

**Village of Somers
7511 12th Street
Somers, WI 53171**

**Village Board Meeting
Agenda
Tuesday, February 13, 2024
5:30 p.m.**

Village Board Meeting:	
Item #	
1	Call to order
2	Pledge of Allegiance
3	Consent and Approval of Minutes of Regular meetings on January 23, 2024, Vouchers dated January 25, 2024, February 1, 2024, February 8, 2024, November, December, and January Investment Statements
4	Correspondence:
5	Citizens Comments
6	President and Trustee Comments
7	Public Hearing for proposed Ordinance No. 2024-001, An Ordinance to Create a Portion of the General Zoning and Shoreland/Floodplain Ordinance of the Code of Ordinance of the Village of Somers.
8	Action on proposed Ordinance No. 2024-001, An Ordinance to Create a Portion of the General Zoning and Shoreland/Floodplain Ordinance of the Code of Ordinance of the Village of Somers.
9	Action on proposed Resolution No. 2024-003, A Resolution to rescind Previous Resolution No. 2022-003 Which Supported a Request to the Wisconsin Department of Transportation to Eliminate the North Bound Left Turn Lane from STH 31 to 35 th Street and Request that Said North Bound Turn Lane Be Re-Opened
10	Discussion and possible action on bid from Globe Contractors for the Proposed Public Utility Improvements for Golden Oil (Kenosha Travel Plaza) in the amount of \$297,897.00
11	Action on 3 rd and final payment request from The Wanasek Corp. in the amount of \$6,111.13 for work on the Bobcat Plus Improvement Project
12	Action on request for partial payment #1 (\$85,575.68) and partial payment #2 (\$56,499) from August Winter & Sons, Inc in the amount of \$142,024.68 for

	work on the 45th Avenue Lift Station and 63rd Avenue Lift Station 2023 UD #1 Capital Improvement Project
13	Action on application for Class “B” (Picnic) Beer License from Shoreland Lutheran High School Booster Club for the Connections We Make: Dinner & Auction Event on April 6, 2024. Event to be held at Shoreland Lutheran High School, 9026 12th Street Kenosha, WI 53144
14	Action on application for Temporary Operators License: Amber Wasurick, for the Shoreland Lutheran High School Shoreland Lutheran High School Booster Club for the Connections We Make: Dinner & Auction Event and request to waive fee
15	Action on Operator’s Licenses: Arielle Neal, Alyssia Martinez, Cynthia Perone, Marquies McCray, Filomena Peyatt, and Jude Schilz
16	Adjourn

I hereby certify that as the designee of the chief elected official of the Village of Somers, I posted this notice of the February 13, 2024 Village Board Meeting & Agenda in 1 public place & on the Village website.

Dated this 9th day of February 2024

Brandi Baker, Clerk-Treasurer

Requests from person with disabilities who need assistance to participate in this meeting should be made to the Clerk’s Office at 262-859-2822 with as much notice as possible. **Notice is hereby given that members of the Village Board may participate telephonically. Notice is hereby given that members of the Town Board may be in attendance for the sole purpose of gathering information. A quorum may be present. However, no Board action will be taken.**

Village of Somers
Proceedings from the Regular Board Meeting January 23, 2024

Clerk Baker called the meeting to order at 5:30 p.m.

Trustee Aupperle moved to elect Trustee Ostby as President pro-tem.

Trustee Ostby led the Pledge of Allegiance.

Present: Trustees Karl Ostby, Ben Harbach, Scott Fredrick, Jack Aupperle, Jackie Nelson, and Joe Smith appeared virtually. Absent President George Stoner. Also present: Administrator Jason Peters, Clerk/Treasurer Brandi Baker, Assistant to the Administrator Kevin Poirier, and Attorney Jeff Davison.

Consent and Approval of Minutes of Regular meetings on January 9, 2024, Vouchers dated January 11, 2024, and January 18, 2024, December 2024 Building Report

Trustee Harbach moved to approve minutes of Regular meetings on January 9, 2024, Vouchers dated January 11, 2024, and January 18, 2024, December 2024 Building Report

Seconded by Trustee Fredrick. Motion carried. 6-0 vote.

Trustee Ostby requested the building reports are shown with a year-to-date comparison of the previous year.

Correspondence:

None

Citizens Comments

Tom Gilley introduced himself as the new Sheriff Department Liaison.

President and Trustee Comments:

Trustee Nelson spoke on the meeting staff had with the contractors for the Auditorium renovations.

Trustee Fredrick thanked Clement from Kenosha County regarding the Bike Trail on Highway E.

Trustee Ostby mentioned the change in Accounting Staff and suggested looking into a third party to conduct payroll.

Action on request for partial payment #2 from The Wanasek Corp. in the amount of \$5,640 for work on the Bobcat Plus Improvement Project

Trustee Harbach moved to approve request for partial payment #2 from The Wanasek Corp. in the amount of \$5,640 for work on the Bobcat Plus Improvement Project

Seconded by Trustee Aupperle. Motion carried 6-0 vote.

Action on change order #2 from The Wanasek Corp. in the amount of \$935 for work on the Bobcat Plus Improvement Project

Trustee Harbach moved to approve change order #2 from The Wanasek Corp. in the amount of \$935 for work on the Bobcat Plus Improvement Project

Seconded by Trustee Aupperle. Motion carried 6-0 vote.

Administrator Peters explained that we pay the bill and submit to the letter of credit and the balance will be paid by Bobcat.

Action on proposed Resolution 2024-002, A Resolution to amend the 2024 Budget to reference updated Capital Improvement Plan projects for 2024 (Pressure Washer and Contingency Fund for Auditorium Rehabilitation and Auditorium Audio/Video projects)

Trustee Nelson moved to approve Resolution 2024-002, A Resolution to amend the 2024 Budget to reference updated Capital Improvement Plan projects for 2024 (Pressure Washer and Contingency Fund for Auditorium Rehabilitation and Auditorium Audio/Video projects)

Seconded by Trustee Fredrick.

Trustee Harbach expressed that he would not be supporting this item.

ROLL CALL VOTE: Fredrick: aye, Nelson: aye, Aupperle: aye, Ostby: aye, Harbach: nay, Smith: aye. Motion carried 5-1 vote

Action on bids received for Proposed Public Utility Improvements for Golden Oil (Kenosha Travel Plaza)

Trustee Aupperle moved to reject the bid from Globe Contractors for the Proposed Public Utility Improvements for Golden Oil and direction to staff to re-bidding the project with alternate completion dates to attract more bids, and potentially better prices.

Seconded by Trustee Harbach. Motion carried. 6-0 vote.

Trustee Harbach inquired who pays for the improvements.

Administrator Peters replied that Golden Oil will pay for this.

Action on Transfer of Agent for Walmart Store #1167

Trustee Harbach moved to approve the transfer of agent to Jerad Evans for Walmart Store #1167

Seconded by Trustee Aupperle. Motion carried 6-0 vote

Approval of Operator's Licenses: Jonathon Le Tendre, Charles Otis, Alisha Webb, Alan Bella, and Michael Chaney

Trustee Aupperle moved to approve Operator Licenses for Jonathon Le Tendre, Charles Otis, Alisha Webb, Alan Bella, and Michael Chaney

Seconded by Trustee Nelson. Motion carried 6-0 vote

Adjourn

Trustee Nelson moved to adjourn at 5:44 p.m.

Seconded by Trustee Smith. Motion carried 6-0 vote

Drafted this 24th day of January by Brandi Baker Clerk/Treasurer
These minutes are not official until approved by the Village Board.

01/25/2024 11:04 AM
User: HKRUK
DB: Somers

CHECK REGISTER FOR VILLAGE OF SOMERS
CHECK DATE FROM 01/25/2024 - 01/25/2024

Page: 1/1

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank POOL POOLED CASH					
01/25/2024	POOL	186(E)	KWIKTRIP	KWIK TRIP INC	3,438.02
01/25/2024	POOL	187(E)	WID002	WI DEPT OF JUSTICE	126.00
01/25/2024	POOL	62873	REFUND TAX	ALISON M MERRITT	235.46
01/25/2024	POOL	62874	REFUND TAX	ANTHONY LOONEY & MIA ASHMUS	249.59
01/25/2024	POOL	62875	REFUND TAX	BRIAN K SCHEND	85.10
01/25/2024	POOL	62876	CARDIOPART	CARDIO PARTNERS INC	2,457.00
01/25/2024	POOL	62877	REFUND TAX	CHARLES & CAROL WILLKE	211.17
01/25/2024	POOL	62878	REFUND TAX	CRAIG STRUBEL	98.86
01/25/2024	POOL	62879	REFUND TAX	DAVID & KAREN VAN BLARCOM	128.48
01/25/2024	POOL	62880	REFUND TAX	DAVID & TAMMY WISNEFSKI	169.79
01/25/2024	POOL	62881	DIG002	DIGGERS HOTLINE INC	976.80
01/25/2024	POOL	62882	EME001	EMERGENCY MEDICAL PRODUCTS INC	1,151.66
01/25/2024	POOL	62883	REFUND TAX	FRANK FANI JR	103.54
01/25/2024	POOL	62884	UHS001	FROEDTERT SOUTH INC	11.30
01/25/2024	POOL	62885	REFUND TAX	GAIL L MUELLER	90.85
01/25/2024	POOL	62886	REFUND TAX	HEATHER JENSEN & NATHAN PICKERING	402.04
01/25/2024	POOL	62887	HEATING&CO	HEATING & COOLING SOLUTIONS	234.95
01/25/2024	POOL	62888	REFUND TAX	HOWARD VENDRELL	134.88
01/25/2024	POOL	62889	REFUND TAX	JAMES & SHARON L II LEE	86.90
01/25/2024	POOL	62890	REFUND TAX	JAMES JACOBSEN	294.93
01/25/2024	POOL	62891	REFUND TAX	JAMES PETTY JR & CASSIE K KONKOL	160.73
01/25/2024	POOL	62892	REFUND TAX	JASON A HORGEN	109.70
01/25/2024	POOL	62893	JCLICHT	JC LICHT LLC	41.54
01/25/2024	POOL	62894	JEF001	JEFFERSON FIRE & SAFETY INC	1,078.19
01/25/2024	POOL	62895	FRO001	JODIN FROEBER	173.30
01/25/2024	POOL	62896	REFUND TAX	JOHN & RUTHANN SPAAY	206.05
01/25/2024	POOL	62897	ALIA	JOHN ALIA	229.00
01/25/2024	POOL	62898	REFUND TAX	JOSEPH NEU	237.09
01/25/2024	POOL	62899	KCSHERIF	KENOSHA CO SHERIFF DEPT	62,413.42
01/25/2024	POOL	62900	KCSHERIF	KENOSHA CO SHERIFF DEPT	65.00
01/25/2024	POOL	62901	REFUND TAX	MATTHEW A GALLEY	266.04
01/25/2024	POOL	62902	MONROE	MONROE TRUCK EQUIPMENT INC	1,105.42
01/25/2024	POOL	62903	REFUND TAX	NICHOLAS A & KELLIE O DAME	463.91
01/25/2024	POOL	62904	REFUND TAX	PATRICK & KATHRYN ROBERTS	121.34
01/25/2024	POOL	62905	PLUMBING	PIASEW	40.00
01/25/2024	POOL	62906	QUADIENT	QUADIENT FINANCE USA INC	640.60
01/25/2024	POOL	62907	QUADIENTLE	QUADIENT LEASING USA INC	214.68
01/25/2024	POOL	62908	REFUND TAX	RACHEL MUNNELLY	114.09
01/25/2024	POOL	62909	REFUND TAX	RAMON & COLETTE SMITH	224.56
01/25/2024	POOL	62910	REFUND TAX	SCOTT & SALLY MEYERS	142.05
01/25/2024	POOL	62911	REFUND TAX	SHAWN B & ELIZABETH M PFEUFFER	408.26
01/25/2024	POOL	62912	STAPLEAD	STAPLES	74.79
01/25/2024	POOL	62913	TEKTON	TEKTON INC	2,970.80
01/25/2024	POOL	62914	REFUND TAX	THOMAS & LORRIANE VOGEL	202.83
01/25/2024	POOL	62915	REFUND TAX	TODD R & MARY M ANTONY	302.09
01/25/2024	POOL	62916	REFUND TAX	TYLER WHETSTONE	65.12
01/25/2024	POOL	62917	USFP001	USA FIRE PROTECTION, INC.	420.00
01/25/2024	POOL	62918	WANASEK	WANASEK CORPORATION	5,640.00
01/25/2024	POOL	62919	WEE001	WE ENERGIES	2,830.10
01/25/2024	POOL	62920	WEE001	WE ENERGIES	38.78
01/25/2024	POOL	62921	REFUND TAX	WILLIAM & SHERI SWITZER	398.74

POOL TOTALS:

Total of 51 Checks:
Less 0 Void Checks:

Total of 51 Disbursements:

