Existing Water Main for Properties on East State Highway 33. Motion carried unanimously on call of roll.

Legislative and Regulatory Committee meeting of October 5, 2015

Questions on the Cathay Garden LLC application have been resolved. The premises description is to be the entire first floor. Motion by Maass, second by Lynn to approve a "Class B" Fermented Malt Beverage and "Class C" Wine License for Cathay Garden LLC, Jung Hua Hao, agent, 238 West Cook Street. Motion carried unanimously on call of roll.

Finance/Administration Committee meeting of October 8, 2015

Finance/Administration Committee meeting of October 12, 2015

Park and Recreation Board meeting of October 13, 2015

Airport Commission meeting of October 21, 2015

Ald. Maass reviewed the Commission action on the repeal of the hangar lease surcharge. Ald. Dodd stated that upon reading the commission minutes, he found the Airport Commission minutes were in conflict with the what was discussed at the Finance Committee; and suggested that the issue should go back to Finance for review and clarification. Ald. Lynn agreed that the issue should go back to Finance to resolve any misrepresentation/misunderstanding. Ald Maass contended that she portrayed Finance Committee's discussion accurately to Airport Commission.

8. Unfinished Business

Ordinances

Ordinance No. 15-007 relative to Miscellaneous Offenses (Regulation of Smoking, E-Cigarettes) Tabled 05/14/15 until such time the State Legislature takes action on the proposed legislation. No action taken.

9. New Business

Ordinances

Ordinance No. 15-013 relative to Motor Vehicles and Traffic (Stop Sign on Lock Street at West Edgewater Street) received its first reading.

Resolutions

Resolution No. 15-041 relative to Discontinuance of the Pedestrian Walkway Located in Block 5, Block 6 and Block 7 in Woodridge Subdivision First Addition, City of Portage, Columbia County, Wisconsin, Pursuant to Wis. Stat. §66.1003 was read and adopted unanimously on motion by Dodd, second by Charles and call of roll.

Resolution No. 15-042 relative to Discontinue Airport Hangar Lease Surcharge was read. Motion by Maass, second by Kutzke to adopt Resolution No. 15-042 relative to Discontinue Airport Hangar Lease Surcharge. Ald. Dodd again stated that this item should go back to the Finance Committee for review and clarification. According to Ald. Maass, repair for the hangars will be included in the airport petition. She continued that the rent covers hangar repairs and maintenance and there should not be an additional surcharge for repairs and maintenance. Motion carried five to two on call of roll with Charles and Dodd voting no. According to Maass, the surcharge will be collected until the effective date of the adopted Resolution, January 1, 2016.

Mayor's Comments

Halloween Trick-or-Treat hours are October 31st, 4:00 p.m. – 7:00 p.m.

Portage Theatre annual Halloween Parade will be October 24th beginning at 10:00 a.m.

Mayor Tierney commended the cooperative spirit with the central business district fall decorations; Portage Pride, Business Improvement District, Attorney Kammer and private citizens.

A council seminar discussing council roles and expectations, goal setting and strategic planning will be scheduled. The seminar will take place on a Saturday with an all-day session; or two four hour evening sessions. Council members should respond to Mayor Tierney with their preference before November 12th.

City Administrator Report

The fall newsletter has been mailed out.

Interviews are being scheduled and conducted for the following vacant positions: engineering technician, city engineer and receptionist/administrative assistant.

Ald. Maass requested that residents be reminded that leaves must be bagged when placed at the curb for pick-up.

Mayor Tierney reminded Council of the local official meeting on the East Wisconsin Street project, November 12th at 6:00 p.m.

10. Adjournment

Motion by Dodd, second by Charles to adjourn. Motion carried unanimously on call of roll at 7:49 p.m.

Marie A. Moe, WCPC, MMC
City Clerk

City of Portage
Cable TV Commission Meeting
Wednesday, September 23, 2015, 7:00 p.m.
Municipal Building, Conference Room One
Minutes

Present: Jeremy Rusch, Chairperson; Gary Knebel, Richard Lynn, William P. Welsh, Jeff Monfort

Absent: Mary Hamburg

1. Roll Call

Meeting was called to order at 7:00 p.m.

2. Approve the minutes of previous meeting

Minutes were approved by committee vote after a motion by Welsh and a second by Lynn.

3. Discussion and possible action on 2016 Budget

Discussion on the budget line items and live broadcast and what it takes to do it. Talk about the software and equipment that is used to put it all together and it's age.

Budget was approved by committee vote after a motion by Lynn and a second by Welsh.

4. Director's Report

Various items in the report were discussed. Most importantly was the idea to live stream events in the community in the near future.

Director's Report was approved by committee vote after a motion by Lynn and a second by Monfort.

5. Adjournment

Meeting was adjourned by committee vote after a motion by Monfort and a second by Lynn.

Gary Knebel
Acting Secretary

Portage Public Library
253 W. Edgewater Street, Portage WI 53901
Phone: 608-742-4959
E-mail: info@portagelibrary.us
Web Site: www.portagelibrary.us

LIBRARY BOARD MEETING Minutes
October 13, 2015

Meeting called to order 12:07pm

Present: Voigt, McLeish, Gregory, Schoenborn-Hoffmann, Stenberg, Vehring

Excused: Blohm, Stevenson, Simonson

- 1) Motion to approve September 8, 2015 regular meeting minutes. (DG/KV)
- 2) Financial Reports:
 - a) Motion to approve September 2015 Municipal funds claims and Library restricted funds claims for payment as presented. (KV/HS)
- 3) Director's Report: Shannon Schultz
 - a) Total attendance at Children's programs has more than doubled compared to last year's.
 - b) Four staff attended Social Services Symposium on September 11, 2015.
 - c) Friends have begun 'card table book sales' on Saturday mornings.
- 4) Business:
 - a) Motion to approve moving \$400.00 from DVD funds to book funds. (NS-H/HS)
 - b) Budget 2016 was discussed.
 - c) Motion to approve changes as presented to the Adult Services Librarian and Youth Services Librarian job descriptions. (KV/DG)
- 5) Meeting adjourned 1:01pm. (EM/NS-H)

Eleanor Voigt - President
Dr. Brenda Blohm - Vice-President
Chad Stephenson - Treasurer
Eleanor McLeish - Secretary
Dr. David Gregory
Nikki Schoenborn-Hoffmann
Melissa Simonson
Heather Stenberg
Klay Vering

**City of Portage
Business Improvement District Board of Directors
Wednesday, October 14, 2015, 7:30 a.m.
City Municipal Building, 115 W Pleasant St
Conference Room One
Minutes**

Present: Vice President- Dennis Rupers, Treasurer Shane Schmidt, Secretary Ian Dumbleton, Fred Galley, John Krueger, Myrna Hooper & Sheila Link.

Excused: President Peggy Joyce , Marlena Cavanaugh

Also present: Scott Davis, BID Contractor, Marianne Hanson-Portage Chamber of Commerce,

1. Vice President Rupers called the meeting to order at 7:34 am.

2. Discussion and request for approval of BID Meeting minutes for September 9, 2015.

Vice President Rupers presented the meeting minutes for approval. Motion by Schmidt, second by Krueger to approve the September 9, 2015. Motion passed

3. Discussion and update on Fred Galley's idea for a weekly Saturday event.

Director Galley updated that he has added two committee members to his Saturday events planning committee, Rita Bryant and Diana Hartl. They are going to be working on planning events for 2016 and hoping to have 8-14 events for next summer.

**4. Discussion and possible action on BID Committee Chairman Reports
Discussion moved to Executive Committee report.**

Vice President Rupers presented Director Marlena Cavanaugh's resignation from the board stating that her work and family responsibilities are growing and she cannot give the board the effort she wishes to.

Discussion moved to Building & Grounds Committee report.

Vice President Rupers asked if everyone received the BID Contractor's report from Scott Davis. All agreed that they read the report and no questions or comments were offered. Motion by Dumbleton, second by Link to accept the June 2015 Contractor's Report. Motion passed. Contractor's Report is included as Addendum1BIDOCT.pdf.

Treasurer Schmidt presented the Committee with the buildings and grounds report stating that the new storage structure has been completed. Schmidt also had a conversation with John Miller letting him know that we would have everything out of the existing storage by the end of the month. Schmidt also presented that he has been working with and coordinating with Portage Pride in regards to seasonal decorations in downtown. Schmidt met with Portage Pride on 10/7 to discuss upcoming holiday planning in order to be proactive.

Vice President Rupers brought the idea to the table of possibly purchasing the building that is for sale on the Canal on W. Edgewater St. Rupers is just presenting at this time for an option to consider, and to also continue looking for a permanent place for BID storage and Maintenance.

Discussion moved to Farmer’s Market Committee report.

The Farmers Market closes at the end of the month, annual income from the Market will be presented at next month’s meeting. Contractor Davis reaffirmed that the vendors are looking for an earlier close time next year, possibly 5pm.

Discussion moved to Grants Committee report.

Grant request for DPI has been withdrawn due to legislation not being passed in time.

Discussion moved to Marketing Committee report.

Treasurer Schmidt presented the idea of creating marketing efficiency by working together with the Chamber of Commerce in having them be our Marketing support, as they are involved in marketing and tourism for the downtown and we can use their expertise and follow through to create an annual marketing plan and budget. Marianne Hanson presented a marketing plan specifically for the Holiday season to attract more people to downtown Portage, the plan utilizes current print advertising as well as forms of media previously not used by bid to include, a TV commercial, online and mobile marketing which can be tracked to see how effective the marketing is. The Chamber will handle the marketing and tracking of the activity for a fee of 15% of the marketing cost.

Motion to approve \$8325.00 Marketing plan from the Chamber to include a 15% fee of \$1,248.75 to the chamber for a total of \$9573.75. Motion by Rupers, Second by Krueger. Motion passed

Discussion moved to Streetscape Committee report.

Treasurer Schmidt is going to continue to communicate and work with Portage Pride to assist in the decoration of downtown. They will also put together and annual plan to be proactive and promote more volunteers.

Discussion and update on involvement with Downtown Portage, Inc.

Director Link reported that there will not be a Wine Walk this fall due to Legislation not being passed in time. DPI is preparing for the upcoming Yuletide event and looking to bring in more participants for this year’s parade as they are trying to boost the turn out level.

5. Discussion and possible action on treasurer’s report.

Claims to pay

Treasurer Schmidt presented the Claims to Pay Voucher list for October, 2015. Schmidt presented the Claims to pay in the amount of \$5969.21. Motion by Rupers, second by Krueger to approve the presented Claims to Pay list in the amount of \$5969.21. Motion passed. Claims to pay list included as Addendum2BIDDOCT.pdf.

Financials – July 2015

Treasurer Schmidt presented the Financials for July. Motion by Dumbleton to approve financials, second by Krueger. Motion passed.

6. Adjournment

Motion by Rupers, second by Schmidt to adjourn the meeting at 9:00 am. Motion passed.

Respectfully Submitted by Ian Dumbleton BID Secretary.

2015 Monthly BID Maintenance Contractor Report

09/01/15-09/30/15

To: BID Board

From: Scott Davis:

BID District Trash Cans:

- Check all BID district trash cans empty as needed. Check all BID sidewalks and clean up trash along the curbs and cigarette butts.

Farmers Market:

- Farmers Market is doing well. Different vendors are showing up and more vendors are calling about next year.

BID Equipment:

- I changed the fuel filter and the oil in the Bobcat side by side. Started moving BID equipment to the new storage building.

BID Building:

- I cleaned out the old storage room in the underground parking area. I am having the storage door liked at to see if they can be fixed.

Miscellaneous:

- I helped Carol from Edgewater with some of the corn stalks in the BID area. I also cut enough corn stalks for 12 more light poles and put them on the poles.

2015
City of Portage
Business Improvement District

October Schedule of Vouchers

#	Date	Charge Acct	Invoice #	Amount	Vendor	Description	Account #	Description
1				\$2,500.00	BKO, LLC - Scott Davis	October 2015 Services	241	Custodial Services
2	07/29-08/27	118698-013	118698U09282015	\$9.21	Alliant Energy	BID Building Electrical	221	Electrical & Gas
3	10/14/2015			\$2,210.00	Schommer Construction	Storage area complete-Final Payment	821	Buildings/Grounds
4	10/6/2015		3088	\$750.00	H&M Electric	Banker Outlet LED Light w/400 feed/repair electric in existing storage	821	Buildings/Grounds
5	10/14/2015			\$500.00	Scott Davis	\$ to recharge Prepaid card-no 1099	55	Pre Paid Expense Account
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								

Total: \$5,969.21

Pre Paid Expense Account #055

1	10/12/2015			\$41.00	Market Basket	Diesel	342	Gasoline/Oil
2	9/26/2015			\$2.95	Walgreens Balance	Monthly Fee	590	Bank Fees
3								
4								
5								
6								
7								
8								

Total: \$43.95
 Balance On Card: \$638.48

Approved for payment during City of Portage Business Improvement District Committee meeting dated _____.

Shane Schmidt, Treasurer
 BID Board of Directors

Date _____

PORTAGE EMERGENCY PLANNING COMMITTEE MEETING

Minutes for Friday, October 30, 2015

MEMBERS PRESENT: Fire Chief Simonson, Police Chief Manthey, Police Dept. Admin. Lt. Klafke, School Admin. Representative Larry Messer, City Attorney Spankowski, City Administrator Murphy, County Emergency Mgmt. Kathy Johnson, and EMS representative Matt Graf

MEMBERS ABSENT: Mayor Tierney, Railroad Train Master Bauer, Fire Captain Hudgens, and Director of Public Works Redelings.

Meeting was called to order at 10:04 a.m.

1. **APPROVAL OF MINUTES FROM LAST MEETING**

A motion was made by Police Chief Manthey and seconded by City Attorney Spankowski to approve the minutes from the September 18, 2015 meeting. Motion passed.

2. **OLD BUSINESS:**

Hazmat Course Updates: No new courses. Chief Simonson is looking for some classes to possibly be held on weekends.

Mass Fatality Planning: Nothing to report at this time.

Functional Exercise (railroad): Chief Manthey thought it went well. Good representation from different disciplines. City Administrator Murphy heard through various people that it went well also. EMS found a couple of things to implement into their own future training. Kathy Johnson thought that the participation was great and it opened eyes to the highway department and their involvement. Chief Simonson to look at the MABAS cards and change a few items.

3. **NEW BUSINESS:**

Courthouse Training: Training for the courthouse employees will be taking place on November 6th from 8:00 to noon. Focus will be on improvement for recusing victims while keeping the rescue teams safe; law enforcement, fire, and EMS. VIPS will be involved and two are going to play victims. There will be 4 firefighters and 5 police officers participating as well as possibly others from State Patrol and DNR. There was some discussion about future training in the school for Active Shooter.

Use of Drones: The County has one drone and 6 supervisors are trained to use it. The display has very good digital footage. It was noted that Wisconsin Dells Police also has a drone. Committee discussed several situations where drones would be very beneficial.

MRAP: Chief Simonson and Chief Manthey described the vehicle and some of its capabilities. Several deputies are being trained for its operation. There is a driver and spotter at all times due to the limited view of the driver. It should be coming to the fire department soon for some additional training.

4. **OTHER BUSINESS:**

Chief Manthey wanted to say “Kudos” to EMS for yet another overdose save. This was the 5th save in a month.

Kathy Johnson had another training announcement to see if there was an interest in an 8 hour emergency manage course, if so they would look to sponsor the class. Course is titled “Continuity of Operations”. Larry Messer advised that he would like to see the “ALICE” training come back to the high school. Kathy will look into that as well.

5. **ADJOURNMENT**

A motion was made by Chief Manthey and seconded by City Administrator Murphy to adjourn the meeting at 10:32 a.m. Motion passed.

The next meeting is scheduled for Friday, January 29, 2016 at 10:00 a.m. in Conference Room #1.

Respectfully submitted,

Administrative Lt. Keith Klafke

KK/ce

**City of Portage
Board of Zoning Appeals
Monday, November 2, 2015
Municipal Building, Conference Room Two
Minutes**

Members Present: Dave Carlson; Traci Bartels; Adam Field; Mike Mulhern; Jeff Wetzel

Members Absent: Mike Paul (excused); Ryan Jahn, alternate

Also Present: Steve Sobiek, City of Portage; Wayne Jorgenson and Roger Davis, AMPI; Domingo Mendoza; John Pierce; Randall Schulz; Lonnie Ruff; Julie Bohl; Jeff Bohl; Deanna Miller; Ron Marks

1. **Public hearing** – convened at 5:25pm.
2. **Call to order** – following the public hearing, the determination meeting was called to order at 6:05pm by Chairman Carlson.
3. **Roll call** – roll was taken with the above members present.
4. **Approval of minutes from previous meetings** – minutes amended to note Steve Sobiek, City of Portage Director of Business Development, as present. Motion by Mulhern to approve as amended, 2nd by Carlson. Motion passed, 5-0 by voice vote.
5. **The application for AMPI, 301 E. Brooks Street, Wisconsin for a variance to Chapter 90, Article II, Section 90-37 (5) for exceeding the minimum front or street side setbacks of 25 feet. The property is zoned M-1 Industrial.**

Said variance will allow for a replacement/addition project with a 0 setback, a variance of 25 feet.

Wayne Jorgenson, representing AMPI presented the variance request to the committee. Variance would allow replacement of a section of existing building damaged by fire. Reconstruction project would maintain the same footprint as the existing building, with the exception of a small addition of about 8'x20' on the corner of the building to square it off. Building is an existing structure and cannot be reconfigured to be in compliance with setback ordinances without creating a significant hardship.

A number of neighboring property owners also spoke to ask questions about the proposed project and its impact on that particular neighborhood, including how it would affect traffic patterns, road access, and storm water runoff. City staff determined the project would not result in an increase in impervious surface area or increase storm water management challenges in the area. Jorgenson estimated that truck traffic would be reduced after completion of the reconstruction because increased onsite storage would result in less movement of product in and out from offsite storage facilities.

Motion by Mulhern to approve the variance request, 2nd by Wetzel. Passed, 5-0 by voice vote.

6. **Adjournment** – meeting adjourned at 6:10pm, motion by Field, 2nd by Wetzel. Passed 5-0 by voice vote.

Respectfully submitted,
Adam R. Field
Secretary

City of Portage
Tourism Promotion Committee Meeting
5:30 pm on Tuesday, November 3, 2015
City Municipal Building, 115 West Pleasant Street
Conference Room One
MEETING MINUTES

Members Present: Marty Havlovic, Rick Dodd and Carole LaVigne

Members Excused: Chad Stevenson and Dawn Schneller

Others Present: Marianne Hanson

1. Roll call

The meeting was called to order at 5:30 pm by chairperson Marty Havlovic

2. Approval of minutes from previous meeting

Motion by Rick, second by Carole to approve the previous minutes. Motion carried unanimously on the roll call of 3-0.

3. Public comment

None

4. Discussion and action on claims submitted

A motion was made by Carole, second by Rick to approve claims as submitted in the amount of \$13,045.00. Motion carried unanimously on the roll call of 3-0. Claims listed were Portage Area Chamber of Commerce 13090 \$8000, Laughlin Constable 109166 \$800, Laughlin Constable 109183 \$2950, Laughlin Constable 109158 \$1295

5. Discussion and actions on various marketing proposals by Portage Area Chamber of Commerce in 2015 budget

Marianne gave an update to the committee:

- the Discover Wisconsin bill that remains of \$5500 can be divided into payments of \$3000 in 2016 and \$2500 in 2017.
- the committee will not need to purchase the ski tickets from Cascade Mountain and distribute. Cascade Mountain will sell the tickets directly to the hotels that tourism was going to work with.
- a report was received from Just a Game in WI Dells that 300,000 people attended their facility this past year in which the committee has an advertising banner promoting Portage.
- the Dept. of Tourism will be making changes to the Official Wisconsin Travel Guide and it will now be including advertising. The publication will be for the 2016 and 2017 years. The committee agreed to advertise with a 1/3 square size ad.
- the summer online campaign with Capital Newspapers in the Chicago market had close to 5000 clicks delivered. Overall a good response to this campaign.

6. 2016 budget deliberations

Marianne distributed a revised version for marketing/advertising based upon the budget numbers of \$46,300.

7. Next meeting date

January 5, 2016 at 5:30pm

8. Adjournment

The meeting was adjourned at 5:46pm with a motion by Carole, second by Rick. Motion carried unanimously on the roll call of 3-0.

