

* AMENDED COMMON COUNCIL

City of Kaukauna
Council Chambers
Municipal Services Building
144 W. Second Street, Kaukauna



Tuesday, November 21, 2023 at 7:00 PM

AGENDA

In-Person

1. Roll call, one minute of silent prayer, Pledge of Allegiance to the American Flag.
2. Reading and approval of minutes.
 - a. [Common Council Meeting Minutes of November 7, 2023.](#)
3. Presentation of letters, petitions, remonstrances, memorials, and accounts.
 - a. [Bills Payable.](#)
4. Public appearances.
5. Business presented by Mayor.
 - a. Public Hearing on the 2024 City of Kaukauna Budget.
 - b. Public Hearing for Ordinance Repealing and Recreating 17.07 Floodplain Zoning.
 - c. Bird City Wisconsin - 8 Years.
 - d. Appointment of Brett Jensen to the City Plan Commission.
 - e. [Proclamation Shop Wisconsin Downtowns this Holiday Season.](#)
 - f. [Day's Inn Delinquent Room Tax.](#)
 - g. [Wisconsin Ranks Number One during Fall Drug Take Back Day.](#)
 - h. [* Letter of resignation from Director/Naturalist Debra Nowak, 1000 Islands Environmental Center.](#)
6. Reports of standing and special committees.
 - a. [Board of Public Works Meeting Minutes of November 20, 2023.](#)
 - b. [Finance and Personnel Committee Meeting Minutes of November 20, 2023.](#)
 - c. [Health and Recreation Committee Meeting Minutes of November 20, 2023.](#)
 - d. [Legislative Committee Meeting Minutes of November 20, 2023.](#)
 - e. [Public Protection and Safety Committee Meeting Minutes of November 20, 2023.](#)
 - f. [Plan Commission Meeting Minutes of October 19, 2023.](#)
 - g. [Industrial Park Commission Meeting Minutes of August 16, 2023.](#)
 - h. [Redevelopment Authority of the City of Kaukauna Meeting Minutes of October 16, 2023.](#)
 - i. [1000 Islands Environmental Center Committee Meeting Minutes of October 19, 2023.](#)
 - j. [Library Board Meeting Minutes of September 26, 2023.](#)
 - k. [Heart of the Valley Metropolitan Sewerage District Regular Meeting Minutes of October 10, 2023.](#)
 - l. [Heart of the Valley Metropolitan Sewerage District Special Meeting Minutes of October 16, 2023.](#)
 - m. [Heart of the Valley Metropolitan Sewerage District Special Community Meeting Minutes of November 2, 2023.](#)

- [n.](#) Operator (Bartender) Licenses.
- 7. Reports of City officers.
 - [a.](#) Fire Report.
 - [b.](#) Ambulance Report.
 - [c.](#) Police Report.
 - [d.](#) Court Report.
 - [e.](#) Clerk-Treasurer's Daily Deposit Report.
 - [f.](#) Building Inspection Report.
- 8. Presentation of ordinances and resolutions.
 - [a.](#) Ordinance 1893-2023 Ordinance Repealing and Recreating 17.07 Floodplain Zoning Ordinance.
 - [b.](#) Resolution 2023-5412 Resolution Designating Appropriating and Levying a Tax for the 2024 Budget of the City of Kaukauna.
 - [c.](#) Ordinance 1895-2023 Ordinance Establishing Salaries for Various Elected Officials.
 - [d.](#) Ordinance 1894-2023 Ordinance Establishing Salary of Mayor.
 - [e.](#) Resolution 2023-5409 Resolution Directing the 1000 Islands Committee to Update their Endowment Policy to match the language of the Community Foundation.
 - [f.](#) Resolution 2023-5410 Resolution Directing the 1000 Islands Committee to transfer funds on existing CDS to the Community Foundation.
 - [g.](#) Resolution 2023-5411 Resolution Amending Equivalent Runoff Unity (ERU) Charges for Stormwater Utility.
 - [h.](#) Resolution 2023-5413 Resolution Authorizing the City of Kaukauna to give the remainder of the Community Development Block Grant Funds back to the State of Wisconsin.
- 9. Closed session.
 - a. Adjourn to Closed Session Pursuant to 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
Commerce Crossing
 - b. Return to Open Session for possible action.
 - c. Adjourn to Closed Session Pursuant to 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
Inside the Park Place.
 - d. Return to Open Session for possible action.
 - e. Adjourn to Closed Session Pursuant to 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session
N.E.W Prosperity Center.
 - f. Return to Open Session for possible action.
- 10. Adjourn.

NOTICES

**IF REQUESTED THREE (3) DAYS PRIOR TO THE MEETING, A SIGN LANGUAGE INTERPRETER
WILL BE MADE AVAILABLE AT NO CHARGE.**



COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – NOVEMBER 7, 2023

Pursuant to adjournment on October 17, 2023, the meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:00 P.M. on Tuesday, November 7, 2023.

Roll call present: Antoine, Coenen, DeCoster, Eggleston, Kilgas, Moore, Schell, and Thiele.

Also present: Attorney Davidson, DPW/Eng. Neumeier, Planning & Com. Dev. Dir. Stephenson, Fin. Dir. Van Rossum, Fire Chief Carrel, and interested citizens.

One minute of silent prayer and the Pledge of Allegiance to the American Flag observed by the assembly.

Motion by Moore, seconded by Thiele to suspend the rules and waive the reading of the minutes of the Common Council meeting of October 17, 2023.

All Ald voted aye.

Motion carried.

Motion by Moore, seconded by Thiele to adopt the minutes of the Common Council meeting of October 17, 2023.

All Ald. voted aye.

Motion carried.

PRESENTATION OF LETTERS, PETITIONS, REMONSTRANCES, MEMORIALS, AND ACCOUNTS

Bills Payable

Motion by Moore, seconded by Coenen to pay bills out of the proper accounts.

All Ald. voted aye.

Motion carried.

PUBLIC APPEARANCES

None.

BUSINESS PRESENTED BY THE MAYOR

Appointment of Olivia Planert to the KATODA Board as a student representative.

Motion by Schell, seconded by Kilgas to appoint Olivia Planert to the KATODA Board as a student representative.

All Ald. voted aye.

Motion carried.

Appointment of Brian Hintz to the 1000 Islands Environmental Center Committee to replace Kymberly Carlson.

Motion by Coenen, seconded by Eggleston to approve the appointment of Brian Hintz to the 1000 Islands Environmental Center Committee to replace Kymberly Carlson.

All Ald. voted aye.
Motion carried.

REPORTS OF STANDING AND SPECIAL COMMITTEES

Committee of the Whole Meeting Minutes of November 1, 2023.

COMMITTEE OF THE WHOLE

A meeting of the Committee of the Whole was called to order by Chairman Penterman on Wednesday, November 1, 2023 at 6:00 P.M.

Members present: Antoine, Coenen, DeCoster, Eggleston, Kilgas and Thiele.

Absent & Excused: Moore and Schell.

Also present: Mayor Penterman, Attorney Davidson, DPW/Eng. Neumeier, Finance Dir. Van Rossum, Staff Accountant Roehl, Planning Dir. Stephenson, Library Dir. Thiem-Menning, Fire Chief Carrel, HR Dir. Swaney, Naturalist Nowak, and Com. Enrich. Services Dir. Vosters.

Motion by Coenen, seconded by Kilgas to excuse the absent members.
All Ald. present voted aye.
Motion carried.

1. Correspondence – none.

2. Discussion Topics.

a. 2024 Budget presentation.

Mayor Penterman read his letter dated November 1, 2023. The proposed 2024 budget reflects a tax increase of \$0.46 per thousand of assessed value, which is a 4.9% increase in the assessed tax rate. The City's tax levy increased \$696,292 or 5.67%. Under state law the levy is allowed to increase 5.67% plus increase debt service requirements. This levy increase is less than the maximum increase allowed under state law. Budgeted general fund expenditures for 2024 are \$18,830,495. An increase of 11.8%. This will allow the city to continue to qualify for the state expenditure restraint program aid. The general fund balance is projected to be \$5,836,346 on December 31, 2023. This fund balance exceeds the Council's objective of \$2,824,574, which will allow the City to continue to receive an excellent bond rating resulting in low interest rates when issuing further debt.

Motion by Coenen, seconded by Thiele to receive and place on file the Mayor's 2024 Budget Letter to the Common Council.
All members present voted aye.
Motion carried.

Mayor Penterman presented his 2023-2024 Goals and Objectives.

Motion by Antoine, seconded by Eggleston to receive and place on file the Mayor's 2023-2024 Goals and Objectives.
All members present voted aye.
Motion carried.

Finance Dir. VanRossum presented highlights for the 2024 budget. The impact on the city with Act 12 was discussed including repealed personal property taxes starting in 2024. Various schedules were presented showing a 2023 levy for city purposes of \$12,984,885 with an assessed tax rate of \$9.896. He reviewed the levy limit calculation for 2023, the expenditure restraint calculation and the city's debt service. Revenues and expenses were discussed, and with a balanced budget, both are increasing by 11.8% or about \$1.9m. The assessment to equalized ratio was discussed with how it's the major categories area again out of compliance with the overall ratio at 82.7%. Finance Dir. explained that revaluation will need to happen within the next 5 years per State Statute. This topic will be analyzed in the coming year with a plan presented to Council for action. The Storm and Sanitary Utility Funds were also highlighted with the overall net position for both improving. Stormwater rate is proposed to increase \$0.70 per ERU to \$10.50/ERU. Sanitary rate is staying the same at \$8.75/100 Cubic Feet. Discussion was held on the proposed budget.

b. 2024 Budget deliberations.

Alderspersons asked several questions of staff during the deliberation process. Discussion items included health insurance plans, benefits, residency, new housing construction growth and its impact on the budget, long-term debt, intern positions, RACK money and future job positions.

Alder Eggleston congratulated Library Dir. Thiem-Menning on the library's long list of accomplishments and well-written mission statement.

Alder Kilgas shared comments for the absent Alder Schell on his desire to review the residency incentive benefit and look to remove this benefit.

3. Position Classifications and Wage Scale Pertaining to the 2024 Budget.

a. Memo and Pay Grade Scale.

Finance Dir. VanRossum presented the wage scale and position classification for the non-represented employees of the city. This scale aligns with the 3% increase that is included in the budget for the 2024 fiscal year. The scale also reflects the market conditions and cost-of-living adjustments for employees.

4. Tax Bill Breakdown Widget.

a. Overview of the website – <https://kaukauna.gov/departments/finance/tax-bill-breakdown/>.

Finance Dir. VanRossum presented the new Tax Bill Breakdown Widget available on the city website. This was created to help give property owners a visual tool to gain a better understanding of what their tax dollars are used for. The widget allows users to input any address or parcel number within the City of Kaukauna to access a comprehensive breakdown of their tax bill by taxing jurisdiction, as well as a detailed overview of how the city's share of the tax dollar is allocated across various areas. Each segment of the tax bill breakdown is explained on the webpage. It explains what each area contributes to the city and specifies the portion of their property tax bill that supports that service. This initiative promotes transparency in how tax dollars are utilized.

b. Demonstration on how to look up your tax bill on website.

Finance Dir. VanRossum demonstrated looking up a tax bill on the new Tax Bill Breakdown Widget and further explained graphs and explanation tables the widget provides.

Alderspersons asked questions and had favorable comments regarding the Tax Bill Breakdown Widget.

5. Adjourn.

Motion made by Thiele, seconded by Coenen to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 7:28 p.m.

Christina Nelson, Deputy Clerk

Motion by Moore, seconded by Eggleston to adopt the Committee of the Whole Meeting Minutes of November 1, 2023 as presented.

All Ald. voted aye.

Motion carried.

Finance and Personnel Committee Meeting Minutes of November 6, 2023.

FINANCE AND PERSONNEL COMMITTEE

A meeting of the Finance and Personnel Committee was called to order by Chair Penterman on Monday, November 6, 2023, at 6:00 p.m.

Members present: Mayor Penterman, Antoine, Coenen, Eggleston, Moore, and Thiele.

Also present: Ald. Schell, Ald. Kilgas, Ald. DeCoster, Attorney Davidson, DPW/Eng. Neumeier, Fire Chief Carrel, HR Dir. Swaney, Fin. Dir. Van Rossum, Police Chief Graff, and interested citizens.

1. **Correspondence** - None.

2. **Discussion Topics.**

a. Permission to fill Marketing and Communications Manager position.

HR Director Swaney stated staff presented the proposed Marketing and Communications Manager position to the Finance and Personnel Committee on 10/16/2023 for discussion and on 10/17/2023 as part of the 2024 personnel budget presentation. This position is being included as part of the 2024 budget in order to provide the City with a full-time, dedicated Communications position. Staff would like to begin the recruitment process for this position with the intention of having a candidate available to start in early 2024.

Motion by Antoine, seconded by Coenen to authorize staff to fill a Marketing and Communications Manager position with a start date no earlier than January 1, 2024.

All members voted aye.

Motion carried.

b. Adjourn to Closed Session Pursuant to State Statute 19.85 (1)(c) to discuss employment, promotion, compensation, or performance evaluation data of any public employee.

Motion by Moore, seconded by Coenen to Adjourn to Closed Session Pursuant to State Statute 19.85 (1)(c) to discuss employment, promotion, compensation or performance evaluation data of any public employee.

All members voted aye.

Motion carried.

Moved to closed session at 6:02 p.m.

c. Return to Open Session for possible action.

Motion by Moore, seconded by Antoine to return to Open Session.

All members voted aye.

Motion carried.

Returned to Open Session at 7:16 p.m.

3. Adjourn.

Motion by Eggleston, seconded Coenen to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 7:16 p.m.

Sally Kenney, Clerk

Motion by Antoine, seconded by Eggleston to adopt the Finance & Personnel Committee Meeting Minutes of November 6, 2023, as presented.

All Ald. voted aye.

Motion carried.

Health & Recreation Committee Meeting Minutes of November 6, 2023.

HEALTH & RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chair Kilgas on Monday, November 6, 2023 at 7:17 P.M.

Members present: Coenen, DeCoster, Kilgas and Schell.

Also present: Mayor Penterman, Ald. Antoine, Ald. Eggleston, Ald. Moore, Ald. Thiele, Attorney Davidson, DPW/Eng. Neumeier, Fin. Dir. Van Rossum, HR Dir. Swaney, Fire Chief Carrel, Police Chief Graff, and interested citizens.

1. Correspondence – None.

2. Discussion Topics.

a. Special Events Application to Jessica Decet, Fox Heritage Run at Main Avenue, Kaukauna for May 3 & 4, 2024.

Motion by Schell, seconded by DeCoster to approve the Special Events Application to Jessica Decet, Fox Heritage Run at Main Avenue, Kaukauna for May 3 & 4, 2024 contingent upon proof of insurance.

All members voted aye.

Motion carried.

3. Adjourn.

Motion made by Coenen, seconded by Schell to adjourn.

All members voted aye.

Motion carried.

The meeting adjourned at 7:19 P.M.

Sally Kenney
Clerk

Motion by Kilgas, seconded by Schell to adopt the Health & Recreation Committee Meeting Minutes of November 6, 2023, as presented.

All Ald. voted aye.

Motion carried.

Public Protection and Safety Committee Meeting Minutes of November 6, 2023.

PUBLIC PROTECTION AND SAFETY COMMITTEE

A meeting of the Public Protection and Safety Committee was called to order by Chair DeCoster on Monday, November 6, 2023 at 7:20 P.M.

Members present: Antoine, DeCoster, Kilgas, Thiele.

Also present: Mayor Penterman, Ald. Coenen, Ald. Eggleston, Ald. Moore, Ald. Schell, DPW/Eng. Neumeier, Attorney Davidson, Fire Chief Carrel, HR Dir. Swaney, Police Chief Graff, Fin. Dir. Van Rossum, and interested citizens.

1. Correspondence - None.

2. Discussion Topics.

a. Fox Valley Technical College Public Safety Training Center Use Agreement and Hold Harmless Agreement - Fire Department.

Fire Chief Carrel stated the Kaukauna Fire Department has had a long-standing agreement with the Fox Valley Technical College to utilize their state-of-the-art training facility. This training ground provides our firefighters with invaluable hands-on training opportunities that we do not have access to at our own facility. Each year, we renew the attached hold harmless agreement to continue utilizing their burn building, training props, and other resources. These hands-on training opportunities are vital for our firefighters to maintain their skills and readiness to serve our community.

Motion by Thiele, seconded by Kilgas to authorize the City of Kaukauna Fire Department to enter into the Fox Valley Technical College Public Safety Training Center Use Agreement and Hold Harmless Agreement for 2024.

All members voted aye.

Motion carried.

b. Appleton Radio Contract - Fire Department.

Fire Chief Carrel stated our department has been participating in a regional radio grant through the Assistance to Firefighters Grant (AFG) program. The journey began in January of 2022 and received the award in the fall of 2022. The Appleton Fire Department served as the host agency, and the grant award helps Kaukauna along with 17 other departments throughout Outagamie County to make necessary radio replacements.

Motion by Thiele, seconded by Kilgas to authorize the Mayor to enter into the Appleton Radio Contract.

All members voted aye.
Motion carried.

c. Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

Motion by Thiele, seconded by Kilgas to Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

All members voted aye.
Motion carried.

Adjourned to closed session at 7:25 p.m.

d. Return to Open Session for possible action.

Motion by Thiele, seconded by Antoine to return to Open Session for possible action.

All members voted aye.
Motion carried.

Returned to Open Session at 7:46 p.m.

3. Adjourn.

Motion by Kilgas, seconded by Antoine to adjourn.

All members voted aye.
Motion carried.

Meeting adjourned at 7:46 p.m.

Sally Kenney, Clerk

Motion by DeCoster, seconded by Kilgas to adopt the Public Protection and Safety Committee Meeting Minutes of November 6, 2023, as presented.

All Ald. voted aye.
Motion carried.

1000 Islands Environmental Center Committee Meeting Minutes of September 21, 2023.

Motion by Eggleston, seconded by Antoine to receive and place on file the 1000 Islands Environmental Center Committee Meeting Minutes of September 21, 2023.

All Ald. voted aye.
Motion carried.

Grignon Mansion Board Meeting Minutes of August 28, 2023.

Motion by Thiele, seconded by Moore to receive and place on file the Grignon Mansion Board Meeting Minutes of August 28, 2023.

All Ald. voted aye.
Motion carried.

Plan Commission Meeting Minutes of October 5, 2023.

Motion by Moore, seconded by Thiele to receive and place on file the Plan Commission Meeting Minutes of October 5, 2023.

All Ald. voted aye.

Motion carried.

Operators/Bartenders License

The following applicants have applied for an operator's license for the license year **2022-2024** and have been recommended for approval based on their record check by the police department:

Brown	Jacob	R.	300 Sarah St.	Kaukauna
Eckert	Kristen	L.	1836 Lawe St.	Kaukauna
Hoffman	Kalli	L.	100 E. 15 th St.	Kaukauna
Koester	Travis	L.	1515 Vandebroek Rd. Lot #12	Little Chute
Luehring	Phillip	C.	1319 N. Erb St.	Appleton

Motion by Kilgas, seconded by Schell to approve the operators/bartender Licenses.

All Ald. voted aye.

Motion carried.

REPORTS OF CITY OFFICERS

Code Enforcement Report.

Planning and Community Enrichment Director Stephenson provided the Council with a list of all Code Enforcements since hiring the Code Enforcement Officer. Starting in December this report will be provided monthly. Discussion was held and questions answered.

Motion by Antoine, seconded by Moore to receive and place on file the Code Enforcement Report.

All Ald. voted aye.

Motion carried.

Flood Storage District.

