

**CITY OF CEDARBURG
A MEETING OF THE COMMON COUNCIL
MONDAY AUGUST 28, 2023 – 7:00 P.M.**

A meeting of the Common Council of the City of Cedarburg, Wisconsin, will be held on **Monday, August 28, 2023 at 7:00 p.m.** The meeting will be held online utilizing the zoom app and in-person at City Hall, W63 N645 Washington Avenue, Cedarburg, WI., on the second floor, Council Chambers. The meeting may be accessed by clicking the following link:

<https://us02web.zoom.us/j/85969989002>

REVISED AGENDA – ITEM 14.B. & 15.A.

1. CALL TO ORDER - Mayor Michael O'Keefe
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL: Present – Common Council – Mayor Michael O'Keefe, Council Members Patricia Thome, Jim Fitzpatrick, Kevin Curley, Kristin Burkart, Mark Mueller, Melissa Bitter

Excused - Council Member Robert Simpson
5. STATEMENT OF PUBLIC NOTICE
6. COMMENTS AND SUGGESTIONS FROM CITIZENS** Comments from citizens on a listed agenda item will be taken when the item is addressed by the Council. At this time individuals can speak on any topic not on the agenda for up to 5 minutes, time extensions at the discretion of the Mayor. No action can be taken on items not listed except as a possible referral to committees, individuals, or a future Council agenda item.
7. PUBLIC HEARING
 - A. A Public Hearing on the City of Cedarburg new Floodplain Ordinance 2023-12 as drafted by the Department of Natural Resources*
8. NEW BUSINESS
 - A. Discussion and possible action on Ordinance 2023-12 to create Section 13-1-78 and repeal Sections 13-1-66, 13-1-67, 13-1-68 of the City of Cedarburg Zoning Code regarding a new Floodplain Ordinance as mandated by the Wisconsin Department of Natural Resources*
9. PRESENTATIONS
 - A. Presentation by Lighthouse Hospitality Group on potential new hotel to be located on Pioneer Road
 - B. Tax Incremental District (TID) presentation and discussion by Ehlers Financial Group

10. NEW BUSINESS – CONTINUED

- B. Discussion and possible action on potential new hotel and possible Tax Incremental District (TID)
- C. Discussion and possible action on approval of Resolution No. 2023-14 Authorizing Submission of a Community Development Investment (CDI) Grant through the Wisconsin Economic Development Corporation (WEDC)*
- D. Discussion and possible action on approval of one-time event on September 17, 2023, held at Ernie's Wine Bar with amplified music from 2:00 p.m. – 7:00 p.m. at a reduced permitting fee of \$50.00*

11. CONSENT AGENDA

- A. Discussion and possible action on approval of August 14, 2023 Council Meeting Minutes*
- B. Discussion and possible action on License/Permit applications***
 - 1. Consider approval of new 2023-2024 operator license for Stephen R. Anderson
- C. Discussion and possible action on payment of bills dated 07/22/2023 through 08/20/2023, transfers from 08/12/2023 through 08/28/2023, and payroll for period 08/06/23 through 08/19/23*

12. REPORTS OF CITY OFFICERS AND DEPARTMENT HEADS

- A. City Administrator's Report*

13. COMMUNICATIONS

- A. Comments and suggestions from citizens**
- B. Comments and announcements by Council Members
- C. Mayor's Report

14. ADJOURN TO CLOSED SESSION

It is anticipated the Common Council will adjourn to Closed Session pursuant to State Statute 19.85(1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. More specifically to be discussed is Item 14.B. It is further anticipated the Common Council will remain in Closed Session pursuant to State Statute 19.85(1)(c) to consider employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Specifically to be discussed is items 14.C and 14.D.

- A. Approval of June 26, 2023 Closed Session minutes
- B. Discussion on Christaansen v Cedarburg, Small Claims case No. 2023SC000453
- C. Discussion and possible action on Wage increases to 2024 market adjustments
- D. Discussion on Administrator's Evaluation

15. RECONVENE TO OPEN SESSION

- A. Discussion and possible action on Christaansen v Cedarburg, Small Claims case No. 2023SC000453
- B. Discussion and possible action on Wage increases to 2024 market adjustments

16. ADJOURNMENT

Individual members of various boards, committees, or commissions may attend the above meeting. It is possible that such attendance may constitute a meeting of a City board, committee, or commission pursuant to State ex. rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 NW 2d 408 (1993). This notice does not authorize attendance at either the above meeting or the Badke Meeting but is given solely to comply with the notice requirements of the open meeting law.

* Information attached for Council; available through City Clerk's Office.

** Citizen comments should be primarily one-way, from citizen to the Council. Each citizen who wishes to speak shall be accorded one opportunity at the beginning of the meeting and one opportunity at the end of the meeting. Comments should be kept brief. If the comment expressed concerns a matter of public policy, response from the Council will be limited to seeking information or acknowledging that the citizen has been understood. It is out of order for anyone to debate with a citizen addressing the Council or for the Council to take action on a matter of public policy. The Council may direct that the concern be placed on a future agenda. Citizens will be asked to state their name and address for the record and to speak from the lectern for the purposes of recording their comments.

*** Information available through the Clerk's Office.

City of Cedarburg is an affirmative action and equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, age, sexual orientation, gender identity, national origin, veteran status, or genetic information. City of Cedarburg is committed to providing access, equal opportunity and reasonable accommodation for individuals with disabilities in employment, its services, programs, and activities.

To request reasonable accommodation, contact the Clerk's Office,
(262) 375-7606, email: cityhall@cityofcedarburg.wi.gov

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CITY OF CEDARBURG

MEETING DATE August 28, 2023

ITEM NO: 7A. & 8A.

TITLE: Discussion and possible action on Ordinance 2023-12 to create Section 13-1-78 and repeal Sections 13-1-66, 13-1-67, 13-1-68 of the City of Cedarburg Zoning Code regarding a new Floodplain Ordinance as mandated by the Wisconsin Department of Natural Resources

ISSUE SUMMARY:

The Wisconsin Department of Natural Resources (DNR) has recently updated their model Floodplain Ordinance and is mandating that all affected communities adjust their ordinance to reflect the new model. Accordingly, staff have revised the city ordinance to reflect the new model which was then sent to the DNR for their review. Upon their review, the DNR has responded with their blessing to the ordinance before you here.

This ordinance includes both the minimum regulatory standards required in Ch. NR 116, Wis. Admin. Code, and those of the National Flood Insurance Program 44 CFR 59-72. Section 87.30(1)(b), Stats., and permits a county, city, village, or town to adopt a floodplain zoning ordinance that is more restrictive than the provisions required by the State, but not less restrictive than those requirements. The City must adopt this ordinance as FEMA flood insurance maps are periodically revised and failure to adopt this ordinance could result in suspension from the National Flood Insurance Program.

In addition, the DNR has completed a new flood plain study which has resulted in the recognition that our current maps have some major errors, and the new maps will correct those errors. Those corrections will benefit the numerous property owners in the city by removing their lands from the floodplain as they were incorrectly placed in the floodplain years ago. The DNR is currently in the review phase of the revised maps. When they have made their final determination on the new maps, all affected municipalities will be required to adopt the new maps which will likely to be later this year or early next year. At that time, staff will schedule a public hearing to adopt the revised zoning maps showing the new floodplain boundaries.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION: At their July 11, 2023, meeting, the Plan Commission reviewed this request and recommended approval by unanimous vote.

BUDGETARY IMPACT: N/A

ATTACHMENTS:

- Ordinance No. 2023-12
- Plan Commission Minutes from the July 11, 2023, meeting

INITIATED/REQUESTED BY: Wisconsin Department of Natural Resources

FOR MORE INFORMATION CONTACT: Jonathan P. Censky, City Planner, 262-375-7610

ORDINANCE NO. 2023-12

An Ordinance to create Section 13-1-78 and repeal Sections 13-1-66, 13-1-67, 13-1-68 of City of Cedarburg Code regarding a New Floodplain Ordinance as mandated by the Department of Natural Resources

The Common Council of the City of Cedarburg, Wisconsin, does hereby ordain as follows:

SECTION 1: Section 13-1-78 of the Code of Ordinances of the City of Cedarburg is hereby created as follows:

SEC. 13-1-78 FLOODPLAIN DISTRICT.

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

(1.1) STATUTORY AUTHORIZATION.

This ordinance is adopted pursuant to the authorization in s. 61.35 and 62.23; and the requirements in s. 87.30, Stats.

(1.2) FINDING OF FACT.

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

(1.3) STATEMENT OF PURPOSE.

This ordinance is intended to regulate floodplain development to:

1. Protect life, health and property;
2. Minimize expenditures of public funds for flood control projects;
3. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
4. Minimize business interruptions and other economic disruptions;
5. Minimize damage to public facilities in the floodplain;
6. Minimize the occurrence of future flood blight areas in the floodplain;
7. Discourage the victimization of unwary land and homebuyers;
8. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(1.4) TITLE.

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

(1.5) GENERAL PROVISIONS.

1. AREAS TO BE REGULATED

This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, and AE on the Flood Insurance Rate Map. Additional areas

identified on maps approved by the Department of Natural Resources (DNR) and the City of Cedarburg may also be regulated under the provisions of this ordinance, where applicable.

2. OFFICIAL MAPS AND REVISIONS:

Special Flood Hazard Areas (SFHA) are designed as zones A, A1-30, AE, AH, AO, on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (a) below. Additional flood hazard areas subject to regulation under this ordinance are identified on studies approved by the DNR and listed in subd. (b) below. These maps and revisions are on file in the office of the City Engineer, City of Cedarburg.

a. OFFICIAL MAPS: Based on the Flood Insurance Study (FIS):

- (1) Flood Insurance Rate Map (FIRM), panel numbers 55089C0159, 55089C0167, 55089C0178F, 55089C0186, 55089C0187 and 55089C0188, dated December 30, 2021.
- (2) Flood Insurance Study (FIS) City of Cedarburg, Ozaukee County Wisconsin, dated December 30, 2021.
- (3) LOMR 19-05-5425P-550312 dated 08/25/2021.

Approved by: The DNR and FEMA

b. OFFICIAL MAPS: Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

1. Wisconsin Department of Natural Resources Map dated October 4, 2007 and titled "Cedar Creek/Milwaukee River Dambreak Hazard Map" and corresponding flood profiles, titled "Dambreak Hazard Profiles" dated October 4, 2007, and Floodway data table dated October 4, 2007 and titled "Floodway Data".

Approved by: The DNR

3. ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The flood hazard areas regulated by this ordinance are divided into 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, or within A Zones shown on the FIRM when determined according to s. 13-1-78 (5.1)(5).
- b. The Floodfringe Overlay District (FFO) is that portion of a riverine special flood hazard area outside the floodway within the AE Zones on the FIRM, or, when floodway limits have been determined according to s. 13-1-

78(5.1)(5), within A Zones shown on the FIRM.

- c. The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.

4. LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between the exterior boundaries of zones A-1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 13-1-78 (8.0) Amendments. The zoning administrator may 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. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 13-1-78(7.3)(3) and the criteria in ss. (1) and (2) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 Amendments.

- a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- b. Where flood profiles do not exist for projects, including any boundary of zone A, AO, the location of the boundary shall be determined by the map scale.

5. REMOVAL OF LANDS FROM FLOODPLAIN

- a. Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 Amendments.
- b. The delineation of any of the Floodplain Districts may be revised by the community where natural man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change. Approval must be obtained from the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency. A complete letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - 1) The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
 - 2) The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain devolvement permit before applying for a LOMR or LOMR-F;
- c. Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R.70.

6. COMPLIANCE

- a. No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, inverted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- b. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with s13-1-78 (9.0)
- c. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with s. 13-1-78 (9.0).

7. MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies. Although exempt from local zoning and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the City of Cedarburg is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under s. 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under s. 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source, that existing data must be utilized by the applicant in the analysis of the project site.

8. ABROGATION AND GREATER RESTRICTIONS

- a. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 62.23; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- b. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

9. INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are

not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

10. **WARNING AND DISCLAIMER OF LIABILITY**

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

11. **SEVERABILITY**

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

12. **ANNEXED AREAS FOR CITIES AND VILLAGES**

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

(2.0) GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

(1) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:

- (a) be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including effects of buoyancy.
- (b) be constructed with flood-resistant materials.
- (c) be constructed by methods and practices that minimize flood damages; and
- (d) Mechanical and utility equipment must be elevated to or above the flood protection elevation.

(2) If a subdivision or other proposed new development is in a flood-prone area, the City shall assure that:

- (a) such proposed subdivision or other proposed development if consistent with the need to minimize flood damage within the flood-prone area.
- (b) public utilities and facilities, such as sewer, gas, electrical, and water systems

are located and constructed to minimize or eliminate flood damages.

(c) adequate drainage is provided to reduce exposure to flood hazards.

All subdivisions proposal (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 13-1-78(7.1)(2).

(2.1) HYDRAULIC AND HYDROLOGIC ANALYSES

1. No floodplain development shall:
 - (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - (b) Cause any increase in the regional flood height due to floodplain storage area lost.
2. The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 13-1-78(8.0) Amendments are met.

(2.2) WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 13-1-78(8.0) Amendments 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 (6) months after the date of the watercourse alteration or relocation and pursuant to s. 13-1-78(8.0) Amendments, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

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

Development which requires a permit from the Department, under Chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 13-1-78(8.0) Amendments.

(2.4) PUBLIC OR PRIVATE CAMPGROUNDS

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

1. The campground is approved by the Department of Agriculture, Trade, and Consumer Protection;
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 seventy-two (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 ss. 13-1-78 (4) - to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade, and Consumer Protection, and all other applicable regulations.
6. All mobile recreational vehicles placed on a site must meet one of the following:
 - (a) Only camping units that are fully licensed, if required, and ready for highway use are allowed; or
 - (b) 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 district for a minimum of 24 hours.
 - (c) Meet the requirements in either s.3.0, 4.0, 5.1, or 5.3 for the floodplain district in which the structure is located;A mobile recreational vehicle is ready for highway use if it is on its wheel or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.
7. 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 consistent with 13-1-78(2.4)(6) and shall ensure compliance with all the provisions of this section.
8. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
9. 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
10. 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: and
11. Standards for structures in a campground
 - (a) All structures must comply with section 2.4 or meet the applicable requirements in ss. 3.0, 4.0, 5.1, or 5.3 for the floodplain district in which the structure is located;
 - (b) Deck/ landing- a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with section 2.4(4). Any such

deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(c) Decks/patios that are constructed completely at grade may be allowed, but must also comply with applicable shoreland zoning standards.

(d) Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with section 2.4(4).

(e) Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section 2.4(4).

12. A land use permit shall be obtained as provided under 7.1(2) before any 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.

(3.0) FLOODWAY DISTRICT (FW)

(3.1) APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 13-1-78(5.1)(5).

(3.2) PERMITTED USES

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

- they are not prohibited by any other ordinance;
 - they meet the standards in s. 13-1-78(3.3) and (3.4); and
 - all permits or certificates have been issued according to s. 13-1-78 (7.1).
1. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
 2. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 3. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 13-1-78(3.3)(4).
 4. Uses or structures accessory to open space uses or classified as historic structures that comply with s 13-1-78(3.3) and (3.4).
 5. Extraction of sand, gravel or other materials that comply with s. 13-1-78(3.3)(4).
 6. Functionally water-dependent uses, such as docks, piers or wharves, dams,

- flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- 7. Public utilities, streets and bridges that comply with s. 13-1-78(3.3)(3).
- 8. Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.
- 9. Public or private wells used to obtain potable water for recreational areas that meet the requirement of local ordinances and Ch. NR 811 and NR 812, Wis. Adm. Code.
- 10. Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
- 11. Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

(3.3) STANDARDS FOR DEVELOPMENT IN THE FLOODWAY

1. GENERAL

- a. Any development in the floodway shall comply with s. 13-1-78(2.0) and have a low flood damage potential.
- b. Applicants shall provide an analysis calculating the effects of the proposal on the regional flood height to determine the effects of the proposal according to s. 13-1-78(2.1) and 13-1-78(7.1)(2)(c): The analysis must be completed by a registered professional engineer in the state of Wisconsin.
- c. Any encroachment in the regulatory floodway is prohibited unless the data submitted for subd. 13-1-78(3.3)(1)(b) above demonstrates that the encroachment will cause no increase in the flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in s. 13-1-78(1.5)(5)

2. STRUCTURES

Structures accessory to permanent open space uses, including utility and sanitary facilities, 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 either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 - 1. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
 - 2. Have structural components capable of meeting all provisions of section 13-1-78(3.3)(2)(g) and;
 - 3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 13-1-78(3.3)(2)(g).

