

ADMINISTRATIVE COMMITTEE AGENDA

Date and Time: Tuesday, August 9, 2016, 12:00 noon
Location: City Council Chambers, 135 4th Street, Baraboo, WI 53913
Full Paper Notices to Members: Aids. Dennis Thurow, John Ellington, John Alt
Full Paper Notices to Others: Mayor Palm
Paper Notice w/o Closed: Library for Posting
Notice by E-Mail: Administrative Committee e-mail group, Citizen Council/Committee group e-mail, Media-Committee e-mail group, Media Airport meetings e-mail group, Airport e-mail group
Notice by Fax: Media-Committee Fax Group
Notice by Outlook Meeting: Adm. Geick, Chief Schauf, Atty. Kleczek Bolin
Citizens notices: Karen Hein

1. Call to Order.
2. A. Compliance with Open Meeting Law. B. Approve minutes of June 6, 2016.
3. Approve agenda.
4. Report on Airport Operations.
 - a. Monthly Report.
 - b. Consider assigning a lease for lot 45 at the airport from William Stoeckmann Living Trust to Darryl Veit.
 - c. Airport Operations & Land Use Seminar announcement—Sept 20-21, 2016 @ Stevens Point.
 - d. Review and consider revised FAA policy on use of hangars.
5. Discussion, Review and Consideration of request from James Lutz for exception to ordinance limiting number of dogs per household.
6. Consideration of the Baraboo Community Activated Recovery Enhancement (C.A.R.E.) Memorandum of Understanding.
7. Watch video on Runway Reconstruction Project and related discussion. (41 minutes)
8. Adjourn to closed session per SS 19.85(f) Considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations. (Operator License Application)
9. Reconvene into open session per SS 19.85(2) to announce findings of closed session, if any, and consider operator license applications.
10. Member Comments.
11. Date and time of next meeting: September ??, 2016. (Normal date is Labor Day holiday).
12. Adjournment.

Dennis Thurow, Chairman

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

Agenda prepared by Cheryl Giese, 355-2700

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 Baraboo City Clerk at 135 4th Street 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 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 committee, commission or board identified in the caption of this notice.**

Administrative Committee

June 6, 2016

Present: Thurow, Ellington, Alt

Absent: none

Also Present: Mayor Palm, Clerk Giese, Adm. Geick, Chief Schauf, Atty Kleczek Bolin and media

The meeting was called to order by Ald. Thurow at noon, noting compliance with the Open Meetings law.

Moved by Ellington and seconded by Alt and carried to approve the minutes of May 2, 2016. Motion by Alt, seconded by Ellington to approve the agenda and carried unanimously.

Airport Operations: Giese reviewed monthly airport activities of conducting annual hanger inspections. MSA Professional Services are in the process of completing the video explaining the runway reconstruction project which should be released in the next few weeks. The video will explain reconstruction of the existing footprint and options for widening the runway as either a federal/state or local project. Giese reported that the approach operations has finally been accomplished and lessons learned have been to stay ahead of the flight checks and monitor our own airspace actively looking for obstructions that may impact the approaches. The Bureau of Aeronautics is in the process of preparing specifications for taking bids for demolition and clearing of the Coolidge property. Plans are to clear that property later this summer.

Discussion of definitions of warehouses, self-storage rental sheds, minim storage facilities and mini warehouses – Alene explained that definitions in the code are inconsistent and different terms are used throughout the ordinance. Uses are also listed as prohibited and/or conditional which conflicts in several areas.

The Committee reviewed a draft ordinance setting definitions and setting conditional uses. Self-storage rental facility and warehouses will become standard terms throughout the ordinance with allowable conditional uses in zoning districts I-3 and I-4. Currently, self-storage facilities are allowed by conditional use in District B-3, but that will be removed with the proposed ordinance change. The changes will be reviewed also by the Plan Commission before moving along to the Council. Moved by Ellington, seconded by Alt and carried unanimously to recommend the proposed ordinance to Council for approval.

Next meeting is to be held July 1, 2016 at 12 p.m. Moved by Ellington, seconded by Alt to meet at noon for future meetings and carried unanimously.

Moved by Ellington, seconded by Alt and carried to adjourn.

Cheryl M. Giese
Clerk-Finance Director

ACCEPTANCE AND ASSUMPTION OF LEASE FOR LOT 45

For good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned assignees,

DARRYL VEIT

hereby accepts the assignment as of

September 19, 2015

and assumes and agrees to perform all payments of such Lease on the part of the tenant to be kept and performed. Assignee's agreement shall be binding upon the heirs, legal representatives, successors and assigns of assignee.

IN WITNESS WHEREOF, the assignee has caused this instrument to be signed this ____ day of _____, 2016.

Darryl Veit

Current Address:
W8849 Dupless Rd.
Portage, WI 53901

State of Wisconsin)
)SS
County of Sauk)

Subscribed and sworn to before me this ____ day of _____, 2016.

Notary Public,
My commission expires _____.

ASSIGNMENT OF LEASE FOR LOT 45

For good and valuable consideration, receipt of which is hereby acknowledged, the undersigned tenant,

William Stoeckmann Living Trust

assignor, hereby assigns and exchanges to

DARRYL VEIT

assignee, all of tenants right, title and interest in and to that certain Lease, dated

September 30, 2011

a true copy of said Lease being attached hereto and made a part hereof.

This Assignment is effective as of August 1, 2016.

IN WITNESS WHEREOF, tenant has caused this instrument to be signed this _____ day of **July, 2016.**

Tenant(s):

William Stoeckmann Living Trust

State of Wisconsin)
)SS
County of Sauk)

Subscribed and sworn to before me this _____
day of _____, 2016.

Notary Public,
My commission expires _____.

**FOR TREASURER USE
ONLY**

Receipt # _____
\$50 fee
Not transferable or assignable

LANDLORD'S CONSENT TO ASSIGNMENT FOR LOT 45

The LANDLORD in the attached mentioned lease hereby consents to

DARRYL VEIT

the attached assignment effective August 1, 2016.

IN WITNESS WHEREOF landlord has caused this instrument to be
executed the ____ day of _____, 2016.

CITY OF BARABOO

BY: _____
Michael Palm, Mayor

BY: _____
Cheryl Giese, City Clerk-Finance Director

Airport Operations & Land Use Seminar

When

Tuesday, September 20th
Wednesday, September 21st

Where

Holiday Inn & Convention Center
Stevens Point, WI

Registration

Attendees may register online via the link below or may mail in the enclosed paper form.

<https://2016wisdotlanduseops.eventbrite.com>

The registration fee includes a hot breakfast, morning and afternoon breaks, lunch, and seminar materials for both days.

Registration deadline: Friday, September 9th

No refunds will be given after this date.

2016

Who Should Attend

Anyone who has a hand in managing an airport

Speakers

Bureau of Aeronautics
Federal Aviation Administration
USDA—Wildlife Service
WisDOT General Counsel
Quadrex Aviation, LLC
Aero Insurance
And More!

