

Council Chambers, Municipal Building, Baraboo, Wisconsin

Tuesday, August 25, 2015 – 7:00 p.m.

Mayor Palm called the regular meeting of Council to order.

Roll call was taken.

Council Members Present: Wedekind, Kolb, Plautz, Sloan, Petty, Ellington, Alt, Robkin, Thurow

Council Members Absent: none

Others Present: Atty. Reitz, Chief Schauf, Clerk Giese, Adm. Geick, members of the press and others.

The Pledge of Allegiance was given.

Moved by Kolb, seconded by Wedekind and carried to approve the minutes of August 11, 2015.

Moved by Alt, seconded by Ellington and carried to approve the agenda.

Compliance with the Open Meeting Law was noted.

PRESENTATION

Greg Wise explained the Grow Baraboo Community and Economic Development Plan which lead to requesting future personnel to implement. Ald. Petty questioned where a similar model has been used with a proven track record. Wise responded that most communities have recognized that job growth comes from existing businesses/employers rather than attracting new ones. Helping existing businesses grow and become more successful is more productive and therefore, that is where the effort should be spent. The position is expected to be a combination of economic development and marketing duties and assigning these activities to someone will provide accountability for the work. Members also recognized that the effort would benefit the regional area and anticipated collaborating with neighboring communities.

Grant Slayton reported that the Fire on Oak Event with Big Top Parade celebration was a success. The event raised \$1200 at the door, Baraboo Fire Department raised over \$4000 selling beer and brats, \$1500 selling raffle tickets that day. Brothers on Oak are looking forward to sponsoring another event again next year. Greg Slayton added that they had only about 3 weeks to prepare and thanked everyone for pulling together in such short notice.

PUBLIC HEARING – The Mayor opened the public hearing relative to the General Development Plan/Specific Implementation Plan for Richard Fritz, managing member of 232 Water Street, LLC in accordance with Steps 3 and 4 of the PUD Process for conversion of the existing commercial space on the first floor of 232 Water Street. No one spoke and the Mayor closed the hearing.

PUBLIC INVITED TO SPEAK –No one spoke.

MAYOR'S COMMENTS

The Mayor read a Proclamation for September, 2015 as Spinal Cord Injury Awareness Month.

CONSENT AGENDA

Resolution No. 15-51

THAT the Accounts Payable, in the amount of \$641,398.93 be allowed and ordered paid.

Resolution No. 15-52

THAT Laura Jelle be appointed to the Baraboo Economic Development Commission serving until February 28, 2016.

Moved by Alt, seconded by Wedekind and carried on voice vote to approve the Consent agenda.

ORDINANCES ON 2ND READING

Moved by Sloan, seconded by Kolb and carried unanimously to approve the 2nd reading of Ordinance 2430 concerning a Planned Unit Development for 219 1st Street as a mixed use commercial property.

**GENERAL DEVELOPMENT PLAN / SPECIFIC IMPLEMENTATION PLAN
FOR 219 1ST STREET CITY OF BARABOO, SAUK COUNTY, WISCONSIN,
TO BE ZONED AS A PLANNED UNIT DEVELOPMENT**

Diana Lee, member of March Hare, LLC, has requested that the property at 219 1st Street be rezoned as a Planned Unit Development (PUD) under the City of Baraboo's Zoning Code upon the following General Development Plan submitted for approval pursuant to §17.36B(7), of the Baraboo Code of Ordinances:

1. The real property involved in this General Development Plan (GDP) consists of that property located at 219 1st Street (Tax Parcel 206 1646-00000), in the City of Baraboo, Sauk County, Wisconsin. There is a pre-existing structure on the property that is presently not in use. The property was formerly used as the offices of the Baraboo News Republic.
2. The property is presently zoned B-1 Central Business Zoning District. The specific intention of the petitioner is to use the existing structure on the property as a bakery, a collectible store, and for indoor climate controlled storage.
3. The property is specifically approved for use as a bakery, a collectible store, and for indoor climate controlled storage. The use of the property shall not be changed from such use without the modification of this GDP with the approval of the City's Common Council. Modification of use to provide for the exclusive use of the property as storage shall constitute a change of use which must be reviewed and approved by the Plan Commission.
4. The use of the storage area by customers shall be limited to the hours of 8AM – 10PM.
5. This GDP is also accepted as the Specific Implementation Plan (SIP) for the property.
6. Signs upon the property shall be allowed pursuant to the Baraboo Sign Ordinance, §17.80, Code of Ordinances.
7. The terms of the GDP / SIP shall be covenants running with the land, and applicable not only to the petitioner, but to any and all subsequent owners as well.

NEW BUSINESS
Resolutions:

Resolution No. 15-53

A Resolution to authorize the City Staff to work with the Community Development Authority to prepare an application to the United States Department of Agriculture's Rural Development office for a loan and grant to construct the Baraboo Public Safety/City Hall building and to do renovations

NOW THEREFORE, BE IT RESOLVED, the City Staff is authorized to work with the Community Development Authority to submit an application for a loan and grant to the USDA Rural Development office for a Public Safety/City Hall building project. Information on the application and response from USDA Rural Development will be provided to the City Council as it becomes available.

Moved by Wedekind, seconded by Thurow, and carried that **Resolution No. 15-53** be approved – 9 ayes.

Ordinances:

Ordinance No. 2431 was introduced and read for the first time:

Ordinance No. 2431

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DOES ORDAIN AS FOLLOWS:

1. Chapter 17, Subchapter II – Floodplain Zoning Ordinance is hereby repealed and recreated to read as follows:

SUBCHAPTER II: FLOODPLAIN ZONING ORDINANCE

17.66 FLOODPLAIN ZONING ORDINANCE

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT

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

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

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

- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 **TITLE**

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

1.5 **GENERAL PROVISIONS**

(1) **AREAS TO BE REGULATED**

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) **OFFICIAL MAPS & REVISIONS**

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. 8.0 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the City Engineer, City of Baraboo, Wisconsin. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) **OFFICIAL MAPS** : Based on the FIS:

1. Flood Insurance Rate Map (FIRM), panel numbers 55111C0382F, 55111C0383F, 55111C0384F, 55111C0402F, 55111C0403F, 55111C0404F, dated November 20, 2013; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated October 02, 2015, numbered 55111CV001C and 55111CV002C;

Approved by: The DNR and FEMA

(3) **ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS**

The regional floodplain areas are divided into three districts as follows:

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

(b) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.

(c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

(4) **LOCATING FLOODPLAIN BOUNDARIES**

Discrepancies between boundaries on the official floodplain zoning map and actual

field conditions shall be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

(a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 *Amendments*.

(6) COMPLIANCE

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

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

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

(8) ABROGATION AND GREATER RESTRICTIONS

(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

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

(10) WARNING AND DISCLAIMER OF LIABILITY

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

(11) SEVERABILITY

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

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

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

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

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

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

(1) No floodplain development shall:

(a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height;
or

(b) Cause any increase in the regional flood height due to floodplain storage area lost.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 8.0 *Amendments* are met.

