

AGENDA
CITY OF BARABOO COMMON COUNCIL
Council Chambers, 135 4th Street, Baraboo, Wisconsin
Tuesday, August 25, 2015, 7:00 P.M.

Regular meeting of the Common Council, Mayor Palm presiding.

Notices sent to Council members: Wedekind, Kolb, Plautz, Sloan, Petty, Ellington, Alt, Robkin, and Thurow

Notices sent to City Staff and Media: Atty. Reitz, Adm. Geick, Clerk Giese, City Engineer Pinion, Utility Super. Peterson, Street Super. Koss, Police Chief Schauf, Parks & Recreation Dir. Hardy, City Treasurer Laux, Fire Chief Kevin Stieve, Library Director Allen, CDA Director, the News Republic, WBDL, and WRPQ.

Notices sent to other interested parties: Town of Baraboo, Village of West Baraboo, Citizen Agenda Group, Media Agenda Group, *Greg Wise, Greg Slayton*

CALL TO ORDER

ROLL CALL AND PLEDGE OF ALLEGIANCE

APPROVAL OF PREVIOUS MINUTES - (Voice Vote): August 11, 2015

APPROVAL OF AGENDA (Voice vote):

COMPLIANCE WITH OPEN MEETING LAW NOTED

PRESENTATIONS

- Greg Wise, BEDC Chair will present the GROW Baraboo-2015 Community and Economic Development Plan.
- Greg Slayton will discuss the Fire On Oak event in junction with the recent Big Top Parade celebration.

PUBLIC HEARINGS The Mayor announces that this is the published date and time to hear comments concerning 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.

PUBLIC INVITED TO SPEAK (Any citizen has the right to speak on any item of business that is on the agenda for Council action if recognized by the presiding officer.)

MAYOR'S COMMENTS - The Mayor would like to read

- A Proclamation for September, 2015 as Spinal Cord Injury Awareness Month

CONSENT AGENDA (roll call)

CA-1...Approve the accounts payable to be paid in the amount of \$_____

CA-2... Approve Mayoral appointment of Laura Jelle to BEDC, for a term to expire February 28, 2016.

NEW BUSINESS RESOLUTIONS

NBR-1...Authorize City to work with CDA to prepare an application to USDA for a loan to construct a Public Safety/City Hall building.

NEW BUSINESS ORDINANCES

NBO-1...Approve Chapter 17, Subchapter II-Floodplain Zoning to be repealed and recreated as attached.

NBO-2...Approve Chapter 14, Subchapter II-Construction Site Erosion Control Code to be repealed and recreated as attached.

NBO-3...Approve PUD to convert commercial space located at 232 Water Street into residential space.

2nd READING OF ORDINANCES

SRO-1...Approve PUD to convert property located at 219 1st Street into mixed use commercial property.

MAYOR, ADMINISTRATOR, AND COUNCIL COMMENTS

REPORTS, PETITIONS, AND CORRESPONDENCE - The City acknowledges receipt and distribution of the following: **Monthly Reports for July, 2015 from** – Treasurer, Fire, and Police

Minutes from the Following Meetings -

Copies of these meeting minutes are included in your packet:

Finance Comt.	8-11-15	BEDC	8-6-15
Public Safety Comt.	8-3-15		

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		

Petitions and Correspondence Being Referred

Mayor Palm’s correspondence with SCDC Board.

INFORMATION

ADJOURNMENT (Voice Vote)

Cheryl Giese, City Clerk-Finance Director

For more information about the City of Baraboo, visit our website at www.cityofbaraboo.com.

AUGUST 2015

SUN	MON	TUE	WED	THU	FRI	SAT
23	24	25 Finance Council	26 Ambulance	27 Arts Ad-Hoc	28	29
30	31 Public Safety					

SEPTEMBER 2015

SUN	MON	TUE	WED	THU	FRI	SAT
		1 CDA	2	3 BEDC	4	5
6	7 Labor Day City Offices Closed	8 Finance Council	9	10	11	12
13	14 Administrative Park & Rec	15 Plan Library	16 BID	17 Emergency Mgt. UW Campus	18	19
20	21 SCDC PFC	22 Finance Council	23	24 Arts Ad-Hoc	25	26
27	28 Public Safety	29	30 Ambulance			

PLEASE TAKE NOTICE - Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires the meeting or materials at the meeting to be in an accessible location or format, should contact the City Clerk at 135 4th St., or phone 355-2700 during regular business hours at least 48 hours before the meeting so reasonable arrangements can be made to accommodate each request.

It is possible that members of, and possibly a quorum of members of, other governmental bodies of the City of Baraboo who are not members of the above Council, committee, commission or board may be in attendance at the above stated meeting to gather information. However, no formal action will be taken by any governmental body at the above stated meeting, **other than the Council, committee, commission, or board identified in the caption of this notice.**

Agenda jointly prepared by D. Munz and C. Giese
 Agenda posted by DMM on 08/21/2015

**Council Chambers, Municipal Building, Baraboo, Wisconsin
Tuesday, August 11, 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 Wedeking and carried to approve the minutes of July 28, 2015.

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

Compliance with the Open Meeting Law was noted.

PUBLIC HEARING – The Mayor opened the public hearing relative to development plan at 210 1st Street for commercial property to include a bakery, collectible shop and storage lockers.