Tickets

\$75 Both Days (Online)

\$70 Both Days (Mail-in)

\$35 One Day (Mail-In)



Airport Operations & Land Use Seminar

2016

Lodging

Please contact the hotel at 715-344-0200 or toll free at 1-888-465-4329 by Saturday, August 20th to receive the room block rate. Please state you are with the "Wisconsin Department of Transportation—Bureau of Aeronautics."

Lodging and reservations are the responsibility of the individual participant and the rate cannot be extended past the August 20th deadline.

Tentative Topics

Tuesday, September 20th

- BOA Planning and Programming Update
- BOA Funding Update
- Real Estate Project Management 101
- Federal Aviation Administration Update
- Unmanned Aircraft Systems Panel
- 7 Steps to Achieving Self-Sustainability
- Airport Layout Plans

Wednesday, September 21st

- Off-Airport Obstruction Evaluations
- BOA Environmental Update
- Wildlife Hazard Mitigation Techniques
- Project Bidding Panel
- Airport Training for First Responders
- Airport Insurance Best Practices
- Flying for Airport Managers

Room Rates

\$82 Single

\$109 Double

For Questions

Hal Davis

608-267-2142

howard.davis@dot.wi.gov

Jean Rickman

608-266-8667

jeana.rickman@dot.wi.gov

For More Information

<http://wisconsindot.gov/>



2016 AIRPORT OPERATIONS & LAND USE SEMINAR

September 20-21, 2016

Stevens Point, WI

REGISTRATION FORM

WISCONSIN DEPARTMENT OF TRANSPORTATION

Organization/Airport	
Street Address	
City, State, ZIP Code	
Area Code- Telephone Number	E-Mail Address

ATTENDEE NAME	REGISTRATION FEE \$70.00 PER PERSON	VEGETARIAN/GLUTEN- FREE MEAL NEEDED
		<input type="checkbox"/>
TOTAL AMOUNT ENCLOSED		

Please make checks payable to: Wisconsin Department of Transportation

Return this form and payment to: Wisconsin Department of Transportation
Bureau of Aeronautics
PO Box 7914
Madison WI 53707-7914
Attn: Jean Rickman

City Clerk-Finance Director

135 4th Street, Baraboo, WI 53913

608-355-2700 • 608-356-9666 fax

June 28, 2016

«F2»

«F4» «F3»

«F5»

«F6», «F7» «F8»

HANGER USE POLICY CHANGE: INFO NEEDED FOR COMPLIANCE

«F4», the Federal Aviation Administration (FAA) and Wisconsin Bureau of Aeronautics (BOA) have provided information concerning modifications to the Airport owner assurances, terms and conditions for accepting federal aid toward airport improvements. Most recently, they have modified the assurance on hangar usage and I am sharing this with you to ask for your cooperation so that we can be found in compliance when the policy becomes effective July 1, 2017. Since the Baraboo-Wisconsin Dells airport accepts federal money toward airport improvements, this applies to all of us, including private hangars on leased lands.

As managing owner of the Airport, it is the City of Baraboo's obligation to monitor use of hangars and other airport facilities to determine that all uses are aviation related and satisfy the FAA policy requirements. Failure to do so, or willful non-compliance can cost the Airport valuable federal aid. As you know, we are in the design and planning phase for reconstruction of Runway 01/19 in 2018 and federal funding is the only way we can afford to make these improvements.

Enclosed you will find a simple, one page compliance form that I am asking you to fill out and return by September 1, 2016. Your data will help the airport owners show compliance with the federal terms and conditions. Failure to come into compliance with the hangar use policy and return this form may be considered a violation of your lease.

If you find that the use of your hangar is not compliant with the federal policy, please make the appropriate changes so that your hangar meets the standards by July 1, 2017. After that date, use of a aeronautical facility for a nonaeronautical purpose, even on a temporary basis, requires FAA approval. If you have questions, or will have difficulty meeting these standards, please contact Bill Murphy or myself and we will try to help you meet the conditions.

Cheryl M. Giese,
City Clerk-Finance Director
Airport Manager
City of Baraboo

Enclosure: FAA Policy
Compliance form

BARABOO-WISCONSIN DELLS AIRPORT HANGAR AERONAUTICAL USE COMPLIANCE

City of Baraboo
Airport Manager
135 4th St.
Baraboo, WI 53913
608-355-2700

The Baraboo-Wisconsin Dells Airport accepts federal grant funds for airport infrastructure. As a condition of accepting federal funds, the Airport owners have agreed to abide by federal grant assurances which include the obligation to use hangars and other facilities on the airport exclusively for aeronautical purposes. Airports that are found to be subsidizing non-aeronautical uses could be denied access to federal funds. Privately owned hangars are not excluded from the City's responsibility toward the federal assurances as identified in the Subordination clause of the land leases with patrons of the Baraboo-Dells Airport. To help show compliance with the federal requirements, the following information is requested from all hangar owners and tenants.

Hangar Owner Information - Update anything that is incorrect

Name:		
Airport Address		Lot #
Current address:		
City:	State:	ZIP Code:
Lease Name:		
E-Mail Address:	Cell Phone#:	

Hangar Use Information

Hangar is used for the following: (Check all that apply)

- Storage of Air Worthy Aircraft R Number _____ Make/Model _____
- Shelter for maintenance, repair, or refurbishment of aircraft, but not the indefinite storage of non-operational aircraft. Estimated time for refurbishment _____
- Non-commercial construction of amateur-built or kit-built aircraft
- Storage of aircraft handling equipment (e.g. tow bar, glider tow equipment, work benches, tools and materials used to service aircraft)
- Storage of materials related to aeronautical activity (e.g. balloon and skydiving equipment, office equipment, teaching tools)
- Other aeronautical use: _____
- Hangar is partly/wholly rented to another party.

Renter Name:	Address:
Phone #:	E-mail:

Other Information

Last Hangar Inspection Date:	County Septic ID (if lot served by water/sewer):
Insurance coverage: \$1,000,000 per occurrence for all damages arising out of bodily injury or property damage concerning leased premises.	
Current Insurance Certificate on File expires:	If expired, kindly notify your insurance agent to request a certificate of insurance be sent to the City of Baraboo, fax #608-356-9666.

SIGNATURE – I hereby certify that all information contained in this form is true and correct to the best of my knowledge.

Signature:	Date:
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in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Saab AB, Saab Aeronautics' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(m) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2014-0255, dated November 25, 2014, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-7524.

(n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following service information was approved for IBR on July 20, 2016.

(i) Saab Service Bulletin 2000-38-011, dated October 22, 2014.

(ii) Reserved.

(4) The following service information was approved for IBR on September 9, 2014 (79 FR 45337, August 5, 2014).

(i) Saab Service Bulletin 2000-38-010, dated July 12, 2013.

(ii) Saab Service Newsletter SN 2000-1304, Revision 01, dated September 10, 2013, including Attachment 1 Engineering Statement to Operator 2000PBS034334, Issue A, dated September 9, 2013.

(5) For service information identified in this AD, contact Saab AB, Saab Aeronautics, SE-581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email saab340techsupport@saabgroup.com; Internet <http://www.saabgroup.com>.

(6) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Renton, Washington, on May 31, 2016.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2016-13740 Filed 6-14-16; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Docket No. FAA 2014-0463]

Policy on the Non-Aeronautical Use of Airport Hangars

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of final policy.