2.2 WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 2.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 8.0 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 *Amendments*.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

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

(1) The campground is approved by the Department of Health Services;

(2) A land use permit for the campground is issued by the zoning administrator;

(3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;

(4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;
- (6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- (7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0, 4.0 or 5.0 for the floodplain district in which the structure is located;
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

3.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.4.

3.2 PERMITTED USES

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

- they are not prohibited by any other ordinance;
- they meet the standards in s. 3.3 and 3.4; and
- all permits or certificates have been issued according to s. 7.1.

- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
- (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and

airport landing strips.

- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.
- (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- (6) Functionally water dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- (7) Public utilities, streets and bridges that comply with s. 3.3(3).

3.3 STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY

(1) GENERAL

- (a) Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1 and 7.1(2)(c):
 1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 2. An analysis calculating the effects of this proposal on regional flood height.
- (c) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for subd. (b) above.

(2) STRUCTURES

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- (b) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (c) Must be anchored to resist flotation, collapse, and lateral movement;

- (d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
 - (e) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (3) **PUBLIC UTILITIES, STREETS AND BRIDGES**
Public utilities, streets and bridges may be allowed by permit, if:
- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
 - (b) Construction meets the development standards of s. 2.1.
- (4) **FILLS OR DEPOSITION OF MATERIALS**
Fills or deposition of materials may be allowed by permit, if:
- (a) The requirements of s. 2.1 are met;
 - (b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
 - (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - (d) The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

- All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:
- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
 - (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
 - (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
 - (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
 - (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
 - (6) Any solid or hazardous waste disposal sites;

- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.4.

4.2 PERMITTED USES

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

S. 2.1 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

(1) RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

- (a) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s. 4.3 (1)(b) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
- (b) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
- (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- (d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 2. The municipality has a DNR-approved emergency evacuation plan.

(2) ACCESSORY STRUCTURES OR USES

Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) COMMERCIAL USES

Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

(a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5.

(b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

(11) MANUFACTURED HOMES

- (a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 1. have the lowest floor elevated to the flood protection elevation; and
 2. be anchored so they do not float, collapse or move laterally during a flood
- (c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

5.0 GENERAL FLOODPLAIN DISTRICT (GFP)**5.1 APPLICABILITY**

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

5.2 PERMITTED USES

Pursuant to s. 5.4, it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway (s. 3.2) and Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

5.3 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

S. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas. The rest of this ordinance applies to either district.

- (1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
 - (a) at or above the flood protection elevation; or
 - (b) two (2) feet above the highest adjacent grade around the structure; or
 - (c) the depth as shown on the FIRM

- (2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

5.4 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

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

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
 - (a) A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
 - (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 - (c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

6.0 NONCONFORMING USES

6.1 GENERAL

(1) APPLICABILITY

If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
 - (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

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

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

(c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

(d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

(e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1)

(f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).

(g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

(h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).

- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
 - c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
 - e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).
 - f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
2. Nonresidential Structures
- a. Shall meet the requirements of s. 6.1(2)(h)1a-f.
 - b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5(1) or (2).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).
- (3) *A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 3.3(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1(2)(h) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.*

6.2 FLOODWAY DISTRICT

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
- (a) Has been granted a permit or variance which meets all ordinance requirements;
 - (b) Meets the requirements of s. 6.1;
 - (c) Shall not increase the obstruction to flood flows or regional flood height;

- (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and
- (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and ch. SPS 383, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE DISTRICT

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 4.3 except where s. 6.3(2) is applicable.
- (2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
- (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (b) Human lives are not endangered;
 - (c) Public facilities, such as water or sewer, shall not be installed;

- (d) Flood depths shall not exceed two feet;
 - (e) Flood velocities shall not exceed two feet per second; and
 - (f) The structure shall not be used for storage of materials as described in s. 4.3(5).
- (3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 7.5(3) and ch. SPS 383, Wis. Adm. Code.
- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5(3) and ch. NR 811 and NR 812, Wis. Adm. Code.

7.0 ADMINISTRATION

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

7.1 ZONING ADMINISTRATOR

(1) DUTIES AND POWERS

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (d) Keep records of all official actions such as:
 - 1. All permits issued, inspections made, and work approved;
 - 2. Documentation of certified lowest floor and regional flood elevations;
 - 3. Floodproofing certificates.
 - 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - 5. All substantial damage assessment reports for floodplain structures.
 - 6. List of nonconforming structures and uses. .
- (e) Submit copies of the following items to the Department Regional office:
 - 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;

2. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (g) Submit copies of amendments to the FEMA Regional office.

(2) LAND USE PERMIT

A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s.

3.0 or 4.0 are met; and

9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains:

a. Hydrology

- i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic modeling

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

- i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
- ii. channel sections must be surveyed.
- iii. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. the most current version of HEC_RAS shall be used.
- vi. a survey of bridge and culvert openings and the top of road is required at each structure.
- vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the

reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

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

c. Mapping

A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. Hydrology

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

b. Hydraulic model

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

i. Duplicate Effective Model

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

ii. Corrected Effective Model.

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

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to

establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.

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

v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

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

c. Mapping

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

i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

vii. Both the current and proposed floodways shall be shown on the map.

viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) EXPIRATION

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

(3) CERTIFICATE OF COMPLIANCE

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

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.

(4) OTHER PERMITS

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

7.2 ZONING AGENCY

(1) The City of Baraboo Plan Commission shall:

- (a) oversee the functions of the office of the zoning administrator; and
- (b) review and advise the governing body on all proposed amendments to this ordinance, maps and text.

(2) The City of Baraboo Plan Commission shall not:

- (a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
- (b) amend the text or zoning maps in place of official action by the governing body.

7.3 BOARD OF ADJUSTMENT/APPEALS

The Board of Adjustment/Appeals, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

(1) POWERS AND DUTIES

The Board of Adjustment/Appeals shall:

- (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
- (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
- (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) APPEALS TO THE BOARD

- (a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:

- a. Fix a reasonable time for the hearing;
- b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
- c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

2. Hearing - Any party may appear in person or by agent. The board shall:

- a. Resolve boundary disputes according to s. 7.3(3);
- b. Decide variance applications according to s. 7.3(4); and
- c. Decide appeals of permit denials according to s. 7.4.

(c) **DECISION:** The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;
2. Be sent to the Department Regional office within 10 days of the decision;
3. Be a written determination signed by the chairman or secretary of the Board;

4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
- (b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- (c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 *Amendments*.