92,085.54
0.00

92,085.54

02/01/2024 11:50 AM
User: HKRUK
DB: Somers

CHECK REGISTER FOR VILLAGE OF SOMERS
CHECK DATE FROM 02/01/2024 - 02/01/2024

Page: 1/1

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank POOL POOLED CASH					
02/01/2024	POOL	62922	AED	AED ESSENTIALS INC	333.00
02/01/2024	POOL	62923	BRUM	ANN BRUMBACK	55.40
02/01/2024	POOL	62924	AAC001	ASSOCIATED APPRAISAL	5,190.17
02/01/2024	POOL	62925	AT&T001	AT&T	115.44
02/01/2024	POOL	62926	BTM001	BOUND TREE MEDICAL LLC	532.71
02/01/2024	POOL	62927	REFUND TAX	BRENDA J ULICKI	335.39
02/01/2024	POOL	62928	BS&A	BS&A SOFTWARE	1,830.00
02/01/2024	POOL	62929	CDWGOV	CDW GOVERNMENT	2,195.00
02/01/2024	POOL	62930	SPECTRUM	CHARTER COMMUNICATIONS	24.12
02/01/2024	POOL	62931	REFUND TAX	COMMUNITY STATE BANK	370.91
02/01/2024	POOL	62932	REFUND TAX	COMMUNITY STATE BANK	133.99
02/01/2024	POOL	62933	REFUND TAX	COMMUNITY STATE BANK	88.54
02/01/2024	POOL	62934	REFUND TAX	COMMUNITY STATE BANK	183.33
02/01/2024	POOL	62935	REFUND TAX	COMMUNITY STATE BANK	212.58
02/01/2024	POOL	62936	REFUND TAX	CORELOGIC	1,064.70
02/01/2024	POOL	62937	REFUND TAX	CORELOGIC	1.63
02/01/2024	POOL	62938	REFUND TAX	CORELOGIC	4,049.71
02/01/2024	POOL	62939	EME001	EMERGENCY MEDICAL PRODUCTS INC	268.02
02/01/2024	POOL	62940	GAT001	GATEWAY TECHNICAL COLLEGE	919.60
02/01/2024	POOL	62941	GENERAL	GENERAL CODE	3,078.00
02/01/2024	POOL	62942	STO001	GEORGE STONER	211.60
02/01/2024	POOL	62943	REFUND TAX	JAMES R RAMSEY WILLIS	226.60
02/01/2024	POOL	62944	SOR001	JOHN E SORENSEN	61.78
02/01/2024	POOL	62945	JOHNS	JOHNS DISPOSAL SERVICE INC	130,660.35
02/01/2024	POOL	62946	KEN002	KENOSHA COUNTY TREASURER	2,196.65
02/01/2024	POOL	62947	REFUND TAX	LAKE MICHIGAN REAL ESTATE TITLE	105.89
02/01/2024	POOL	62948	REFUND TAX	LANDMARK TITLE	123.06
02/01/2024	POOL	62949	LIFELINE	LIFE LINE BILLING SYSTEMS LLC	749.00
02/01/2024	POOL	62950	MCDON001	MCDONALD OVERHEAD DOOR INC	335.00
02/01/2024	POOL	62951	MEN001	MENARDS - RACINE	1,482.62
02/01/2024	POOL	62952	MTP001	MT PLEASANT SEWER UTILITY	36,540.00
02/01/2024	POOL	62953	NAP001	NAPA AUTO PARTS	111.36
02/01/2024	POOL	62954	REFUND TAX	NORTH SHORE BANK	172.94
02/01/2024	POOL	62955	REFUND TAX	NORTH SHORE BANK	160.76
02/01/2024	POOL	62956	RRUFFALO	RAYANNA RUFFALO	125.00
02/01/2024	POOL	62957	SOUTHPORT	SOUTHPORT ENGINEERED SYSTEMS	420.95
02/01/2024	POOL	62958	STAPLEAD	STAPLES	214.68
02/01/2024	POOL	62959	STERICYCLE	STERICYCLE INC	16.81
02/01/2024	POOL	62960	T0000175	STEVEN KRAUSE	193.50
02/01/2024	POOL	62961	TKITZ	TIMOTHY KITZMAN	24.25
02/01/2024	POOL	62962	WELDSTAR	WELDSTAR COMPANY	274.72
02/01/2024	POOL	62963	WIL002	WIL-KIL PEST CONTROL	168.70
02/01/2024	POOL	62964	WAM001	WILLIAM A MORRIS	149.42
02/01/2024	POOL	62965	WSESI	WISCONSIN SOCIETY OF EMERGENCY	744.00
02/01/2024	POOL	62966	ZIZZO	ZIZZO'S TRUCKING COMPANY INC	1,403.34

POOL TOTALS:

Total of 45 Checks:
Less 0 Void Checks:

197,855.22
0.00

Total of 45 Disbursements:

197,855.22

Check Date	Bank	Check	Vendor	Vendor Name	Amount
Bank POOL POOLED CASH					
02/08/2024	POOL	188(E)	SPECTRUM	CHARTER COMMUNICATIONS	186.76
02/08/2024	POOL	62968	AT&T001	AT&T	264.72
02/08/2024	POOL	62969	AT&TMOB	AT&T MOBILITY	369.07
02/08/2024	POOL	62970	BAKER	BRANDI BAKER	150.00
02/08/2024	POOL	62971	CORE	CORE & MAIN LP	35,360.00
02/08/2024	POOL	62972	DAV001	DAVISON LAW OFFICE, LTD	9,003.38
02/08/2024	POOL	62973	TRI-VISA	ELAN FINANCIAL SERVICES	3,644.99
02/08/2024	POOL	62974	ELE001	EMERGENCY LIGHTING & ELECTRONIC LLC	36,206.16
02/08/2024	POOL	62975	GRAYS	GRAY'S INC	768.00
02/08/2024	POOL	62976	IMG001	IMAGE TREND	400.00
02/08/2024	POOL	62977	JNT001	JENSEN & JENSEN INC	355.00
02/08/2024	POOL	62978	JWM001	JERRY WILLKOMM INC	84.36
02/08/2024	POOL	62979	SCHNEEBELI	KEN SCHNEEBELI	1,000.00
02/08/2024	POOL	62980	KENCITY	KENOSHA CITY TREASURER	182,911.68
02/08/2024	POOL	62981	KEN002	KENOSHA COUNTY TREASURER	1,412.72
02/08/2024	POOL	62982	KWU001	KENOSHA WATER UTILITY	32,063.17
02/08/2024	POOL	62983	KWU002	KENOSHA WATER UTILITY	57,432.26
02/08/2024	POOL	62984	MCDEVITTS	MCDEVITTS TOWING & REPAIR	2,093.60
02/08/2024	POOL	62985	MCDON001	MCDONALD OVERHEAD DOOR INC	325.00
02/08/2024	POOL	62986	MEN001	MENARDS - RACINE	270.84
02/08/2024	POOL	62987	OTTER	OTTER SALES & SERVICE INC	1,950.00
02/08/2024	POOL	62988	RICOHUSA	RICOH USA, INC	543.30
02/08/2024	POOL	62989	SSI001	SAFERITE SOLUTIONS INC	1,560.00
02/08/2024	POOL	62990	STAPLEAD	STAPLES	28.49
02/08/2024	POOL	62991	PEREZT	TERESA PEREZ	500.00
02/08/2024	POOL	62992	USA001	USABLUEBOOK	438.47
02/08/2024	POOL	62993	WAMBOLDT	WAMBOLDT ELECTRIC	786.00
02/08/2024	POOL	62994	WEE001	WE ENERGIES	220.20
02/08/2024	POOL	62995	WEE002	WE ENERGIES	94.23
02/08/2024	POOL	62996	WICOURT	WI COURT FINES & SURCHARGES	4,894.45
02/08/2024	POOL	62997	WJA001	WI MUNICIPAL JUDGES ASSOC	100.00
02/08/2024	POOL	62998	WINTER	WINTER EQUIPMENT COMPANY INC	9,374.40
02/08/2024	POOL	62999	WIHUMANE	WISCONSIN HUMANE SOCIETY	894.43

POOL TOTALS:

Total of 33 Checks:

385,685.68

Less 0 Void Checks:

0.00

Total of 33 Disbursements:

385,685.68

Pershing Advisor Solutions LLC
 One Pershing Plaza
 Jersey City, NJ 07399
 Brokerage Services, member FINRA, SIPC



Consolidated Account Summary

Your Portfolio Manager:
 EHLERS INVESTMENT PARTNERS
 (651) 697-8500

Primary Account Number: 79-002381
 Investor Identification: 3CRO70814361
 Period Ending: 11/30/2023

VILLAGE OF SOMERS
 PO BOX 197
 SOMERS WI 53171-0197

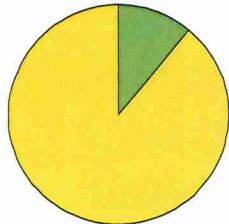
Summary of Accounts

Description	Account Number	Name	Previous Month		Current Month	
			Value	% of Assets	Value	% of Assets
Managed Account General	T79-002381 ¹⁹	VILLAGE OF SOMERS PO BOX 197	3,563,985.80	74.64%	3,574,890.90	74.62%
Managed Account 2023A	T79-003397 ²⁰	VILLAGE OF SOMERS PO BOX 197	1,210,618.87	25.36%	1,215,991.79	25.38%
Total			\$4,774,604.67	100.00%	\$4,790,882.69	100.00%

¹⁹ All of the accounts in your consolidated group have selected electronic delivery for statements. The Account Value has been provided for your information.

²⁰ This account was opened during the current calendar year. As a result, previous period and previous year values may show as 0.

Asset Summary



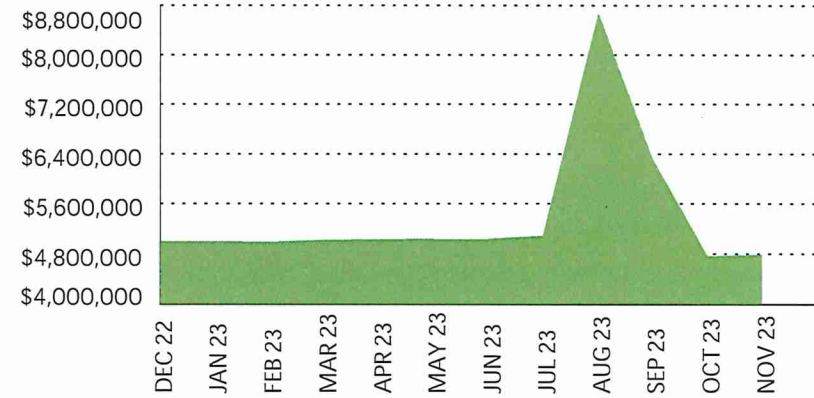
Percent	Asset Type	Last Period	This Period
11%	Cash, Money Funds, and Bank Deposits	39,586.17	543,114.36
89%	Fixed Income	4,735,018.50	4,247,768.33
100%	Accounts Total (Pie Chart)	\$4,774,604.67	\$4,790,882.69

Portfolio at a Glance

	This Period
BEGINNING ACCOUNT VALUE	\$4,774,604.67
Adjusted Previous Account Value	4,774,604.67
Dividends, Interest and Other Income	4,802.66
Fees	-693.95
Net Change in Portfolio¹	12,169.31
ENDING ACCOUNT VALUE	\$4,790,882.69
Accrued Interest	\$33,160.90
Account Value with Accrued Interest	\$4,824,043.59

¹ Net Change in Portfolio is the difference between the ending account value and beginning account value after activity.

Total Value Over Time



Income and Expense Summary Year-to-Date

	Taxable	Non Taxable	Tax Deferred
Dividend Income			
Money Market	21,489.98	0.00	0.00
Interest Income			
Bond Interest	107,402.75	0.00	0.00
Total Income	\$128,892.73	\$0.00	\$0.00

Pershing Advisor Solutions LLC
One Pershing Plaza
Jersey City, NJ 07399
Brokerage Services, member FINRA, SIPC



Consolidated Account Summary

Your Portfolio Manager:
EHLERS INVESTMENT PARTNERS
(651) 697-8500

Primary Account Number: T79-002381
Investor Identification: SCRO70814361
Period Ending: 12/31/2023

VILLAGE OF SOMERS
PO BOX 197
SOMERS WI 53171-0197

Summary of Accounts

Description	Account Number	Name	Previous Month		Current Month	
			Value	% of Assets	Value	% of Assets
Managed Account General	T79-002381 ¹⁹	VILLAGE OF SOMERS PO BOX 197	3,574,890.90	74.62%	3,582,900.01	74.57%
Managed Account 2023A	T79-003397 ²⁰	VILLAGE OF SOMERS PO BOX 197	1,215,991.79	25.38%	1,221,822.93	25.43%
Total			\$4,790,882.69	100.00%	\$4,804,722.94	100.00%

¹⁹ All of the accounts in your consolidated group have selected electronic delivery for statements. The Account Value has been provided for your information.

²⁰ This account was opened during the current calendar year. As a result, previous period and previous year values may show as 0.

Asset Summary

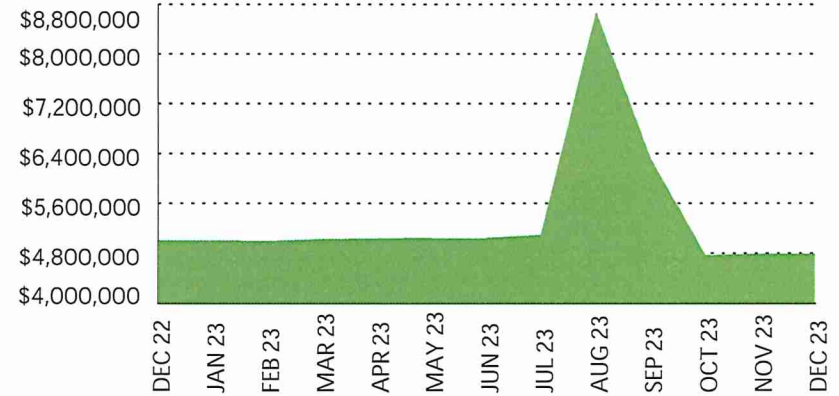
Percent	Asset Type	Last Period	This Period
1%	Cash, Money Funds, and Bank Deposits	543,114.36	38,521.95
99%	Fixed Income	4,247,768.33	4,766,200.99
100%	Accounts Total	\$4,790,882.69	\$4,804,722.94

Portfolio at a Glance

	This Period	Year-to-Date
BEGINNING ACCOUNT VALUE	\$4,790,882.69	\$5,004,269.78
Deposits (Cash & Securities)	0.00	3,561,592.84
Withdrawals (Cash & Securities)	0.00	-3,952,173.00
Adjusted Previous Account Value	4,790,882.69	4,613,689.62
Dividends, Interest and Other Income	823.38	129,716.11
Fees	-588.13	-7,446.32
Net Change in Portfolio¹	13,605.00	68,763.53
ENDING ACCOUNT VALUE	\$4,804,722.94	\$4,804,722.94
Accrued Interest	\$44,433.53	
Account Value with Accrued Interest	\$4,849,156.47	

¹ Net Change in Portfolio is the difference between the ending account value and beginning account value after activity.