Flood storage district is the area delineated adjacent to floodways and often within floodplains. These areas are where flood water is stored and relied upon to reduce regional flood hazards. The district protects the area and prevents development from increasing the elevation of a flood event. For various reasons, during development these districts may have to move from their original locations. Currently the City of Kaukauna does not allow such a movement, but both Outagamie County and FEMA guidance allows for this practice to occur. One of the items Outagamie County's ordinance covers is the use of compensatory storage. Compensatory storage covers the event in which floodplain storage is lost, that lost storage would be compensated for in an adjacent floodplain. This allows for the shifting of floodplain areas while still keeping the total amount of floodplain storage, allowing for more flexibility within projects and developments. Plan Commission approved an ordinance to allow for compensatory storage and about the ordinance currently being used by Outagamie County. Discussion held and questions answered.

Community Development Block Grant.

The Community Development Block Grant (CDBG) is an allocation of money given to the City of Kaukauna to administer a series of loans for eligible low-income residents to fix their homes. Loans are given to the resident and upon the sale of their home the loan is paid back in full. While the program has a direct benefit to many of our residents the staff time to administer the loan and fill out the needed paperwork for the state and federal government is time intensive. Brown County's

housing division has started administering the CDBG money on behalf of the state for the entire Outagamie/Brown County Region, but they will not fund projects in communities that still have CDBG funds. If the City of Kaukauna were to give their funds back to the state, Brown County Housing would administer the same program we have now but also allow for downpayment assistance as an increased service to low-income residents. The City currently holds \$229,931.44 in CDBG funds. Since Brown County has multiple dedicated full-time staff to administer this program, we feel it is in the City's best interest for Brown County to administer the program. This will free up valuable time for city staff, allow us to participate in a larger pot of money that is allocated yearly, and provide a better service to our residents. A draft ordinance will be brought back to the Council for approval.

PRESENTATION OF ORDINANCES AND RESOLUTIONS

Ordinance 1890-2023 Repeal and Recreate Section 14.04 Building Inspector and Building Inspection Department.

This item was pulled.

Ordinance 1891-2023 Repeal and Recreate Section 1.31 (1) Plan Commission Composition.

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Ordinance 1891-2023.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Kilgas to adopt Ordinance 1891-2023.

All Ald. voted aye.

Motion carried.

CLOSED SESSION

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session - N.E.W. Prosperity Center.

Motion by Moore, seconded by Coenen to adjourn to closed session pursuant to State Statute 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session - N.E.W. Prosperity Center.

All Ald. present voted aye.

Motion carried.

Adjourned to closed session at 7:48 p.m.

Return to Open Session for possible action.

Motion by Antoine, seconded by DeCoster to return to open session for possible action.

All Ald. voted aye.

Motion carried.

Returned to open session at 7:56 p.m.

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public

business, whenever competitive or bargaining reasons require a closed session - Inside the Park Place

Motion by Moore, seconded by Coenen to adjourn to closed session pursuant to State Statute 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session - Inside the Park Place

All Ald. voted aye.

Motion carried.

Adjourned to closed session at 7:57 p.m.

Return to Open Session for possible action.

Motion by Antoine, seconded by Moore to return to open session for possible action.

All Ald. voted aye.

Motion carried.

Returned to open session at 8:07 p.m.

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session - Dreamville Kaukauna.

Motion by Moore, seconded by Eggleston to adjourn to closed session pursuant to State Statute 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session - Dreamville Kaukauna.

All Ald. voted aye.

Motion carried.

Adjourned to closed session at 8:07 p.m.

Motion by DeCoster, seconded by Thiele to bring Alvin into the closed session to speak and give a status report on this project.

All Ald. voted aye.

Motion carried.

Return to Open Session for possible action.

Motion by Moore, seconded by Coenen to return to open session for possible action.

All Ald. voted aye.

Motion carried.

Returned to open session at 9:07 p.m.

ADJOURN

Motion by Antoine, seconded by Schell to adjourn.

All Ald. voted aye.

Motion carried.

Meeting adjourned at 9:07 p.m.

Sally Kenney, Clerk



City - Bills Payable

Check #	Date	Fund	Addressee	Absolute Value of Amount
00000072/1	10/20/2023	General Fund - 101	Delta Dental of Wisconsin	1,835.36
00000072/2	10/20/2023	General Fund - 101	Wisconsin Employee Trust Funds (ETF)	176,578.04
00000072/3	10/20/2023	General Fund - 101	Ascentis Corporation	2,250.00
00000072/4	10/20/2023	General Fund - 101	MissionSquare Retirement	20,433.38
120356	10/20/2023	Park & Pool Capital - 422	Crane Engineering	2,000.00
00000073/1	10/20/2023	General Fund - 101	Kaukauna Utilities	40.67
120353	10/20/2023	1000 Islands - 201	Stoneridge Piggly Wiggly	104.03
120354	10/20/2023	1000 Islands - 201	Unison Credit Union	1,013.87
120355	10/20/2023	American Rescue Plan Act Funds - 223	Unison Credit Union	89.99
120357	10/20/2023	Public Protect & Safety Grant - 212	Kustom Signals Inc.	2,340.74
120358	10/20/2023	Public Protect & Safety Grant - 212	Unison Credit Union	482.00
120359	10/20/2023	Sanitary Sewer Utility - 602	Carl Bowers & Sons Construction Co, Inc	993,697.44
120360	10/20/2023	Storm Water Utility - 601	Unison Credit Union	35.27
120361	10/20/2023	Storm Water Utility - 601	DeGroot Inc.	701,541.23
120362	10/20/2023	General Fund - 101	Airgas USA, LLC	188.10
120363	10/20/2023	General Fund - 101	Automotive Supply Co	285.35
120364	10/20/2023	General Fund - 101	BayCare Aurora LLC	28.50
120365	10/20/2023	General Fund - 101	Carrico Aquatic Resources	4,600.00
120366	10/20/2023	General Fund - 101	Carstens Ace Hardware	122.77
120367	10/20/2023	General Fund - 101	Grainger Inc	75.44
120368	10/20/2023	General Fund - 101	Ingram	772.53
120369	10/20/2023	General Fund - 101	Jacqueline Chapman	1,625.00
120370	10/20/2023	General Fund - 101	Marco	1,305.32
120371	10/20/2023	General Fund - 101	Megan Brouch	48.08
120372	10/20/2023	General Fund - 101	Midwest Tape	749.54
120373	10/20/2023	General Fund - 101	News Publishing Co, Inc.	2,787.07
120374	10/20/2023	General Fund - 101	Quadient Finance USA, Inc.	1,500.00
120375	10/20/2023	General Fund - 101	Stoneridge Piggly Wiggly	90.27
120376	10/20/2023	General Fund - 101	Tyler Romenesko	110.30
120377	10/20/2023	General Fund - 101	Unison Credit Union	11,789.59
120378	10/20/2023	General Fund - 101	Advanced Maintenance Solutions	409.50
120379	10/20/2023	General Fund - 101	Ascension WI Employer Solutions	276.00
120380	10/20/2023	General Fund - 101	DC Auto Repair, LLC	576.30
120381	10/20/2023	General Fund - 101	Wisconsin Dept of Justice	84.00
120382	10/20/2023	General Fund - 101	Ryan Geiger	4,824.25
120383	10/20/2023	General Fund - 101	Gila, LLC	47.15
120384	10/20/2023	General Fund - 101	Ryan F Giordana	47.00
120385	10/20/2023	General Fund - 101	Nelson Tactical	854.97
120386	10/20/2023	General Fund - 101	Jacci VandenHuevel	45.00
120387	10/20/2023	General Fund - 101	Kaylee Haring	200.00
120388	10/20/2023	General Fund - 101	Lisa Barr	50.00
120389	10/20/2023	General Fund - 101	Kaukauna Lion's Club	2,421.50
120390	10/20/2023	General Fund - 101	Maggie VanAbel	35.00
120391	10/20/2023	General Fund - 101	Julia Eissner	200.00
120392	10/20/2023	General Fund - 101	William Baehr	25.00
120393	10/20/2023	General Fund - 101	Craig Francois	250.00
00000074/1	10/27/2023	General Fund - 101	Wis. Dept. of Revenue - ACH PAYMENT	148.37

Check #	Date	Fund	Addressee	Absolute Value of Amount
00000077/1	10/27/2023	Nelson Crossing Fund - 224	Kaukauna Utilities	31.52
00000075/1	10/27/2023	Solid Waste - 220	Wis. Dept. of Revenue - ACH PAYMENT	65.99
00000076/1	10/27/2023	Industrial Park - 401	Kaukauna Utilities	47.49
00000078/1	10/27/2023	TID #5 Construction Fund - 465	Kaukauna Utilities	147.76
00000079/1	10/27/2023	Storm Water Utility - 601	Kaukauna Utilities	9.80
00000080/1	10/27/2023	Sanitary Sewer Utility - 602	Kaukauna Utilities	3,085.37
120398	10/27/2023	General Fund - 101	Amplitel Technologies LLC	9,748.78
120399	10/27/2023	General Fund - 101	Aramark Uniform	248.73
120400	10/27/2023	General Fund - 101	Bergstrom of Kaukauna	134.43
120401	10/27/2023	General Fund - 101	Berken Heating & Cooling, Inc	480.00
120402	10/27/2023	General Fund - 101	Bob & Dave's Lawn & Landscaping	460.00
120403	10/27/2023	General Fund - 101	Calumet County Treasurer	1,950.83
120404	10/27/2023	General Fund - 101	City Of Appleton	780.50
120405	10/27/2023	General Fund - 101	Dean Enterprises, LLC	167.50
120406	10/27/2023	General Fund - 101	Diddles Dairy LLC	120.00
120407	10/27/2023	General Fund - 101	Digisage	1,048.67
120408	10/27/2023	General Fund - 101	Elmstar Electric Corp.	3,665.69
120409	10/27/2023	General Fund - 101	Fox Cities P. A. C.	950.00
120410	10/27/2023	General Fund - 101	Fox Specialty Company LLC	38.62
120411	10/27/2023	General Fund - 101	Gracy's Auto Body & Little Chute Auto	2,999.05
120412	10/27/2023	General Fund - 101	Ingram	161.43
120413	10/27/2023	General Fund - 101	Jim Hungerford	115.00
120414	10/27/2023	General Fund - 101	John VanDrunen	794.85
120415	10/27/2023	General Fund - 101	Marco	948.51
120416	10/27/2023	General Fund - 101	Marcus Onkels	125.00
120417	10/27/2023	General Fund - 101	Midwest Workwear	345.49
120418	10/27/2023	General Fund - 101	Outagamie Waupaca Library System	315.00
120419	10/27/2023	General Fund - 101	Screening One, Inc.	122.10
120420	10/27/2023	General Fund - 101	von Briesen & Roper S.C.	252.00
120421	10/27/2023	General Fund - 101	Advanced Maintenance Solutions	1,687.85
120422	10/27/2023	General Fund - 101	DC Auto Repair, LLC	148.20
120423	10/27/2023	General Fund - 101	Lilia Villar	360.00
120424	10/27/2023	General Fund - 101	Courtney VanderHeiden	200.00
120425	10/27/2023	General Fund - 101	Gunderson Cleaners	14.49
120426	10/27/2023	General Fund - 101	ICMA	200.00
120427	10/27/2023	General Fund - 101	Eric Fischer	125.00
120428	10/27/2023	General Fund - 101	Xiomara Acosta	200.00
00000081/1	10/27/2023	General Fund - 101	Kaukauna Utilities	17,979.30
00000081/2	10/27/2023	General Fund - 101	Diversified Benefit Services, Inc (DBS) (ACH)	2,545.83
00000081/3	10/27/2023	General Fund - 101	Fire Association Local 1594	637.80
00000081/4	10/27/2023	General Fund - 101	Police Association	696.00
00000081/5	10/27/2023	General Fund - 101	Fire House Fund	336.00
00000081/6	10/27/2023	General Fund - 101	Pelion Benefits, Inc (SSA)	1,549.51
120395	10/27/2023	Public Protect & Safety Grant - 212	Advantage Police Supply Inc.	5,381.42
120397	10/27/2023	Storm Water Utility - 601	Automotive Supply Co	94.48
120394	10/27/2023	1000 Islands - 201	1000 Islands Environmental Center	250.00
120396	10/27/2023	Park & Pool Capital - 422	Parkitecture + Planning	4,659.60
120429	10/27/2023	General Fund - 101	Outagamie County Sheriff's Office	200.00
Total				2,005,639.51

PROCLAMATION

SHOP WISCONSIN DOWNTOWNS THIS HOLIDAY SEASON!

WHEREAS, the City of Kaukauna celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 33.2 million small businesses in the United States; and

WHEREAS, businesses of 500 employees or fewer make up 99.9% of all US businesses and 99.7% of firms with paid employees; and

WHEREAS, studies have found that for every \$1.00 spent at a local business, 67 cents is reinvested locally; and

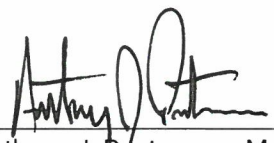
WHEREAS, supporting a local business secures jobs, boosts our local economy and preserves our communities. Small businesses employ 46.8% of the employees in the private sector in the United States; and

WHEREAS, local businesses need your support now. Your local businesses continue to provide safe options for online shopping, pick up, delivery and in person visits.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Anthony J. Penterman, Mayor of the City of Kaukauna, Wisconsin, do hereby proclaim, our community as an advocate for *Shop WI Downtowns* to make every day Small Business Saturday **AND** urge the residents of our community to *Shop Wisconsin Downtowns* and support Wisconsin's small businesses, artisans and craftspeople, and merchants, during this critical time and beyond.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the City of Kaukauna to be affixed this 21st day of November, 2023.

CITY OF KAUKAUNA



Anthony J. Penterman, Mayor



November 17, 2023



Mayor Penterman,

15 years ago I was working part-time at High Cliff State Park as an LTE in order to get a start in an environmental education career when the City of Kaukauna offered me a full-time position as the Naturalist at 1000 Islands. It has been 15 years of growth, change, struggles, and triumphs. I have put my all into building upon the Nature Center's strong history and have worked to consistently improve 1000 Islands so that it continues to be an asset that our residents can be proud of and brings non-residents into our City. Today I reflect back on everything that I, and the whole 1000 Islands team, have accomplished and can say that I am ready to move on to other opportunities knowing that the department will continue to be a great asset with the support of the City. I would like to formally offer my notice of resignation from the Director/Naturalist position. My last day with the City of Kaukauna will be Tuesday, December 26, 2023.

Thank you for the opportunities over these past years to grow into a leader and become more integrated with the rest of the City departments. There are many great people on staff here and it has been a pleasure to get to know them and share ideas. There are several working partnerships that I will truly miss. Over the next month, please let me know if there's anything that I can help with to make sure that this is a smooth transition.

I wish the best for the City of Kaukauna and hope to see it flourish in the years to come.

Sincerely,

Debra Nowak
Director/Naturalist

CC: 1000 Islands Environmental Center Committee
Shanon Swaney, Human Resources Director

BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chair Thiele on Monday, November 20, 2023 at 6:00 P.M.

Members present: Antoine, Coenen, DeCoster, Eggleston, Kilgas, Moore, Schell, and Thiele.

Also present: Mayor Penterman, Attorney Davidson, DPW/Eng. Neumeier, HR Dir. Swaney, Fire Chief Carrel, Street Sup. Van Gompel, Planner Stephenson, Police Chief Graff, Com. Enrich Serv. Dir. Vosters, Grignon Mansion Exec. Dir. Mickelson, and interested citizens.

1. Correspondence – none.

2. Discussion Topics.

a. Red Hills Landfill Update.

DPW/Eng. Neumeier provided information from Ahlstrom Munksjo on the Red Hills Landfill odor. Pictures of the paving project they were able to do with Thilmany Funds were shown. After receiving rain recently, the leachate levels remain normal. Staff is unaware of any complaints from residents. Discussion held and questions answered.

b. Outagamie County Highway Department Maintenance Agreement.

DPW/Eng. Neumeier stated that the Outagamie County Highway Department has introduced this concept of a maintenance agreement with area communities. This agreement lists who is responsible for each portion of the projects. This document is an introduction to a more formal agreement to come.

c. Proposed Parking Restrictions on Reaume Avenue - Hendricks Avenue to 5th Street.

The City was contacted by Valley Transit in regard to construction and residential parking on Reaume Avenue making navigation of Reaume Avenue near Hendricks Avenue difficult and dangerous. Staff installed temporary no parking signage at this location during our utility project to maintain a safe route for busses and other vehicles. The Engineering Department has reviewed the request and has observed traffic in the area. We are recommending that in addition to the existing no-parking along the north/west side of Reaume Avenue, that a no-parking area be designated along the south/east side along the curve. Questions from the Board were answered.

Motion by Moore, seconded by Antoine to direct the Engineering Department and City Attorney to draft the necessary ordinance to restrict parking on Reaume Avenue as shown and forward on to the Legislative Committee for consideration.

All Ald. vote aye.

Motion carried.

d. Intersection Study - Crooks Avenue (STH 55) at Ann Street

The Engineering Department has completed an intersection traffic study for Crooks Avenue (STH 55) at Ann Street. A request was made for traffic signals at this location. The city worked with East Central Wisconsin Regional Plan Commission to perform a traffic count using video equipment. Vehicle counts, turning movements, and pedestrian/bicycle use were all documented. Accident history for the intersection is also looked at as part of the study. All information is entered into a Wisconsin Department of Transportation (WisDOT) Traffic Signal Warrant Summary Worksheet. The worksheet uses the data to determine if any of the nine traffic signal warrants are met. After submitting the worksheet and data to WisDOT for review, it

has been confirmed that none of signal warrants are met at this time. Questions from the Board were answered.

e. Mini Golf Update.

Community Enrichment and Recreation Director Vosters has met with Vande Hey Company, Inc. to determine project scope and projected cost of a 9-hole mini golf course at the Aquatic Center site. Vande Hey Company stated to produce a 9-hole mini golf course would cost approximately \$350,000 - \$400,000. This cost was similar to Miron's original alternate bid to the Kaukauna Aquatic Center Renovation project of \$361,000. Staff is looking for direction from Council on whether or not to proceed with the mini golf project. Discussion was held and questions answered. Staff was directed to come back with a change order for adding 9-holes of mini golf back into the Aquatic Center project for consideration.

f. Pool Project Update.

Community Enrichment and Recreation Director Vosters provided an update on the pool project with pictures. Splash pad foundation, underground plumbing and electrical are done. The masonry and the building will begin next week as well as the shade structure foundation. The bath house underground plumbing and electrical is complete. The Pool Capital Campaign is moving forward. So far, \$845,000 in donations have been received. Discussion was held and questions answered.

g. Public Works Update.

DPW/Eng. Neumeier provided an update on City projects. Jonen park pavilion is moving along. The entire floor and plumbing are in. Vertical construction will begin soon. About a week ago Gertrude Street was closed down by Canadian National Railroad to fix the railroad crossing. The street will open back up on Wednesday, November 22. The Street Department was thanked for putting up the Christmas tree and extending leaf collection. Discussion held and questions answered.

3. Closed Session.

- a. Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session – Wayfinding Signs.**

Motion by Moore, seconded by Coenen to adjourn to closed session.
All Ald. voted aye.
Motion carried.

Moved to closed session at 6:44 p.m.

- b. Return to Open Session for possible action.**

Motion by Coenen, seconded by Eggleston to return to open Session.
All Ald. voted aye.
Motion carried.

Returned to Open Session at 7:18 p.m.

4. Adjourn.

Motion made by Moore, seconded by DeCoster to adjourn.

All Ald voted aye.
Motion carried.

Meeting adjourned at 7:19 pm.

Sally Kenney, Clerk

FINANCE AND PERSONNEL COMMITTEE

A meeting of the Finance and Personnel Committee was called to order by Chair Penterman on Monday, November 20, 2023, at 7:19 p.m.

Members present: Mayor Penterman, Antoine, Coenen, Eggleston, Moore, and Thiele.

Also present: Ald. Schell, Ald. Kilgas, Ald. DeCoster, Attorney Davidson, DPW/Eng. Neumeier, Fire Chief Carrel, HR Dir. Swaney, Planner Stephenson, Com. Enrich. & Rec. Dir. Vosters, Grignon Mansion Exec. Dir. Mickelson, Police Chief Graff, and interested citizens.