(4) VARIANCE

- (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 1. Literal enforcement of the ordinance will cause unnecessary hardship;
 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 3. The variance is not contrary to the public interest; and
 4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- (b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
 1. The variance shall not cause any increase in the regional flood elevation;
 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

- (c) A variance shall not:
 - 1. Grant, extend or increase any use prohibited in the zoning district;
 - 2. Be granted for a hardship based solely on an economic gain or loss;
 - 3. Be granted for a hardship which is self-created.
 - 4. Damage the rights or property values of other persons in the area;
 - 5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 *Amendments*; and
 - 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

- (1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:
 - (a) Permit application data listed in s. 7.1(2);
 - (b) Floodway/floodfringe determination data in s. 5.4;
 - (c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator; and
 - (d) Other data submitted with the application, or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
 - (a) Follow the procedures of s. 7.3;
 - (b) Consider zoning agency recommendations; and
 - (c) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
 - (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 *Amendments*; and
 - (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

7.5 FLOODPROOFING STANDARDS FOR NONCOMFORMING STRUCTURES OR USES

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - (a) certified by a registered professional engineer or architect; or
 - (b) meets or exceeds the following standards:
 1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. the bottom of all openings shall be no higher than one foot above grade; and
 3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
 - (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (b) Protect structures to the flood protection elevation;
 - (c) Anchor structures to foundations to resist flotation and lateral movement;
 - (d) Minimize or eliminate infiltration of flood waters; and
 - (e) Minimize or eliminate discharges into flood waters.

7.6 PUBLIC INFORMATION

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

8.0 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and

amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.

- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

8.1 GENERAL

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in 1.5 (2)(b);
- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (5) Correction of discrepancies between the water surface profiles and floodplain maps;
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. The petitions shall include all data required by ss. 5.4 and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal

arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

9.0 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$10.00 (ten dollars) and not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

10.0 DEFINITIONS

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

A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

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

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

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

of floodplain regulations.

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

preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

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

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

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

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

START OF CONSTRUCTION – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured

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

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

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

17.76 to 17.79 Reserved for future use.

2. This Ordinance shall take effect upon passage and publication as provided by law.

Moved by Petty, seconded by Kolb, and carried that the Ordinance take its regular course - 9 ayes.

Ordinance No. 2432 was introduced and read for the first time:

Ordinance No. 2432

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DOES ORDAIN AS FOLLOWS:

1. Chapter 14, Subchapter II – Construction Site Erosion Control Code is hereby repealed and recreated to read as follows:

CHAPTER 14 - SUBCHAPTER II:

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL CODE

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SUBCHAPTER II: CONSTRUCTION SITE EROSION CONTROL CODE**14.23 AUTHORITY.**

- (1) This ordinance is adopted under the authority granted by §62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under §62.23, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in §62.234 Wis. Stats., §62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Common Council hereby designates the Building Inspector or City Engineer to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §§281.16 and 283.33, Wis. Stats.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under §NR 151.004, Wis. Adm. Code.

14.23.1 FINDINGS OF FACT. The Common Council finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in City of Baraboo.

14.23.2 PURPOSE. It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the City of Baraboo.

14.23.3 APPLICABILITY AND JURISDICTION.

- (1) **APPLICABILITY.**
 - (a) Except as provided under Sub. (b), this ordinance applied to any construction site as defined under Sec. 14.24 (6):
 - (b) This ordinance does not apply to the following:

1. Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads with a residential or industrial development.

2. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under Ch. 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
 3. Nonpoint discharges from agricultural facilities and practices.
 4. Nonpoint discharges from silviculture activities.
 5. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- (c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to construction sites of any size that, as determined by the Building Inspector or City Engineer, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, or that increases water pollution by scouring or the transportation of particulates.
- (2) **JURISDICTION.** This ordinance applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the City of Baraboo, and, optionally to the public and private lands subject to extraterritorial review under §§236.45(2) and (3), Wis. Stats.
- (3) **EXCLUSIONS.** This ordinance is not applicable to activities conducted by a state agency, as defined under §227.01 (1), Wis. Stats.

14.24 DEFINITIONS

- (1) **ADMINISTERING AUTHORITY** means a governmental employee, or a regional planning commission empowered under §62.234, Wis. Stats., that is designated by the Common Council to administer this ordinance.
- (2) **AGRICULTURAL FACILITIES AND PRACTICES** has the meaning in §281.16(1), Wis. Stats.
- (3) **BEST MANAGEMENT PRACTICE** or **BMP** means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- (4) **BUSINESS DAY** means a day the office of the Building Inspector or City Engineer is routinely and customarily open for business.
- (5) **CEASE AND DESIST ORDER** means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the City of Baraboo.
- (6) **CONSTRUCTION SITE** means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities

- may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.
- (7) DESIGN STORM means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.
 - (8) DIVISION OF LAND means the creation from one parcel of one or more parcels or building sites, regardless of size, where such creation occurs at one time or through successive partition within a 5-year period.
 - (9) EROSION means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
 - (10) EROSION AND SEDIMENT CONTROL PLAN means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.
 - (11) EXTRATERRITORIAL means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
 - (12) FINAL STABILIZATION means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
 - (13) GOVERNING BODY means town board of supervisors, county board of supervisors, Common Council, village board of trustees or village council.
 - (14) LAND DISTURBING CONSTRUCTION ACTIVITY means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
 - (15) LANDOWNER means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.
 - (16) MEP or MAXIMUM EXTENT PRACTICABLE means a level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with Sec. 14.25 of this ordinance.
 - (17) PERFORMANCE STANDARD means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
 - (18) PERMIT means a written authorization made by the Building Inspector or City Engineer to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

- (19) POLLUTANT has the meaning given in §283.01 (13), Wis. Stats.
- (20) POLLUTION has the meaning given in §281.01 (10), Wis. Stats.
- (21) RESPONSIBLE PARTY means the landowner or other entity performing services to meet the requirements of this ordinance through a contract or other agreement.
- (22) RUNOFF means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (23) SEDIMENT means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
- (24) SILVICULTURE ACTIVITY means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pet and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- (25) SITE means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- (26) STOP WORK ORDER means an order issued by the Building Inspector or City Engineer which requires that all construction activity on the site be stopped.
- (27) TECHNICAL STANDARD means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (28) TRANSPORTATION FACILITY means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under §85-095(1)(b), Wis. Stats. Transportation Facility does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to §281.33, Wis. Stats.
- (29) WATERS OF THE STATE includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

14.25 APPLICABILITY OF MAXIMUM EXTENT PRACTICABLE.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the [administering authority]'s satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

14.26 TECHNICAL STANDARDS.

All BMPs required for compliance with this ordinance shall meet design criteria, standards and specifications based on any of the following:

- (1) DESIGN GUIDANCE AND TECHNICAL STANDARDS identified or developed by the Wisconsin Department of Natural Resources under Subch. V of Ch. NR 151, Wis. Adm. Code.
- (2) SOIL LOSS prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and period of disturbance.
- (3) TECHNICAL STANDARDS and methods have been approved by the Building Inspector or City Engineer.