Jean Funcke, Baraboo resident, questions the use of the property since the driveways abut across the alley and they are concerned with the number of customers in particular to parking, since there is not much room for parking. The storage facility is worrisome because of added traffic and truck traffic. She spoke to a person who used to work in the building at 219 1st Street when it was the Baraboo News office and most people wanted to use the alley entrance because it is flatter terrain.

The Mayor read an e-mail from Monica Kirk, a resident on 2nd Street concerned for parking and children playing in the area.

No one else spoke and the Mayor closed the hearing.

PUBLIC INVITED TO SPEAK –No one spoke.

MAYOR'S COMMENTS

The Mayor recognized Tom Pinion for his 5 year anniversary with the City of Baraboo as City Engineer.

CONSENT AGENDA

Resolution No. 15-48

THAT the Accounts Payable, in the amount of \$701,318.25 be allowed and ordered paid.
Moved by Sloan, seconded by Wedekind and carried on voice vote to approve the Consent agenda.

NEW BUSINESS

Resolutions:

Resolution No. 15-49

To approve an application for a Water Utility Simplified Rate Case to the Public Service Commission. The rate case request would be for a 3% rate increase starting January 1, 2016. The projected increased revenue would be \$50,000.

Moved by Wedekind, seconded by Sloan, and carried that **Resolution No. 15-49** be approved – 9 ayes.

Ordinances:

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

Ordinance No.

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**

Table of Contents

14.23	Authority
14.23.1	Findings of Fact
14.23.2	Purpose
14.23.3	Applicability and Jurisdiction
14.24	Definitions
14.25	Applicability of Maximum Extent Practicable
14.26	Technical Standards
14.27	Performance Standards for Construction Sites Under One Acre
14.27.1	Performance Standards for Construction Sites of One Acre or More
14.28	Permitting Requirements, Procedures, and Fees
14.28.1	Erosion and Sediment Control Plan, Statement, and Amendments
14.28.2	Fees
14.29	Inspection
14.30	Enforcement
14.31	Appeals
14.32	Severability
14.33	Effective Date

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 pest 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.

Robkin spoke against the ordinance reducing the minimum from 4000 sq ft to 0 since it requires a permit for plantings in flower beds, as an example. Moved by Robkin, seconded by Ellington to return this item to the Public Safety Committee for further review. Roll Call: Ayes: Robkin, Ellington, Plautz, Sloan Nays: Thurow, Wedekind, Kolb, Petty, Alt Motion failed.

Engineer Pinion offered to check with the DNR for sample language on a minimum for requiring a permit and bring this back at the next meeting.

Moved by Kolb, seconded by Wedekind, and carried to postpone the first reading until the next meeting - 9 ayes.

Ordinance No. 2430 was introduced and read for the first time:

Ordinance No. 2430

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: 2015-01.

2. The attached General Development Plan / Specific Implementation Plan is approved as Planned Unit Development 2015-01.

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

Moved by Wedekind, seconded by Petty, and carried that the Ordinance take its regular course and that the language be amended to restrict hours of access to storage lockers from 8 a.m. to 10 p.m.- 9 ayes.

Engineer Pinion explained that owners of 219 1st Street want to turn the building into a multi-use building: bakery, retail store and indoor climate controlled storage lockers. The underlying zoning is B-1 and there is no requirement for off-street parking in the zoning code. There is on street, off street and off-alley parking available to the proposed business. The Plan Commission recommended the PUD for these specific uses.

MAYOR, ADMINISTRATOR, AND COUNCIL COMMENTS

Ald. Thurow reported on a contract for transporting patients for MRI Services. They are looking at another ambulance and trying to sell one.

Adm. Geick reported on the City's equalized values and provided new information received from the State that shows a 2% increase in values over the prior year or about \$16M.

The idea of a USDA loan application was reviewed with the Finance Committee. The 40 year loan is a good option for us to review to afford the Public Safety building.

The Mayor reported that the public mural project started and has been a huge success.

REPORTS and MINUTES

The City officially acknowledges receipt and distribution of the following:

Baraboo Economic Development Commission

July 9, 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 dining room of the Driftless Glen Restaurant, 300 Water St., Baraboo, WI. The meeting was properly noticed in compliance with Wisconsin State Statutes.

II. Roll Call & Approve Agenda

Present: Wise, Burgi, Umhoefer, Bowers, Palm, Stauffacher, Taylor
Absent: Alt, Ayar
Other: Ed Geick, Carolyn Wastlund, Meg Allen, Patrick Cannon

III. Approve Minutes

Motion to approve the minutes as presented for June 4, 2015

Umhoefer (1); Taylor (2)

Aye: All via voice vote

Nay: None

IV. Public Comment

None

**V. Presentation and Discussion: Economic Development Partners
Brian & Renee Bemis - Owners Driftless Glen Restaurant**

Mr. & Mrs. Bemis gave an over view of their operation. The restaurant has been open for several months and the distillery has begun production. They discussed their goal of making the restaurant a destination for people to travel to for both a tour and food. They briefly outlined their marketing plan for reaching this goal.

They indicated that they would like to see some additional “clean-up” of businesses in the area. They felt this would help to attract additional business in this area.

They also indicated that they would like to see the detention pond relocated so that more people could enjoy the outdoor dining experience by the river.