1. **Correspondence** - None.

2. **Discussion Topics.**

a. **Permission to fill Records Assistant position.**

HR Director Swaney stated TJ Domek, Records Assistant at the Police Department, has turned in official notice of her retirement. TJ has been with the department since 2017. Her last day of employment will be 2/5/2024.

Motion by Thiele, seconded by Coenen to authorize staff to fill a Records Assistant position due to retirement.

All members voted aye.

Motion carried.

b. **Permission to fill Patrol Officer position.**

HR Director Swaney stated Lieutenant Tom Bartolazzi has turned in official notice of retirement from his Lieutenant Investigator position at the Police Department. Lt. Bartolazzi has been with the Police Department since 1996. His last day will be 1/2/2024. Lt. Bartolazzi's retirement will create a Patrol Officer vacancy.

Motion by Antoine, seconded by Moore to authorize staff to fill a Patrol Officer vacancy due to retirement.

All members voted aye.

Motion carried.

c. **Permission to enter into agreement with MEUW.**

The City is currently utilizing Fox Valley Safety for safety services which includes safety training and compliance, safety audits and investigations, development of safety procedures, and safety consulting. The current annual fee for these services is \$29,772. Staff would like to end services with Fox Valley Safety effective 12/31/2023 and enter into an agreement with MEUW for the management of the City safety program effective 01/01/2024.

Motion by Eggleston, seconded by Antoine to authorize staff to enter into an agreement with MEUW for the management of the City Safety Program.

All members voted aye.

Motion carried.

d. **Ordinance Establishing Salary of the Mayor.**

The Mayor's annual salary is currently set at \$90,209. It is set to increase to \$92,915 annually, effective April 17, 2024, and increase to \$95,702 annually, effective April 16, 2025. These figures represent a 3% increment from previously established salaries and are in line with the budget allocations for the year 2024. The 2025 salary will be

incorporated into the subsequent budget planning cycle.

Motion by Thiele, seconded by Coenen to recommend and forward the Ordinance Establishing Salary of the Mayor to the Common Council for consideration.
Motion carried 5-ayes, 1-abstain.

e. Ordinance Establishing Salaries for Various Elected Officials.

The City Attorney is set to increase to \$111,215 annually, effective May 1, 2024, once the next City Attorney is elected. The City Judge is set to increase to \$12,636 annually, effective May 1, 2024, once the next City Judge is elected. These figures represent a 3% increment from previously established salaries and are in line with the budget allocations for the year 2024. These salaries are adjusted each year with the non representative rate as both roles are not in the position to present to council for a decision. Ald. Moore asked why these ordinances are done in different increments.

Motion by Moore, seconded by Coenen to recommend and forward the Ordinance Establishing Salary for various Elected Officials to the Common Council for consideration and get information on the Municipal Code.
All members voted aye.
Motion carried.

f. Wage Scale Update.

HR Dir. Swaney provided this information again because previously the position of Assistant Fire Chief in Training was omitted from the wage scale. No changes have been made other than adding this position.

3. Closed Session.

a. Adjourn to Closed Session Pursuant to State Statute 19.85(1)(c) to discuss employment, promotion, compensation or performance evaluation data of any public employee.

Motion by Moore, seconded by Coenen to adjourn to Closed Session Pursuant to State Statute 19.85(1)(c) to discuss employment, promotion, compensation or performance evaluation data of any public employee.
All Ald. voted aye.
Motion carried.

Adjourned to closed session at 7:32 p.m.

b. Return to Open Session for possible action.

Motion by Moore, seconded by Thiele to return to Open Session for possible action.
All members present voted aye.
Motion carried.

Returned to Open Session at 7:53 p.m.

Motion by Moore, seconded by Thiele to direct HR Director Swaney to engage a recruitment agency for the purpose of identifying and recruiting city positions.
All members voted aye.
Motion carried.

4. Adjourn.

Motion by Moore, seconded Coenen to adjourn.
All members voted aye.
Motion carried.

Meeting adjourned at 7:55 p.m.

Sally Kenney, Clerk

HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chair Kilgas on Monday, November 20, 2023 at 7:55 P.M.

Members present: Coenen, DeCoster, Kilgas and Schell.

Also present: Mayor Penterman, Ald. Antoine, Ald. Eggleston, Ald. Moore, Ald. Thiele, Attorney Davidson, DPW/Eng. Neumeier, Com. Erich. & Rec. Dir. Vosters, Grignon Mansion Exec. Dir. Mickelson, HR Dir. Swaney, Fire Chief Carrel, Police Chief Graff, Dir/Naturalist Nowak, and interested citizens.

1. Correspondence – None.

2. Discussion Topics.

a. Request from Grignon Mansion Executive Director Cassidy Mickelson for the use of Grignon Mansion Grounds and Lower Grignon Park and the temporary allowance of horses on December 2, 9 & 10, 2023.

Motion by Schell, seconded by Coenen to approve the Request from Grignon Mansion Executive Director Cassidy Mickelson for the use of Grignon Mansion Grounds and Lower Grignon Park and the temporary allowance of horses on December 2, 9 & 10, 2023.

All members voted aye.

Motion carried.

3. Adjourn.

Motion made by DeCoster, seconded by Coenen to adjourn.

All members voted aye.

Motion carried.

The meeting adjourned at 7:57 P.M.

Sally Kenney
Clerk

LEGISLATIVE COMMITTEE

A meeting of the Legislative Committee was called to order by Chair Coenen on Monday, November 20, 2023 at 7:58 P.M.

Members present: Coenen, Eggleston, Moore and Schell.

Also present: Mayor Penterman, Ald. DeCoster, Ald. Kilgas, Ald. Antoine, Ald. Thiele, Attorney Davidson, DPW/Eng. Neumeier, HR Dir. Swaney, Fire Chief Carrel, Police Chief Graff, Com. Enrich. Serv. & Rec. Dir. Vosters, Grignon Mansion Exec. Dir. Mickelson, Dir/Naturalist Nowak, and interested citizens.

1. Correspondence - None.

2. Discussion Topics.

a. Ordinance Repealing and Recreating 17.07 Floodplain Zoning Ordinance.

Motion by Moore, seconded by Eggleston to forward this ordinance on to the Common Council for approval.

All members voted aye.

Motion carried.

b. Resolution Directing the 1000 Islands Committee to update their Endowment Policy to match the Language of the Community Foundation.

Director/Naturalist Nowak provided background information on consideration of this update.

Motion by Moore, seconded by Eggleston to forward Resolutions 2023-5409 and 2023-5410 on to the Common Council for approval.

All members voted aye.

Motion carried.

Motion by Moore, seconded by Eggleston to amend prior motion to forward Resolution 2023-5409 and recommend the same to the Common Council.

All members voted aye.

Motion carried.

c. Resolution directing the 1000 Islands Committee to transfer Funds on existing CDS to the Community Foundation.

Motion by Moore, seconded by Schell to forward Resolution 2023-5410 on to the Common Council for approval.

All members voted aye.

Motion carried.

d. Resolution amending Equivalent Runoff Unity (ERU) charges for Stormwater Utility.

Motion by Moore, seconded by Eggleston to forward this resolution and recommend the same to the Common Council for approval.

All members voted aye.

Motion carried.

3. Adjourn.

Motion by Moore, seconded by Eggleston to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 8:13 p.m.

Sally Kenney, Clerk

PUBLIC PROTECTION AND SAFETY COMMITTEE

A meeting of the Public Protection and Safety Committee was called to order by Chair DeCoster on Monday, November 20, 2023 at 8:15 P.M.

Members present: Antoine, DeCoster, Kilgas, Thiele.

Also present: Mayor Penterman, Ald. Coenen, Ald. Eggleston, Ald. Moore, Ald. Schell, DPW/Eng. Neumeier, Attorney Davidson, Fire Chief Carrel, HR Dir. Swaney, Police Chief Graff, and interested citizens.

1. **Correspondence** - None.

2. **Discussion Topics.**

a. Crossing Guard at Lawe Street and Delanglade Street.

Police Chief Graff stated he is proposing we eliminate the crossing guard at Lawe Street and Delanglade Street. The intersection of Lawe Street and Delanglade is a controlled intersection, which means there are stop lights and cross walk signals. This intersection is much like the intersection of Crooks Avenue and Second Street where we do not have a crossing guard. At the start of this school year, the Kaukauna Area School District changed their bussing radius from 1 mile to 2 miles. Before making a change at this intersection, I wanted to see if the new bussing regulations affected the foot traffic at this intersection. With the new bussing regulations, we are seeing less children using this crossing point than the year before. Discussion was held and questions answered.

Motion by Thiele, seconded by Antoine to eliminate the crossing guard at the intersection of Lawe Street and Delanglade Street.

All members voted aye.

Motion carried.

3. **Adjourn**

Motion by Thiele, seconded by Kilgas to adjourn.

All members voted aye.

Motion carried.

Meeting adjourned at 8:20 p.m.

Sally Kenney, Clerk

PLAN COMMISSION

City of Kaukauna
Council Chambers
 Municipal Services Building
 144 W. Second Street, Kaukauna



Thursday, October 19, 2023 at 4:00 PM

MINUTES

1. Roll Call.

Members present: Michael Avanzi, Giovanna Feller, DPW John Neumeier, Mayor Tony Penterman, Pennie Thiele

Member(s) absent: John Moore, Ken Schoenike

Other(s) present: Associate Planner Lily Paul, PCDD Joe Stephenson, Dave Stubbs Keller Inc.

Thiele made a motion to excuse the absent members. Avanzi seconded the motion. The motion passed unanimously.

2. Approval of Minutes.

- a. Approve Minutes from October 5, 2023 meeting

Feller made a motion to approve the minutes from October 5, 2023 meeting. Neumeier seconded the motion. The motion passed unanimously.

3. New Business.

- a. Site Plan Review - Berker's Dental & Brain Balance Addition - 1403 Arbor Way

AP Lily presented a 2,452 square foot addition for Brain Balance onto Berkers Family Dentistry building in Commerce Crossing. The addition will match the existing building. It will add multiple work rooms, offices and a restroom for the business. The parking will be expanded to add 32 extra parking spots. Lighting and landscaping are all adequate, just need plans to keep on file. A new façade ordinance does require 10% of public facing walls to obtain masonry finishing. Since there is a substantial addition to the building, the current building and addition need to meet this code. Dave Stubbs from Keller Inc, agent for the owner, inquired if there can be an exception for the facade. Unfortunately, the code language does not allow that and the commission does not hold the power to do so. Variances can be requested from the Zoning Board of Appeals, but since this is not a hardship, staff would not be in favor of approving the variance.

Neumeier made a motion to approve the site plan for Berkers Dentistry & Brain Balance with the following conditions:

- Storm water and Erosion control permits are obtained from Engineering Dept. before building permits are issued
- Landscaping plan is provided
- Lighting plan is provided
- Façade requirements are met

Feller seconded the motion. The motion passed unanimously.

4. Other Business.

There was no other business.

5. Adjourn.

Avanzi made a motion to adjourn the meeting. Thiele seconded the motion. The motion passed unanimously. Meeting adjourned at 4:15 PM.

INDUSTRIAL PARK COMMISSION

City of Kaukauna
Hydro View Room
 Municipal Services Building
 144 W. Second Street, Kaukauna



Wednesday, August 16, 2023 at 3:00 PM

MINUTES

1. Roll Call.

Members present: Ryan Gaffney, Scott Jerome, Nick Rieth, Glenn Schilling, John Sundelius, Mike VandeBerg

Member(s) absent: Tony Nytes, Michael Avanzi

Other(s) present: Associate Planner Lily Paul, PCDD Joe Stephenson, DPW John Neumeier

Schilling made a motion to excuse the absent member(s). Rieth seconded the motion. The motion passed unanimously.

2. Approval of Minutes.

a. Approve Minutes from August 2, 2023 Meeting

Rieth made a motion to approve the minutes from August 2, 2023 meeting. Gaffney seconded the motion. The motion passed unanimously.

3. New Business.

a. Site Plan Review - Straightline Refrigeration; Lots 12 & 13 of NEW Prosperity Center

AP Lily presented the site plan for Straightline Refrigeration on Lots 12 & 13 in NEW Prosperity Center. The site was granted a break from the covenants to utilize zoning code setback requirements. A variance was still obtained to lessen the setback to 20 feet. The landscaping will need to be worked on considering the smaller front yard setback and utility easements. Everything else on the site plan meets the requirements.

Schilling made a motion to approve the site plan for Straightline Refrigeration and recommend the same to Plan Commission with the following conditions:

- Prior to issuance of building permits, must obtain stormwater and erosion control permits from the Engineering Department
- Provide documentation of wetland permitting

VandeBerg seconded the motion. The motion passed unanimously.

4. Other Business.

There was no other business.

5. Adjourn.

Sundelius made a motion to adjourn the meeting. Jerome seconded the motion. The motion passed unanimously. Meeting adjourned at 3:13 PM.

REDEVELOPMENT AUTHORITY OF THE CITY OF KAUKAUNA

City of Kaukauna
Council Chambers
 Municipal Services Building
 144 W. Second Street, Kaukauna



Monday, October 16, 2023 at 10:00 AM

MINUTES

1. Roll Call.

Members present: Paul Hennes, Karl Kilgas, John Moore, Julie Schroeder

Members absent: Heather Hayes, Quin Lenz, Nicci Sprangers

Other(s) present: AP Lily Paul, PCDD Joe Stephenson

Moore made a motion to excuse the absent members. Kilgas seconded the motion. The motion passed unanimously.

2. Approval of Minutes

a. Approve Minutes from July 27, 2023 Meeting

Hennes made a motion to approve the meeting minutes from July 27, 2023 meeting. Kilgas seconded the motion. The motion passed unanimously.

3. New Business.

a. Renew Kaukauna Grant Application Review - 140 E 2nd St

This application is for the Exterior Renovation section of the Renew Kaukauna Grant. Brian and Ellen Hubers, owners, are going to redo the façade completely and install new commercial store front windows. The main level of the building will be finished with a veneer stone. Currently the estimates for the rest of the siding show a sheet metal siding, which is not an approved material. The grant can be approved in 2 parts – the windows and veneer first. Then when a new estimate for an approved siding material is complete, the grant can be approved for the rest of the façade. Total cost of the project is \$19,517 and the eligible forgivable loan amount is \$9,758.50. These numbers will be adjusted with the updated siding estimate.

b. Renew Kaukauna Grant Application Review - 144 E 2nd St

Flow Family Chiropractic has submitted a beautification grant application for a projecting sign above the business. The sign is 22 inches by 22 inches and the total cost is \$275. The applicant is eligible for complete reimbursement of the sign.

4. Closed Session.

- a. Adjourn to Closed Session per Wisconsin State Statute 19.85(1)(e) to discuss the disposition of public funds - 140 E 2nd Street

Hennes made a motion to adjourn into closed session. Schroeder seconded the motion. The motion passed unanimously. Meeting adjourned to closed session at 10:17 AM.

- b. Return to Open Session for possible action

Schroeder made a motion to return to open session. Hennes seconded the motion. The meeting returned to open session at 10:37 AM.

Schroeder made a motion to approve the first phase of the façade renovation at 140 E 2nd Street for reimbursement of \$3,196 which includes the commercial window and stone work. There will be no reimbursement for any phase of the project until a new siding estimate is approved. Kilgas seconded the motion. The motion passed unanimously.

- c. Adjourn to Closed Session per Wisconsin State Statute 19.85(1)(e) to discuss the disposition of public funds - 144 E 2nd Street

Hennes made a motion to adjourn into closed session. Schroeder seconded the motion. The motion passed unanimously. Meeting adjourned to closed session at 10:17 AM.

- d. Return to Open Session for possible action

Schroeder made a motion to return to open session. Hennes seconded the motion. The meeting returned to open session at 10:37 AM.

Schroeder made a motion to approve the projecting sign at 144 E 2nd Street and provide full reimbursement of \$275 upon installation of the sign. Hennes seconded the motion. The motion passed unanimously.

5. Other Business.

There was no other business.

6. Adjourn.

Hennes made a motion to adjourn the meeting. Kilgas seconded the motion. The motion passed unanimously. Meeting adjourned at 10:43 AM.

Minutes for 1000 Islands Environmental Center Committee Meeting on Thursday, October 19, 2023

Members Present: Breitzman, Eggleston, Hietpas, Jakel, Manion, Pautz, and Van Berkel and White

Not Present: N/A

Also Present: Debra Nowak and Maureen Feldt

Chair, Pautz called the October Committee Meeting to order at 6:30 PM. A quorum is present.

September 21, 2023 Committee Meeting Minutes

Van Berkel made a motion to waive the reading of the minutes and approve the September 21, 2023, Committee Meeting minutes with the correct spelling of *Ahlstrom* (again). Seconded by Hietpas. Motion carried.

Public Appearances: None

September Financial Report

Discussion on Temporary Payroll and Auto Maintenance expenditures. Van Berkel made a motion to approve the September Financial Report. Seconded by Manion. Motion carried.

Correspondence

Memorials Received: \$650 from the Steve Houston Bass Tournament, \$20 in memory for Brian Freund and \$150 in memory of Nancy Green.

Donation of honey to sell in the Gift Shop from Brian Jacobs for having the bee hives on-site and Don Verhagen donated fishing rods and reels.

Cash donation of \$375 from David Langner and Eagle Graphics donated \$50 from our on-line Goat t-shirt sales.

Note from a Focus on the Fox volunteer sharing very positive feedback she received and that it was a wonderful community event.

Friends of 1000 Islands Report

The Friends met on Monday and they continued discussions about their financial accounts and increasing their CD returns. The Annual Meeting is on Sunday, January 14 at 1:00 PM and all are welcome.

Naturalist's Report

Thanks to Penni Pautz for calling pharmacies to get EpiPens for the Nature Center. We worked with Smith Pharmacy to obtain two EpiPens; one adult dose and one child dose.

White made a motion to accept the September Naturalist's Report and place it on file. Seconded by Hietpas. Motion carried.

Third Quarter Report: A very busy summer with many field trips and public programs. Our Service Saturday numbers were lower than anticipated, but we accomplished more than if we did not have any volunteers. We will continue with Service Saturdays next year and increase promotions. Eggleston made a motion to accept and place on file the Third Quarter Report. Seconded by Jakel. Motion carried.

Admin and Finance Sub-Committee

Pautz made a motion to receive and place on file the October 2, 2023, Admin and Finance Sub-Committee meeting minutes. Seconded by Eggleston. Motion carried.

Resolution 5397: Manion made a motion that the Committee approve Resolution 5397, forward it to the City Attorney for review, approval and present it to the City Council for final approval. Seconded by Van Berkel. Motion carried.

Resolution 5398: Eggleston made a motion that the Committee approve Resolution 5398, with "the funds" replacing "they" in the second WHEREAS, forward it to the City Attorney for review, approval and present it to the City Council for final approval. Seconded by Jakel. Motion carried.

Policy 3.002 Operational Policy: Van Berkel summarized the changes made to the policy to coincide with Resolution 5397 and 5398. Van Berkel made a motion that the Committee approve revised Policy 3.002, forward it to the City Attorney for review, approval and present it to the City Council for final approval. Seconded by Jakel. Motion carried.

Pautz thanked the Admin and Finance Sub-Committee for the time they took to complete these Resolutions and the Policy update.

Education Sub-Committee: Nothing to report.

Buildings and Grounds Sub-Committee: Nothing to report.

Old Business

Replacement for Sue Gertz on the Committee: Charles West, a KASD Board Member, has replaced Gertz with Council approval on Tuesday, October 17.

Kym Carlson also resigned from the Committee. Nowak will work with the mayor to find a qualified replacement.

New Business

Nomination of Chair: Jakel nominated Pautz to be Chair for another year. Seconded by White. Motion carried.