14.27 PERFORMANCE STANDARDS FOR CONSTRUCTION SITE UNDER ONE ACRE.

- (1) RESPONSIBLE PARTY. The responsible party shall comply with this section.
- (2) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - (a) The deposition of soil from being tracked onto streets by vehicles.
 - (b) The discharge of sediment from disturbed areas into on-site storm water inlets.
 - (c) The discharge of sediment from disturbed areas into adjacent waters of the state.
 - (d) The discharge of sediment from drainage ways that flow off the site.
 - (e) The discharge of sediment by dewatering activities.
 - (f) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - (g) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
- (3) LOCATION. The BMPs shall be so located that treatment occurs prior to runoff entering waters of the state.
- (4) IMPLEMENTATION. The BMPs used to comply with this section shall be implemented as follows:
 - (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.

- (b) Erosion and sediment control practices shall be maintained until final stabilization.
- (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
- (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
- (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

14.27.1 PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF ONE ACRE OR MORE.

- (1) RESPONSIBLE PARTY. The responsible party shall comply with this section and implement the Erosion and Sediment Control Plan developed in accordance with Sec. 14.28.1.
- (2) EROSION AND SEDIMENT CONTROL PLAN. A written site-specific Erosion and Sediment Control Plan shall be developed in accordance with Sec. 14.28.1 and implemented for each construction site.
- (3) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The Erosion and Sediment Control Plan required under sub. (2) shall include the following:
 - (a) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:
 - 1. The deposition of soil from being tracked onto streets by vehicles.
 - 2. The discharge of sediment from disturbed areas into on-site storm water inlets.
 - 3. The discharge of sediment from disturbed areas into adjacent waters of the state.
 - 4. The discharge of sediment from drainage ways that flow off the site.
 - 5. The discharge of sediment by dewatering activities.
 - 6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - 7. The discharge of sediment from erosive flows at outlets and in downstream channels.
 - 8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site

during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

(b) **SEDIMENT PERFORMANCE STANDARDS.** In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:

1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.
2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.
3. Notwithstanding subd. 1., if BMPs cannot be designed and implemented to meet the sediment performance standard, the Erosion and Sediment Control Plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

(c) **PREVENTIVE MEASURES.** The Erosion and Sediment Control Plan shall incorporate all of the following:

1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.
2. Minimization of soil compaction and preservation of topsoil.
3. Minimization of land disturbing construction activity on slopes of 20 percent or more.
4. Development of spill prevention and response procedures.

(d) **LOCATION.** The BMPs used to comply with this section shall be located so that treatment occurs prior to runoff entering waters of the state.

(4) **IMPLEMENTATION.** The BMPs used to comply with this section shall be implemented as follows:

- (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the Erosion and Sediment Control Plan developed in Sec. 14. 27.1(2).
- (b) Erosion and sediment control practices shall be maintained until final stabilization.
- (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.
- (d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
- (e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

14.28 PERMITTING REQUIREMENTS, PROCEDURES, AND FEES.

- (1) **PERMIT REQUIRED.** No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an Erosion and Sediment Control Plan for the site and a permit from the Building Inspector or City Engineer.
- (2) **PERMIT APPLICATION AND FEES.** At least one responsible party that will undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an Erosion and Sediment Control Plan that meets the requirements of Sec. 14.28.1 and shall pay an application fee as set by the Building Inspector or City Engineer and as shown in the Official Fee Schedule. By submitting an application, the applicant is authorizing the Building Inspector or City Engineer to enter the site to obtain information required for the review of the Erosion and Sediment Control Plan.
- (3) **PERMIT APPLICATION REVIEW AND APPROVAL.** The Building Inspector or City Engineer shall review any permit application that is submitted with an Erosion and Sediment Control Plan, and the required fee. The following approval procedure shall be used:
 - (a) Within 45 business days of the receipt of a complete permit application, as required by Sub. (2), the Building Inspector or City Engineer shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.
 - (b) If the permit application and Erosion and Sediment Control Plan are approved, the Building Inspector or City Engineer shall issue the permit.
 - (c) If the permit application or Erosion and Sediment Control Plan is disapproved, the Building Inspector or City Engineer shall state in writing the reasons for disapproval.
 - (d) The Building Inspector or City Engineer may request additional information from the

applicant. If additional information is submitted, the Building Inspector or City Engineer shall have 30 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.

- (e) Failure by the Building Inspector or City Engineer to inform the permit applicant of a decision within 45 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.
- (4) **SURETY BOND.** As a condition of approval and issuance of the permit, the Building Inspector or City Engineer may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved Erosion and Sediment Control Plan and any permit conditions.
- (5) **PERMIT REQUIREMENTS.** All permits shall require the responsible party to:
 - (a) Notify the Building Inspector or City Engineer within 48 hours of commencing any land disturbing construction activity.
 - (b) Notify the Building Inspector or City Engineer of completion of any BMPs within 14 days after their installation.
 - (c) Obtain permission in writing from the Building Inspector or City Engineer prior to any modification pursuant to Sec. 14.28.1(3) of the Erosion and Sediment Control Plan.
 - (d) Install all BMPs as identified in the approved Erosion and Sediment Control Plan.
 - (e) Maintain all road drainage systems, storm water drainage systems, BMPs, and other facilities identified in the Erosion and Sediment Control Plan.
 - (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.
 - (g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary, and document these activities in an inspection log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
 - (h) Allow the Building Inspector or City Engineer to enter the site for the purpose of inspecting compliance with the Erosion and Sediment Control Plan or for performing any work necessary to bring the site into compliance with the Erosion and Sediment Control Plan at the construction site.
- (6) **PERMIT CONDITIONS.** Permits issued under this section may include conditions established by Building Inspector or City Engineer in addition to the requirements set forth in Sub. (5), where needed to assure compliance with the performance standards in Sec. 14.27 or 14.27.1.

- (7) **PERMIT DURATION.** Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector or City Engineer may extend the period one or more times for up to an additional 180 days. The Building Inspector or City Engineer may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.
- (8) **MAINTENANCE.** The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

14.28.1 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT, AND AMENDMENTS.

- (1) **EROSION AND SEDIMENT CONTROL PLAN STATEMENT.** For each construction site identified under Sec. 14.26(1)(c), an Erosion and Sediment Control Plan Statement shall be prepared. This statement shall be submitted to the Building Inspector or City Engineer. The Erosion and Sediment Control Plan Statement shall briefly describe the site, the development schedule, and the BMPs that will be used to meet the requirements of the ordinance. A site map shall also accompany the Erosion and Sediment Control Plan Statement.
- (2) **EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS.**
- (a) **Preparation and Submission.** An Erosion and Sediment Control Plan shall be prepared and submitted to the Building Inspector or City Engineer.
- (b) **Performance Standards.** The Erosion and Sediment Control Plan shall be designed to meet the performance standards in Sec 14.27 or 14.27.1 and other requirements of this ordinance.
- (c) **Pollution.** The Erosion and Sediment Control Plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The Erosion and Sediment Control Plan shall include, at a minimum, the following items:
1. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
 2. Description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.
 3. A description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas,

areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

4. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
5. Calculations to show compliance with the performance standard of Sec. 14.27.1(3)(b).
6. Existing data describing the surface soil as well as subsoils.
7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
8. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.