SUMMARY: This action clarifies the FAA's policy regarding storage of non-aeronautical items in airport facilities designated for aeronautical use. Under Federal law, airport operators that have accepted federal grants and/or those that have obligations contained in property deeds for property transferred under various Federal laws such as the Surplus Property Act generally may use airport property only for aviation-related purposes unless otherwise approved by the FAA. In some cases, airports have allowed non-aeronautical storage or uses in some hangars intended for aeronautical use, which the FAA has found to interfere with or entirely displace aeronautical use of the hangar. At the same time, the FAA recognizes that storage of some items in a hangar that is otherwise used for aircraft storage will have no effect on the aeronautical utility of the hangar. This action also amends the definition of aeronautical use to include construction of amateur-built aircraft and provides additional guidance on permissible non-aeronautical use of a hangar."

DATES: The policy described herein is effective July 1, 2017.

FOR FURTHER INFORMATION CONTACT: Kevin C. Willis, Manager, Airport Compliance Division, ACO-100, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-3085; facsimile: (202) 267-4629.

ADDRESSES: You can get an electronic copy of this Policy and all other documents in this docket using the Internet by:

(1) Searching the Federal eRulemaking portal (<http://www.faa.gov/regulations/search>);

(2) Visiting FAA's Regulations and Policies Web page at (http://www.faa.gov/regulations_policies); or

(3) Accessing the Government Printing Office's Web page at (<http://www.gpoaccess.gov/index.html>).

You can also get a copy by sending a request to the Federal Aviation

Administration, Office of Airport Compliance and Management Analysis, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3085. Make sure to identify the docket number, notice number, or amendment number of this proceeding.

SUPPLEMENTARY INFORMATION:

Authority for the Policy: This document is published under the authority described in Title 49 of the United States Code, Subtitle VII, part B, chapter 471, section 47122(a).

Background

Airport Sponsor Obligations

In July 2014, the FAA issued a proposed statement of policy on use of airport hangars to clarify compliance requirements for airport sponsors, airport managers, airport tenants, state aviation officials, and FAA compliance staff. (79 *Federal Register* (FR) 42483, July 22, 2014).

Airport sponsors that have accepted grants under the Airport Improvement Program (AIP) have agreed to comply with certain Federal policies included in each AIP grant agreement as sponsor assurances. The Airport and Airway Improvement Act of 1982 (AAIA) (Pub. L. 97-248), as amended and recodified at 49 United States Codes (U.S.C.) 47107(a)(1), and the contractual sponsor assurances require that the airport sponsor make the airport available for aviation use. Grant Assurance 22, *Economic Nondiscrimination*, requires the sponsor to make the airport available on reasonable terms without unjust discrimination for aeronautical activities, including aviation services. Grant Assurance 19, *Operation and Maintenance*, prohibits an airport sponsor from causing or permitting any activity that would interfere with use of airport property for airport purposes. In some cases, sponsors who have received property transfers through surplus property and nonsurplus property agreements have similar federal obligations.

The sponsor may designate some areas of the airport for non-aviation use,¹ with FAA approval, but aeronautical facilities of the airport must be dedicated to use for aviation purposes. Limiting use of aeronautical facilities to aeronautical purposes ensures that airport facilities are available to meet aviation demand at the airport. Aviation tenants and aircraft owners should not be displaced by non-

¹ The terms "non-aviation" and "non-aeronautical" are used interchangeably in this Notice.

aviation commercial uses that could be conducted off airport property.

It is the longstanding policy of the FAA that airport property be available for aeronautical use and not be available for non-aeronautical purposes unless that non-aeronautical use is approved by the FAA. Use of a designated aeronautical facility for a non-aeronautical purpose, even on a temporary basis, requires FAA approval. See FAA Order 5190.6B, *Airport Compliance Manual*, paragraph 22.6, September 30, 2009. The identification of non-aeronautical use of aeronautical areas receives special attention in FAA airport land use compliance inspections. See Order 5190.6B, paragraphs 21.6(f)(5).

Areas of the airport designated for non-aeronautical use must be shown on an airport's Airport Layout Plan (ALP). The AIA, at 49 U.S.C. 47107(a)(16), requires that AIP grant agreements include an assurance by the sponsor to maintain an ALP in a manner prescribed by the FAA. Sponsor assurance 29, *Airport Layout Plan*, implements § 47107(a)(16) and provides that an ALP must designate non-aviation areas of the airport. The sponsor may not allow an alteration of the airport in a manner inconsistent with the ALP unless approved by the FAA. See Order 5190.6B, paragraph 7.18, and Advisory Circular 150/5070-6B, *Airport Master Plans*, Chapter 10.

Clearly identifying non-aeronautical facilities not only keeps aeronautical facilities available for aviation use, but also assures that the airport sponsor receives at least Fair Market Value (FMV) revenue from non-aviation uses of the airport. The AIA requires that airport revenues be used for airport purposes, and that the airport maintain a fee structure that makes the airport as self-sustaining as possible. 49 U.S.C. 47107(a)(13)(A) and (b)(1). The FAA and the Department of Transportation Office of the Inspector General have interpreted these statutory provisions to require that non-aviation activities on an airport be charged a fair market rate for use of airport facilities rather than the aeronautical rate. See *FAA Policies and Procedures Concerning the Use of Airport Revenue*, (64 FR 7696, 7721, February 16, 1999) (FAA Revenue Use Policy).

If an airport tenant pays an aeronautical rate for a hangar and then uses the hangar for a non-aeronautical purpose, the tenant may be paying a below-market rate in violation of the sponsor's obligation for a self-sustaining rate structure and FAA's Revenue Use Policy. Confining non-aeronautical activity to designated non-aviation areas

of the airport helps to ensure that the non-aeronautical use of airport property is monitored and allows the airport sponsor to clearly identify non-aeronautical fair market value lease rates, in order to meet their federal obligations. Identifying non-aeronautical uses and charging appropriate rates for these uses prevents the sponsor from subsidizing non-aviation activities with aviation revenues.

FAA Oversight

A sponsor's Grant Assurance obligations require that its aeronautical facilities be used or be available for use for aeronautical activities. If the presence of non-aeronautical items in a hangar does not interfere with these obligations, then the FAA will generally not consider the presence of those items to constitute a violation of the sponsor's obligations. When an airport has unused hangars and low aviation demand, a sponsor can request the FAA approval for interim non-aeronautical use of a hangars, until demand exists for those hangars for an aeronautical purpose. Aeronautical use must take priority and be accommodated over non-aeronautical use, even if the rental rate would be higher for the non-aeronautical use. The sponsor is required to charge a fair market commercial rental rate for any hangar rental or use for non-aeronautical purposes. (64 FR 7721).

The FAA conducts land use inspections at 18 selected airports each year, at least two in each of the nine FAA regions. See Order 5190.6B, paragraph 21.1. The inspection includes consideration of whether the airport sponsor is using designated aeronautical areas of the airport exclusively for aeronautical purposes, unless otherwise approved by the FAA. See Order 5190.6B, paragraph 21.6.