Total Value Over Time



Income and Expense Summary Year-to-Date

	Taxable	Non Taxable	Tax Deferred
Dividend Income			
Money Market	22,313.36	0.00	0.00
Interest Income			
Bond Interest	107,402.75	0.00	0.00
Total Income	\$129,716.11	\$0.00	\$0.00



Consolidated Account Summary

Your Portfolio Manager:
 EHLERS INVESTMENT PARTNERS
 (651) 697-8500

Primary Account Number: [REDACTED]
 Investor Identification: [REDACTED]
 Period Ending: 01/31/2024

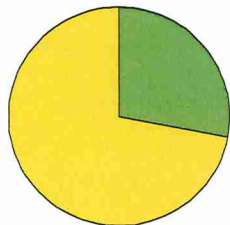
VILLAGE OF SOMERS
 PO BOX 197
 SOMERS WI 53171-0197

Summary of Accounts

Description	Account Number	Name	Previous Month		Current Month	
			Value	% of Assets	Value	% of Assets
Managed Account General	T79-002381 ¹⁹	VILLAGE OF SOMERS PO BOX 197	3,582,900.01	74.57%	3,628,023.97	74.73%
Managed Account 2023A	T79-003397	VILLAGE OF SOMERS PO BOX 197	1,221,822.93	25.43%	1,226,596.91	25.27%
Total			\$4,804,722.94	100.00%	\$4,854,620.88	100.00%

¹⁹ All of the accounts in your consolidated group have selected electronic delivery for statements. The Account Value has been provided for your information.

Asset Summary



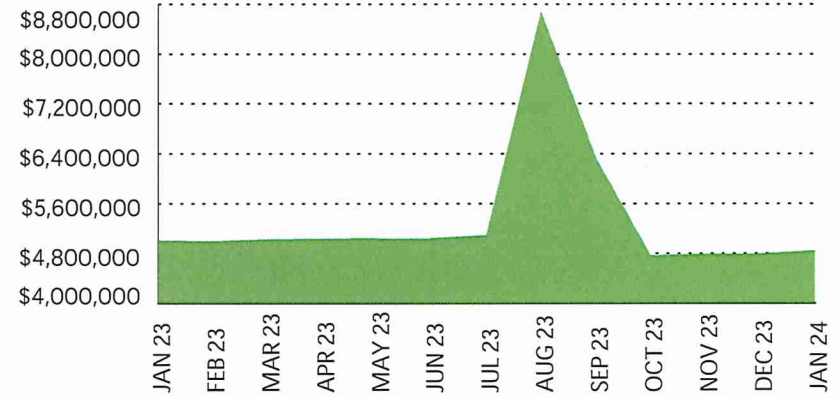
Percent	Asset Type	Last Period	This Period
28%	Cash, Money Funds, and Bank Deposits	38,521.95	1,371,516.78
72%	Fixed Income	4,766,200.99	3,483,104.10
100%	Accounts Total (Pie Chart)	\$4,804,722.94	\$4,854,620.88

Portfolio at a Glance

	This Period	Year-to-Date
BEGINNING ACCOUNT VALUE	\$4,804,722.94	\$4,804,722.94
Adjusted Previous Account Value	4,804,722.94	4,804,722.94
Dividends, Interest and Other Income	50,495.00	50,495.00
Fees	-609.58	-609.58
Net Change in Portfolio¹	12.52	12.52
ENDING ACCOUNT VALUE	\$4,854,620.88	\$4,854,620.88
Accrued Interest	\$14,851.39	
Account Value with Accrued Interest	\$4,869,472.27	

¹ Net Change in Portfolio is the difference between the ending account value and beginning account value after activity.

Total Value Over Time



Income and Expense Summary Year-to-Date

	Taxable	Non Taxable	Tax Deferred
Dividend Income			
Money Market	4,575.66	0.00	0.00
Interest Income			
Bond Interest	45,919.34	0.00	0.00
Total Income	\$50,495.00	\$0.00	\$0.00



**VILLAGE OF SOMERS
VILLAGE BOARD
MEETING ITEM MEMORANDUM**

MEETING DATE: February 13th, 2024

TO: Village President Stoner and Village Trustees

PREPARED BY: Jason J. Peters, Administrator

AGENDA ITEM: #7 Public Hearing for proposed Ordinance No. 2024-001, An Ordinance to Create a Portion of the General Zoning and Shoreland/Floodplain Ordinance of the Code of Ordinance of the Village of Somers.

#8 Action on proposed Ordinance No. 2024-001, An Ordinance to Create a Portion of the General Zoning and Shoreland/Floodplain Ordinance of the Code of Ordinance of the Village of Somers.

BACKGROUND:

In October the DNR reached out the Village and all Kenosha County jurisdictions to inform them that they had updated their model floodplain ordinance. The DNR took the step to update this model ordinance due to the fact that the County is in the process of adopting new flood maps and due to the fact that this ordinance had not been updated in many years.

The Village's floodplain ordinance is currently mixed in with our other zoning ordinances. The DNR suggested that the Village change to a standalone Floodplain Ordinance. The DNR states that benefit of the standalone ordinance will be that the Village would not need agency approvals when amending sections of the ordinance that have nothing to do with floodplain.

Attorney Davison and Staff have worked with DNR to create the attached standalone ordinance. Kenosha County and all surrounding jurisdictions are in the process of adopting updated model ordinance. This will need to be passed by the Board by the end of February so the new FEMA maps can be approved.

PRIOR ACTION TAKEN:

This matter was discussed and reviewed at our February 13th Work Session.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

Attorney Davison and Staff have worked with DNR to create the attached standalone ordinance. Staff would recommend approval. In the event that the Village Board agrees with the suggested action, a suggested motion to approve would be as follows:

#7

“Motion to open public hearing”

HOLD PUBLIC HEARING

“Motion to close public hearing”

#8

“Motion to waive first reading of Ordinance No. 2024-001”

“Motion to approve proposed Ordinance No. 2024-001, An Ordinance to Create a Portion of the General Zoning and Shoreland/Floodplain Ordinance of the Code of Ordinance of the Village of Somers.”

ATTACHMENTS:

Proposed Standalone Floodplain Ordinance No. 2024-001

ORDINANCE NO. 2024-001

AN ORDINANCE TO CREATE A PORTION OF THE
GENERAL ZONING AND SHORELAND/FLOODPLAIN ORDINANCE
OF THE CODE OF ORDINANCES OF THE VILLAGE OF SOMERS

The Village Board of Trustees of the Village of Somers, Kenosha County,
Wisconsin, hereby creates a portion of the General Zoning and Shoreland/Floodplain Ordinance
of the Code of Ordinances of the Village of Somers to read as follows:

(SEE ATTACHED ORDINANCE)

Dated at Somers, Wisconsin, this _____ day of February, 2024.

VILLAGE OF SOMERS

By: _____
George Stoner, President

Attest: _____
Brandi Baker, Clerk/Treasurer

Floodplain Ordinance for Village of Somers

Effective XXXXXX (Enter Date of Adoption)

Adoption schedule tracking

1. Date of Public Hearing: _____
 - a. (Requires a Class 2 Hearing Notice of Publication or Posting)
2. Date of Adoption: _____
3. Dates of Publication or Posting: _____
 - a. (Second/last date must be at least 7 days before hearing, see definition, Ch 985 Stats)
4. Date of Publication or Posting of Notice of Enacted Ordinance:
 - a. _____

TABLE OF CONTENTS

Contents

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS	4
1.1 STATUTORY AUTHORIZATION.....	4
1.2 FINDING OF FACT	4
1.3 STATEMENT OF PURPOSE.....	4
1.4 TITLE.....	4
1.5 GENERAL PROVISIONS.....	4
(1) AREAS TO BE REGULATED.....	4
(2) OFFICIAL MAPS & REVISIONS	4
(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS	5
(4) LOCATING FLOODPLAIN BOUNDARIES	5
(5) REMOVAL OF LANDS FROM FLOODPLAIN.....	6
(6) COMPLIANCE	6
(7) MUNICIPALITIES AND STATE AGENCIES REGULATED.....	6
(8) ABROGATION AND GREATER RESTRICTIONS.....	7
(9) INTERPRETATION	7
(10) WARNING AND DISCLAIMER OF LIABILITY	7
(11) SEVERABILITY.....	7
(12) ANNEXED AREAS FOR CITIES AND VILLAGES.....	7
2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.....	7
2.1 HYDRAULIC AND HYDROLOGIC ANALYSES.....	8
2.2 WATERCOURSE ALTERATIONS.....	8
2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT.....	8
2.4 PUBLIC OR PRIVATE CAMPGROUNDS.....	9
3.0 FLOODWAY DISTRICT (FW).....	10
3.1 APPLICABILITY	10
3.2 PERMITTED USES	10
3.3 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY	11
3.4 PROHIBITED USES	13
4.0 FLOODFRINGE DISTRICT (FF)	14
4.1 APPLICABILITY	14
4.2 PERMITTED USES	14
4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE	14
5.0 OTHER FLOODPLAIN DISTRICTS.....	16
5.1 GENERAL FLOODPLAIN DISTRICT (GFP).....	16
5.2 COASTAL FLOODPLAIN DISTRICT (CFD).....	17
6.0 NONCONFORMING USES	20
6.1 GENERAL	20
6.2 FLOODWAY DISTRICT.....	25
6.3 FLOODFRINGE DISTRICT	25

6.4 COASTAL FLOODPLAIN DISTRICT (CFD)	26
7.0 ADMINISTRATION.....	26
1.1 ZONING ADMINISTRATOR	26
7.2 ZONING AGENCY	31
7.3 BOARD OF APPEALS	32
7.4 TO REVIEW APPEALS OF PERMIT DENIALS	34
7.5 FLOODPROOFING STANDARDS	35
7.6 PUBLIC INFORMATION	36
8.0 AMENDMENTS.....	36
8.1 GENERAL.....	36
9.0 ENFORCEMENT AND PENALTIES.....	37
10.0 DEFINITIONS.....	37

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, for villages and cities; 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 Village of Somers, 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, AE, VE, V1-30, or V on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance, where applicable.

(2) OFFICIAL MAPS & REVISIONS

Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, VE, V1-30, or V 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 maps based on studies approved by the DNR and listed in subd. (b) below. These maps and revisions are on file in the office of the ***Village of Somers Clerk***.

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

1. Flood Insurance Rate Map (FIRM), panel numbers 55059C0062D, 55059C0064D, 55059C0066D, 55059C0067D, 55059C0068D, 55059C0069D, 55059C0086D, 55059C0087D, 55059C0088D, 55059C0177D, 55059C0181D, 55059C0182D and 55059C0201D, dated 06/19/2012
2. Flood Insurance Rate Map (FIRM), panel number 55059C0184E, dated 03/17/2017
3. Flood Insurance Rate Map (FIRM), panel numbers 55059C0089E, 55059C0091E, 55059C0093E, 55059C0202E dated 4/11/2024

4. Flood Insurance Study (FIS) for **Kenosha County**, dated **4/11/2024**.
5. Letter of Map Revision Case No. 22-05-3273P, effective 8/16/2023
6. Letter of Map Revision Case No. 17-05-6202P, effective 06/14/2021

Approved by: The DNR and FEMA

(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, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s. 5.1(5).
- b) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to s. 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.
- d) The Coastal Floodplain District (CFP) is an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms, including areas identified as zone V, V1-30, or VE on the FIRM. Where a riverine AE floodway extends into the CFP district, development within the floodway must comply with the regulations for both the FW and CFP districts. Where a riverine A zone or AE zone with no floodway determination abuts the CFP district, the riverine study's floodway limit must be determined based on standard floodway expansion principles within the CFP district and development within the floodway must comply with the standards for both the FW and CFP districts.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between the exterior boundaries of zones A1-30, 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. 8.0 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

- a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- b) Where flood profiles do not exist for projects, including any boundary of zone A, AO, V1-30,

VE, or V, 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 or 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 Federal Emergency Management Agency. A completed 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 development 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, converted, 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 s. 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. 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 a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community 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. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- b) This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

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

(10) WARNING AND DISCLAIMER OF LIABILITY

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

(11) SEVERABILITY

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

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Kenosha 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 the 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 community shall assure that:
- a. such proposed subdivision or other proposed new development is 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 damage; and
 - c. adequate drainage is provided to reduce exposure to flood hazards.

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

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

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

2.2 WATERCOURSE ALTERATIONS

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

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

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

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the

necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 *Amendments*.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

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

- 1) The campground is approved by the Department of 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 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 floodplain zoning agency or zoning administrator, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- 5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;
- 6) All mobile recreational vehicles placed on site must meet one of the following:
 - a. Be fully licensed, if required, and ready for highway use; or
 - b. Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
 - 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 wheels 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 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. 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. 3.3 and 3.4; and
- all permits or certificates have been issued according to s. 7.1.

- 1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- 2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- 3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
- 4) Uses or structures accessory to open space uses or classified as historic structures that comply with s. 3.3 and 3.4.
- 5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- 6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- 7) Public utilities, streets and bridges that comply with s. 3.3(3).
- 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 requirements of local ordinances and chs. 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. 2.0 and have a low flood damage potential.
- b. Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to s. 2.1 and 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. 3.3(1)(b) above demonstrates that the encroachment will cause no increase in 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. 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 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 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. 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 not 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 the 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 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. 2.1.

4) **FILLS OR DEPOSITION OF MATERIALS**

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

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

3.4 PROHIBITED USES

All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

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

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

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

4.2 PERMITTED USES

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

4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

Section 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. 6.0 *Nonconforming Uses*;

(1) RESIDENTIAL USES

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

- a) 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. 1.5(5).
- b) Notwithstanding s. 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. 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. 2.0, any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

In addition to s. 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 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

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

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

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

- a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5.
- b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

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

(8) WELLS

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

(9) SOLID WASTE DISPOSAL SITES

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

(10) DEPOSITION OF MATERIALS

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

(11) MANUFACTURED HOMES

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

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles must be on site for less than 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. 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 the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s. 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. 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 3.0. If the development is located entirely within the floodfringe, the development is subject to the standards of s. 4.0.

3) PERMITTED USES

Pursuant to s. 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. 3.2) and Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District, according to the standards of s. 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 3.0 applies to floodway areas, determined to pursuant to 5.1(5); Section 4.0 applies to floodfringe areas, determined to pursuant to 5.1(5).