- c. Must be anchored to resist flotation, collapse, and lateral movement;
- d. Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
- e. Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- f. For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets s. 13-1-78(3.3)(2)(a) through 3.3(2)(e) and meets or exceeds the following standards:
 - 1. the lowest floor must be elevated to or above the regional flood elevation;
 - 2. a minimum of two openings having a total net area of no less than one square inch for every square foot of enclosed area subject to flooding;
 - 3. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
 - 4. The use must be limited to parking, building access or limited storage.
- g. Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the regional flood:
 - 1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
 - 2. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 13-1-78(3.4)(4) and 3.4(5);
 - 3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
 - 4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 - 5. Placement of utilities to or above the flood protection elevation.

3. PUBLIC UTILITIES, STREETS AND BRIDGES

Public utilities, streets and bridges may be allowed by permit, if:

- a. Adequate floodproofing measures are provided to the flood protection elevation; and
- b. Construction meets the development standards of s. 13-1-78(2.1).

4. **FILLS OR DEPOSITION OF MATERIALS**

Fills or deposition of materials may be allowed by permit, if:

- a. The requirements of s. 13-1-78(2.1) are met;
- b. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
- c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- d. The fill is not classified as a solid or hazardous material.

(3.4) PROHIBITED USES

All uses not listed as permitted uses in s. 13-1-78(3.2) are prohibited, including the following uses:

1. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
2. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
3. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
4. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code;
5. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
6. Any solid or hazardous waste disposal sites;
7. Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
8. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(4.0) FLOODFRINGE DISTRICT FF

(4.1) APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 13-1-78(5.1)(5)

(4.2) PERMITTED USES

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 13-1-78(4.3) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 13-1-78(7.1) have been issued.

(4.3) STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

s. 13-1-78(2.0) shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 13-1-78(6.0);

1. RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 13-1-78(6.0) Nonconforming Uses;

- a. All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet s. 13-1-78(1.5)(5).
- b. Notwithstanding s. 13-1-78(4.3)(1)(a), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation.
- c. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- d. In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 1. The municipality has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 2. The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

2. ACCESSORY STRUCTURES OR USES

In addition to s. 13-1-78(2.0), new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

3. **COMMERCIAL USES**
In addition to s. 13-1-78(2.0), any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of s. 13-1-78(4.3)(1). Subject to the requirements of s.13-1-178(4.3)(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
4. **MANUFACTURING AND INDUSTRIAL USES**
In addition to s. 13-1-78(2.0), any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 13-1-78(7.5). Subject to the requirements of s. 13-1-78(4.3)(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
5. **STORAGE OF MATERIALS**
Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 13-1-78(7.5). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
6. **PUBLIC UTILITIES, STREETS AND BRIDGES**
All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
 1. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 13-1-78(7.5).
 2. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
7. **SEWAGE SYSTEMS**
All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 13-1-78(7.5)(3), to the flood protection elevation and meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
8. **WELLS**
All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 13-1-78(7.5)(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
9. **SOLID WASTE DISPOSAL SITES**
Disposal of solid or hazardous waste is prohibited in floodfringe areas.

10. DEPOSITION OF MATERIALS

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

11. MANUFACTURED HOMES

a. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

b. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

- have the lowest floor elevated to the flood protection elevation; and
- be anchored so they do not float, collapse or move laterally during a flood

c. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 13-1-78(4.3)(1).

12. MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles that are on site for one hundred eighty (180) consecutive days and be either;

- a. fully licensed and ready for highway use; or
- b. shall meet the elevation and anchoring requirements in s, 13-1-78(4.3)(11) (b) and (c).

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

(5.0) OTHER FLOODPLAIN DISTRICTS

(5.1) GENERAL FLOODPLAIN DISTRICT (GFP)

1. APPLICABILITY

The provisions for this district shall apply to all floodplains mapped as A, AO, AH, and in the AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s. 13-1-78(1.5)(2)(a).

2. FLOODWAY BOUNDARIES

For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 13-1-78(1.5)(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to s. 5.1(5). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s. 13-1-78(3.0). If the development is located entirely within the floodfringe, the development is subject to the standards of s. 13-1-78(4.0).

3. PERMITTED USES

Pursuant to s. 13-1-78(5.1)(5), it shall be determined whether the proposed use is

located within the floodway or floodfringe. Those uses permitted in the Floodway s. 13-1-78(3.2) and floodfringe s. 13-1-78(4.2) Districts are allowed within the General Floodplain District, according to the standards of s. 13-1-78(5.1)(4), provided that all permits or certificates required under s. 7.1 have been issued.

4. STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

Section 3 applies to floodway areas, determined pursuant to 13-1-78(5.1)(5);
Section s. 4 applies to floodfringe areas, determined pursuant to 13-1-78(5.1)(5).

- a. New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basements, elevated:
 - 1. To or above the depth, as shown on the FIRM above the highest adjacent natural grade; or
 - 2. If the depth is not specified on the FIRM, to or above two (2) feet above the highest adjacent natural grade.
- b. New construction and substantial improvement of structures in the zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
- c. In the AO/AH zones, provided adequate drainage paths to guide floodwaters around structures.
- d. All development in zones AO and zone AH shall meet the requirements of s. 13-1-78(4.0) applicable to the flood fringe areas.

5. DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within ZONE A, or within zone AE where a floodway has been delineated on the Flood Insurance Rate Maps, the zoning administrator shall:

- a. 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.
- b. 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.
 - 1. A Hydrologic and Hydraulic Study as specified in s. 13-1-78(2)(c).
 - 2. 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;
 - 3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary

facilities.

(6.0) NONCONFORMING USES

(6.1) GENERAL

1. APPLICABILITY

- a. The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, stats. and § NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72. These standards shall apply to all modifications or additions to any nonconforming use or structure and to the uses of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of lawfully established nonconforming use or structure has the burden of proving that the use of structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.
- b. As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value and list of the costs of those activities associated with changes to those buildings.

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 two hundred (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 twelve (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 fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 13-1-78(4.3)(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty percent (50%) provisions of this paragraph;
 - e. No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 13-1-78(4.3)(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
 - f. If on a per event basis the total value of the work being done under subd. (d) and (e) equals or exceeds fifty percent (50%) of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 13-1-78(4.3)(1).
 - g. Except as provided in ss. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
 - h. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met and all required permits have been granted prior to the start of construction.
- 1. Residential Structures:
 - a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 13-1-78(7.5)(2).

- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
 - c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - d. In A Zones, obtain, review, and utilize any flood data available from a federal, state or other source.
 - e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 13-1-78(5.1)(4).
 - f. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- 2. Nonresidential Structures:
 - a. Shall meet the requirements of s. 13-1-78(6.1)(2)(h)1a-f.
 - b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 13-1-78(7.5)(1) or (2).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 13-1-78(5.1)(4).
- 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 s. 13-1-78(3.3)(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 13-1-78(6.1)(2)(h)1 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.
- 4. Notwithstanding anything in this chapter to the contrary, modifications, additions, maintenance, and repairs to a nonconforming building shall not be prohibited based on cost and the buildings nonconforming use shall be permitted to continue if:
 - a. Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
 - b. The lowest floor on the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
 - c. The nonconforming building is permanently changed to conform to the applicable requirements of 13-1-78(2.0); and
 - d. If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of 13-1-78(3.3)(1), (3.3)(2)(b) through(e), (3.3)(4) and 13-1-78(6.2). Any development

that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5)

e. If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of 13-1-78(4.3) and 13-1-78(6.3).

f. Repair or reconstruction of nonconforming structures and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including the basement) elevated to or above the base flood elevation.

g. Repair or reconstruction of nonconforming structures and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

i. Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for construction, and must certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of s. 13-1-78(6.1)(4)(g) above.

ii. the community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed.

h. Fully enclosed areas below the lowest floor of repair or reconstruction of nonconforming structures and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on the exterior walls by allowing for entry and exit of floodwaters. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meeting the following criteria:

i. A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every one square foot of enclosed area.

ii. The bottom of all openings must be no higher than one foot above the adjacent grade;

iii. Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters.

i. Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation,

and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

j. Manufactured homes that placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion of an existing manufacture home park or subdivision on which a manufacture home has incurred substantial damage as a result of flood, must be elevated so that either the lowest floor of the manufacture home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.

k. Recreational vehicles placed on sites within zones A1-30, AH, and AE must either:

- i. Be on site for fewer than 180 consecutive days; or
- ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is one its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanent attached additions); or
- iii. Meet the elevation and anchoring requirements for manufactured homes in s. 13-1-78(6.1)(4)(i) above;

l. In a regulatory floodway that has been delineated on the FIRM in zone A1-30, AE, encroachments, including repair or reconstruction of nonconforming structures, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

m. In zone A, the city must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement, and other development to meet ss. 13-1-78(6.1)(4)(f) through (l) (inclusive) above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 13-1-78(5.1)(5). If the encroachment is in the floodway it must meet the standards in section 13-1-78(3.3)(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;

n. In zones A1-30 or AE where a regulatory floodway has been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement, or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with 13-1-78(5.1)(5). If the encroachment is in the floodway district it must meet

the standards in 13-1-78(3.3)(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

o. In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

p. In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to the level according to the standards specified in s. 13-1-78(6.1)(4)(g) above.

q. Notwithstanding the regulations of ss. 13-1-78(6.1)(4)(l) and (n) above, the City may permit certain development in zones A-1-30 and AE where a floodway has not been delineated, which will increase the water surface elevation of the base flood by more than one foot, or in a regulatory floodway, which will result in an increase in base flood elevations, if the city first obtains a Conditional Letter of Map Revision (CLOMR) from FEMA and fulfills the requirements of Section 65.12 of Title 44, Code of Federal Regulations.

(6.2) FLOODWAY DISTRICT

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - a. Has been granted a permit or variance which meets all ordinance requirements;
 - b. Meets the requirements of s. 13-1-78(6.1);
 - c. Shall not increase the obstruction to flood flows or regional flood height;
 - d. Any addition to the existing structure shall be floodproofed, pursuant to s. 13-1-78(7.5), by means other than the use of fill, to the flood protection elevation; and
 - e. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two (2) openings must be provided with a minimum net area of at least one (1) square inch for every one (1) square foot of the enclosed area. The lowest part of the opening can be no more than twelve (12) inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or

4. floodproofed to or above the flood protection elevation; and
The use must be limited to parking, building access or limited storage.
2. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 13-1-78(7.5)(3) and Ch. SPS 383, Wis. Adm. Code.
3. No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 13-1-78(7.5)(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

(6.3) FLOODFRINGE DISTRICT

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of s. 13-1-78(4.3) except where s. 13-1-78(6.3)(2) is applicable.
2. Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 13-1-78(7.3), may grant a variance from those provisions of ss. (a) 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 (2) feet;
 - e. Flood velocities shall not exceed two (2) feet per second; and
 - f. The structure shall not be used for storage of materials as described in s. 13-1-78(4.3)(5).
3. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, s. 13-1-78(7.5)(3) and Ch. SPS 383, Wis. Adm. Code.
4. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 13-1-78(7.5)(3) and Ch. NR 811 and NR 812, Wis. Adm. Code.

(7.0) ADMINISTRATION

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

(7.1) ZONING ADMINISTRATOR

1. DUTIES AND POWERS

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

- a. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- b. Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- c. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- d. Keep records of all official actions such as:
 - (1) All permits issued, inspections made, and work approved;
 - (2) Documentation of certified lowest floor and regional flood elevations;
 - (3) Floodproofing certificates.
 - (4) Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances, and amendments.
 - (5) All substantial damage assessment reports for floodplain structures.
 - (6) List of nonconforming structures and uses.
- e. Submit copies of the following items to the Department Regional office:
 - (1) Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - (2) Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
 - (3) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- f. Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- g. Submit copies of amendments to the FEMA Regional office.

2. LAND USE PERMIT

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

a. GENERAL INFORMATION

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

b. SITE DEVELOPMENT PLAN

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

- (1) Location, dimensions, area and elevation of the lot;
- (2) Location of the ordinary highwater mark of any abutting navigable waterways;
- (3) Location of any structures with distances measured from the lot lines and street center lines;
- (4) Location of any existing or proposed on-site sewage systems or private water supply systems;
- (5) Location and elevation of existing or future access roads;
- (6) Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- (7) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
- (8) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 13-1-78(c) or (d) are met; and
- (9) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 13-1-78(b)(1). This may include any of the information noted in s. 13-1-78(c)(3).

c. HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

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

1. Zone A floodplains and in AE zones within which a floodway is not delineated:

(a) Hydrology

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

(b) Hydraulic modeling

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

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 five hundred (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 five hundred (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.

(c) Mapping

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

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.

2. Zone AE Floodplains

(a) Hydrology

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

(b) Hydraulic Model

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

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.

(c) 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 1% and 0.2% 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 one hundred eighty (180) days after issuance. The permit may be extended for a maximum of one hundred eighty (180) days for good and sufficient cause. If the permitted work has not been started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

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 (10) days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 13-1-78 (7.5) are met.
- (e) Where applicable pursuant to s. 13-1-78 5.1(4), the applicant must submit a certificate by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
- (f) Where applicable pursuant to s. 13-1-78 5.1(4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s. 13-1-78 5.1(4).

4. OTHER PERMITS

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

(7.2) ZONING AGENCY

1. The City Plan Commission shall:

- a. oversee the functions of the office of the city planner; and
- b. review and advise the Common Council on all proposed amendments to this ordinance, maps, and text.
- c. publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place and subject of the public hearing.

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 Common Council.

(7.3) BOARD OF APPEALS

The Board of Appeals, created under s. 62.23(7)(e), is hereby authorized 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/city planner shall not be the secretary of the Board.

1. POWERS AND DUTIES

The Board of 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;
- (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 thirty (30) days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

b. NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:

- (a) Fix a reasonable time for the hearing;

- (b) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and
 - (c) Assure that notice shall be mailed to the parties in interest and the Department Regional office at least ten (10) days in advance of the hearing.
- 2. Hearing - Any party may appear in person or by agent. The board shall:
 - (a) Resolve boundary disputes according to s. 13-1-78(7.3)(3);
 - (b) Decide variance applications according to s. 13-1-78(7.3)(3); and
 - (c) Decide appeals of permit denials according to s. 13-1-78(7.4).
- c. DECISION: The final decision regarding the appeal or variance application shall:
 - 1. Be made within a reasonable time;
 - 2. Be sent to the Department Regional office within ten (10) days of the decision;
 - 3. Be a written determination signed by the chairman or secretary of the Board;
 - 4. State the specific facts which are the basis for the Board's decision;
 - 5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
 - 6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

3. BOUNDARY DISPUTES

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

- a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
- b. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- c. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 13-1-78(8.0).