Minutes submitted by Marianne Hanson

City of Portage

Operator's Regular

Customer

DANIEL D. KOCH

KURT R. LAUTH

WILLIAM R. LOBERG

LAURA J. ROSTAMO

KELLIE M. TALBOT

AMBER L. WITTE

APPROVED MINUTES

**City of Portage
Plan Commission Meeting
Monday, September 21, 2015,
6:30 p.m.
City Municipal Building
115 West Pleasant Street
Conference Room Two
Minutes**

Members present: Mayor Bill Tierney, Chairperson; Robert Redelings, City Engineer; Jan Bauman, Mike Charles, Carolyn Hamre, and Brian Zirbes

Member excused: Peter Tofson

Others present: Administrator Murphy, Director Sobiek, Jon Stefanek, David Gunderson, Nancy Schaper, George Beasley, Dennis Trecek, Marianne Hanson, Sherry Douglas, Rita Briant, and Art Briant

Vice Chair Brian Zirbes called the meeting to order at 6:30pm

1. Roll call

2. Approval of minutes from previous meeting.

Motion by Charles, second by Bauman to approve the minutes. Motion passed 5 to 0 on call of the roll.

3. Discussion and possible action on Bluebird Drive parcel division.

Dave Gunderson asked the Commission to recommend approval of dividing parcel 3147.216, lots 109 and Lot 110 of Rolling Hills Country Estates, into two separate lots. The lots on Bluebird Drive had been previously combined into a larger estate lot for a parcel sale that did not materialize.

Director Redelings indicated said new parcels would meet City bulk regulation parcel code requirements for the R-1 zoning district.

Motion by Charles, second by Hamre, to recommend approval of dividing lots 109 and 110 of Rolling Hills, as indicated on the certified survey map included in the packet, into two separate parcels. Motion passed 5-0 on call of the roll.

4. Update on Conditional Use Permit Application for City of Refuge Church.

Director Redelings reviewed Administrator Murphy's memo summarizing discussions with the parcel owner, the parcel owner's legal counsel, and Church Pastor O'Boyle regarding satisfying Code parking requirements for the Church to receive its Conditional Use permit to operate. In

Staff discussions with the building owner, he has not agreed to provide the required off-street parking either on the property or via a street vacation of Skaters Way. This has put the City of Refuge Church in a difficult position as it seeks to cooperate with the City.

Staff have also met with Pastor O'Boyle, City of Refuge Church, who is not represented by legal counsel and has indicated a willingness to work with the City on resolving this parking issue. Subsequent research shows City Code will allow off-street parking off the premises but within 300 feet.

In addition, the building owner has retained legal counsel to represent him in this matter. Administrator Murphy has been in discussions with the owner's legal counsel, but has not been able to reach a satisfactory resolution to the parking issue. Consequently, Natalie Bussan, the owner's legal counsel, will be present at the Commission's October meeting to discuss this conditional use permit parking issue. She was unable to attend the September 21 Commission meeting.

5. Discussion and possible action on the sign ordinance revision.

Mayor Tierney joined the meeting and assumed chair of the meeting.

Administrator Murphy stated a revision of the sign ordinance was on the City's 'to do' list for over seven years. With the creation of the City's new Business Development and Planning position last year, Director Sobiek was recently tasked with facilitating this code revision in line with his past experience. Mr. Sobiek did not undertake this sign revision as an initiative of his new position, but rather at the direction of City administration.

Mayor Tierney said he echoed Administrator Murphy's comments and that Director Sobiek drew the "short straw" in being directed to facilitate drafting of the sign ordinance revision. This has put him in a difficult position given his dual role of boosting business development and facilitating a new set of sign regulations as part of his planning responsibilities. In addition, the City has undertaken an unprecedented outreach effort in meeting with businesses, non-profits, and business groups to obtain their input, and suggestions on the sign ordinance revision.

Director Sobiek reviewed new changes incorporated in the most recent sign ordinance revision draft, including cleanup of the abandoned sign definition, lines 23-25; removing the prohibition against balloons, beacons, streamers and statuary language, lines 110-113; adding parcels fronting E. Wisconsin Street from the eastern City limit to Ontario Street to the highway interchange sign overlay district; removing brightness limitation, lines 275-283, and rely on the City's current lighting ordinance regulating light pollution over property lines; cleaning up highway entranceway direction descriptions, north, south, east and west, for Community Organization Identification Signs, lines 397-401; allowing Zoning Administrator or Plan Commission approval of more than three flagpoles per lot, or more than additional flagpole per every 200 feet of linear foot of street frontage, lines 432-436; removing duplication of flag regulations from lines 679-683; removing the requirement that garage/estate sale signs contain

the sign owner's name and phone number, line 692; adding allowances for murals that depict historical renderings of an organization, business, service or product, lines 755-756.

In addition, removing the prohibition against off-premise advertising on a sign, lines 191-193; removing the prohibition against advertising a product in community information signs from line 376; and remove the requirement that community information signs be approved by the Plan Commission on lines 378-379.

Consensus of the Commission to 'pull back' from the internal light standards required on lines 268-274.

Mr. Trecek indicated that his vehicle dealership leases signs from General Motors and that this dictates sign size and location. He also suggested removing the 20 percent reduction in multiple wall signs .

Trecek also referenced the recent Supreme Court case, Reed v. Town of Gilbert that struck down a municipality's right to put a timeline on temporary signs.

Director Sobiek indicated that the City Attorney is reviewing this case and its impact on the City's sign ordinance and whether the revision would need to be further amended to constitutionally comply with this decision.

Ms. Hanson offered several possible changes suggestions, including amending the 36' projection limit on awning signs, lines 349-351, and the provision only allowing lighting lettering and graphic elements of the sign, lines 268-274.

Zirbes indicated that 36' might be appropriate for awning signs so that they could be visible and seen from the street, sidewalk and right of way.

The Commission discussed how temporary signs would be accommodated in the new revision. Zirbes suggested a one-time location permit for business and organizations whereby temporary signs could be changed out without additional permitting as long as they were sited at the original permit location. Likewise, designated sign locations could be permitted for non-profit groups. Installation and sign construction standards could be required in the one-time 'location' permitting process. Staff will draft a provision along these lines for consideration by the Commission.

Hansen suggested reviewing the minutes of 2012 Municipal Services Committee meeting(s) where locations, policy and process of allowing temporary signs was discussed.

6. Report on 10' walkway right of way vacation in Woodbridge Subdivision

Director Redelings reported on the walkway right of way vacation and reviewed the subdivision plat map.

In response to Mr. Zirbes inquiry, Director Redelings indicated Woodbridge subdivision homeowners would be notified, but ultimately, it's the Council's decision in accepting the walkway right of way vacation.

Motion by Redelings, second by Charles, to recommend that a public hearing be held on the 10' walkway right of way vacation in Woodbridge Subdivision. Motion passed unanimously on a call of the roll.

7. Adjournment.

Motion by Charles, second by Hamre to adjourn. Motion passed 6 to 0 on call of the roll.

Respectfully submitted,

Steven Sobiek
Director, Business Development and Planning

**City of Portage
Plan Commission Meeting
Public Hearings, 6:20 p.m. and 6:25 p.m.
Monday, October 19, 2015, 6:30 p.m.
City Municipal Building, 115 West Pleasant Street
Conference Room Two**

Members present: Mayor Bill Tierney, Chairperson; Robert Redelings, City Engineer, Jan Bauman, Mike Charles, Carolyn Hamre, Peter Tofson, and Brian Zirbes

Others present: Administrator Murphy, Director Sobiek, Bill Welsh, Craig Sauer, Justin O'Boyle, Erin O'Boyle, Natalie Bussan, Larry Day, JoAnne Genrich, John Zillmer, Kathryn Huebner, Mike Hildebrant, Angie Hildebrandt, John Gruber, Jesse Seil, Rik Rikerson, Terry Schoessow, James Grothman, Wayne Jorgenson, Don Wiedeman, Vern Grove, Kirk Konkell, and Ron Locast .

Public Hearing - 6:20 p.m.

To consider issuing a Conditional Use permit (CUP) to John Gruber for a vehicle repair shop on parcel #981 at 1000 Jefferson St., Portage, Wisconsin.

Mayor Tierney read the public hearing notice aloud and the Director of Business Development and Planning provided the staff report. The City received five comments and inquiries by phone and in person prior to the hearing.

Mayor Tierney asked if there was anyone present who wished to speak in favor of the petition.

Petitioner John Gruber asked for approval of his conditional use permit application indicating 1000 Jefferson Street was a good location to relocate his business due to Columbia County buying his property and forcing him to relocate. He stated he has been in business for 31 years, and that he has worked to clean up the look of the property within the past week.

He indicated that in regards to the issue of storing vehicles outside, it depends on what an individual's definition of junk is. He further stated that he would look at installing fencing on the property after the 'line easement' was conducted.

Mayor Tierney asked for a second time if there was anyone else present who wished to speak in favor of the petition.

John Zillmer spoke in favor of the petitioner's application, indicating that Mr. Gruber is a hard working member of the community, and assists individuals who are in financial trouble.

Mayor Tierney asked a third time, if there was anyone else present who wished to speak in favor of the petition. Hearing none, he asked if there was anyone present who wished to speak against the petition.

Larry Day, representing Lois Trimmer, spoke against the CUP application, and shared pictures showing junked vehicles and other debris on the property in violation of the City's junked vehicle ordinance. He also showed a picture purporting to show an employee of the petitioner pouring motor oil down a City storm sewer.

He acknowledged the property has been cleaned up in the past week since the pictures were taken.

Mr. Day further asserted that the CUP petition should be rejected due to the number of children in the neighborhood. In addition, he stated a salvage yard is not conducive to a good community impression for Amtrak train passengers viewing this property in close proximity to the rail line.

Mayor Tierney asked for a second time if there was anyone else present who wished to speak against the petition.

Angie Hildebrant, new owner of the neighboring parcel at 911 Jefferson Street, spoke against the CUP application. She indicated she entered into a written agreement with the petitioner to remove junked vehicles that he placed on her property. In addition, a mortgage inspection survey indicates that her property's boundaries run along the south wall of the petitioner's building. This creates liability issues for her with the petitioner and his customers using the driveway on her property. She stated that Grothman and Associates is doing a land survey to confirm this.

Mayor Tierney asked a third time if there was anyone else present who wished to speak against the petition.

Hearing none, he asked if the petitioner would like to respond to questions or make any clarifying comments. The petitioner indicated he did not.

Mayor Tierney declared the Public Hearing closed at 6:40pm.

Public Hearing - 6:25 p.m. To consider issuing a Conditional Use permit (CUP) to Cornerstone Bible Church for a church or ministry facility on parcel #2581.05 at 1420 E. Wisconsin Street, Portage, Wisconsin.

Mayor Tierney read the public hearing notice aloud and the Director of Business Development and Planning provided the staff report. The City received no comments and inquiries by phone or in person prior to the hearing.

Mayor Tierney asked if there was anyone present who wished to speak in favor of the petition.

Rik Rickerson, representing Cornerstone Bible Church, asked the Commission to approve this conditional use indicating it was the ideal and convenient location for this new church

Mayor Tierney asked a second time if there was anyone present who wished to speak in favor of the petition.

Hearing none, Mayor Tierney asked a third time, if there was anyone else present who wished to speak in favor of the petition.

Terry Schoessow, owner of the property, indicated he was in favor of granting the Conditional Use permit to Cornerstone Bible Church.

Mayor Tierney asked if there was anyone present who wished to speak against the petition.

Hearing no response, Mayor Tierney asked a second time if there was anyone present who wished to speak against the petition.

Hearing no response, Mayor Tierney asked a third time if there was anyone else present who wished to speak against the petition. Hearing none, he asked if the applicant wished to offer any clarifying or additional comments. The applicant indicated he did not.

Mayor Tierney asked if the Plan Commission members had any questions. Hearing none, he asked Mr. Schoessow if there was any dedicated parking for the church in the parking lot. Mr. Schoessow indicated there was no dedicated parking at this time, but could be considered for the future.

Mayor Tierney declared the Public Hearing closed at 6:52pm.

Regular Meeting - 6:30pm

- 1. Roll call**
- 2. Approval of minutes from previous meeting.**

Motion by Charles, second by Redelings to approve the minutes. Motion passed 6 to 0, with Tofson abstaining, on call of the roll.

- 3. Discussion and possible action on a Conditional Use permit to City of Refuge Church to operate a church or ministry facility on parcel 2430.02 at 111 Skaters Way, Portage, Wisconsin.**

Director Sobiek provided the Staff report.

Attorney Natalie Bussan, representing parcel owner Gary Kasten, indicated Mr. Kasten could not attend the meeting due to being out of state. She asked that this not be construed as any disinterest on Mr. Kasten's part in this issue or the meeting.

Ms. Bussan stated that the City's conditions imposed on land use, such as off-street parking requirements do not apply to this new church use since the zoning ordinance exempts non-conforming properties, such as the Spinning Wheels property if they existed before the enactment of the ordinance. This was the case with the Spinning Wheels building at 111 Skaters Way. She also cited Wis. Stat. 62.23 (7) (e) that allows municipal zoning boards to make special exceptions to the terms of an ordinance with its general purpose and intent and in accordance with general or specific rules contained in them.

Rev. O'Boyle stated that City of Refuge Church is needed to assist the community. He indicated he would like to work with the City in resolving the parking issues, and has had positive discussions with City Staff toward this end. He asked the Commission to grant City of Refuge Church's application for a conditional use permit. He also indicated it is his hope to buy the property within the next year or so.

Director Sobiek responded, stating that it is the City's position, as enumerated by the City attorney, that the City has the authority to impose off-street parking requirements as a condition of conditional use under the authority of Wis. Stat. sec 62.23 (7) (a) because they are substantially related to either public health, safety, morals or general welfare.

Sobiek indicated that off-street parking could be provided by a street vacation, a parking plan on an off-premise site within 300 feet, or on the eastern side of the current building near the dock door. He also indicated the Plan Commission has the authority to waive parking requirements if it believes circumstances warrant.

Administrator Murphy urged the Commission to look at potential parking issues on their long term impact on the neighborhood and City. He also indicated the City has the authority to impose parking and other land use requirements under City ordinance, especially if a new use impacts public safety or otherwise negatively impacting the City or neighborhood.

Hamre indicated that she did not see a negative impact if the church used existing parking on Skaters Way, and she is in favor of waiving any off-street parking requirements in approving the conditional use permit

Zirbes inquired on the number of parking spaces available in the Skaters Way ROW. It was noted that there's space for several parking stalls.

Motion by Tierney, second by Hamre, to approve the conditional use permit application of City of Refuge Church conditioned on one restroom being added as required by City Code, no off street parking plan being required, and a six month review meeting on any parking impacts taking place with Director Sobiek. Motion carried unanimously on a call of the roll.

4. Discussion and possible action on Conditional Use Permit for John Gruber for parcel 981; 1000 Jefferson Street, City of Portage, Columbia County, Wisconsin.

Mr. Gruber indicated he had worked with Director Sobiek early in his relocation process, but that he had bought the 1000 Jefferson Street property on land contract.

Charles stated he has known the petitioner for 30 years and found that he does assist the less fortunate. He also stated the petitioner has made an effort to clean the parcel up and reduce the number of junked cars.

Tofson said he was torn by this issue and that he tends to think that all businesses have a place in this community, although he is not sure this is the right location for the petitioner's business. He concurs that the petitioner's property does not represent the city well to Amtrak passengers traveling past the property. In light of Columbia County forcing a purchase of Mr. Gruber's downtown property, he believes City staff should assist the petitioner in finding a new location for his business.

Hamre stated she was against approving the petitioner's application

Mayor Tierney asked Ms. Hildebrant what she is utilizing the neighboring parcel for. Angie Hildebrant indicated she is looking to use the property as a warehouse and distribution center for an assisted living entity with numerous statewide locations.

Mayor Tierney stated that the leaking oil as a result of the petitioner's business has a negative impact on the environment and the community. He thanked Mr. Gruber for his service to the underprivileged of the community. He is pleased the City has assisted the petitioner in trying to find a new location for his business. He further stated he is against approving the petitioner's CUP application.

Motion by Hamre, second by Director Redelings, to deny the conditional use permit application of John Gruber. Motion passed 7-0, on a call of the roll.

Mayor Tierney directed Director Sobiek to work with the petitioner in finding a suitable location for his business.

5. Discussion and possible action on Conditional Use Permit for Cornerstone Bible Church

Rik Rikerson outlined the activities of the new Cornerstone Bible Church and presented and answered questions on remodeling to occur in the building to accommodate the church.

Mayor Tierney asked if marked or specially delineated parking spots would be provided. Mr. Rikerson indicated they would not as there is ample parking in the large lot.

Parcel owner Terry Schoessow expressed support for granting the Conditional Use permit.

Motion by Charles, second by Redelings, to approve the Conditional Use permit application for Cornerstone Bible Church, conditioned on the site accommodating off-street parking and remodeling/building modifications as presented. Motion passed 7-0 on a call of the roll.

6. Discussion and possible action on AMPI expansion/reconstruction

Director Sobiek provided a staff review report on the AMPI expansion project due to an internal fire in the facility in 2014. The proposed cooler addition and replacement project will be mostly constructed on existing footings, except for the northwest corner. Building materials will match existing and the appearance of the building will retain the look of the existing facility. Site improvements will be limited to matching into existing paving pavement, including open areas around the cooler addition. For these reasons, the foot print doesn't change any conditions that would warrant increased parking or stormwater management.

He further indicated a landscaping plan was not submitted due to the required rodent control berm around the building, impeding any landscaping. City Code allows the Plan Commission to waive landscaping requirements if not practical.

Director Redelings has indicated he will work with the applicant to provide a better permanent storm sewer alignment.

The existing rail spur track has been removed, thereby creating a net decrease in impervious area for the site.

The bigger issue is that this building project fronting East Mullet Street creates a zero set back at one point, and encroaches 1.93 feet into the right of way (ROW) at a second point. The minimum required street side setback in M1 Industrial is 25 feet.

AMPI has submitted a variance petition to the Board of Zoning Appeals requesting that the minimum building setback be reduced from 25 feet along the E. Mullet Street ROW to 0 feet. The existing setback for the building is 4.76' from the property line. At the second building point, AMPI is asking, in its variance application, to be allowed to encroach within the ROW by 1.93 feet.

Director Redelings has indicated that vacating a 2' strip of right of way on the south side of E. Mullett St. from Brady St. to McPherson St. wouldn't have a detrimental effect to future improvements to E. Mullett Street.

Wayne Jorgeson, AMPI Engineer, summarized the building project and indicated the encroachment is necessary to square off the building and incorporate the efficiency of internal space and manufacturing process function, pallet racking,

etc. He also indicated that government food processing regulations mandate the rodent control berm around the building that impedes landscaping.

Don Wiedeman, AMPI plant manager, outlined the growth, dynamics and job creation that has occurred at the Portage AMPI plant in the last 24 years, as well as in the future.

Mayor Tierney asked about the time line for the plant's expansion planned on the plant's southwest corner. Mr. Wiedeman indicated the reconstruction/expansion on the northwest corner needs to take place first due to the unexpected fire.

Motion by Director Redelings, second by Hamre, to approve the AMPI expansion/reconstruction plan as submitted, conditioned on City/Board of Zoning Appeals approval of a variance allowing a 1.93 ft ROW encroachment and zero setback on East Mullet Street for the building . Motion passed 7 to 0 on a call of the roll.

7. Discussion and possible action on land conveyance of City owned strips of land north and south of the Portage Canal to Columbia County for the Gateway building project

Director Redelings presented the description and need to convey these strips of land on the north and south sides of the Canal from the City to Columbia County in order for the Gateway project to proceed. The Ice Age Trail will remain through the southern strip of land via easement.

Mr. Grothman presented the general legal description necessary, as prepared by his firm, Grothman and Associates. Mr. Grothman discovered these strips, unattached to existing parcels as outlined in yellow, on the presented map and description, during the CSM process for the Gateway project. These strips of land will become part of the adjoining parcels, owned by the County.

Mayor Tierney indicated Mr. Zirbes would be abstaining from voting on agenda items 7 and 8 due his employment by Columbia County.

Motion by Mayor Tierney, second by Director Redelings, to approve the conveyance of City owned strips of land north and south of the Portage Canal, as described in the legal description and map as prepared and presented by Grothman and Associates, to Columbia County for the Gateway building project. Motion passed on a call of the roll, with Tierney, Redelings, Bauman, Charles, Hamre, and Tofson, voting yes. Zirbes abstained.

8. Discussion and possible on CSMs, Parcels 1294.01;372.01;305.01;304;307.01;369;310;309.01;1297;280 and 368 for Columbia County's Gateway project.

Director Redelings outlined and described the newly configured parcels, lots 1, 2 and 3, for the Gateway building project.

County Board Chair Gove thanked Mayor Tierney, Administrator Murphy and Director Redelings for their assistance and cooperation in working to move the Gateway project and approval process along.