- a) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:
 - 1. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
 - 2. If the depth is not specified on the FIRM, two (2) above the highest adjacent natural grade or higher.
- b) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
- c) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.
- d) All development in zones AO and zone AH shall meet the requirements of s. 4.0 applicable to 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 not 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. 7.1(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.

5.2 COASTAL FLOODPLAIN DISTRICT (CFD)

(1) APPLICABILITY

The provisions of this section apply to all Coastal Floodplain Districts (CFD) shown on the floodplain zoning maps, which includes zones V, V1-30, and VE. Where a floodway shown on the floodplain zoning maps, or a floodway determined as explained in s. 1.5(3)(d) or a regulatory floodway identified pursuant to s. 5.1(5), extends into a Coastal Floodplain District, development shall comply with the standards of s. 3.0 and s. 5.3.

(2) STANDARDS FOR DEVELOPMENT IN THE COASTAL FLOODPLAIN DISTRICT

Development in the CFD district shall meet the requirements of s. 2.0, as well as the following:

- a. New construction shall be located landward of the Ordinary High-Water Mark.
- b. Bulkheads, seawalls, revetments, and other erosion control measures shall not be connected to the foundation or superstructure of a building and shall be designed and constructed so as not to direct floodwaters or increase flood forces or erosion impacts on the foundation or superstructure of any building.
- c. Man-made alterations of sand dunes are prohibited unless an engineering report documents that the alterations will not increase potential flood damage by reducing the wave and flow dissipation characteristics of the sand dunes.
- d. The use of fill for structural support of buildings is prohibited.
 - 1. Non-structural fill shall be permitted only if an engineering report demonstrates that the fill will not cause runup, ramping, or deflection of floodwaters that cause damage to buildings.
- e. New construction and substantial improvement of buildings shall be elevated, consistent with SPS 321.34, on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the FPE.
 - 1. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 *Minimum design loads and associated criteria for buildings and other structures*, or other equivalent standard.
 - 2. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of s. 5.3(2)(e).
- f. New construction and substantial improvement of buildings shall have the space below the lowest floor either free of obstruction or constructed with non-

supporting breakaway walls, open wood latticework, or insect screening intended to collapse without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

1. For the purpose of s. 5.3(2)(f), a breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot.
 2. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or where so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet all of the following conditions:
 - a) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 *Minimum design loads and associated criteria for buildings and other structures*, or equivalent standard.
 3. All space enclosed by breakaway walls, open wood latticework, or insect screening below the lowest floor shall be used solely for parking, building access, or storage.
- g. Require within flood-prone areas:
1. New and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and
 2. New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.
- h. All mobile recreation vehicles must be on site for less than 180 consecutive days and be either:
1. fully licensed and ready for highway use; or
 2. shall meet the standards of ss. 5.3(2)(a) through 5.3(2)(g) inclusive

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 type utilities and security devices and has no permanently attached additions.

- i. Manufactured homes placed or substantially improved within the Coastal Floodplain District shall meet the standards of ss. 5.3(2)(a) through 5.3(2)(g) inclusive.

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 use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or 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 a 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 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

- d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- e) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). 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 (d) and (e) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the 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. 7.5(2).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
- c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

- d. In A Zones, obtain, review, and utilize any flood data available from a federal, state or other source.
- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(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. 6.1(2)(h)1a-f.
 - b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5 (1) or (2).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(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. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1 (2)(h)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 building's 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 of 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 2.0;
 - d) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of 3.3(1), 3.3(2)(b) through (e), 3.3(3), 3.3(4), and 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). If the encroachment is in the floodway, it must meet the standards in section 3.3(4);
 - e) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of 4.3 and 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 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 the building 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 the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of s. 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 exterior walls by allowing for the 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 meet 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 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 are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured 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 adequately anchored 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 on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - iii. Meet the elevation and anchoring requirements for manufactured homes in s. 6.1(4)(i) above;
- l) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or 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 analyses 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 community 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. 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 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 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 not 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 section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 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; or
- 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 that level according to the standard specified in s. 6.1(4)(g) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

6.2 FLOODWAY DISTRICT

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - a) Has been granted a permit or variance which meets all ordinance requirements;
 - b) Meets the requirements of s. 6.1;
 - c) Shall not increase the obstruction to flood flows or regional flood height;
 - d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and,
 - e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.
- 2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and Ch. SPS 383, Wis. Adm. Code.
- 3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE DISTRICT

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

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

6.4 COASTAL FLOODPLAIN DISTRICT (CFD)

- 1) New construction and substantial improvement shall meet the standards of s. 5.3.
- 2) No structural repairs, modifications or additions to an existing building, the cost of which exceeds, over the life of the existing building, 50% of its present equalized assessed value, may be allowed in a coastal floodplain area unless the entire building is permanently changed to conform with the standards prescribed in s. 5.3.

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.

1.1 ZONING ADMINISTRATOR

1) DUTIES AND POWERS

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

- a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate
- c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

- d) Keep records of all official actions such as:
 - 1. All permits issued, inspections made, and work approved;
 - 2. Documentation of certified lowest floor and regional flood elevations;
 - 3. Floodproofing certificates.
 - 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - 5. All substantial damage assessment reports for floodplain structures.
 - 6. List of nonconforming structures and uses.
 - 7. In the Coastal Floodplain District, documentation of the certified elevation of the bottom of the lowest horizontal structural member of new construction and substantial improvements.
 - 8. In the Coastal Floodplain District, certification by a licensed professional engineer or architect where required for new construction and substantial improvement under s. 5.3
- e) Submit copies of the following items to the Department Regional office:
 - 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - 2. Copies of case-by-case analyses and other required information.
 - 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 development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

a) GENERAL INFORMATION

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

b) SITE DEVELOPMENT PLAN

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

- 1. Location, dimensions, area and elevation of the lot;
- 2. Location of the ordinary highwater mark of any abutting navigable waterways;
- 3. Location of any structures with distances measured from the lot lines and street center lines;

4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

c) **HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT**

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

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

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

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

 - i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
 - ii. channel sections must be surveyed.
 - iii. minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
 - v. the most current version of HEC-RAS shall be used.
 - vi. a survey of bridge and culvert openings and the top of road is required at each structure.

- vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
 - viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
 - ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- c. Mapping
- A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
 - ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

- a. Hydrology

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

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

 - i. Duplicate Effective Model

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

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

- iii. Existing (Pre-Project Conditions) Model.
The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - iv. Revised (Post-Project Conditions) Model.
The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- c. Mapping
- Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
 - ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
 - iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
 - iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
 - v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
 - vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
 - vii. Both the current and proposed floodways shall be shown on the map.
 - viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

d) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not 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 10 days after written notification that the permitted work is completed;
- d) The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.
- e) Where applicable pursuant to s. 5.1(4), the applicant must submit a certification 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. 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. 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 Village Board of Appeals shall:

- a) oversee the functions of the office of the village administrator; and
- b) review and advise the governing body 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 Village Administrator shall not:

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

7.3 BOARD OF APPEALS

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

1) POWERS AND DUTIES

The Board of Appeals shall:

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

2) APPEALS TO THE BOARD

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

b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:

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

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

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

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

- 1. Be made within a reasonable time;
- 2. Be sent to the Department Regional office within 10 days of the decision;
- 3. Be a written determination signed by the chairman or secretary of the Board;
- 4. State the specific facts which are the basis for the Board's decision;

5. Either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and

6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

3) BOUNDARY DISPUTES

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

- a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
- b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 *Amendments*.

4) VARIANCE

- a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:

- 1. Literal enforcement of the ordinance will cause unnecessary hardship;
- 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
- 3. The variance is not contrary to the public interest; and
- 4. The variance is consistent with the purpose of this ordinance in s. 1.3.

- b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been 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. 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;
- 5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

- c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district;
 2. Be granted for a hardship based solely on an economic gain or loss;
 3. Be granted for a hardship which is self-created.
 4. Damage the rights or property values of other persons in the area;
 5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 *Amendments*; and
 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- d) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

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

7.5 FLOODPROOFING STANDARDS

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

7.6 PUBLIC INFORMATION

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

8.0 AMENDMENTS

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

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

8.1 GENERAL

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

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

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities and villages. The petitions shall include all data required by s. 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 zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

9.0 ENFORCEMENT AND PENALTIES

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

10.0 DEFINITIONS

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

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, upgrade or substantial change or modification 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 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
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 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 4 or more camping units, or which is advertised or represented as a camping area.
13. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
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. COASTAL FLOODPLAIN – An area along the coast of Lake Michigan or Lake Superior which is inundated by the regional flood and which is also subject to additional hazard due to wave runup.
17. COASTAL HIGH HAZARD AREA – An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms.
18. 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.
19. DECK – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.
20. DEPARTMENT – The Wisconsin Department of Natural Resources.
21. 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.
22. 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.

23. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
24. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
25. 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.
26. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - The overflow or rise of inland waters;
 - The rapid accumulation or runoff of surface waters from any source;
 - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
33. FLOODPLAIN MANAGEMENT – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
34. 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.

35. **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.
36. **FLOOD PROTECTION ELEVATION** – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: **FREEBOARD**.)
37. **FLOOD STORAGE** – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
38. **FLOODWAY** – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
39. **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.
40. **HABITABLE STRUCTURE** – Any structure or portion thereof used or designed for human habitation.
41. **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.
42. **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.
43. **HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
44. **HISTORIC STRUCTURE** – Any structure that is either:
 - Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
45. **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.

46. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
47. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
48. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An enclosed space as provided in s. 5.3(2)(f), is not considered the building's lowest floor.
49. 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.
50. 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."
51. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
52. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
53. 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.
54. MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
55. 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.
56. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
57. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
58. 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.

59. **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.
60. **MODERATE WAVE ACTION AREA (MoWA)** – A special flood hazard area subject to the potential for breaking wave heights of greater than or equal to 1.5 feet, but less than 3 feet, where the primary source of flooding is astronomical tides, storm surges, seiches, and/or tsunamis. A MoWA is an area within zone AE on a FIRM that is between the inland limit of zone VE and a Limit of Moderate Wave Action, where identified. (Also known as “coastal A zone”)
61. **MUNICIPALITY or MUNICIPAL** – The county, city or village governmental units enacting, administering, and enforcing this zoning ordinance.
62. **NAVD or NORTH AMERICAN VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1988 adjustment.
63. **NGVD or NATIONAL GEODETIC VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1929 adjustment.
64. **NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.
65. **NON-FLOOD DISASTER** – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.
66. **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.)
67. **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.)
68. **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.
69. **OFFICIAL FLOODPLAIN ZONING MAP** – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
70. **OPEN SPACE USE** – Those uses having a relatively low flood damage potential and not involving structures.
71. **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.
72. **PERSON** – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.

73. **PRIMARY FRONTAL DUNE** – A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.
74. **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.
75. **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.
76. **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.
77. **REGIONAL FLOOD** – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
78. **SAND DUNES** – Naturally occurring accumulations of sand in ridges or mounds landward of the beach.
79. **START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
80. **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 lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
81. **SUBDIVISION** – Has the meaning given in s. 236.02(12), Wis. Stats.
82. **SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
83. **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the

equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not 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.

- 84. **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.
- 85. **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.
- 86. **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.
- 87. **WATERSHED** – The entire region contributing runoff or surface water to a watercourse or body of water.
- 88. **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.
- 89. **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.



**VILLAGE OF SOMERS
VILLAGE BOARD
MEETING ITEM MEMORANDUM**

MEETING DATE: February 13th, 2024

TO: Village President Stoner and Village Trustees

PREPARED BY: Jason J. Peters, Administrator

AGENDA ITEM: #9 Action on proposed Resolution No. 2024-003, A Resolution to rescind Previous Resolution No. 2022-003 Which Supported a Request to the Wisconsin Department of Transportation to Eliminate the North Bound Left Turn Lane from STH 31 to 35th Street and Request that Said North Bound Turn Lane Be Re-Opened

BACKGROUND:

In 2022, the Village passed Resolution 2022-003. This Resolution was in response to increases in crashes at the North Bound left turn lane from STH 31 to 35th Street. The crashes involved vehicles heading south, striking vehicles crossing west to 35th Street. After this Resolution was submitted to the DOT, the north bound left turn lane was “shut off”.

At our July 5th, 2023 Work Session, the Board received an update from Administrator Peters regarding possible work the DOT was considering at this intersection. The DOT had informed the Village that they had completed a Highway Safety Inspection Program (HISP) Application. This document states that the DOT is considering permanently closing the left turn lane. On June 6th, 2023 Administrator Peters and President Stoner met with two DOT engineers to inquire about the possibility of traffic lights being installed at this crossing, as opposed to a permanent closure.

President Stoner and Administrator Peters met with representatives from DOT and the City of Kenosha on June 22nd, 2023 to further discuss the possibility of traffic lights. The DOT seemed open to studying the matter.

On September 28th, 2023 President Stoner and Administration held a meeting with the DOT, City of Kenosha, and Kenosha County to discuss the DOT’s further findings regarding the crossing. The DOT has concluded that the design of the crossing was not the complete cause of the fatal accidents. The main factors of the crashes were speed, alcohol and drugs. Administration was provided with crash reports for these incidents.

Based on these findings the DOT was willing to halt their HISP application and consider the reopening of the North Bound left turn lane from STH 31 to 35th Street. The DOT also discussed the option of changing the signal patterns at STH 31 and 31st Street. The City, County and Village also discussed an increase in law enforcement presence in this area due to the beforementioned “main factors.”

On October 9th, 2023, President Stoner and Administration met with the Sheriff’s department to discuss the possible reopening of this crossing. If this crossing were to reopen, we informed the Sheriff’s department that increased enforcement in this area would be requested.

On October 17th, 2023 the Board discussed whether they would be supportive of taking action on a Resolution to rescind 2022-003 and support the reopening of the crossing in question. During this Work Session, the Board discussed the pros and cons of re-opening the crossing. The matter was further discussed at our November 7th, 2023 Work Session and a proposed Resolution was reviewed.

President Stoner has been speaking to the DOT on the installation of additional flashing signage. He has suggested to the DOT that a Stalker Street Dynamics Speed Sign be installed. Stalker states that a dynamic sign can “show any message or graphic that you desire. Its full-matrix design can be programmed to show any character, number, or shape – it is not just a speed sign! You can also string together a series of messages together into sequences if you have more information to communicate.” An example that could be used to deter speeders in this area is the flashing red and blue lights in the bottom right corner as pictured below.