VI. Old Business

A. Update on Development Activities

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

- a. Mr. Deppe is looking at a possible relocation of some of his businesses along South Blvd.
- b. The State Department of Revenue has shared an opinion that Wine Walks are not legal. Downtown Business leaders have begun action to help convince the State to again allow these types of events.
- c. The former hotel located on Water St. will be presenting before the Plan Commission their concept to renovate the apartments inside the building.

B. Update on the Plan Commission and Council

Mayor Palm indicated that the 2016 Budget timetable has been provided to the Elected Officials and staff. The projected date of passage is the last council meeting in November.

C. Updates from economic development partners and collaborators

Ms. Wastlund indicated that the CDA has awarded a contract for the exterior work to be completed at Donahue Terrace. In addition, the CDA has awarded several bids to complete the work to renovate a single family home at 620 Second Ave.

VII. New Business

A. Update on Economic Development Plan:

Chairperson Wise gave an update on the progress of the draft plan. Along with the Mayor and city staff, he has been working on revisions to the plan document. The plan includes three areas of action. The plan outlines how these areas will be addressed.

Mayor Palm indicated that most likely the City will no longer be a member of SCDC. Several other communities in Sauk County have already indicated that they will no longer be an active member.

B. Update on Partner Presentation Schedule

UW-Baraboo/Sauk County campus Dean Dr. Tracy White has agreed to be our speaker for the August meeting. The meeting will be held at Campus. Aural Umhoefer will be securing a room for the meeting.

Mayor Palm requested that the SCORE program be added as a speaker in November.

Commissioner and City Staff comments

Mayor Palm indicated that Sandy Anderson had been formally recognized by the City Council for her efforts on BEDC for the past years.

VIII. Adjournment

A motion was made to adjourn the meeting at 7:45 PM.

Stauffer (1); Taylor (2)

Aye: All via voice vote

Nay: None

Members Absent: Mark Tully

Others Attending: Mayor Mike Palm, City Administrator Ed Geick, Morgan McArthur, Bernie & Susan Poff, Gene Robkin, Mary Hultman

Call to Order: 8:00AM

Agenda: Moved by R. Robkin, seconded by Stelling, and unanimously carried to approve the agenda as published.

Minutes: No action taken.

New Business:

Possible Board Members:

Jennifer Fox	Joe Colossa	Larry McCoy
Morgan McArthur	Arlene Began	Mayor Palm

Moved by Stelling, seconded by R. Robkin, and unanimously carried to appoint new Board Members.

New Board Members Appointed:

- Moved by Palm, seconded by McArthur, and unanimously carried to elect Bekah Stelling as chair.
- Moved by Stelling, seconded by R. Robkin, and unanimously carried to elect Ed Geick as treasurer.

Mural:

Mayor Palm explained mural details and talks with Century Link. The mural contract will be run thru BID. Ed will talk with Lori Laux about account.

Moved by Stelling, seconded by Palm, and unanimously carried to approve letter and partnership with BID.

- Bekah Stelling will contact Andy at Baraboo Tent & Awning regarding aluminum frame.

Moved by R. Robkin, seconded by Stelling, and unanimously to award contract to Bernie Poff and not to exceed \$25,000 without board approval.

- Start date for mural is August 7, 2015.
- Summerset at Al Ringling Mansion is August 22.
- Circus World – September (date to be set later)
- Mayor Palm will talk to Scott for September date.
- Bekah Stelling will talk with Loren Love and Baraboo Tent & Awning
- Maggie Poff, Bernie's daughter will help manage the mural project.
- Morgan McArthur will check with Tim Stieve regarding posts for mural.
- Bekah Stelling will call Buddy Huffaker about donation and event involving Aldo Leopold Foundation.
- Mayor Palm will call Kurt about changing bank account.
- Discussion of using first event for sign painting demonstration. Get local merchant support. Use as a fundraiser.
- Do Welcome to Baraboo sign at first event along with a second sign. (1.5 hours/sign)

Mural Subcommittee: Bekah Stelling, Morgan McArthur and Mayor Palm.

Moved by Stelling, seconded by McArthur, and carried unanimously to appoint subcommittee members.

Next regular meeting will be held on Thursday, August 27, 2015

Adjourn: 9:17AM.

Finance/Personnel Committee – Council Chambers

July 28, 2015

Members Present: Petty, Sloan and Thurow

Absent: none

Others Present: M. Palm, C. Giese, E. Geick, and others

Call to Order –Ald. Petty called the meeting to order at 6:30 p.m. noting compliance with the Open Meeting Law. Moved by Thurow, seconded by Sloan to adopt the agenda and carried unanimously. Moved by Sloan, seconded by Thurow to approve the minutes of July 14, 2015. Motion carried unanimously.

Accounts Payable – Moved by Thurow, seconded by Sloan to recommend Council approval of the accounts payable for \$631,372.04. Motion carried unanimously.