Supervisor Konkel indicated the County will be submitting the Gateway building project site plan by November 4 for the Plan Commission approval, including utilities, landscaping, and signage. Request for bids will be circulated on December 18, bids will be opened in January, 2016, bid contracts will be signed in February and construction will start in March, 2016. Some demolition of buildings on the south side of the Canal will begin in December, including the Dorn property.

Additionally he indicated, Columbia County will be presenting the CSMs for the County's Phase 2 Court House project changes in the future.

Administrator Murphy thanked Chair Gove, Supervisor Konkel, and Ron Locast for their collaborative efforts in moving the Gateway project forward.

Motion by Tofson, second by Hamre, to approve the CSMs for Lots 1, 2 and 3 for Columbia County's Gateway building project, as presented and prepared by Grothman and Associates, conditioned on the strips of land north and south of the Canal being included in the CSM parcels, Columbia County owning all the parcels (the Gruber and former feed mill parcels included), and the City Attorney reviewing the CSM documents, with any additional future changes being made with the approval of the City Attorney. Motion passed on a call of the roll, 6 to 0, with Zirbes abstaining.

9. Adjournment.

Motion by Redelings, second by Charles, to adjourn. Motion passed 6 to 1 on call of the roll. Tierney, Redelings, Charles, Tofson, Zirbes, and Bauman voted yes. Hamre voted no.

The meeting concluded at 8:30 p.m.

Respectfully submitted

Steven Sobiek, Director, Business Development and Planning

City of Portage
Finance/Administration Committee Meeting
Monday, October 26, 2015 6:00 p.m.
City Municipal Building, 115 West Pleasant Street
Conference Room One
Minutes

Members: Rick Dodd, Chairperson; Mike Charles, Martin Havlovic, Doug Klapper, Richard Lynn

Also Present: Administrator Murphy, Finance Director Mohr, Director Redelings, Director Sobiek, Chief Simonson, Bill Welsh – Cable TV, Craig Sauer – Daily Register

1. Roll call

The meeting was called to order at 6:00 pm by Chairperson Dodd.

2. Approval of minutes from October 12, 2015.

Motion by Charles, second by Havlovic to approve minutes from October 12, 2015. Motion carried unanimously on call of roll.

3. Discussion on 2016 budget and review of Utilities, Vehicle Replacement, and Special Revenue Fund Budgets.

Mohr started with an overview of the Water Utility budget indicating that the 3% increase from the 2015 Simplified Rate Case is reflected in the appropriate categories resulting in a 2.87% revenue increase overall; and the operational expenses are budgeted to increase 2.09% overall. Redelings further detailed a decrease of \$18K in the Pumping area with a reduction in the Electricity and Gas account attributed to the time of day pumping for Well 8. The Treatment area reflects an increase for the replacement of one furnace and the inclusion for inspection of VOC. The various maintenance accounts in Distribution were increased to reflect actual trends. Customer Accounts area increased with the inclusion of \$15,000 for the replacement of lead content meter exchanges along with an increase of \$5,000 in postage to reflect the history in the account. Redelings further reviewed the capital expenditures as previously presented in last week's meeting; there was some discussion regarding the painting of the south tower if a business or club would be interested in participating in the cost. Mohr pointed out that the debt service for water is increasing \$49K in 2016 due to the 2015 borrowing. Mohr also indicated that during the implementation of the Simplified Rate Case it was discovered that Water Utility had inadvertently over charged the hydrant rental to the City just under \$30,000 for 2012- 2014 for a total of \$85,000. This was due to a change in the PSC's procedure that was not implemented as part of the year end audit. This is not currently reflected in the numbers as we are analyzing the various options to remedy the situation.

Mohr indicated the Sewer Utility revenues reflect the Rate Case Increase adopted in June as the 2015 budgeted revenues for Sewer were significantly understated the comparison of the 2016 budgeted revenues to the 2014 actual revenues increased 2.15% overall. The operational expenses increased 1.89%. Redelings indicated that

the overall budget stayed flat. Dodd questioned the inclusion of the Ehlers Rate Study; it was agreed that this is an oversight and should be removed from 2016. Mohr pointed out that the debt payments are increasing \$72,400 as a result of the 2015 borrowing.

Murphy reviewed the various TID budgets indicating that some of the TIDs are still producing insufficient increment revenue to meet debt service obligations and without development in the Industrial Park (#4) and the Portage Highlands (#5) these TID's may not recover before the end of their lives. Overall TID valuations are increasing. TID 8 (Hamilton Park Place) has initially exceeded valuation projections. Murphy then reviewed the Park Land fund indicating that this fund will be utilized to perform the Tree Inventory project in 2016 which we will receive a 50% Urban Forestry Grant from the DNR.

The Pool budget is anticipated to remain virtually the same as 2015. Havlovic reviewed the Tourism Budget noting that the community events that are chosen are evaluated based on the ability to bring people to the community and stay overnight (motel stays). Mohr indicated the Economic Development Fund will have approximately \$70,000 available in 2016. Sobiek reviewed the Portage Enterprise Center (PEC) Budget noting that there will be some turnover in the tenants as a couple of current occupants are looking to graduate and establish their own locations. He is confident that there will be other companies looking to fill the spaces. The Debt Service and Ambulance Funds were also reviewed.

4. Discussion on proposed Inspection Services memo.

Murphy presented the Building Inspections Memorandum noting that since 2008 the City significantly reduced the funding available for property maintenance inspections in conjunction the recession added to the decline in property values in the City. A large number of single-family residences have been converted to 3+ unit dwellings. The City has adopted minimum housing standards as Article III of Chapter 38 or Minimum Housing & Property Maintenance Code. It is currently enforced on a complaint driven basis. It is the goal to begin enforcing the code on a proactive basis.

The recommendation is to phase in the inspection of larger multi-family properties to begin to address some of the violations observed from the CSOs and Fire Inspector while performing their inspections. In order to allow the Fire Inspector additional time to perform these inspections, it was also recommended to add Paid-on-Premise (POP) personnel, who would perform the normal fire station duties starting in July, 2016. The GovHR Staffing Evaluation identified property code inspection and enforcement as one area for consideration of assigning additional resources; and could be combined with the fire inspection duties.

The City solicited proposals for the building inspection services and received 3 proposals, one of which subsequently withdrew. Both General Engineering Company (GEC), who is the current contractor and Safebuilt addressed the City's RFP requirements in terms of having certified personnel. Safebuilt is slightly more expensive however after interviewing both contractors it was determined the proprietary software utilized by Safebuilt would offer better tracking and monitoring. Additionally, Safebuilt

also recommended the City pursue designation as Certified Municipality through the State of Wisconsin which could save a great deal of time in obtaining a building permit from the state level.

The option of hiring a full-time inspector that could conduct building code and property maintenance inspections was also considered. However, it is felt that contracting this service out allows for accessibility to a larger base of qualified individuals to fill each of the various certifications. Additionally, the City would still need consulting inspection services if a full-time staff person was considered making this option much more expensive, requiring additional funding beyond permit fees to sustain.

In addressing some of the areas identified in the GovHR Staffing Evaluation while under budget constraints the City is recommending the addition of a POP and a contract with Safebuilt for building and property inspections.

Lynn inquired if the 2016 budget reflects cuts to the Police Budget per the GovHR report. Murphy indicated the GovHR report indicated the Police Department had approximate 2 additional staff in comparison to similar sized communities, however Murphy also noted that the City has a lower crime rate than those same communities and there are no recommendations to reduce staff in the Police Department. Additionally, cutting a patrol officer would result in an increase in overtime costs. Murphy also indicated the GovHR report indicated staff deficiencies in several areas, most notably the Public Works Department and further recommendations will be forthcoming on these.

5. Adjournment.

Motion by Charles, second by Klapper to adjourn the meeting at 7:32 p.m. Motion carried unanimously on call of roll.

Jean Mohr, Finance Director

**City of Portage
Finance/Administration Committee Meeting
Monday, November 2, 2015 5:30 p.m.
City Municipal Building, 115 West Pleasant Street
Conference Room One
Minutes**

Members: Rick Dodd, Chairperson; Mike Charles, Martin Havlovic (arriving at 5:32), Doug Klapper, Richard Lynn

Also Present: Administrator Murphy, Finance Director Mohr, Alderperson Maass, Clerk Moe (arriving at 6:05), Bill Welsh – Cable TV, Craig Sauer – Daily Register

1. Roll call

The meeting was called to order at 5:30 pm by Chairperson Dodd.

2. Approval of minutes from October 26, 2015.

Motion by Charles, second by Klapper to approve minutes from October 26, 2015. Motion carried 4-0 on call of roll. Dodd indicated that the next agenda item related to the 2016 Budgets would be moved to the end of the agenda.

3. Discussion and possible recommendation on agreement with Strand Associates for IT services.

Murphy indicated the estimated fee in the agreement for 2016 was increased \$1,000. As a result of the departure of city personnel that headed up the IT responsibilities in 2015 the city will rely more on Strand Associates for assistance in 2016. YTD through September 2016 the City has incurred approximately \$6K in services.

Motion by Klapper, second by Charles to recommend the agreement with Strand Associates for 2016 as presented. Motion carried 4-0 on call of roll.

4. Discussion and possible recommendation of Bank of Wisconsin Dells Agreement for Property Tax Collection.

Mohr indicated this is the same agreement as last year allowing the Bank of Wisconsin Dells, which is the City's primary bank, to collect property taxes on behalf of the City. This is for the benefit of the residents who would prefer to pay at the Bank's location; along with the expanded available hours.

Motion by Klapper, second by Charles to recommend the agreement with the Bank of Wisconsin Dells for Property Tax Collection. Motion carried 5-0 on call of roll.

5. Discussion and possible recommendation 2016 Inter-Municipal Fire Agreement.

Murphy reviewed the agreement with the four towns noting that the material changes include the change in terms from 1 year to 2; the annual administrative fee increased \$500 to \$6,500; an increase of \$2 per hour to \$12 paid to the Firefighters Association for Paid on Call. There was language added to address the concern from the Towns of being charged the full \$310 from the City for the equipment usage even if the City was called off before arriving at the scene; the Towns will only be charged if a vehicle leaves the station and shall be invoiced in quarter hour increments for the duration of time to return to the station. The Towns' portion of the vehicle replacement fund was transferred to their fiscal agent earlier this year so the appropriate language was

changed to reflect that change. With the above noted changes the City is anticipating an increase in revenues.

Motion by Klapper, second by Charles to recommend the 2016 Inter-Municipal Fire Agreement. Motion carried 5-0 on call of roll.

6. Discussion on 2016 budget and review of Policies, Levy, and Preliminary Overall Review.

Mohr began the review of the high level changes in the 2016 budget as compared to the 2015 budget noting that the 2016 budget as presented includes the transfer of approximately \$80K to an Inspection Fund and \$63K to a Post-Retirement Fund. To that end the 2016 budget presented balances and meets both the Expenditure Restraints and Levy Limits.

The 2016 budget increased \$41,225 or 0.55% over the 2015 budget.

2016 revenues increase consists of \$34K in property related taxes; \$13K in shared revenue increase; \$25K in court fines; CATV fee \$8K; Charges for services \$9K; Rural Fire \$5K; offset by a transfer in building related fees of (\$49.4)K

The 2016 expenditures highlights include \$48K of personnel related changes; \$57K worker's comp; \$32K in solid waste disposal; offset by reduction in admin other professional (\$20K); transfer retirement (\$53K); transfer of inspection (\$21K).

Murphy further elaborated on the proposal of establishing an Inspection Fund; he indicated that this is allowable under the current guidelines as the expenses are supported by specific fees which would also be transferred from the General Fund. Establishing a Post-Retirement fund also allows the non-operational expenses to be transferred from the General Fund and supported by General Fund Surplus or borrowing. Post-Retirement benefits arise when a retiring employee converts their accumulated sick leave into reserves to be attributed toward health insurance. Generally there is a 150 day cap on the sick leave times the wage at retirement.

He also indicated that another option to meet Expenditure Restraint is to reduce the amount that the General Fund allocates to the Vehicle Replacement Fund annually and borrow for the vehicles at the time of need.

In order to continue to meet the Expenditure Restraint program in the future the City could investigate the use of a Transportation Fund as was discussed earlier this year as part of the funding for the Trail system. This would be supported through a fee based program. Another option that some communities are exploring is the wheel tax fee the DOT would administer; generally a fee of \$10 per vehicle would be added on to the vehicle registration with approximately 12K vehicles registered in the City would add about \$120K in revenue.

7. Adjournment.

Motion by Klapper, second by Charles to adjourn the meeting at 6:44 p.m. Motion carried 5-0 on call of roll.

Jean Mohr, Finance Director

Claims - Finance Meeting 11/09/15

Vendor Summary Report

18,808.10	Alliant
4,278.10	BASSETT MECHANICAL Q1 of City (\$1371) & Sewer contracts (\$2307); repair hear Fire Eng office in garage (\$600)
6,753.88	Col Cty Highway - Repairs New Pinery, Haertel, Slifer
55,759.20	Col Cty Solid Waste Sept & Oct
103,515.90	Dept Employee Trust Funds
3,300.00	Ehlers & Associates, Inc. 2015 Disclosure Reporting
2,754.00	Element Security Group Auto Locks; Chamber Plaza
9,504.25	General Engineering (1)
5,503.58	Hawkins Sewer
3,666.90	Ingram Library Services
38,479.00	JF Ahern \$12,179 RBC S12; \$26,300 Screw Pump S11
8,005.28	Kwik Trip
2,790.00	LMS Const Compost at Dump Site
26,640.00	LW Allen - Sewer - Fiber Optic Repair S13
31,074.41	Portage Water Utility
114,335.94	Ptaschinski Const E Frank/Wmarion/E Albert 15-20C05
2,950.00	Robinson Brothers - Asbestos City Hall Pipes
73,735.00	Siemens Industry - Sewer Gear Units S11
10,000.00	Silver Lake Cemetery - Shed Materials - in place of Road
218,588.23	WI DOT - Pinery/Alb/Haert 15-20C03 \$218,176; Welcome Ctr \$412
69,677.44	Wisconsin Retirement System

(1) General Engineering		
\$	4,312.50	Frank/Mar/Alb 15-20C05
\$	747.50	Beach Wall 15-30C03
\$	865.25	RBC BEAR REPL 15-620S12
\$	1,320.00	Water Bldg 15-610W06
\$	276.50	Screw Pump 15-620S11
\$	482.50	Rayovac Lft 15-620S08
\$	1,500.00	Permits
\$	9,504.25	

810,119.21 Subtotal

860,962.81 860,962.81 Total
94%

135,879.90 135,879.90 Northern Escrow, Inc. - Great Lakes Marine Contracting - SILVER LAKE PKG LOT RETAINING WALL 15-30C05

Paid Invoice Listing 148032-148178

2,500.00	AXLEY BRYNELSON, LLP Personnel Manual
1,757.00	Columbia Cty Treas - Muni Court
3,000.00	Scott Davis BID Contractor
6,436.77	Delta Dental
12,427.68	General Heating & Air Cond - MATC PEC; EDA Grt \$
5,500.00	Indian Agency House; Tourism 2015 Allocation
5,045.00	LAUGHLIN CONSTABLE; Tourism Chicago Herald; Journal Sentinal
8,000.00	Portage Chambe of Commerce; Tourism 4th Q
47,000.00	Portage Firefighters Assoc; 2nd half POC
1,903.00	Postmaster - 2015 Tax Bill Processing
88,744.15	Running; Aug & Sept Taxi
2,210.00	SCHOMMER CONSTRUCTION; BID underground final
5,365.94	State of WI - Muni Court
<u>189,889.54</u>	Subtotal

199,821.79 199,821.79 Total
95%

Manual Checks Issued - Wires

13,222.00	Great West Retirement Svc
73,605.47	Comm Bank of Ptg Tax W/H Fed (903/905)
14,387.93	Comm Bank of Ptg Tax W/H State (907)
13,605.31	BTS Interest on 15B Water Rev Bond Debt (11/1/15) R
21,060.30	State Int 98 CWF; 08 CWF; 07 SWF Deebt
<u>135,881.01</u>	Subtotal

136,588.80 136,588.80 Total
99%

Water Claims not paid input date 10/1/15-11/30/15; 11/6/15

11,614.48	City Treasurer - Payroll
16,629.67	Cargill
2,300.00	H&M Contracting
7,260.48	LW Allen survey
2,712.60	Martelle Water Treatment
2,571.11	Midwest Meter
146,510.33	Sewer
6,100.00	US Postal Svc
<u>195,698.67</u>	Subtotal

206,070.74 206,070.74 Total
95%

Water Pd Claims 15390-15400

63,961.58	City Treasurer - Muni Owned Tax; AP; Debt
8,765.76	Alliant Energy
11,636.58	City Treasurer - Payroll
150,169.45	Sewer
<u>234,533.37</u>	Subtotal

238,512.20 238,512.20 Total
98.3%

\$ 1,777,836.24 Total Claims

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CITY OF PORTAGE
VENDOR SUMMARY REPORT

PAGE: 1

INVOICES DUE ON/BEFORE 11/12/2015

VENDOR #	NAME	AMOUNT DUE
ADAMCOL	ADAMS-COLUMBIA ELECTRIC COOP	31.79
ALERETOX	ALERE TOXICOLOGY SERVICES INC	116.50
ALLIENE	ALLIANT ENERGY	18,808.10
AMAZON	AMAZON	846.66
AMERFAS	AMERICAN FASTENER	39.55
ARAMUNI	AUS LA CROSSE MC LOCKBOX	618.24
BAGNRO	ROBERT J. BAGNALL	58.01
BAKEENT	BAKER & TAYLOR	1,916.87
BARANEWS	BARABOO NEWS REPUBLIC	244.40
BASSMEC	BASSETT MECHANICAL	4,278.10
BATTPRO	BATTERY PRODUCTS INC	61.89
BRUCMUN	BRUCE MUNICIPAL EQUIPMENT, INC	751.26
BSNSPO	BSN SPORTS INC.	536.54
CALETOWN	TOWN OF CALEDONIA	560.00
CAPIBAT	CAPITOL CITY BATTERY, INC.	203.95
CAPNEWS	CAPITAL NEWSPAPERS	1,375.96
CARDMEM	CARDMEMBER SERVICE	1,023.34
CAREWCO	CAREW CONCRETE & SUPPLY CO INC	315.00
CARTDIR	CARTRIDGES DIRECT	215.97
CCHEALT	COLUMBIA COUNTY HEALTH &	40.00
CCHIGH	COLUMBIA COUNTY HIGHWAY	6,753.88
CCSOLID	COLUMBIA CO. SOLID WASTE	55,759.20
CENTLINK	CENTURY LINK	50.83
CENTSPR	CENTURY SPRINGS BOTTLING CO	265.60
CHARCOM	CHARTER COMMUNICATIONS	770.15
CINTAS	CINTAS CORPORATION #446	559.83
COMMSER	COMMUNICATIONS SERVICE	92.50
COUNPLU	COUNTRY PLUMBER, INC	175.00
CRAWOIL	CRAWFORD OIL CO., INC.	152.01
DAVISTAN	DAVIS & STANTON	30.00
DEANHEAL	DEAN CLINIC	21.00
DEMCO	DEMCO, INC.	94.57
DEPTEMP	DEPT. OF EMPLOYEE TRUST FUNDS	103,515.90
DIVISAV	DIVINE SAVIOR HEALTHCARE	118.50
DLGASSER	D.L. GASSER CONSTRUCTION	464.40
DLTSOLU	DLT SOLUTIONS	517.80
EHLERS	EHLERS & ASSOCIATES, INC.	3,300.00
EHLINV	EHLERS INVESTMENT PARTNERS	71.14
ELECONE	ELECTRIC ONE	467.64
ELECSYS	ELECTION SYSTEMS & SOFTWARE	1,085.99
ELEMSEC	ELEMENT SECURITY GROUP	2,754.00
EMERSER	EMERGENCY SERVICES MARKETING	650.00
ETICORP	ETI CORP.	299.00
FAITHTEC	FAITH TECHNOLOGIES, INC.	519.23

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CITY OF PORTAGE
VENDOR SUMMARY REPORT