The cost to install the solar version of the sign would be \$8,238. The cost to install a “hard wired” sign would be \$6,670. DOT has indicated that the sign would be facing the south bound lane of STH 31 on the outside shoulder north of the 35th St. intersection. They have also stated that maintenance of the proposed Dynamic Speed Sign would be the responsibility of the municipality.

Based on our discussion the DOT engineers indicated that because the HSIP application had been filed, the Village would need to rescind the Resolution for the lane to be reopened.

PRIOR ACTION TAKEN:

This matter was reviewed and discussed at our February 6th Work Session.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

Administration will be meeting with the DOT on February 21st to discuss the installation of the sign, in the event Resolution 2024-003 is approved. If the Village Board wishes to move forward with the proposed Resolution, a suggested motion to approve would be as follows:

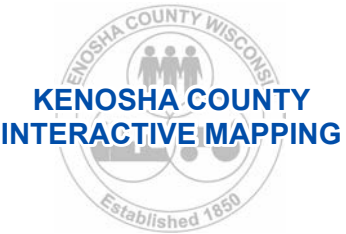
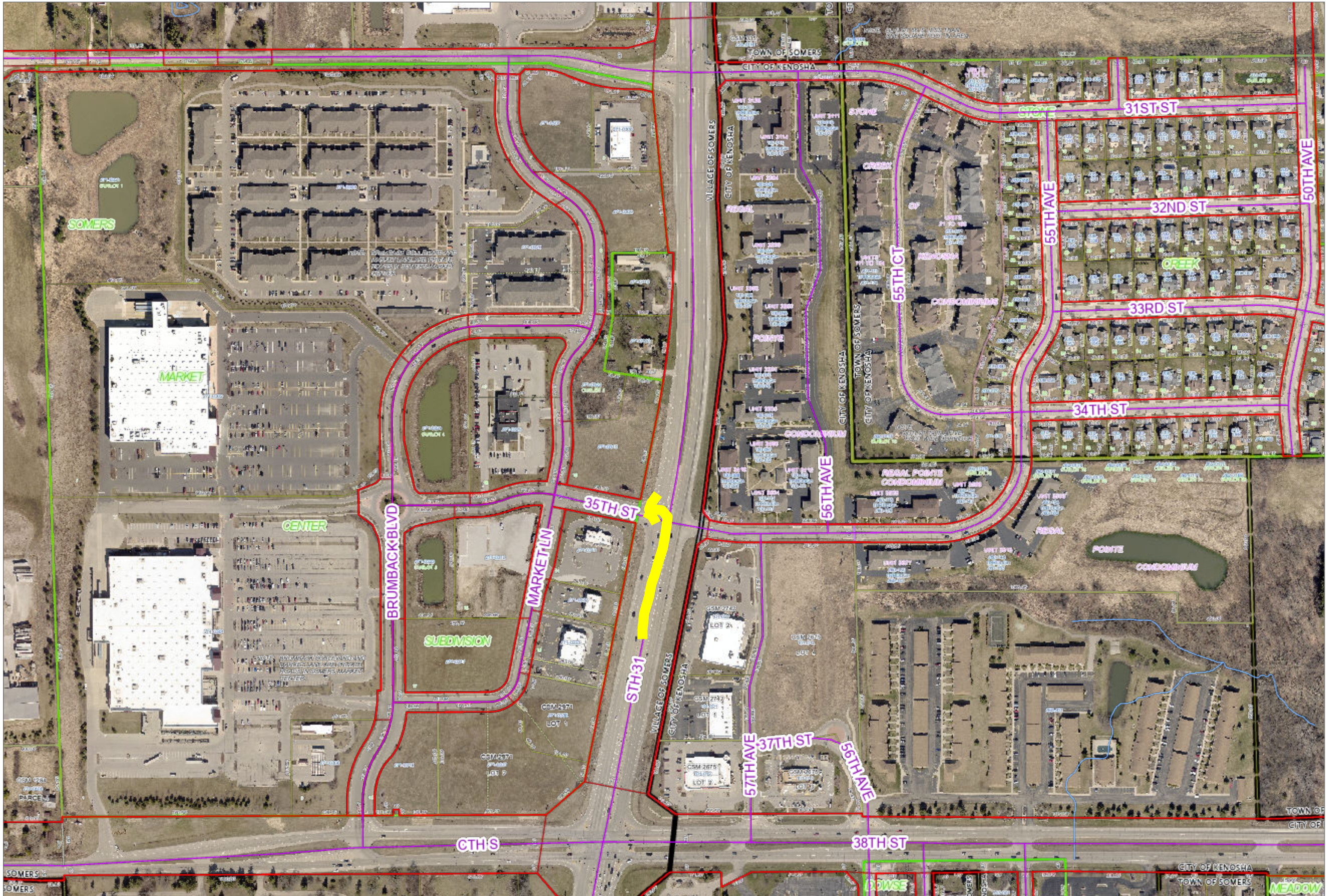
“Motion to approve proposed Resolution No. 2024-003, A Resolution to rescind Previous Resolution No. 2022-003 Which Supported a Request to the Wisconsin Department of Transportation to Eliminate the North Bound Left Turn Lane from STH 31 to 35th Street and Request that Said North Bound Turn Lane Be Re-Opened”

ATTACHMENTS:

Map

Proposed Resolution 2022-003

Proposed Resolution 2024-003



1:3,831

DISCLAIMER This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.

RESOLUTION 2022-003

A RESOLUTION OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF
SOMERS SUPPORTING THE WISCONSIN DEPARTMENT OF TRANSPORTATION
ELIMINATING THE NORTH BOUND LEFT TURN LANE FROM STH 31 TO 35TH STREET

WHEREAS, State Highway 31 traverses the Village of Somers: and

WHEREAS, Recent crash data indicates that the North Bound left turn lane from STH 31 on 35th Street has experienced an unacceptable volume of high severity crashes.

WHEREAS, In the interest of public safety the Department of Transportation is proposing to eliminate the above referenced turn lane; and

WHEREAS, Representatives from the Department of Transportations' analysis of recent crashes indicates that the best solution to improve safety at this North bound movement is to eliminate the above referenced turn lane; and

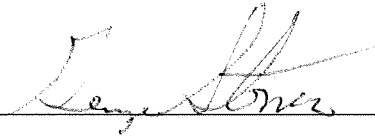
WHEREAS, In the interest of public safety the Village Board of Trustees of the Village of Somers supports the elimination of the above referenced turn lane.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees of the Village of Somers that in the interest of public safety, they support the Department of Transportation's proposal to the eliminate the west bound turn lane from STH 31 to 35th Street.

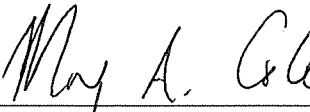
Dated at Somers, Wisconsin, this 25th day of January, 2022.



VILLAGE OF SOMERS

By: 

George Stoner, President

Attest: 

Mary Ann Cole, Clerk/Treasurer

RESOLUTION 2024-003

A RESOLUTION OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF SOMERS TO RESCIND PREVIOUS RESOLUTION 2022-003 WHICH SUPPORTED A REQUEST TO THE WISCONSIN DEPARTMENT OF TRANSPORTATION TO ELIMINATE THE NORTH BOUND LEFT TURN LANE FROM STH 31 TO 35th STREET AND TO REQUEST THAT SAID NORTH BOUND TURN LANE BE RE-OPENED

WHEREAS, State Highway 31 traverses the Village of Somers from North to South: and

WHEREAS, in January of 2022, the Village of Somers Board of Trustees passed Resolution 2022-003 in response to crashes at the North Bound left turn lane from STH 31 to 35th Street; and

WHEREAS, the above-mentioned Resolution 2022-003 requested that the Department of Transportation (herein referred to as “DOT”) eliminate said North Bound left turn lane; and

WHEREAS, in 2022, the DOT closed said North Bound left turn lane by placing traffic barriers to block access; and

WHEREAS, in July of 2023, the Village of Somers received word from the DOT that under a Highway Safety Inspection Program (HISP) Application they were considering permanent closing said North Bound left turn lane; and

WHEREAS, several businesses have reached to the Village Board of Trustees to express that the permanent closure of said North Bound turn lane has hurt the traffic flow to their locations; and

WHEREAS, based on this above referenced information, representatives from the Village of Somers, City of Kenosha, and Kenosha County met with DOT engineers to discuss other possible options, as opposed to a permanent closure; and

WHEREAS, the DOT has further studied the crashes at said North Bound left turn lane and have determined that high speed, lack of the use of seat belts, drugs and alcohol were the causes of the 2022 crashes; and

WHEREAS, the Village Board of Trustees believes the configuration of the road was not the main factor in these crashes with the main factor in these fatal accidents was excessive speed, the lack of seat belt use, the use of alcohol, and the use of drugs; and

WHEREAS, the Village of Board of Trustees encourages the DOT to continue to explore traffic calming options to avoid a permanent closure the said North Bound turn lane; and

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees of the Village of Somers supports DOT’s position to reopen the North Bound left turn lane from STH 31 to 35th Street.

Dated at Somers, Wisconsin, this _____ day of _____, 2024.

VILLAGE OF SOMERS

By: _____

George Stoner, President

Attest: _____

Brandi Baker, Clerk/Treasurer



**VILLAGE OF SOMERS
VILLAGE BOARD
MEETING ITEM MEMORANDUM**

MEETING DATE: February 13th, 2024

TO: Village President Stoner and Village Trustees

PREPARED BY: Jason J. Peters, Administrator

AGENDA ITEM: #10 Discussion and possible action on bid from Globe Contractors for the Proposed Public Utility Improvements for Golden Oil (Kenosha Travel Plaza) in the amount of \$297,897.00

BACKGROUND:

In 2008, a Developer's Agreement was entered into for the Golden Oil's Travel Plaza at 11800 Burlington Road. As you are aware, this property has been served by a septic system as opposed to municipal sewer. In 2021 work began to bring sewer and water to this area of CTH S/STH 142. As sewer is now available to this area, the developer would like to hook into the system. These utilities are currently located across the street on the Kwik Trip side.

Staff has worked with Golden Oil's engineers to design the project. These improvements would be paid for by the Developer but due to the fact the crossing would need to be public utilities the work needed to be publicly bid.

In September of 2023, the Board approved a Third Amendment to the Developer's agreement to memorialize the cost being incurred by Golden Oil. This agreement has been executed and recorded. After the amendment was in place a request for bids was prepared by our Engineers.

The original request for bids for the project were posted and published in December. Bids were opened on January 11th. At that time, the Village received one bid from the project. The bid was as follows:

Globe Contractors, Inc.	\$297,897.00
Pewaukee, WI	

Due to the fact that the Village only received one bid, the Developer contacted Administrator Peters and requested that the project be re-bid. The hope was that by

extending the project completion date the Village would receive multiple bids. On January 23rd, the Board officially rejected this proposal so that the project could be rebid.

Baxter and Woodman reposted the project and published a new request for bids. On February 8th, the Village held a second bid opening. The Village, again, received only one bid. The bid was as follows:

Globe Contractors, Inc.	\$297,897.00
Pewaukee, WI	

PRIOR ACTION TAKEN:

This second bid has not been previously reviewed by the Board.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

Engineer Biwer recommends approval of the bid. If the Board approves the bid, a contract will be signed with Globe Contractors, after the Village receives a letter of credit from Golden Oil. In the event that the Village Board agrees with the suggested action, a suggested motion to approve would be as follows:

“Motion to approve bid from Globe Contractors for the Proposed Public Utility Improvements for Golden Oil (Kenosha Travel Plaza) in the amount of \$297,897.00”

ATTACHMENTS:

Engineer Biwer’s Recommendation Letter with bid tabulations

February 8, 2024

Jason J. Peters, JD/MPA, Administrator
Village of Somers
7511 12th Street
Somers, WI 53171

Subject: Village of Somers – Proposed Public Utility Improvements for Golden Oil - REBID

Dear Mr. Peters:

The following bid was received for the Proposed Public Utility Improvements for Golden Oil Project REBID on February 8, 2024 at 10:00 am. Enclosed is a copy of the Bid Tabulation.

<u>Bidder</u>	<u>Total Bid</u>
Globe Contractors Pewaukee, WI	\$297,897.00

After analyzing the bid, we find Globe Contractors to be the lowest responsive and responsible bidder. Due to our past working relationship with Globe Contractors, we feel they are able to complete the Project. We recommend awarding the contract amount of \$297,897.00 contingent on the Village receiving a letter of credit from Golden Oil for \$360,000 and recording of the 24' x 30' sanitary sewer easement on Golden Oil's property.

Please advise us of your decision.

Sincerely,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS



Brett D. Biwer, PE

Encs.

C: Brandi Baker, Clerk-Treasurer, with Original Bid

P:\SOMEV\212153-Golden Oil Sanitary\Design\Bidding\212153.40_LOR.docx

BID TABULATION
VILLAGE OF SOMERS, WISCONSIN
REBID - GOLDEN OIL PUBLIC UTILITIES

Bid Date/Time: February 8, 2024 @ 10:00 AM
Engineer's Job No. 0212153.60

				Globe Contractors, Inc.	
No.	Item	Quantity	Unit	Unit Price	Total
1	Mobilization	1	LS	Lump Sum	\$ 8,500.00
2	Construction Layout and Staking	1	LS	Lump Sum	\$ 1,500.00
3	Utility Investigation Pothole	4	EA	\$ 1,000.00	\$ 4,000.00
4	8-Inch Sanitary Sewer (Open Cut)	33	LF	\$ 377.00	\$ 12,441.00
5	8-Inch Sanitary Sewer (Trenchless)	187	LF	\$ 1,105.00	\$ 206,635.00
6	Granular Backfill	10	LF	\$ 367.00	\$ 3,670.00
7	Backfill with Aggregate Slurry	100	CY	\$ 105.00	\$ 10,500.00
8	Sanitary Sewer Stub Connection	1	EA	\$ 3,000.00	\$ 3,000.00
9	48-Inch Sanitary Sewer Manhole	2	EA	\$ 5,850.00	\$ 11,700.00
10	Televise Sanitary Sewer	245	LF	\$ 12.00	\$ 2,940.00
11	Fire Hydrant Assembly	1	EA	\$ 16,811.00	\$ 16,811.00
12	Erosion and Sedimentation Control	1	LS	Lump Sum	\$ 2,500.00
13	Restoration of Lawns and Parkways	1	LS	Lump Sum	\$ 5,200.00
14	Traffic Control and Protection	1	LS	Lump Sum	\$ 8,500.00
	TOTALS				\$ 297,897.00



**VILLAGE OF SOMERS
VILLAGE BOARD
MEETING ITEM MEMORANDUM**

MEETING DATE: February 13th, 2024

TO: Village President Stoner and Village Trustees

PREPARED BY: Jason J. Peters, Administrator

AGENDA ITEM: #11 Action on 3rd and final payment request from The Wanasek Corp. in the amount of \$6,111.13 for work on the Bobcat Plus Improvement Project

BACKGROUND:

The Village began working with Bobcat Plus in the Fall of 2021 regarding their desire to bring a dealership to the area. The Board approved their plans at our October 25th, 2022, meeting. Their developer's agreement was executed in May of 2023. Bobcat began work on the site in June of 2023. As a part of this agreement the Developer agreed to bring offsite public sewer and water to their project. These utilities are currently located across the street on the Flint 94 property.