The Notice of Proposed Policy

In July 2014, the FAA issued a notice of proposed policy on use of hangars and related facilities at federally obligated airports, to provide a clear and standardized guide for airport sponsors and FAA compliance staff. (79 FR 42483, July 22, 2014). The FAA received more than 2,400 comments on the proposed policy statement, the majority from persons who have built or are in the process of building an amateur-built aircraft. The FAA also received comments from aircraft owners, tenants and owners of hangars, and airport operators. The Aircraft Owners and Pilots Association (AOPA) and the Experimental Aircraft Association (EAA) also provided comments on behalf of their membership. Most of the

comments objected to some aspect the proposed policy statement. Comments objecting to the proposal tended to fall into two general categories:

- The FAA should not regulate the use of hangars at all, especially if the hangar is privately owned.
- While the FAA should have a policy limiting use of hangars on federally obligated airports to aviation uses, the proposed policy is too restrictive in defining what activities should be allowed.

Discussion of Comments and Final Policy

The following summary of comments reflects the major issues raised and does not restate each comment received. The FAA considered all comments received even if not specifically identified and responded to in this notice. The FAA discusses revisions to the policy based on comments received. In addition, the FAA will post frequently asked Questions and Answers regarding the Hangar Use Policy on www.faa.gov/airport-compliance. These Questions and Answers will be periodically updated until FAA Order 5190.6B is revised to reflect the changes in this notice.

1. *Comment: Commenters stated that the FAA should defer to local government and leave all regulation of hangar use to the airport operator.*

Response: The FAA has a contract with the sponsor of an obligated airport, either through AIP grant agreements or a surplus property deed, to limit the use of airport property to certain aviation purposes. Each sponsor of an obligated airport has agreed to these terms. The FAA relies on each airport sponsor to comply with its obligations under this contract. To maintain a standardized national airport system and standardized practices in each of the FAA's nine regional offices, the agency issues guidance on its interpretation of the requirements of the AIP and surplus property agreements. It falls to the local airport sponsor to implement these requirements. The FAA allows airport sponsors some flexibility to adapt compliance to local conditions at each airport.

However, some airport sponsors have adopted hangar use practices that led to airport users to complain to the FAA. Some airport users have complained that sponsors are too restrictive, and fail to allow reasonable aviation-related uses of airport hangars. More commonly, aircraft owners have complained that hangar facilities are not available for aircraft storage because airport sponsors have allowed the use of hangars for purposes that are unrelated to aviation,

such as operating a non-aviation business or storing multiple vehicles. By issuing the July 2014 notice, the FAA intended to resolve both kinds of complaints by providing guidance on appropriate management of hangar use. The agency continues to believe that FAA policy guidance is appropriate and necessary to preserve reasonable access to aeronautical facilities on federally obligated airports. However, the final policy has been revised in response to comments received on the proposal.

2. *Comment: Commenters, including AOPA, stated that the FAA lacks the authority to regulate the use of privately owned hangars.*

Response: The FAA has a statutory obligation to assure that facilities on aeronautically designated land at federally obligated airports are reasonably available for aviation use. Designated aeronautical land on a federally obligated airport is a necessary part of a national system of aviation facilities. Land designated for aeronautical use offers access to the local airfield taxiway and runway system. Land designated for aeronautical use is also subject to certain conditions, including FAA policies concerning rates and charges (including rental rates) which were designed to preserve access for aeronautical users and to support aeronautical uses. A person who leases aeronautical land on the airport to build a hangar accepts conditions that come with that land in return for the special benefits of the location. The fact that the tenant pays the sponsor for use of the hangar or the land does not affect the agreement between the FAA and the sponsor that the land be used for aeronautical purposes. (In fact, most hangar owners do not have fee ownership of the property; typically airport structures revert to ownership of the airport sponsor upon expiration of the lease term). An airport sponsor may choose to apply different rules to hangars owned by the sponsor than it does to privately constructed hangars, but the obligations of the sponsor Grant Assurances and therefore the basic policies on aeronautical use stated in this notice, will apply to both.

3. *Comment: Commenters believe that a policy applying the same rules to all kinds of aeronautical structures, and to privately owned hangars as well as sponsor-owned hangars, is too general. The policy should acknowledge the differences between categories of airport facilities.*

Response: A number of commenters thought that rules for use of privately constructed and owned hangars should be less restrictive than rules for hangars

leased from the airport sponsor. The Leesburg Airport Commission commented that there are different kinds of structures on the airport, with variations in rental and ownership interests, and that the FAA's policy should reflect those differences. The FAA acknowledges that ownership or lease rights and the uses made of various aeronautical facilities at airports will vary. The agency expects that airport sponsors' agreements with tenants would reflect those differences. The form of property interest, be it a leasehold or ownership of a hangar, does not affect the obligations of the airport sponsor under the Grant Assurances. All facilities on designated aeronautical land on an obligated airport are subject to the requirement that the facilities be available for aeronautical use.

4. *Comment: Commenters agree that hangars should be used to store aircraft and not for non-aviation uses, but, they argue the proposed policy is too restrictive on the storage of non-aviation related items in a hangar along with an aircraft. A hangar with an aircraft in it still has a large amount of room for storage and other incidental uses, and that space can be used with no adverse effect on the use and storage of the aircraft.*

Response: In response to the comments, the final policy deletes the criteria of "incidental" or "de minimis" use and simply requires that non-aviation storage in a hangar not interfere with movement of aircraft in or out of the hangar, or impede access to other aeronautical contents of the hangar. The policy lists specific conditions that would be considered to interfere with aeronautical use. Stored non-aeronautical items would be considered to interfere with aviation use if they:

- Impede the movement of the aircraft in and out of the hangar;
- Displace the aeronautical contents of the hangar. (A vehicle parked at the hangar while the vehicle owner is using the aircraft will not be considered to displace the aircraft);
- Impede access to aircraft or other aeronautical contents of the hangar;
- Are used for the conduct of a non-aeronautical business or municipal agency function from the hangar (including storage of inventory); or
- Are stored in violation of airport rules and regulations, lease provisions, building codes or local ordinances.

Note: Storage of equipment associated with an aeronautical activity (e.g., skydiving, ballooning, gliding) would be considered an aeronautical use of a hangar.

5. *Comment: Commenters stated the policy should apply different rules to situations where there is no aviation demand for hangars, especially when hangars are vacant and producing no income for the sponsor.*

Response: At some airports, at some times, there will be more hangar capacity than needed to meet aeronautical demand, and as a result there will be vacant hangars. The FAA agrees that in such cases it is preferable to make use of the hangars to generate revenue for the airport, as long as the hangar capacity can be recovered on relatively short notice for aeronautical use when needed. See Order 5190.6B, paragraph 22.6. The final policy adopts a provision modeled on a leasing policy of the Los Angeles County Airport Commission, which allows month-to-month leases of vacant hangars for any purpose until a request for aeronautical use is received. The final policy requires that a sponsor request FAA approval before implementing a similar leasing plan:

- The airport sponsor may request FAA approval of a leasing plan for the lease of vacant hangars for non-aeronautical use on a month-to-month basis.
- The plan may be implemented only when there is no current aviation demand for the vacant hangars.
- Leases must require the non-aeronautical tenant to vacate the hangar on 30 days' notice, to allow aeronautical use when a request is received.
- Once the plan is approved, the sponsor may lease vacant hangars on a 30 days' notice without further FAA approval.