CDA Trust Fund Loan – Pat Cannon discussed bids that \$139,900 for painting at Donahue Terrace. They would like to fund the project with a mortgage revenue loan from the State Trust fund. The exposure to the City is if the CDA would fail to make their payments, the State would intercept Shared Revenues. The City is the applicant and the loan is passed through to the CDA. The term is 5 years and payments would be \$35,000 per year with no prepayment penalty. Moved by Sloan, seconded by Thurow and carried unanimously to recommend to Council for action. 21

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:

District Ambulance	6-24-15	District Ambulance Ad Hoc Finance	6-24-15
SCDC	5-18-15, 6-18-15	Police & Fire Comm.	6-15-15
Emergency Management	7-23-15	Plan Commission	7-21-15
CDA Finance Comt	7-7-15	CDA Executive Comt	7-7-15
CDA Board	7-7-15	BID Board	7-15-15

CLOSED SESSION

Moved by Wedekind, seconded by Kolb and carried unanimously to convene into closed session per SS19.85(1)(c) to consider compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility and (e) to deliberate or negotiate the purchase of public properties, or the investment of public funds. (City Administrator evaluation and compensation)(possible property acquisition)

The Council heard reports about the Police contract negotiations. No action was taken.
The Council heard a report on two properties offered to the City for sale. No action was taken.
The Council heard a report on performance and compensation for the City Administrator.

OPEN SESSION

Moved by Alt, seconded by Ellington and carried on a unanimous roll call vote to return to Open Session as per WI Stats 19.85(2) to address any business that may be the result of deliberations made in Closed Session.

Resolution No. 15-50

That the City Administrator's salary be increased by 2%.

Moved by Petty, seconded by Kolb, and carried that **Resolution No. 15-50** be approved -9 ayes.

ADJOURNMENT

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

Cheryl M. Giese, Clerk-Finance Director

GROW BARABOO!



2015 Community and Economic Development Plan Update

“You can’t go to this durable Midwestern town without experiencing powerful moments of déjà vu that emerge from the collective unconsciousness of America.”

DRAFT

— Susan Spano, Smithsonian Magazine

Baraboo Economic Development Commission:

Greg Wise, Chair
Melanie Burgi, Vice Chair
Aural Umhoefer, Secretary
John Alt
Musa Ayer
Jim Bowers
Buddy Huffaker
Mike Palm
Sonja Stauffacher
Dave Taylor

Baraboo Mayor and Common Council:

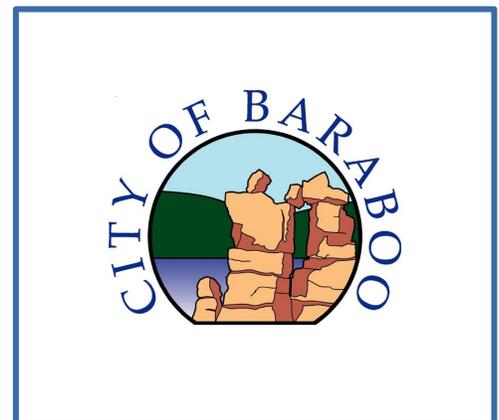
Mike Palm, Mayor
Joel Petty, Council President
John Alt
John Ellington
Tom Kolb
Michael Plautz
Eugene Robkin
Scott Sloan
Dennis Thurow
Phil Wedekind

Staff

Ed Geick, City Administrator
Pat Cannon, Community Development Authority Director

Our Vision—

The Baraboo area’s long-term economic prosperity will be founded on providing an *exceptional quality of life* for all residents, which includes *a healthy business climate*. As Baraboo continues to grow and advance, it will protect its *abundant natural resources* and retain *the best qualities of its small city atmosphere*. The community leaders will be forward thinking, fiscally responsible, and environmentally conscious as they identify and address critical issues and opportunities.



135 Third Street, Baraboo, Wisconsin 53913
(608) 356-2700
www.cityofbaraboo.com

GROW BARABOO is a challenge to the community to provide an exceptional quality of life to our residents; building a healthy business climate; protecting our abundant natural resources; and retaining the best qualities of our small city atmosphere. It is a recognition that the Baraboo Area is far more than the city-proper. The economic, social, and environmental health of the Baraboo Area is about the City of Baraboo, the Village of West Baraboo and the Towns of Baraboo and Greenfield. We commit to joining with our neighbors to plan for the area, while acknowledging that each municipality must commit itself to implementing those plans.

Much has changed in the Baraboo area and beyond since the previous economic development plan was adopted in 2005. Over that time, the city’s population has changed dramatically and make up of the firms, organizations and the civic fabric in which they are located have changed as well. This planning document features an action-oriented plan, based on thoughtful planning and purposeful assessment. You will find those influences in the appendices to this document. This plan builds on the 2005 City of Baraboo Comprehensive Plan (Chapter 8, Economic Development, in particular), the 2006 City of Baraboo Riverfront Redevelopment Area Plan, the 2011 Baraboo Retail market Analysis, and the 2014 Baraboo Economic Development Commission’s (BEDC) Economic Development Priorities Planning Process.

The implementation of this plan recognizes the two essential elements of the BEDC Mission:

- To provide intellect, vision, and advocacy for community development; and
- To serve as a catalyst for diverse economic growth.