These improvements are being paid for by the Developer, but because these will be public utilities they needed to be bid by the Village. On September 12th, 2023, the Board awarded the bid for the Offsite Public Utility Plans for the Bobcat Plus Improvement Project to The Wanasek Corp. in the amount of \$244,445.00.

The Village approved Change Order #1 at our November 28th, 2023 Board Meeting. This changed the contract price to \$252,656.09. The increase was due to the need to excavate a deeper boring pit to avoid existing utilities in the area. Change Order #2 was approved by the Board on January 23rd, 2024. The \$935 increase was to adjust for the actual supplies used and will zero out the contract.

The Board has previously approved the following payments:

• 1 st request	December 12 th , 2023	\$241,839.96
• 2 nd request	January 23 rd , 2024	\$5,640
Payments to date		\$247,479.96

The Wanasek Corp. has submitted its 3rd and final payment request in the amount of \$6,111.13.

PRIOR ACTION TAKEN:

This matter was reviewed and discussed by the Board at our February 6th Work Session.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

Engineer Biwer recommends approval. In the event that the Village Board agrees with the suggested action, a suggested motion to approve would be as follows:

“Motion to approve 3rd and final payment request from The Wanasek Corp. in the amount of \$6,111.13 for work on the Bobcat Plus Improvement Project”

ATTACHMENTS:

Engineer Biwer Recommendation on the Bobcat Plus Improvement Project - Payment #3

January 26, 2024

Brandi Baker, Clerk
Village of Somers
7511 12th Street
Somers, WI 53171

Subject: Bobcat Public Utilities – Final Payment Recommendation

Dear Brandi,

Enclosed is the Final Application for Payment, List of Bid vs Final Quantities and Cost, Sworn Statement, Final Lien Waivers, Warranty Letter, Maintenance Bond, Consent of Surety, and Insurance Certificate from Wanasek Corporation, Contractor, for work performed on the Bobcat Public Utilities Project. The following is our opinion of the amount due and payable to the Contractor:

Contract Price Including Change Order #1 & #2	\$253,591.09
Work Completed to Date	\$253,591.09
Less Amount Retained	<u>(\$0.00)</u>
Subtotal	\$253,591.09
Less Previous Payments	<u>(\$247,479.96)</u>
Total Amount Due for Final Payment	\$6,111.13

We recommend payment to Wanasek Corporation for \$6,111.13.

Sincerely,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS



Brett D. Biwer, P.E.

BDB/bdb

Encs.

C/encs.: Jason Peters, Administrator (email)
Doug Snyder, Village Engineer (email)
Dan Azarian, Wanasek Corporation (email)

P:\SOMEV\222334-BOBCAT AT I-94\60-CONSTRUCTION\PAY ESTIMATE\PAY APP #3 - CLOSEOUT\PAY REQUEST #3
RECOMMENDATION.DOC

APPLICATION AND CERTIFICATE FOR PAYMENT

TO: Village of Somers
% Brett Biewer
Baxter & Woodman

PROJECT: Bobcat of Somers

APPLICATION # 3 - FINAL
APPL. DATE: 01/02/2024
BILLING 12/01/2023
PERIOD: 12/31/2023

Distribution to:
☐ OWNER
☐ ARCHITECT
☐ CONTRACTOR

FROM: The Wanasek Corp.
29606 Durand Ave
Burlington, WI 53105

OWNER'S:
CONTRACT #
CONTRACT DATE: 09/12/2023

23-686

CONTRACTOR'S APPLICATION FOR PAYMENT

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Total Change Orders approved in previous months by Owner		0.00	0.00
CHANGE ORDERS APPROVED THIS MONTH			
	Watermain Offset	\$ 8,211.09	
	Final quantities	\$ 935.00	
		9,146.09	0.00
NET CHANGES by Change Orders		9,146.09	

Application is made for payment, as shown below in connection with the Contract.
Continuation Sheets, are attached.

1. ORIGINAL CONTRACT SUM	\$244,445.00
2. Net Change by Change Order	9,146.09
3. CONTRACT SUM TO DATE (1 + 2)	\$253,591.09
4. TOTAL COMPLETED & STORED TO DATE (Col. G)	253,591.09
5. RETAINAGE (Column J) 5%	0.00
6. TOTAL EARNED LESS RETAINAGE	253,591.09
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	247,479.96
CURRENT PAYMENT DUE	\$6,111.13
AMOUNT TO FINISH PLUS RETAINAGE	0.00

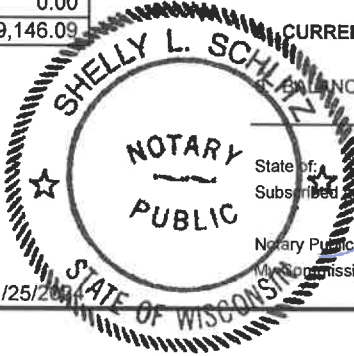
The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the contract documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that the current payment shown herein is now due.

CONTRACTOR:

BY:

DATE:

01/25/2024



State of: Wisconsin County of: Racine
Subscribed and sworn to before me this 25 Day of January 2024
Notary Public: Shelly L. Schlitz
My Commission Expires: 30-Jul-26

OWNER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observation and the date comprising the application, the Owner certifies that to the best of his knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED. This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payments and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

AMOUNT CERTIFIED \$6,111.13
OWNER:
BY: DATE:

77 of 117

FINAL QUANTITIES
BOBCAT PUBLIC UTILITIES
VILLAGE OF SOMERS

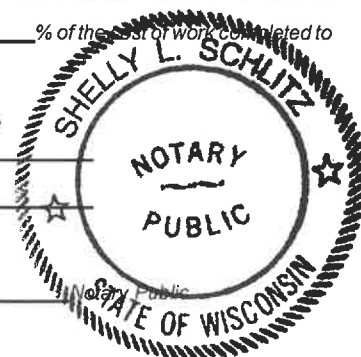
No.	Item	Unit	BID AMOUNT			FINAL AMOUNT		Bid to Final Difference
			Bid Quantity	Unit Price	Bid Amount	Final Quantity	Final Amount	
1	Mobilization	LS	1	\$ 11,730.00	\$ 11,730.00	1	\$ 11,730.00	\$ -
2	Construction Layout and Staking	LS	1	\$ 6,250.00	\$ 6,250.00	1	\$ 6,250.00	\$ -
3	Utility Investigation Pothole	EA	6	\$ 400.00	\$ 2,400.00	6	\$ 2,400.00	\$ -
4	8-Inch Sanitary Sewer (Open Cut)	LF	132	\$ 165.00	\$ 21,780.00	107	\$ 17,655.00	\$ (4,125.00)
5	8-Inch Sanitary Sewer (Trenchless)	LF	149	\$ 205.00	\$ 30,545.00	175	\$ 35,875.00	\$ 5,330.00
6	Granular Backfill (Sanitary Sewer)	LF	13	\$ 170.00	\$ 2,210.00	0	\$ -	\$ (2,210.00)
7	Sanitary Sewer Manhole Connection	EA	1	\$ 7,300.00	\$ 7,300.00	1	\$ 7,300.00	\$ -
8	6-Inch Sanitary Riser Pipe	VF	4	\$ 160.00	\$ 640.00	4	\$ 640.00	\$ -
9	48-Inch Sanitary Sewer Manhole	EA	2	\$ 9,485.00	\$ 18,970.00	2	\$ 18,970.00	\$ -
10	Televiser Sanitary Sewer	LF	281	\$ 20.00	\$ 5,620.00	282	\$ 5,640.00	\$ 20.00
11	8-Inch Water Main (Open Cut)	LF	170	\$ 135.00	\$ 22,950.00	170	\$ 22,950.00	\$ -
12	8-Inch Water Main (Trenchless)	LF	166	\$ 155.00	\$ 25,730.00	166	\$ 25,730.00	\$ -
13	8-Inch Connect to Water Main (Non-Pressure)	EA	1	\$ 4,760.00	\$ 4,760.00	1	\$ 4,760.00	\$ -
14	Granular Backfill (Water Main)	LF	108	\$ 75.00	\$ 8,100.00	98	\$ 7,350.00	\$ (750.00)
15	6-Inch Gate Valve and Box	EA	1	\$ 1,850.00	\$ 1,850.00	1	\$ 1,850.00	\$ -
16	8-Inch Gate Valve and Box	EA	1	\$ 2,700.00	\$ 2,700.00	1	\$ 2,700.00	\$ -
17	Fire Hydrant Assembly	EA	1	\$ 6,500.00	\$ 6,500.00	1	\$ 6,500.00	\$ -
18	Curb & Gutter, 36-Inch	LF	40	\$ 170.00	\$ 6,800.00	61	\$ 10,285.00	\$ 3,485.00
19	HMA Pavement, 5.5-Inch	SY	45	\$ 115.00	\$ 5,175.00	79	\$ 9,085.00	\$ 3,910.00
20	Erosion and Sedimentation Control	LS	1	\$ 1,960.00	\$ 1,960.00	1	\$ 1,960.00	\$ -
21	Restoration of Lawns and Parkways	LS	1	\$ 9,650.00	\$ 9,650.00	1	\$ 9,650.00	\$ -
22	Traffic Control and Protection	LS	1	\$ 25,600.00	\$ 25,600.00	1	\$ 25,600.00	\$ -
23	Backfilling with Aggregate Slurry	CY	145	\$ 105.00	\$ 15,225.00	100	\$ 10,500.00	\$ (4,725.00)
	CHANGE ORDER #1						\$ 8,211.09	\$ 8,211.09
Bid Total:					\$ 244,445.00	Final Total:	\$ 253,591.09	\$ 9,146.09

PROJECT SUMMARY

Original Contract Sum:	\$ 244,445.00	
Net Change by Change Order:	\$ 9,146.09	Change Orders #1, #2
Final Contract Sum:	\$ 253,591.09	

CHANGE ORDER SUMMARY

Change Order #1:	\$ 8,211.09
Change Order #2:	\$ 935.00
	\$ 9,146.09





THE WANASEK CORP.
EXCAVATION & UTILITY CONTRACTOR

FINAL WAIVER OF LIEN

January 26, 2024

For Value Received, we hereby waive **all** rights and claims for lien on land and on buildings about to be erected, being erected, altered or repaired and to the appurtenances thereunto,

for Town/Village of Somers

by The Wanasek Corp
product Public Utilities

for owner Town/Village of Somers

same being located in Kenosha County, State of Wisconsin, described as

Bobcat of Somers Public Work

For all labor performed and for all material furnished for the erection, construction, alteration or repair of said building and appurtenances,

in the amount of Full & Final Waiver

The Wanasek Corp

Shelly Schultz
Signature

Assistant Corporate Secretary
Title



Since 1903
80 of 117

FINAL WAIVER OF LIEN

January 2, 2024

For Value Received, we hereby waive **all** rights and claims for lien on land and on buildings about to be erected, being erected, altered or repaired and to the appurtenances thereunto,

for The Wanasek Corp., 29606 Durand Ave., Burlington, WI 53105

by Asphalt Contractors
product Asphalt Paving

for owner Town/Village of Somers

same being located in Kenosha County, State of Wisconsin, described as

Bobcat of Somers Public Work

For all labor performed and for all material furnished for the erection, construction, alteration or repair of said building and appurtenances,

in the amount of \$ 8,295.00 Full & Final Waiver

Asphalt Contractors

Will Land
Signature

CONTRACTOR
Title

FINAL WAIVER OF LIEN

January 2, 2024

For Value Received, we hereby waive **all** rights and claims for lien on land and on buildings about to be erected, being erected, altered or repaired and to the appurtenances thereunto,

for The Wanasek Corp., 29606 Durand Ave., Burlington, WI 53105

by Ferguson Waterworks
product Pipe Supplier

for owner Town/Village of Somers

same being located in Kenosha County, State of Wisconsin, described as

Bobcat of Somers Public Work

For all labor performed and for all material furnished for the erection, construction, alteration or repair of said building and appurtenances,

in the amount of \$ 34,935.73 Full & Final Waiver

Ferguson Waterworks

 1/2/2024
Signature

Emily Gillespie, Credit Coordinator
Title

FINAL WAIVER OF LIEN

January 2, 2024

For Value Received, we hereby waive **all** rights and claims for lien on land and on buildings about to be erected, being erected, altered or repaired and to the appurtenances thereunto,

for The Wanasek Corp., 29606 Durand Ave., Burlington, WI 53105

by Hartford Landscape
product Landscaping

for owner Town/Village of Somers

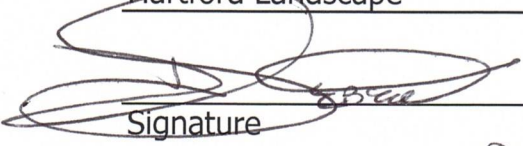
same being located in Kenosha County, State of Wisconsin, described as

Bobcat of Somers Public Work

For all labor performed and for all material furnished for the erection, construction, alteration or repair of said building and appurtenances,

in the amount of \$ 5,968.03 Full & Final Waiver

Hartford Landscape


Signature

Asst. P.M.
Title

FINAL WAIVER OF LIEN

January 2, 2024

For Value Received, we hereby waive **all** rights and claims for lien on land and on buildings about to be erected, being erected, altered or repaired and to the appurtenances thereunto,

for The Wanasek Corp., 29606 Durand Ave., Burlington, WI 53105

by Old Castle
product Structures

for owner Town/Village of Somers

same being located in Kenosha County, State of Wisconsin, described as

Bobcat of Somers Public Work

For all labor performed and for all material furnished for the erection, construction, alteration or repair of said building and appurtenances,

in the amount of \$ 7,010.06 Full & Final Waiver

Old Castle

Kate Hansen
Signature

AR Specialist
Title

FINAL WAIVER OF LIEN

STATE OF WISCONSIN

COUNTY OF _____

GTY# _____

LOAN# _____

TO WHOM IT MAY CONCERN:

WHEREAS the undersigned has been employed by THE WANASEK CORPORATION to furnish READY MIX CONCRETE MATERIAL for the premises known as SOMERS-BOBCAT PUBLIC, SOMERS, WI of which VILLAGE & TOWN OF SOMERS is the owner.