The agency believes this will allow airports to obtain some financial benefit from vacant hangars, while allowing the hangars to be quickly returned to aeronautical use when needed. FAA pre-approval of a month-to-month leasing plan will minimize the burden on airport sponsors and FAA staff since it is consistent with existing interim use guidance.

6. *Comment: Commenter indicates that the terms "incidental use" and "insignificant amount of space" are too vague and restrictive.*

Response: The FAA has not used these terms in the final policy. Instead, the policy lists specific prohibited conditions that would be considered to interfere with aeronautical use of a hangar.

7. *Comment: Commenter states Glider operations require storage of items at the airport other than aircraft, such as tow vehicles and towing equipment. This should be an approved use of hangars.*

Response: Tow bars and glider tow equipment have been added to the list of examples of aeronautical equipment. Whether a vehicle is dedicated to use for glider towing is a particular fact that can be determined by the airport sponsor in each case. Otherwise the general rules for parking a vehicle in a hangar would apply.

8. *Comment:* Commenter states it should be clear that it is acceptable to park a vehicle in the hangar while the aircraft is out of the hangar being used.

Response: The final policy states that a vehicle parked in the hangar, while the vehicle owner is using the aircraft will not be considered to displace the aircraft, and therefore is not prohibited.

9. *Comment:* Commenters, including Experimental Aircraft Association (EAA), stated that aviation museums and non-profit organizations that promote aviation should not be excluded from hangars.

Response: Aviation museums and other non-profit aviation-related organizations may have access to airport property at less than fair market rent, under section VII.E of the FAA Policy and Procedures Concerning the Use of Airport Revenue. (64 FR 7710, February 16, 1999). However, there is no special reason for such activities to displace aircraft owners seeking hangar space for storage of operating aircraft, unless the activity itself involves use and storage of aircraft. Accordingly, aviation museums and non-profit organizations will continue to have the same access to vacant hangar space as other activities that do not actually require a hangar for aviation use, that is, when there is no aviation demand (aircraft storage) for those hangars and subject to the discretion of the airport operator.

10. *Comment:* Commenters suggest that the policy should allow a 'grace period' for maintaining possession of an empty hangar for a reasonable time from the sale of an aircraft to the purchase or lease of a new aircraft to be stored in the hangar.

Response: The FAA assumes that airport lease terms would include reasonable accommodation for this purpose and other reasons a hangar might be empty for some period of time, including the aircraft being in use or at another location for maintenance. The reasons for temporary hangar vacancy and appropriate "grace periods" for various events depend on local needs and lease policies, and the FAA has not included any special provision for grace periods in the final policy.

11. *Comment:* Commenters believe that the policy should allow some leisure spaces in a hangar, such as a lounge or seating area and kitchen, in

recognition of the time many aircraft owners spend at the airport, and the benefits of an airport community.

Response: The final policy does not include any special provision for lounge areas or kitchens, either specifically permitting or prohibiting these areas. The policy requires only that any non-aviation related items in a hangar not interfere in any way with the primary use of the hangar for aircraft storage and movement. The airport sponsor is expected to have lease provisions and regulations in place to assure that items located in hangars do not interfere with this primary purpose.

12. *Comment:* Commenters, including EAA, stated that all construction of an aircraft should be considered aeronautical for the purpose of hangar use, because building an aircraft is an inherently aeronautical activity. The policy should at least allow for use of a hangar at a much earlier stage of construction than final assembly.

Response: The FAA has consistently held that the need for an airport hangar in manufacturing or building aircraft arises at the time the components of the aircraft are assembled into a completed aircraft. Prior to that stage, components can be assembled off-airport in smaller spaces. This determination has been applied to both commercial aircraft manufacturing as well as homebuilding of experimental aircraft.

A large majority of the more than 2,400 public comments received on the notice argued that aircraft construction at any stage is an aeronautical activity. The FAA recognizes that the construction of amateur-built aircraft differs from large-scale, commercial aircraft manufacturing. It may be more difficult for those constructing amateur-built or kit-built aircraft to find alternative space for construction or a means to ultimately transport completed large aircraft components to the airport for final assembly, and ultimately for access to taxiways for operation.

Commenters stated that in many cases an airport hangar may be the only viable location for amateur-built or kit-built aircraft construction. Also, as noted in the July 2014 notice, many airports have vacant hangars where a lease for construction of an aircraft, even for several years, would not prevent owners of operating aircraft from having access to hangar storage.

Accordingly, the FAA will consider the construction of amateur-built or kit-built aircraft as an aeronautical activity. Airport sponsors must provide reasonable access to this class of users, subject to local ordinances and building codes. Reasonable access applies to currently available facilities; there is no

requirement for sponsors to construct special facilities or to upgrade existing facilities for aircraft construction use.

Airport sponsors are urged to consider the appropriate safety measures to accommodate aircraft construction. Airport sponsors leasing a vacant hangar for aircraft construction also are urged to incorporate progress benchmarks in the lease to ensure the construction project proceeds to completion in a reasonable time. The FAA's policy with respect to commercial aircraft manufacturing remains unchanged.

13. *Comment:* Commenter suggests that the time that an inoperable aircraft can be stored in a hangar should be clarified, because repairs can sometimes involve periods of inactivity.

Response: The term "operational aircraft" in the final policy does not necessarily mean an aircraft fueled and ready to fly. All operating aircraft experience downtime for maintenance and repair, and for other routine and exceptional reasons. The final policy does not include an arbitrary time period beyond which an aircraft is no longer considered operational. An airport operator should be able to determine whether a particular aircraft is likely to become operational in a reasonable time or not, and incorporate provisions in the hangar lease to provide for either possibility.

14. *Comment:* Commenter suggests that the FAA should limit use of hangars on an obligated airport as proposed in the July 2014 notice. Airport sponsors frequently allow non-aeronautical use of hangars now, denying the availability of hangar space to aircraft owners.

Response: Some commenters supported the relatively strict policies in the July 2014 notice, citing their experience with being denied access to hangars that were being used for non-aviation purposes. The FAA believes that the final policy adopted will allow hangar tenants greater flexibility than the proposed policy in the use of their hangars, but only to the extent that there is no impact on the primary purpose of the hangar. The intent of the final policy is to minimize the regulatory burden on hangar tenants and to simplify enforcement responsibilities for airport sponsors and the FAA, but only as is consistent with the statutory requirements for use of federally obligated airport property.

Final Policy

In accordance with the above, the FAA is adopting the following policy statement on use of hangars at federally obligated airports:

Use of Aeronautical Land and Facilities Applicability

This policy applies to all aircraft storage areas or facilities on a federally obligated airport unless designated for non-aeronautical use on an approved Airport Layout Plan or otherwise approved for non-aviation use by the FAA. This policy generally refers to the use of hangars since they are the type of aeronautical facility most often involved in issues of non-aviation use, but the policy also applies to other structures on areas of an airport designated for aeronautical use. This policy applies to all users of aircraft hangars, including airport sponsors, municipalities, and other public entities, regardless of whether a user is an owner or lessee of the hangar.