PAGE: 2

INVOICES DUE ON/BEFORE 11/12/2015

VENDOR #	NAME	AMOUNT DUE
FASTCO	FASTENAL COMPANY	96.93
FEARAUD	FEARINGS AUDIO VIDEO SECURITY	219.48
FIRERESC	FIRE RESCUE SUPPLY LLC	40.00
FIRESAFE	FIRE & SAFETY EQUIPMENT INC	107.56
FRONTON	FRONTIER ONLINE	2,163.57
GALEGRO	GALE	19.46
GALLS	GALLS, AN ARAMARK COMPANY	782.48
GENENG	GENERAL ENGINEERING COMPANY	9,504.25
GRAINGER	GRAINGER	7.92
HARDHEL	HARDER CORP	58.80
HAWKWAT	HAWKINS INC.	5,503.58
HOWALEE	HOWARD LEE & SONS, INC.	935.00
IAFC	INTERNATIONAL ASSOC OF FIRE	209.00
INGRBOO	INGRAM LIBRARY SERVICES	3,666.90
INTEELE	INTERSTATE ELECTRIC SUPPLY CO.	1,385.01
JFAHREN	J.F. AHERN COMPANY	38,479.00
JOHNDEE	JOHN DEERE FINANCIAL	328.29
KUTZWIL	WILLIAM KUTZKE	582.89
KWIKTRI	KWIK TRIP STORES	8,005.28
KYOCERA	KYOCERA MITA, INC.	180.72
LANGENT	LANGE ENTERPRISES, INC	343.52
LARKUNI	LARK UNIFORM, INC.	54.70
LMSCON	LMS CONSTRUCTION INC	2,790.00
LOGISINC	LOGISTECH INC	145.36
LWALLEN	L.W. ALLEN, INC.	26,640.00
MCMAASS	MCMAHON ASSOCIATES, INC.	1,794.00
MIDTAPE	MIDWEST TAPE	739.74
MINNMUT	THE MINNESOTA LIFE INSURANCE	2,191.50
MTSSAFE	MTS SAFETY PRODUCTS INC	242.25
MUNICOD	MUNICIPAL CODE CORPORATION	650.00
NAPAAUT	NAPA AUTO PARTS	1,740.27
NATIELE	NATIONAL ELEVATOR INSPECTION	97.90
NORESC	NORTHERN ESCROW INC	135,879.90
NORTCEN	NORTH CENTRAL LABORATORIES	2,191.26
NORTDOOR	NORTHLAND DOOR SYSTEMS INC	157.50
NORTLAK	NORTHERN LAKE SERVICE, INC	248.00
OREIAUT	O'REILLY AUTO PARTS	248.93
PARTSMAS	PARTSMASTER	79.35
PENGRAN	PENGUIN RANDOM HOUSE LLC	212.25
PENWORTH	THE PENWORTHY COMPANY	1,290.61
PHOESP	PHOENETICALLY SPEAKING & ASL	400.00
PITNEYBO	PITNEY BOWES PURCHASE POWER	101.57
POMPTIR	POMP'S TIRE SERVICE INC	1,280.00
PORTDIE	PORTAGE DIESEL , INC.	109.40

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CITY OF PORTAGE
VENDOR SUMMARY REPORT

PAGE: 3

INVOICES DUE ON/BEFORE 11/12/2015

VENDOR #	NAME	AMOUNT DUE
PORTGLAS	PORTAGE GLASS COMPANY	109.75
PORTLUM	PORTAGE LUMBER	486.30
PORTSCH	PORTAGE COMMUNITY SCHOOL DIST.	1,155.87
PORTWAT	PORTAGE WATER UTILITY	31,074.41
PREMWAT	PREMIUM WATERS, INC.	30.00
PTASCON	PTASCHINSKI CONSTRUCTION, INC.	114,335.94
QTPOD	QT PETROLEUM ON DEMAND	995.00
RENNFIR	RENNERT'S FIRE EQUIPMENT	811.50
RHYMBUS	RHYME BUSINESS PRODUCTS	139.53
ROBIBROT	ROBINSON BROTHERS	2,950.00
RUETSA	SARAH RUETH	54.97
SADLJO	JOSEPH SADLON	36.80
SCHAMAN	SCHAEFFER MANUFACTURING CO	422.40
SCHUSMA	SCHULTZ SMALL ENGINE	66.69
SIEMIND	SIEMENS INDUSTRY, INC.	73,735.00
SILVLAK	SILVER LAKE CEMETERY	10,000.00
SIMETAL	S.I. METAL	68.97
SOBISTE	STEVE SOBIEK	148.35
STANCH	CHARLES STANLEY	94.90
STAPLES	STAPLES CREDIT PLAN	1,100.06
STATWI	STATE OF WISCONSIN	50.00
STRAASS	STRAND ASSOCIATES INC	361.15
SUPECHE	SUPERIOR CHEMICAL INC	349.54
SYSTTECH	SYSTEMS TECHNOLOGIES	125.00
THOMKL	KLAUDE THOMPSON	227.30
TOWNFT	TOWN OF FORT WINNEBAGO	100.00
TOWNLEW	TOWN OF LEWISTON	100.00
TOWPAC	TOWN OF PACIFIC	150.00
TRECEK	TRECEK AUTOMOTIVE OF	129.80
TRUCKCO	TRUCK COUNTRY	943.88
TWORIV	TWO RIVERS SIGNS & DESIGN	120.00
ULTRACOM	ULTRACOM WIRELESS	49.95
UNIQMAN	UNIQUE MANAGEMENT SERVICES INC	53.70
USBORNE	USBORNE BOOKS	206.83
USCELL	U. S. CELLULAR	1,409.99
V&H	V&H, INC. TRUCKS	18.78
WALSACE	WALSH'S ACE HARDWARE	884.84
WEAVAUT	WEAVER AUTO PARTS	290.31
WELWILL	WILLIAM P. WELSH	565.00
WIDEJUST	WI DEPT OF JUSTICE	7.00
WIDEPDMV	WIS DEPT OF TRANSPORTATION	218,588.23
WIESCON	WIESER CONCRETE	111.60
WISCJUS	WI DEPARTMENT OF JUSTICE	360.00
WRS	WISCONSIN RETIREMENT SYSTEM	69,677.44

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CITY OF PORTAGE
VENDOR SUMMARY REPORT

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INVOICES DUE ON/BEFORE 11/12/2015

VENDOR #	NAME	AMOUNT DUE
WSDARL	W.S. DARLEY & CO	35.16
XYLEM	XYLEM WATER SOLUTIONS	720.00
ZEPMAN	ZEP SALES & SERVICE	95.64
ZIMMPLU	ZIMMERMAN PLUMBING INC	860.70
TOTAL ALL VENDORS:		996,842.71

PORTAGE UTILITIES

Payment Approval Report Finance Committee Only
Input Date(s): 10/01/2015 - 11/30/2015Page: 1
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Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
1ST AYD CORPORATION							
	Total 1ST AYD CORPORATION				167.40	.00	
ALLIANT ENERGY/WP&L							
	Total ALLIANT ENERGY/WP&L				772.29	.00	
ARAMARK UNIFORM SERVICES							
	Total ARAMARK UNIFORM SERVICES				136.40	.00	
CARGILL INC-SALT DIVISION							
	Total CARGILL INC-SALT DIVISION				16,629.67	.00	
CHARTER COMMUNICATIONS							
	Total CHARTER COMMUNICATIONS				65.96	.00	
CITY TREASURER-PAYROLL							
	Total CITY TREASURER-PAYROLL				11,614.48	.00	
COMPUTER CLINIC WISCONSIN LLC							
	Total COMPUTER CLINIC WISCONSIN LLC				416.34	.00	
CT LABORATORIES, LLC							
	Total CT LABORATORIES, LLC				252.00	.00	
DAVIS CONSTRUCTION							
	Total DAVIS CONSTRUCTION				455.00	.00	
DIGGERS HOTLINE INC							
	Total DIGGERS HOTLINE INC				167.16	.00	
DORNER COMPANY							
	Total DORNER COMPANY				583.00	.00	
DWYER, PETER &/OR DONNA							
	Total DWYER, PETER &/OR DONNA				49.09	.00	
FERGUSON WATERWORKS #1476							
	Total FERGUSON WATERWORKS #1476				800.00	.00	
FRONTIER							
	Total FRONTIER				52.93	.00	
GRAINGER							
	Total GRAINGER				119.25	.00	
H & M CONTRACTING							
	Total H & M CONTRACTING				2,300.00	.00	
HD SUPPLY WATERWORKS, LTD							
	Total HD SUPPLY WATERWORKS, LTD				1,411.26	.00	
L W ALLEN							
	Total L W ALLEN				7,260.48	.00	
LMS CONSTRUCTION INC							
	Total LMS CONSTRUCTION INC				1,697.50	.00	
MARTELLE WATER TREATMENT							

PORTAGE UTILITIES

Payment Approval Report Finance Committee Only
 Input Date(s): 10/01/2015 - 11/30/2015

Page: 2
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Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
	Total MARTELLE WATER TREATMENT				2,712.60	.00	
MIDWEST METER INC							
	Total MIDWEST METER INC				2,571.11	.00	
NAPA AUTO PARTS							
	Total NAPA AUTO PARTS				27.50	.00	
P W U							
	Total P W U				1,121.44	.00	
PITNEY BOWES INC - RENTAL							
	Total PITNEY BOWES INC - RENTAL				126.99	.00	
POINTON HEATING & A/C INC							
	Total POINTON HEATING & A/C INC				301.75	.00	
PORTAGE PRINTING							
	Total PORTAGE PRINTING				264.00	.00	
SEWER UTILITY							
	Total SEWER UTILITY				146,510.33	.00	
STAPLES CREDIT PLAN							
	Total STAPLES CREDIT PLAN				286.71	.00	
U S POSTAL SERVICE							
	Total U S POSTAL SERVICE				6,100.00	.00	
WALSH'S ACE HARDWARE							
	Total WALSH'S ACE HARDWARE				281.60	.00	
WI STATE LABORATORY OF HYGIENE							
	Total WI STATE LABORATORY OF HYGIENE				45.00	.00	

Total Paid: -
 Total Unpaid: 205,299.24
 Grand Total: 205,299.24

Portage Water Utility

Dated: _____

PORTAGE UTILITIES

Payment Approval Report Finance Committee Only
 Input Date(s): 11/06/2015 - 11/06/2015

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Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
24 HOUR HOME COMFORT SERVICES							
	Total 24 HOUR HOME COMFORT SERVICES				23.95	.00	
ALLIANT ENERGY/WP&L							
	Total ALLIANT ENERGY/WP&L				18.19	.00	
KWIK TRIP EXTENDED NETWORK							
	Total KWIK TRIP EXTENDED NETWORK				729.36	.00	

Total Paid: -
 Total Unpaid: 771.50
 Grand Total: 771.50

Portage Water Utility

Dated: _____

PORTAGE UTILITIES

Check Register - CLAIMS PAID BUT NOT APPROVED

GL Posting Period(s): 09/15 - 10/15

Check Issue Date(s): 10/28/2015 - 10/28/2015

Per	Date	Check No	Vendor No	Payee	Invoice No	Seq	GL Acct No	Discnts Taken	Seq Amount	
10/15	10/28/2015	15390	127	24 HOUR HOME COMFORT SERVICE	724967	1	1-655350		23.95	
					727423	1	1-655350		11.95	
		Total 15390								35.90
10/15	10/28/2015	15391	2362	ALLIANT ENERGY/WP&L	663440U100215	1	1-622221		2,572.36	
					398735U100715	1	1-622221		4,266.39	
					258719U100115	1	1-622221		17.67	
					228592U101415	1	1-622221		1,566.65	
					MOHR RD-9/21-10/20	1	1-622221		342.69	
		Total 15391								8,765.76
10/15	10/28/2015	15392	325	CENTURY LINK	1353706919	1	1-921220		.94	
10/15	10/28/2015	15393	327	CITY OF PORTAGE - TREASURER	2015332	1	1-408200		30,524.64	
					2015331	6	1-930290		35.68	
					2015331	1	1-921220		48.32	
					2015331	2	1-925511		1,098.00	
					2015331	3	1-925510		2,042.00	
					2015331	7	1-950000		16,472.00	
					2015331	4	1-925510		2,240.00	
					2015331	5	1-924512		11,500.94	
		Total 15393								63,961.58
10/15	10/28/2015	15394		Information Only Check	.00		1-232000			
10/15	10/28/2015	15395	329	CITY TREASURER-PAYROLL	10/16/15 - PAY	3	1-620150		341.24	
					10/16/15 - PAY	5	1-920000		4,194.71	
					10/16/15 - PAY	10	1-902111		399.96	
					10/16/15 - PAY	4	1-620151		357.59	
					10/16/15 - PAY	7	1-920150		299.69	
					10/16/15 - PAY	9	1-902000		363.60	
					10/16/15 - PAY	11	1-902000		13.63	
					10/16/15 - PAY	12	1-902150		52.85	
					10/16/15 - PAY	13	1-902151		59.46	
					10/16/15 - PAY	6	1-920112		212.60	
					10/16/15 - PAY	8	1-920151		322.91	
					10/16/15 - PAY	2	1-620112		41.73	
					10/16/15 - PAY	1	1-620110		4,976.61	
		Total 15395								11,636.58
10/15	10/28/2015	15396	714	FRONTIER	WELLS-10/13-11/12/15	1	1-921220		245.46	
10/15	10/28/2015	15397	1143	KWIK TRIP EXTENDED NETWORK	NP45593389	1	1-920342		788.56	
10/15	10/28/2015	15398	1615	P W U	OFFICE - 9/15	1	1-632223		14.08	
					SHOP - 9/15	1	1-632223		33.16	
					TRTMT PLT-9/15	1	1-632223		529.04	
					WELL #3 - 9/15	1	1-632223		36.24	
					WELL #8 - 9/15	1	1-632223		625.96	
		Total 15398								1,238.48
10/15	10/28/2015	15399	1610	PUBLIC SERVICE COMMISSION WIS	RA16-I-04760	1	1-926202		1,939.05	
					RA16-I-04760	2	1-926202		269.56	
		Total 15399								1,669.49
10/15	10/28/2015	15400	1975	SEWER UTILITY	9/15 - BILLING	1	1-233400		150,169.45	
		Totals:								238,512.20

V



Strand Associates, Inc.®
 910 West Wingra Drive
 Madison, WI 53715
 (P) 608-251-4843
 (F) 608-251-8655

Task Order No. 15-02
 City of Portage, Wisconsin (OWNER)
 and Strand Associates, Inc.® (ENGINEER)
 Pursuant to Technical Services Agreement dated December 1, 2011

Project Information

Services Name: General Information Technology Consulting Services

Services Description: Provide OWNER with general information technology (IT) consulting and support services on an as-requested basis for its Administration, Police, Fire, Water, and Wastewater Departments.

Scope of Services

ENGINEER will provide the following services to OWNER:

1. Network Configuration: Configure network equipment and telecommunications circuits, such as Internet connections, as requested by OWNER.
2. Network Troubleshooting: Test, reconfigure, and troubleshoot network equipment and systems so the systems can be restored to working order or a review for replacement can be made.
3. Purchasing Advice: Provide OWNER with guidance for purchasing software, hardware, and related components based on OWNER's existing network and future needs.
4. Technology Advice: Provide OWNER with general advice about technology such as potential upgrades, purchases, and software, and additional services.
5. Helpdesk: Provide OWNER with general support, troubleshooting, and assistance for desktop and network applications. Support will be provided between 8 A.M. and 5 P.M. Central Standard Time. Contact information will be provided for after-hours support, but response time may be limited outside normal business hours

Compensation

OWNER shall compensate ENGINEER for Services under this Task Order on an hourly rate basis plus expenses an estimated fee of \$15,000.

Schedule

Services will begin upon execution of this Task Order, which is anticipated on January 1, 2016. Services are scheduled for completion on December 31, 2016.

TASK ORDER AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

OWNER:

STRAND ASSOCIATES, INC.®

CITY OF PORTAGE

 Matthew S. Richards
 Corporate Secretary

Date

 W.F. Bill Tierney
 Mayor

Date

JNM:mro\R:\MAD\Documents\Agreements\Portage, City of (WI)\TSA 2012\TO\2015\1076.003.15-02.docx



Task Order No. 15-03
City of Portage, Wisconsin (OWNER)
and Strand Associates, Inc.® (ENGINEER)
Pursuant to Technical Services Agreement dated December 1, 2011

Project Information

Project Name: 2016 Network Upgrades

Project Description: To continue running its ITI software, which is critical to its operation, OWNER's police department is required to upgrade its software for its SQL server and its Windows server. Additionally, the water department's server is at the end of life. This project will add a new server and reconfigure existing servers to accommodate the needs of the police and water departments. New or reconfigured servers will be virtualized to provide future flexibility.

Scope of Services

ENGINEER will provide the following services to OWNER:

1. Provide specifications and ordering assistance for one new server and licensing for Windows Server 2012 R2 or newer and SQL Server 2012 or newer. OWNER shall purchase all hardware and software required for the project.
2. Configure and install a new server in the municipal building. This server will be configured with Windows 2012 R2 or newer software.
3. Reconfigure one of the existing servers from the municipal building for use in the water department. Migrate files and services from the existing water department server to the newer server.
4. Upgrade remaining servers, both virtual and physical, to Windows Server 2012 R2 or newer and migrate files, permissions, and shares to new servers. PORTAGE8, the remote desktop server, will remain on Windows 2008 R2, since the upgrade to Windows 2012 R2 will create a disruption for those using the service as a result of a new user interface.
5. Upgrade SQL Server to SQL Server 2012 or newer and correspond with appropriate vendors to migrate ITI, TraCS, and Keyscan data to the new server.
6. Migrate the Microsoft Exchange e-mail system to a newly created virtual server. The version of Microsoft Exchange will remain as Exchange 2010.
7. Provide the upgrade schedules, downtime, and anticipated impacts to various OWNER departments.

Compensation

OWNER shall compensate ENGINEER for Services under this Task Order on an hourly rate basis plus expenses an estimated fee of \$12,000.

City of Portage
Task Order No. 15-03
Page 2
October 20, 2015

Schedule

Services will begin upon execution of this Task Order, which is anticipated on January 15, 2016. Services are scheduled for completion on September 30, 2016.

TASK ORDER AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

OWNER:

STRAND ASSOCIATES, INC.®

CITY OF PORTAGE

Matthew S. Richards
Corporate Secretary

Date

W.F. Bill Tierney
Mayor

Date

**BANK OF WISCONSIN DELLS
COMPANY AGREEMENT FOR BANK TAX COLLECTION**

This agreement dated the _____ day of _____, 20____ is by and between Bank of Wisconsin Dells (Financial Institution) and _____ City of Portage (Customer).

The Customer has requested that the Financial Institution collect 1st half property tax payments via J. Mauel & Associates' web based tax collection program located at <https://www.jmauel.com/JMauelApplications/Login.aspx>. The Financial Institution has agreed to do so on the terms of this Agreement.

Now, therefore, the Customer and the Financial Institution agree as follows:

1. The Customer will inform the Financial Institution in December once they have uploaded live data to the J Mauel & Associates tax collection website program.
2. The Financial Institution will accept payment for 1st half property taxes after the live data has been uploaded through January 30th at the Community Bank of Portage, located at 2930 New Pinery Road, Portage, WI. The Financial Institution will only accept payments from persons that present their property tax statement. A receipt will be given at the time of payment. Property tax payments will be batched and the total amount deposited into City of Portage's account _____ on a daily basis (if applicable).
3. The Financial Institution will submit via the website a batched file from the Tax Collection Program on a daily basis of taxes collected (if applicable).
4. The Financial Institution will refer all questions regarding property tax payments to the City of Portage office.

COMPANY

FINANCIAL INSTITUTION

By: _____

By: _____

Its: _____

Its: _____

INTER-MUNICIPAL AGREEMENT

Between

CITY OF PORTAGE, TOWN OF CALEDONIA, TOWN OF FORT WINNEBAGO, TOWN OF LEWISTON, TOWN OF PACIFIC, AND THE PORTAGE FIREFIGHTERS ASSOCIATION

I. TERM: January 1, 2016 – December 31, 2017

II. TERRITORY TO BE SERVED

III. SERVICES TO BE PROVIDED UNDER AGREEMENT

1. Fire and Rescue Services
2. Inspection and Enforcement Services

IV. EQUIPMENT TO BE COVERED UNDER AGREEMENT

1. Equipment Ownership
2. Equipment Use
3. Equipment Storage
4. Vehicle Repairs & Small Equipment Maintenance and Replacement
5. Vehicle and Equipment Replacement Fund
6. Insurance
7. Licensing
8. Reimbursement to Withdrawing Municipality

V. COMPENSATION FOR SERVICES AND EQUIPMENT USE

1. Compensation by Each Town for Calls within that Town
2. Annual Payments Collectively Owed by the Towns to the City

VI. MEDIATION

VII. AMENDMENT

VIII. BINDING EFFECT

This Agreement is made by and between the City of Portage, (hereinafter referred to as “CITY”), the Town of Caledonia, Town of Fort Winnebago, Town of Lewiston and Town of Pacific, (hereinafter collectively referred to as “TOWNS”), all being municipalities which adjoin the boundaries of the City of Portage; and the Portage Firefighters Association (hereinafter referred to as “FIREFIGHTERS ASSOCIATION”) being the association of firefighters serving the City of Portage and the areas covered by this Agreement.