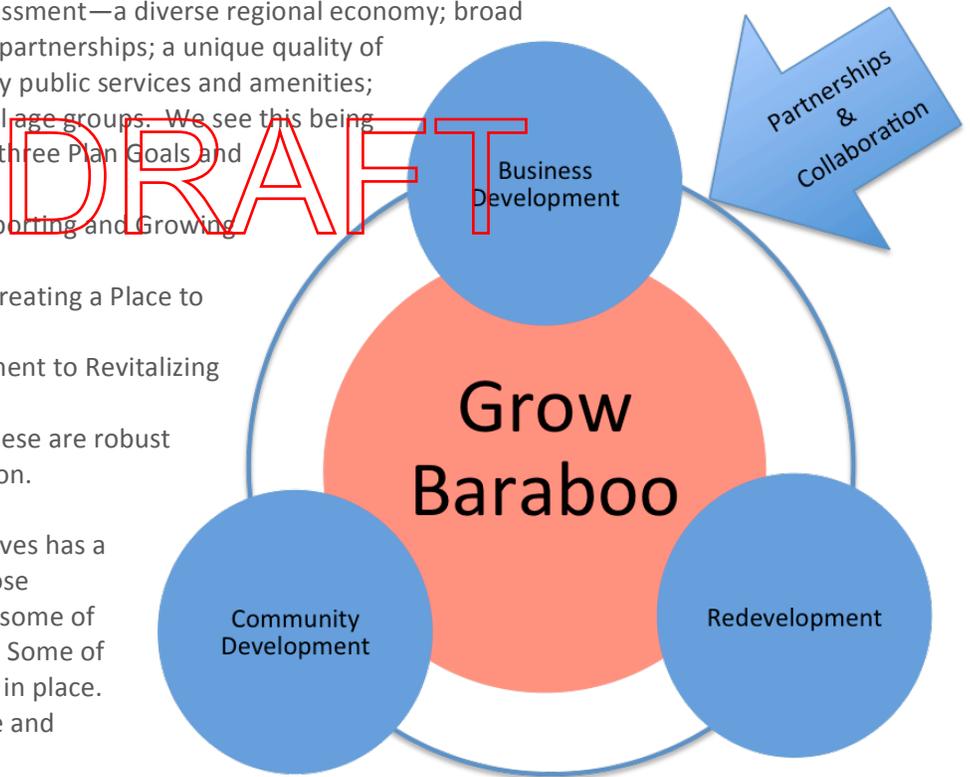
The three broad plan goals and objectives seek to make good on the strategic priorities that BEDC articulated after a 2014 community-wide strategic assessment—a diverse regional economy; broad community engagement and strong partnerships; a unique quality of place; efficient and innovative quality public services and amenities; and a robust education system for all age groups. We see this being achieved by dedicating ourselves to three Plan Goals and Objectives:

- Business Development: Supporting and Growing Baraboo’s Businesses;
- Community Development: Creating a Place to Visit, Live, Work, and Play;
- Redevelopment: A Commitment to Revitalizing the City;

Essential to the success of each of these are robust partnerships and trusted collaboration.

Each of these Plan Goals and Objectives has a set of unique strategies; some of those strategies address a single goal, and some of them address two or all three goals. Some of the strategies will take longer to put in place. Some will cost more in terms of time and money. Some will have immediate impacts and others will take longer to see results. They cannot all be done at the same time, yet they all have merit. Finally, some of these goals, objectives and strategies will fade and new ones will emerge. This is plan written in pencil, intended to be malleable and expected to change as our local conditions and broader economy changes. This agenda is bold and ambitious. There is a lot that is good in this community and the potential is limitless. The leaders of the community today and tomorrow are challenged to commit themselves to the essential elements of this plan and to make the challenging choices that will inevitably confront them.

Ultimately, we are all challenged to make a difference and contribute to **GROW BARABOO**.



GROW BARABOO Goals and Objectives

BUSINESS DEVELOPMENT: SUPPORTING AND GROWING BARABOO’S BUSINESSES

Enhancing Our Workforce	Committing to Existing Businesses	Developing New Businesses
1. Conduct a workforce needs assessment and action plan	1. Inventory businesses, sites and buildings	1. Develop and distribute a Baraboo-specific business start-up guide
2. Support a workforce development workgroup	2. Conduct a formal business retention and expansion (BR&E) program for large firms	2. Research and target business development opportunities
	3. Conduct a business visitation program for small firms	3. Review and refine the City’s process for supporting business development
	4. Conduct business exit interviews	

DRAFT

The new economic reality is clear—communities that take care of their existing businesses maintain and generate the most new jobs. In fact, with unemployment at historic lows, and with the pending retirement of many in the baby-boom generation, workers are at a premium. No single effort will have greater return on investment than enhancing the quality and quantity of the workforce for the area’s existing businesses. This is not an issue that can be addressed solely by the City. Trusted partnerships and robust collaborations with the pre-Kindergarten through grade 12 system, the Technical College, and the University, along with other workforce readiness organizations will be critical to assuring that our existing businesses can thrive and grow.

As important as workforce availability and preparation are, it is incumbent on the City to be vigilant about the needs and interests of area businesses. Large firms should be regularly surveyed and visited to learn about challenges and opportunities that the City might address in order to assist them. Similarly, small retail and service businesses are critical to the local economy and the vibrancy of the City. A purposeful effort to reach out and understand their needs and interests will allow elected and appointed officials to make sure the City’s part in offering the conditions for success are met. When a business does close, it is important to learn what led to that decision and make every effort to understand what precipitated the decision and correct for it, if possible. It may be the simple recognition of a call or visit that opens lines of communication and provides assurances that we are all in this together.

Second only to the growth of existing businesses, entrepreneurship is an important element to maintaining a dynamic economy. Helping businesses navigate the maze of rules and regulations and offering assistance to those that are new to the many business challenges can help to move an idea from a garage to Mainstreet. This is important for latent entrepreneurs and there is also a role for the City to play in seeking out potential businesses that might fill a gap in the market. There is no reason that Baraboo cannot be one of the most receptive communities to business development while also maintaining our commitment to an exceptional quality of life.