(d) Site Map. The Erosion and Sediment Control Plan shall include a site map. This map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.

1. Existing topography, vegetative cover, natural and engineered drainage systems, roads, and surface waters. Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes, and floodways shall also be shown.
2. Boundaries of the construction site.
3. Drainage patterns and approximate slopes anticipated after major grading activities.
4. Areas of soil disturbance.
5. Location of major structural and non-structural controls identified in the Erosion Control and Sediment Plan.
6. Location of areas where stabilization BMPs will be employed.
7. Areas that will be vegetated following land disturbing construction activities.
8. Area(s) and location of wetland on the construction site, and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.
9. Area(s) use for infiltration of post-construction storm water runoff.
10. An alphanumeric or equivalent grid overlying the entire construction site map.

(e) Controls and Measures. Each Erosion and Sediment Control Plan shall include a description of appropriate controls and measures that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The Erosion and Sediment Control Plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the Erosion and Sediment Control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:

1. Description of interim and permanent stabilization practices, including a BMP implementation schedule. The Erosion and Sediment Control Plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Building Inspector or City Engineer, structural measures shall be installed on upland soils.
3. Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.
4. Trapping of sediment in channelized flow.
5. Staging land disturbing construction activities to limit exposed soil areas subject to erosion.
6. Protection of downslope drainage inlets where they occur.
7. Minimization of tracking at all vehicle and equipment entry and exit locations on the construction site.
8. Clean up of off-site sediment deposits.
9. Proper disposal of building and waste materials.
10. Stabilization of drainage ways.
11. Installation of permanent stabilization practices as soon as possible after final grading.
12. Minimization of dust to the maximum extent practicable.

(f) Velocity Dissipation Devices. The Erosion and Sediment Control Plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

- (3) **EROSION AND SEDIMENT CONTROL PLAN AMENDMENTS.** The applicant shall amend the Erosion and Sediment Control Plan if any of the following occur:
- (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the Erosion and Sediment Control Plan.
 - (b) The actions required by the Erosion and Sediment Control Plan fail to reduce the impacts of pollutants carried by construction site runoff.
 - (c) The Building Inspector or City Engineer notifies the applicant of changes needed in the Erosion and Sediment Control Plan.

14.28.2 FEE SCHEDULE. The fees referred to in other sections of this ordinance shall be **adopted by the City of Baraboo Common Council** and may from time to time be modified by resolution. A schedule of the fees shall be available for review in City Hall.

14.29 INSPECTION. If land disturbing construction activities are occurring without a permit required by this ordinance, the Building Inspector or City Engineer may enter the land pursuant to the provisions of §§66.0119(1), (2), and (3), Wis. Stats.

14.30 ENFORCEMENT.

- (1) The Building Inspector or City Engineer may post a stop work order if any of the following occurs:
 - (a) Land disturbing construction activity regulated under this ordinance is occurring without a permit.
 - (b) The Erosion and Sediment Control Plan s not being implemented in a good faith.
 - (c) The conditions of the permit are not being met.
- (2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the Erosion and Sediment Control Plan or permit conditions, the Building Inspector or City Engineer may revoke the permit.
- (3) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Building Inspector or City Engineer, or if a responsible party violates a stop work order posted under Sub. (1), the Building Inspector or City Engineer may request the City Attorney to obtain a cease and desist order in any court with jurisdiction.
- (4) The Building Inspector or City Engineer may retract the stop work order issued under Sub. (1) or the permit revocation under Sub. (2).
- (5) After posting a stop work order under Sub. (1), the Building Inspector may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Building Inspector or City Engineer may go on the land and commence the work

after issuing the notice of intent. The costs of the work performed under this subsection by or at the direction of the Building Inspector or City Engineer, plus interest at the rate authorized by the Building Inspector or City Engineer shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Subch. VII of Ch. 66, Wis. Stats.

- (6) Any person violating any of the provisions of this ordinance shall be subject to a penalty as provided in §25.04 of this code and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (7) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

14.31 APPEALS.

- (1) **BOARD OF ZONING APPEALS.** The board of zoning appeals created pursuant to Sec. 1.17 of the city's ordinance pursuant to §62.23(7)(e), Wis. Stats.:
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Building Inspector or City Engineer in administering this ordinance except for cease and desist orders obtained under Sec. 14.30(3).
 - (b) Upon appeal, may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
 - (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) **WHO MAY APPEAL.** Appeals to the Board of Zoning Appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Baraboo affected by any decision of the Building Inspector or City Engineer.

14.32 SEVERABILITY. If a court of competent jurisdiction judges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

14.33 EFFECTIVE DATE. This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Common Council of the City of Baraboo on the 25th day of August, 2015.

2. This Ordinance shall take effect upon passage and publication as provided by law.

Moved by Ellington, seconded by Wedekind, and carried that the Ordinance take its regular course - 9 ayes.

Ordinance No. 2433 was introduced and read for the first time:

Ordinance No. 2433

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DOES ORDAIN AS FOLLOWS:

1. Section 17.18(4)(d), Code of Ordinances, is amended as follows:
17.18 ESTABLISHMENT OF DISTRICTS AND INCORPORATION OF ZONING DISTRICT MAP
 - (4) DISTRICT BOUNDARIES AND MAP AMENDMENTS.
 - (d) Planned Unit Developments. The following Planned Unit Developments are approved and incorporated into the zoning map: 2015-02.
2. The attached General Development Plan / Specific Implementation Plan is approved as Planned Unit Development 2015-02.

**GENERAL DEVELOPMENT PLAN / SPECIFIC IMPLEMENTATION PLAN
FOR 232 WATER STREET
CITY OF BARABOO, SAUK COUNTY, WISCONSIN,
TO BE ZONED AS A PLANNED UNIT DEVELOPMENT**

232 Water Street, LLC, has requested rezoning of the property described below as a Planned Unit Development based upon the following General Development Plan submitted for approval pursuant to §17.36B(7), of the Baraboo Code of Ordinances:

8. The real property involved in this General Development Plan (GDP) consists of that property located at 232 Water Street (Tax Parcel 206-1751-00000), in the City of Baraboo, Sauk County, Wisconsin. The legal description is Lot 1, Block 5, Original Plat to the City of Baraboo, Sauk County, Wisconsin.
9. The property covered by this PUD is located at 232 Water Street, City of Baraboo, Sauk County, Wisconsin. The property is presently zoned B-1 Central Business District. The specific intention of the petitioner is to renovate the existing residential units on the 2nd and 3rd floors, and to convert the first floor commercial space into residential space. First floor residential space is not a permitted use in the B-1 Zoning District.
10. The property is specifically approved for use in operating a multi-family housing unit of not more than ten housing units. The use of the property shall not be changed from such use without the modification of this GDP with the approval of the City's Common Council. Ten parking spaces shall be provided.
11. The Specific Implementation Plan (SIP) for the property shall be in accordance with the plan for development approved by the Baraboo Plan Commission on August 18, 2015.
12. Signs upon the property shall be allowed pursuant to the Baraboo Sign Ordinance, §17.80, Code of Ordinances.