Nomination of Vice-Chair: Manion nominated White to be Vice-Chair for 2023-2024. Seconded by Pautz. Motion carried.

Jakel made a motion to dispense the Thursday, December 21, 2023, Committee Meeting. Seconded by Van Berkel. Motion carried.

Good for the Center: Nothing to report.

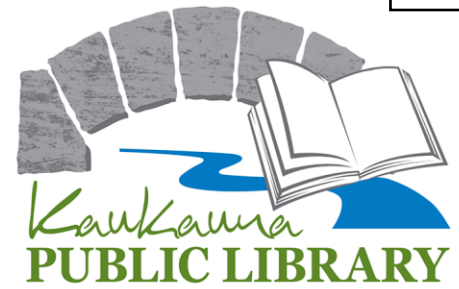
Next Committee Meeting

The next Committee Meeting will be on Thursday, November 16, 2023, at 6:30 PM in the Nature Center building.

Adjournment

There being no further business, Manion moved to adjourn the October 19, 2023, Committee Meeting at 7:45 PM. Seconded by Jakel. Motion carried.

Maureen Feldt,
Acting Secretary



LIBRARY BOARD MEETING MINTUES

City of Kaukauna

Kaukauna Public Library

207 Thilmany Rd STE 200, Kaukauna

Tuesday, September 26, 2023 at 5:30 PM

Library Board Room In-Person & Zoom Teleconference Hybrid Meeting

1. Call meeting to order
 - a. The meeting was called to order at 5:33p.
2. Roll call of membership
 - a. Present: C. Fallona, J. Lucas, M.J. Kilgas, C. Van Boxtel, A. Neumeier, K. Hietpas, A. Schneider, J. Van De Hey, J. Vondracek
3. Approval of minutes from previous meeting
 - a. Tuesday, August 22, 2023 Meeting Minutes
 - b. C. Fallona made a motion to approve the Tuesday, August 22, 2023 Meeting Minute, seconded by A. Neumeier. Motion carries; all in favor.
4. Public Participation and Communications
 - a. A. Thiem-Menning showed a thank you letter from Mile of Music for library volunteers.
5. Action Items
 - a. Bill Register August 2023
 - b. C. Van Boxtel made a motion to approve the Bill Register August 2023, seconded by J. Vondracek. Motion carries; all in favor.
 - c. Meeting Room Policy Update
 - i. A. Neumeier made a motion to approve the Meeting Room Policy Update, seconded by K.Hieptas. Motion carries; all in favor.
 - d. Collection Development Policy Update
 - i. C. Fallona made a motion to adopt the Collection Development Policy Updates with the addition of the sentence: "The selection of an item does not imply the library's endorsement of the opinions expressed by its creator, nor does the failure to purchase an item imply library disapproval of those opinions," seconded by A. Neumeier. Motion carries; all in favor.
 - e. Privacy Policy Update
 - i. A. Neumeier made a motion to adopt the Privacy Policy Update, seconded by C. Van Boxtel. Motion carries; all in favor.
 - f. Adopt 2024 Goals
 - i. J. Lucas made a motion to approve to 2024 goals, seconded by K. Hietpas. Motion carries; all in favor.
6. Information Items
 - a. Directors Report

- i. A. Thiem-Menning gave an overview of the draft library non-personnel budget.
- b. Adult Services Librarian Report
- c. Youth Services Librarian Report
 - i. Youth Services Librarian S. Wroblewski stopped into the meeting to share with the Board what she learned about neural coupling and how it related to literacy.
- d. Trustee Topic 9
 - i. The topic this month was on managing the library's money.
- e. Statistics
 - i. A. Thiem-Menning noted that the negative in the youth programming attendance category is because we have to track a general audience now per the state, which is where we place multi-generational programs.
 - ii. J. Vondracek made a motion to place the reports on file, seconded by J. Van De Hey. Motion carries; all in favor.
- 7. Adjournment
 - a. The meeting adjourned at 6:56p.

Join Zoom Meeting

<https://us06web.zoom.us/j/82072169200>

Meeting ID: 820 7216 9200

One tap mobile

+13092053325,,82072169200# US



MINUTES

HEART OF THE VALLEY METROPOLITAN SEWERAGE DISTRICT REGULAR MEETING HELD ON **OCTOBER 10, 2023** AT THE HEART OF THE VALLEY MSD MEETING ROOM

Members Present: David Casper - President
Bruce Siebers - Vice President
Patrick Hennessey - Secretary
John Sundelius - Commissioner
Kevin Coffey - Commissioner

Absent: None

Also Present: Brian Helminger - District Director HOVMSD
Dawn Bartel - Office Manager HOVMSD
Kevin Skogman - Director of O&M HOVMSD
Mike Gerbitz - Donohue & Associates
Scott Schramm - Strategic Municipal Services
John Neumeier - City of Kaukauna

1. 5:00 p.m. Call to Order – Roll Call

President Casper called the meeting to order at 5:00 PM.

2. Public Appearances

No appearances were made.

3. Approval of the Minutes of the September 12, 2023 Regular Meeting

The minutes of the September 12, 2023 Regular Meeting were presented to the Commission. A motion was made by Commissioner Coffey and seconded by Commissioner Siebers to approve the minutes as written. Motion carried unanimously. The minutes were reviewed and pre-approved by Secretary Hennessey.

4. Correspondence

There was no correspondence for commission discussion.

5. General Discussion Items

A. Public Hearing for the Adoption of the 2024 Budget & Rate Charge Parameters

A motion was made by Commissioner Casper and seconded by Commissioner Hennessey to enter into a Public Hearing. Motion carried.

The Public Hearing was officially noticed and published in the Appleton Post Crescent/Gannett on 9/17/2023. Hearing no comments from the audience and receiving no written correspondence, a motion was made by Commissioner Casper and seconded by Commissioner Siebers to close the Public Hearing. Motion carried.

A motion was made by Commissioner Siebers and seconded by Commissioner Hennessey to adopt the 2024 Budget as presented in the amount of \$7,569,533 with the rate charge parameters as follows: Flow \$0.717/1000 gallons; BOD \$0.176/pound; Suspended Solids \$0.243/pound; Phosphorus \$6.617/pound; Ammonia \$1.102/pound; and Chlorides \$0.002/pound. A roll call vote was taken: Commissioner Casper, yes; Commissioner Sundelius, yes; Commissioner Hennessey, yes; Commissioner Coffey, yes; and Commissioner Siebers, yes. Motion carried unanimously. The 2024 operating budget reflects an 8.06% increase from 2023.

B. Interceptor Rehabilitation Project - Monthly Activity Report

Scott Schramm of Strategic Municipal Services provided a detailed activity/progress summary for September and reviewed memorandums dated 10/2/2023 and 10/10/2023. The ITA and PERF have been resubmitted on behalf of the District. The Memorandums of Understanding are still needed from the communities by year end. Scott will be giving a progress update at the community meeting on November 2nd.

C. Draft Contract from Strategic Municipal Services for Construction & Observation

Scott Schramm of Strategic Municipal Services provided a draft construction related services agreement for the interceptor rehabilitation project. The agreement details the general scope of services including contract administration & progress meetings, public finance advisement and Clean Water Fund loan submittals, staking, site observation & construction inspection, and final documentation. After a review, the commission directed Scott to provide a scope of services contract with costs for consideration at the November commission meeting.

D. Adoption of Resolution #205; District Intent to file applications for financial assistance from the State of Wisconsin Environmental Improvement Fund related to Clean Water Funding for Interceptor Rehabilitation, and Identifying Authorized Representatives

A motion was made by Commissioner Coffey and seconded by Commissioner Sundelius to adopt Resolution #205 confirming project intent, and appointing the District Director, Office Manager, and Scott Schramm of Strategic Municipal Services as the authorized representatives of the District for the purpose of filing applications for financial assistance from the State of Wisconsin Environmental Improvement Fund-Clean Water Fund for interceptor rehabilitation. A roll call vote was taken: Commissioner Casper, yes; Commissioner Coffey, yes; Commissioner Siebers, yes; Commissioner Sundelius, yes; and Commissioner Hennessey, yes. Motion carried unanimously.

E. Effluent Filtration Project - Monthly Activity Report

The Commission received a project status report from Donohue detailing construction activities and progress photos from August 27 - September 30, 2023. Progress is on schedule with start-up planned for February 2024. Curbing and asphalt will take place next week.

F. Hauled Waste Receiving Station - Discussion & Possible Action

This topic will be discussed at the November commission meeting when cost estimates are received by CD Smith.

G. 2022 Clearwater Draft Report – Mike Gerbitz of Donohue & Associates

There was consensus to hold a special meeting on Monday, October 16th at 9 AM to review and discuss the draft of the clearwater reduction model/report which will be presented at the community meeting on Thursday, November 2nd.

H. FOG Program - Monthly Activity Report

John Stoeger of Stoeger & Associates provided a written fats, oil, and grease update by community, including a grease trap inspection report and site visit correspondence. The Commission also received an itemized copy of the September 2023 invoice.

I. Site Remediation Update

SEH is in the process of completing the site report for submission to the DNR. The report is not yet completed or had final review.

J. Leonard & Finco - Monthly Activity Report

Leonard & Finco provided a written monthly update of projects completed in September as well as a list of ongoing and upcoming tasks for October & November which include social media posts, website updates, text for construction site signage, and a draft letter to the riverfront homeowners. Leonard & Finco will be giving a presentation at the community meeting on Thursday, November 2nd.

K. Employee Handbook Update - Discussion & Possible Action

The Commission was provided benefit information from other utilities as a comparison to language in the current Employee Handbook. After a discussion, a motion was made by Commissioner Coffey and seconded by Commissioner Siebers to accelerate the vacation schedule as presented, increase the sick leave accumulation days to 150 and the payout percentage to 100% with a 10-year service requirement for all employees, and to increase the HRA funding from \$300 single and \$600 family to \$600/\$1200. A roll call vote was taken: Commissioner Casper, yes; Commissioner Coffey, yes; Commissioner Siebers, yes; Commissioner Sundelius, yes; and Commissioner Hennessey, yes. Motion carried unanimously.

L. Election of Officers - President, Vice President, and Secretary

Commissioner Casper made a motion to maintain the incumbents for positions of President, Vice President, and Secretary. The motion was seconded by Commissioner Sundelius. A roll call vote was taken: Commissioner Casper, yes; Commissioner Sundelius, yes; Commissioner Siebers, yes; Commissioner Coffey, yes; and Commissioner Hennessey, yes. Motion carried unanimously. Commissioner Dave Casper will continue the position as President; Commissioner Bruce Siebers as Vice President, and Commissioner Pat Hennessey as Secretary.

M. Motion for Appointment of Official Newspaper

A motion was made by Commissioner Hennessey and seconded by Commissioner Casper to appoint the Appleton Post Crescent/Gannett Newspaper as the official newspaper of the Heart of the Valley MSD. A roll call vote was taken: Commissioner Casper, yes; Commissioner Coffey, yes; Commissioner Sundelius, yes; Commissioner Siebers, yes; and Commissioner Hennessey, yes. Motion carried unanimously.

N. Adoption of Resolution #206 - Appointment of Public Depositories

A motion was made by Commissioner Siebers and seconded by Commissioner Coffey to adopt Resolution #206 listing the public depositories for the Heart of the Valley Metropolitan Sewerage District. A roll call vote was taken: Commissioner Casper, yes; Commissioner Coffey, yes; Commissioner Sundelius, yes; Commissioner Siebers, yes; and Commissioner Hennessey, yes. Motion carried unanimously.

6. Plant Reports for July 2023

A. Flows & Revenues Report

The Commission received a copy of the hydraulic & organic loadings data, along with flow & strength projections, which shows the year-to-date surplus/deficit in revenue for the month of September 2023. Revenue received from the WPS-Fox Energy Center for effluent purchased in September = \$12,558.45; Revenue received to date for 2023 = \$131,801.00. WPS-Fox Energy purchased 49% of the effluent produced in September.

The average effluent concentrations for **September 2023** were as follows:

<i>Parameter</i>	<i>Monthly Average</i>	<i>Permit Limit</i>
BOD-Biochemical Oxygen Demand	11.7 mg/L	30 mg/L
Suspended Solids	26.7 mg/L	30 mg/L
Suspended Solids	571 lbs.	801 lbs.
Phosphorus	.62 mg/L	1.0 mg/L
Ammonia	.60 mg/L	4.4 mg/L
Chlorides	835 mg/L	n/a

All permit values were met for September 2023.

B. Operations & Maintenance Report

Kevin Skogman, Director of Operations & Maintenance, provided a written O&M report on plant operations for September. Kevin noted that bio-solids hauling is complete with a total of 4.6 million gallons applied. A new biostyr blower has been ordered; the cost of the new blower was less than a rebuild. The heat sink fan retrofit kit for turbine pump #1 VFD has been installed and back in operation.

7. Financials

A. October 2023 Accounts Payable; Action for Approval

After a review of the bills payable, a motion was made by Commissioner Casper and seconded by Commissioner Coffey to approve payment of the bills in the amount of \$1,154,649.39. A roll call vote was taken: Commissioner Casper, yes; Commissioner Coffey, yes; Commissioner Sundelius, yes; Commissioner Siebers, yes; and Commissioner Hennessey, yes. Motion carried unanimously. The Commission signed the check voucher register which includes general, pre-paid, and petty cash checks.

B. Budget Comparison Report

The Commission received a Budget Comparison Report, along with a verbal explanation of exceedances.

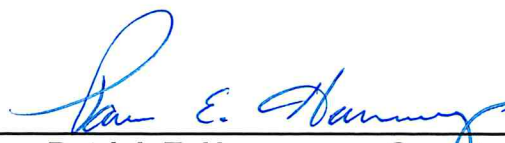
8. General Old or New Business

- *Sedimentation Basin*: The final DNR inspection will be on October 17, 2023.
- *WWOA Annual Conference*: The technical session on MIC and the interceptor rehab project will be on Thursday, 10/26, presented by District Director Helminger and Scott Schramm of Strategic Municipal Services.
- *Kaukauna Utilities Softening Options*: District Director Helminger informed the commission of a meeting with Kaukauna Utilities on 9/25/2023 regarding options for future water supply and centralized softening.
- *HOVMSD Property Acquisition*: A 2025 Town of Buchanan road project will require acquisition of approximately .2 acres from HOV due to minor changes in the road right of way.

9. Adjournment

With no further business before the Commission, a motion was made by Commissioner Sundelius and seconded by Commissioner Coffey to adjourn the meeting. Motion carried unanimously. (Time: 7:05 PM)

SIGNED & APPROVED BY:



Patrick E. Hennessey, Secretary

MINUTES

HEART OF THE VALLEY METROPOLITAN SEWERAGE DISTRICT SPECIAL MEETING HELD ON OCTOBER 16, 2023 AT THE HEART OF THE VALLEY MEETING ROOM

Members Present: David Casper - President
Bruce Siebers - Vice President
Patrick Hennessey - Secretary
John Sundelius - Commissioner
Kevin Coffey - Commissioner

Absent: None

Also Present: Brian Helminger - District Director HOVMSD
Dawn Bartel - Office Manager HOVMSD
Kevin Skogman - Director of Operations & Maintenance HOVMSD
Chad Giackino - Regulatory Compliance Manager HOVMSD
John Neumeier - City of Kaukauna

1. 9:00 AM. Call to Order – Roll Call

President Casper called the meeting to order at 9:00 AM.

2. 2022 Clearwater Draft Report – Review & Discussion

The Commission reviewed the Inflow Reduction Model Update from Donohue & Associates dated September 2023. There was consensus to direct Donohue to revise and simplify the document to make it less technical and easier to understand. The suggested modifications will be incorporated into the message for presentation at the November 2, 2023 community meeting.

3. General Old or New Business

District Director informed the Commission of the PSC's records request.

4. Adjournment

With no further business before the Commission, a motion was made by Commissioner Sundelius and seconded by Commissioner Coffey to adjourn the meeting. Motion carried unanimously. (Time: 9:59 AM)

SIGNED & APPROVED BY: _____


Patrick E. Hennessey, Secretary

MINUTES

HEART OF THE VALLEY METROPOLITAN SEWERAGE DISTRICT SPECIAL COMMUNITY MEETING HELD ON NOVEMBER 2, 2023 AT THE VILLAGE OF KIMBERLY

Members Present: David Casper - President
Bruce Siebers - Vice President
Patrick Hennessey - Secretary
Kevin Coffey - Commissioner
John Sundelius - Commissioner

Absent: None

Also Present: Brian Helminger - District Director HOVMSD
Kevin Skogman - Director of Operations & Maintenance HOVMSD
Dawn Bartel - Office Manager HOVMSD
Dustin Jerabek - Plant Foreman HOVMSD
Scott Schramm - Strategic Municipal Services
John Neumeier - City of Kaukauna
Cathy VanderZanden - Village of Combined Locks
Ryan Swick - Village of Combined Locks
Bruce Corning - Darboy Sanitary District
Chris Christenson - Leonard & Finco
Katie Flanigan - Leonard & Finco
John McDonald - Village of Little Chute
Jasen Surin - Village of Little Chute
Lee Hammen - Village of Kimberly Trustee
Mary Jo Kilgas - City of Kaukauna Council
Mike Gerbitz - Donohue & Associates
Mike Hruzek - Village of Kimberly Trustee

1. 12:00 Noon. Call to Order – Roll Call

President Casper called the meeting to order at 12:00 Noon.

2. Introduction – District Director Brian Helminger

District Director Helminger welcomed the group to the second District member community meeting for 2023.

The meeting presenters were introduced; Mike Gerbitz of Donohue, Scott Schramm of Strategic Municipal Services, Chris Christenson & Katie Flanigan of Leonard & Finco, and John Stoeger of Stoeger & Associates. He then reminded the audience that HOVMSD

agendas, supporting materials, meeting minutes and current project updates are available on the District website at hvmsd.org.

3. HOVMSD Updates – District Director Brian Helminger

District Director Helminger noted that the 2024 budget has been approved and rate parameter information has been sent to the communities. Community CMOM reports for 2022 are due this month. Helminger also talked about flows & loadings to the plant and connections for 2022 and 2023.

4. Clearwater Progress / I&I – Mike Gerbitz of Donohue & Associates

Mike Gerbitz of Donohue introduced the concepts and improved technology of the new software model for the clearwater reduction program which provides more actionable, quantitative data compared to the original analysis method. Mike talked about the difference between stormwater and wastewater, infiltration and inflow, and how each affects the capacity of the collection system along with the costs to the individual communities. Mike then showed slides with individual community data for average dry weather flow and average peak wet weather flows as well as data from blending events.

5. Disc Filter Project Update

District Director Helminger updated the group on the progress made on the effluent filtration project. Initial start-up and testing is expected in February 2024 with final completion and project close out mid-year 2024. Once in operation, the District is planning on hosting an open house for the public and member community staff & leadership.

6. Interceptor Rehab Project Update – Scott Schramm of Strategic Municipal Services

Schramm of Strategic Municipal Services updated the communities on the progress of the interceptor rehabilitation project. At the August 8, 2023 commission meeting, Visu Sewer of Pewaukee was awarded the contract at a cost of \$18,148,027. Next steps in the process include final review and execution of MOU's, and pre-construction conferences, with river access prep work starting this winter and project kick off in spring of 2024.

7. Outreach & Communications – Chris Christenson of Leonard & Finco

Chris Christenson gave an update on the community outreach communications plan. Social media posts and website updates have been drafted for the communities and HOV to post on their websites. Additional posts will continue to be provided more frequently as the interceptor project gets closer. Affected stakeholders in close proximity to work areas will be receiving informational letters in the near future and door hangers alerting them of construction starting in advance of contractors arriving. Leonard & Finco will be reaching out to Kaukauna and Little Chute to discuss signage in their communities for work areas, parks, and walking trails.

8. FOG Program Update – John Stoeger of Stoeger & Associates

John Stoeger gave an update on the FOG Program which is going well. He also encouraged the community members to notify him when a new business comes into their community, closes, or changes ownership.