**COMMUNITY DEVELOPMENT:
CREATING A PLACE TO VISIT, LIVE, WORK, AND PLAY**

Marketing Baraboo	Enhancing Tourism Development	Improving Amenities
1. Identify and inventory assets	1. Promote the area to visitors	1. Maintain and enhance infrastructure and parks and cultural amenities
2. Build and maintain a world-class website	2. Strengthen the linkages between the community and area attractions: State Parks; Environmental Organizations (ICF, ALF, etc.); Historic Downtown; River Corridor	2. Offer downtown public access Wi-Fi
3. Implement and maintain a contemporary social marketing effort		3. Feature pedestrian and bike friendly trails, and support active river use
4. Implement a new resident welcome program		4. Offer an array of affordable and attractive housing options

DRAFT

Young people today will choose where they want to live, and then find employment (Rebecca Ryan, “Live First, Work Second”). Add to that the increasing opportunities for telecommuting (working anyplace), and a place like Baraboo, with wonderful recreational and cultural amenities, is poised to capitalize. Are we “on the map” and “in the minds” of those looking for a balance of leisure and career? Are we committed to maintaining those special assets we have and enhancing them? To answer “yes” we must commit to identifying our core image and consistently marketing it.

The City, along with partners such as the Baraboo Area Chamber of Commerce, needs to take stock of what our competitive strengths are and be unabashed in our efforts to promote the area—for visitors and newcomers and those returning after adventuring somewhere else. When our visitors come, and when new residents or returnees settle, are we doing enough to welcome them? Like our business community, we need to be committed to retaining and welcoming more people that can contribute to the social and cultural richness that is Baraboo.

Whether a visitor on vacation, an area traveler that enjoys our community on day-trips, a new comer, or a life-long resident, we need to engage them in the many activities and opportunities to enjoy our community. We must invest in the recreational, cultural, community, business, and housing infrastructure to be attractive to those with many other choices. The Kiwanis Riverwalk Trail, investments in river access for canoes and kayaks, and linkages to the Ice Age Trail are part of this effort. When we ask ourselves if our children, or grandchildren, would find Baraboo a satisfying community in which to live, work, and play, the answer must be yes, or we must shore up whatever it is that makes it a no.

**REDEVELOPMENT:
A COMMITMENT TO REVITALIZING THE CITY**

Creating a South Boulevard Redevelopment Plan	Creating an East Entrance Corridor Redevelopment Plan	Creating a West Entrance Corridor Redevelopment Plan	Enhancing the Appearance of the City
1. Conduct a redevelopment study (along the entire corridor)	1. Conduct a redevelopment study (from Ash Street to the community entrance)	1. Update and refine the retail market study to focus on actively filling vacant retail and service properties in West Baraboo	1. Create attractive entrances and update community wayfinding signage
2. Implement a beautification initiative (including weed control, street tree plantings, public art placement, nuisance ordinance enforcement, etc.)	2. Implement a beautification initiative (including weed control, street tree plantings, public art placement, nuisance ordinance enforcement, etc.)	2. Assess the Highway 12-Highway 33/136 intersection and environs for opportunities for improved functionality and aesthetic appeal	2. Encourage attractive storefronts, signage, and new façade designs
	3. Reassess the Utilization of the Jackson Property	3. Develop strategies to connect the traffic on the bypass with the businesses located at this intersection and environs	3. Implement a beautification initiative (including weed control, street tree plantings, public art placement, nuisance ordinance enforcement, etc.)

DRAFT

What is the first impression we offer to someone coming to town? If you had a choice (we all do), would you invest in a business opportunity in any part of the City? When you take visitors around to show off Baraboo, are there parts of the City you avoid? No strategy to Grow Baraboo is complete without a commitment to redevelop those areas within the City that have challenges.

Just like a heartfelt greeting at our favorite store or restaurant, we need to recommit ourselves to greeting those as they enter our community. Some redevelopment opportunities can be greatly improved with a renewed commitment to aesthetically enhancing building façades, signage, and landscaping. Some improvements require the City to invest in reconstructing roads and trails, or perhaps partnering to make a private investment viable.

Three corridors that deserve the kind of attention (and ultimately success) that the Riverfront Corridor received are the east entrance to the City from County Highway T to Ash Street, the South Boulevard Corridor, and the West Baraboo retail and service hub at the intersection (and beyond) of Highway 12 and Highway 33/136. Some of the efforts will need to be devoted to aesthetic improvements, some to public infrastructure, and some to business development initiatives. This is perhaps one of the area's greatest opportunities for an effective public-private partnership.

If conditions can be improved to allow for greater investment within the existing business corridors, the City may find that development of the Jackson property is not warranted. In the event that conditions today are significantly different than at the time of the property acquisition, it may be prudent to reassess that opportunity and instead invest those resources into redevelopment opportunities.

DRAFT

GROW BARABOO Implementation Plan

RESOURCING THE PLAN

The recommendations from the Baraboo Economic Development Commission cover three key areas: Business Development, Community Development, and Redevelopment. Within these three key areas are 10 Goals and 32 Objectives. The objectives have been prioritized with the purpose of getting the addressing our most pressing needs and maximizing the return from our investments. The objectives contain either short-term or long-term activities. The objectives are also identified by those that can be done by existing staff, those appropriate for staff, but which will require more time than existing staff currently has, and activities that may be most effectively contracted out to professional planners.