13. The terms of the GDP / SIP shall be covenants running with the land, and applicable not only to the petitioner, but to any and all subsequent owners as well.

3. This Ordinance shall take effect upon passage and publication as provided by law.

Moved by Sloan, seconded by Petty, and carried that the Ordinance take its regular course - 9 ayes.

MAYOR, ADMINISTRATOR, AND COUNCIL COMMENTS

- The Mayor announced that the Council is invited to tour Flambeau on September 3rd and a meeting notice will be posted.
- Administrator Geick announced that the Hwy 33 corridor study has been received.
- Ald. Ellington complimented the Dept. of Public Works for their quick response to working on alley repairs.

REPORTS and MINUTES

The City officially acknowledges receipt and distribution of the following:

Monthly Reports for July, 2015 from – Treasurer, Fire, and Police

Minutes from the Following Meetings -

Minutes of the Public Safety Committee Meeting – August 3, 2015

Members Present: Phil Wedekind, Tom Kolb, and Mike Plautz. **Others Present:** Administrator Geick, Mayor Palm, Chief Schauf, Chief Stieve, Engineer Pinion, Bob Koss, Wade Peterson, John Drescher, and Jack Adams.

Call to Order - Committee Chairman Phil Wedekind called the meeting to order at 1:00 P.M. at the City Service Building, 450 Roundhouse Court, Baraboo, Wisconsin. Compliance with the Open Meeting Law was noted. It was moved by Kolb, seconded by Plautz to approve the agenda as posted and by voice vote, the motion carried. It was moved by Kolb, seconded by Plautz to approve the minutes of the June 29, 2015 meeting. By voice vote the motion carried.

New Business

- Review and approval of revisions to the Construction Site Erosion Control Code – Subchapter II in Chapter 14** – Engineer said that this is more of a housekeeping issue. He said that in April, the DNR published new model ordinances for communities to follow; therefore, he compared it to the City's ordinance and it is a close cousin to what the City had in place. He said that one of the standards that were there was that an erosion control permit was necessary for land disturbance in excess of 4,000 square feet, this one removes that square footage and states that any land disturbance is subject to an erosion control permit. He said that it also talks about lot size and if any is disturbed a permit would be required and he one-acre requirement no longer exists. He said that he will have a brief update regarding the minor changes and what it means to citizens. He said that he had the Building Inspector as the exclusive authority for permitting and enforcement, and now he has added Building Inspector or City Engineer. It was moved by Kolb, seconded by Plautz to approve the revisions as presented. Motion carried unanimously.
- Review and approval of salt purchase for the 2015/2016 winter season** – Pinion said that each year Koss gets quotes from salt suppliers. He said last year the salt supplier that the City had for the past two years increased their price by 60%, salt was \$111.00/ton; therefore, the City went back to Columbia County, where we had been for years prior to that. He said the downfall going to Columbia County is that we have to go get the salt, which is an hour trip, which drives up operational costs. He said that North American Salt Company was the company that the City used for a couple of years out of Milwaukee, they have changed their name to Compass Materials and their pricing is back in reason at \$79.75/ton. He said Columbia County has not set their final price, last year it was \$88.75 and they believe that it will be a couple of dollars more, so he is estimating \$90 and having to pick it up in Wyocena, it drives the price higher. Kolb moved, Plautz seconded to approve the salt purchase for the 2015/2016 from Compass Materials. Motion carried unanimously.
- Review and recommendation concerning Simplified Rate Case submittal to the PSC for a 3% increase in Water Rates for 2016** – Peterson said that this is the last year the Utility can apply for the 3%. He said that it would generate approximately \$50,000 in additional revenue and the goal is to do this and, hopefully, stretch out as long as we can before a full rate study would have to be done, which costs money and usually rates increases of 10-100% are looked at, depending on what it is at. He said that Wisconsin Dells just had a rate increase of about 28%, and Reedsburg had one in the 20th percentile also. He said that most residential customers, the increase would be \$1.00-\$1.50 per quarter; the larger users would be significantly more. He said that R.R. Donnelly would see an increase of approximately \$3,000 per quarter;

however, they are 30-30% of the City's daily flow. I was moved by Plautz, seconded by Kolb to approve the Simplified Rate Case submittal to the PSC for a 3% increase in Water Rates for 2016. Motion carried unanimously.

- d. Review and approval of monthly Billing Adjustments/Credits for Sewer and Water Customers – Peterson presented the adjustment/credits to the Committee. It was moved by Kolb, seconded by Plautz to approve the monthly Billing Adjustments/Credits for Sewer and Water customers as presented. Motion carried unanimously.
- e. Review and approve updated position descriptions for Fire Department – Chief Stieve presented and explained the changes in the updated position descriptions to the Committee. He said the major changes are the minimum qualifications under all the positions. He said Emergency Service Instructor One would be required, which is a State Certification that is 40 hours long. The Fire Officer One for all positions and Fire Officer Two for Captains and Chiefs. He said that with the change it will take some time to do this, thus the reason that he is working on the shift idea because that would save some money so that he can have the training in Baraboo to alleviate travel time for the members. He said that they would start out with Emergency Services Instructor One and then they have to do 30 hours of Witness training by another instructor and then they get certified. He said the reason for the changes is because the department is young and he feels that is very necessary for the members to get exposure to outside instruction and to have the opportunity to network with other fire department people. Kolb asked what is different than what is required now. Stieve said that all the certifications are new. He said the ICS 300 and 400 classes are necessary for upper level management for the fire department. Plautz asked if a CDL was required to drive a fire truck and Stieve said that firefighters are exempt in the State of Wisconsin. Stieve then described the testing and certification process. He then explained the entry level process, there are no testing procedures. Wedekind asked how many companies in the Department and Stieve stated four, with a Captain and Lieutenant on each company. He said that there is a vacant Lieutenant position at this time and the vacant Assistant Chief in charge of training. He said that he did put three Lieutenants in charge of training, two of them have the Emergency Services Instructor One certification already and the is a law enforcement office and has equivalency through their instructor development training. Kolb asked if there is any fiscal impact and Stieve said that there will be and a lot of this is contingent on working some of the shift stuff, having a set number of members of shifts throughout the year, this would save money instead of having 20 people at a call when not needed. Kolb moved, Plautz seconded to approve the updated position descriptions as presented. Motion carried unanimously.