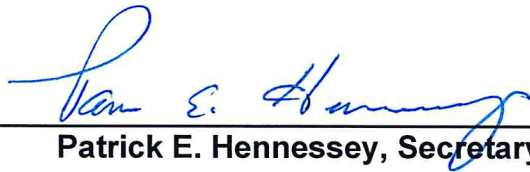
9. General Old or New Business

The next community meeting will be spring of 2024.

10. Adjournment

With no further business before the Commission, a motion was made by Commissioner Sundelius and seconded by Commissioner Coffey to adjourn the meeting. Motion carried unanimously. (Time: 1:42 PM)

SIGNED & APPROVED BY:



Patrick E. Hennessey, Secretary

November 21, 2023

The following applicants have applied for an operator's license for the license year **2022-2024** and have been recommended for approval based on their record check by the police department:

Bervers	Isaac	R.	903 ½ Oviatt St.	Kaukauna
Birky	Zachary	D.	512 Idlewild St.	Kaukauna
Boldt	Ashley	A.	826 E. 1 st St.	Kimberly
Bolzenthall	Shanda	L.	228 W. 12 th St. Apt. 1	Kaukauna
Collingwood	Paul	D.	134 Sarah St.	Kaukauna
Creapeau	Rose	G.	204 Depot St.	Kaukauna
Hookenson	Tiffany	S.	219 W. 3 rd St.	Kaukauna
McCall	Kristopher	M.	960 W. Florida Ave.	Little Chute
Mrotek	Shane	H.	104 E. 5 th St.	Kaukauna
Smith	Guinevere	K.	654 Fern St.	Kaukauna
Tanner	Mary	T.E.	655 Trumpeter Trail	De Pere
VanLankveldt	Nicholas	B	400 Kadinger Way	Little Chute
Wiegert	Kari	L.	410 E. Kimberly Ave. Apt. B	Kimberly

Kaukauna Fire Department

Fire Report -October 2023

Item 7.a.

Incident Type: Fire

Code - Description	Number of Runs	Year to Date
100 - Fire, other	1	3
111 - Building Fire	0	10
113 - Cooking Fire, confined to container	1	5
131 - Passenger vehicle fire	1	5
140 - Natural vegetation fire, other	1	1
142 - Brush or Brush And Grass Mixture	0	1
151 - Outside rubbish, trash or waste fire	0	1
154 - Dumpster or other outside trash receptable fire	0	1
Total	4	27

Incident Type: Overpressure Rupture, Explosion, Overheat (No Fire)

Code - Description	Number of Runs	Year to Date
251 - Excessive heat, scorch burns with no ignition	1	1
Total	1	1

Incident Type: Rescue & Emergency Medical Services

Code - Description	Number of Runs	Year to Date
321 - EMS Call	176	1,256
322 - Motor Vehicle Accident with Injuries	5	28
323 - Motor Vehicle/Pedestrian Accident	0	4
324 - Motor Vehicle Accident with No Injuries	3	17
340 - Search for lost person, other	0	1
350 - Extrication, rescue, other	0	1
353 - Removal of victim(s) from stalled elevator	1	1
381 - Rescue or EMS Standby	0	7
Total	185	1,315

Incident Type: Rescue & Emergency Medical Services

Code - Description	Number of Runs	Year to Date
411 - Gasoline or other flammable liquid spill	0	2
412 - Gas leak (natural gas or LPG)	2	7
413 - Oil or other combustibile liquid spill	0	1
422 - Chemical spill or leak	0	1
424 - Carbon Monoxide Incident	0	1
440 - Electrical wiring/equipment problem, other	1	3
444 - Power Line Down	2	4
445 - Arcing, shorted electrical equipment	1	1
460 - Accident, potential accident, other	1	1
463 - Vehicle Accident, General Cleanup	1	5
Total	8	26

Incident Type: Service Call

Code - Description	Number of Runs	Year to Date
500 - Service Call, Other	2	10
511 - Lock-out	2	15
512 - Ring or jewelry removal	0	1

Kaukauna Fire Department

Fire Report - October 2023

Item 7.a.

520 - Water Problem, Other	0	2
531 - Smoke or Odor Removal	0	1
542 - Animal Rescue	0	6
550 - Public Service Assistance, Other	0	1
552 - Police Matter	0	1
553 - Public service	0	1
561 - Unauthorized Burning	0	3
Total	4	41

Incident Type: Good Intent Call

Code - Description	Number of Runs	Year to Date
600 - Good intent call, other	6	14
611 - Dispatched and Canceled Enroute	6	40
631 - Authorized controlled burning	0	2
651 - Smoke scare, odor or smoke	2	8
652 - Steam, vapor, fog or dust thought to be smoke	1	1
Total	15	65

Incident Type: False Alarm & False Call

Code - Description	Number of Runs	Year to Date
700 - False alarm or false call, other	0	1
711 - Municipal Alarm System, Malicious False Alarm	0	1
731 - Sprinkler Activation Due to Malfunction	0	4
733 - Smoke Detector Activation due to Malfunction	0	7
734 - Heat Detector Activation Due to Malfunction	0	1
735 - Alarm System Sounded due to Malfunction	1	7
736 - CO detector activation due to malfunction	0	4
740 - Unintentional transmission of alarm, other	0	1
743 - Smoke Detector Activation, No Fire - Unintentional	4	11
744 - Detector Activation, No Fire - Unintentional	0	2
745 - Alarm System Activation, No Fire - Unintentional	8	25
746 - Carbon Monoxide Detector Activation, No CO	2	7
Total	15	71

Incident Type: Special Incident Type

Code - Description	Number of Runs	Year to Date
911 - Citizen Complaint	0	7
Total	0	7
Grand Total	232	1,553

Fire Inspection Summary

	Completed This Month	Year to Date
Inspections Completed	58	934
Violations Found	9	71
Violations Corrected	0	36

* Reflects corrected YTD numbers

Kaukauna Fire Department

Ambulance Report - October 2023

Runs by Municipality

City / Village / Town	Number of Runs	Year to Date
City of Kaukauna	114	1,099
Village of Combined Locks	6	111
Town of Holland	4	19
Village of Little Chute	0	5
Town of Grand Chute	0	5
City of Appleton	0	3
Town of Buchanan	0	1
Village of Fox Crossing	0	1
Village of Kimberly	0	1
Total	124	1,245

Runs by County

County	Number of Runs	Year to Date
Outagamie	120	1,225
Brown	4	19
Winnebago	0	1
Total	124	1,245

Runs by Disposition

Disposition	Number of Runs	Year to Date
Patient Treated, Transported by Kaukauna Fire	98	925
Patient Treated, Released	13	130
Patient Refused Evaluation/Care, No Transport	3	64
Patient Evaluated, No Treatment/Transport Required	5	57
Canceled Prior to Arrival	1	24
Patient Dead at Scene - No Resuscitation Attempted	1	15
Canceled on Scene, No Patient Found	0	8
Standby- No Services or Support Provided	0	6
Canceled on Scene, No Patient Contact	0	5
Canceled - Request Transferred to Another Provider	1	4
Patient Dead at Scene - Resuscitation Attempted	1	3
Standby- Public Safety, Fire, or EMS Operational Support Provided	0	2
Patient treated, Transferred Care to Another EMS Unit	1	2
Total	124	1,245

Runs by Ambulance

Primary Unit	Number of Runs	Year to Date
First Out Ambulance	102	1,056
Second Out Ambulance	22	173
Third Out Ambulance	0	14
Engine Company	0	2
Total	124	1,245

Kaukauna Fire Department
Ambulance Report - October 2023

Item 7.b.

Mutual Aid		
	Number of Runs	Year to Date
Provided	0	13
Received	1	3

Police calls generated by:		YTD
911 call	220	2,587
Officer initiated	513	5,751
Called general phone number	317	3,162
TOTAL	1,050	11,500
Breakdown of calls:		
ABANDONED VEHICLE	1	23
ACCIDENT	33	283
ALARMS	10	93
ALCOHOL OFFENSE	2	7
ANIMAL	34	346
ARSON	0	0
ASSISTS	109	1,183
ASSAULT	0	6
BURGLARY	1	14
CIVIL	1	5
CRIME PREVENTION	119	1,466
DAMAGE TO PROPERTY	15	91
DISTURBANCES	25	101
DOMESTIC	4	237
DRUGS	6	37
FIRE CALLS	28	126
FIREWORKS	0	19
FRAUD	8	92
HARASSMENT	13	80
HAZARD	10	103
JUVENILE	24	187
LOCKOUT	17	113
LOST & FOUND	10	134
MEDICAL	96	902
MISSING PERSON	1	7
OPEN DOOR	5	35
OPERATING WHILE INTOXICATED	3	33
ORDINANCE VIOLATIONS	4	86
PARKING	15	209
RECKLESS DRIVE COMPLAINT	32	282
SCHOOL SAFETY	55	358
SEX OFFENSE	3	45
SUICIDE; ATTEMPT, THREAT, COMPLETED	2	17
SUSPICIOUS PERSON, VEHICLE , SITUATION	27	368
THEFT	16	127
TRAFFIC	141	1,928
TRAFFIC SAFETY	7	31
TRESPASS	3	25
TRUANCY	2	17
VIOLATE COURT ORDER	2	39
WANTED PERSON OR APPREHENSION	8	74
WARNINGS	110	1,431
WEAPON	3	14
WELFARE CHECK	52	487
911 HANGUP/ASSIST	45	1,086
total	1,102	12,347

note- the difference between the totals is some calls have multiple offenses

**MUNICIPAL JUDGE
COURT REPORT**

OCTOBER

	2022	2023	2022 CUMULATIVE	2023 CUMULATIVE
FORFEITURES/MUNICIPAL ORDINANCE VIOLATIONS	\$4,921.85	\$4,913.50	\$39,265.60	\$66,660.35
MUNICIPAL COURT COSTS	\$2,048.42	\$2,225.88	\$18,474.61	\$27,008.94
PENALTY SURCHARGES	\$1,018.18	\$1,298.24	\$10,086.65	\$16,307.07
COUNTY JAIL SURCHARGES	\$519.20	\$609.40	\$4,876.80	\$7,323.71
DRIVER IMPROVEMENT SURCHARGES	\$515.05	\$918.00	\$7,523.23	\$12,842.28
CRIME LAB/DRUG ENFORCEMENT SURCHARGES	\$681.14	\$794.33	\$5,196.14	\$8,420.67
IGNITION INTERLOCK DEVICE SURCHARGE	\$19.95	\$0.00	\$369.95	\$100.00
SAFE RIDE PROGRAM	\$50.00	\$50.00	\$843.00	\$1,283.00
TOTAL	\$9,773.79	\$10,809.35	\$86,635.98	\$139,946.02

Clerk-Treasurer Daily Deposit Report

Date	Deposit	Balance
Date	Credit	Balance
10/2/2023	\$74,090.06	\$104,200.06
10/2/2023	\$110.00	\$30,110.00
10/3/2023	\$739.90	\$30,949.90
10/3/2023	\$115.00	\$30,210.00
10/3/2023	\$90.00	\$30,095.00
10/3/2023	\$5.00	\$30,005.00
10/4/2023	\$1,358.71	\$31,788.71
10/4/2023	\$430.00	\$30,430.00
10/5/2023	\$10,285.75	\$40,295.75
10/5/2023	\$10.00	\$30,010.00
10/6/2023	\$3,174.00	\$34,613.92
10/6/2023	\$1,149.42	\$31,439.92
10/6/2023	\$165.00	\$30,290.50
10/6/2023	\$125.50	\$30,125.50
10/10/2023	\$1,165.20	\$32,582.80
10/10/2023	\$679.60	\$31,417.60
10/10/2023	\$455.00	\$30,738.00
10/10/2023	\$153.00	\$30,283.00
10/10/2023	\$130.00	\$30,130.00
10/11/2023	\$20,086.58	\$50,131.58
10/11/2023	\$45.00	\$30,045.00
10/12/2023	\$5,692.86	\$39,106.11
10/12/2023	\$3,348.25	\$33,413.25
10/12/2023	\$65.00	\$30,065.00
10/13/2023	\$30,005.06	\$60,766.59
10/13/2023	\$711.53	\$30,761.53
10/13/2023	\$50.00	\$30,050.00
10/16/2023	\$5,986.10	\$36,086.10
10/16/2023	\$100.00	\$30,100.00
10/17/2023	\$342.89	\$30,398.89
10/17/2023	\$50.00	\$30,056.00
10/17/2023	\$6.00	\$30,006.00
10/18/2023	\$22,615.00	\$52,680.00
10/18/2023	\$65.00	\$30,065.00
10/19/2023	\$1,814.75	\$31,894.75
10/19/2023	\$80.00	\$30,080.00
10/20/2023	\$2,759.75	\$33,000.75
10/20/2023	\$216.00	\$30,241.00
10/20/2023	\$25.00	\$30,025.00
10/23/2023	\$30,573.34	\$60,888.34
10/23/2023	\$165.00	\$30,315.00
10/23/2023	\$150.00	\$30,150.00
10/24/2023	\$1,670.00	\$32,096.00

Month: November

10/24/2023	\$241.00	\$30,426.00
10/24/2023	\$185.00	\$30,185.00
10/25/2023	\$2,291.75	\$32,351.75
10/25/2023	\$60.00	\$30,060.00
10/25/2023	\$3,000,000.00	\$3,032,866.75
10/26/2023	\$6,002.95	\$36,027.95
10/26/2023	\$25.00	\$30,025.00
10/27/2023	\$800.80	\$30,961.30
10/27/2023	\$115.50	\$30,160.50
10/27/2023	\$45.00	\$30,045.00
10/30/2023	\$29,015.39	\$71,852.66
10/30/2023	\$55.00	\$42,837.27
10/31/2023	\$1,898.04	\$31,949.04
10/31/2023	\$51.00	\$30,051.00

Note: This deposit report includes all cash and checks that were handled/receipted in the clerk's office and deposited at close of business for the month indicated on the top of report

Permit number	Municipal address	Category	Work type	Applicant	Owner
KU-2023-966	1401 ARBOR WAY	Commercial building	Addition	Charlie Grapatin	Lynn Brittnacher
KU-2023-1001	3301 PROGRESS WAY	Signs	New	Jess Bergstrom	Tom Matuszak
KU-2023-1003	1810 WHITE DOVE LA	Plumbing	New	Andy Nielsen	Christine Murphy
KU-2023-980	509 MARGARET ST	Other structures	New	JAVIER OCAMPO-JAIMES	JAVIER OCAMPO-JAIMES
KU-2023-995	3401 BECKETT LA	Residential building	New	Lisa Schmidt	Schmidt Bros Custom Home
KU-2023-808	2191 WHITE DOVE LANE	Other structures	New	Robert Schoelzel	Robert Schoelzel
KU-2023-967	1401 ARBOR WAY	Commercial building	Addition	Charlie Grapatin	Chris Berkers
KU-2023-997	3440 BECKETT LA	Residential building	New	Thomas McHugh	Thomas McHugh
KU-2023-975	600 TOBACNOIR ST	Industrial building	Addition	Andrew Schmidt	Ted Goodman
KU-2023-998	3540 BECKETT LA	Residential building	New	Thomas McHugh	Thomas McHugh
KU-2023-1004	3421 BECKETT LA	Electrical	New	Lisa Hidde	Schmidt Brothers
KU-2023-979	552 SWEET MEADOW LA	Plumbing	Replacement	MATTHEW VANDENELZEN	Derrick Huss
KU-2023-990	2929 LAWE ST	Electrical	Repair	Jamie Kling	Trevor Gelhaar
KU-2023-1005	2171 WHITE DOVE LA	Electrical	New	Lisa Hidde	Schmidt Brothers
KU-2023-999	3381 BECKETT LA	Residential building	New	Thomas McHugh	Thomas McHugh
KU-2023-992	115 W WISCONSIN AV	Accessory structures	New	Kelly Sperl	Sue Ihde, Sue Ihde
KU-2023-965	1951 WHITE DOVE LA	Electrical	New	Kevin Schuh	Bryan Renaud, Bryan Renau
KU-2023-961	3304 RIDGECREST LA	Strm/Wtr Sanitary laterals	New	Rob Scheibe	Rob Scheibe
KU-2023-968	3001 PARKWOOD DR	Residential building	Repair	Ashley Jenkins	Dan VanSchyndel
KU-2023-969	1908 WELHOUSE DR	Plumbing	Replacement	Black-Haak Heating	Chris Hoernke
KU-2023-970	451 GREEN HAVEN LA	Plumbing	Remodel	Scott Fields	Sue Kocourek
KU-2023-962	3521 BECKETT LA	Plumbing	New	Derek Schaffer	LISA SCHMIDT
KU-2023-964	1401 ARBOR WAY	Strm/Wtr Sanitary laterals	New	Rob Scheibe	Rob Scheibe
KU-2023-963	3501 BECKETT LA	Plumbing	New	Derek Schaffer	LISA SCHMIDT
KU-2023-971	1921 BEAR PAW TR	Plumbing	Remodel	Adrian Bolyard	Kurt Kress, Kurt Kress
KU-2023-972	317 DIXON ST	Plumbing	New	Nate Powell	Nate Powell
KU-2023-973	2521 MAIN AV	Residential building	Addition	Dylan Buechel	Dylan Buechel
KU-2023-977	3149 FIELDCREST DR	Plumbing	New	Jeff Ujzdowski	John Neumeier
KU-2023-976	1312 SULLIVAN AV	HVAC	Remodel	Black-Haak Heating	Kris Kandler, Kris Kandler
KU-2023-974	2221 WHITE DOVE LA	Electrical	New	Robert Van Offeren	Matt Bobber
KU-2023-983	908 SHAMROCK CT	Accessory structures	New	Jeff Van Dyn Hoven	Jeff Van Dyn Hoven
KU-2023-982	1131 RIVERSIDE DR	Residential building	Repair	Ashley Jenkins	Dave Smits, Dave Smits

KU-2023-978	1900 WHITE DOVE LA	Residential building	Remodel	Heather Vande Burgt	Caitlyn Welhouse
KU-2023-981	1712 MAIN AV	Plumbing	Replacement	TUREKS PLUMBING	KRISTIAN TAYLOR
KU-2023-987	2416 SOUTHERLAND CI	Plumbing	Replacement	MATTHEW VANDENELZEN	Rachel Klepps
KU-2023-984	1612 YORKSHIRE AV	Plumbing	Replacement	Gary Frost	Gary Frost
KU-2023-985	109 E EIGHTH ST	Signs	New	Dan De Bruin	Micayla Richards
KU-2023-986	1612 YORKSHIRE AV	Electrical	Remodel	Gary Frost	Gary Frost
KU-2023-988	910 CLEVELAND AV	Plumbing	Replacement	MATTHEW VANDENELZEN	MATTHEW VANDENELZEN
KU-2023-989	149 SUNNY MEADOWS DR	HVAC	Repair	Jeff Ring	Jeff Ring
KU-2023-994	401 E FIFTEENTH ST	Accessory structures	New	James Gosz, James Gosz	James Gosz, James Gosz
KU-2023-991	1607 PEACH TREE CT	Residential building	Remodel	James Lillion	James Lillion
KU-2023-993	2091 ANTELOPE TR	Other structures	New	Ashley Jared	Marian Cobb
KU-2023-1000	3441 BECKETT LA	Electrical	New	Lisa Hidde	Schmidt Brothers
KU-2023-996	2220 WHITE WOLF LA	Electrical	New	Jeff Bricco	Mike Ninedorf
KU-2023-1002	3500 BECKETT LA	Electrical	New	Jay Vosters	Troy Hartl, Troy Hartl



**CITY OF KAUKAUNA
ORDINANCE 1893-2023**

**ORDINANCE REPEALING AND RECREATING 17.07 FLOODPLAIN ZONING
ORDINANCE**

WHEREAS, Flood storage district is the area delineated adjacent to floodways and often within floodplains. These areas are where flood waters are stored and relied upon to reduce regional flood hazards; and

WHEREAS, The City of Kaukauna Plan Commission approved an ordinance to allow for compensatory storage; and

WHEREAS, the City of Kaukauna Legislative Committee reviewed and recommended for City of Kaukauna Common Council approval of the same at their November 20, 2023 meeting; and

WHEREAS, a Class 2 Notice of Public Hearing regarding such proposed zoning change and, pursuant thereto, a public hearing having been held on the 21st of November, 2023 at 7:00 p.m., and the Common Council having heard all interested parties or their agents and attorneys;

NOW THEREFORE, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, as follows:

SECTION 1: AMENDMENT “17.07 Floodplain Zoning Ordinance” of the City of Kaukauna Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

17.07 Floodplain Zoning Ordinance

1. *Statutory authorization, finding of fact, statement of purpose, title and general provisions.*
 - a. *Statutory authorization.* This section is adopted pursuant to the authorization in Wis. Stats. §§ 61.35 and 62.23, for villages and cities; Wis. Stats. §§ 59.69, 59.692, and 59.694 for counties; and the requirements in Wis. Stats. § 87.30.
 - b. *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.
 - c. *Statement of purpose.* This section 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.

d. *Title.* This section shall be known as the Floodplain Zoning Ordinance for Kaukauna, Wisconsin.

e. *General provisions.*

- (1) *Areas to be regulated.* This section 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 and 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 subsection (8) of this section) 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 Kaukauna. If more than one map or revision is referenced, the most restrictive information shall apply.