4. VARIANCE

- a. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - 1. Literal enforcement of the ordinance will cause unnecessary hardship;
 - 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - 3. The variance is not contrary to the public interest; and
 - 4. The variance is consistent with the purpose of this ordinance in s. 13-1-78(1.3).
- b. In addition to the criteria in subd. (a), to qualify for a variance under FEMA

regulations, the following criteria must be met:

1. The variance shall not cause any increase in the regional flood elevation;
 2. The applicant has shown good and sufficient cause for issuance of the variance;
 3. Failure to grant the variance would result in exceptional hardship;
 4. Variances can only be granted for lots that are less than one-half (1/2) acre and are contiguous to existing structures constructed below the RFE; and
 5. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances
- c. A variance shall not:
1. Grant, extend or increase any use prohibited in the zoning district;
 2. Be granted for a hardship based solely on an economic gain or loss;
 3. Be granted for a hardship which is self-created.
 4. Damage the rights or property values of other persons in the area;
 5. Allow actions without the amendments to this ordinance or map(s) required in s. 13-1-78(8.0); and
 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- d. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

(7.4) TO REVIEW APPEALS OF PERMIT DENIALS

1. The Zoning Board of Appeals (s. 7.2) shall review all data related to the appeal. This may include:
 - (a) Permit application data listed in s. 13-1-78(7.1)(2);
 - (b) Floodway/floodfringe determination data in s. 13-1-78(5.1)(5);
 - (c) Data listed in s. 13-1-78(3.3)(1.b) where the applicant has not submitted this information to the zoning administrator; and
 - (d) Other data submitted with the application or submitted to the Board with the appeal.
2. For appeals of all denied permits the Board shall:
 - (a) Follow the procedures of s. 13-1-78(7.3);
 - (b) Consider the Plan Commission's recommendations; and
 - (c) Either uphold the denial or grant the appeal.
3. For appeals concerning increases in regional flood elevation the Board shall:
 - (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 13-1-78(8.0); and
 - (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other

reasons for denial exist.

(7.5) FLOODPROOFING STANDARDS

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. Floodproofing is not an alternative to the development standards in ss. 13-1-78 2.0, 3.0, 4.0, 5.1, or 5.3.
2. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - a. Certified by a registered professional engineer or architect; or
 - b. Meets or exceeds the following standards:
 1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one (1) foot above grade; and
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
3. Floodproofing measures shall be designed, as appropriate, to:
 - a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - b. Protect structures to the flood protection elevation;
 - c. Anchor structures to foundations to resist flotation and lateral movement;
 - d. Minimize or eliminate infiltration of flood waters;
 - e. Minimize or eliminate discharges into flood waters;
 - f. Placement of essential utilities to or above the flood protection elevation; and
 - g. If any part of the foundation below the flood protection elevation, the following standards shall apply:
 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protections elevation; and
 4. The use must be limited to parking, building access, or limited storage.

(7.6) PUBLIC INFORMATION

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

(8.0) AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 13-1-78(8.1).

1. In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 13-1-78(8.1). Any such alterations must be reviewed and approved by FEMA and the DNR.
2. In A Zones increases equal to or greater than one (1) foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 13-1-78(8.1).

(8.1) GENERAL

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 13-1-78(8.2) below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

1. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
2. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
3. Any changes to any other officially adopted floodplain maps listed in 13-1-78(1.5)(2b);
4. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
5. Correction of discrepancies between the water surface profiles and floodplain maps;
6. Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
7. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

(8.2) PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., The petitions shall include all data required by ss. 13-1-78(5.1)(5) and (7.1)(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

1. The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Common Council. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats.
2. No amendments shall become effective until reviewed and approved by the Department.
3. All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

(9.0) ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the City Attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the City a penalty of not more than fifty dollars (\$50), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance, and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

(10.0) DEFINITIONS

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

1. 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.
2. AH ZONE – See “AREA OF SHALLOW FLOODING”.
3. AO ZONE – See “AREA OF SHALLOW FLOODING”.
4. 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. An accessory structure shall not be used for human habitation.
5. 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.
6. 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

(1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

7. 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.

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

9. BREAKAWAY WALL – a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

10. BUILDING – See STRUCTURE.

11. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

12. CAMPGROUND – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.

13. CAMPING UNIT – Any portable device, no more than four hundred (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.

14. 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.

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

16. 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.

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

18. DEPARTMENT – The Wisconsin Department of Natural Resources.

19. 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.

20. 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.

21. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.

22. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.

23. 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.

24. 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.

25. 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.

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

27. 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.

28. 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.

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

30. FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

31. FLOODPLAIN MANAGEMENT – Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and

administration and enforcement of floodplain regulations.

32. **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.

33. **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.

34. **FLOOD PROTECTION ELEVATION** – An elevation of two (2) feet of freeboard above the Regional Flood Elevation. (Also see: **FREEBOARD**.)

35. **FLOOD STORAGE** – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

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

37. **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.

38. **HABITABLE STRUCTURE** – Any structure or portion thereof used or designed for human habitation.

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

40. **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.

41. **HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

42. **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.

43. 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.
44. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
45. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
46. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement).
47. MAINTENANCE – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
48. 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."
49. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two (2) or more manufactured home lots for rent or sale.
50. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two (2) 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.
51. 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.
52. MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, four hundred (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."
53. 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.
54. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

55. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
56. 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.
57. 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.
58. MUNICIPALITY or MUNICIPAL – The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
59. NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.
60. NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.
61. NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.
62. NON-FLOOD DISASTER – A fire or an ice storm, tornado, windstorm, mudslide or other destructive act of nature, but excludes a flood.
63. NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
64. 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.)
65. 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.
66. OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in s. 13-1-78(a)(5), which has been approved by the Department and FEMA.
67. OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.
68. 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.
69. PERSON – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

70. **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.
71. **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.
72. **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.
73. **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 (1%) chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
74. **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 one hundred eighty (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.
75. **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.
76. **SUBDIVISION** – Has the meaning given in s. 236.02(12), Wis. Stats.
77. **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 fifty percent (50%) of the equalized assessed value of the structure before the damage occurred.
78. **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) 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.

79. 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.

80. 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.

81. 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.

82. WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.

83. 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.

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

SECTION 2. Severability. If any provision of this ordinance is invalid or unconstitutional, such invalidity of unconstitutionality shall not affect the other provisions of this ordinance.

SECTION 3. Effective Date: This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed and adopted this 28th day of August, 2023.

Michael O'Keefe, Mayor

Attest:

Approved as to form:

Tracie Sette, City Clerk

Michael Herbrand, Attorney

the district allowed other uses such as: gymnasiums, health resorts, and athletic clubs, adding hotels and restaurants to the list of Conditional Uses would not be unusual for the area.

Commissioner Strautmanis asked whether there was a way to ensure it was in an area that was not amidst the more industrial-based portions of the district. Planner Censky recommended requiring that hotels and restaurants front a major arterial road so that it would not be obstructed by industrial uses and was visible to those who passed by.

Action: A motion was made by Commissioner Strautmanis, seconded by Council Member Thome, to recommend approval for a Zoning-Text Amendment to add hotels and restaurants as permitted uses in the M-2 General Manufacturing District only on major arterial roads. Motion carried without a negative vote with Commissioner Kinzel excused.

REQUEST FOR REVIEW AND RECOMMENDATION OF APPROVAL OF THE REVISED FLOODPLAIN ORDINANCE, AND ACTION THEREON.

Planner Censky stated that the Wisconsin Department of Natural Resources (DNR) had updated the floodplain ordinance and mandated that all affected communities adopt their new model ordinance. The DNR reviewed the floodplain ordinance drafted by staff and recommended putting it through the approval process. The ordinance included both the minimum regulatory standards required in Ch. NR 116, Wis. Admin. Code, and those of the National Flood Insurance Program 44 CFR 59-72. Section 87.30(1)(b), Stats. The City was required to adopt the ordinance as FEMA flood insurance maps are periodically revised and failure to adopt the ordinance could result in suspension from the National Flood Insurance Program.

Additionally, the DNR recently completed their new flood plain study and are in the review phase of the revised maps. When they have made their final determination on the new maps, all affected municipalities will be required to adopt the new maps, likely to be later this year or early next year.

Mayor O'Keefe asked whether the Commission had any say in what was put in the floodplain ordinance. Commissioner Wiza responded that while a challenge could be made, it was highly difficult to get approval on that challenge, based on his own experience with the floodplain ordinance in the past.

Action: A motion was made by Commissioner Wiza, seconded by Commissioner Arnett, to recommend approval for the Model Floodplain Ordinance. Motion carried without a negative vote with Commissioner Kinzel excused.

LAND USE DISCUSSION FOR THE VACANT PROPERTY IN THE SOUTHEAST CORNER OF SHEBOYGAN ROAD AND STATE HIGHWAY 60.

Planner Censky referenced the previous meeting held in June, where Mr. Blair Williams presented information on the economic reality of retail development for the southeast

CITY OF CEDARBURG

MEETING DATE: August 28, 2023

ITEM NO: 10.C.

TITLE: Discussion and possible action on approval of Resolution No. 2023-14 Authorizing Submission of a Community Development Investment (CDI) Grant through the Wisconsin Economic Development Corporation (WEDC)

ISSUE SUMMARY: Grants are available for Wisconsin municipalities for supporting urban, small city and rural community (re)development efforts for shovel ready projects with emphasis on downtown community driven projects. The owners, Tom and Becky Brolin, of Daily Dose Cedarburg have asked that the City assist them with redeveloping the property at N56W6093 Portland Rd by applying for the CDI grant through the WEDC. As part of the application process the WEDC requires a resolution from a municipality to apply for the grant.

STAFF RECOMMENDATION: Staff recommends that we apply for the grant.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION: None

BUDGETARY IMPACT: None

ATTACHMENTS: Resolution, CDI Redevelopment Grant Information

INITIATED/REQUESTED BY: Mikko Hilvo, City Administrator

FOR MORE INFORMATION CONTACT: Mikko Hilvo, City Administrator

COMMUNITY DEVELOPMENT INVESTMENT GRANT



BUILDING VIBRANT COMMUNITIES IN WISCONSIN

The Wisconsin Economic Development Corporation's (WEDC's) **Community Development Investment (CDI) Grant Program** helps transform communities by funding projects that mobilize people and resources to inspire positive and substantive local development.

How it works

The CDI Grant Program will support urban, small city, and rural community (re)development efforts by providing financial incentives for catalytic shovel-ready projects with emphasis on, but not limited to, community-driven commercial corridor efforts. The maximum grant amount is generally \$200,000. Grant recipients must provide a minimum 3:1 matching investment in project costs; projects located in a designated economically distressed community, a Development Opportunity Zone, or a rural community must provide a minimum 1:1 matching investment. Additionally, a project where a key component is to provide child care services or expand housing availability may also be approved by WEDC to provide 1:1 matching funds.

Eligibility requirements

Grant recipients must demonstrate significant, measurable benefits in job opportunities, property values, and/or leveraged investment by local and private partners in at least one of the following efforts:

- Development of a significant destination attraction
- Rehabilitation and reuse of an underutilized or landmark building
- Infill development
- Historic preservation
- Infrastructure efforts providing substantial benefits to downtown residents/property owners
- Mixed-use development

Eligible activities

CDI Grant funds may be used for the following activities:

- Building renovation
- Historic preservation
- Demolition
- New construction
- Infrastructure improvements

LEARN MORE

For more information about becoming eligible for the Community Development Investment Grant Program, contact a Wisconsin Economic Development Corporation (WEDC) regional economic development director or call 855-INWIBIZ toll free.

You can find the list of regional directors and territories covered at wedc.org/regional.

RESOLUTION NO. 2023-14

**A RESOLUTION APPROVING A
MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF CEDARBURG AND
TOM & BECKY BROLIN CONCERNING
THE DAILY DOSE BUSINESS PROJECT**

WHEREAS, Recipient is developing a project to renovate the Cedarburg Community Methodist Church building, built in 1905, at N56W6093 Portland Rd., Cedarburg, WI.

WHEREAS, the business will be called Daily Dose and will serve healthy juices and snacks.

WHEREAS, Recipient is partnering with the Building Owner and the City to develop the Daily Dose business building project in accordance with Recipient's development plans; and

WHEREAS, the parties hereto have agreed that Recipient shall serve as contract administrator and fiscal agent for the completion of the Daily Dose Business project; and

WHEREAS, City will apply for a grant to assist with the Recipient project from the Wisconsin Economic Development Corporation ("WEDC"); and

WHEREAS, the parties desire to enter into this MOU to clarify their respective roles and responsibilities for grant reporting compliance and completion of the Daily Dose Business project;

NOW, THEREFORE, BE IT RESOLVED by the City of Cedarburg, that the Memorandum of Understanding between the City of Cedarburg and Tom & Becky Brolin in the form attached is approved.

PASSED AND ADOPTED by the Common Council of the City of Cedarburg, County of Ozaukee, State of Wisconsin on this 28th day of August, 2023.

Michael O'Keefe, Mayor

Attest:

Tracie Sette, City Clerk

CITY OF CEDARBURG

MEETING DATE: August 28, 2023

ITEM NO: 10.D.

TITLE: Discussion and possible action on approval of a one-time event on September 17, 2023, to be held at Ernie's Wine Bar with amplified music from 2:00 p.m. – 7:00 p.m. at a reduced permitting fee of \$50.00

ISSUE SUMMARY: Ernie's Wine Bar is planning to hold an event on September 17, 2023 at their location N49 W5471 Portland Road, Cedarburg. It is a one-time event to be held outside in the approved outdoor alcohol licensed premise from 2:00 p.m. – 7:00 p.m. Since it is a one-time event, they are requesting a reduced fee of \$50.00.

STAFF RECOMMENDATION: n/a

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION: n/a

BUDGETARY IMPACT: n/a

ATTACHMENTS: application from Ernie's Wine Bar

INITIATED/REQUESTED BY: Tracie Sette, City Clerk

FOR MORE INFORMATION CONTACT: Tracie Sette (262) 375-7606



CITY OF CEDARBURG
W63 N645 Washington Avenue
P.O. Box 49
Cedarburg, WI 53012
Phone: (262) 375-7606
Fax: (262) 375-7906

APPLICATION FOR AMPLIFIED MUSIC/SOUND IN AN OUTDOOR ALCOHOL BEVERAGE SEATING AREA

In accordance with Section 7-2-17 of the Code of Ordinances of the City of Cedarburg, the undersigned makes application for outdoor amplified sound and music in an outdoor alcohol beverage seating area (beer garden). Applicants must be Outdoor Alcohol Beverage License holders.

\$250 annual application fee due at the time of application. The permit period is January 1 – December 31.


Name of Business: ERNIE'S WINE BAR

Address: N49 W5471 PORTLAND ROAD

Agent or Person in Charge: BEN GRADE

Phone Number: (262) 707-9114 September 17, 2024
2pm - 7pm.

I agree to comply with Section 7-2-17 of the City Code (see attached) and all laws, ordinances, rules, regulations, and penalties associated with issuance of this permit.

SIGNED: 

DATE: 8.14.23

Date Filed: _____

Paid: _____

Permit Issued: _____

Date copy sent to Police Dept.: _____

**CITY OF CEDARBURG
COMMON COUNCIL
August 14, 2023**

**CC20230814-1
UNAPPROVED**

A regular meeting of the Common Council of the City of Cedarburg, Wisconsin, was held on Monday, August 14, 2023 at City Hall, W63 N645 Washington Avenue, second floor, Council Chambers and online utilizing the Zoom app.

Mayor O’Keefe called the meeting to order at 7:00 p.m. A moment of silence was observed, and the Pledge of Allegiance was recited.

Roll Call: Present - Mayor Michael O’Keefe, Council Members Melissa Bitter, Jim Fitzpatrick, Kevin Curley, Robert Simpson, Patricia Thome

Excused - Council Members Kristin Burkart and Mark Mueller

Also Present - City Administrator Mikko Hilvo, Deputy City Clerk Amy Kletzien, Police Chief Michael McNerney, Fire Chief Jeff Vahsholtz, Engineering and Public Works Director Mike Weiser, Finance Director/Treasurer Kelly Livingston, Building Inspector Jeff Thoma, City Planner Jon Censky, Library Director Linda Eastwood, Library Board President DeWayna Cherrington, interested citizens and news media

STATEMENT OF PUBLIC NOTICE

At Mayor O’Keefe’s request, Deputy City Clerk Kletzien verified that notice of this meeting was provided to the public by forwarding the agenda to the City’s official newspaper, the *News Graphic*, to all news media and citizens who requested copies, and by posting in accordance with the Wisconsin Open Meetings Law. Citizen’s present were welcomed and encouraged to provide their input during the citizen comment portion of the meeting.