THE undersigned, for and in consideration of (\$ 9,675.00) dollars, and other good and valuable consideration, the receipt whereof is hereby acknowledged, and when the check has been properly endorsed and has been paid by the bank on which it is drawn, this document becomes effective to waive and release any and all lien or claim of, or right to, lien, under the statutes of the State of Wisconsin, relating to mechanic's liens, with respect to and on said above-described premises, and the improvements, thereon, and on the material, fixtures, apparatus or machinery furnished, and on the moneys, funds or other considerations due from the owner, on account of labor, services, material, fixtures, apparatus or machinery heretofore furnished, to this date by the undersigned for the above-described premises, INCLUDING EXTRAS.*

DATE: 12/08/2023

COMPANY NAME

POINT READY MIX, LLC

ADDRESS

5435 BULL VALLEY RD, STE 130, MCHENRY, IL 60050

SIGNATURE AND TITLE _____

PRESIDENT

*EXTRAS INCLUDE BUT ARE NOT LIMITED TO CHANGE ORDERS. BOTH ORAL AND WRITTEN, TO THE CONTRACT.

CONTRACTOR'S AFFIDAVIT

STATE OF WISCONSIN

COUNTY OF _____

TO WHOM IT MAY CONCERN:

THE UNDERSIGNED, **DAVID LAPOINTE** BEING DULY SWORN, DEPOSES AND SAYS THAT HE OR SHE IS PRESIDENT OF **POINT READY MIX, LLC** WHO IS THE CONTRACTOR FURNISHING READY MIX CONCRETE MATERIAL WORK ON THE BUILDING LOCATED AT SOMERS-BOBCAT PUBLIC, SOMERS, WI OWNED BY VILLAGE & TOWN OF SOMERS

That the total amount of the contract including extras is (\$ 9,675.00) on which he has received payment of \$ -0- prior to this payment. That all waivers are true, correct and genuine and delivered unconditionally and that there is no claim either legal or equitable to defeat the validity of said waivers. That the following are the names of all parties who have furnished material and labor, or both for said work and all parties having contracts or sub contracts for specific portions of said work or for material entering into the construction thereof and the amount due to each, and that the items mentioned include all labor and material required to complete said work according to plans and specifications:

NAMES	WHAT FOR	CONTRACT PRICE	AMOUNT PAID THIS PAYMENT	BALANCE DUE
ALL MATERIAL FROM FULLY PAID STOCK AND DELIVERED IN OUR TRUCKS				

DATE: 12/08/2023

SIGNATURE: _____

SUBSCRIBED AND SWORN TO ME THIS 12/08/2023

*EXTRAS INCLUDE BUT ARE NOT LIMITED TO CHANGE ORDERS. BOTH ORAL AND WRITTEN, TO THE CONTRACT.

NOTARY PUBLIC



FINAL WAIVER OF LIEN

January 2, 2024

For Value Received, we hereby waive **all** rights and claims for lien on land and on buildings about to be erected, being erected, altered or repaired and to the appurtenances thereunto,

for The Wanasek Corp., 29606 Durand Ave., Burlington, WI 53105

by RJ Underground
product Boring

for owner Town/Village of Somers

same being located in Kenosha County, State of Wisconsin, described as

Bobcat of Somers Public Work

For all labor performed and for all material furnished for the erection, construction, alteration or repair of said building and appurtenances,

in the amount of \$ 23,900.00 Full & Final Waiver

RJ Underground


Signature

P.M.
Title



THE WANASEK CORP.

EXCAVATION & UTILITY CONTRACTOR

00 65 36
WARRANTY FORM
(SAMPLE FORM)

TO BE TRANSFERRED TO THE CONTRACTOR'S LETTERHEAD

Owner (see Bid Form) _____ January 2, 2024
Village President and Board Members
Village of Somers
7511 - 12th Street
Somers, WI 53171

Subject: Warranty Form — Bobcat Public Utilities

Dear Village of Somers :

We, the Wanasek Corp _____, Contractor on the subject Project, hereby guarantee for a period of three years (3) _____, commencing November 16, 2023 _____ and ending November 15, 2026 _____, that should any defect due to improper materials or workmanship develop during the period of the guarantee, the same shall be made good by us without expense to the Village of Somers _____.

This guarantee is for all work except that equipment separately guaranteed as called for under Section 01 61 01 of the Specifications.

Very truly yours,

The Wanasek Corp.

John Wanasek, President

C: _____

00 61 19
MAINTENANCE BOND FORM
(SAMPLE FORM)

Bond No. 1103654

MAINTENANCE/WARRANTY BOND

Know ALL MEN BY THESE PRESENTS. That we The Wanasek Corporation
as Principal, and The Hanover Insurance Company
as Surety, are held and firmly bound unto Village of Somers, State of
Wisconsin as Oblige, in the penal sum of
Twelve Thousand Six Hundred Seventy Nine and 55/100 Dollars (\$ 12,679.55) to which
payment well and truly to be made we do bind ourselves, our and each of our heirs, executors,
administrators, successors, and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal entered into a Contract with the
Village of Somers, State of Wisconsin
as Oblige, dated 9/12/2023 for
Bobcat Public Utilities for the Village of Somers, Kenosha County, WI - Engineer's Job No. 222334.40

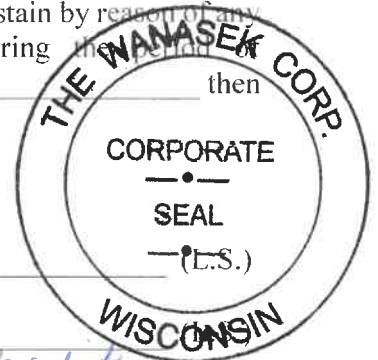
WHEREAS, said Contract provides that the Principal will furnish a Bond conditioned to
guarantee for the period of Three (3) year(s) after approval of the final payment on
said job, by the Owner, against all defects in workmanship and materials which may become
apparent during said period, and

WHEREAS, the said Contract has been completed, and was approved on the
15th day of November 2023.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the
Principal shall indemnify the Oblige for all loss that the Oblige may sustain by reason of any
defective materials or workmanship which becomes apparent during the term of
Three (3) year(s) from and after 11/15/2023 then
this obligation shall be void, otherwise to remain in full force and effect.

SIGNED, SEALED, AND DATED 1/02/2024

The Wanasek Corporation
By: [Signature]
Kevin Bird - Vice President
Principal(s) (L.S.)



Surety Name
The Hanover Insurance Company
By: [Signature]
Bradley S. Babcock, Attorney-in-Fact

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

POWER OF ATTORNEY

THIS Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

KNOW ALL PERSONS BY THESE PRESENTS:

That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, (hereinafter individually and collectively the "Company") does hereby constitute and appoint,

Bradley S. Babcock and/or Kimberly L. Babcock

Of **Babcock Solutions, LLC of Grafton, WI** each individually, if there be more than one named, as its true and lawful attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, any and all surety bonds, recognizances, undertakings, or other surety obligations. The execution of such surety bonds, recognizances, undertakings or surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company, in their own proper persons. Provided however, that this power of attorney limits the acts of those named herein; and they have no authority to bind the Company except in the manner stated and to the extent of any limitation stated below:

Any such obligations in the United States, not to exceed Fifty Million and No/100 (\$50,000,000) in any single instance

That this power is made and executed pursuant to the authority of the following Resolutions passed by the Board of Directors of said Company, and said Resolutions remain in full force and effect:

RESOLVED: That the President or any Vice President, in conjunction with any Vice President, be and they hereby are authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as it acts, to execute and acknowledge for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons.

RESOLVED: That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile. (Adopted October 7, 1981 – The Hanover Insurance Company; Adopted April 14, 1982 – Massachusetts Bay Insurance Company; Adopted September 7, 2001 – Citizens Insurance Company of America and affirmed by each Company on March 24, 2014)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 21st day of June, 2023



The Hanover Insurance Company
Massachusetts Bay Insurance Company
Citizens Insurance Company of America

James H. Kawiecki
James H. Kawiecki, Vice President

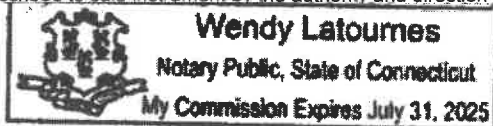
The Hanover Insurance Company
Massachusetts Bay Insurance Company
Citizens Insurance Company of America

Joellen M. Mendoza
Joellen M. Mendoza, Vice President

STATE OF CONNECTICUT)
COUNTY OF HARTFORD)

) ss.

On this 21st day of June 2023 before me came the above named Executive Vice President and Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.



Wendy Latournes
Wendy Latournes, Notary Public
My commission expires July 31, 2025

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 2nd day of January 2024.

CERTIFIED COPY

The Hanover Insurance Company
Massachusetts Bay Insurance Company
Citizens Insurance Company of America

John Rowedder
John Rowedder, Vice President

**CONSENT OF SURETY
TO FINAL PAYMENT**

ALA Document G707

Bond No. 1103654

OWNER	☐
ARCHITECT	☐
CONTRACTOR	☐
SURETY	☒
OTHER	☐

TO OWNER:
(Name and address)

Village of Somers
7511 12th Street
Somers, WI 53171

PROJECT:
(Name and address)

ARCHITECT'S PROJECT NO.:

CONTRACT FOR: Bobcat Public Utilities

CONTRACT DATED: September 12, 2023

Bobcat Public Utilities for the Village of Somers, Kenosha County, Wisconsin - Engineer's Job No. 222334.40

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(Insert name and address of Surety)

The Hanover Insurance Company
440 Lincoln Street
Worcester, MA 01653

, SURETY,

on bond of
(Insert name and address of Contractor)

The Wanasek Corporation
29606 Durand Avenue
Burlington, WI 53105

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety of
any of its obligations to
(Insert name and address of Owner)

Village of Somers
7511 12th Street
Somers, WI 53171

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: January 2, 2024
(Insert in writing the month followed by the numeric date and year.)

Attest:
(Seal):



The Hanover Insurance Company

(Surety)

By:

(Signature of authorized representative)

Bradley S. Babcock

Attorney-in-Fact

(Printed name and title)

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

POWER OF ATTORNEY

THIS Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

KNOW ALL PERSONS BY THESE PRESENTS:

That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, (hereinafter individually and collectively the "Company") does hereby constitute and appoint,

Bradley S. Babcock

Of Grafton, WI individually, if there be more than one named, as its true and lawful attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, any and all surety bonds, recognizances, undertakings, or other surety obligations. The execution of such surety bonds, recognizances, undertakings or surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company, in their own proper persons. Provided however, that this power of attorney limits the acts of those named herein; and they have no authority to bind the Company except in the manner stated and to the extent of any limitation stated below:

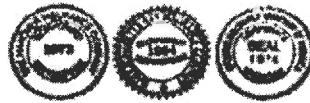
Any such obligations in the United States, not to exceed Forty Million and No/100 (\$40,000,000) in any single instance That this power is made and executed pursuant to the authority of the following Resolutions passed by the Board of Directors of said Company, and said Resolutions remain in full force and effect:

Surety Bond Number: 1103654
Principal: The Wanasek Corporation
Obligee: Village of Somers

RESOLVED: That the President or any Vice President, in conjunction with any Vice President, be and they hereby are authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as it acts, to execute and acknowledge for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons.

RESOLVED: That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile. (Adopted October 7, 1981 – The Hanover Insurance Company; Adopted April 14, 1982 – Massachusetts Bay Insurance Company; Adopted September 7, 2001 – Citizens Insurance Company of America and affirmed by each Company on March 24, 2014)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 6th day of April, 2023



The Hanover Insurance Company
Massachusetts Bay Insurance Company
Citizens Insurance Company of America

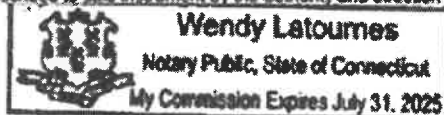
James H. Kawicki
James H. Kawicki, Vice President

The Hanover Insurance Company
Massachusetts Bay Insurance Company
Citizens Insurance Company of America

Joellen M. Mendoza
Joellen M. Mendoza, Vice President

STATE OF CONNECTICUT)
COUNTY OF HARTFORD) ss.

On this 6th day of April 2023 before me came the above named Executive Vice President and Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.



Wendy Latourmes
Wendy Latourmes, Notary Public
My commission expires July 31, 2025

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 2nd day of January, 2024.