I. General

The intent of this policy is to ensure that the federal investment in federally obligated airports is protected by making aeronautical facilities available to aeronautical users, and by ensuring that airport sponsors receive fair market value for use of airport property for non-aeronautical purposes. The policy implements several Grant Assurances, including Grant Assurance 5, *Preserving Rights and Powers*; Grant Assurance 22, *Economic Nondiscrimination*; Grant Assurance 24, *Fee and Rental Structure*; and Grant Assurance 25, *Airport Revenues*.

II. Standards for Aeronautical Use of Hangars

a. Hangars located on airport property must be used for an aeronautical purpose, or be available for use for an aeronautical purpose, unless otherwise approved by the FAA Office of Airports as described in Section III.

b. Aeronautical uses for hangars include:

1. Storage of active aircraft.
2. Final assembly of aircraft under construction.
3. Non-commercial construction of amateur-built or kit-built aircraft.
4. Maintenance, repair, or refurbishment of aircraft, but not the indefinite storage of nonoperational aircraft.
5. Storage of aircraft handling equipment, e.g., towbars, glider tow equipment, workbenches, and tools and materials used in the servicing, maintenance, repair or outfitting of aircraft.

c. Provided the hangar is used primarily for aeronautical purposes, an airport sponsor may permit non-aeronautical items to be stored in hangars provided the items do not

interfere with the aeronautical use of the hangar.

d. While sponsors may adopt more restrictive rules for use of hangars, the FAA will generally not consider items to interfere with the aeronautical use of the hangar unless the items:

1. Impede the movement of the aircraft in and out of the hangar or impede access to aircraft or other aeronautical contents of the hangar.
2. Displace the aeronautical contents of the hangar. A vehicle parked at the hangar while the vehicle owner is using the aircraft will not be considered to displace the aircraft.
3. Impede access to aircraft or other aeronautical contents of the hangar.
4. Are used for the conduct of a non-aeronautical business or municipal agency function from the hangar (including storage of inventory).
5. Are stored in violation of airport rules and regulations, lease provisions, building codes or local ordinances.

e. Hangars may not be used as a residence, with a limited exception for sponsors providing an on-airport residence for a full-time airport manager, watchman, or airport operations staff for remotely located airports. The FAA differentiates between a typical pilot resting facility or aircrew quarters versus a hangar residence or hangar home. The former are designed to be used for overnight and/or resting periods for aircrew, and not as a permanent or even temporary residence. See FAA Order 5190.6B paragraph 20.5(b)

f. This policy applies regardless of whether the hangar occupant leases the hangar from the airport sponsor or developer, or the hangar occupant constructed the hangar at the occupant's own expense while holding a ground lease. When land designated for aeronautical use is made available for construction of hangars, the hangars built on the land are subject to the sponsor's obligations to use aeronautical facilities for aeronautical use.

III. Approval for Non-Aeronautical Use of Hangars

A sponsor will be considered to have FAA approval for non-aeronautical use of a hangar in each of the following cases:

a. *FAA advance approval of an interim use:* Where hangars are unoccupied and there is no current aviation demand for hangar space, the airport sponsor may request that FAA Office of Airports approve an interim use of a hangar for non-aeronautical purposes for a period of 3 to 5 years. The FAA will review the request in accordance with Order 5190.6B

paragraph 22.6. Interim leases of unused hangars can generate revenue for the airport and prevent deterioration of facilities. Approved interim or concurrent revenue-production uses must not interfere with safe and efficient airport operations and sponsors should only agree to lease terms that allow the hangars to be recovered on a 30 days' notice for aeronautical purposes. In each of the above cases, the airport sponsor is required to charge non-aeronautical fair market rental fees for the non-aeronautical use of airport property, even on an interim basis. (64 FR 7721).

b. *FAA approval of a month-to-month leasing plan:* An airport sponsor may obtain advance written approval month-to-month leasing plan for non-aeronautical use of vacant facilities from the local FAA Office of Airports. When there is no current aviation demand for vacant hangars, the airport sponsor may request FAA approval of a leasing plan for the lease of vacant hangars for non-aeronautical use on a month-to-month basis. The plan must provide for leases that include an enforceable provision that the tenant will vacate the hangar on a 30-day notice. Once the plan is approved, the sponsor may lease vacant hangars on a 30-day notice basis without further FAA approval. If the airport sponsor receives a request for aeronautical use of the hangar and no other suitable hangar space is available, the sponsor will notify the month-to-month tenant that it must vacate.

A sponsor's request for approval of an interim use or a month-to-month leasing plan should include or provide for (1) an inventory of aeronautical and non-aeronautical land/uses, (2) information on vacancy rates; (3) the sponsor's procedures for accepting new requests for aeronautical use; and (4) assurance that facilities can be returned to aeronautical use when there is renewed aeronautical demand for hangar space. In each of the above cases, the airport sponsor is required to charge non-aeronautical fair market rental fees for the non-aeronautical use of airport property, even on an interim basis. (64 FR 7721).

c. *Other cases:* Advance written release by the FAA for all other non-aeronautical uses of designated aeronautical facilities. Any other non-aeronautical use of a designated aeronautical facility or parcel of airport land requires advance written approval from the FAA Office of Airports in accordance with Order 5190.6B chapter 22.

IV. Use of Hangars for Construction of an Aircraft

Non-commercial construction of amateur-built or kit-built aircraft is considered an aeronautical activity. As with any aeronautical activity, an airport sponsor may lease or approve the lease of hangar space for this activity without FAA approval. Airport sponsors are not required to construct special facilities or upgrade existing facilities for construction activities. Airport sponsors are urged to consider the appropriate safety measures to accommodate these users.

Airport sponsors also should consider incorporating construction progress targets in the lease to ensure that the hangar will be used for final assembly and storage of an operational aircraft within a reasonable term after project start.

V. No Right to Non-Aeronautical Use

In the context of enforcement of the Grant Assurances, this policy allows some incidental storage of non-aeronautical items in hangars that do not interfere with aeronautical use. However, the policy neither creates nor constitutes a right to store non-aeronautical items in hangars. Airport sponsors may restrict or prohibit storage of non-aeronautical items. Sponsors should consider factors such as emergency access, fire codes, security, insurance, and the impact of vehicular traffic on their surface areas when enacting rules regarding hangar storage. In some cases, permitting certain incidental non-aeronautical items in hangars could inhibit the sponsor's ability to meet obligations associated with Grant Assurance 19, *Operations and Maintenance*. To avoid claims of discrimination, sponsors should impose consistent rules for incidental storage in all similar facilities at the airport. Sponsors should ensure that taxiways and runways are not used for the vehicular transport of such items to or from the hangars.

VI. Sponsor Compliance Actions

a. It is expected that aeronautical facilities on an airport will be available and used for aeronautical purposes in the normal course of airport business, and that non-aeronautical uses will be the exception.

b. Sponsors should have a program to routinely monitor use of hangars and take measures to eliminate and prevent unapproved non-aeronautical use of hangars.

c. Sponsors should ensure that length of time on a waiting list of those in need of a hangar for aircraft storage is minimized.

d. Sponsors should also consider including a provision in airport leases, including aeronautical leases, to adjust rental rates to FMV for any non-incidentally non-aeronautical use of the leased facilities. In other words, if a tenant uses a hangar for a non-aeronautical purpose in violation of this policy, the rental payments due to the sponsor would automatically increase to a FMV level.

e. FAA personnel conducting a land use or compliance inspection of an airport may request a copy of the sponsor's hangar use program and evidence that the sponsor has limited hangars to aeronautical use.