COMMENTS AND SUGGESTIONS FROM CITIZENS

PUBLIC HEARING

A PUBLIC HEARING ON THE CITY OF CEDARBURG ZONING CODE, M-2 GENERAL MANUFACTURING DISTRICT, TO INCLUDE HOTELS AND RESTAURANTS AS PART OF THE LIST OF APPROVED CONDITIONAL USES

Mayor O’Keefe opened the public hearing at 7:02 p.m.

Planner Censky explained that the applicant is requesting a zoning text amendment to add restaurants and hotels to the list of uses permitted in the M-2 General Manufacturing District. The intent of this change is to establish an approval process to allow for these uses to be considered for the Pioneer Road frontage of the LaRosa site. This request evolved from past discussions coming from the Economic Development Board and a feasibility study conducted at the direction of the Common Council in 2016 to determine whether there was a market for a franchise hotel in Cedarburg. That study suggested that the City could support an upper-midscale 50-60 room hotel.

He further explained that staff has now been working with a developer interested in developing a hotel and restaurant on the LaRosa site at N144W5800 Pioneer Rd. Before the City can consider their

request, however, the M-2 District must be amended to list these uses as permitted in the District. This district currently allows certain uses other than manufacturing uses such as athletic clubs, gymnasiums, and health resorts and therefore restaurants and hotels seemed to fit the character uses listed in the M-2 District. Moreover, these uses tend to support the weekly needs of manufacturing business during the week and the needs of the community on weekends.

There was no public comment.

The Common Council and Mayor expressed support for the zoning change and adding a hotel to Cedarburg.

Motion made by Council Member Thome, seconded by Council Member Fitzpatrick, to close the public hearing at 7:10 p.m. Motion carried on a roll call vote with Council Members Bitter, Fitzpatrick, Curley, Simpson, and Thome voting in favor and Council Members Burkart and Mueller excused.

NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2023-10 TO AMEND SECTION 13-1-60(d) OF THE CITY CODE, M-2 GENERAL MANUFACTURING, TO INCLUDE HOTELS AND RESTAURANTS AS PART OF THE LIST OF APPROVED CONDITIONAL USES

Planner Censky explained that the Plan Commission reviewed this request at their July 11 meeting and recommended adding restaurants and hotels provided they are located on a site that front an arterial road and that they be added to the list of Conditional Uses in the M-2 General Manufacturing District.

Motion made by Council Member Thome, seconded by Council Member Simpson, to approve Ordinance No. 2023-10 to amend Section 13-1-60(d) of the City Code, M-2 General Manufacturing, to include hotels and restaurants as part of the list of approved Conditional Uses. Motion carried without a negative vote with Council Member Burkart and Mueller excused.

OATH OF OFFICE – PATROLMAN VLADISLAV MELNIKOV

Deputy City Clerk Kletzien administered the oath of office to Patrol Officer Vladislav Melnikov.

DISCUSSION AND POSSIBLE ACTION ON AMCAST PROPERTY SAFETY AND SECURITY

City Administrator Hilvo explained that he walked through the Amcast site with Police Chief McNerney, Fire Chief Vahsholtz, Fire Inspector Karnitz, Deputy Fire Chief Hintz, and Building Inspector Thoma on July 18, 2023 to evaluate the northern parcel for Fire/EMS and Police personnel safety, public safety, and security of the facility. Several safety and security concerns were found during the walk through and all departments provided a memo to him on their findings and recommendations. The recommendations include, among other requirements, to not allow any storage in the remaining building on the site, block all openings to the building and the underground area, clear brush around the perimeter fence, fix or replace perimeter fence to secure any openings, remove any potential access points that make it easier for people to climb over the fence, add security lighting, and add additional cameras with potential live feed to the Police Department. In the alternate to the

recommendations specifically related to the existing building, staff supports removing the entire building on the northern site. Given the current condition of the existing building, and the potential uses of the northern parcel identified by the Owner, staff question the value of the existing building on the site. Representatives of the US EPA and WDNR have indicated in prior meetings that the building can be razed from the site, subject to compliance with all applicable environmental standards and regulations. The Development Agreement with the Owner currently provides that the existing building on the northern parcel can remain at the discretion of the Owner. If removing the entire building is not feasible, then removing the second floor of the building should be considered or at minimum all access to it be removed and additional support for the structure provided.

City Administrator Hilvo provided pictures that were taken during their walk through showing many of their concerns.

Police Chief McNerney presented their history on the property for the last year, including 18 incidents of trespassing and 123 business checks.

Council Member Thome opined that it is a hazard for the Police & Fire Departments to have to walk through the building.

Council Member Curley agreed that the building is unsafe and found it remarkable that no one has been hurt to-date.

In answer to Council Member Fitzpatrick's question, City Administrator Hilvo explained that the City's concerns were forwarded to DJ Burns and his attorney and there has been no response to-date.

Council Member Simpson stated that proper fencing, added lights, and cameras would be a good start to securing the property after all the openings are closed.

Council Member Bitter suggested sending a letter to the owner siting all the problems and giving him 30 days to submit a workplan to address all of the issues.

In answer to Council Member Fitzpatrick's question, City Attorney Herbrand stated that the City has the right to address the Code enforcement issue and to determine the structural state of the building from an engineer.

Mayor O'Keefe is in favor of taking the second floor of the building down, sealing the lower level doors, and covering any open holes in the roof.

Council Member Curley expressed concern for the neighbors to this property.

Discussion continued on the state of the property and safety issues.

Mark Ernster, N37W5677 Hamilton Road, explained that he lives across the street from the property and expressed frustration for the lack of any plan for the site. He believes the building should be demolished.

Mike Loberg, N37W5664 Hamilton Road, lives adjacent to the property for 35 years. He questioned the lack of a plan for the property and expressed concern for any environmental issues associated with the site.

City Administrator Hilvo explained that the EPA and DNR will be cleaning the site.

Council Member Thome stated that it is not feasible for the City to hire a Structural Engineer to examine the property; therefore, given the poor state of the property it should be razed to prevent any City employees or trespassers from injury.

It was the consensus of the Common Council to require a workplan from the owner, to be due in 30 days, outlining the steps that will be taken to secure the building and property.

PRESENTATIONS

TID INFORMATION UPDATE BY EHLERS PUBLIC FINANCE ADVISORS

Harry Allen of Ehlers provided a TID information update. His presentation included the following information:

- Building Blocks: TIF Cash Flows
- Building Blocks: TID Tax Levies
- Why use TIF?
- TIF in Wisconsin
- Eligible Project Costs
- Prohibited Project Costs
- Maximum Life
- District Types
- Funding Eligible Projects: Options
- Key Dates and Details for City's Active TIDs
- TID 3 – Key Information/Projection Worksheet
- TID 4 – Key Information/Projection Worksheet
- TID 5 – Key Information/Projection Worksheet
- TID 6 – Key Information/Projection Worksheet
- TID 7 – Key Information/Projection Worksheet

In answer to Mayor O'Keefe's question, Mr. Allen explained that the TIF limit for the City of Cedarburg is 12% of the equalized value and the City is at 2% to-date.

In answer to Council Member Fitzpatrick, Mr. Allen replied that communities the same size as Cedarburg are using approximately 5 – 8% of their TIF limit to-date.

2022 CEDARBURG POLICE DEPARTMENT REPORT

Police Chief McNerney presented the 2022 Annual Police Department Report to the Common Council. The following highlights were presented:

- Mission Statement – to work in partnership with the City to protect and enhance the quality of life for all who live, work, or visit our community.
- Police & Fire Commission – President Robert Carroll retired in 2022 after 23 years of service. Current members of the Commission are President Joel Dhein, Vice-President Terry Zimmerman, James Salp, Stacey Tolomeo, and Chris Hackbarth.
- Retirements – Chief Frank retired after 44 years of service, 23 years as Police Chief.

- Promotions – Police Chief Michael McNerney, Captain Joe Kell, Captain Ryan Fitting, and Sergeant Rolland Kegley.
- New Hires – Police Officers Wyatt Ecclestone and Justin Buboltz
- Commendations/Awards – Officer Steven Chojnacki (Top Gun Award, Life Saving Award, Letter of Commendation), Officer Dustin Koehler (Life Saving Award), Officer James Bailey (Life Saving Award), Officer Benjamin Buckenberger (Life Saving Award), Sergeant Brian Emmrich (Distinguished Service Award), Officer Anthony Schlice (Superior Investigative Performance Award), and Officer Jonathan Schemenauer (Letter of Commendation).
- WILEAG Accreditation – Deer Creek Innovator Award for condolence card program.
- Violent Crimes and Property Crimes
- Statistics

	2021 Statistics	2022 Statistics
Violent Crimes	7	4
Property Crimes	69	82
Felony Arrests	32	25
Misdemeanor Arrests	75	60

Department Activity

Reports Investigated	675	606
Calls for Service	25,805	24,920
Persons Assisted	2,605	2,765
Citizens at the Station	6,526	5,305
Telephone Calls	10,267	9,528
911 Calls	3,700	2,282
Alarms	93	130
Non Traffic Arrests	191	183
Traffic Arrests	919	1,189
Non Traffic Warnings	219	140
Traffic Warnings	3,601	3,581
Speeding	85	67
OWI	31	27
Parking Warnings	577	340
Parking Citations	499	896
Accidents	169	156

Drug Offenses

Tobacco Violations	12	12
Adult Alcohol Arrests	9	16
Juvenile Alcohol Arrests	1	24
Drug Arrests	39	35

- Community Policing
 - 105,850 door checks (210 found open)
 - 1,137 vacation checks
 - 71 vehicle lockouts
 - 1,153 rescue squad calls
 - 263 fire calls

- Safety Town and Safety Camp – 150 students
- Participated in National Night Out
- Home and new business visits
- School Resource Officer and School Safety Officer
- Hunter Safety
- Active Shooter Response presentations for citizens
- Active Shooter training with CSD and FIL staff
- Web site/Facebook/Tele-care/Tip App
- Community Room – 33 public meetings
- DMV Registrations – 293 (\$1,866)
- Multijurisdictional Units – Ozaukee Drug Enforcement Unit and Ozaukee Special Response Team
- Equipment – 2 marked patrol cars, marked SRO car, Safe Space, new camera system, Taser 7's, electric bike (donated by Friends of the Cedarburg Police Department)
- Training – The goal is to send each officer to a minimum of 40 hours of training annually. The new goal is 80 hours. Total training hours was 2,719.
- Support Staff – Pastor Randall Raasch, Rabbi Moshe Luchens, and twelve crossing guards at seven intersections.
- Auxiliary Unit – 20 Members
- WILEAG Accreditation

Police Chief McNerney thanked the Common Council and citizens for their support.

NEW BUSINESS – CONTINUED

DISCUSSION AND POSSIBLE ACTION ON MONETARY COMPENSATION FOR THE AUXILIARY POLICE DURING MAJOR CITY EVENTS

Police Chief McNerney explained that currently, the City's Auxiliary Police do not receive compensation for working at special events. The City has 20 auxiliaries serving in the unit which makes the City's program the strongest auxiliary program in Ozaukee County. If the City does not retain enough auxiliaries willing to work during special events, their posts will have to be manned by full-time certified officers. This will greatly increase the cost and put a further drain on resources at the Police Department. He recommended paying the auxiliaries \$15.00 per hour for their work at special events with the costs being passed along to the event organizers. The Department would also charge outside communities that utilize our auxiliaries for their special events. Based upon last year's hours, the total cost for the City's four major events would be \$3,026.25. This number could fluctuate a little based upon needs; however, the hours have been consistent over the years. The cost per event are as follows: Strawberry Festival - \$699.50, Ozaukee County Fair - \$247.50, Country in the Burg - \$1,027.50, and Wine & Harvest Festival - \$1,053.75. This would start in 2024 to allow event organizers time to plan for this additional cost.

Motion made by Council Member Thome, seconded by Council Member Simpson, to approve monetary compensation for the Auxiliary Police during major City events at \$15.00 per hour and allowing the discretion of Police Chief McNerney for invoicing events. Motion carried without a negative vote with Council Members Burkart and Mueller excused.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2023-11 AMENDING SECTION 2-4-3(b) OF THE CITY OF CEDARBURG MUNICIPAL CODE RELATED TO THE LIBRARY BOARD

Motion made by Council Member Fitzpatrick, seconded by Council Member Simpson, to postpone consideration of Ordinance No. 2023-11 to the next Common Council meeting. Motion carried without a negative vote with Council Members Burkart and Mueller excused.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE MAYORAL APPOINTMENT TO THE LIBRARY BOARD

Motion made by Council Member Curley, seconded by Council Member Thome, to table the approval of the Mayoral appointment to the Library Board. Motion carried without a negative vote with Council Members Burkart and Mueller excused.

DISCUSSION AND POSSIBLE ACTION ON BIDS RECEIVED FOR THE 2023 ASPHALT REPAIR PROGRAM

Director Wieser explained that staff advertised and received bids for the 2023 Asphalt Pavement Repair Program. This year's program involves the resurfacing of approximately 2,130 square feet of the northbound lane of Washington Avenue between pine Street and Evergreen Boulevard. The surface layer of asphalt has deteriorated in this area, and the best fix is to mill and overlay the top 2-inches of asphalt.

Four bids were received for the work with the lowest responsive bid submitted by Wolf Paving in the amount of \$39,290. All of the bids were competitive and well below his estimate; therefore, he also requested authorization to expand areas to be resurfaced at the unit price bid, not-to-exceed a total of \$60,000.

Motion made by Council Member Thome, seconded by Council Member Fitzpatrick, to award the 2023 Asphalt Repair program bid to Wolf Paving in an amount not-to-exceed \$60,000 to allow expansion in the scope of the project. Motion carried without a negative vote with Council Members Burkart and Mueller excused.

CONSENT AGENDA

Motion made by Council Member Thome, seconded by Council Member Simpson, to approve the following consent agenda items:

- Approval of July 31, 2023 Council meeting minutes
- Approval of new and renewal 2023-2024 operator licenses for:

Woody Burrell

Emma L. Larson

Spencer K. Lohrmann

Bonnie A. McCurley

Mary K. Wolff

- Payment of bills dated 7/22/23 through 8/04/23, transfers from 8/01/23 through 8/11/23, and payroll for period 7/23/23 through 8/05/23.

Motion carried without a negative vote with Council Members Burkart and Mueller excused.

CITY ADMINISTRATOR’S REPORT

City Administrator Hilvo and Police Chief McNerney will be attending the Ozaukee County Public Safety Committee meeting tomorrow to hear discussion on the policy analysis and final funding recommendations for the Ozaukee County EMS Grant program.

COMMENTS AND SUGGESTIONS FROM CITIZENS

Connie Kincaide, Linden Street, appreciated City Administrator Hilvo using the word “promise” in discussing the funding recommendations for the Ozaukee County EMS Grant program. She also thanked Police Chief McNerney for being approachable and helpful with her inquiries. Ms. Kincaide also extended her appreciation for the City’s openness and efforts in accepting her language concerns. Ms. Kincaide is an advocate for the mindful use of language in extending representation and inclusion for all citizens.

COMMENTS AND ANNOUNCEMENTS BY COUNCIL MEMBERS

Council Member Curley, as the representative on the Diversity Committee, extended an invitation to the Common Council Members to attend future Community Conversations. The following topics are tentative and the dates are being finalized and will be held at the Cedarburg Public Library:

- October 16, 2023 – Latino Voices
- January 15, 2024 – Intergenerational/Student Voices
- March 18, 2024 – IDD Voices
- May 20, 2024 – Law Enforcement Voices

MAYOR REPORT - None

ADJOURNMENT

Motion made by Council Member Thome, seconded by Council Member Fitzpatrick, to adjourn the meeting at 9:20 p.m. Motion carried without a negative vote with Council Members Burkart and Mueller excused.