Reports

- a. Utility Superintendent's Report – Peterson said that over the next couple of weeks, approximately 80 fire hydrants will be painted. He said that the Mine Street Water Tower is back in operation, there are a couple of significant punchless items that need to be taken care of and he is waiting to hear from the company as to when they can be scheduled to be done. He said that nothing has been paid yet; therefore, there is some leverage to make sure they return and taken care of this. He said that this morning the filter press had an electrical motor that burnt out, he is scrambling to get a motor for that and get the equipment back up and running. Lasting, he said that unfortunately, the Water Foreman, Dennis Steinke has chosen to retire on October 2nd. Advertising has begun to fill that position. Plautz asked if he is looking to hire from within, and Peterson said that they will have as much opportunity to apply as anyone else. He said that if there were any internal personnel that applied, and received an interview, he would ask someone from outside the City to sit in as far as the interview process.
- b. Street Superintendent's Report – Koss said that the department is on alleys and storm sewers at this time and will be doing that the rest of this month. He said that crack filling will be starting in September. Pinion said that although we are in somewhat of a dry stretch now, we did have two intense storms, one 2-1/2 inches and the other as much as four inches of rain in a very short period of time. He said that when that occurs it is a lot of water that accumulates and there are certain areas of the City that are susceptible to localized flooding. He said that South Blvd., by Casey's Store, and in the vicinity of the round-a-bout, we have experienced this in a couple of occasions. He said during the heaviest rainfall, both Farm and Fleet and on 5th Street and Washington some concerns were expressed. Jack Adams of Farm Fleet stated that on June 25 there was 2½ feet of water in their back lot, where there is 60' long ramp and the water came up approximately 22 feet into the store, but did not get to the sales floor level. He said that his concern is that if rain continues over an hour period at that rate there is will issues that were experienced in 1993. He said over the last eight years, about every other year they have experienced flooding to the same degree. He said in 2008, 22' came up the ramp; April, 2010 – 12', and in October, 2013, 16'. He said that other than these recordings, back in 2000 there were two rainfalls within about a one month period that came up to 36 and 38 feet, which is almost to the top. Wedekind asked if there were catch basins there. Adams said that there are two catch basins in the back lot. Wedekind asked if the water backs up to the basins or if it comes off the hill. Adams said that most of it is runoff. He said that on the west end of the lot there are two pipes in the storage area, one larger one in customer parking and on June 25th that drain was not taking any water. Wedekind asked where that runs into and Pinion said that it takes it north on Industrial Court and discharges in the Baraboo River behind Russell Will's property. Adams asked if there is anything that can be done with the runoff to retain that water, because most of it is coming from the west, north of Lange, west of Sauk coming across the road. Pinion told Adams that he would take a look at this to see if there is something that can be done to better contain the water and reduce the likelihood of coming across the road. Kolb asked if the pipe could be enlarged. Pinion said that there could be problems with that saying that stormwater management tends to be as much, if not more of an art than it is a science, it is all based on equalized storm events. He said that if a storm sewer system was design that was capable of swallowing and transporting that much water, then every storm between then and now would have deposited silt because it functions on a full-flowing, self scouring capacity. John Drescher said that he lives at the corner of 5th and Washington and he was told that he is in the low spot for this road and it is possible that the water was coming from 6th Street and then back flowing to 5th. He said that he looked and there is nothing coming out of the basin on 6th; therefore, it couldn't be flowing back towards his house. He said that the water comes over the curb, past the sidewalk about 3 feet. He said that his concern is that it doesn't go into his basement, which it hasn't at this point. He said

that he has checked into flood insurance and found it is impractical to purchase for the damage that would be done. He then said that he has consulted legal person and was told to be absolutely certain that he brought it to the City's attention that it could be a potential problem; therefore, that is why he is in attendance and he wanted it documented in the minutes that states that he came and pointed out a problem and that if the water got in his basement now something could be done about it, if he chose to take some action later. He said that this is the fourth year he has lived there and it has flooded every year. He said that the City installed some sink basins near 9th and he assumed that it was to get rid of a water problem there; however, he feels that it moves the water from 9th to 5th. Pinion said that it was actually 10th. Koss said that some of those were new; however, it was actually a detention basin that was installed by the church. Drescher inquired about the construction on Washington and the size of pipe. Pinion said that it is a 60" pipe from 5th Street all the down to the Baraboo River. He said at the deepest point between 2nd and College where they are doing construction is about 40' deep. He said the Washington basin is a pretty good sized basin and has been the source of previous studies and ultimately there are some improvements that can be made. In 2012 when Washington was improved was the first step into some of the potential improvements to improve flow throughout that entire watershed. He said that the pipe at the upper end is too small, the pipe on the lower end is big enough, and the one in between they should all be up-sized or a second pipe added. He said as the City continues to make improvements on Washington, as the budget affords, the Stormwater Utility would be positioned to be able to make minor improvements to the stormwater collection system. Drescher said that if Washington is truly a low spot where he is and the City is redoing the road, he recommended that the low spot be removed. Drescher also felt that a sink basin should be installed at the corner of Jefferson and 4th, or Jefferson and 5th would be better so that the water could be routed down to 6th Street. Wedekind said that the City is aware of the problem in this area and it is beyond the budget at this time.

- c. **Police Chief's Report** – Chief Schauf said that the fair was busy; however, went well. The parade went quite well, a lot of hours and a lot of staff went in to this. He said that changes in the hunting ordinance will be coming in front of the Administration Committee and Council. He said that Act 71 from the DNR changed the fact that we regulate bow hunting and changes the way we do that so the City has to make changes in the ordinance. He said that he has hired two new police officers and he has one more to fill the last vacancy. He said that there have been a lot of car entries lately. Kolb asked how the after party at Brothers On Oak went. Schauf said that there were no problems, it wasn't overly-well attended, it picked up about 8:30, and it was shut down minutes before 10:00. Pinion said that at 6:30 a.m. Sunday everything was off the street.
- d. **Fire Chief's Report** – Stieve said that there are five people going through interviews, he does one last interview with them to make sure that they understand the commitment for being a paid per call firefighter. He said that he is looking at doing some acting lieutenant appointments, which is 6-month role that people can act in the position to see if they like it or not for future appointment. He then said that next Monday night at their officer's meeting they will be lighting the training prop up for the first time.

ADJOURNMENT – Kolb moved, Plautz seconded to adjourn the meeting at 1:55 p.m. Motion carried.

Baraboo Economic Development Commission

August 6, 2015

I. Call to Meeting to Order and Note Compliance with Open Meeting Law

Chairperson Greg Wise called the meeting to order at 6:00 PM in Room 118 in the Rodems Room, University of Wisconsin-Baraboo/Sauk County, 1006 Connie Road, Baraboo, WI 53913. The meeting was properly noticed in compliance with Wisconsin State Statutes.