Short-term projects

The recommendation is made under the Community Development and Redevelopment sections that it is important to fix up our main entry ways, improve the City's aesthetic appearance, and that we market the community to attract more people (businesses and employees) to locate here. It would be more cost efficient and work would be done more quickly to contract with a professional consulting firm for this work than to add city staff. This would address redevelopment corridors at our entrances. The cost of this study would be approximately \$50,000.

Under the Business Development and Community Development banners, there are a number of items that require work that could best be done by in-house staff, but which exceed the capacity of our current employee's workload. This would require expanding the City's investment in Economic Development staff and related costs. Workforce assessment and development needs, business inventory, business retention interviews, inventorying assets, and maintaining the web site and social media campaign could be assigned to this staff person. The initial work would be time consuming but maintaining the investment would be a lesser commitment. The initial estimate of hours required amounts to about a half-time person. Whether this is an expansion of the hours for the contracted CDA Director, hiring someone part-time (including the concept of a contract-economic development person), or an Administrative Professional is still to be determined. For now, it is recommended that a lead person for an economic development management, be hired. The cost would be approximately \$50,000 plus benefits. Supporting clerical staff can do maintenance on web sites and social networking.

Long-term projects

The longer term work involves implementation of the studies done on the entry ways, the marketing plan, following up on targeted businesses, working with business prospects, attracting new talent to the area, following up other better linkages to other tourism sites in Sauk Co., and working with local business to improve storefronts. This work will require the economic development manager to coordinate with other City departments, many outside entities, and the business community. Existing staff does not have excess capacity (nor the correct expertise) to successfully accomplish this in addition to their current responsibilities. A dedicated economic development manager housed in City Hall, coordinating with other City officials, offers the greatest promise for sustained success.

Other long-term and lower priority objectives like inventories of businesses and sites, conducting exit interviews, setting up Wi-Fi, development of housing can be done as time permits. It is also recognized that priorities will shift over time, and new demands and opportunities will emerge and the City needs the capability to respond that a dedicated economic development professional provides.

Appendices

1. **COMMUNITY PROFILE:**
 - a. **DEMOGRAPHIC AND ECONOMIC TRENDS**
 - b. **COLLABORATORS AND PARTNER ORGANIZATIONS**
2. **2014 BEDC ECONOMIC DEVELOPMENT PRIORITIES PLANNING PROCESS REPORT**
3. **2011 BARABOO RETAIL MARKET ANALYSIS**
4. **2006 CITY OF BARABOO RIVERFRONT REDEVELOPMENT AREA PLAN**
5. **2005 CITY OF BARABOO COMPREHENSIVE PLAN, CHAPTER 8: ECONOMIC DEVELOPMENT**
6. **DETAILED IMPLEMENTATION PLAN WITH SUPPORTING RATIONALE**

DRAFT

NOTICE OF PUBLIC HEARING
City of Baraboo, Wisconsin

NOTICE IS HEREBY GIVEN that the Common Council of the City of Baraboo, Wisconsin, will hold a public hearing in the Council Chambers in the Municipal Building located at 135 Fourth Street, Baraboo, Wisconsin, on Tuesday, August 25, 2015, at 7:00 o'clock p.m. for the purpose of giving any interested persons an opportunity to be heard regarding the following matter:

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 and the corresponding zoning as a Planned Unit Development to allow the conversion of the existing commercial space on the first floor of the existing building at 232 Water Street into two residential dwelling units, located in a B-1 Central Business zoning district.

The General Development Plan/Specific Implementation Plan for Richard Fritz, in accordance with Steps 3 and 4 of the PUD Process and the corresponding zoning as a Planned Unit Development to allow the conversion of the existing of the existing vacant building at 125 9th Street to a 55 and older multi-family independent living complex, located in an R-1A zoning district.

Any person interested in obtaining additional information concerning the subject matter of this hearing may contact the City Engineering Department at the Municipal Building, 135 Fourth Street, Baraboo, Wisconsin 53913.

PLEASE TAKE FURTHER NOTICE that the Common Council may make substantial changes in the zoning as a result of objection, debate and discussion at this hearing. For more information about the City of Baraboo, visit our website at www.cityofbaraboo.com.

/s/ Cheryl M. Giese, City Clerk.

To be published as a Class II Notice in the legal section
August 07 and August 14, 2015.

CITIZENS NOTIFIED for 232 Water Street

206-0649-00000
Baraboo Arts LLC
PO Box 6067
Madison, WI 537146

206-0831-00000 & 206-0831-1-00000 & 206-0831-20000
Driftless Glen Properties, LLC
1875 DeKalb Ave
Sycamore, IL 60178

206-1713-00000
Gary A Nelson LLC
720 E Hiawatha Dr
Wisconsin Dells, WI 53965

206-1714-00000
Andrew B Beal
1105 Hackberry Ln
Madison, WI 53713

206-1715-00000 & 206-1737-00000
James Wallsch
227 Water Street
Baraboo, WI 53913

206-1719-00000 & 206-1739-00000
Devin & Kellie Koppie, LLC
S5476 Durwards Glen Rd
Baraboo, WI 53913