Amy D. Kletzien, MMC/WCPC
Deputy City Clerk

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Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 100 GENERAL FUND							
07/28/2023	PWBDD	44352	ABLE DISTRIBUTING	REPAIR AND MAINTENANCE	500240	555510	366.15
07/28/2023	PWBDD	44354*#	AT&T	TELEPHONE/COMMUNICATIONS	500225	518100	94.64
				TELEPHONE/COMMUNICATIONS	500225	522110	103.20
				TELEPHONE/COMMUNICATIONS	500225	533210	89.34
CHECK PWBDD 44354 TOTAL FOR FUND 100:							287.18
07/28/2023	PWBDD	44355*#	AT&T MOBILITY	TELEPHONE/COMMUNICATIONS	500225	522110	1,177.65
				JEFF THOMA TABLET	500225	522310	22.99
				THOMA CELL	500225	522310	95.08
				BUDD CELL	500225	522310	95.08
				URBANEK CELL	500225	533110	95.08
				WEISER CELL	500225	533110	95.08
				BUBLITZ, HOTSPOT	500225	533210	33.49
				BUBLITZ TABLET	500225	533210	22.99
				TABLETS, PARKS	500225	533210	30.00
				BILL HINTZ	500380	533210	545.07
				KETTNER TABLET	500225	555510	22.99
				WESTPHAL TABLET	500225	555510	30.49
				DPW TABLET	500225	555510	10.00
CHECK PWBDD 44355 TOTAL FOR FUND 100:							2,275.99
07/28/2023	PWBDD	44358*#	BEYER'S HARDWARE	MAINTENANCE PARTS	500353	533210	22.02
				MAINTENANCE PARTS	500353	533210	13.49
				MAINTENANCE PARTS	500353	533210	7.00
				SIGNS	500363	533311	14.38
CHECK PWBDD 44358 TOTAL FOR FUND 100:							56.89
07/28/2023	PWBDD	44359	BILL SCHNITZER PLUMBING LLC	REPAIR AND MAINTENANCE	500240	555510	646.37
07/28/2023	PWBDD	44360	BLAIN'S FARM & FLEET	MAINTENANCE PARTS	500353	533210	119.99
07/28/2023	PWBDD	44363	CEDARBURG LIGHT & WATER	DUE TO LIGHT AND WATER	256200	000000	209.06
07/28/2023	PWBDD	44365	CHUCK MOEGENBURG	REPAIR AND MAINTENANCE	500240	518100	120.00

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Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 100 GENERAL FUND							
07/28/2023	PWBDD	44366*#	CINTAS CORPORATION	OPERATING SUPPLIES	500350	533210	318.29
				OPERATING SUPPLIES	500350	533210	231.46
				CHECK PWBDD 44366 TOTAL FOR FUND 100:			549.75
07/28/2023	PWBDD	44367	CITY OF MILWAUKEE	SUPPLIES AND EXPENSES	500347	555220	2,933.00
07/28/2023	PWBDD	44368	COMPLETE OFFICE OF WISCONSIN	OFFICE SUPPLIES	500310	515600	34.98
07/28/2023	PWBDD	44371	EMR, LLC	MAINTENANCE PARTS	500353	533210	93.55
07/28/2023	PWBDD	44372#	FASTENAL COMPANY	OPERATING SUPPLIES	500350	533210	204.80
				SIGNS	500363	533311	295.84
				CHECK PWBDD 44372 TOTAL FOR FUND 100:			500.64
07/28/2023	PWBDD	44375	FORESTRY SUPPLIERS	REPAIR AND MAINTENANCE	500240	555510	111.28
07/28/2023	PWBDD	44376	GALLS, LLC	4-IN-1 PATROL JACKET 2.0	500346	522410	61.75
				SHIPPING	500346	522410	2.85
				CHECK PWBDD 44376 TOTAL FOR FUND 100:			64.60
07/28/2023	PWBDD	44378	GRAINGER	OPERATING SUPPLIES	500350	518100	46.81
07/28/2023	PWBDD	44380*#	GUETZKE & ASSOCIATES, INC.	OPERATING SUPPLIES	500350	533210	547.00
07/28/2023	PWBDD	44382	HOUSEMAN & FEIND, LLP	ATTORNEY/CONSULTANT	500212	522110	720.00
07/28/2023	PWBDD	44384	JOE JACOBS	PROFESSIONAL SERVICES	500210	522310	240.00
07/28/2023	PWBDD	44388	MID-AMERICAN RESEARCH CHEMICAL	OPERATING SUPPLIES	500350	518100	254.01
07/28/2023	PWBDD	44389	NAPA AUTO PARTS	MAINTENANCE PARTS	500353	533210	10.54
07/28/2023	PWBDD	44391	NEWMAN CHEVROLET	MAINTENANCE PARTS	500353	533210	87.70
07/28/2023	PWBDD	44393*#	OLSEN'S PIGGLY WIGGLY	OPERATING SUPPLIES	500350	533210	90.85
				OPERATING SUPPLIES	500350	533210	73.71
				CHECK PWBDD 44393 TOTAL FOR FUND 100:			164.56

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Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 100 GENERAL FUND							
07/28/2023	PWBDD	44394	ONTECH SYSTEMS, INC	ATTORNEY/CONSULTANT	500212	522110	193.34
				REPAIR AND MAINTENANCE	500240	522110	80.00
				CHECK PWBDD 44394 TOTAL FOR FUND 100:			273.34
07/28/2023	PWBDD	44398	PORT WASHINGTON ADULT SENIOR	OTHER EXPENSES	500390	555140	1,555.50
07/28/2023	PWBDD	44399	QUALITY STATE OIL CO., INC.	GAS AND OIL EXPENSE	500351	533210	181.59
07/28/2023	PWBDD	44400	SCHMITZ READY MIX, INC.	REPAIR AND MAINTENANCE	500240	533440	32.00
07/28/2023	PWBDD	44403	SUPER SALES USA, INC	MAINTENANCE SUPPLIES	500340	522410	159.98
07/28/2023	PWBDD	44405*#	U. S. CELLULAR	TELEPHONE/COMMUNICATIONS	500225	533210	25.00
				TELEPHONE/COMMUNICATIONS	500225	533210	25.00
				TELEPHONE/COMMUNICATIONS	500225	555510	21.00
				TELEPHONE/COMMUNICATIONS	500225	555510	60.50
				CHECK PWBDD 44405 TOTAL FOR FUND 100:			131.50
07/28/2023	PWBDD	44406#	UNIFIRST CORPORATION	REPAIR AND MAINTENANCE	500240	518100	160.37
				MAINTENANCE SUPPLIES	500340	522100	78.63
				OPERATING SUPPLIES	500350	533210	52.47
				CHECK PWBDD 44406 TOTAL FOR FUND 100:			291.47
07/28/2023	PWBDD	44407	WALDSCHMIDTS TOWN & COUNTRY	MAINTENANCE PARTS	500353	533210	214.50
07/28/2023	PWBDD	44408	WISCONSIN BIOMEDICAL SERVICES INC	EQUIPMENT/CAPITAL OUTLAY	500380	522120	372.96
07/28/2023	PWBDD	44409	WISCONSIN DEPT OF JUSTICE-TIME	TELEPHONE/COMMUNICATIONS	500225	522110	447.75
07/28/2023	PWBDD	44410	WISCONSIN HUMANE SOCIETY	ANIMAL POUND	500213	522110	60.00
07/28/2023	PWBDD	44411#	WM CORPORATE SERVICES, INC	MAINT/CONTRACTED SERVICES	500290	533710	44,540.00
				MAINT/CONTRACTED SERVICES	500290	533730	20,272.50
				CHECK PWBDD 44411 TOTAL FOR FUND 100:			64,812.50
08/04/2023	PWBDD	44414	AMISH CRAFTSMEN GUILD II	LEGACY TREE & BENCH PROGRAM	500384	555510	1,763.67
08/04/2023	PWBDD	44415	AT&T MOBILITY	TELEPHONE/COMMUNICATIONS	500225	522410	115.98

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Fund: 100 GENERAL FUND							
08/04/2023	PWBDD	44419*#	BEYER'S HARDWARE	REPAIR AND MAINTENANCE	500240	555510	54.54
				REPAIR AND MAINTENANCE	500240	555510	8.85
				REPAIR AND MAINTENANCE	500240	555510	42.26
				REPAIR AND MAINTENANCE	500240	555510	32.82
				CHECK PWBDD 44419 TOTAL FOR FUND 100:			138.47
08/04/2023	PWBDD	44420	BILL HILL	OTHER EXPENSES	500390	555140	150.00
08/04/2023	PWBDD	44421	BLAIN'S FARM & FLEET	MAINTENANCE PARTS	500353	533210	268.99
08/04/2023	PWBDD	44423	CARLIN HORTICULTURAL SUPPLIES	TREES AND SUPPLIES	500341	555510	114.20
08/04/2023	PWBDD	44426	CEDARBURG POLICE ASSOCIATION	LONGEVITY	500159	522120	2,058.00
08/04/2023	PWBDD	44427	CHARTER COMMUNICATIONS	TELEPHONE/COMMUNICATIONS	500225	522110	584.00
08/04/2023	PWBDD	44431	DIANE REDMAN	PROFESSIONAL SERVICES - QIGONG JULY	500210	555140	56.00
08/04/2023	PWBDD	44434	ELIZABETH ROLLAND	PROFESSIONAL SERVICES - MAY QIGONG	500210	555140	16.00
				PROFESSIONAL SERVICES - JULY CHAIR YOGA	500210	555140	25.00
				PROFESSIONAL SERVICES - JULY TAIJI	500210	555140	296.00
				CHECK PWBDD 44434 TOTAL FOR FUND 100:			337.00
08/04/2023	PWBDD	44435*#	EMERGENCY MEDICAL PRODUCTS	SUPPLIES AND EXPENSES	500347	522120	216.41
08/04/2023	PWBDD	44437	EXCEL DISPOSAL OF WISCONSIN LLC	PUBLIC WORKS FEES	463101	000000	325.72
08/04/2023	PWBDD	44443	HOME DEPOT CREDIT SERVICES	REPAIR AND MAINTENANCE	500240	518100	42.94
08/04/2023	PWBDD	44448	JONATHAN CENSKY	PROFESSIONAL SERVICES	500210	566310	5,599.12
08/04/2023	PWBDD	44453*#	NAPA AUTO PARTS	MAINTENANCE PARTS	500353	533210	32.52
				MAINTENANCE PARTS	500353	533210	23.05
				MAINTENANCE PARTS	500353	533210	46.49
				CHECK PWBDD 44453 TOTAL FOR FUND 100:			102.06
08/04/2023	PWBDD	44454	NASSCO, INC.	OPERATING SUPPLIES	500350	518100	784.90
08/04/2023	PWBDD	44456	NORTH SHORE BANK	SICK PAY OUT	500135	522120	25,865.43

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Fund: 100 GENERAL FUND							
08/04/2023	PWBDD	44457*#	OLSEN'S PIGGLY WIGGLY	AWARDS, SUPPLIES	500343	519200	61.96
08/04/2023	PWBDD	44460	POMP'S SERVICES INC.	MAINTENANCE PARTS	500353	533210	437.18
08/04/2023	PWBDD	44461	RAINBOW TREE CARE	MAINT/CONTRACTED SERVICES	500290	555510	322.80
08/04/2023	PWBDD	44462	REDISHRED ACQUISITION INC	PROFESSIONAL SERVICES	500210	515600	57.20
08/04/2023	PWBDD	44465	RICOH USA, INC.	REPAIR AND MAINTENANCE	500240	522110	991.08
08/04/2023	PWBDD	44466	SHERWIN INDUSTRIES, INC.	REPAIR AND MAINTENANCE	500240	533311	1,553.00
08/04/2023	PWBDD	44467	SHORT ELLIOTT HENDRICKSON INC	PROFESSIONAL SERVICES	500210	533110	1,172.92
08/04/2023	PWBDD	44469	SOUTHSIDE TIRECO., INC	MAINTENANCE PARTS	500353	533210	997.40
08/04/2023	PWBDD	44472	TAKAKO WILLDEN	PROFESSIONAL SERVICES - CHAIR YOGA	500210	555140	75.00
08/04/2023	PWBDD	44474	TSR SOLUTIONS, INC.	PROFESSIONAL SERVICES	500210	514700	242.82
08/04/2023	PWBDD	44475	UNDERWATER CONNECTION	DIVE SUITS	500235	522230	17,964.80
08/04/2023	PWBDD	44476	UNIFIRST CORPORATION	OPERATING SUPPLIES	500350	533210	52.47
08/11/2023	PWBDD	44486	BAKER TILLY US, LLP	PROFESSIONAL SERVICES	500210	515600	5,650.00
08/11/2023	PWBDD	44487*#	BEYER'S HARDWARE	REPAIR AND MAINTENANCE	500240	518100	13.49
				REPAIR AND MAINTENANCE	500240	518100	5.84
				SUPPLIES AND EXPENSES	500347	522110	14.39
				OPERATING SUPPLIES	500350	533210	28.32
				OPERATING SUPPLIES	500350	533210	11.69
				OPERATING SUPPLIES	500350	533210	15.10
				MAINTENANCE PARTS	500353	533210	13.49
				CHECK PWBDD 44487 TOTAL FOR FUND 100:			102.32
08/11/2023	PWBDD	44493	CEDARBURG LIGHT & WATER	W70N1176 PINEHURST ROAD	256201	000000	2,053.92
				W63N478 &W63 N476 DAYTON DRIVE	256201	000000	4,107.84
				W63N482 &W63 N430 DYTON DRIVE	256201	000000	4,107.84
				W63N477 &W63 N475 HANOVER AVE	256201	000000	4,107.84

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Fund: 100 GENERAL FUND							
				W63N481 &W63 N479 HANOVER AVE	256201	000000	4,107.84
				CHECK PWBDD 44493 TOTAL FOR FUND 100:			18,485.28
08/11/2023	PWBDD	44497	CONLEY MEDIA, LLC	LEGAL PUBLICATIONS	500325	514100	66.48
08/11/2023	PWBDD	44498	EGELHOFF LAWNMOWER SERVICE	MAINTENANCE PARTS	500353	533210	38.50
08/11/2023	PWBDD	44500	FASTENAL COMPANY	MAINTENANCE PARTS	500353	533210	266.93
08/11/2023	PWBDD	44501	FIRESIDE THEATRE	OTHER EXPENSES - FIRESIDE TICKETS	500390	555140	2,646.85
08/11/2023	PWBDD	44503#	GRAFTON ACE HARDWARE	REPAIR AND MAINTENANCE	500240	518100	18.07
				MAINTENANCE PARTS	500353	533210	16.18
				CHECK PWBDD 44503 TOTAL FOR FUND 100:			34.25
08/11/2023	PWBDD	44507	LAROSA LANDSCAPE COMPANY	REPAIR AND MAINTENANCE	500240	522100	658.75
08/11/2023	PWBDD	44510	NAPA AUTO PARTS	MAINTENANCE PARTS	500353	533210	58.09
				MAINTENANCE PARTS	500353	533210	38.99
				MAINTENANCE PARTS	500353	533210	23.05
				MAINTENANCE PARTS	500353	533210	153.47
				CHECK PWBDD 44510 TOTAL FOR FUND 100:			273.60
08/11/2023	PWBDD	44512*#	ONTECH SYSTEMS, INC	PROFESSIONAL SERVICES	500210	514700	735.00
				EQUIPMENT/CAPITAL OUTLAY	500380	514700	830.50
				EQUIPMENT/CAPITAL OUTLAY	500380	514700	1,197.00
				EQUIPMENT/CAPITAL OUTLAY	500380	514700	1,434.40
				CHECK PWBDD 44512 TOTAL FOR FUND 100:			4,196.90
08/11/2023	PWBDD	44513	QUALITY STATE OIL CO.,INC.	FUEL INVENTORY	161500	000000	6,192.00
				FUEL INVENTORY	161500	000000	5,472.00
				CHECK PWBDD 44513 TOTAL FOR FUND 100:			11,664.00
08/11/2023	PWBDD	44515	RELIABLE PLUS CARWASH SERVICES,	FUEL SYSTEM MAINTENANCE	500326	533210	684.21
08/11/2023	PWBDD	44516	RIVER RUN COMPUTERS, INC.	TELEPHONE/COMMUNICATIONS	500225	522110	75.00