The FAA may disapprove an AIP grant for hangar construction if there are existing hangars at the airport being used for non-aeronautical purposes.

Issued in Washington, DC, on the 9th of June 2016.

Robin K. Hunt,

Acting Director, Office of Airport Compliance and Management Analysis.

[FR Doc. 2016-14133 Filed 6-14-16; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 660, 801, and 809

[Docket No. FDA-2013-N-0125]

RIN 0910-AG74

Use of Symbols in Labeling

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is issuing this final rule revising its medical device and certain biological product labeling regulations to explicitly allow for the optional inclusion of graphical representations of information, or symbols, in labeling (including labels) without adjacent explanatory text (referred to in this document as "stand-alone symbols") if certain requirements are met. The final rule also specifies that the use of symbols, accompanied by adjacent explanatory text continues to be permitted. FDA is also revising its prescription device labeling regulations to allow the use of the symbol statement "Rx only" or "R only" in the labeling for prescription devices.

DATES: This rule is effective September 13, 2016.

FOR FURTHER INFORMATION CONTACT: For information concerning the final rule as it relates to devices regulated by the Center for Devices and Radiological Health (CDRH): Antoinette (Tosia) Hazlett, Center for Devices and Radiological Health, Food and Drug Administration, Bldg. 66, Rm. 5424, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, 301-796-6119, email: Tosia.Hazlett@fda.hhs.gov.

For information concerning the final rule as it relates to devices regulated by the Center for Biologics Evaluation and Research: Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-7911.

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose of the Regulatory Action

The final rule explicitly permits the use of symbols in medical device labeling without adjacent explanatory text if certain requirements are met. The medical device industry has requested the ability to use stand-alone symbols on domestic device labeling, consistent with their current use on devices manufactured for European and other foreign markets. The final rule seeks to harmonize the U.S. device labeling requirements for symbols with international regulatory requirements, such as the Medical Device Directive 93/42/EEC of the European Union (EU) (the European Medical Device Directive) and global adoption of International Electrotechnical Commission (IEC) standard IEC 60417 and International Organization for Standardization (ISO) standard ISO 7000-DB that govern the use of device symbols in numerous foreign markets.

Summary of the Major Provisions of the Regulatory Action in Question

FDA has generally interpreted existing regulations not to allow the use of symbols in medical device labeling, except with adjacent English-language explanatory text and/or on in vitro diagnostic (IVD) devices intended for professional use. Under the final rule, symbols established in a standard developed by a standards development organization (SDO) may be used in medical device labeling without adjacent explanatory text as long as: (1) The standard is recognized by FDA under its authority under section 514(c) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360d(c)) and the symbol is used according to the specifications for use of the symbol set

James A. Lutz
E9349 Happy Hill Rd.
North Freedom, WI 53951

Dear City Council President and Esteemed Aldermen,

My wife and I are writing to you to plead our case for your consideration.

We have very recently returned home to Wisconsin after living in Texas for the past 14 years. We are so very glad to be home and have spent much time over the past year deciding just where we want to buy a house, invest our resources and resume our lives once we have returned. I am born and raised south of Stevens Point and my wife, Karen is from the Columbus area. We've decided Baraboo is the place for us because of its location, size, the beautiful area surrounding it and the friendly people we meet here. We have been dreaming of buying a house and joining this community as we approach our retirement years. It is only recently we have been made aware of a City Ordinance that causes us concern - the ordinance limiting each household to two dogs.

We have three beloved dogs. Bart (named for my lifelong favorite Packer) is a year old and about 30 pounds. Samantha is two years about 40 pounds, and my precious old dog Lily is 13 years old, has two rebuilt back knees, is about 50 pounds and likely hasn't that many years left with us. All three are rescue dogs we acquired as puppies while living in Texas and they are like our children.

I give you my word and assure you that Karen and I are responsible dog owners. The dogs are all housedogs that go out into a fenced backyard to do their business, which we always clean up. They are never left outside unattended or allowed to bark excessively for any reason. We take them on walks always on leash, we make sure we are very careful with contact with strangers when out for walks and work very hard at training them. We take care of their health with all needed shots; they are all spayed or neutered. They are good dogs and we love them very much.

It is our greatest wish to live in Baraboo and are interested in buying one of the lovely older homes for sale as soon as you grant our request and we find the perfect property. In fact we had 3 or 4 home showings scheduled with our realtor that we cancelled upon finding out about the ordinance. We understand the reason for the ordinance – we agree with anything that promotes responsible pet owning. We just ask that you please consider our case and allow us to follow our dream of becoming a part of this wonderful city by granting us a waiver on this ordinance.

Thank you in advance for your consideration,

James A. Lutz

BARABOO
COMMUNITY ACTIVATED RECOVERY ENHANCEMENT (C.A.R.E.)
MEMORANDUM OF UNDERSTANDING

Vision:

To build a life worth living sober.

Mission:

Provide timely, quality, personalized care to restore individuals and lift families and communities out of opiate addiction in a non-judgmental manner, balancing treatment and prevention.

Charter:

C.A.R.E. is a broad group of agencies, organizations and individuals that assist those recovering from addictions and fostering sustainable membership in the community. Organizations and individuals work collaboratively to increase community awareness and access to treatment for Sauk County residents. Working from a medical and biopsychosocial perspective, recovery services are designed to be person-centered, team based, and promote self-sufficiency.

The continuum of community-based psychosocial services, assured by the counties for recovering clients, is an important part of the infrastructure on which all other addiction treatment services depend. Psychosocial rehabilitation services are recognized by the partnership as an essential approach to enabling and empowering consumers into self-directed care. C.A.R.E. is committed to sustaining and expanding psychosocial rehabilitation services by the addition of medication assisted treatment for opiate addiction.

Stakeholders represent a balance of countywide and local interests. Recovery requires professional guidance and occurs where people live, among families and natural supports. Recovery support may continue for as long as one to two years to ensure the transition of informal and natural supports as needed.

C.A.R.E. is committed to the establishment of local C.A.R.E. Committees to enable meaningful access and input from the four geographic centers around Sauk County; Sauk Prairie, Baraboo, Reedsburg and Spring Green. Each C.A.R.E. Committee has voice, access and ownership of the implementation of services locally and the ability to shape implementation of the C.A.R.E. grant sponsored by DHS.

I. Goals

A. Goals of C.A.R.E. include:

For Sauk County residents:

1. Network with other professionals and agencies focused on substance use/ abuse prevention and coordination of existing treatment resources.
2. Work collaboratively to enhance community awareness with respect to substance use/abuse.
3. Work collaboratively to identify gaps in community awareness, prevention, and treatment of substance use/abuse.
4. Work collaboratively and creatively on increasing service options for substance use/abuse in Sauk County. Efforts may include:
 - a. Collective grant writing as approved by membership.
 - b. Participation in research efforts as approved by membership.
 - c. Advocacy for enhancement of substance use/abuse prevention efforts and treatment resources as approved by membership.
 - d. Participation in other community projects and/or efforts as agreed upon by membership.