II. Roll Call & Approve Agenda

Present: Wise, Umhoefer, Alt, Bowers, Palm, Taylor

Absent: Ayar, Burgi, Huffaker, Stauffacher

Other: Ed Geick, Carolyn Wastlund, Kari Olson, Rhonda Siebecker, Tracy White, Patrick Cannon

III. Approve Minutes

Motion: To approve the minutes as presented for July 9, 2015

Alt (1); Bowers (2)

Aye: All via voice vote

Nay: None

IV. Public Comment

None

V. Review and Discussion: Economic Development Partners

Dr. Tracy White, CEO/Dean University of Wisconsin Baraboo/Sauk County

Dr. White gave a brief overview of the campus activities and highlighted the new science facility. The building is scheduled to be open in the early fall of 2015.

One of the new programs presented by Dr. White was the Bachelor of Applied Arts and Sciences (BAAS) degree. This is a bachelorette degree now being offered at the Baraboo/Sauk County campus. Students are required to not only

complete their classroom instruction, but are also required to have an internship and service learning as part of the curriculum.

As part of the University's long term plan, they would like to open partnerships with local businesses to help place students and to provide a quality workforce.

VI. Old Business

A. Update on Development Activities

City Administrator Ed Geick gave an update on the following items:

The City has several inquiries going on at this time. Staff met earlier in the day to review the items and move the projects forward.

B. Update on the Plan Commission and Council

Mayor Palm indicated that Mr. W. R. Sauey has invited BEDC to tour their facility. A tentative date of September 3, 2015 at 5:30 has been set. Confirmation of the date and time will follow.

The City is in the beginning stages of the 2016 budget. The timing of the Economic Development Plan being considered by BEDC is very timely.

C. Updates from economic development partners and collaborators

Ms. Wastlund indicated that the CDA is starting to work on its 2016 budget. In addition, the exterior work at Donahue Terrace and the work on the house on Second Ave. are being to take place.

Library Director Meg Allen indicated that they had an opportunity to use an Intern from the University this year. They were very pleased with the intern and the program.

Ms. Kari Olson representing SCDC gave an update how SCDC is looking to refocus their activities over the next few years. She also indicated that they are working on their Fall Leadership forum.

VII. New Business

A. Update on Economic Development Plan:

Chairperson Wise gave an update on the Economic Development Plan. He indicated that the draft is now ready to be presented to outside groups to solicit their input and thoughts. He indicated that the next steps will be to hold a series of public discussion meetings. The dates and times have not been established.

Once these meetings have been held, the Plan will also be presented to the CDA and Plan Commission for their feedback and then to the City Council for their consideration and approval. The plan will also be presented to the Village of West Baraboo.

As part of the plan, an outline on the implementation of the plan was also presented. The Chair indicated that the current City funding and staffing levels are not sufficient for the plan to be implemented successfully.

After discussion of several key items, the Commission indicated that they would like to move forward with the plan and hold the series of meetings. If there are no major concerns or changes to the plan, the Commission indicated it should be then sent to the CDA, the Plan Commission, City Council and Village of West Baraboo. It would not need to be presented again to BEDC.

Motion: To approve the draft plan and move forward with a series of public meetings to discuss the plan. Barring any major changes to the plan document, it is to then be presented to the CDA, the Plan Commission, the City Council and the Village of West Baraboo for their consideration.

Umhoefer (1); Alt (2)

Aye: All via voice vote

Nay: None

B. Update on Partner Presentation Schedule

As previously indicated, the September BEDC meeting will be held at the Flambeau Building. Mr. W. R. Sauey will be hosting and giving a tour of the facility. There will be no other business that evening due to the tour.

The Commission would also like to extend an invitation to the City Council, Village of West Baraboo and the CDA to attend the tour.

For October's meeting, Mr. Nick Dornaski will be the guest speaker. Dr. Ayar will serve as the BEDC contact person for this meeting.

Commissioner and City Staff comments

Mr. Bowers indicated that the park in West Baraboo is being completed. It will feature a handicapped access point for kayaks.

VIII. Adjournment

A motion was made to adjourn the meeting at 7:08 PM.

_____ (1); _____ (2)

Aye: All via voice vote

Nay: None

Finance/Personnel Committee – Council Chambers

August 11, 2015

Members Present: Petty, Sloan and Thurow

Absent: none

Others Present: C. Giese, E. Geick, M. Reitz, W. Petersen and others

Call to Order –Ald. Petty called the meeting to order at 6:00 p.m. noting compliance with the Open Meeting Law. Moved by Thurow, seconded by Sloan to adopt the agenda and carried unanimously. Moved by Thurow, seconded by Sloan to approve the minutes of July 28, 2015. Motion carried unanimously.

Accounts Payable – Moved by Sloan, seconded by Thurow to recommend Council approval of the accounts payable for \$701,318.25 . Motion carried unanimously.

2016 Budget Issues – The Committee reviewed the revenue changes included in the State’s budget and their possible effect on City revenues. Three revenues saw an increase while most remain unchanged. Only two programs saw a slight decrease in state funding. Other data reviewed by the Committee was the CPI at June 30th, dates of budget activities and changes in equalized value. The City saw an overall 2% increase in equalized value after data correction by the Department of Revenue.

Water Rate Increase – W. Petersen requested a simplified water rate increase of 3% for 2016 that would generate about \$50,000 in additional revenue. Typical resident will see about \$1.15 per quarter. Moved by Thurow, seconded by Sloan and carried to recommend approval of the water rate adjustment.

USDA Loan – Ed reported on a meeting with USDA rep Julie Giese wherein the City is eligible for a 20 year general obligation loan or 40 year mortgage revenue loan through the CDA. The City has difficulty including the 20 year loan at this time in their debt structure. Under the 40 year loan scenario, the lease payments are operating costs in the City’s budget and debt in the CDA budget, therefore, not eligible for a levy limit adjustment. An idea is to short term borrow an amount equal to the lease payments each year so that it can be included as debt in the budget process. This will be explored more carefully with Ehlers & Associates. Moved by Sloan, seconded by Thurow and carried unanimously to recommend completing the application process with USDA for the proposed Public Safety/Administration building.

Committee Comments: None.

Adjournment – Moved by Thurow, seconded by Sloan and carried to adjourn. Motion carried, meeting adjourned at 6:43 p.m.

Copies of these meeting minutes are on file in the Clerk's office:

CDA Loan Review Comt.	8-4-15, 8-12-15	CDA Finance Comt.	8-4-15
CDA Executive Comt.	8-4-15	Board of Review	7-29-15
UW Campus Comm.	7-16-15		

INFORMATIONAL ITEMS

Mayor Palm’s correspondence with SCDC Board.

ADJOURNMENT

Moved by Kolb, seconded by Sloan, and carried on voice vote, that the meeting adjourn.