RECITALS

WHEREAS the CITY and FIREFIGHTERS ASSOCIATION have previously entered into an agreement with the TOWNS to provide fire and rescue services and other related services to the TOWNS.

NOW, THEREFORE, in consideration of the mutual terms and conditions set forth below in this Agreement, the parties hereby agree as follows:

ARTICLE I

TERM

This Agreement shall commence on January 1, 2016. It shall end on December 31, 2017. Upon approval by the respective Town Boards and Common Council, the authorized representative of that party shall promptly sign this Agreement. If no party provides written notice by November 1 during the term of this Agreement to withdraw from this inter-municipal arrangement for these services, but agreement is not reached on a successor Agreement, then the provisions of this Agreement shall continue in effect until a successor agreement is approved by the governing bodies of all parties. Upon obtaining such approval, the effective date for the successor Agreement shall then be retroactively effective to January 1, 2016. Any adjustment in fees charged to the Towns since January 1, 2016 shall then be calculated and invoiced to the Towns, with any additional amount owed by a Town to be paid by that Town within 45 days after receipt of that invoice. Any invoices not paid within 45 days of receipt date shall be subject to an interest rate of 1% per month. If a Town disputes and invoice, notice shall be given to the City immediately of said dispute and a mutually agreed extension of the payment due date will be granted until the dispute is resolved.

It is agreed that during the term of this Agreement, upon the request of any party, the parties shall meet to discuss any questions or concerns relating to the Agreement. In addition, the parties shall meet prior to July 1st, during the term of this Agreement to discuss possible changes to the Agreement and their respective intentions concerning the extension of this Agreement.

ARTICLE II
TERRITORY TO BE SERVED

The territory to be served under this Agreement is shown on Appendix 1. It shall include all of the Town of Fort Winnebago and all of the Town of Pacific. It shall also include all of the Town of Caledonia except that portion located southerly of the highlighted boundary line shown on Appendix 2 (that excepted portion being served by the Merrimac Fire Department). It shall also include all of the Town of Lewiston, except Sections 1, 2 and 3 of Township 13 North, Range 7 East and Sections 4, 5 and 6 of Township 13 North, Range 8 East (those excepted sections being served by the Briggsville Fire Department). The Sections of 7, 8, and 9 of Township 13 North, Range 8 East and Sections 10, 11, and 12 of Township 13, Range 7 East will be paged simultaneously to calls for service.

ARTICLE III
SERVICES TO BE PROVIDED UNDER AGREEMENT

Under this Agreement the FIREFIGHTERS ASSOCIATION shall provide fire and rescue services, fire inspection services and fire code enforcement services to the TOWNS, in that territory to be served under this Agreement. These services shall be provided on the terms set forth below:

1) FIRE AND RESCUE SERVICES: The on-duty Engineer at the Fire Station and other available firefighters shall, with reasonable diligence, respond to all calls for fire protection and rescue services needed at any location to be served under this Agreement. They shall deliver such trucks/equipment covered by this Agreement to the reported source of need and render such firefighting and rescue services, as reasonably necessary to do so. Those firefighters shall at all times be under the direction of the senior officer at the scene and that senior officer shall exercise his/her judgment as to the best manner to utilize the

firefighters and provide the fire and rescue services at that location. The Fire Chief, or his/her designee, shall at all times retain the right to determine the amount of fire personnel needed for any fire/rescue call.

If fire trucks/equipment are required, at the same time, in more than one location within the territory to be served under this Agreement, then the senior officer at the Fire Station shall, in the exercise of his/her judgment, determine where such equipment shall first be sent, based upon the information available to him/her.

For those calls where mutual aid is sought from another fire department, the department to be contacted to provide that mutual aid shall be the department located closest to the site where the services are required, that is capable of providing the services needed at that site.

2) INSPECTION AND ENFORCEMENT SERVICES: In regard to fire code inspections and fire code enforcement, the Portage Fire Chief and Fire Inspector shall regularly inspect for compliance with fire codes and shall cite fire code violations, within the territory to be serviced under this Agreement. In regard to any citation issued in a Town, upon issuance a copy of the citation shall be sent to the Town Clerk. Each Town shall have in effect an ordinance adopting such pertinent regulations as shall be necessary for the inspection and enforcement services to be performed under this Agreement.

The FIREFIGHTERS ASSOCIATION and its personnel, in providing these services under this Agreement, shall at all times be deemed to be independent contractors. In doing so, they shall not be deemed to be employees of the CITY or of any of the TOWNS.

ARTICLE IV
EQUIPMENT TO BE COVERED UNDER THIS AGREEMENT

1) **EQUIPMENT OWNERSHIP.** The TOWNS are the present owners of Tender 4 and Tender 5, (both of which are fully equipped). The ownership of the following equipment is split, with the CITY owning 51% and the TOWNS owning 49%.

Boat 1	Engine 6	SCBA's (22)
Brush 1	Engine 8	
Brush 2	Hovercraft 1	
Engine 3	Squad 2 (Hazmat/Rescue)	

2) **EQUIPMENT USE.** The equipment jointly owned by the CITY and TOWNS shall be available to be jointly used on behalf of the CITY and TOWNS for their firefighting and rescue services. The trucks and other equipment solely owned by the TOWNS are intended for fire and rescue services in the territory covered by this Agreement but may also be used within the City's boundaries if the City's own equipment is in use and the Fire Chief or the Chief's designee deems it necessary to utilize that equipment for the City's fire fighting purposes. However, in the case such trucks and equipment are in use in the CITY, if any emergency call comes in which requires that truck/equipment for firefighting purposes in the territory covered by this Agreement, then such truck/equipment shall be made immediately available for that response.

3) **EQUIPMENT STORAGE.** The CITY shall store the equipment described in paragraph 1 above, at the Portage Fire Station or some other suitable heated storage facility within the City of Portage during the term of this Agreement and shall at all times keep the trucks filled with water and shall keep all such vehicles filled with fuel. If any of that equipment is damaged while being stored by the CITY and such damage is not covered by any insurance, then the CITY shall only be liable if such damage is caused by its negligence. However, this provision shall not be construed to limit any insurance coverage that may otherwise cover such damage.

4) VEHICLE REPAIRS & SMALL EQUIPMENT MAINTENANCE AND REPLACEMENT: The CITY shall be responsible for keeping the equipment covered by this Agreement properly maintained and in good repair during the term of this Agreement. \$10,000.00 for Vehicles and \$16,000.00 for small equipment from the TOWNS shall be annually budgeted collectively by the TOWNS, with each Town's proportionate share of that sum to be based upon its percentage share of the aggregate equalized valuation of the four TOWNS. When vehicle repairs or small equipment repairs or replacement are needed, the CITY will bill the TOWNS their share of the expenses. The CITY shall also annually budget sufficient funds to cover its share of such vehicle repair expenses and small equipment maintenance and replacement.

The CITY will be reimbursed the cost of the Engineer's hourly rate for the Engineer's time in making repairs to any vehicles owned solely by the TOWNS and 49% of the cost of the Engineer's hourly rate for the Engineer's time in making repairs to any vehicles that are owned in common by the CITY and TOWNS. Invoices for such equipment repairs shall be provided to the TOWNS quarterly itemizing the total costs of those repairs and showing the total repair costs along with the CITY'S respective share and the TOWNS' respective share of those repair expenses. However, the TOWNS shall be contacted in advance regarding any major repairs that are being proposed.

If, during the term of this Agreement, a major repair is required, the cost of which would exceed the amount in that fund that is set aside for equipment repair, then the Chairperson/Mayor of each municipality that holds an ownership interest in that equipment, or his/her designee, shall meet together on reasonable notice, to act on the repair or replacement of that damaged equipment. Any such expenditure of funds to repair or replace such equipment, (except for emergency repairs), must be approved by a majority vote of the municipalities who own such damaged equipment. On commonly owned equipment, the CITY shall pay 51% of such approved repair/replacement cost and the TOWNS shall pay 49% which payment by the TOWNS is to be allocated among them based upon their respective percentage share of the aggregate equalized valuation of the four towns. On equipment owned solely by the TOWNS, the approved repair/replacement cost shall be

similarly allocated among them based upon each of their respective percentage share of the aggregate equalized valuation of the four towns.

The CITY shall arrange for such repairs and/or replacement that have been approved under the procedure set forth above and for emergency repairs. It shall submit itemized bills monthly to each of the TOWNS covering the total costs of the repairs and each TOWNS' respective share of such costs, with those bills to be paid by the TOWNS at the next billing cycle after such bill is received, unless other payment arrangements have been agreed upon by the parties.

5) VEHICLE AND EQUIPMENT REPLACEMENT FUND: A fund known as the "Vehicle and Equipment Replacement Fund" has been utilized by the parties for the purpose of meeting future vehicle and equipment replacement costs. This fund is intended to ensure the availability of funding necessary to meet future replacement costs. This fund shall be used to replace equipment in accordance with Schedule A (attached). The following provisions will apply to that fund.

a) The Towns' funds, previously held in the City's Vehicle and Equipment Replacement Fund, were transferred to the Towns' designated fiscal agent in 2015. The duties of the Town's Fiscal Agent and management of the Town's Equipment Replacement Fund are subject to a separate agreement between the Towns.

b) The CITY and TOWNS, will contribute the annual contribution to their respective Vehicle and Equipment Replacement Funds, shown on Schedule A, based on the amortized replacement cost of firefighting apparatus listed on Schedule A, by July 1. The TOWNS proportionate annual contribution covering items commonly owned by the CITY and TOWNS shall be set at forty-nine percent (49%) of the annual amortized replacement cost of said apparatus and vehicles and the CITY'S proportionate contribution shall be set at fifty-one percent (51%) of the annual amortized replacement cost of said apparatus and vehicles. Each TOWN'S proportionate share of the total amount owed by the TOWNS shall be based on its respective percentage share of the total aggregate equalized valuation of the four

TOWNS. If the CITY elects to bond or secure other financing to pay for its share of such vehicle and apparatus expense, rather than annually contributing its share into the respective funds, then it is agreed that the CITY is legally bound by this Agreement to contribute, through bonding or other financing means, its respective share for such replacement costs, at such time as replacement is provided for under the replacement plan set forth on Schedule A. However, if all of the parties agree to a modification of this replacement plan, then the parties shall be required to contribute their respective shares of such expense in accordance with that modified replacement schedule.

c) The Towns' annual contributions to this fund shall be paid to the Towns' designated fiscal agent with such funds to be allocated to the Vehicle and Equipment Replacement Fund. The TOWNS' contributions to this fund shall be maintained as a segregated account and a record shall be kept of each Towns' contributions to the Fund. All interest on invested Town funds shall be credited to the TOWNS' account and the Towns' designated fiscal agent shall provide to each Town and to the City, an annual statement detailing account activity. Funds deposited and held in the TOWNS' account shall be used exclusively for the purchase of firefighting apparatus owned jointly by the TOWNS and/or apparatus owned in common by the TOWNS and the CITY. Specifications for replacement of such firefighting apparatus shall be submitted to those parties who are to have an ownership interest in such apparatus, for their review and approval. Funds held in the TOWNS' account by the Towns' designated fiscal agent shall be released only upon the written approval and authorization of the Town Boards within 60 days of request for payment. No request for payment shall be unreasonably withheld if the approved purchase is within budgeted amount as provided in Schedule A. TOWNS shall maintain the minimum cash reserve in the Towns Equipment Replacement Fund pursuant to the amount annually stated in Schedule A.

6) **INSURANCE:** The CITY agrees to insure all equipment, described in paragraph 1 above, owned in whole or in part by the TOWNS, with the same coverage as the CITY carries on its own equipment. Additionally, the CITY shall provide reasonable

liability coverage, covering the operation of such equipment under this Agreement and shall provide worker's compensation coverage covering the personnel of the FIREFIGHTERS ASSOCIATION in their operations under this Agreement. The TOWNS shall reimburse the CITY for that portion of premium expense attributable to providing insurance for the trucks solely owned by the TOWNS. The CITY shall provide an itemized statement of said premium costs. Additionally, the TOWNS shall reimburse the CITY for that portion of worker's compensation costs, which are charged as a result of providing coverage beyond the City limits. In the event of a loss occurring while responding to a call to any territory covered by this Agreement, the TOWNS shall be responsible for any deductible, which may be applied by the City's carrier.

7) **LICENSING:** The CITY shall obtain and pay for any license that may be required for the equipment described in paragraph 1 above.

8) **REIMBURSEMENT TO WITHDRAWING MUNICIPALITY:** If, upon the conclusion of the term of this Agreement, one or more municipalities elect not to extend its participation in the inter-municipal arrangement for the services covered by this Agreement, then each withdrawing municipality shall be entitled to the following:

a) To its share of the Vehicle and Equipment Replacement Fund, based upon its respective contributions toward the replacement of the equipment being funded by that Fund. That payment is to be made to the withdrawing municipality within ninety (90) days after the date that its participation in this inter-municipal arrangement for services ceases.

b) To the reasonable value of its share of the equipment described in paragraph 1 above. Its share of the TOWNS' combined ownership share in that equipment shall be based on its average percentage share of the aggregate equalized value of the four towns over the previous ten (10) year period prior to its withdrawal. The municipalities who elect to remain in this inter-municipal arrangement for these services, may elect to sell any items of equipment in which the withdrawing municipality possesses an ownership interest, for its fair market value, and in that

event the withdrawing municipality shall receive its respective share of those net sale proceeds upon conclusion of such sale. The municipalities who wish to remain in such inter-municipal arrangement for these services, in lieu of selling such equipment, may retain any items of such equipment in which the withdrawing municipality possesses an ownership interest. In that event, such equipment retained shall be appraised by a mutually agreed upon appraisal firm and the withdrawing municipality shall then receive its respective share of the appraised value of such items of equipment, in annual payments, without interest, equally amortized over a period of ten years.

ARTICLE V

COMPENSATION FOR SERVICES AND EQUIPMENT USE

The following provisions shall apply to compensation for services and equipment use covered by this Agreement:

1) COMPENSATION BY EACH TOWN FOR CALLS WITHIN THAT

TOWN: A record shall be kept of the time each truck leaves the Portage Fire Station, the time of its return and the time of its required clean up, and each Town shall be responsible for, and pay for, services rendered within the limits of such time and associated costs, as follows:

- a) To the FIREFIGHTERS ASSOCIATION, the sum of \$12.00 per hour per firefighter (volunteer/paid-on-call) responding to the emergency page out regardless if a vehicle leaves the station or not. After the first hour or service, charges will be assessed per quarter hour.

- b) To the CITY, the sum of \$310.00 per hour for emergency page outs to the TOWNS when the responding unit reports to the scene. After the first hour of service, charges will be assessed per quarter hour. This sum will only be charged if a vehicle leaves the station. If the responding unit leaves the station but is called off prior to reaching the scene, the TOWNS shall be

invoiced quarter hour increments of the hourly rate for the duration of time the responding unit incurs to return to the station.

- c) To the CITY the cost of the Fire Chief's labor cost including wages and benefits per hour for response of the Fire Chief to any fire/rescue response or investigation per Exhibit B.
- d) To the CITY, the cost of on-duty Engineer straight time and off-duty Engineer overtime wages incurred as a result of the emergency page out, regardless if a vehicle leaves the station or not. As per current labor contract between the CITY and the International Association of Firefighters, Local #2775. See Exhibit B.
- e) To the CITY, the cost of fuel used on calls within the TOWNS for vehicles solely owned by the TOWNS and 49% of the cost of fuel used on calls for vehicles owned in common by the CITY and TOWNS. Such fuel charges shall be billed to the TOWNS quarterly.
- f) To the CITY a charge for all City water used to flush out contaminants and/or to refill the engine/tanker utilized during the emergency page out to the TOWN. Said charge shall be assessed at the current Public Fire Protection rate as established by the Public Service Commission.
- g) To the CITY 100% of the costs of all expenses incurred during any ISO certification or re-certification for the TOWNS, which has been requested by the TOWNS in written form. Any cost necessary to maintain the ISO rating will be billed to the TOWNS.

All calls for services covered by this Agreement shall be answered without delay for verification. The TOWN to which a crew and vehicles are sent, in response to such a call, shall be responsible for the charges incurred, regardless of whether the call turns out to be a false alarm.

All town emergency responses shall be reported to the Chief, and to the City of Portage Treasurer. The City of Portage Treasurer each month shall forward to the responsible TOWN, itemized bills covering the compensation earned by both the CITY and the FIREFIGHTERS ASSOCIATION during the preceding month. Payment of the CITY'S bill shall be forwarded to the CITY and payment of the FIREFIGHTERS ASSOCIATION'S bill shall be forwarded to the FIREFIGHTERS ASSOCIATION. The monies owed to the FIREFIGHTERS ASSOCIATION is to be utilized as voted upon by a majority of the Association's members present at the monthly meeting, as per the operation Bylaws of the Association. All payments due to the FIREFIGHTERS ASSOCIATION and the CITY relating to any emergency response shall be paid at the next billing cycle after the TOWNS have received both the CITY'S billing and the FIREFIGHTERS ASSOCIATION'S billing regarding that emergency response. Balances existing after this period that are not in dispute, will be assessed at the interest rate of 12% Annual Percentage Rate (APR).

2) PAYMENTS COLLECTIVELY OWED BY THE TOWNS TO THE CITY:

- a) **Administration Fee:** Annually the TOWNS' shall collectively pay to the CITY the total sum of \$6,500.00 for administrative services for 2016-17. That fee shall be allocated among the TOWNS' based upon each TOWN'S respective percentage share of the aggregate equalized valuation of the four TOWNS. That annual fee shall be owed to the CITY during the first quarter of each year. There shall no longer be a separate clerical fee charged for billing the TOWNS for any amounts owed by the TOWNS under this Agreement. In its billings to each TOWN for fire/emergency calls, the CITY shall provide each TOWN with such information as that TOWN may need in order to seek reimbursement of such charges from property owners, vehicle owners, insurers or others who may be responsible for reimbursing the TOWN.

- b) **2% DUES:** Each TOWN, upon receipt, will submit to the CITY the 2% fees that it receives from the State of Wisconsin for that portion of the Township served by Portage Fire Department.

- c) **Training:** To the CITY, the cost of on-duty Engineer straight time and off-duty Engineer overtime wages for required monthly training. After the first hour, charges will be assessed per quarter hour. As per current labor contract between the CITY and the International Association of Firefighters, Local #2775. See Exhibit B.

**ARTICLE VI
MEDIATION**

In the event that there is a dispute among the parties in regard to the construction or application of any of the provisions in this Agreement, the parties agree to submit that dispute to mediation, with the mediator to be mutually agreed upon by the parties. The CITY shall pay half of the costs charged by the mediator and the TOWNS, collectively, shall pay half of the costs charged by the mediator, with each TOWN'S proportionate share of that expense to be based upon its percentage share of the aggregate valuation in the four TOWNS.

**ARTICLE VII
AMENDMENT**

This Agreement may be amended at any time by the parties, through a written amendment executed by all of the parties.

**ARTICLE VIII
BINDING EFFECT**

The terms of this Agreement shall be binding on each of the parties and on their governing boards and representatives. This Agreement shall be effective commencing January 1, 2016.

IN WITNESS WHEREOF, each of the parties have caused this Agreement to be duly executed by its authorized representative.

PORTAGE FIREFIGHTERS ASSOCIATION

BY: Clayton Simonson Jr.
Chief-Portage Fire Department

Signed: _____

Dated: _____

CITY OF PORTAGE

BY: W.F. "Bill" Tierney
Mayor

Signed: _____

Dated: _____

TOWN OF CALEDONIA

BY: Steve Pate
Chairperson

Signed: _____

Dated: _____

TOWN OF LEWISTON

BY: Thomas Klappstein
Chairperson

Signed: _____

Dated: _____

TOWN OF FORT WINNEBAGO

BY: William Schroeder
Chairperson

Signed: _____

Dated: _____

TOWN OF PACIFIC

BY: William Devine
Chairperson

Signed: _____

Dated: _____

**Addendum to 2016-17 Inter-Municipal Agreement Between the
City of Portage Fire Department/Portage Firefighters Association and
Towns of Caledonia, Fort Winnebago, Lewiston and Pacific**

October 19, 2015

Appendix A – Township Fire Apparatus Vehicle Replacement

- a. **Hovercraft:** It was determined this unit (originally scheduled for replacement in 2014) shall be delayed until 2019. However, Townships will continue annual contribution of \$4,043 to build reserve replacement fund that Townships may reallocate toward next scheduled vehicle replacement, fund cost overruns or offset future increases in scheduled contributions. Further evaluation of the Hovercraft will be made to determine if unit should be replaced or reallocate accumulated funds toward another vehicle.