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Fund: 100 GENERAL FUND							
08/11/2023	PWBDD	44517	RNOW INC	MAINTENANCE PARTS	500353	533210	392.70
				MAINTENANCE PARTS	500353	533210	169.59
				CHECK PWBDD 44517 TOTAL FOR FUND 100:			562.29
08/11/2023	PWBDD	44519	THE UNIFORM SHOPPE	UNIFORMS	500346	522120	478.00
08/11/2023	PWBDD	44520*#	UNIFIRST CORPORATION	OPERATING SUPPLIES	500350	533210	52.47
08/18/2023	PWBDD	44525	ALL ABOUT ACCESS	REPAIR AND MAINTENANCE	500240	518100	275.00
08/18/2023	PWBDD	44533#	BEYER'S HARDWARE	OPERATING SUPPLIES	500350	533210	4.93
				REPAIR AND MAINTENANCE	500240	555510	32.36
				CHECK PWBDD 44533 TOTAL FOR FUND 100:			37.29
08/18/2023	PWBDD	44534*#	BLAIN'S FARM & FLEET	REPAIR AND MAINTENANCE	500240	518100	28.93
				MAINTENANCE PARTS	500353	533210	9.99
				MAINTENANCE PARTS	500353	533210	24.47
				CHECK PWBDD 44534 TOTAL FOR FUND 100:			63.39
08/18/2023	PWBDD	44535	BROOKS TRACTOR	MAINTENANCE PARTS	500353	533210	2,604.16
				MAINTENANCE PARTS	500353	533210	(50.00)
				CHECK PWBDD 44535 TOTAL FOR FUND 100:			2,554.16
08/18/2023	PWBDD	44536	BS& A SOFTWARE	PROFESSIONAL SERVICES	500210	515600	6,195.00
08/18/2023	PWBDD	44540#	CEDARBURG LIGHT & WATER	DUE TO L&W IMPACT FEES	256201	000000	2,053.92
				DUE TO L&W IMPACT FEES	256201	000000	4,107.84
				ELECTRIC	500222	533420	649.36
				CHECK PWBDD 44540 TOTAL FOR FUND 100:			6,811.12
08/18/2023	PWBDD	44541#	CHARTER COMMUNICATIONS	TELEPHONE/COMMUNICATIONS	500225	522110	427.34
				OPERATING SUPPLIES	500350	533210	12.05
				CHECK PWBDD 44541 TOTAL FOR FUND 100:			439.39

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Fund: 100 GENERAL FUND							
08/18/2023	PWBDD	44542	CHUCK MOEGENBURG	REPAIR AND MAINTENANCE	500240	518100	120.00
08/18/2023	PWBDD	44544#	COMPLETE OFFICE OF WISCONSIN	COMPUTER/COPIER SUPPLIES	500312	514100	23.86
				OFFICE SUPPLIES	500310	515600	41.08
				CHECK PWBDD 44544 TOTAL FOR FUND 100:			64.94
08/18/2023	PWBDD	44545	CRETEX SPECIALTY PRODUCTS INC	REPAIR AND MAINTENANCE	500240	533440	2,184.72
08/18/2023	PWBDD	44547	DEAN OSSANNA	PARK RENTAL FEES	467200	000000	35.00
08/18/2023	PWBDD	44549#	DIGITAL EDGE OF GRAFTON	PRINTING-NEWSLETTERS, ETC	500313	522110	43.00
				EQUIPMENT/CAPITAL OUTLAY	500380	555510	748.00
				CHECK PWBDD 44549 TOTAL FOR FUND 100:			791.00
08/18/2023	PWBDD	44551	E-Z WINDOW CLEANING	REPAIR AND MAINTENANCE	500240	518100	577.00
				REPAIR AND MAINTENANCE	500240	518100	1,851.00
				CHECK PWBDD 44551 TOTAL FOR FUND 100:			2,428.00
08/18/2023	PWBDD	44554	EHLERS	PROFESSIONAL SERVICES	500210	515600	400.00
08/18/2023	PWBDD	44555*#	ELAN FINANCIAL SERVICES	ICMA, SOUTHWEST	500330	513200	1,098.96
				POSTAGE	500315	514100	8.85
				ZOOM	500320	514100	67.48
				REPAIR AND MAINTENANCE	500240	522100	173.92
				STAMPS	500310	522110	169.99
				AMAZON	500310	522110	505.94
				MONKS	500330	522110	74.33
				GROTHS GARDEN	500347	522110	91.34
				PJ PIPERS	500390	522110	94.14
				LULU LEMON	500346	522130	124.49
				OFFICE SUPPLIES	500310	522310	337.10
				CEDARBURG AUTO REPAIR	500240	522410	245.52
				OLSEN'S	500350	522410	315.44
				CC FILSON	500350	533210	(38.02)
				AMAZON	500350	533210	14.99
				AMAZON	500353	533210	75.94

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Fund: 100 GENERAL FUND							
				AMAZON	500363	533311	99.50
				REPAIR AND MAINTENANCE	500240	555510	200.48
				DOG WASTE	500240	555510	228.47
				WIS. ARBORIST	500330	555510	385.00
				CHECK PWBDD 44555 TOTAL FOR FUND 100:			4,273.86
08/18/2023	PWBDD	44556	EMERGENCY SERVICES MARKETING C	MAINT/CONTRACTED SERVICES	500290	522410	305.00
08/18/2023	PWBDD	44558	EPTURA, INC	MAINTENANCE PARTS	500353	533210	2,841.24
08/18/2023	PWBDD	44559	EXCEL DISPOSAL OF WISCONSIN LLC	PUBLIC WORKS FEES	463101	000000	307.72
08/18/2023	PWBDD	44560	FIRST ADVANTAGE	PROFESSIONAL SERVICES	500210	533311	183.08
08/18/2023	PWBDD	44561	FIVE CORNERS DODGE	MAINTENANCE PARTS	500353	533210	75.94
08/18/2023	PWBDD	44562	GALLS, LLC	UNIFORMS	500346	522120	9.19
				UNIFORMS	500346	522120	58.52
				CHECK PWBDD 44562 TOTAL FOR FUND 100:			67.71
08/18/2023	PWBDD	44563	GFL ENVIRONMENTAL	REPAIR AND MAINTENANCE	500240	533311	329.60
08/18/2023	PWBDD	44564	GOLLNICK & SONS TREE SERVICE	MAINT/CONTRACTED SERVICES	500290	555510	1,200.00
08/18/2023	PWBDD	44565*#	GRAFTON ACE HARDWARE	REPAIR AND MAINTENANCE	500240	555510	425.60
08/18/2023	PWBDD	44567	JENNIFER KRYZAK	PUBLIC WORKS FEES	463101	000000	15.00
08/18/2023	PWBDD	44568	JOE JACOBS	PROFESSIONAL SERVICES	500210	522310	270.00
08/18/2023	PWBDD	44571	LAROSA LANDSCAPE COMPANY	REPAIR AND MAINTENANCE	500240	522100	658.75
				REPAIR AND MAINTENANCE	500240	522100	658.75
				CHECK PWBDD 44571 TOTAL FOR FUND 100:			1,317.50
08/18/2023	PWBDD	44572*#	MASTER PRINTWEAR	EQUIPMENT/CAPITAL OUTLAY	500380	533210	1,101.30
				OPERATING SUPPLIES	500350	533311	372.00
				CHECK PWBDD 44572 TOTAL FOR FUND 100:			1,473.30

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Fund: 100 GENERAL FUND							
08/18/2023	PWBDD	44573	MATHESON TRI-GAS INC	MAINTENANCE PARTS	500353	533210	78.99
08/18/2023	PWBDD	44577*#	NAPA AUTO PARTS	MAINTENANCE PARTS	500353	533210	27.29
				MAINTENANCE PARTS	500353	533210	15.59
				MAINTENANCE PARTS	500353	533210	44.69
				MAINTENANCE PARTS	500353	533210	13.42
				CHECK PWBDD 44577 TOTAL FOR FUND 100:			100.99
08/18/2023	PWBDD	44578	NASSCO, INC.	MAINTENANCE SUPPLIES	500340	522100	202.29
08/18/2023	PWBDD	44581	ODP BUSINESS SOLUTIONS	OFFICE SUPPLIES	500310	522110	55.38
				OFFICE SUPPLIES	500310	522110	319.12
				CHECK PWBDD 44581 TOTAL FOR FUND 100:			374.50
08/18/2023	PWBDD	44584	PAYNE & DOLAN, INC.	REPAIR AND MAINTENANCE	500240	533440	1,814.21
08/18/2023	PWBDD	44587	QUALITY STATE OIL CO., INC.	GAS AND OIL EXPENSE	500351	533210	157.46
08/18/2023	PWBDD	44588	RICOH USA, INC.	OFFICE SUPPLIES	500310	522110	223.23
08/18/2023	PWBDD	44589	RIVER RUN COMPUTERS, INC.	TELEPHONE/COMMUNICATIONS	500225	522110	127.50
08/18/2023	PWBDD	44590	RK CONSTRUCTION & INSPECTION,	PROFESSIONAL SERVICES	500210	522310	1,546.00
08/18/2023	PWBDD	44593	SCHMITZ READY MIX, INC.	REPAIR AND MAINTENANCE	500240	533440	65.00
08/18/2023	PWBDD	44595	SITEONE LANDSCAPE SUPPLY	OPERATING SUPPLIES	500350	518100	75.68
08/18/2023	PWBDD	44597	SPECTRUM	TELEPHONE/COMMUNICATIONS	500225	522110	36.17
08/18/2023	PWBDD	44599	TAPCO, INC	REPAIR AND MAINTENANCE	500240	533421	1,227.40
08/18/2023	PWBDD	44600	THE UNIFORM SHOPPE	UNIFORMS	500346	522120	155.95
				UNIFORMS	500346	522120	88.95
				CHECK PWBDD 44600 TOTAL FOR FUND 100:			244.90
08/18/2023	PWBDD	44602	TRANS UNION LLC	TELEPHONE/COMMUNICATIONS	500225	522110	60.00
08/18/2023	PWBDD	44603	UNIFIRST CORPORATION	OPERATING SUPPLIES	500350	533210	167.39

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Fund: 100 GENERAL FUND							
08/18/2023	PWBDD	44605	VILLAGE OF GRAFTON	REPAIR AND MAINTENANCE	500240	522120	48.53
08/18/2023	PWBDD	44607	WISCONSIN DEPT OF JUSTICE	TELEPHONE/COMMUNICATIONS	500225	522110	952.00
Total for fund 100 GENERAL FUND							230,347.29
Fund: 200 CEMETERY FUND							
08/04/2023	PWBDD	44412	ADAM ARENTZ	MISCELLANEOUS REVENUE	486000	000000	500.00
08/04/2023	PWBDD	44440	GRAFTON ACE HARDWARE	OPERATING SUPPLIES	500350	544210	32.38
08/04/2023	PWBDD	44468	SITEONE LANDSCAPE SUPPLY	OPERATING SUPPLIES	500350	544210	267.20
08/18/2023	PWBDD	44534*#	BLAIN'S FARM & FLEET	REPAIR AND MAINTENANCE	500240	544210	45.68
08/18/2023	PWBDD	44553*#	EGELHOFF LAWNMOWER SERVICE	REPAIR AND MAINTENANCE	500240	544210	90.49
Total for fund 200 CEMETERY FUND							935.75
Fund: 210 ROOM TAX FUND							
08/11/2023	PWBDD	44494	CHAMBER OF COMMERCE	CHAMBER TOURISM & DEVELOPMENT	500721	566700	5,971.58
08/11/2023	PWBDD	44495	CHAMBER OF COMMERCE	CHAMBER TOURISM & DEVELOPMENT	500721	566700	17,914.75
Total for fund 210 ROOM TAX FUND							23,886.33
Fund: 220 RECREATION PROGRAMS FUND							
07/28/2023	PWBDD	44364	CHAY'S TAE KWON DO	MAINT/CONTRACTED SERVICES	500290	555390	420.00
07/28/2023	PWBDD	44379	GREGG MARGULIS	SAFETY TRAINING	467318	000000	75.00
07/28/2023	PWBDD	44385	KRISTEN BORNSTEIN	MISCELLANEOUS REVENUE	486000	000000	26.00
07/28/2023	PWBDD	44397	PENNY LIVINGSTON	MISCELLANEOUS REVENUE	486000	000000	26.00
08/04/2023	PWBDD	44438	GABI SUSTACHE	POMS EXPENSES	500394	555390	120.00
08/04/2023	PWBDD	44449	KIMBERLY LEUTENEGGER	MISCELLANEOUS REVENUE	486000	000000	345.00
08/04/2023	PWBDD	44450	MAD SCIENCE OF MILWAUKEE	MAINT/CONTRACTED SERVICES	500290	555390	3,675.00
08/04/2023	PWBDD	44451	MASTER PRINTWEAR	SUPPLIES AND EXPENSES	500347	555390	197.95
08/04/2023	PWBDD	44478	YOGAONE	MAINT/CONTRACTED SERVICES	500290	555390	312.00
08/11/2023	PWBDD	44490	BSN SPORTS LLC	SUPPLIES AND EXPENSES	500347	555390	79.98

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Fund: 220 RECREATION PROGRAMS FUND							
08/11/2023	PWBDD	44505	JENNIFER LIPSKI	SUMMER/WINTER REC FEES	467310	000000	65.00
08/11/2023	PWBDD	44506	KATIE PAGEL	YOUTH FOOTBALL REGISTRATION	467317	000000	50.00
08/11/2023	PWBDD	44508	LEAH SANFILIPPO	YOUTH FOOTBALL REGISTRATION	467317	000000	50.00
08/18/2023	PWBDD	44532	BETH JAGODINSKY	YOUTH FOOTBALL REGISTRATION	467317	000000	50.00
08/18/2023	PWBDD	44537	BSN SPORTS LLC	SUPPLIES AND EXPENSES	500347	555390	7.26
08/18/2023	PWBDD	44555*#	ELAN FINANCIAL SERVICES	FLAG FOOTBALL	500347	555390	890.41
				ROCK & JUMP	500347	555390	1,951.54
				RED CROSS	500372	555390	518.00
				POMS EXPENSES	500394	555390	88.38
				POMS EXPENSES	500394	555390	416.87
				CHECK PWBDD 44555 TOTAL FOR FUND 220:			3,865.20
08/18/2023	PWBDD	44569	JOHN LESLIE	SUMMER SOCCER	467329	000000	55.00
08/18/2023	PWBDD	44572*#	MASTER PRINTWEAR	SUPPLIES AND EXPENSES	500347	555390	575.00
				POMS EXPENSES	500394	555390	536.25
				CHECK PWBDD 44572 TOTAL FOR FUND 220:			1,111.25
08/18/2023	PWBDD	44606	WHAT'S THE SCOOP	SUPPLIES AND EXPENSES	500347	555390	481.00
				Total for fund 220 RECREATION PROGRAMS FUND			11,011.64
Fund: 232 DONATIONS							
08/04/2023	PWBDD	44432	DIGITAL EDGE OF GRAFTON	NATIONAL NIGHT OUT	500358	522120	250.00
08/11/2023	PWBDD	44492	CEDARBURG FIREMENS PARK INC.	NATIONAL NIGHT OUT	500358	522120	706.80
08/11/2023	PWBDD	44511*#	OLSEN'S PIGGLY WIGGLY	NATIONAL NIGHT OUT	500358	522120	8.60
				NATIONAL NIGHT OUT	500358	522120	444.00
				CHECK PWBDD 44511 TOTAL FOR FUND 232:			452.60
08/18/2023	PWBDD	44527	ASSISTED LIVING/RANDY BLOCH	NATIONAL NIGHT OUT	500358	522120	500.00
				Total for fund 232 DONATIONS			1,909.40
Fund: 240 SWIMMING POOL FUND							
07/28/2023	PWBDD	44356	BADGER POPCORN & CONCESSION	OPERATING SUPPLIES	500350	555321	2,048.05