206-1736-00000
James C. Anderson
931 W Madison
Milton, WI 53563

206-1738-00000
Holmen Properties LLC
1130 Hill St
Baraboo, WI 53913

206-1751-00000
232 Water Street LLC
502 Owen Rd
Monona, WI 53716

206-1752-00000
228 Water Street LLC
502 Owen Rd
Monona, WI 53716

206-1757-00000
Deppe Enterprises Inc
1323 South Blvd
Baraboo, WI 53913

206-1754-00000 & 206-1755-00000 & 206-1756-00000
JAGD Properties, LLC
310 15th Street
Baraboo, WI 53913

CITIZENS NOTIFIED for 125 9th Street

206-3407-00000
Jay & Lynn Brekke
118 9th Street
Baraboo, WI 53913

206-3408-00000
Deanna L. Schulz
108 9th Street
Baraboo, WI 53913

206-3409-00000
Richard & Mary Meyer
1020 Oak Street
Baraboo, WI 53913

206-3410-00000
Chris Daniel Bruni
1014 Oak Street
Baraboo, WI 53913

206-3411-00000
Robert & Sharon Burrow
103 9th Street
Baraboo, WI 53913

206-3412-00000
Scott & Gabrielle Tallman
109 9th Street
Baraboo, WI 53913

206-3413-00000 & 206-3460-00000
Church Pension Fund
Attn: Angela Di Guiseppi
445 5th Ave
New York, NY 10016
Baraboo, WI 53913

206-3414-00000; 206-3454-00000; 206-3459-00000
Mary Kathleen Thurow
1104 Ash Street
Baraboo, WI 53913

206-3415-00000
Edward & Molly Scanlan
114 10th Street
Baraboo, WI 53913

206-3416-00000
Kent Stanford
102 10th Street
Baraboo, WI 53913

206-3417-00000
Lance & Mari Jo Burri
1118 Oak Street
Baraboo, WI 53913

206-3422-00000
Amber Little
102 9th Avenue
Baraboo, WI 53913

206-3453-00000
Jeremy & Lisa Braudt
1120 Ash Street
Baraboo, WI 53913

206-3461-00000
Michael & Christin Harding
1021 Ash Street
Baraboo, WI 53913

206-3462-00000
Troy & Shannon Baerwof
1009 Ash Street
Baraboo, WI 53913

206-3463-00000
Joan D De Somer
122 9th Street
Baraboo, WI 53913

206-3471-00000
Juliart Ventures LLC
201 8th Street
Baraboo, WI 53913

RESOLUTION NO. 2015-

Dated: August 25, 2015

The City of Baraboo, Wisconsin

<i>Background:</i>
Fiscal Note: (Check one) [] Not Required [] Budgeted Expenditure [] Not Budgeted <i>Comments</i>

Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

THAT the Accounts Payable, in the amount of \$ _____ as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

Offered By: Consent
Motion:
Second:

Approved by Mayor: _____
Certified by City Clerk: _____

RESOLUTION NO. 2015 -

Dated: August 25, 2015

The City of Baraboo, Wisconsin

<i>Background:</i>
<i>Fiscal Note: (check one) [x] Not Required [] Budgeted Expenditure [] Not Budgeted</i>
<i>Comments:</i>

Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

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

Offered by: Mayor
Motion:
Second:

Approved: _____
Attest: _____

NBR - 1

RESOLUTION NO. 2015-

Dated: August 25, 2015

The City of Baraboo, Wisconsin

Background: In August of 2006 the City approved initiating the first feasibility study for a new Public Safety Building. Several additional architectural and staff reports have been done since then for the purpose of refining site selection, size and scope of the project. At the Committee of the Whole meeting on July 28, 2015 the City Council asked staff to meet with the USDA representative about loans and grants. That information was reviewed by the Finance Committee on August 11, 2015 and is forwarded to the City Council with the recommendation to approve of making the application for USDA Rural Development funding.

Fiscal Note: (check one) [x] Not Required [] Budgeted Expenditure [] Not Budgeted Comments

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 to the current building at 135 4th Street.

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.

Offered by:
Motion:
Second:

Approved: _____
Attest: _____

NBO – 1

The City of Baraboo, Wisconsin

Background: The Wisconsin DNR and FEMA have produced a new Flood Insurance Study and corresponding Flood Insurance Rate Maps for all of Sauk County. These revisions govern development in mapped floodplain areas, including those within the City of Baraboo. Although the new Study did not result in any changes to the Flood Insurance Rate Maps for the City of Baraboo, the Ordinance must be revised to reflect the most current FIS to maintain eligibility in the National Flood Insurance Program.

These regulations are intended to protect life, health, and property in the floodplain areas and will govern land uses permitted in the mapped floodplains. Activities such as dredging, filling, excavating and building any structure are generally allowed, but may be restricted based on the particular flood zone designation of the property.

Fiscal Note: (check one) [x] Not Required [] Budgeted Expenditure [] Not Budgeted *Comments:*

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:

See Attachment

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

Mayor’s Approval: _____

Clerk’s Certification: _____

I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the ___ day of August, 2015, and is recorded on page ____ of volume _____.

City Clerk: _____

SUBCHAPTER II: FLOODPLAIN ZONING ORDINANCE
FLOODPLAIN ZONING ORDINANCE

17.66

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: (*select one or more of the following map citations that apply to your community; contact your DNR office if you have questions, or go to <http://store.msc.fema.gov> to access the FEMA Map Store*)

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.