(A) Official maps: Based on the FIS:

- (a) Flood insurance rate map (FIRM), panel number (55087c0334d, 55087c0341d, 55087c0342d, 55087c0343d, 55087c0344d, 55087c0353d, 55087c0361d, 55087c0363d, 55087c0456d, 55087c0460 and 55087c0500d), dated (July 22, 2010); with corresponding profiles that are based on the flood insurance study (FIS) dated (January 20, 2016, 55087CV000B);

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 Flood fringe 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 subsections (1)(e)4.A and B below. If a significant difference exists, the map shall be amended according to subsection (8) of this section. 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 subsection (7)(c)3 and the criteria in subsections (1)(e)4.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 subsection (8) of this section.
- (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 subsection (8) of this section.
- (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 Wis. Stats. § 13.48(13), applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stats. § 30.2022, applies.

(8) *Abrogation and greater restrictions.*

(A) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stats. §§ 59.69, 59.692 or 59.694 for counties; Wis. Stats. § 62.23 for cities; Wis. Stats. § 61.35 for villages; or Wis. Stats. § 87.30, 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 Wis. Adm. Code ch. NR 116, 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 section does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This section 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 section.

(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 Outagamie 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 Wis. Adm. Code ch. NR 116 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. *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 subsection (7)(a)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.

a. *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 subsection (8) of this section are met.

- b. *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 subsection (2)(a) 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 subsection (8) of this section, 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.

- c. *Wis. Stats. chs. 30, 31; 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 subsection (8) of this section.
- d. *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 subsection (2)(d)4 of this section 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 subsections (3), (4), or (5) of this section 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. *Floodway district (FW).*

a. *Applicability.* This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to subsection (5)(d) of this section.

b. *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 subsections (3)(c) and (3)(d); and all permits or certificates have been issued according to subsection (7)(a).

- (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 subsection (3)(c)4 of this section.
- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with subsections (3)(c) and (3)(d) of this section.
- (5) Extraction of sand, gravel or other materials that comply with subsection (3)(c)4 of this section.
- (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 Wis. Stats. chs. 30 and 31.
- (7) Public utilities, streets and bridges that comply with subsection (3)(c)3.

c. *Standards for developments in the floodway.*

(1) *General.*

- (A) Any development in the floodway shall comply with subsection (2) of this section and have a low flood damage potential.

- (B) Applicants shall provide the following data to determine the effects of the proposal according to subsections (2)(a) and (7)(a)2.c:
 - (a) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - (b) 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 subdivision (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 section 2.1.
- (4) *Fills or deposition of materials*. Fills or deposition of materials may be allowed by permit, if:
 - (A) The requirements of subsection (2)(a) of this section are met;
 - (B) No material is deposited in navigable waters unless a permit is issued by the department pursuant to Wis. Stats. ch. 30, and a permit pursuant to section 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.

d. *Prohibited uses.* All uses not listed as permitted uses in subsection (3)(b) of this section 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 Wis. Adm. Code ch. SPS 383;
- (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 Wis. Adm. Code chs. NR 811 and NR 812;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under Wis. Adm. Code § NR 110.15(3)(b); 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. *Flood fringe district (FF).*

- a. *Applicability.* This section applies to all flood fringe areas shown on the floodplain zoning maps and those identified pursuant to subsection (5)(d) of this section.
- b. *Permitted uses.* Any structure, land use, or development is allowed in the flood fringe district if the standards in subsection (4)(c) of this section are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in subsection (7)(a) of this section have been issued.
- c. *Standards for development in the floodfringe.* Section 2.1 shall apply in addition to the following requirements according to the use requested. Any existing structure in the flood fringe must meet the requirements of subsection (6) of this section;
 - (1) *Residential uses.* Any structure, including a manufactured home, which is to be newly constructed or moved into the flood fringe, shall meet or exceed the following standards. Any existing structure in the flood fringe must meet the requirements of subsection (6) of this

section;

- (A) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of subsection (4)(c)1.B of this section 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 subsection (4)(c)1.D of this section.
- (D) In developments where existing street or sewer line elevations make compliance with subsection (4)(c)1.C of this section impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - (a) 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
 - (b) The municipality has a DNR-approved emergency evacuation plan.
- (2) *Accessory structures or uses.* Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- (3) *Commercial uses.* Any commercial structure which is erected, altered or moved into the flood fringe shall meet the requirements of subsection (4)(c)1 of this section. Subject to the requirements of subsection (4)(c)5 of this section, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (4) *Manufacturing and industrial uses.* Any manufacturing or industrial structure which is erected, altered or moved into the flood fringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in subsection (7)(e) of this section. Subject to the requirements of subsection (4)(c)5 of this section, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (5) *Storage of materials.* Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood

protection elevation or floodproofed in compliance with subsection (7)(e) of this section. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

- (6) *Public utilities, streets and bridges.* All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
 - (A) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with section 7.5.
 - (B) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (7) *Sewage systems.* All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to subsection (7)(e)3 of this section, to the flood protection elevation and meet the provisions of all local ordinances and Wis. Adm. Code ch. SPS 383.
- (8) *Wells.* All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to subsection (7)(e)3 of this section, to the flood protection elevation and shall meet the provisions of Wis. Adm. Code chs. NR 811 and NR 812.
- (9) *Solid waste disposal sites.* Disposal of solid or hazardous waste is prohibited in flood fringe areas.
- (10) *Deposition of materials.* Any deposited material must meet all the provisions of this ordinance.
- (11) *Manufactured homes.*
 - (A) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - (B) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - (a) Have the lowest floor elevated to the flood protection elevation; and
 - (b) Be anchored so they do not float, collapse or move laterally during a flood.
 - (C) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood fringe in subsection (4)

(c)1 of this section.

- (12) *Mobile recreational vehicles.* All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in subsection (4)(c)11.B and C of this section. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

5. *General floodplain district (GFP).*

- a. *Applicability.* The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.
- b. *Permitted uses.* Pursuant to subsection (5)(d) of this section, it shall be determined whether the proposed use is located within the floodway or flood fringe.

Those uses permitted in the floodway (subsection (3)(b)) and flood fringe (subsection (4)(b)) districts are allowed within the general floodplain district, according to the standards of subsection (5)(c) of this section, provided that all permits or certificates required under subsection (7)(a) of this section have been issued.

- c. *Standards for development in the general floodplain district.* Subsection (3) of this section applies to floodway areas, subsection (4) of this section applies to floodfringe areas. The rest of this section applies to either district.

- (1) In AO/AH zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:

- (A) At or above the flood protection elevation; or
- (B) Two feet above the highest adjacent grade around the structure; or
- (C) The depth as shown on the FIRM.

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

- d. *Determining floodway and flood fringe limits.* Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
- (2) Require the applicant to furnish any of the following information deemed necessary by the department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation

and to determine floodway boundaries.

- (A) A hydrologic and hydraulic study as specified in section 7.1(2)(c).
- (B) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
- (C) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

6. *Nonconforming uses.*

a. *General.*

- (1) *Applicability.* If these standards conform with Wis. Stats. § 59.69(10), for counties or Wis. Stats. § 62.23(7)(h), for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this section or any amendment thereto.
- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
 - (A) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

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

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

- (C) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (D) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50 percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with subsection (4)(c)1 of this section. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50 percent provisions of this paragraph;
- (E) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50 percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with subsection (4)(c)1 of this section.
- (F) If on a per event basis the total value of the work being done under subsections (6)(a)2.d and e equals or exceeds 50 percent of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with subsection (4)(c)1 of this section.
- (G) Except as provided in subsection (6)(a)2.H of this section, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50 percent of the structure's present equalized

assessed value.

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

(a) *Residential structures.*

1. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of subsection (7)(e)2 of this section.
2. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
3. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. In A zones, obtain, review and utilize any flood data available from a federal, state or other source.
5. In AO zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in subsection (5)(c)1 of this section.
6. In AO zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(b) *Nonresidential structures.*

1. Shall meet the requirements of subsection (6)(a)2.H.a.1-6 of this section.
2. Shall either have the lowest floor, including basement, elevated to or above the regional

flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in subsection (7)(e)1 or 2 of this section.

3. In AO zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in subsection (5)(c)1 of this section.
- (3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with subsection (3)(c)1 of this section, flood resistant materials are used, and construction practices and floodproofing methods that comply with subsection (7)(e) of this section are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of subsection (6)(a)2.H.a of this section if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

b. *Floodway district.*

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the floodway district, unless such modification or addition:
 - (A) Has been granted a permit or variance which meets all ordinance requirements;
 - (B) Meets the requirements of section 6.1;
 - (C) Shall not increase the obstruction to flood flows or regional flood height;
 - (D) Any addition to the existing structure shall be floodproofed, pursuant to section 7.5, by means other than the use of fill, to the flood protection elevation; and
 - (E) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - (a) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - (b) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - (c) Mechanical and utility equipment must be elevated or

floodproofed to or above the flood protection elevation; and

- (d) The use must be limited to parking, building access or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, subsection (7)(e)3 of this section and Wis. Adm. Code ch. SPS 383.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing well in the floodway district shall meet the applicable requirements of all municipal ordinances, subsection (7)(e)3 of this section and Wis. Adm. Code chs. NR 811 and NR 812.

c. Flood fringe district.

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of subsection (4)(c) of this section except where subsection (6)(c)2 of this section is applicable.
- (2) Where compliance with the provisions of subdivision (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board of adjustment/appeals, using the procedures established in subsection (7)(c) of this section, may grant a variance from those provisions of subdivision (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (A) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (B) Human lives are not endangered;
 - (C) Public facilities, such as water or sewer, shall not be installed;
 - (D) Flood depths shall not exceed two feet;
 - (E) Flood velocities shall not exceed two feet per second; and
 - (F) The structure shall not be used for storage of materials as described in subsection (4)(c)5 of this section.
- (3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, subsection (7)(e)3 of this section and Wis. Adm. Code ch. SPS 383.

- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this section, subsection (7)(e)3 of this section and Wis. Adm. Code ch. NR 811 and NR 812.

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

a. *Zoning administrator.*

- (1) *Duties and powers.* The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- (A) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (B) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (C) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (D) Keep records of all official actions such as:
 - (a) All permits issued, inspections made, and work approved;
 - (b) Documentation of certified lowest floor and regional flood elevations;
 - (c) Floodproofing certificates.
 - (d) Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - (e) All substantial damage assessment reports for floodplain structures.
 - (f) List of nonconforming structures and uses.
- (E) Submit copies of the following items to the department regional office:
 - (a) Within ten days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - (b) Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
 - (c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

- (F) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the department regional office.
- (G) Submit copies of amendments to the FEMA regional office.
- (2) *Land use permit.* A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:
 - (A) *General information.*
 - (a) Name and address of the applicant, property owner and contractor;
 - (b) Legal description, proposed use, and whether it is new construction or a modification;
 - (B) *Site development plan.* A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - (a) Location, dimensions, area and elevation of the lot;
 - (b) Location of the ordinary highwater mark of any abutting navigable waterways;
 - (c) Location of any structures with distances measured from the lot lines and street center lines;
 - (d) Location of any existing or proposed on-site sewage systems or private water supply systems;
 - (e) Location and elevation of existing or future access roads;
 - (f) Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
 - (g) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 - (h) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of subsection (3) or (4) of this section are met; and
 - (i) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to subsection (2)(a) of this section. This may include any of the information noted in subsection (3)(c)1 of this section.
 - (C) Hydraulic and hydrologic studies to analyze development. All

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

(a) *Zone A floodplains.*

1. Hydrology.

1. The appropriate method shall be based on the standards in Wis. Admin. Code ch. NR 116.07(3), hydrologic analysis: determination of regional flood discharge.

2. Hydraulic modeling. The regional flood elevation shall be based on the standards in Wis. Admin. Code ch. NR 116.07(4), hydraulic analysis: determination of regional flood elevation and the following:

1. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
2. Channel sections must be surveyed.
3. Minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
4. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
5. The most current version of HEC_RAS shall be used.
6. A survey of bridge and culvert openings and the top of road is required at each structure.
7. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the

length of the reach if greater than 500 feet.

8. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
9. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

3. Mapping. A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
 1. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
 2. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing

model, unless adequate justification based on standard accepted engineering practices is provided.

(b) *Zone AE floodplains.*

1. Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Wis. Admin. Code ch. NR 116.07(3), hydrologic analysis: determination of regional flood discharge.
2. Hydraulic model. The regional flood elevation shall be based on the standards in Wis. Admin. Code, ch. NR 116.07(4), hydraulic analysis: determination of regional flood elevation and the following:
 1. Duplicate effective model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the floodway data table in the FIS report to within 0.1 foot.
 2. Corrected effective model. The corrected effective model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for department review.
 3. Existing (pre-project conditions) model. The existing model shall be required to support conclusions about the actual impacts of the project associated with the revised (post-project) model or to establish more up-to-date models on which to base the revised (post-project) model.

4. Revised (post-project conditions) model. The revised (post-project conditions) model shall incorporate the existing model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 5. All changes to the duplicate effective model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 6. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The effective model shall not be truncated.
3. Mapping. Maps and associated engineering data shall be submitted to the department for review which meet the following conditions:
1. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or flood boundary floodway maps (FBFMs), construction plans, bridge plans.
 2. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be

submitted in order that the FIRM may be more easily revised.

3. Annotated FIRM panel showing the revised one percent and 0.2 percent annual chance floodplains and floodway boundaries.
4. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the universal transverse mercator (UTM) projection and state plane coordinate system in accordance with FEMA mapping specifications.
5. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
6. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
7. Both the current and proposed floodways shall be shown on the map.
8. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

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

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

(A) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

- (B) Application for such certificate shall be concurrent with the application for a permit;
 - (C) If all ordinance provisions are met, the certificate of compliance shall be issued within ten days after written notification that the permitted work is completed;
 - (D) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of subsection (7)(e) of this section are met.
- (4) *Other permits.* Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under § 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.
- b. *Zoning agency.*
- (1) The city plan commission shall:
 - (A) Oversee the functions of the office of the zoning administrator; and
 - (B) Review and advise the governing body on all proposed amendments to this ordinance, maps and text.
 - (2) The city plan commission shall not:
 - (A) Grant variances to the terms of the ordinance in place of action by the board of adjustment/appeals; or
 - (B) Amend the text or zoning maps in place of official action by the governing body.
- c. *Board of adjustment/appeals.* The board of adjustment/appeals, created under Wis. Stats. § 59.694, for counties or Wis. Stats. § 62.23(7)(e), for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the board.
- (1) *Powers and duties.* The board of adjustment/appeals shall:
 - (A) Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
 - (B) Boundary disputes. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
 - (C) Variances. Hear and decide, upon appeal, variances from the ordinance standards.

(2) *Appeals to the board.*

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

(B) *Notice and hearing for appeals including variances.*

(a) *Notice.* The board shall:

1. Fix a reasonable time for the hearing;
2. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
3. Assure that notice shall be mailed to the parties in interest and the department regional office at least ten days in advance of the hearing.

(b) *Hearing.* Any party may appear in person or by agent. The board shall:

1. Resolve boundary disputes according to subsection (7)(c)3 of this section;
2. Decide variance applications according to subsection (7)(c)4 of this section; and
3. Decide appeals of permit denials according to subsection (7)(d) of this section;

(C) *Decision.* The final decision regarding the appeal or variance application shall:

- (a) Be made within a reasonable time;
- (b) Be sent to the department regional office within ten days of the decision;
- (c) Be a written determination signed by the chairman or secretary of the board;
- (d) State the specific facts which are the basis for the board's decision;
- (e) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
- (f) Include the reasons for granting an appeal, describing

the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the board proceedings.

- (3) *Boundary disputes.* The following procedure shall be used by the board in hearing disputes concerning floodplain district boundaries:
 - (A) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
 - (B) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the board; and
 - (C) If the boundary is incorrectly mapped, the board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to subsection (8) of this section.
- (4) *Variance.*
 - (A) The board may, upon appeal, grant a variance from the standards of this section if an applicant convincingly demonstrates that:
 - (a) Literal enforcement of the ordinance will cause unnecessary hardship;
 - (b) The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - (c) The variance is not contrary to the public interest; and
 - (d) The variance is consistent with the purpose of this ordinance in subsection (1)(c) of this section.
 - (B) In addition to the criteria in subdivision (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - (a) The variance shall not cause any increase in the regional flood elevation;
 - (b) Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
 - (c) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
 - (C) A variance shall not:

- (a) Grant, extend or increase any use prohibited in the zoning district;
 - (b) Be granted for a hardship based solely on an economic gain or loss;
 - (c) Be granted for a hardship which is self-created.
 - (d) Damage the rights or property values of other persons in the area;
 - (e) Allow actions without the amendments to this ordinance or map(s) required in subsection (8) of this section; and
 - (f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
 - (D) When a floodplain variance is granted the board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.
- d. *To review appeals of permit denials.*
- (1) The zoning agency (subsection (7)(b) of this section) or board shall review all data related to the appeal. This may include:
 - (A) Permit application data listed in subsection (7)(a)2 of this section;
 - (B) Floodway/flood fringe determination data in subsection (5)(d) of this section;
 - (C) Data listed in subsection (3)(c)1.b of this section where the applicant has not submitted this information to the zoning administrator; and
 - (D) Other data submitted with the application, or submitted to the board with the appeal.
 - (2) For appeals of all denied permits the board shall:
 - (A) Follow the procedures of subsection (7)(c) of this section;
 - (B) Consider zoning agency recommendations; and
 - (C) Either uphold the denial or grant the appeal.
 - (3) For appeals concerning increases in regional flood elevation the board shall:
 - (A) Uphold the denial where the board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of subsection (8) of this section; and
 - (B) Grant the appeal where the board agrees that the data properly demonstrates that the project does not cause an

increase provided no other reasons for denial exist.

e. *Floodproofing standards for nonconforming structures or uses.*

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

f. *Public information.*

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

8. *Amendments.* Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with subsection (8)(a) of this section.

In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with subsection (8)(a) of this section.

Any such alterations must be reviewed and approved by FEMA and the DNR.

In A zones increases equal to or greater than one foot may only be permitted if the applicant receives a conditional letter of map revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with subsection (8)(a) of this section.

a. *General.* The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in subsection (8)(b) below. Actions which require an amendment to the ordinance and/or submittal of a letter of map change (LOMC) include, but are not limited to, the following:

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

b. *Procedures.* Ordinance amendments may be made upon petition of any party according to the provisions of Wis. Stats. § 62.23, for cities and villages, or Wis. Stats. § 59.69, for counties. The petitions shall include all data required by subsections (5)(d) and (7)(a)2 of this section. The land use permit shall not be issued until a letter of map revision is issued by FEMA for the proposed changes.