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Fund: 240 SWIMMING POOL FUND							
07/28/2023	PWBDD	44362	CARRICO AQUATIC RESOURCES	OPERATING SUPPLIES	500350	555320	5,458.07
07/28/2023	PWBDD	44381	HORIZON COMMERCIAL POOL SUPPLY	OPERATING SUPPLIES	500350	555320	2,492.86
				OPERATING SUPPLIES	500350	555320	1,516.30
				CHECK PWBDD 44381 TOTAL FOR FUND 240:			4,009.16
07/28/2023	PWBDD	44402	STATE INDUSTRIAL PRODUCTS	OPERATING SUPPLIES	500350	555320	1,839.70
				OPERATING SUPPLIES	500350	555320	99.00
				CHECK PWBDD 44402 TOTAL FOR FUND 240:			1,938.70
08/04/2023	PWBDD	44416	BADGER POPCORN & CONCESSION	OPERATING SUPPLIES	500350	555321	1,004.34
08/04/2023	PWBDD	44419*#	BEYER'S HARDWARE	MAINTENANCE SUPPLIES	500340	555320	6.90
08/04/2023	PWBDD	44424	CARRICO AQUATIC RESOURCES	OPERATING SUPPLIES	500350	555320	5,010.42
08/04/2023	PWBDD	44442	HOLIDAY WHOLESALE, INC	OPERATING SUPPLIES	500350	555321	145.65
08/04/2023	PWBDD	44444	HORIZON COMMERCIAL POOL SUPPLY	OPERATING SUPPLIES	500350	555320	977.73
				OPERATING SUPPLIES	500350	555320	183.45
				CHECK PWBDD 44444 TOTAL FOR FUND 240:			1,161.18
08/04/2023	PWBDD	44457*#	OLSEN'S PIGGLY WIGGLY	OPERATING SUPPLIES	500350	555321	40.79
				OPERATING SUPPLIES	500350	555321	5.02
				OPERATING SUPPLIES	500350	555321	109.06
				OPERATING SUPPLIES	500350	555321	25.07
				OPERATING SUPPLIES	500350	555321	12.56
				CHECK PWBDD 44457 TOTAL FOR FUND 240:			192.50
08/11/2023	PWBDD	44484	BADGER POPCORN & CONCESSION	OPERATING SUPPLIES	500350	555321	1,805.23
				OPERATING SUPPLIES	500350	555321	605.34
				CHECK PWBDD 44484 TOTAL FOR FUND 240:			2,410.57
08/11/2023	PWBDD	44491	CEDAR CREST ICE CREAM	OPERATING SUPPLIES	500350	555321	810.36

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Fund: 240 SWIMMING POOL FUND							
08/11/2023	PWBDD	44504	HORIZON COMMERCIAL POOL SUPPLY	OPERATING SUPPLIES	500350	555320	2,083.22
08/18/2023	PWBDD	44529	BADGER POPCORN & CONCESSION	OPERATING SUPPLIES	500350	555321	113.60
				OPERATING SUPPLIES	500350	555321	2,895.47
				CHECK PWBDD 44529 TOTAL FOR FUND 240:			3,009.07
08/18/2023	PWBDD	44531	BASSETT MECHANICAL	PROFESSIONAL SERVICES	500210	555320	390.00
08/18/2023	PWBDD	44538	CARRICO AQUATIC RESOURCES	OPERATING SUPPLIES	500350	555320	23.15
				OPERATING SUPPLIES	500350	555320	960.65
				CHECK PWBDD 44538 TOTAL FOR FUND 240:			983.80
08/18/2023	PWBDD	44539	CEDAR CREST ICE CREAM	OPERATING SUPPLIES	500350	555321	963.24
08/18/2023	PWBDD	44555*#	ELAN FINANCIAL SERVICES	SWIN OUTLET	500380	555320	219.50
				SAM'S CLUB	500350	555321	433.68
				CHECK PWBDD 44555 TOTAL FOR FUND 240:			653.18
08/18/2023	PWBDD	44566	HORIZON COMMERCIAL POOL SUPPLY	OPERATING SUPPLIES	500350	555320	1,505.10
				OPERATING SUPPLIES	500350	555320	57.03
				CHECK PWBDD 44566 TOTAL FOR FUND 240:			1,562.13
08/18/2023	PWBDD	44572*#	MASTER PRINTWEAR	UNIFORMS	500346	555320	2,128.00
08/18/2023	PWBDD	44582*#	OLSEN'S PIGGLY WIGGLY	OPERATING SUPPLIES	500350	555321	17.91
				OPERATING SUPPLIES	500350	555321	19.97
				OPERATING SUPPLIES	500350	555321	26.18
				OPERATING SUPPLIES	500350	555321	34.41
				OPERATING SUPPLIES	500350	555321	166.77
				OPERATING SUPPLIES	500350	555321	6.81
				CHECK PWBDD 44582 TOTAL FOR FUND 240:			272.05
				Total for fund 240 SWIMMING POOL FUND			36,240.59

Fund: 260 ~~72683~~ LIBRARY FUND

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Fund: 260 LIBRARY FUND							
07/28/2023	PWBDD	44354*#	AT&T	TELEPHONE/COMMUNICATIONS	500225	555110	130.46
07/28/2023	PWBDD	44357	BAKER & TAYLOR BOOKS	PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	315.49
				DONATION EXPENDITURES	500322	555110	22.00
				CHECK PWBDD 44357 TOTAL FOR FUND 260:			337.49
07/28/2023	PWBDD	44366*#	CINTAS CORPORATION	OPERATING SUPPLIES	500350	555110	130.98
07/28/2023	PWBDD	44383	JAMES IMAGING SYSTEMS	COMPUTER/COPIER SUPPLIES	500312	555110	338.73
07/28/2023	PWBDD	44390	NASSCO, INC.	OPERATING SUPPLIES	500350	555110	350.21
07/28/2023	PWBDD	44393*#	OLSEN'S PIGGLY WIGGLY	DONATION EXPENDITURES	500322	555110	63.76
				DONATION EXPENDITURES	500322	555110	3.59
				CHECK PWBDD 44393 TOTAL FOR FUND 260:			67.35
07/28/2023	PWBDD	44395	OWEN'S OFFICE SUPPLIES	OFFICE SUPPLIES	500310	555110	48.00
08/04/2023	PWBDD	44417	BAKER & TAYLOR BOOKS	PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	106.21
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	78.91
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	361.10
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	266.14
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	375.26
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	311.82
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	318.60
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	87.19
				DONATION EXPENDITURES	500322	555110	17.00
				DONATION EXPENDITURES	500322	555110	101.00
				DONATION EXPENDITURES	500322	555110	374.49
				GRANT EXPENDITURES	500331	555110	61.83
				CHECK PWBDD 44417 TOTAL FOR FUND 260:			2,459.55
08/04/2023	PWBDD	44445	JAMES IMAGING SYSTEMS, INC.	COMPUTER/COPIER SUPPLIES	500312	555110	313.76
08/04/2023	PWBDD	44447	JOHNSON CONTROLS FIRE	MAINT/CONTRACTED SERVICES	500290	555110	665.73

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Fund: 260 LIBRARY FUND							
08/11/2023	PWBDD	44480	A TO Z REFRIGERATION & HVAC, I	REPAIR AND MAINTENANCE	500240	555110	251.00
				REPAIR AND MAINTENANCE	500240	555110	682.28
				CHECK PWBDD 44480 TOTAL FOR FUND 260:			933.28
08/11/2023	PWBDD	44511*#	OLSEN'S PIGGLY WIGGLY	DONATION EXPENDITURES	500322	555110	38.63
08/11/2023	PWBDD	44521	VISUAL IMAGE PHOTOGRAPHY, INC.	PRINTING-NEWSLETTERS, ETC	500313	555110	330.00
08/18/2023	PWBDD	44528	AURORA HEALTH CARE	EMPLOYMENT EXPENSES	500395	555110	48.00
08/18/2023	PWBDD	44530	BAKER & TAYLOR BOOKS	PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	17.90
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	78.16
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	48.75
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	17.12
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	32.27
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	150.50
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	473.61
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	194.43
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	249.32
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	422.67
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	222.33
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	227.86
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	456.38
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	418.37
				PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	396.67
				DONATION EXPENDITURES	500322	555110	98.94
				DONATION EXPENDITURES	500322	555110	54.00
				DONATION EXPENDITURES	500322	555110	31.90
				CHECK PWBDD 44530 TOTAL FOR FUND 260:			3,591.18
08/18/2023	PWBDD	44548	DEMCO SOFTWARE	OFFICE SUPPLIES	500310	555110	182.62
08/18/2023	PWBDD	44552	E.L.S. LANDSCAPING & LAWN	MAINT/CONTRACTED SERVICES	500290	555110	162.50
08/18/2023	PWBDD	44555*#	ELAN FINANCIAL SERVICES	CYBER LINK	500225	555110	409.50
				APPLE	500312	555110	19.98

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Fund: 260 LIBRARY FUND							
				POSTAGE	500315	555110	177.85
				CONLEY	500319	555110	330.00
				BOOK SHOP	500322	555110	376.75
				HILTON	500331	555110	1,075.40
				TECHNOLOGY	500382	555110	157.33
				CHECK PWBDD 44555 TOTAL FOR FUND 260:			2,546.81
08/18/2023	PWBDD	44570	KANOPY, INC.	PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	281.70
08/18/2023	PWBDD	44575	MIDWEST TAPE, LLC	PUBLICATIONS AND SUBSCRIPTIONS	500319	555110	785.63
08/18/2023	PWBDD	44582*#	OLSEN'S PIGGLY WIGGLY	BONUSES	500124	555110	18.44
				PROF PUBLICATIONS AND DUES	500320	555110	33.20
				CHECK PWBDD 44582 TOTAL FOR FUND 260:			51.64
08/18/2023	PWBDD	44592	SCHAEFER POWER SYSTEMS	REPAIR AND MAINTENANCE	500240	555110	1,018.62
08/18/2023	PWBDD	44594	SIDECAR PUBLICATIONS, LLC	TECHNOLOGY	500382	555110	348.00
				Total for fund 260 LIBRARY FUND			15,160.87
Fund: 270 FIRE DEPT & EMS							
07/28/2023	PWBDD	44353	ANDRES MEDICAL BILLING	PROFESSIONAL SERVICES	500210	522500	3,216.78
07/28/2023	PWBDD	44354*#	AT&T	TELEPHONE/COMMUNICATIONS	500225	522500	90.72
07/28/2023	PWBDD	44355*#	AT&T MOBILITY	OPERATING EXPENSES	500235	522500	397.49
07/28/2023	PWBDD	44358*#	BEYER'S HARDWARE	OPERATING SUPPLIES	500350	522500	15.94
07/28/2023	PWBDD	44361	BOUND TREE MEDICAL, LLC	SUPPLIES AND EXPENSES	500347	522500	653.86
07/28/2023	PWBDD	44370	EMERGENCY MEDICAL PRODUCTS	SUPPLIES AND EXPENSES	500347	522500	2,663.63
07/28/2023	PWBDD	44374	FIRE SAFETY USA INC	EQUIPMENT/CAPITAL OUTLAY	500380	522500	290.00
07/28/2023	PWBDD	44380*#	GUETZKE & ASSOCIATES, INC.	OPERATING SUPPLIES	500350	522500	220.00
07/28/2023	PWBDD	44387	MACQUEEN EQUIPMENT	EMS - FAP GRANT EXPENSES	500397	522500	266.33

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Fund: 270 FIRE DEPT & EMS							
07/28/2023	PWBDD	44401	SOUTHERN OZAUKEE FIRE & EMG	PROFESSIONAL SERVICES	500210	522500	1,600.00
07/28/2023	PWBDD	44404	THIENSVILLE FIRE DEPARTMENT	PROFESSIONAL SERVICES	500210	522500	670.98
08/04/2023	PWBDD	44413	AIRGAS USA LLC	SUPPLIES AND EXPENSES	500347	522500	322.76
08/04/2023	PWBDD	44418	BATZNER PEST CONTROL	OPERATING SUPPLIES	500350	522500	64.90
08/04/2023	PWBDD	44422	BMO HARRIS BANK N.A.	TELEPHONE/COMMUNICATIONS	500225	522500	16.87
				OPERATING EXPENSES	500235	522500	82.50
				REPAIR AND MAINTENANCE	500240	522500	214.36
				REPAIR AND MAINTENANCE	500240	522500	79.99
				PROF PUBLICATIONS AND DUES	500320	522500	15.81
				TRAVEL & TRAINING	500330	522500	437.00
				UNIFORMS	500346	522500	436.06
				OPERATING SUPPLIES	500350	522500	382.33
				EMS - FLEX GRANT EXPENSES	500396	522500	607.05
				EMS - FAP GRANT EXPENSES	500397	522500	232.00
				EMS EQUIPMENT	500400	522500	159.92
				CHECK PWBDD 44422 TOTAL FOR FUND 270:			2,663.89
08/04/2023	PWBDD	44429	CONWAY SHIELD	EQUIPMENT/CAPITAL OUTLAY	500380	522500	560.00
08/04/2023	PWBDD	44430	DAVE GOGGIN	OPERATING SUPPLIES	500350	522500	30.00
08/04/2023	PWBDD	44435*#	EMERGENCY MEDICAL PRODUCTS	SUPPLIES AND EXPENSES	500347	522500	526.02
08/04/2023	PWBDD	44436	EMR, LLC	REPAIR AND MAINTENANCE	500240	522500	7,897.21
08/04/2023	PWBDD	44439	GALLS, LLC	OPERATING SUPPLIES	500350	522500	73.95
				OPERATING SUPPLIES	500350	522500	58.66
				CHECK PWBDD 44439 TOTAL FOR FUND 270:			132.61
08/04/2023	PWBDD	44446	JEFF KLINGLER	EQUIPMENT/CAPITAL OUTLAY	500380	522500	140.83
08/04/2023	PWBDD	44453*#	NAPA AUTO PARTS	REPAIR AND MAINTENANCE	500240	522500	39.41
				REPAIR AND MAINTENANCE	500240	522500	(10.47)