- b. **Self-Contained Breathing Apparatus (SCBA):** The Department has 44 air bottles with a mandatory replacement life of 15 years and 22 air packs with an indefinite life expectancy. The original replacement allocation (\$89,800) contemplated replacement of all air bottles (in 2017) but only a portion of the air packs (as needed). 2014 replacement cost for the air tanks are \$1175/each (\$51,260 total). However it was learned the current air pack is no longer supported and with replacement it will, in turn require replacement of the air tank as the current air tank will not be compatible with the replacement air pack. In 2017, the air pack allocation will be re-evaluated.

**City of Portage
Legislative & Regulatory Committee Meeting
Monday, November 2, 2015, 7:00 p.m.
City Municipal Building, 115 West Pleasant Street
Conference Room One
Minutes**

Members Present: Rita A. Maass, Chairperson; Mike Charles, Mary E. Hamburg, Martin Havlovic

Excused: Jeffrey F. Monfort

Also present: City Clerk Moe, Administrator Murphy, Deputy Clerk Ness, City Attorney Spankowski, Mayor Tierney, J. Daniel Daley, Alderperson Richard Lynn

Media Present: Craig Sauer from Daily Register

1. Roll call

The meeting was called to order by Chairperson Maass at 7:00 p.m.

2. Approval of minutes from previous meeting

Motion by Charles, second by Hamburg to approve minutes from October 5, 2015 meeting. Motion carried unanimously with call of roll.

3. Discussion and possible recommendation on revisions to Class A alcohol license ordinance

Administrator Murphy reviewed proposed revisions to the ordinance that had previously been presented. After reviewing the Janesville ordinance with City Attorney Spankowski determination was made it's not a good fit for Portage. Attorney Spankowski stated the ordinance is quite complex with rules and exceptions to the rules. Case law provides municipalities cannot deny free trade. Discussion ensued regarding looking at each application on an individual case and not having a number limit in the ordinance. Alderperson Lynn stated the number of liquor stores in Portage are most likely adequate but if a store came to town selling items which included liquor and it was determined the other items would be a benefit for Portage, then that application should definitely be reviewed. Maass stated the intention wasn't to require prospective businesses to go through the appeal process to change the ordinance each time there is a new application if in fact all the licenses are issued. She also reminded the committee if in fact there were more licenses added by a specific number or if no number at all, each application would be reviewed with the guidelines already put in place and not just granted automatically. J. Daley spoke in favor of the Janesville ordinance. Mayor Tierney stated if there is no number in the ordinance, the guidelines and the economy would determine what the city can properly support. Staff was requested to draft an ordinance with no number and having the guidelines used for determination.

4. Discussion and possible recommendation on revisions to Fire Prevention ordinance

Administrator Murphy reviewed the proposed ordinance and stated it had been reviewed by the Fire Chief. The ordinance was updated to include commercially manufactured portable fireplaces which have become very popular and to update language for current times. Motion by Havlovic second by Charles to recommend to Council Ordinance relative to Fire Prevention as presented. Discussion ensued regarding the provisions noted to allow burning with a burning permit and it was determined outdoor recreational also needs to be included in the provisions, and wood rubbish needs to have a comma in (a)(2) to match (a)(1). Motion and second withdrawn. Motion by Havlovic second by Charles to recommend to Council Ordinance relative to Fire Prevention with noted changes. Motion carried unanimously on call of roll.

5. Adjournment

Motion by Charles, second by Hamburg to adjourn. Motion carried unanimously on call of roll at 8:17 p.m.

Rebecca C. Ness
Deputy City Clerk

City of Portage
Municipal Services and Utilities Committee Meeting
Thursday November 6, 2015, 6:30 p.m.
Municipal Building, 115 West Pleasant Street, Conference Room One
Minutes

Members Present: Doug Klapper, Chairperson; Mary E. Hamburg; William A. Kutzke, Rick Dodd.

Others Present: Bob Redelings, Public Works Director; Tammy O'Leary; Public Works Secretary; Bill Welsh, CATV; Craig Sauer; PDR; Shawn Murphy, City Administrator, Mayor Bill Tierney; Kory Anderson; GEC; Audience Members.

Excused: Jeffrey F. Monfort

1. Roll Call

The meeting was called to order at 6:48 p.m.

2. Approval of meeting minutes from meeting on Thursday October 1st, 2015.

Motion by Dodd second by Hamburg to approve the minutes from October 1, 2015.

Roll Call 4-0. Passed

3. Discussion and possible action on River Street Reconstruction Project.

Redelings gave an overview of the Project after the information meeting. Redelings explained for the City's to be the correct width for travel, parking on both sides, and pedestrian sidewalk and snow storage, that some easements are necessary. Redelings explained River Street is in poor condition and is in a high density area.

Klapper stated the River Street construction has been a project on the books for a lengthy time and resident safety is a priority.

Committee discussed several impacts on city residents including, street widening, sidewalk placement, landscaping encroachments along with financial constraints for some residents.

Redelings stated at this time to keep the project moving forward to agree with continuation of the project with design and the bidding process. Redelings suggested an alternate of bidding the project with postponing the Summit Street sidewalk and include with the Carroll Street Project in 2018, giving the City time to

obtain easements and giving additional time for residents to prepare if there are financial constraints.

Aldersperson Dodd suggested that the sidewalk on the south side of River Street from W. Wisconsin to Summit St. be bid as an alternate.

Alderspersons Hamburg and Klapper both agreed that although a project has some negative impact at the beginning that the safety of all the citizens and progress is an important factor for the City.

Mayor Tierney commented that there is always a push back at the start of the initial project but the end result is usually positive once in place. Mayor Tierney stated these projects are in the best interest of the entire community not just the residents affected by construction, but the bigger picture of the City in the future.

Motion by Hamburg to continue with the Design and bidding of the River Street project with the alternate of sidewalks on Summit Street second by Klapper.

Kutzke made a motion to contain current widths of River Street. No second.

Roll Call 3-1. Passed with Kutzke voting no.

4. Discussion and possible action on 2016-2017 Municipal Street Improvement Program (MSIP).

Redelings explained the state sponsors a 2 year program that there are about \$75,000 in funds available for all the incorporated municipalities within the County and the City has taken advantage of this in the past, including \$17,000 received for the E. Albert Street Project. Redelings stated that there is a rush to get the information to the County in order to review to forward to the State. This does not meet the time requirements for 2016 but looking forward to 2017 project according to the Capital Improvement Plan. Redelings stated he has already completed the application for the county but is asking for recommendation from the Committee to acquire the Mayors signature.

Motion by Hamburg to forward the MSIP documentation to the Mayor for approval, second by Dodd.

Roll Call. Passed 4-0.

5. Discussion and possible action on removal E. Cook St and E. Wisconsin St. from National Highway System (NHS).

Redelings stated he had received an e-mail for the DOT requesting withdrawal of Hwy 33 and Hwy 51 from the NHS network, these portions do not connect to Highway system. Redelings explained he was waiting for additional information and it is his recommendation to wait on a decision until more information is given.

No action taken.

6. Discussion and possible action on Municipal Parking Lot Directional Signage.

Redelings received a letter from a local business owner on patrons' complaints of not knowing where there is public parking. The business owner suggested Public Parking signs be placed on poles clearly marking the direction of Public parking.

Redelings stated there is a need for consistency of the signs and proper placement.

Klapper said in the past the Historical Preservation Commission was looking into naming the parking lots with signage. Klapper stated this might be a great time to revisit that along with BID to see if there can be a combined commitment to name and clearly sign all public parking locations.

Redelings to bring some estimates to December meeting.

No action taken.

7. Discussion and possible action location of concrete rubble.

Redelings stated unfortunately the previous location recommended behind the old waste water treatment plant is in wetlands so rubble would need to be stored in the front of property requiring fence/screening to visual cover the pile. Redelings stated this would be a very convenient place for storing the concrete. Redelings stated the pile could continue at the Wauona Trail site but crushed two times a year to help manage the site.

Redelings will bring back estimates on screening/fencing.

No action taken.

8. Discussion and possible action on alternative funding mechanisms for Building inspection Program and/or street lighting.

Administrator Murphy gave an overview of the Memo to the Finance and Administration Committee to comply with the State Expenditure Restraint Limit (ERL) with the recommended short term transfers and long term transfers to stay compliant. Administrator Murphy discussed revenue options including a possible wheel tax like other cities, villages and counties. More detailed discussions will be forthcoming at future meetings.

9. Public Works Report

- Update on East Wisconsin Street-Dewitt Street Reconstruction Project- recent meeting with DOT. Also, there will be a local officials meeting (COM) on November 12th and Public Information Meeting (PIM) on November 17th.
- Update on STH 33 (Cook St.)-no update at this time.
- Status of Annual local road certification- report going to DOT on Monday.
- Comments regarding prohibited parking areas-there have been complaints of people parking cars in front of hydrants. In the future when hydrants are painted a yellow line will be painted in front of them.

10. Adjournment

Move to adjourn at 9:08 p.m. by Hamburg second by Dodd.

Roll Call. Passed 4-0.

Prepared by Tammy O'Leary, Public Works Secretary.



VIA CERTIFIED MAIL-RETURN RECEIPT (TRACKING #7015-1520-0000-6992-3316)

10/22/2015

CITY OF PORTAGE
115 WEST PLEASANT STREET
PORTAGE, WI 53901

**RE: TRANSMISSION LINE EASEMENT; TRANSMISSION LINE PROJECT DAM
HEIGHTS TO PORTAGE; ATC FILE NO. DHT-POR1780**

Dear Representative:

In the recent past, you have been advised that American Transmission Company LLC (ATC) proposes to acquire a transmission line easement that affects your property in the City of Portage, Columbia County, Wisconsin. The easement is for the purpose of constructing, maintaining and operating an overhead transmission line across your property.

In accordance with statutory and administrative requirements, enclosed is a pamphlet prepared by the Wisconsin Department of Administration entitled **The Rights of Landowners Under Wisconsin Eminent Domain Law.** This pamphlet is intended to give you information about Wisconsin's eminent domain procedure, the condemnation process, and the rights of property owners.

Also enclosed are the names of other landowners involved and a map showing all property affected by the project. You have the right, upon request, to examine any maps in the possession of the Company relating to this project, and may obtain copies of such maps from the Company.

Pursuant to Sections 32.06(2)(a) and (b) of the Wisconsin Statutes, you are entitled to receive two (2) appraisals addressing the easement rights which affect your property. In lieu of performing the first appraisal, ATC has based the offering price for the easement rights on a recent market study. The market study has been used to establish an offering price for the easement in the amount of 8,100.00.

If you believe that ATC's offering price of \$8,100.00 is fair and reasonable and if you wish to dispense with the requirements for two appraisals, then ATC, upon receipt of the enclosed easement executed by you and properly notarized, together with the enclosed appraisal waiver and W-9 forms executed by you, will pay to you an additional payment of \$5,000.00.

Helping to **keep the lights on**, businesses running and communities strong®

This offer is available for 21 days as of your receipt of this package. If I do not hear back from you within 21 days, the appraisal will be ordered and prepared.

We are also asking for a temporary permission to apply chemicals in the easement corridor for vegetation management purposes. This permission is voluntary and would only be valid for two (2) years after the construction of the new line. There is an additional payment of \$500.00 for this permission.

By agreeing to and signing the easement, all waivers, and the permission for temporary chemical use in the proposed easement area, the total amount of compensation offered at this time is \$13,600.00 as set forth on the enclosed payment summary sheet.

After you have had a chance to review these materials, please contact me at 1-800-591-1869 or 715-218-0078 to schedule an appointment and to discuss any questions or concerns you may have regarding this project. Thank you for your consideration of this information.

Sincerely,



Haakon K. Hagemeyer
Contract Real Estate Project Manager for
American Transmission Company

Enclosures:
Department of Administration pamphlet
Project Map
Listing of other landowners
Notice to Landowner
Transmission Line Easement
Appraisal Waiver Form
W-9 Form
Tree Disposition Agreement
Temporary Chemical Permission
Payment Summary Sheet
Vegetation Management Brochure
Return Envelope

Document Number

**ELECTRIC TRANSMISSION LINE EASEMENT
CERTIFICATE OF COMPENSATION
NOTICE OF RIGHT OF APPEAL**

The undersigned Grantor(s) **City of Portage (hereinafter called the "Landowner")**, in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant, convey and warrant unto **American Transmission Company LLC, a Wisconsin limited liability company, and its manager ATC Management Inc., a Wisconsin Corporation (hereinafter called the "Grantee")**, the Grantees successors, assigns, licensees and manager, the perpetual right and easement to construct, install, operate, maintain, repair, replace, rebuild, remove, relocate inspect and patrol electric transmission line facilities, including but not limited to wires, poles, guy lines, anchors, and associated appurtenances for the transmission of electric current, communication facilities and signals appurtenant thereto, upon, in, over and across lands owned by the Grantor(s) in the City of Portage, County of Columbia, State of Wisconsin, described as follows:

A part of the Grantors land located in All of Outlot 164 of the Assessors Subdivision of Lands to the city of Portage, recorded in Book 3, in Gov. Lot 6 in Section 12, T12N-R8E. Also part of Outlot 53 of the Assessors Subdivision of Lands, recorded in Book 3, in Gov. Lot 1, Section 6, T12N-R9E, Also Part of Lot 52 of Lake View Park Addition to the City of Portage, recorded in Vol. 4, Page 3, as Doc. No. 192737, in Gov. Lot 5, Section 6, T12N-R9E all in the City of Portage, Columbia County, Wisconsin.

The perpetual easement strip granted herein is described and shown on the Exhibit "B" attached hereto and made a part hereof.

The Grantee is also granted the associated necessary rights to:

- 1) Enter upon the perpetual easement strip for the purposes of exercising the rights conferred by this perpetual easement.
- 2) Have reasonable ingress and egress for personnel, equipment and vehicles to and from said perpetual easement area across the Landowner's property adjacent to the perpetual easement.
- 3) Construct, install, maintain, operate, repair, replace, rebuild, inspect, patrol and remove the above designated facilities and other appurtenances that the Grantee(s) deem(s) necessary.
- 4) Trim, cut down and remove any or all brush, trees and overhanging branches now or hereafter existing on said perpetual easement strip.
- 5) Cut down and remove such dead, dying, diseased, decayed, leaning trees or tree parts now or hereafter existing on the property of the Landowner located outside of said Perpetual Easement Strip that in Grantee's judgment, may interfere with Grantee's full use of the Perpetual Easement Strip for the purposes stated herein or that pose a threat to the safe and reliable operation of the Electric Transmission Facilities; together with the right, permission and authority to enter in a reasonable manner upon the property of the Landowner adjacent to said Perpetual Easement Strip for such purpose.

The Grantee shall pay a reasonable sum for all damages to property, crops, fences, livestock, lawns, roads, fields and field tile (other than trees trimmed or cut down and removed), caused by the construction, maintenance, replacement or removal of said facilities.

The Grantee shall not have the right to erect any fence or building on such land other than the above designated facilities and associated appurtenances and the right is hereby expressly reserved to the Landowner(s), the heirs, successors and assigns of every use and enjoyment of said land not inconsistent with the construction, installation, maintenance, operation, repair, replacement, rebuilding, inspection and removal of such structures, wires and associated appurtenances.

Landowner, for itself, its successors and assigns, agrees that it will not locate any dwelling or mobile home intended for residential occupancy within the limits of the perpetual easement strip. Landowner, for itself, its successors and assigns, further agrees that within the limits of the perpetual easement strip it will not construct, install or erect any structures or fixtures, including but not limited to swimming pools, construct any non-residential type buildings or store any inflammable goods or products, plant trees or shrubs, place water, sewer or drainage facilities, or change the grade more than one (1) foot without first securing the prior written consent of the Grantee.

This agreement is binding upon the heirs, successors and assigns of the parties hereto, and shall run with the lands described herein.

The parties hereto do hereby agree to the terms and conditions set forth in Exhibits "B" and "C", attached hereto and incorporated herein.

As provided by PSC 113, the landowner(s) shall have a minimum period of five days to examine materials approved or provided by the Public Service Commission of Wisconsin describing the landowner's rights and options in the easement negotiating process. The landowner(s) hereby voluntarily waives the five-day review period, or acknowledges that they have had at least five days to review such materials.

Record this document with the Register of Deeds

Name and Return Address:

**Steigerwaldt Land Services
Attn: Real Estate Department
856 N. 4th Street
Tomahawk, WI 54487**

Parcel Identification Number(s)

11271-2064 11271-2747
11271-2547

Landowner warrants and represents that Landowner has good title to the property described herein, free and clear from all liens and encumbrances, except: None

WITNESS the signature(s) of the Landowner this _____ day of _____, 2015,

_____(SEAL)
Signature

Printed Name

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) ss
COUNTY OF)

Personally came before me this _____ day of _____, 2015, _____, and _____ of the above named City of Portage known to be the person(s) who executed the foregoing instrument and to me known to be such _____ and _____ of said entity, and acknowledged that they executed the foregoing instrument as such officer(s), as the deed of said entity, by its authority.

Signature of Notary

Printed Name of Notary

Notary Public, State of Wisconsin

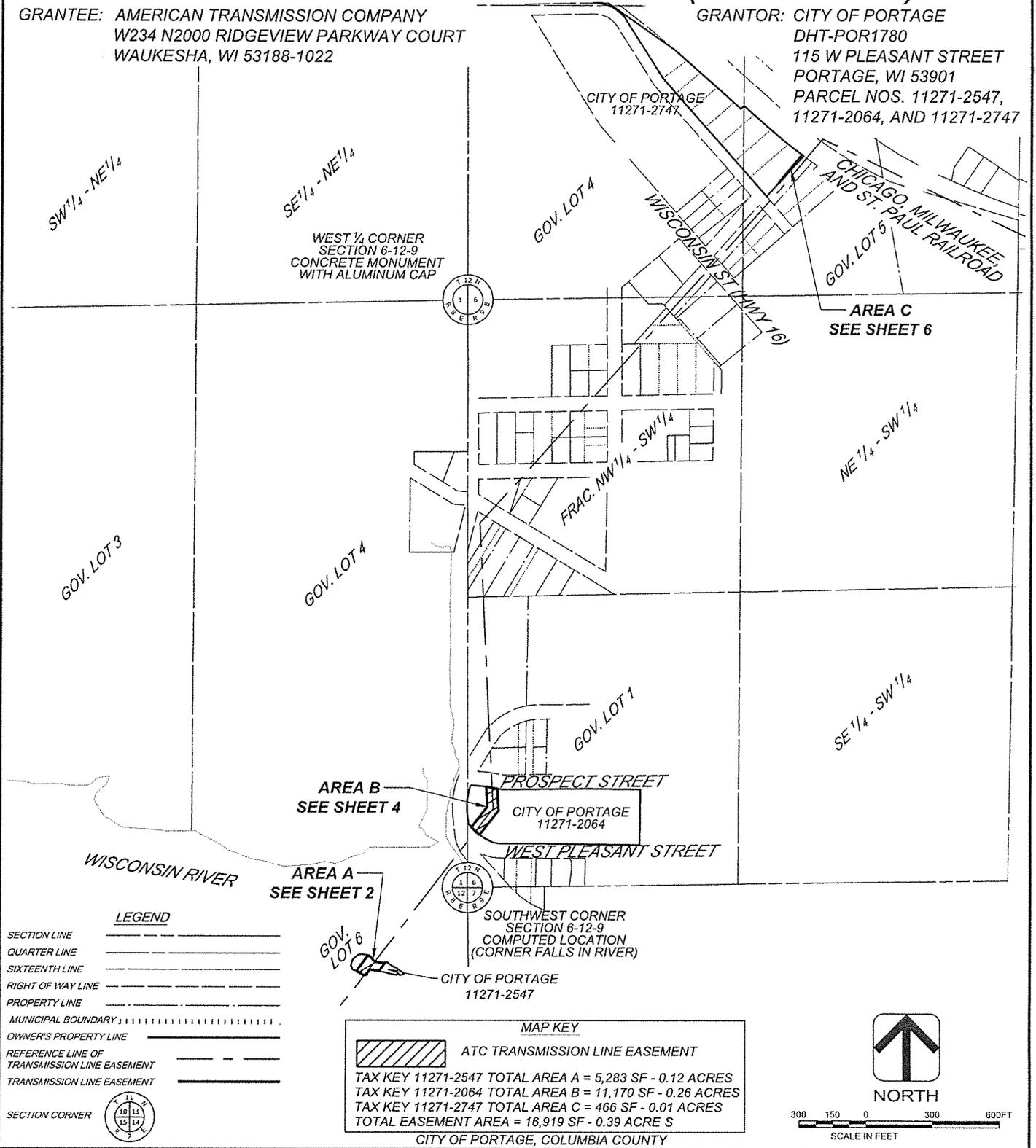
My Commission Expires (Is) _____

This instrument drafted by Carol Ahles and reviewed by Haakon Hagemeister on behalf of American Transmission Company, PO Box 47, Waukesha, Wisconsin 53187-0047.