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

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

9. *Enforcement and penalties.* Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$10.00 and not more than \$50.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Wis. Stats. § 87.30.
10. *Definitions.* Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

A zones. Those areas shown on the official floodplain zoning map which would be inundated by the regional flood. These areas may be numbered or unnumbered A zones. The A zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

AH zone. See "area of shallow flooding".

AO zone. See "area of shallow flooding".

Accessory structure or use. A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

Alteration. An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

Area of shallow flooding. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood. Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

Basement. Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

Building. See *structure*.

Bulkhead line. A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the department pursuant to Wis. Stats. § 30.11, and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this section.

Campground. Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.

Camping unit. Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

Certificate of compliance. A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

Channel. A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Crawlways or crawl space. An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

Deck. An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

Department. The Wisconsin Department of Natural Resources.

Development. Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Dryland access. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such

as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Encroachment. Any fill, structure, equipment, use or development in the floodway.

Federal emergency management agency (FEMA). The federal agency that administers the National Flood Insurance Program.

Flood insurance rate map (FIRM). A map of a community on which the Federal insurance administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the federal emergency management agency.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- a. The overflow or rise of inland waters;
- b. The rapid accumulation or runoff of surface waters from any source;
- c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood frequency. The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

Flood fringe. That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

Flood hazard boundary map. A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a flood insurance study and a flood insurance rate map.

Flood insurance study. A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A zones. Flood insurance rate maps, that accompany the flood insurance study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Floodplain. Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.

Floodplain island. A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain management. Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Flood profile. A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Floodproofing. Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Flood protection elevation. An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: *freeboard*.)

Flood storage. Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Freeboard. A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

Habitable structure. Any structure or portion thereof used or designed for human habitation.

Hearing notice. Publication or posting meeting the requirements of Wis. Stats. ch. 985. For appeals, a class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

High flood damage potential. Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is either:

- a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the national register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

Increase in regional flood height. A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Land use. Any nonstructural use made of unimproved or improved real estate. (Also see *development*.)

Lowest adjacent grade. Elevation of the lowest ground surface that touches any of the exterior walls of a building.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Maintenance. The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

Manufactured home. A structure transportable in one or more sections, which is built

on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

Mobile/manufactured home park or subdivision. A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

Mobile/manufactured home park or subdivision, existing. A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Mobile/manufactured home park, expansion to existing. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

Mobile recreational vehicle. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

Model, corrected effective. A hydraulic engineering model that corrects any errors that occur in the duplicate effective model, adds any additional cross sections to the duplicate effective model, or incorporates more detailed topographic information than that used in the current effective model.

Model, duplicate effective. A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

Model, effective. The hydraulic engineering model that was used to produce the current effective flood insurance study.

Model, existing (pre-project). A modification of the duplicate effective model or corrected effective model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the corrected effective model or duplicate effective model.

Model, revised (post-project). A modification of the existing or pre-project conditions model, duplicate effective model or corrected effective model to reflect revised or post-project conditions.

Municipality or municipal. The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

NAVD or North American Vertical Datum. Elevations referenced to mean sea level datum, 1988 adjustment.

NGVD or National Geodetic Vertical Datum. Elevations referenced to mean sea level datum, 1929 adjustment.

New construction. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Nonconforming structure. An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

Nonconforming use. An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

Obstruction to flow. Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official floodplain zoning map. That map, adopted and made part of this ordinance, as described in subsection (1)(e)2 of this section, which has been approved by the department and FEMA.

Open space use. Those uses having a relatively low flood damage potential and not involving structures.

Ordinary highwater mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by

erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Person. An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

Private sewage system. A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the department of safety and professional services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

Public utilities. Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Reasonably safe from flooding. Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Regional flood. A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Start of construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Subdivision. Has the meaning given in Wis. Stats. § 236.02(12).

Substantial damage. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Substantial improvement. Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Unnecessary hardship. Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

Variance. An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

Violation. The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Watershed. The entire region contributing runoff or surface water to a watercourse or body of water.

Water surface profile. A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Well. An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

(Code 2011, § 17.07; Ord. No. 1727, 1-19-2016)

AFTER AMENDMENT

17.07 Floodplain Zoning Ordinance

1. *Statutory authorization, finding of fact, statement of purpose, title and general provisions.*

a. *Statutory authorization.* This section is adopted pursuant to the authorization in Wis. Stats. §§ 61.35 and 62.23, for villages and cities; Wis. Stats. §§ 59.69, 59.692, and 59.694 for counties; and the requirements in Wis. Stats. § 87.30.

b. *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.

c. *Statement of purpose.* This section 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.

d. *Title.* This section shall be known as the Floodplain Zoning Ordinance for Kaukauna, Wisconsin.

e. *General provisions.*

- (1) *Areas to be regulated.* This section 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 and 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 subsection (8) of this section) 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 Kaukauna. If more than one map or revision is referenced, the most restrictive information shall apply.

(A) Official maps: Based on the FIS:

- (a) Flood insurance rate map (FIRM), panel number (55087c0334d, 55087c0341d, 55087c0342d, 55087c0343d, 55087c0344d, 55087c0353d, 55087c0361d, 55087c0363d, 55087c0456d, 55087c0460 and 55087c0500d), dated (July 22, 2010); with corresponding profiles that are based on the flood insurance study (FIS) dated (January 20, 2016, 55087CV000B);

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 Flood fringe 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 subsections (1)(e)4.A and B below. If a significant difference exists, the map shall be amended according to subsection (8) of this section. 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 subsection (7)(c)3 and the criteria in subsections (1)

- (e)4.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 subsection (8) of this section.
- (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 subsection (8) of this section.
- (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 Wis. Stats. § 13.48(13), applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stats. § 30.2022, applies.
- (8) *Abrogation and greater restrictions.*
- (A) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stats. §§ 59.69, 59.692 or 59.694 for counties; Wis. Stats. § 62.23 for cities; Wis. Stats. § 61.35 for villages; or Wis. Stats. § 87.30, 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 Wis. Adm. Code ch. NR 116, 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 section does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This section 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 section.

- (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 Outagamie 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 Wis. Adm. Code ch. NR 116 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. *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 subsection (7)(a)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.

a. *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 subsection (8) of this section are met.
- b. *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 subsection (2)(a) 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 subsection (8) of this section, 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.

- c. *Wis. Stats. chs. 30, 31; 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 subsection (8) of this section.
- d. *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 subsection (2)(d)4 of this section 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 subsections (3), (4), or (5) of this section 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. *Floodway district (FW).*

- a. *Applicability.* This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to subsection (5)(d) of this section.
- b. *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 subsections (3)(c) and (3)(d); and all permits or certificates have been issued according to subsection (7)(a).
 - (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 subsection (3)(c)4 of this section.

- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with subsections (3)(c) and (3)(d) of this section.
- (5) Extraction of sand, gravel or other materials that comply with subsection (3)(c)4 of this section.
- (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 Wis. Stats. chs. 30 and 31.
- (7) Public utilities, streets and bridges that comply with subsection (3)(c)3.

c. *Standards for developments in the floodway.*

(1) *General.*

- (A) Any development in the floodway shall comply with subsection (2) of this section and have a low flood damage potential.
- (B) Applicants shall provide the following data to determine the effects of the proposal according to subsections (2)(a) and (7)(a)2.c:
 - (a) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - (b) 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 subdivision (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 section 2.1.
- (4) *Fills or deposition of materials.* Fills or deposition of materials may be allowed by permit, if:
 - (A) The requirements of subsection (2)(a) of this section are met;
 - (B) No material is deposited in navigable waters unless a permit is issued by the department pursuant to Wis. Stats. ch. 30, and a permit pursuant to section 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.
- d. *Prohibited uses.* All uses not listed as permitted uses in subsection (3)(b) of this section 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 Wis. Adm. Code ch. SPS 383;
 - (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 Wis. Adm. Code chs. NR 811 and NR 812;
 - (6) Any solid or hazardous waste disposal sites;
 - (7) Any wastewater treatment ponds or facilities, except those permitted under Wis. Adm. Code § NR 110.15(3)(b); 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. *Flood fringe district (FF).*

- a. *Applicability.* This section applies to all flood fringe areas shown on the

floodplain zoning maps and those identified pursuant to subsection (5)(d) of this section.

- b. *Permitted uses.* Any structure, land use, or development is allowed in the flood fringe district if the standards in subsection (4)(c) of this section are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in subsection (7)(a) of this section have been issued.
- c. *Standards for development in the flood fringe.* Section 2.1 shall apply in addition to the following requirements according to the use requested. Any existing structure in the flood fringe must meet the requirements of subsection (6) of this section;
 - (1) *Residential uses.* Any structure, including a manufactured home, which is to be newly constructed or moved into the flood fringe, shall meet or exceed the following standards. Any existing structure in the flood fringe must meet the requirements of subsection (6) of this section;
 - (A) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of subsection (4)(c)1.B of this section 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 subsection (4)(c)1.D of this section.
 - (D) In developments where existing street or sewer line elevations make compliance with subsection (4)(c)1.C of this section impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - (a) 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
 - (b) The municipality has a DNR-approved emergency evacuation plan.
 - (2) *Accessory structures or uses.* Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
 - (3) *Commercial uses.* Any commercial structure which is erected, altered or moved into the flood fringe shall meet the requirements of subsection (4)(c)1 of this section. Subject to the requirements of

subsection (4)(c)5 of this section, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

- (4) *Manufacturing and industrial uses.* Any manufacturing or industrial structure which is erected, altered or moved into the flood fringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in subsection (7)(e) of this section. Subject to the requirements of subsection (4)(c)5 of this section, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (5) *Storage of materials.* Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with subsection (7)(e) of this section. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (6) *Public utilities, streets and bridges.* All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
 - (A) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with section 7.5.
 - (B) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (7) *Sewage systems.* All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to subsection (7)(e)3 of this section, to the flood protection elevation and meet the provisions of all local ordinances and Wis. Adm. Code ch. SPS 383.
- (8) *Wells.* All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to subsection (7)(e)3 of this section, to the flood protection elevation and shall meet the provisions of Wis. Adm. Code chs. NR 811 and NR 812.
- (9) *Solid waste disposal sites.* Disposal of solid or hazardous waste is prohibited in flood fringe areas.
- (10) *Deposition of materials.* Any deposited material must meet all the provisions of this ordinance.
- (11) *Manufactured homes.*
 - (A) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to

minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

- (B) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - (a) Have the lowest floor elevated to the flood protection elevation; and
 - (b) Be anchored so they do not float, collapse or move laterally during a flood.
- (C) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood fringe in subsection (4)(c)1 of this section.

- (12) *Mobile recreational vehicles.* All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in subsection (4)(c)11.B and C of this section. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

5. Flood Storage District (FSD).

a. Intent. The The Flood Storage District delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the Regional Flood Discharge. The district protects the flood storage areas and ensures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

b. Development within the Flood Storage District.

- (1) Any use or development which occurs in the Flood Storage District must also meet the requirements outlined in Section 17.07 (4) Flood Fringe District.
- (2) Development in the Flood Storage District shall not cause an increase equal or greater than 0.00 of a foot in the height of the Regional Flood.
- (3) No development shall be allowed which removes flood storage volume unless an equal volume of storage, as defined by the pre-development ground surface and the Regional Flood Elevation, shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (Compensatory Storage). Excavation below the groundwater table is not considered to

provide an equal volume of storage.

- (4) If Compensatory Storage cannot be provided, the area may not be developed unless the entire area zoned as Flood Storage District on this waterway is rezoned to the Flood Fringe District. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage.
- (5) No area may be removed from the Flood Storage District unless it can be shown that the area has been filled to the Flood Protection Elevation and is contiguous to other lands lying outside of the floodplain.

6. General floodplain district (GFP).

- a. *Applicability.* The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.
- b. *Permitted uses.* Pursuant to subsection (5)(d) of this section, it shall be determined whether the proposed use is located within the floodway or flood fringe.

Those uses permitted in the floodway (subsection (3)(b)) and flood fringe (subsection (4)(b)) districts are allowed within the general floodplain district, according to the standards of subsection (5)(c) of this section, provided that all permits or certificates required under subsection (7)(a) of this section have been issued.

- c. *Standards for development in the general floodplain district.* Subsection (3) of this section applies to floodway areas, subsection (4) of this section applies to floodfringe areas. The rest of this section applies to either district.
 - (1) In AO/AH zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
 - (A) At or above the flood protection elevation; or
 - (B) Two feet above the highest adjacent grade around the structure; or
 - (C) The depth as shown on the FIRM.
 - (2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.
- d. *Determining floodway and flood fringe limits.* Upon receiving an application for development within the general floodplain district, the zoning administrator shall:
 - (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
 - (2) Require the applicant to furnish any of the following information

deemed necessary by the department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.

- (A) A hydrologic and hydraulic study as specified in section 7.1(2)(c).
- (B) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
- (C) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

7. Nonconforming uses.

a. General.

- (1) *Applicability.* If these standards conform with Wis. Stats. § 59.69(10), for counties or Wis. Stats. § 62.23(7)(h), for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this section or any amendment thereto.
- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
 - (A) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

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

- (B) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any

structure or building thereon, shall conform to the applicable requirements of this ordinance;

- (C) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (D) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50 percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with subsection (4)(c)1 of this section. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50 percent provisions of this paragraph;
- (E) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50 percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with subsection (4)(c)1 of this section.
- (F) If on a per event basis the total value of the work being done under subsections (6)(a)2.d and e equals or exceeds 50 percent of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with subsection (4)(c)1 of this section.
- (G) Except as provided in subsection (6)(a)2.H of this section, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A

structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50 percent of the structure's present equalized assessed value.

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

(a) *Residential structures.*

1. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of subsection (7)(e)2 of this section.
2. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
3. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. In A zones, obtain, review and utilize any flood data available from a federal, state or other source.
5. In AO zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in subsection (5)(c)1 of this section.
6. In AO zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(b) *Nonresidential structures.*

1. Shall meet the requirements of subsection (6)

- (a)2.H.a.1-6 of this section.
- 2. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in subsection (7)(e)1 or 2 of this section.
- 3. In AO zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in subsection (5)(c)1 of this section.
- (3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with subsection (3)(c)1 of this section, flood resistant materials are used, and construction practices and floodproofing methods that comply with subsection (7)(e) of this section are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of subsection (6)(a)2.H.a of this section if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

b. *Floodway district.*

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the floodway district, unless such modification or addition:
 - (A) Has been granted a permit or variance which meets all ordinance requirements;
 - (B) Meets the requirements of section 6.1;
 - (C) Shall not increase the obstruction to flood flows or regional flood height;
 - (D) Any addition to the existing structure shall be floodproofed, pursuant to section 7.5, by means other than the use of fill, to the flood protection elevation; and
 - (E) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - (a) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

- (b) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - (c) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - (d) The use must be limited to parking, building access or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, subsection (7)(e)3 of this section and Wis. Adm. Code ch. SPS 383.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing well in the floodway district shall meet the applicable requirements of all municipal ordinances, subsection (7)(e)3 of this section and Wis. Adm. Code chs. NR 811 and NR 812.

c. Flood fringe district.

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of subsection (4)(c) of this section except where subsection (6)(c)2 of this section is applicable.
- (2) Where compliance with the provisions of subdivision (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board of adjustment/appeals, using the procedures established in subsection (7)(c) of this section, may grant a variance from those provisions of subdivision (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (A) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (B) Human lives are not endangered;
 - (C) Public facilities, such as water or sewer, shall not be installed;
 - (D) Flood depths shall not exceed two feet;
 - (E) Flood velocities shall not exceed two feet per second; and
 - (F) The structure shall not be used for storage of materials as described in subsection (4)(c)5 of this section.

- (3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, subsection (7)(e)3 of this section and Wis. Adm. Code ch. SPS 383.
 - (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this section, subsection (7)(e)3 of this section and Wis. Adm. Code ch. NR 811 and NR 812.
8. *Administration.* Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under Wis. Stats. §§ 59.69, 59.692 or 62.23(7), these officials shall also administer this section.
- a. *Zoning administrator.*
 - (1) *Duties and powers.* The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:
 - (A) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - (B) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
 - (C) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
 - (D) Keep records of all official actions such as:
 - (a) All permits issued, inspections made, and work approved;
 - (b) Documentation of certified lowest floor and regional flood elevations;
 - (c) Floodproofing certificates.
 - (d) Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - (e) All substantial damage assessment reports for floodplain structures.
 - (f) List of nonconforming structures and uses.
 - (E) Submit copies of the following items to the department regional office:
 - (a) Within ten days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - (b) Copies of case-by-case analyses and other required information including an annual summary of

floodplain zoning actions taken.

- (c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (F) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the department regional office.
- (G) Submit copies of amendments to the FEMA regional office.
- (2) *Land use permit.* A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:
 - (A) *General information.*
 - (a) Name and address of the applicant, property owner and contractor;
 - (b) Legal description, proposed use, and whether it is new construction or a modification;
 - (B) *Site development plan.* A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - (a) Location, dimensions, area and elevation of the lot;
 - (b) Location of the ordinary highwater mark of any abutting navigable waterways;
 - (c) Location of any structures with distances measured from the lot lines and street center lines;
 - (d) Location of any existing or proposed on-site sewage systems or private water supply systems;
 - (e) Location and elevation of existing or future access roads;
 - (f) Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
 - (g) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 - (h) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of subsection (3) or (4) of this section are met; and
 - (i) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to

subsection (2)(a) of this section. This may include any of the information noted in subsection (3)(c)1 of this section.

- (C) Hydraulic and hydrologic studies to analyze development. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the department.

(a) *Zone A floodplains.*

1. Hydrology.

1. The appropriate method shall be based on the standards in Wis. Admin. Code ch. NR 116.07(3), hydrologic analysis: determination of regional flood discharge.

2. Hydraulic modeling. The regional flood elevation shall be based on the standards in Wis. Admin. Code ch. NR 116.07(4), hydraulic analysis: determination of regional flood elevation and the following:

1. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
2. Channel sections must be surveyed.
3. Minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
4. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
5. The most current version of HEC_RAS shall be used.
6. A survey of bridge and culvert openings and the top of road is required at each structure.
7. Additional cross sections are

required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

8. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
9. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
3. Mapping. A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
 1. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
 2. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing

and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

(b) *Zone AE floodplains.*

1. Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Wis. Admin. Code ch. NR 116.07(3), hydrologic analysis: determination of regional flood discharge.
2. Hydraulic model. The regional flood elevation shall be based on the standards in Wis. Admin. Code, ch. NR 116.07(4), hydraulic analysis: determination of regional flood elevation and the following:
 1. Duplicate effective model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the floodway data table in the FIS report to within 0.1 foot.
 2. Corrected effective model. The corrected effective model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for department review.
 3. Existing (pre-project conditions) model. The existing model shall be required to support conclusions about the actual impacts of the project associated with the revised (post-project) model or to establish

more up-to-date models on which to base the revised (post-project) model.

4. Revised (post-project conditions) model. The revised (post-project conditions) model shall incorporate the existing model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
5. All changes to the duplicate effective model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
6. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The effective model shall not be truncated.

3. Mapping. Maps and associated engineering data shall be submitted to the department for review which meet the following conditions:

1. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or flood boundary floodway maps (FBFMs), construction plans, bridge plans.
2. Certified topographic map of suitable scale, contour interval, and a

planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

3. Annotated FIRM panel showing the revised one percent and 0.2 percent annual chance floodplains and floodway boundaries.
4. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the universal transverse mercator (UTM) projection and state plane coordinate system in accordance with FEMA mapping specifications.
5. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
6. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
7. Both the current and proposed floodways shall be shown on the map.
8. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

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

- (3) *Certificate of compliance.* No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no

permit is required, subject to the following provisions:

- (A) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
 - (B) Application for such certificate shall be concurrent with the application for a permit;
 - (C) If all ordinance provisions are met, the certificate of compliance shall be issued within ten days after written notification that the permitted work is completed;
 - (D) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of subsection (7)(e) of this section are met.
- (4) *Other permits.* Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under § 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

b. *Zoning agency.*

- (1) The city plan commission shall:
 - (A) Oversee the functions of the office of the zoning administrator; and
 - (B) Review and advise the governing body on all proposed amendments to this ordinance, maps and text.
- (2) The city plan commission shall not:
 - (A) Grant variances to the terms of the ordinance in place of action by the board of adjustment/appeals; or
 - (B) Amend the text or zoning maps in place of official action by the governing body.