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Fund: 270 FIRE DEPT & EMS				CHECK PWBDD 44453 TOTAL FOR FUND 270:			28.94
08/04/2023	PWBDD	44455	NEWMAN CHEVROLET	REPAIR AND MAINTENANCE	500240	522500	87.70
08/04/2023	PWBDD	44464	RELIANT FIRE APPARATUS, INC.	REPAIR AND MAINTENANCE	500240	522500	62.99
08/04/2023	PWBDD	44473	TOMASO'S	OPERATING SUPPLIES	500350	522500	112.00
08/04/2023	PWBDD	44477	WITMER PUBLIC SAFETY GROUP	REPAIR AND MAINTENANCE	500240	522500	375.96
				EMS - FLEX GRANT EXPENSES	500396	522500	2,505.00
				CHECK PWBDD 44477 TOTAL FOR FUND 270:			2,880.96
08/11/2023	PWBDD	44481	ALADTEC	EMS EQUIPMENT	500400	522500	4,618.00
08/11/2023	PWBDD	44482	ALBIERO PLUMBING- HVAC	OPERATING SUPPLIES	500350	522500	319.00
08/11/2023	PWBDD	44487*#	BEYER'S HARDWARE	OPERATING SUPPLIES	500350	522500	28.78
				OPERATING SUPPLIES	500350	522500	10.34
				OPERATING SUPPLIES	500350	522500	28.94
				OPERATING SUPPLIES	500350	522500	17.99
				OPERATING SUPPLIES	500350	522500	14.39
				OPERATING SUPPLIES	500350	522500	60.07
				OPERATING SUPPLIES	500350	522500	11.24
				CHECK PWBDD 44487 TOTAL FOR FUND 270:			171.75
08/11/2023	PWBDD	44489	BOUND TREE MEDICAL, LLC	SUPPLIES AND EXPENSES	500347	522500	140.25
08/11/2023	PWBDD	44499	EMERGENCY MEDICAL PRODUCTS	SUPPLIES AND EXPENSES	500347	522500	42.99
08/11/2023	PWBDD	44502	GENERAL COMMUNICATIONS INC	OPERATING EXPENSES	500235	522500	59.95
08/11/2023	PWBDD	44520*#	UNIFIRST CORPORATION	OPERATING SUPPLIES	500350	522500	102.05
08/18/2023	PWBDD	44523	AIRGAS USA LLC	SUPPLIES AND EXPENSES	500347	522500	193.17
				SUPPLIES AND EXPENSES	500347	522500	533.31
				CHECK PWBDD 44523 TOTAL FOR FUND 270:			726.48
08/18/2023	PWBDD	44524	ALBIERO PLUMBING- HVAC	OFFICE SUPPLIES	500310	522500	261.50

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Fund: 270 FIRE DEPT & EMS							
08/18/2023	PWBDD	44526	ASCENSION WI EMP SOLUTIONS	OFFICE SUPPLIES	500310	522500	839.00
08/18/2023	PWBDD	44553*#	EGELHOFF LAWNMOWER SERVICE	OPERATING SUPPLIES	500350	522500	19.80
08/18/2023	PWBDD	44565*#	GRAFTON ACE HARDWARE	OPERATING SUPPLIES	500350	522500	12.53
08/18/2023	PWBDD	44577*#	NAPA AUTO PARTS	REPAIR AND MAINTENANCE	500240	522500	105.22
08/18/2023	PWBDD	44579*#	NEWMAN CHEVROLET	REPAIR AND MAINTENANCE	500240	522500	66.50
08/18/2023	PWBDD	44585	PEPSI-COLA	OPERATING SUPPLIES	500350	522500	549.48
08/18/2023	PWBDD	44586	POSTNET WI104	POSTAGE	500315	522500	35.11
08/18/2023	PWBDD	44596	SOUTHERN OZAUKEE FIRE & EMG	PROFESSIONAL SERVICES	500210	522500	1,600.00
08/18/2023	PWBDD	44601	THIENSVILLE FIRE DEPARTMENT	PROFESSIONAL SERVICES	500210	522500	252.10
Total for fund 270 FIRE DEPT & EMS							35,518.25
Fund: 350 TIF DISTRICT FUND #4							
07/28/2023	PWBDD	44386	KW CONSULTING AND DEVELOPMENT, LLC	PROFESSIONAL SERVICES	500210	566710	3,539.96
Total for fund 350 TIF DISTRICT FUND #4							3,539.96
Fund: 351 TIF DISTRICT FUND #5							
07/28/2023	PWBDD	44373	FIDUCIARY REAL ESTATE	DEVELOPERS INCENTIVE	500227	566710	137,004.78
Total for fund 351 TIF DISTRICT FUND #5							137,004.78
Fund: 354 TIF DISTRICT #7							
07/28/2023	PWBDD	44396	PARISH SURVEY & ENGINEERING LLC	PROFESSIONAL SERVICES	500210	566710	3,252.50
08/04/2023	PWBDD	44459	P2 DEVELOPMENT COMPANY LLC	PROFESSIONAL SERVICES	500210	566710	92,035.42
08/11/2023	PWBDD	44488	BMCI CONSTRUCTION INC	TIF - ROAD AND GUTTER	500453	566710	27,988.62
				TIF - WATER SYSTEM	500459	566710	12,967.50
				TIF - STORMWATER MGMT SYS	500460	566710	5,166.10
CHECK PWBDD 44488 TOTAL FOR FUND 354:							46,122.22
Total for fund 354 TIF DISTRICT #7							141,410.14
Fund: 400 CAPITAL IMPROVEMENTS FUND							

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Fund: 400 CAPITAL IMPROVEMENTS FUND							
07/28/2023	PWBDD	44369*#	DORNER INC.	STREET IMPROVEMENTS	500854	533311	102,773.60
07/28/2023	PWBDD	44377	GENERAL COMMUNICATIONS INC	VEHICLE REPLACEMENTS	500811	522230	7,548.30
08/04/2023	PWBDD	44463	REINDERS, INC.	TORO Z MASTER 7500-D MODEL 72098	500880	533210	45,399.00
08/11/2023	PWBDD	44512*#	ONTECH SYSTEMS, INC	STATION IMPROVEMENTS	500807	522110	1,064.00
08/11/2023	PWBDD	44514	RAMBOLL US CONSULTING, INC	PROCHNOW	500841	533750	66.00
				PROCHNOW	500841	533750	4,267.92
				CHECK PWBDD 44514 TOTAL FOR FUND 400:			4,333.92
08/18/2023	PWBDD	44522	AECOM TECHNICAL SERVICES INC	NR216 COMPLIANCE	500472	533440	961.26
08/18/2023	PWBDD	44604	VANTAGE FINANCIAL,LLC	DEBT SERVICE - PRINCIPAL	500610	581500	3,514.59
				DEBT SERVICE - INTEREST	500620	581500	93.41
				CHECK PWBDD 44604 TOTAL FOR FUND 400:			3,608.00
				Total for fund 400 CAPITAL IMPROVEMENTS FUND			165,688.08
Fund: 601 WATER RECYCLING CENTER							
07/28/2023	PWBDD	44354*#	AT&T	TELEPHONE/COMMUNICATIONS	500225	573825	122.21
07/28/2023	PWBDD	44355*#	AT&T MOBILITY	WWTP DUTY	500225	573825	38.54
				WWTP TABLET	500225	573825	35.71
				CHECK PWBDD 44355 TOTAL FOR FUND 601:			74.25
07/28/2023	PWBDD	44366*#	CINTAS CORPORATION	SAFETY EQUIPMENT	500372	573825	77.86
				SAFETY EQUIPMENT	500372	573825	116.39
				CHECK PWBDD 44366 TOTAL FOR FUND 601:			194.25
07/28/2023	PWBDD	44369*#	DORNER INC.	COLLECTION MAINS AND ACCESS.	184313	000000	3,936.57
07/28/2023	PWBDD	44392	NILE XPEDITE SOLUTIONS OF WIS LLC	LAB SUPPLIES	500370	573825	1,155.00

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Fund: 601 WATER RECYCLING CENTER							
07/28/2023	PWBDD	44393*#	OLSEN'S PIGGLY WIGGLY	LAB SUPPLIES	500370	573825	28.19
07/28/2023	PWBDD	44405*#	U. S. CELLULAR	TELEPHONE/COMMUNICATIONS	500225	573825	25.50
				TELEPHONE/COMMUNICATIONS	500225	573825	10.50
				COMPUTER/COPIER SUPPLIES	500312	573825	10.50
				CHECK PWBDD 44405 TOTAL FOR FUND 601:			46.50
08/04/2023	PWBDD	44425	CEDARBURG LIGHT & WATER	L&W BILLING	500216	573850	11,710.55
08/04/2023	PWBDD	44428	CINTAS CORPORATION	SAFETY EQUIPMENT	500372	573825	116.40
08/04/2023	PWBDD	44433	E. & B. SCALE SERVICES INC.	LAB SUPPLIES	500370	573825	125.00
08/04/2023	PWBDD	44441	GRAINGER	SAFETY EQUIPMENT	500372	573825	258.85
08/04/2023	PWBDD	44452	MULCAHY SHAW WATER, INC.	MAINTENANCE SUPPLIES	500340	573830	383.00
08/04/2023	PWBDD	44457*#	OLSEN'S PIGGLY WIGGLY	LAB SUPPLIES	500370	573825	3.59
08/04/2023	PWBDD	44458	OZAUKEE DISPOSAL CORPORATION	REFUSE COLLECTION	500297	573830	1,525.00
08/04/2023	PWBDD	44470	SUPERIOR CHEMICAL CORP.	JANITORIAL SUPPLIES	500342	573830	238.46
08/04/2023	PWBDD	44471	SYMBIONT	ENGINEERING FOR ADAPTIVE MANAGEMENT	500383	573835	4,244.20
08/09/2023	PWBDD	44479	NEWMAN CHEVROLET	2024 CHEVROLET 2500HD TRUCK	185373	000000	58,930.00
				TRANSPORTATION EQUIPMENT	185373	000000	584.00
				CHECK PWBDD 44479 TOTAL FOR FUND 601:			59,514.00
08/11/2023	PWBDD	44483	APPLIED INDUSTRIAL TECHNOLOGIE	MAINTENANCE SUPPLIES	500340	573830	695.08
08/11/2023	PWBDD	44485	BADGER STATE WASTE, LLC	SLUDGE HAULING	500294	573825	19,368.00
08/11/2023	PWBDD	44496	CINTAS CORPORATION	SAFETY EQUIPMENT	500372	573825	116.39
08/11/2023	PWBDD	44509	LUBRICATION ENGINEERS INC.	MAINTENANCE SUPPLIES	500340	573830	3,223.15
08/11/2023	PWBDD	44511*#	OLSEN'S PIGGLY WIGGLY	LAB SUPPLIES	500370	573825	17.41
08/11/2023	PWBDD	44518	STARNET TECHNOLOGIES	TELEPHONE/COMMUNICATIONS	500225	573825	600.00

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Fund: 601 WATER RECYCLING CENTER							
08/18/2023	PWBDD	44543	CINTAS CORPORATION	SAFETY EQUIPMENT	500372	573825	118.77
08/18/2023	PWBDD	44546	DD SLING & SUPPLY, INC.	MAINTENANCE SUPPLIES	500340	573830	34.38
08/18/2023	PWBDD	44550	DONOHUE & ASSOCIATES, INC	ENGINEERING SERVICES FOR FACILITY PLAN	185379	000000	2,997.00
08/18/2023	PWBDD	44555*#	ELAN FINANCIAL SERVICES	SAFETY EQUIPMENT	500372	573825	164.92
				COLLECTION SYSTEM MAINT	500360	573835	3.16
				AMAZON	500340	573840	748.20
				STATE OF WI FEES	500323	573850	60.00
				WWOA	500330	573850	111.00
				CHECK PWBDD 44555 TOTAL FOR FUND 601:			
08/18/2023	PWBDD	44557	ENVIRONMENTAL CONSULTING & TES	STATE OF WI FEES	500323	573850	1,800.00
08/18/2023	PWBDD	44576	MULCAHY SHAW WATER, INC.	LAB SUPPLIES	500370	573825	392.84
08/18/2023	PWBDD	44579*#	NEWMAN CHEVROLET	MAINTENANCE SUPPLIES	500340	573840	835.50
08/18/2023	PWBDD	44580	NEWS GRAPHIC	PROF PUBLICATIONS AND DUES	500320	573850	126.00
08/18/2023	PWBDD	44583	PACE ANALYTICAL SERVICES, LLC	LAB SUPPLIES	500370	573825	495.30
08/18/2023	PWBDD	44591	RNOW INC	COLLECTION SYSTEM MAINT	500360	573835	207.60
08/18/2023	PWBDD	44598	STARNET TECHNOLOGIES	TELEPHONE/COMMUNICATIONS	500225	573825	351.00
Total for fund 601 WATER RECYCLING CENTER							116,141.72
Fund: 700 RISK MANAGEMENT FUND							
08/18/2023	PWBDD	44574	MICHAEL PAHL	INSURANCE CLAIMS 2022, 2023	500547	519400	149.25
Total for fund 700 RISK MANAGEMENT FUND							149.25
TOTAL - ALL FUNDS							918,944.05

'*'-INDICATES CHECK DISTRIBUTED TO MORE THAN ONE FUND

'#'-INDICATES CHECK DISTRIBUTED TO MORE THAN ONE DEPARTMENT

CITY OF CEDARBURG
TRANSFER LIST
8/12/23-8/28/23

Date	Amount	Transfer to
PWSB CHECKING ACCOUNT		
8/14/2023	\$2,695.30	ADP-July invoices
8/15/2023	\$46,469.87	State of Wisconsin-July sales tax
8/16/2023	\$151,022.14	ETF-September health insurance premiums
8/20/2023	\$948.36	Aflac-July premiums
8/20/2023	\$2,430.90	Minnesota Life-September premiums
8/23/2023	\$288,000.00	PWSB Payroll
8/23/2023	\$1,229.63	ICMA-contributions for 8/6/23-8/19/23
8/23/2023	\$4,045.00	North Shore Bank-contributions for 8/6/23-8/19/23
8/23/2023	\$346.15	State of Wisconsin-child support for 8/6/23-8/19/23
8/23/2023	\$1,246.29	Wis Deferred Comp-contributions for 8/6/23-8/19/23
8/23/2023	\$522.50	Police Association-dues for 8/6/23-8/19/23
8/28/2023	\$58,940.55	L & W-July charges
	<u>\$557,896.69</u>	

PWSB PAYROLL CHECKING ACCOUNT

8/25/2023	\$207,276.87	Payroll for 8/6/23-8/19/23
8/25/2023	\$80,908.99	Payroll taxes for 8/6/23-8/19/23
	<u>\$288,185.86</u>	

PWSB MONEY MARKET ACCOUNT

8/15/2023	\$500,000.00	PWSB Checking
8/15/2023	\$2,509,354.66	Ozaukee County-tax settlement
8/23/2023	\$300,000.00	PWSB Checking
	<u>\$3,309,354.66</u>	

LGIP (STATE POOL)

8/21/2023	\$2,500,000.00	PWSB Money Market
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City of Cedarburg

City Administrator's Report

August 24, 2023

Department News

The following information is provided to keep the Common Council and staff informed on some of the activities and events of the City. Points of clarification may be addressed during the City Administrator's Report portion of the agenda; however, if discussion of any of these items is necessary, placement on a future Council agenda should be directed.

Engineering & Public Works— The Columbia Road project has been paved and is near completion, with the road markings to be done this week. The Street and Utility project is completed with only the restoration work to be done. The Fox Run Development is moving along quickly and some paving should be done in the next two weeks, to connect a portion of the development to South Hanover Avenue.

The Public Works crew has been working on street painting, catch basins, and will be setting up for Country in the Burg. The Department is losing their seasonal help.

Building Inspection—The final upgrade to the HVAC system is being done in City Hall. Building Inspection/Public Works Secretary Robin VanDinter has resigned from her position.

Treasurer—This is a payroll week. Personnel Budget figures were given to the Department heads, which included a 14% increase in health insurance for 2024.

Clerk— The Demographic Services Center's preliminary estimate of the January 1, 2023 population for the City of Cedarburg is 12,702. This represents a change of 581 persons (4.79%) since the 2020 Census.

Library—The Fire Department will be giving a Fire Prevention presentation at the Library the week of October 8, 2023.

Fire— The Department is in the process of working with Ozaukee County to secure the needed ARPA funding for commitments made based on an earlier agreement.

Police— The Department is adding a second K9 that will be used for bombs, apprehension, and search & rescue. They are in the process of hiring for this K9 handler position.

Administrator— The Department budgets are due at the end of the day on September 1. No more direct changes will be allowed by Department Heads starting September 5. The first budget draft will be presented to the Finance Committee on September 19.

Respectfully submitted,

Mikko Hilvo