II. Roles

The roles of each member organization in C.A.R.E. are to consistently attend meetings and subcommittees as determined by the C.A.R.E. membership. C.A.R.E. committee members will work to contribute to the goals and projects of C.A.R.E. with approval and authorization from their respective agencies.

III. Ethical Agreement for C.A.R.E. Members

All C.A.R.E. members agree to the following:

1. Follow the ethical and professional standards of the discipline/agency to which they belong.
2. C.A.R.E. members agree to uphold confidentiality of consumers who participate in C.A.R.E.
3. C.A.R.E. members agree to treat those receiving services with respect and avoid any aspect of sexual contact or abuse to those we serve.
4. C.A.R.E. members agree to avoid behavior that would be considered a conflict of interest.
5. Violation of this ethical agreement will result in my immediate resignation from C.A.R.E.

IV. Governance /Dispute Resolution:

- A. Each member organization of C.A.R.E. will have at least one fully authorized representative present either in person or by phone at all scheduled C.A.R.E. meetings.
- B. At the first meeting following the signature of the agreement, C.A.R.E. representatives shall elect, from their membership, a chair, a vice chair, and a secretary that shall serve a one-year term. A simple majority of the representatives present shall be sufficient to elect the officers.

- C. C.A.R.E. participants agree to maintain frequent communications with each other with regard to the work to be accomplished in order to minimize disagreements. If any party to this agreement reasonably believes that any other party is not reasonably discharging an obligation or performing a duty which this agreement requires of that party, they will make a good faith attempt to resolve the issue. C.A.R.E. will strive to make all decisions by consensus. In the event that a consensus cannot be reached, and a decision needs to be made, a vote will be taken, and in order to pass, a $\frac{3}{4}$ vote of the membership of the organization shall be required to adopt the decision.
- D. Individuals that are participating in C.A.R.E. do so at the discretion of the C.A.R.E. member organizations and do not have voting privilege for decision making.

V. Fiscal:

- a. Those agencies participating in C.A.R.E. agree to do so as an in kind staff time collaborative effort and as such there are no dues or fees for participation.
- b. C.A.R.E. is not a funded entity and as such does not have fiscal responsibility for its work and efforts. In the event that C.A.R.E. receives financial donations they should be directed to _____, attention
(Community Name) _____ C.A.R.E.
- c. In the event that C.A.R.E. agencies agree to collective grant writing, there will be a designated grant receiving agency or independent entity which will apply for the grant with other C.A.R.E. agencies.
- d. Writing letters of approval as agreed upon independently by each agency. These grants must not fiscally obligate the C.A.R.E. member agencies other than in kind staff time which would be described specifically in the grant itself and letter of support.

VI. Termination of the MOU

- A. Any party can terminate participation in C.A.R.E. and this MOU, with 60 (sixty) days' notice to the other members of C.A.R.E. Should 50 (fifty) percent of organizations or more terminate their involvement in C.A.R.E., a new MOU will need to be developed between the remaining parties of this agreement.
- B. This agreement will be reviewed and if necessary amended every 3 (three) years or as needed by consensus vote of the C.A.R.E. membership.

VII. Contact Information/Designated/delegated voting members:

Sauk County:

Human Services: (608)355-4200

Dan Brattset-
Sharon Boesl -
Joyce Dumke -
Melinda Holt -
Phillip Robinson -

Public Health: (608) 355-3290

Cathy Warwick - cwarwick@co.sauk.wi.us

Sheriff's Office: (608)355- 3210

Richard Meister -
Lewis Lange -

Criminal Justice Coordinator: 355-4880

Janelle Krueger - jkrueger@co.sauk.wi.us

State of Wisconsin:

District Attorney's Office: (608) 355-3280

Linda Hoffman -

Probation and Parole: 355-3847

Kathy Laatsch -

Public Defender: 355-3184

Puck Tsai - tsai@opd.wi.gov

Division of Mental Health and Substance Abuse Services: 261-0652

Andrea Jacobson -

Elizabeth Collier - Elizabeth.Collier@dhs.wisconsin.gov

Tellurian: (608) 220-5002

Tom Engels -
Erin Tiedeman -
Stephanie Gissal -
Jennifer Linderud -
Heidi Schultz -
Andy Schmitz - aschmitz@tellurian.org

Vivitrol - (608) 628-2203

Suzanne Luttinen - Suzanne.Luttinen@alkermes.com

Local Community (Each C.A.R.E. Committee)

Baraboo Police Dept.:

Ryan LaBroschian –
Rob Sinden – rsinden@cityofbaraboo.com

Baraboo EMS: 963-7152

jrago@barabooems.com

St. Clare E.R.: 356-1443

Casi Frei –
Lori LaMasney –

St. Clare Hospital:

Scott Wysocki@ssmhc.com

Baraboo Dean: 355-3800

Jill Krueger –

Dean Clinic and St. Clare Hospital:

Dr. Dan Sessler – danny.sessler@deancare.com

Prairie Clinic –

Dr. John McAuliffe – jmeauliffe@prairieclinic.com

Baraboo City Council:

John Ellington –
Michael Plautz – plautz8@charter.net

Baraboo School District:

Lori Mueller –
Dani Scott – dscott@baraboosechools.net

Madison College, Portage/Reedsburg –

Paul Anderson –

Lutheran Social Services –

James Benkard –
Samantha Feryance –

Innervisions Counseling:

Colleen James –

St. Clare Center:

Kimberly Lohman – Kimberly_lohman@ssmhc.com

Boys and Girls Club of West Central Wis:

Karen DeSanto – karend@bgcwestcentralwi.org

Hope House: 356-9123

Ellen Allen –
Laci Pustina –

Past CASA: 477-2985

Jill Garcia-Richmond –

Leadership Group: 697-5045

Mary Schmucker – schmuckerx13@gmail.com

Community Members:

Richard Ofstun –

Deb O'Rourke –

JoEllen Waddell – Joellen51@gmail.com

Authorized Signature (one per agency):

Each party agrees to meet annually to review this document if significant staffing changes or policy and procedure changes affect the process defined in this Memorandum.

AGENCY	NAME (PRINT)	SIGNATURE	DATE
Sauk Co. Dept. of Human Services			
Sauk Co. Public Health			
Sauk Co. Sheriff's Dept.			
Criminal Justice Coordinator			
Baraboo Police Dept.			
Baraboo EMS			
St. Clare Hospital			
Baraboo -- Dean Clinic			
Dean Clinic & St. Clare Center			
Prairie Clinic			
Baraboo City Council			
Baraboo School District			
Madison College, Portage/Reeds.			
Lutheran Social Services			
Innervisions Counseling			
St. Clare Center			
Boys & Girls Club of WCWis.			
Hope House			
Past CASA			
Leadership Group			
Tellurian			
Vivitrol			
Sauk Co. District Attorney's Office			
State of WI Probation and Parole			
State of WI Public Defender			
State of WI Division of Mental Health & Substance Abuse Services			