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

- (1) *Powers and duties.* The board of adjustment/appeals shall:
 - (A) Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
 - (B) Boundary disputes. Hear and decide disputes concerning the

district boundaries shown on the official floodplain zoning map; and

(C) Variances. Hear and decide, upon appeal, variances from the ordinance standards.

(2) *Appeals to the board.*

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

(B) *Notice and hearing for appeals including variances.*

(a) *Notice.* The board shall:

1. Fix a reasonable time for the hearing;
2. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
3. Assure that notice shall be mailed to the parties in interest and the department regional office at least ten days in advance of the hearing.

(b) *Hearing.* Any party may appear in person or by agent. The board shall:

1. Resolve boundary disputes according to subsection (7)(c)3 of this section;
2. Decide variance applications according to subsection (7)(c)4 of this section; and
3. Decide appeals of permit denials according to subsection (7)(d) of this section;

(C) *Decision.* The final decision regarding the appeal or variance application shall:

- (a) Be made within a reasonable time;
- (b) Be sent to the department regional office within ten days of the decision;
- (c) Be a written determination signed by the chairman or secretary of the board;
- (d) State the specific facts which are the basis for the board's decision;
- (e) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in

whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and

- (f) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the board proceedings.

(3) *Boundary disputes.* The following procedure shall be used by the board in hearing disputes concerning floodplain district boundaries:

- (A) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
- (B) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the board; and
- (C) If the boundary is incorrectly mapped, the board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to subsection (8) of this section.

(4) *Variance.*

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

public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

(C) A variance shall not:

- (a) Grant, extend or increase any use prohibited in the zoning district;
 - (b) Be granted for a hardship based solely on an economic gain or loss;
 - (c) Be granted for a hardship which is self-created.
 - (d) Damage the rights or property values of other persons in the area;
 - (e) Allow actions without the amendments to this ordinance or map(s) required in subsection (8) of this section; and
 - (f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (D) When a floodplain variance is granted the board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

d. *To review appeals of permit denials.*

- (1) The zoning agency (subsection (7)(b) of this section) or board shall review all data related to the appeal. This may include:
 - (A) Permit application data listed in subsection (7)(a)2 of this section;
 - (B) Floodway/flood fringe determination data in subsection (5)(d) of this section;
 - (C) Data listed in subsection (3)(c)1.b of this section where the applicant has not submitted this information to the zoning administrator; and
 - (D) Other data submitted with the application, or submitted to the board with the appeal.
- (2) For appeals of all denied permits the board shall:
 - (A) Follow the procedures of subsection (7)(c) of this section;
 - (B) Consider zoning agency recommendations; and
 - (C) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the board shall:
 - (A) Uphold the denial where the board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely

affected property owners as per the requirements of subsection (8) of this section; and

- (B) Grant the appeal where the board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

e. *Floodproofing standards for nonconforming structures or uses.*

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

f. *Public information.*

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

9. *Amendments.* Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with subsection (8)(a) of this section.

In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with subsection (8)(a) of this section. Any such alterations must be reviewed and approved by FEMA and the DNR.

In A zones increases equal to or greater than one foot may only be permitted if the applicant receives a conditional letter of map revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with subsection (8)(a) of this section.

- a. *General.* The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in subsection (8)(b) below. Actions which require an amendment to the ordinance and/or submittal of a letter of map change (LOMC) include, but are not limited to, the following:
 - (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
 - (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
 - (3) Any changes to any other officially adopted floodplain maps listed in (1)(e)2.b;
 - (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
 - (5) Correction of discrepancies between the water surface profiles and floodplain maps;
 - (6) Any upgrade to a floodplain zoning ordinance text required by Wis. Adm. Code § NR 116.05, or otherwise required by law, or for changes by the municipality; and
 - (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the flood fringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
- b. *Procedures.* Ordinance amendments may be made upon petition of any party according to the provisions of Wis. Stats. § 62.23, for cities and villages, or Wis. Stats. § 59.69, for counties. The petitions shall include all data required by subsections (5)(d) and (7)(a)2 of this section. The land use permit shall not be issued until a letter of map revision is issued by FEMA for the proposed changes.
 - (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the department regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. Stats. § 62.23, for cities and villages or Wis. Stats. § 59.69, for counties.

- (2) No amendments shall become effective until reviewed and approved by the department.
 - (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
10. *Enforcement and penalties.* Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$10.00 and not more than \$50.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Wis. Stats. § 87.30.
11. *Definitions.* Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

A zones. Those areas shown on the official floodplain zoning map which would be inundated by the regional flood. These areas may be numbered or unnumbered A zones. The A zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

AH zone. See "area of shallow flooding".

AO zone. See "area of shallow flooding".

Accessory structure or use. A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

Alteration. An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

Area of shallow flooding. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

Base flood. Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a

FIRM.

Basement. Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

Building. See *structure*.

Bulkhead line. A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the department pursuant to Wis. Stats. § 30.11, and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this section.

Campground. Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.

Camping unit. Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

Certificate of compliance. A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

Channel. A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Crawlways or crawl space. An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

Deck. An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

Department. The Wisconsin Department of Natural Resources.

Development. Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private

sewage disposal systems or water supply facilities.

Dryland access. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Encroachment. Any fill, structure, equipment, use or development in the floodway.

Federal emergency management agency (FEMA). The federal agency that administers the National Flood Insurance Program.

Flood insurance rate map (FIRM). A map of a community on which the Federal insurance administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the federal emergency management agency.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- a. The overflow or rise of inland waters;
- b. The rapid accumulation or runoff of surface waters from any source;
- c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood frequency. The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

Flood fringe. That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

Flood hazard boundary map. A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a flood insurance study and a flood insurance rate map.

Flood insurance study. A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are

designated as numbered and unnumbered A zones. Flood insurance rate maps, that accompany the flood insurance study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Floodplain. Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.

Floodplain island. A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain management. Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Flood profile. A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Floodproofing. Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Flood protection elevation. An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: *freeboard*.)

Flood storage. Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Freeboard. A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

Habitable structure. Any structure or portion thereof used or designed for human habitation.

Hearing notice. Publication or posting meeting the requirements of Wis. Stats. ch. 985. For appeals, a class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a class 2 notice,

published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

High flood damage potential. Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is either:

- a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the national register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

Increase in regional flood height. A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Land use. Any nonstructural use made of unimproved or improved real estate. (Also see *development*.)

Lowest adjacent grade. Elevation of the lowest ground surface that touches any of the exterior walls of a building.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Maintenance. The act or process of restoring to original soundness, including

redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

Manufactured home. A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

Mobile/manufactured home park or subdivision. A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

Mobile/manufactured home park or subdivision, existing. A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Mobile/manufactured home park, expansion to existing. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

Mobile recreational vehicle. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

Model, corrected effective. A hydraulic engineering model that corrects any errors that occur in the duplicate effective model, adds any additional cross sections to the duplicate effective model, or incorporates more detailed topographic information than that used in the current effective model.

Model, duplicate effective. A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

Model, effective. The hydraulic engineering model that was used to produce the current effective flood insurance study.

Model, existing (pre-project). A modification of the duplicate effective model or corrected effective model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction

of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the corrected effective model or duplicate effective model.

Model, revised (post-project). A modification of the existing or pre-project conditions model, duplicate effective model or corrected effective model to reflect revised or post-project conditions.

Municipality or municipal. The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

NAVD or North American Vertical Datum. Elevations referenced to mean sea level datum, 1988 adjustment.

NGVD or National Geodetic Vertical Datum. Elevations referenced to mean sea level datum, 1929 adjustment.

New construction. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Nonconforming structure. An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

Nonconforming use. An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

Obstruction to flow. Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official floodplain zoning map. That map, adopted and made part of this ordinance, as described in subsection (1)(e)2 of this section, which has been approved by the department and FEMA.

Open space use. Those uses having a relatively low flood damage potential and not

involving structures.

Ordinary highwater mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Person. An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

Private sewage system. A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the department of safety and professional services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

Public utilities. Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Reasonably safe from flooding. Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Regional flood. A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Start of construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Subdivision. Has the meaning given in Wis. Stats. § 236.02(12).

Substantial damage. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Substantial improvement. Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Unnecessary hardship. Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

Variance. An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

Violation. The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Watershed. The entire region contributing runoff or surface water to a watercourse or body of water.

Water surface profile. A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Well. An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

(Code 2011, § 17.07; Ord. No. 1727, 1-19-2016)

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

_____.

Presiding Officer

Attest

Anthony J. Penterman, Mayor, City of
Kaukauna

Sally Kenney, Clerk, City of
Kaukauna

RESOLUTION NO. 2023-5412**RESOLUTION DESIGNATING APPROPRIATIONS AND LEVYING A TAX
FOR THE 2024 BUDGET OF THE CITY OF KAUKAUNA**

BE IT HEREBY RESOLVED, by the City Council of the City of Kaukauna, Wisconsin, that there hereby be appropriated out of the receipts of the City of Kaukauna for the year 2024, including monies received from the general property tax levy, as described in attached budget schedules for General Fund, Debt Service Fund, Nelson Crossing Fund, Park & Pool Capital Fund, Sanitary Sewer Utility Fund, and Storm Water Utility Fund the amounts shown in said attached Schedules.

BE IT FURTHER RESOLVED, that the following be and is hereby declared the tax levy for 2023, collected in 2024, upon all taxable property within the City of Kaukauna as returned by the Assessor in the year 2023, for the uses and purposes as set forth in said budget, and that all taxing officers of the City are hereby authorized and directed to spread the tax upon the current tax roll of the City of Kaukauna.

1. There is levied upon the taxable property of the City of Kaukauna for the General Fund, the sum of \$8,045,681.
2. There is levied upon the taxable property of the City of Kaukauna for debt service, all bonds and notes legally required, the sum of \$4,435,704.
3. There is levied upon the taxable property of the City of Kaukauna for Nelson Crossing, the sum of \$3,500.
4. There is levied upon the taxable property of the City of Kaukauna for the Park & Pool Capital Improvement Fund, the sum of \$500,000.

Introduced and adopted this the 21st day of November, 2023.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Sally A. Kenney, Clerk

ORDINANCE NO. 1895-2023**ORDINANCE ESTABLISHING SALARIES
FOR VARIOUS ELECTED OFFICIALS**

The Common Council of the City of Kaukauna, Wisconsin, do ordain that salaries for various elected officials of the City of Kaukauna are hereby established as follows:

	<u>AMOUNT</u>	<u>EFFECTIVE DATE</u>
City Attorney	\$111,215.00 per year	May 1, 2024
Municipal Judge	\$12,693.00 per year	May 1, 2024

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON
COUNCIL on the 21st day of November, 2023.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Sally Kenney, Clerk

ORDINANCE NO. 1894-2023**ORDINANCE ESTABLISHING SALARY OF MAYOR**

The Common Council of the City of Kaukauna, Wisconsin, do ordain that the salary of the Mayor is hereby established at \$92,915 per year effective April 17, 2024, and \$95,702 per year effective April 16, 2025.

Passed and adopted by Council on the 21st day of November, 2023.

APPROVED: _____
Anthony J. Penterman

ATTEST: _____
Sally A. Kenney, Clerk

EXHIBIT A**3.002 OPERATIONAL POLICY – ENDOWMENT, MEMORIAL & SUSTAINABLE FUNDS**

DATE APPROVED: August 17, 1995

REVISED: 2/15/96, 3/20/03, 11/18/06, 4/16/20, 10/19/23

The 1000 Islands Environmental Center Committee revised this established policy for the accounting of all monetary gifts and other restricted monies received by 1000 Islands. Also included are donations and other special funds. These fund accounts are under the direct control of the 1000 Islands Environmental Center Committee.

THE ENDOWMENT FUND – This fund consists of specific endowments to 1000 Islands and the excess of restricted funds not used for a specific project or purpose. These funds are invested jointly by the 1000 Islands Committee and the City of Kaukauna in the 1000 Islands Designated Endowment Fund (Endowment Fund) with the Community Foundation for the Fox Valley Region.

All invested funds are reviewed on a timely basis. Investment of new funds are under the direct control of the 1000 Islands Environmental Center Committee. Transfer of funds from the Golden Passbook to the Endowment Fund can be authorized by the 1000 Islands Director/Naturalist, Administrative Assistant, or City of Kaukauna Treasurer.

Upon approval of the 1000 Islands Environmental Center Committee, distributions from the Endowment Fund investments may be included in the annual budget revenues of 1000 Islands. The specific amount will be set yearly by the 1000 Islands Environmental Center Committee. However, in the event the principal market value of the fund is under its historical gift value, no distribution amounts shall be accepted.

THE RESTRICTED FUND – Restricted Fund will consist of any donations, results of fund drives, grants or any other funds received by 1000 Islands for a specific project or purpose. These funds are deposited with the City and all payments are handled by the City.

Any funds remaining upon completion of the specific project or purpose shall be transferred to the Endowment Fund.

Deposits and withdrawals from any and all of these accounts are subject to the request and approval of the 1000 Islands Environmental Center Committee. (See Operating Policy 2.033 – Revenues & Expenditures for Specific Instructions.)

RESOLUTION 2023-5409
CITY OF KAUKAUNA
RESOLUTION DIRECTING THE 1000 ISLANDS COMMITTEE TO UPDATE THEIR
ENDOWMENT POLICY TO MATCH THE LANGUAGE OF THE COMMUNITY
FOUNDATION

WHEREAS, the 1000 Islands Endowment Fund is currently held in certificates of deposit with interest rates that have averaged 1.7% over the past 6 years; and

WHEREAS, an update to the 1000 Islands Endowment Fund investment policy to align with the Community Foundation's Designated Fund Investment Policy Statement will allow the funds to be invested with and managed by the Community Foundation to maximize the funds generated by the endowment to increase the financial support to our annual operating budget and eliminate the time that City staff spends on managing the endowment; and

WHEREAS, attached hereto as Exhibit A is the proposed updated 1000 Islands Environmental Center 3.002 Operational Policy – Endowment, Memorial & Sustainable Funds statement to align with the Community Foundation's Endowment Fund Investment Policy;

NOW THEREFORE, Be It Resolved, by the Common Council of the City of Kaukauna, Wisconsin directs the 1000 Islands Committee to update their endowment policy to match the language of the Community Foundation Investment Policy Statement.

Introduced and adopted this 21st day of November, 2023.

APPROVED: _____
 Anthony J. Penterman, Mayor

ATTEST: _____
 Sally Kenney, Clerk

RESOLUTION 2023-5410
CITY OF KAUKAUNA
RESOLUTION DIRECTING THE 1000 ISLANDS COMMITTEE TO TRANSFER FUNDS ON
EXISTING CDS TO THE COMMUNITY FOUNDATION

WHEREAS, the assets of the 1000 Islands Endowment Fund (Endowment Fund) are certificates of deposit (CDs) with interest rates that have averaged 1.7% over the past 6 years; and

WHEREAS, by investing these funds in a Designated Endowment Fund within the Community Foundation for the Fox Valley Region, the funds can be professionally managed for maximum return while still protecting the initial investment; and

WHEREAS, the establishment of such a fund and the transfer of assets to it is designed to maximize the funds generated by the Endowment Fund to support the 1000 Islands Environmental Center and to eliminate the time that City staff spends managing the Endowment Fund; and

WHEREAS, the 1000 Island Committee is requesting to transfer existing funds as CDs mature to a Designated Endowment Fund to be established in the Community Foundation consistent with the investment policy approved in Resolution 2023-5409. All funds that have not reached maturity shall remain in the existing Endowment Fund until they reach maturity;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Kaukauna, Wisconsin that the 1000 Islands Committee transfer maturing CDs from the existing Endowment Fund to a Designated Endowment Fund in the Community Foundation for the Fox Valley Region.

Introduced and adopted this 21st day of November, 2023.

APPROVED: _____
 Anthony J. Penterman, Mayor

ATTEST: _____
 Sally Kenney, Clerk



MEMO

Finance

To: Common Council
From: Finance Director
Date: 11/21/2023
Re: Resolution Amending Storm Water User Fee

The Storm Water Utility (Fund 601) is funded by a user fee. This fee is reviewed each budget cycle to confirm if the revenue generated by the current user fee is sufficient to support the budget of the Storm Water Utility fund.

In addition to the budgeted expenses and revenue the utility fund has debt covenants that need to be met which entails a debt coverage ratio of at least 1.25 times the debt service expense. This means our revenue must be 1.25 times the debt service expense. This user rate is governed by resolution which is attached.

With this increase, the utility fund covers the budget for 2024 and meets the debt coverage ratio.



RESOLUTION NO. 2023-5411

RESOLUTION AMENDING EQUIVALENT RUNOFF UNIT (ERU) CHARGES FOR STORMWATER UTILITY

WHEREAS, the ordinance creating a stormwater utility contains a provision that charges for stormwater services for each lot within the City of Kaukauna shall be made by resolution; and

WHEREAS, the ERU rate of \$117.60 (\$9.80 per month) effective August 1, 2023, is insufficient to cover the 2024 budgeted expenditures of the stormwater utility;

THEREFORE, BE IT RESOLVED that the stormwater charge shall be based on the Equivalent Runoff Unit (ERU) and the charge for one (1) ERU shall be \$126.00 (\$10.50 per month) effective January 1, 2024.

BE IT FURTHER RESOLVED that the contents of this resolution will be applicable to service billed by Kaukauna Utilities or the City of Kaukauna on or after January 1, 2024.

BE IT FURTHER RESOLVED that the Finance Director and Director of Public Works shall report to the Mayor and the Common Council as to whether the rates are still appropriate at least annually.

Introduced and adopted this 21st day of November, 2023.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Sally Kenney, Clerk

RESOLUTION NO. 2023-5411

RESOLUTION AMENDING EQUIVALENT RUNOFF UNIT (ERU) CHARGES FOR STORMWATER UTILITY

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WHEREAS, the ERU rate of \$117.60 (\$9.80 per month) effective August 1, 2023, is insufficient to cover the 2024 budgeted expenditures of the stormwater utility;

THEREFORE, BE IT RESOLVED that the stormwater charge shall be based on the Equivalent Runoff Unit (ERU) and the charge for one (1) ERU shall be \$126.00 (\$10.50 per month) effective January 1, 2024.

BE IT FURTHER RESOLVED that the contents of this resolution will be applicable to service billed by Kaukauna Utilities or the City of Kaukauna on or after January 1, 2024.

BE IT FURTHER RESOLVED that the Finance Director and Director of Public Works shall report to the Mayor and the Common Council as to whether the rates are still appropriate at least annually.

Introduced and adopted this 21st day of November, 2023.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Sally Kenney, Clerk

RESOLUTION NO. 2023-5413

RESOLUTION AUTHORIZING THE CITY OF KAUKAUNA TO GIVE THE REMAINDER OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS BACK TO THE STATE OF WISCONSIN

WHEREAS, the City of Kaukauna will continue to get low income housing rehabilitation and downpayment assistance through Brown County; and

WHEREAS, the resulting change in Community Development Block Grant administration will result in government efficiencies; and

WHEREAS, it is understood when a Community Development Block Grant is paid back by a resident of the City of Kaukauna, those funds will also be given to the State of Wisconsin at such time they are available;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kaukauna, Wisconsin that the Community Development Block Grant Funds shall be given back to the State of Wisconsin.

Introduced and adopted this 21st day of November 2023.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Sally A. Kenney, Clerk