EASEMENT DESCRIPTION MAP (EXHIBIT "B")

GRANTEE: AMERICAN TRANSMISSION COMPANY
 W234 N2000 RIDGEVIEW PARKWAY COURT
 WAUKESHA, WI 53188-1022

GRANTOR: CITY OF PORTAGE
 DHT-POR1780
 115 W PLEASANT STREET
 PORTAGE, WI 53901
 PARCEL NOS. 11271-2547,
 11271-2064, AND 11271-2747



AYRES ASSOCIATES
 5201 EAST TERRACE DRIVE
 SUITE 200
 MADISON, WI 53718
 (608) 443-1200

NOTE: BEARINGS FOR THIS MAP ARE BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) NAD83(2007). DISTANCES ARE GROUND.

Drawn: CRB / Ayres Associates
 Date: 10/2/2015
 Scale: 1" = 600'

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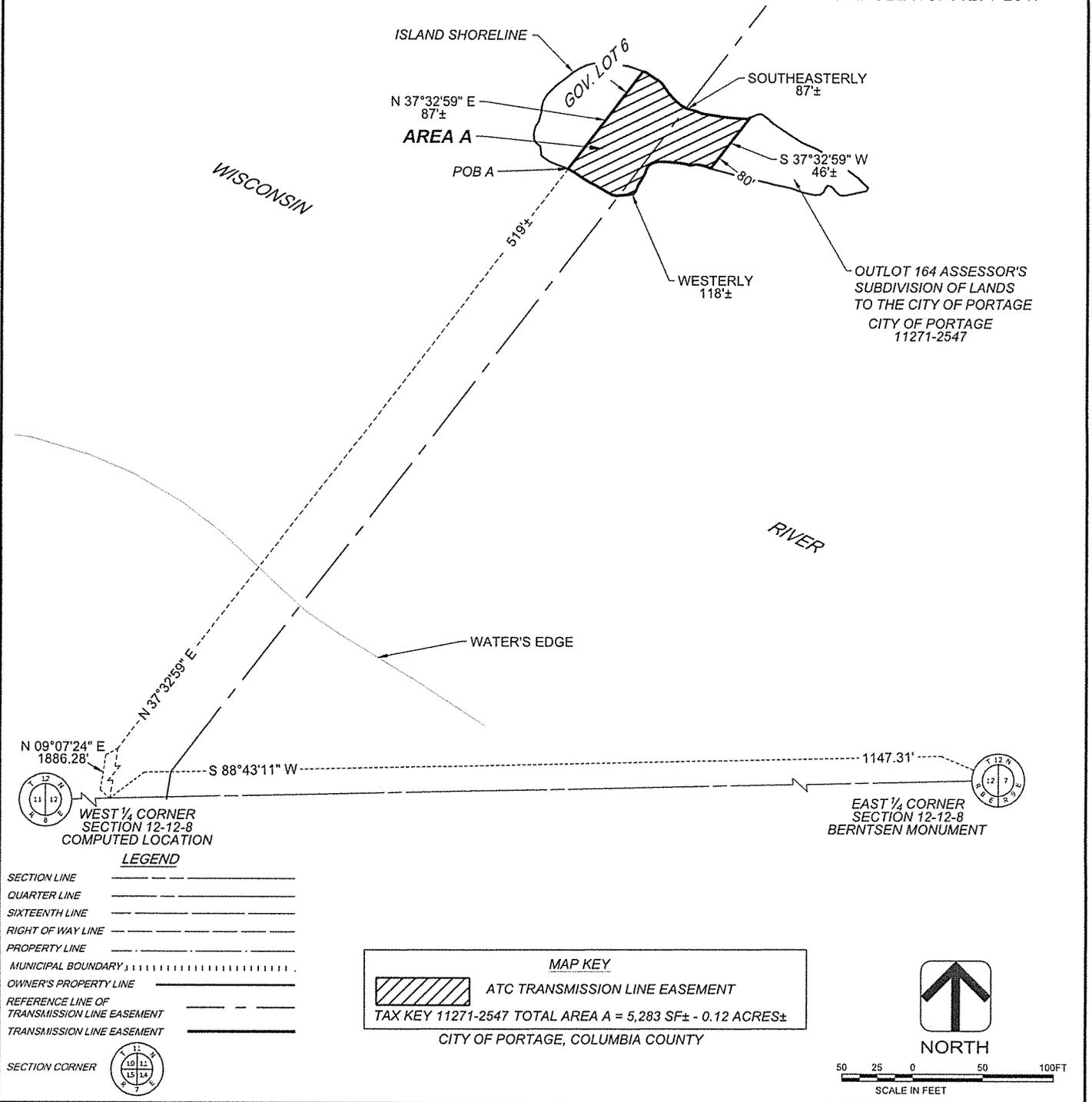
REVISIONS

SHEET NUMBER 1 OF 7

EASEMENT DESCRIPTION MAP (EXHIBIT "B")

GRANTEE: AMERICAN TRANSMISSION COMPANY
 W234 N2000 RIDGEVIEW PARKWAY COURT
 WAUKESHA, WI 53188-1022

GRANTOR: CITY OF PORTAGE
 DHT-POR1780
 115 W PLEASANT STREET
 PORTAGE, WI 53901
 PARCEL NO. 11271-2547



ATC
 AMERICAN TRANSMISSION COMPANY

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AYRES ASSOCIATES
 5201 EAST TERRACE DRIVE
 SUITE 200
 MADISON, WI 53718
 (608) 443-1200

REVISIONS

NOTE: BEARINGS FOR THIS MAP ARE BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) NAD83(2007). DISTANCES ARE GROUND.

Drawn:	CRB / Ayres Associates
Date:	10/2/2015
Scale:	1" = 100'
SHEET NUMBER	2 OF 7

EASEMENT DESCRIPTION MAP (EXHIBIT "B")

GRANTEE: AMERICAN TRANSMISSION COMPANY
 W234 N2000 RIDGEVIEW PARKWAY COURT
 WAUKESHA, WI 53188-1022

GRANTOR: CITY OF PORTAGE
 DHT-POR1780
 115 W PLEASANT STREET
 PORTAGE, WI 53901
 PARCEL NO. 11271-2547

TAX PARCEL 11271-2547 EASEMENT LEGAL DESCRIPTION - AREA A:

An 80 foot wide easement which crosses a part of the grantor's premises, being a part of Outlot 164 of the Assessor's Subdivision of Lands to the City of Portage, recorded in Book 3 of Miscellaneous Records on Page 32, being located in Government Lot 6 of Section 12, Township 12 North, Range 8 East, City of Portage, Columbia County, Wisconsin described as:

Commencing at the East one-quarter corner of said Section 12;
 thence, along the East-West Quarter line of said Section 12, South 88°43'11" West, 1147.31 feet;
 thence North 09°07'24" East, 1886.28 feet;
 thence North 37°32'59" East, 519 feet, more or less, to the **Point of Beginning** lying on the Southerly line of said Outlot 164, said Southerly line being the shoreline of an island in the Wisconsin River;
 thence, along the Northwesterly line of the easement herein described, North 37°32'59" East, 87 feet, more or less, to the Northerly line of said Outlot 164 and said shoreline;
 thence, along said Northerly line and shoreline, Southeasterly, 87 feet, more or less, to its intersection with a line lying 80 feet Southeasterly, as measured at right angles and parallel to said Northwesterly line;
 thence, along said parallel line, South 37°32'59" West, 46 feet, more or less, to aforesaid Southerly line and shoreline;
 thence, along said Southerly line and shoreline, in a general Westerly direction, 118 feet, more or less, to the to the **Point of Beginning**.

The described easement, as shown on Sheet 2 of 7 hereof, contains 5,283 square feet or 0.12 acres, more or less, and is subject to restrictions, reservations, rights-of-way and easements of record.

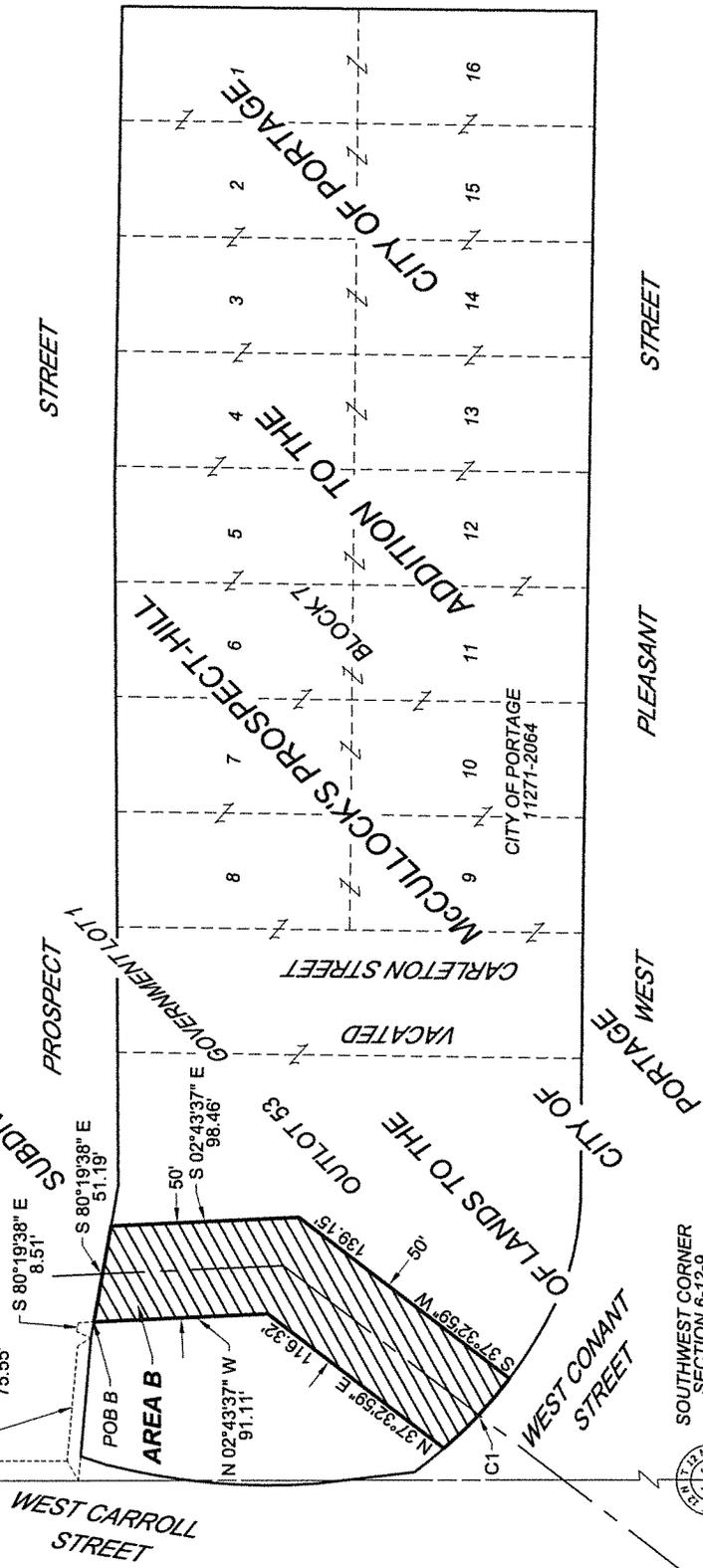
	AYRES ASSOCIATES 5201 EAST TERRACE DRIVE SUITE 200 MADISON, WI 53718 (608) 443-1200	NOTE: BEARINGS FOR THIS MAP ARE BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) NAD83(2007). DISTANCES ARE GROUND.	Drawn: CRB / Ayres Associates
			Date: 10/2/2015
			Scale: NA
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EASEMENT DESCRIPTION MAP (EXHIBIT "B")

GRANTEE: AMERICAN TRANSMISSION COMPANY
 W234 N2000 RIDGEVIEW PARKWAY COURT
 WAUKESHA, WI 53188-1022

GRANTOR: CITY OF PORTAGE
 DHT-POR1780
 115 W PLEASANT STREET
 PORTAGE, WI 53901
 PARCEL NO. 11271-2064

WEST 1/4 CORNER
 SECTION 6-12-9
 COLUMBIA COUNTY
 MONUMENT



SOUTHWEST CORNER
 SECTION 6-12-9
 COMPUTED LOCATION
 (CORNER FALLS IN RIVER)

Curve Table

Name	Radius Length	Arc Length	Chord Length	Chord Bearing	Delta
C1	239.00'	50.29'	50.20'	N 47°18'41" W	12°03'25" RT

MAP KEY

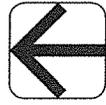
ATC TRANSMISSION LINE EASEMENT

TAX KEY 11271-2064 TOTAL AREA B = 11,170 SF - 0.26 ACRES

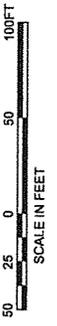
CITY OF PORTAGE, COLUMBIA COUNTY

LEGEND

- SECTION LINE
- QUARTER LINE
- SIXTEENTH LINE
- RIGHT OF WAY LINE
- PROPERTY LINE
- MUNICIPAL BOUNDARY
- OWNER'S PROPERTY LINE
- REFERENCE LINE OF TRANSMISSION LINE EASEMENT
- TRANSMISSION LINE EASEMENT
- SECTION CORNER



NORTH



AYRES ASSOCIATES
 5201 EAST TERRACE DRIVE
 SUITE 200
 MADISON, WI 53718
 (608) 443-1200

NOTE: BEARINGS FOR THIS MAP ARE BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) NAD83(2007). DISTANCES ARE GROUND.

Drawn: CRB / Ayres Associates
 Date: 10/2/2015
 Scale: 1" = 100'

REVISIONS

SHEET NUMBER 4 OF 7

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EASEMENT DESCRIPTION MAP (EXHIBIT "B")

GRANTEE: AMERICAN TRANSMISSION COMPANY
 W234 N2000 RIDGEVIEW PARKWAY COURT
 WAUKESHA, WI 53188-1022

GRANTOR: CITY OF PORTAGE
 DHT-POR1780
 115 W PLEASANT STREET
 PORTAGE, WI 53901
 PARCEL NO. 11271-2064

TAX PARCEL 11271-2064 EASEMENT LEGAL DESCRIPTION - AREA B:

A 50 foot wide easement which crosses a part of the grantor's premises, being a part of Outlot 53 of the Assessor's Subdivision of Lands to the City of Portage, recorded in Book 3 of Miscellaneous Records on Page 32, being located in Government Lot 1 of Section 6, Township 12 North, Range 9 East, City of Portage, Columbia County, Wisconsin described as:

Commencing at the West one-quarter corner of said Section 6;
 thence, along the West line of said Section 6, South 00°06'58" East, 2180.08 feet to the Westerly extension of the Northerly right of way line of Prospect Street;
 thence, along said Westerly extension and Northerly right of way line, South 85°17'38" East, 75.55 feet to an angle point in said right of way line;
 thence, continuing along said right of way line, South 80°19'38" East, 8.51 feet to the **Point of Beginning**;
 thence, continuing along said right of way line, South 80°19'38" East, 51.19 feet;
 thence South 02°43'37" East, 98.46 feet;
 thence South 37°32'59" West, 139.15 feet to the Northeasterly right of way line of West Conant Street and the beginning of a non-tangent curve, being concave Northeasterly, having a radius of 239.00 feet and a chord which bears North 47°18'41" West, 50.20 feet;
 thence, along said Northeasterly right of way line, Northwesterly, 50.29 feet along the arc of said curve through a central angle of 12°03'25";
 thence North 37°32'59" East, 116.32 feet;
 thence North 02°43'37" West, 91.11 feet to the **Point of Beginning**.

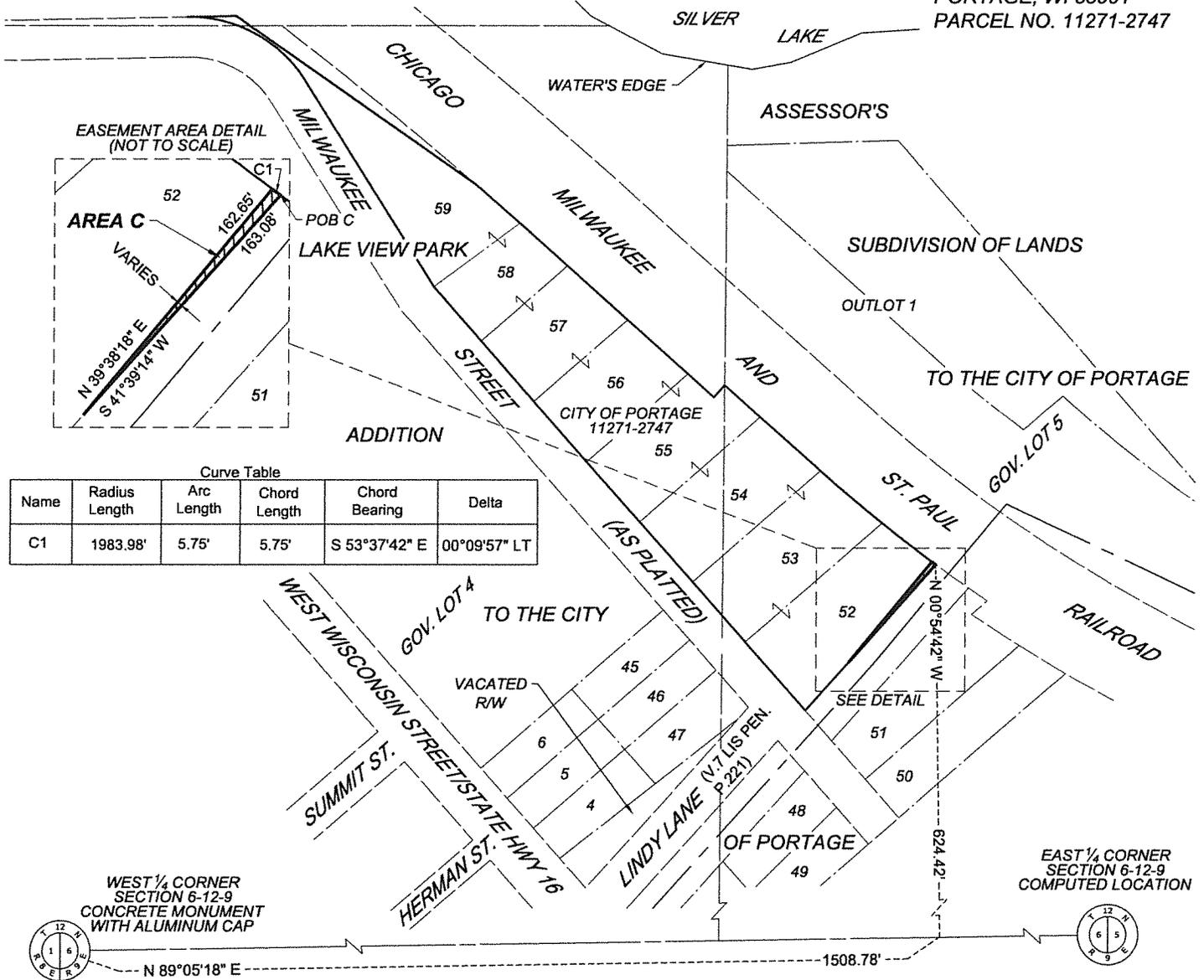
The described easement, as shown on Sheet 4 of 7 hereof, contains 11,170 square feet or 0.26 acres, more or less, and is subject to restrictions, reservations, rights-of-way and easements of record.

	<p>AYRES ASSOCIATES 5201 EAST TERRACE DRIVE SUITE 200 MADISON, WI 53718 (608) 443-1200</p>	<p>NOTE: BEARINGS FOR THIS MAP ARE BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) NAD83(2007). DISTANCES ARE GROUND.</p>	Drawn: CRB / Ayres Associates
			Date: 10/2/2015
			Scale: NA
<p>THIS DOCUMENT IS FOR THE USE OF AMERICAN TRANSMISSION COMPANY. AMERICAN TRANSMISSION COMPANY DISCLAIMS ALL WARRANTIES BOTH EXPRESS AND IMPLIED. USE BY ANYONE OTHER THAN AMERICAN TRANSMISSION COMPANY IS AT THEIR OWN RISK.</p>	<p>REVISIONS</p>	<p>SHEET NUMBER 5 OF 7</p>	

EASEMENT DESCRIPTION MAP (EXHIBIT "B")

GRANTEE: AMERICAN TRANSMISSION COMPANY
 W234 N2000 RIDGEVIEW PARKWAY COURT
 WAUKESHA, WI 53188-1022

GRANTOR: CITY OF PORTAGE
 DHT-POR1780
 115 W PLEASANT STREET
 PORTAGE, WI 53901
 PARCEL NO. 11271-2747



LEGEND

SECTION LINE _____

QUARTER LINE _____

SIXTEENTH LINE _____

RIGHT OF WAY LINE _____

PROPERTY LINE _____

MUNICIPAL BOUNDARY _____

OWNER'S PROPERTY LINE _____

REFERENCE LINE OF TRANSMISSION LINE EASEMENT _____

TRANSMISSION LINE EASEMENT _____

SECTION CORNER

MAP KEY

ATC TRANSMISSION LINE EASEMENT

TAX KEY 11271-2747 TOTAL AREA C = 466 SF - 0.01 ACRES

CITY OF PORTAGE, COLUMBIA COUNTY

NORTH

100 50 0 100 200 FT

SCALE IN FEET

ATC
 AMERICAN TRANSMISSION COMPANY

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AYRES ASSOCIATES
 5201 EAST TERRACE DRIVE
 SUITE 200
 MADISON, WI 53718
 (608) 443-1200

REVISIONS

NOTE: BEARINGS FOR THIS MAP ARE BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) NAD83(2007). DISTANCES ARE GROUND.

Drawn:	CRB / Ayres Associates
Date:	10/2/2015
Scale:	1" = 200'
SHEET NUMBER	6 OF 7

EASEMENT DESCRIPTION MAP (EXHIBIT "B")

GRANTEE: AMERICAN TRANSMISSION COMPANY
 W234 N2000 RIDGEVIEW PARKWAY COURT
 WAUKESHA, WI 53188-1022

GRANTOR: CITY OF PORTAGE
 DHT-POR1780
 115 W PLEASANT STREET
 PORTAGE, WI 53901
 PARCEL NO. 11271-2747

TAX PARCEL 11271-2747 EASEMENT LEGAL DESCRIPTION - AREA C:

A variable width easement which crosses a part of the grantor's premises, being a part of Lot 52 of the plat of Lake View Park Addition to the City of Portage, recorded in Volume 4 of Plats on Page 3 as Document Number 192737, being located in Government Lot 5 of Section 6, Township 12 North, Range 9 East, City of Portage, Columbia County, Wisconsin described as:

Commencing at the West one-quarter corner of said Section 6;
 thence, along the East-West Quarter line of said Section 6, North 89°05'18" East, 1508.78 feet;
 thence North 00°54'42" West, 624.42 feet to the **Point of Beginning**, being the Northeasterly corner of said Lot 52 lying on the Southwesterly right of way line of the Chicago, Milwaukee, and St. Paul Railroad;
 thence, along the Southeasterly line of said Lot 52, South 41°39'14" West, 163.08 feet;
 thence North 39°38'18" East, 162.65 feet to said Southwesterly right of way line and the beginning of a non-tangent curve, being concave Northeasterly, having a radius of 1983.98 feet and a chord which bears South 53°37'42" East, 5.75 feet;
 thence, along said Southwesterly right of way line, Southeasterly, 5.75 feet along the arc of said curve through a central angle of 00°09'57" to the **Point of Beginning**.

The described easement, as shown on Sheet 6 of 7 hereof, contains 466 square feet or 0.01 acres, more or less, and is subject to restrictions, reservations, rights-of-way and easements of record.

	<p>AYRES ASSOCIATES 5201 EAST TERRACE DRIVE SUITE 200 MADISON, WI 53718 (608) 443-1200</p>	<p>NOTE: BEARINGS FOR THIS MAP ARE BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) NAD83(2007). DISTANCES ARE GROUND.</p>	Drawn: CRB / Ayres Associates
			Date: 10/2/2015
			Scale: NA
<p>THIS DOCUMENT IS FOR THE USE OF AMERICAN TRANSMISSION COMPANY. AMERICAN TRANSMISSION COMPANY DISCLAIMS ALL WARRANTIES BOTH EXPRESS AND IMPLIED. USE BY ANYONE OTHER THAN AMERICAN TRANSMISSION COMPANY IS AT THEIR OWN RISK.</p>	<p>REVISIONS</p>	<p>SHEET NUMBER 7 OF 7</p>	

EXHIBIT "C"

CERTIFICATE OF COMPENSATION

SECTION 32.06 (2A) WISCONSIN STATS.

DATED THIS _____ DAY OF _____, 2015

Pursuant to Section 32.06(2a) notice is hereby given of the acquisition of a certain perpetual easement attached hereto and made a part hereof by this reference. The names of all persons or parties having an interest of record in the property affected by such perpetual easement immediately prior to the acquisition of the easement are the following:

Landowner(s): City of Portage

Mortgagee(s): None

Land Contract Vendor(s): None

Others: None

Such perpetual easement grants unto Grantee, its successors and assigns, licensees and manager the right, permission and authority to construct, install, operate, maintain, repair, replace, rebuild, remove, relocate, inspect and patrol electric transmission line facilities for the purpose of transmitting electric energy, communications and signals upon, in, over and across the perpetual easement strip as described on the instrument to which this exhibit is attached.

The total consideration paid for such easement was \$ _____.

NOTICE OF RIGHT OF APPEAL

In accordance with Section 32.06 (2a) Wisconsin Stats., any of the above named persons or parties shall have six (6) months from the date of the recording of this certificate to appeal the amount of compensation herein stated by filing a petition with the Judge of the Circuit Court of Columbia County, Wisconsin, who shall assign the matter to the Chairperson of the County Condemnation Commissioners for hearing under Sub. (8). Notification of such petition shall be made to all persons or parties having an interest of record in the above property, and the procedures prescribed under Subs. 9 (a) and (b), 10, 12 and Chs. 808 and 809 shall govern such appeals.



PAYMENT SUMMARY

ATC File Number: DHT-POR1780 Line Designation: Dan Heights to Portage Date: 10/22/15

LANDOWNER INFORMATION:

OWNER: City of Portage

Address: 115 West Pleasant Street, Portage, WI 53901

Phone #: _____

P&P Sheet(s): Page 43, 44 of P&P Dated: 8/13/2015 Structure(s): 136451

Legal Description: All of Outlot 164 of the Assessors Subdivision of Lands of the city of Portage, recorded in Book 3, in Gov. Lot 6 in Section 12, T12N-R8E, Also part of Outlot 53 of the Assessors Subdivision of Lands, recorded in Book 3, in Gov. Lot 1, Section 6, T12N-R9E, Also part of Lot 52 of Lake View Park Addition to the City of Portage, recorded in Vol. 4, Page 3, as Doc. No. 192737, in Gov. Lot 5, Section 6, T12N-R9E, all in the City of Portage, Columbia County, Wisconsin.

Payment for Easement (50 foot)	\$ <u>4,100.00</u>
Payment for Easement (80 foot)	\$ <u>4,000.00</u>
Payment for two (2) Appraisal Waivers	\$ <u>5,000.00</u>
Payment for permission to apply chemicals as part of the initial tree and brush clearing.	\$ <u>500.00</u>

Other Payments described below:

_____ \$ _____

_____ \$ _____

_____ \$ _____

Total Payments **\$ 13,600.00**

OR

Annual Payment (If Applicable) \$ _____
(Easement Payment / 65 years)
(zoned or used for agricultural purposes and easement is for high voltage transmission line)



TREE AND BRUSH DISPOSITION REPORT RIGHT-OF-WAY CLEARING

ATC File Number: DHT-POR1780 Line Designation: Dam Heights to Portage Date: _____

LANDOWNER INFORMATION:

OWNER: City of Portage

Address: 115 West Pleasant Street, Portage, WI 53901

Phone #: _____ Contact: City of Portage

P&P Sheet(s): Page 43, 44 of P&P Dated: 8/13/2015

Structure(s): 136451

Legal Description: All of Outlot 164 of the Assessors Subdivision of Lands to the city of Portage, recorded in Book 3, in Gov. Lot 6 in Section 12, T12N-R8E. Also part of Outlot 53 of the Assessors Subdivision of Lands, recorded in Book 3, in Gov. Lot 1, Section 6, T12N-R9E, Also Part of Lot 52 of Lake View Park Addition to the City of Portage, recorded in Vol. 4, Page 3, as Doc. No. 192737, in Gov. Lot 5, Section 6, T12N-R9E all in the City of Portage, Columbia County, Wisconsin.

AMERICAN TRANSMISSION COMPANY LLC, its agents, successors, assigns and manager, are hereby instructed to dispose of all trees and brush in the easement strip and danger timber outside of the easement strip, as said strip is described in that certain easement signed by:

City of Portage _____

Dense, woody vegetation, including trees that are five (5) inches or less in diameter, within the easement strip shall be removed with brush mowing equipment. Mowing material (mulch and stumps) will remain. See attached ATC pamphlet "What to expect following right-of-way maintenance and vegetation management", dated 5/12 for further description of mowing procedure.

- 1) _____ Trees shall be cut down and left in full tree lengths (suitable for logs) with limbs removed and piled neatly on the edge of the easement strip. These trees shall be marked by the landowner (spray painted with a highly visible orange "X") prior to the forestry clearing work starting in the field.
- 2) _____ Trees and limb wood five (5) inches in diameter and larger shall be cut into approximate 100-inch lengths and piled neatly on the edge of the easement strip.
- 3) _____ Limb wood less than five (5) inches in diameter and brush shall be cleared from the easement strip and disposed of by one of the following methods (choose one of the following):
 - _____ Stack brush on the edge of the easement strip*
 - _____ Chip brush and blow chips into easement strip, if easement area is a maintained setting*
 - _____ Burn brush within easement area (if permitting allows)
 - _____ Remove all tree and brush debris from premises, if easement area is a maintained setting**

*If the area where the trees, brush, or chips are to be placed is determined to be a delineated wetland, ATC will work with the landowner to determine appropriate disposition methods and area for placement prior to clearing.

**If the trees, brush, or chips to be removed are state-listed invasive species, ATC will discuss proper handling and management practices with the landowner prior to clearing.

Other: _____

Dated this _____ day of _____, 2015. City of Portage

ORDINANCE NO. 15-013

ORDINANCE RELATIVE TO MOTOR VEHICLES & TRAFFIC

Chapter 50, Article II - Controlled Intersections; Street Traffic Regulations

The following sections of this Article shall be amended to read as follows:

Sec. 50-32. - Through streets designated.

In the interest of public safety and pursuant to Wis. Stats. § 349.07, the following streets or portions thereof set forth in this section are declared to be through highways, and traffic signs or signals giving notice thereof shall be erected by the city in accordance with [section 50-3](#):

(12) *Lock Street*. Stop sign at:

a. West Howard Street.

b. West Edgewater Street

Sec. 50-38. - Yield right-of-way intersections.

The operator of a vehicle when approaching any of the following intersections at which has been installed a yield right-of-way to other vehicles which have entered the intersection from an intersecting highway or which are approaching so closely on the intersecting highway as to constitute a hazard or collision and, if necessary, shall reduce speed or stop in order to yield:

<u>Traffic On</u> <u>Lock Street</u>	<u>Shall Yield to Traffic On</u> <u>W. Edgewater Street</u>
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This Ordinance shall take effect upon passage and publication thereof.

Passed this ____th day of _____, 2015.

W.F. "Bill" Tierney, Mayor

Attest:

Marie A. Moe, WCPC, MMC, City Clerk

First and second readings:

ORDINANCE NO. 15-012

ORDINANCE RELATIVE TO FIRE PREVENTION AND PROTECTION

Chapter 30, Article III, Division 2. Regulations

The following sections shall be repealed and recreated as follows:

Sec. 30-81. Open burning.

(a) *Open burning prohibited.*

- (1) No person shall burn or cause to be burned any leaves, grass, wood, rubbish or other combustible material on any street, alley or sidewalk in any district within the City at any time.
- (2) No person shall burn or cause to be burned any leaves, grass, wood, rubbish or other combustible material outdoors on any lot or parcel of land in any district within the City at any time without a burning permit. The provisions of this subsection, however, shall not apply to the controlled outdoor burning as set forth in paragraph (3) below or Section 30-81(b).
- (3) A burning permit may be issued by the Fire Department for prescribed vegetation management purposes subject to reasonable conditions to mitigate fire hazards. The fee for a burning permit shall be as set forth in the Fee Schedule. Supervision and inspection costs shall be billed to the owner of the property upon which supervision or inspection is required. If not paid within thirty (30) days of billing, said costs shall be assessed against the property as a special charge pursuant to Wis. Stats. §66.0627. Burning permits shall apply to individual parcels or occupancies and are not transferable from person to person, parcel to parcel or occupancy to occupancy; however, burning permits may encompass multiple parcels under common ownership if part of a common vegetation management project.

(b) *Outdoor recreational Fire pits or fireplaces.*

1. Definitions.

a. Outdoor Wood Burning Recreational Fire Pit: Any below ground pit, lined with non-combustible material, soil, metal or stone; minimum of 6 inches deep and ringed on the outer diameter with stone, brick or concrete.

b. Outdoor Commercially Manufactured Portable Fireplace. Any commercially available appliance designed to contain a wood fire when operated according to the manufacturer's instructions.

c. Outdoor Constructed Permanent Fireplaces: Any brick, stone, concrete or metal fireplace that is constructed in a permanent location with a chimney. These shall be considered accessory structures requiring a building permit and approved by the building Inspector or his designee according to applicable building codes.

d. Gas Fueled Recreational Fire Pits. Any commercially available appliance designed to exclusively burn natural gas or propane when installed and operated according to the manufacturer's instructions.

2. Only dry wood may be burned in commercially manufactured outdoor portable fireplaces that are certified by a nationally recognized listing agency or outdoor wood burning recreational fire pits or outdoor constructed permanent fireplaces subject to the following conditions:

- a. Only dry wood, entirely contained within the device, is permitted to be burned.
- b. No outdoor fireplace shall be used within fifteen (15) feet of any structure or ten (10) feet of any lot line unless closer placements are approved by the Fire Chief.
- c. The smoke shall not create a nuisance for other properties, obstruction of vehicle travel, or health concerns of others. No fireplace shall be used on a wood deck, wood porch, or wood patio.
- d. An ABC type fire extinguisher, charged garden hose, or other method of fire control must be readily available.
- e. The fireplace must be supervised or attended at all times while in use by a responsible adult. The fire must be completely extinguished before the fireplace is left unsupervised.
- f. Use of the fireplace shall be discontinued when atmospheric conditions are unfavorable or make the use of the device hazardous or if a city wide ban of outdoor burning has been declared by the Fire Department. Such unfavorable atmospheric conditions include, but are not limited to, winds in excess of 8 miles per hour, excessive dry weather conditions and other conditions as declared by the Fire Department. Fireplace operators shall be responsible for checking with the Fire Department to determine whether hazardous conditions exist. No burning will be allowed if wind conditions will cause smoke, embers or other burning materials to be carried toward any building or other combustible material.

3. Gas Fueled Recreational Fire Pits that are certified by a nationally recognized listing may be installed and used in compliance with the provisions of 30-81(b)2., b., d. and e., and any permanent gas fueled recreational fire pits are subject to applicable building codes.

- (c) *Other open burning.* The Fire Chief or his designee may grant written authorization and impose conditions necessary for any open burning in the City that would otherwise be prohibited by this section if he/she believes the environment, public safety and welfare of the public will not be adversely affected by such authorization.
- (d) *Extinguishment.* The Fire Department may extinguish any fire ignited or maintained contrary to this section.
- (e) *Liability.* Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by such fires.
- (f) *Penalty.* Whoever shall violate any provision of this section shall be subject to a penalty as prescribed by Section 1-15 of this Code.

Sec. 30-83. Outdoor Heating Devices.

- (a) Purpose and intent. This section is intended to promote and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the city from the air pollution and fire hazards of outdoor solid fuel-fired heating units which are generally recognized to create noxious and hazardous smoke, soot, fumes and odors. All outdoor heating devices may be continued only in strict compliance with this section and upon obtaining a permit from the Building Inspector.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - Chimney* means a vertical structure or stack enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device.
 - Clean wood* means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure-treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
 - Outdoor solid fuel-fired heating device* means a solid fuel-fired furnace, stove or boiler that is not located within a building.
- (c) *Permits for installation and operation.*
 - (1) *Required.* The owner of an outdoor solid fuel-fired heating device shall obtain a permit from the Building Inspector before installation of the device. Application for the permit shall be made on the form provided by the city and shall be submitted with the appropriate permit fee in the amount(s) established by the official city fee schedule.
 - (2) *Revocation.* Any permit issued for such a device may be revoked at anytime by order of the Building Inspector, Fire Chief or his designee. The Building Inspector, Fire Chief

or his/her designee must give the permit holder notice, in writing, of the revocation at least 48 hours before it takes effect, unless emergency circumstances require less notice. The notice must also contain information about the violations that formed the basis for the revocation.

- (3) *Objection to revocation.* If the permit holder objects to the fire chief's order, he or she may file a written objection contesting such order with the city clerk within five days of receiving the written notice.
 - (4) *Hearing on objection.* Upon timely receipt of the permit holder's written objection, the matter shall be placed on the soonest legislative and regulatory committee agenda practicable for review. The legislative and regulatory committee shall act as a quasi-judicial body allowing the permit holder an opportunity to present evidence as to why the Fire Chief's order should not be enforced. The Fire Chief's order shall be presumed to be valid, but such presumption may be overcome by the permit holder by evidence presented at the hearing.
 - (5) *Determination after hearing.* After the legislative and regulatory committee has made a decision and its' report has been approved by the common council, the permit holder shall be notified of the decision in writing, by certified mail. If a decision is made that the Fire Chief's order was appropriately issued, the permit holder shall cease operation of the outdoor solid fuel-fired heating device within 24 hours.
- (g) *Setback, yard and other restrictions.* Outdoor heating devices are deemed accessory structures for purposes of zoning regulations and shall comply with additional restrictions set forth below. If the restrictions set out below are in conflict with the provisions of the zoning regulations applicable to accessory structures, the specific regulations herein shall supersede those general rules found in the zoning code:
- (1) *Placement.* Outdoor heating device may only be located in the rear yard of the premises served by the device. Such devices may not be placed less than 50 feet from any property boundary, the residence served by the device or any other flammable structure. Outdoor heating devices shall not be placed in any location that is within 100 feet of any structure not served by the device unless the structure is on the same property as the device.
 - (2) *Chimneys.* Chimneys for outdoor heating devices shall have a minimum height of 20 feet measured from ground level and be at least two feet higher than the roof of every residence located within 300 feet of the chimney. Chimneys for outdoor heating

devices shall meet the minimum requirements of the Wisconsin Administrative Code and shall be insulated and properly braced or supported per manufacturer's recommendations and specifications. Permit applicants may seek a waiver from this regulation from the Building Inspector or Fire Chief if it can be demonstrated that a lower height chimney will not adversely affect the public safety and general welfare of the public.

(3) *Storage of edible fuels.* If corn or other edible food stuff is to be used as fuel in an outdoor heating device, it shall be stored in a vermin-proof container.

(4) *Locking device.* All outdoor heating devices must be equipped with a child-proof locking device on the fire door or be in an enclosure with the access door having such a locking device. Such locking device shall be in use at all times.

(h) *Penalties.* Any person who violates, neglects or refuses to comply with any of the provisions of this section shall be subject to a penalty as provided in [chapter 1-15](#)

All other sections shall remain as previously adopted.

This Ordinance shall take effect upon passage and publication thereof.

Passed this _____th day of November, 2015.

W.F. "Bill" Tierney, Mayor

Attest:

Marie A. Moe, WCPC, MMC, City Clerk

First reading: 11/12/15

Second reading:

Ordinance requested by:
Legislative and Regulatory Committee

Pancreatic Cancer Awareness Day Proclamation

WHEREAS, in 2015, an estimated 48,960 people will be diagnosed with pancreatic cancer in the United States and 40,560 will die from the disease;

WHEREAS, pancreatic cancer is one of the deadliest cancers, is currently the fourth leading cause of cancer death in the United States, and is projected to become the second by 2020;

WHEREAS, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just seven percent;

WHEREAS, when symptoms of pancreatic cancer present themselves, it is generally late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 93 percent of pancreatic cancer patients die within the first five years;

WHEREAS, approximately 830 deaths will occur in Wisconsin in 2015;

WHEREAS, pancreatic cancer is the 7th most common cause of cancer-related death in men and women across the world;

WHEREAS, there will be an estimated 367,000 new pancreatic cancer cases diagnosed globally in 2015;

WHEREAS, the good health and well-being of the residents of the City of Portage are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

THEREFORE BE IT RESOLVED that I, W.F. "Bill" Tierney, Mayor of the City of Portage, Wisconsin, do hereby designate November 13, 2015 as "World Pancreatic Cancer Day" in the City of Portage.

Given under my hand this 6th day of
November 2015, at Portage, Wisconsin.

W.F. "Bill" Tierney, Mayor