CERTIFIED COPY

The Hanover Insurance Company
Massachusetts Bay Insurance Company
Citizens Insurance Company of America

John Rowedder
John Rowedder, Vice President



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/26/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER R & R Insurance Services, Inc P.O. Box 1610 Waukesha WI 53187-1610		CONTACT NAME: Ericka Berceau PHONE (A/C, No, Ext): (262)574-7000 FAX (A/C, No): (262)574-7080 E-MAIL ADDRESS: Ericka.Berceau@rrins.com	
INSURED The Wanasek Corp JOPA Inc 29606 Durand Avenue Burlington WI 53105		INSURER(S) AFFORDING COVERAGE INSURER A: Sentry Insurance INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 24988	

COVERAGES**CERTIFICATE NUMBER:24/25 Liability****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ CG2404 1219 Blkt WOS GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC ☐ OTHER:	X	Y	A014427005 CG7125 0622 Bkt AI,PNC,WOS CG2037 7/04 & 12/19 Blkt AI, Completed Ops CG2010 7/04 a& 12/1 Blkt AI, Ongoing Ops CG2001 12/19 Blkt PNC	1/1/2024	1/1/2025	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG Electronic Data liab Broad	\$ 1,000,000 \$ 500,000 \$ 10,000 \$ 1,000,000 \$ 3,000,000 \$ 2,000,000 \$ 1,000,000
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ALL OWNED AUTOS ☐ SCHEDULED AUTOS NON-OWNED AUTOS ☒ HIRED AUTOS	X		A014427001 CA7601 0615 Bkt AI, PNC CA0444 1013 Bkt WOS	1/1/2024	1/1/2025	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) Uninsured motorist combined single	\$ 1,000,000 \$ \$ \$ \$ 1,000,000
A	☒ UMBRELLA LIAB EXCESS LIAB DED ☒ RETENTION \$ 0		Y	A014427007 EU7091 0515 Bkt AI,PNC, WOS	1/1/2024	1/1/2025	EACH OCCURRENCE AGGREGATE	\$ 8,000,000 \$ 8,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☒ N	N/A Y	A014427006 WC0003 0484 Bkt WOS	1/1/2024	1/1/2025	☒ PER STATUTE E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	\$ \$ 500,000 \$ 500,000 \$ 500,000
A	Inland Marine (C)			A014427003	1/1/2024	1/1/2025	Single Conveyance/\$250,000	Deduct/1,000
A	Crime/Employee Theft			A014427004	1/1/2024	1/1/2025	Limit 500,000	Deduct/2,500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Project: Bobcat Public Utilities
Bobcat Plus, Inc; Professional Services Inc; Village of Somers; Baxter & Woodman, Inc; and Pinnacle Engineering Group are additional insureds on a primary and non-contributory basis in regards to general liability; including ongoing and completed operations; auto liability and umbrella per forms above when required by written contract. A waiver of subrogation applies in favor of additional insureds for general liability, auto liability, umbrella and workers compensation. A 30 day notice of cancellation applies except for non-pay.

CERTIFICATE HOLDER**CANCELLATION**

Village of Somers 7511 12th Street Somers, WI 53171	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Brad Stehno/LV427
---	--

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ACORD 25 (2014/01)

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INS025 (201401)



THE WANASEK CORP.
EXCAVATION & UTILITY CONTRACTOR

January 26, 2024

Town/Village of Somers

RE: Insurance – Bobcat of Somers

The Wanasek Corp.'s insurance will be renewed after 1 year to cover the 2 year coverage period required by the contract documents.

Thank you,

Shelly Schlitz
Assistant Corporate Secretary



**VILLAGE OF SOMERS
VILLAGE BOARD
MEETING ITEM MEMORANDUM**

MEETING DATE: February 13th, 2024

TO: Village President Stoner and Village Trustees

PREPARED BY: Jason J. Peters, Administrator

AGENDA ITEM: #12 Action on request for partial payment #1 (\$85,575.68) and partial payment #2 (\$56,499) from August Winter & Sons, Inc in the amount of \$142,024.68 for work on the 45th Avenue Lift Station and 63rd Avenue Lift Station 2023 UD #1 Capital Improvement Project

BACKGROUND:

On March 28th, 2023 the Village Board awarded the contract to refurbish our 45th Avenue (Eaglewood) Lift Station and 63rd Avenue (Lichter) Lift Station to August Winter & Sons, Inc. The contracted amount for the project is \$1,649,700. This amount was allocated to these projects in the approved 2024 CIP. The funds will be coming from UD #1 cash.

Administration, Public Works and August Winters met in April of 2023 for a pre-construction meeting. At this time, it was agreed that formal construction would not start until 2024. Since April, Staff has worked with August Winter & Sons to prep the sites. The formal construction work should be starting in March. A neighborhood information meeting has been set for February 15th with residents of the Lichter and Eaglewood Subdivisions to inform them of the project and the timeline. Letters were sent February 6th.

August Winter & Sons has submitted their 1st request (\$85,575.68) and 2nd request (\$56,499) for partial payment in the amount of \$142,024.68. Engineer Snyder has reviewed the requests and recommends approval.

PRIOR ACTION TAKEN:

This matter was reviewed and discussed by the Board at our February 6th Work Session.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

In the event that the Village Board agrees with the suggested action, a suggested motion to approve would be as follows:

“Motion to approve request for partial payment #1 (\$85,575.68) and partial payment #2 (\$56,499) from August Winter & Sons, Inc in the amount of \$142,024.68 for work on the 45th Avenue Lift Station and 63rd Avenue Lift Station 2023 UD #1 Capital Improvement Project”

ATTACHMENTS:

Engineer Snyder Recommendation on the 45th Avenue Lift Station and 63rd Avenue Lift Station Project – Payment #1

Engineer Snyder Recommendation on the 45th Avenue Lift Station and 63rd Avenue Lift Station Project – Payment #2

January 31, 2024

Ms. Brandi Baker, Clerk
Village of Somers
7511 12th Street
Somers, WI 53171

Subject: 45th Avenue and 63rd Avenue Lift Station Replacements-- Payment Recommendation

Dear Brandi,

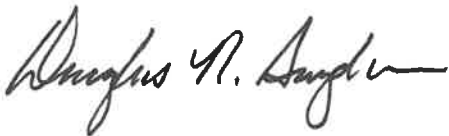
Enclosed is an Application for Payment, Sworn Statement, and partial lien waiver from August Winters & Sons, Inc., Contractor, for work performed for the 45th Avenue and 63rd Avenue Lift Station Replacement Project. The following is our opinion of the amount due and payable to the Contractor:

Contract Price	\$1,649,700.00
Work Completed to Date	\$90,079.66
Less Amount Retained	<u>(\$ 4503.98)</u>
Subtotal	\$85,575.68
Less Previous Payments	<u>(0.00)</u>
Total Amount Due for Partial Payment 1	\$85,575.68

We recommend payment to August Winters & Sons, Inc. for \$85,575.68.

Sincerely,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS



Douglas R. Snyder, P.E.

DRS/drs

Encs.

C/encs.: Jason Peters, Administrator (email)
Derek Lewin, August Winters & Sons, Inc. (email)

P:\SOMEV\201061-45TH ST. _ 63RD AVE\CONSTRUCTION\PAYMENTS\1\PR 1.DOC

APPLICATION AND CERTIFICATE FOR PAYMENT

Invoice #: 54225

To Owner: Village of Somers
PO Box 197

Project: 68123- Somers 45th & 63rd Lift Stations

Application No.: 1

Distribution to:

☐ Owner☐ Architect☐ Contractor

Kenosha, WI 53144

Period To: 10/31/2023

From Contractor: August Winter & Sons, Inc.

Via Architect:

2323 N. Roemer Road

Appleton, WI 54912

Project Nos: 201061.40

Contract For: Somers 45th Ave Lift Station

Contract Date: 3/29/2023

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet is attached.

1. Original Contract Sum	\$1,649,700.00
2. Net Change By Change Order	\$0.00
3. Contract Sum To Date	\$1,649,700.00
4. Total Completed and Stored To Date	\$90,079.66
5. Retainage:	
a. 5.00% of Completed Work	\$4,503.98
b. 0.00% of Stored Material	\$0.00
Total Retainage	\$4,503.98
6. Total Earned Less Retainage	\$85,575.68
7. Less Previous Certificates For Payments	\$0.00
8. Current Payment Due	\$85,575.68
9. Balance To Finish, Plus Retainage	\$1,564,124.32

CHANGE ORDER SUMMARY	Additions	Deductions
Total changes approved in previous months by Owner	\$0.00	\$0.00
Total Approved this Month	\$0.00	\$0.00
TOTALS	\$0.00	\$0.00
Net Changes By Change Order	\$0.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief, the work covered by this Application for Payment has been completed in accordance with the Contract Documents. That all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: August Winter & Sons, Inc.

By: *David Lavin* Date: 10/19/2023

State of: Wisconsin

County of: Outagamie

Subscribed and sworn to before me this 19th

day of October, 2023

Notary Public:

My Commission expires:

5/13/2025

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information, and belief, the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

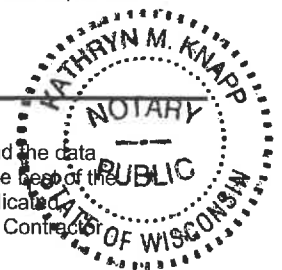
AMOUNT CERTIFIED \$ 85,575.68

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By: *Arny Angler* Date: 01-31-24

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.



CONTINUATION SHEET

Application and Certification for Payment, containing

Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

Application No. : 1

Application Date : 10/19/23

To: 10/31/23

Architect's Project No.: 201061.40

Invoice # : 54225

Contract : 68123- Somers 45th & 63rd Lift Stations

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		F Materials Presently Stored (Not in D or E)	G Total Completed and Stored To Date (D+E+F)	H % (G / C)	I Balance To Finish (C-G)	J Retainage
			From Previous Application (D+E)	This Period In Place					
001	Bonds	25,000.00	0.00	25,000.00	0.00	25,000.00	100.00%	0.00	1,250.00
002	Mobilization	65,000.00	0.00	0.00	0.00	0.00	0.00%	65,000.00	0.00
003	Gas/Electric Allowance	10,000.00	0.00	0.00	0.00	0.00	0.00%	10,000.00	0.00
004	Control System Allowance	108,000.00	0.00	0.00	0.00	0.00	0.00%	108,000.00	0.00
005	SCADA Panel Insepction Allowance	2,000.00	0.00	0.00	0.00	0.00	0.00%	2,000.00	0.00
006	Sewer Televising Allowance	5,000.00	0.00	0.00	0.00	0.00	0.00%	5,000.00	0.00
007		0.00	0.00	0.00	0.00	0.00	0.00%	0.00	0.00
008	45TH AVE LS	0.00	0.00	0.00	0.00	0.00	0.00%	0.00	0.00
009	Demo/Removals	37,000.00	0.00	0.00	0.00	0.00	0.00%	37,000.00	0.00
010	Dog House MH	65,000.00	0.00	0.00	0.00	0.00	0.00%	65,000.00	0.00
011	Directional Drilling	25,700.00	0.00	0.00	0.00	0.00	0.00%	25,700.00	0.00
012	Site Piping	95,000.00	0.00	0.00	0.00	0.00	0.00%	95,000.00	0.00
013	Wet Well Install	190,000.00	0.00	0.00	0.00	0.00	0.00%	190,000.00	0.00
014	Meter/Valve Vault install	95,000.00	0.00	0.00	0.00	0.00	0.00%	95,000.00	0.00
015	Pumps Installed	45,000.00	0.00	0.00	0.00	0.00	0.00%	45,000.00	0.00
016	Interior Piping	90,000.00	0.00	25,690.00	0.00	25,690.00	28.54%	64,310.00	1,284.50
017	Precast Building Foundation	30,000.00	0.00	0.00	0.00	0.00	0.00%	30,000.00	0.00
018	Precast Building	65,000.00	0.00	0.00	0.00	0.00	0.00%	65,000.00	0.00
019	Electrical	125,000.00	0.00	0.00	0.00	0.00	0.00%	125,000.00	0.00
020	Pavement	20,000.00	0.00	0.00	0.00	0.00	0.00%	20,000.00	0.00
021	Site Restoration	5,000.00	0.00	0.00	0.00	0.00	0.00%	5,000.00	0.00
022	Fencing	5,000.00	0.00	0.00	0.00	0.00	0.00%	5,000.00	0.00
023	Bypass Pumping	20,000.00	0.00	0.00	0.00	0.00	0.00%	20,000.00	0.00
024		0.00	0.00	0.00	0.00	0.00	0.00%	0.00	0.00
027	63RD AVE LS	0.00	0.00	0.00	0.00	0.00	0.00%	0.00	0.00
028	Demo/Removals	22,000.00	0.00	0.00	0.00	0.00	0.00%	22,000.00	0.00
029	Wet Well Modifications	15,000.00	0.00	0.00	0.00	0.00	0.00%	15,000.00	0.00
030	Meter/Valve Vault Install	95,000.00	0.00	0.00	0.00	0.00	0.00%	95,000.00	0.00
031	Pumps Installed	55,000.00	0.00	13,699.66	0.00	13,699.66	24.91%	41,300.34	684.98
032	Interior Piping	90,000.00	0.00	25,690.00	0.00	25,690.00	28.54%	64,310.00	1,284.50
033	Precast Building Foundation	30,000.00	0.00	0.00	0.00	0.00	0.00%	30,000.00	0.00
034	Precast Building	65,000.00	0.00	0.00	0.00	0.00	0.00%	65,000.00	0.00

CONTINUATION SHEET

Application and Certification for Payment, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

Application No. : 1

Application Date : 10/19/23

To: 10/31/23

Architect's Project No.: 201061.40

Invoice # : 54225

Contract : 68123- Somers 45th & 63rd Lift Stations

A Item No.	B Description of Work	C Scheduled Value	D	E	F Materials Presently Stored (Not in D or E)	G Total Completed and Stored To Date (D+E+F)	% (G / C)	H Balance To Finish (C-G)	I Retainage
			Work Completed						
			From Previous Application (D+E)	This Period In Place					
035	Electrical	110,000.00	0.00	0.00	0.00	0.00	0.00%	110,000.00	0.00
036	Pavement	15,000.00	0.00	0.00	0.00	0.00	0.00%	15,000.00	0.00
037	Site Restoration	5,000.00	0.00	0.00	0.00	0.00	0.00%	5,000.00	0.00
038	Bypass Pumping	20,000.00	0.00	0.00	0.00	0.00	0.00%	20,000.00	0.00

August Winter & Sons, Inc.
Sworn Statement - Somers 45th Avenue & 63rd Avenue Lift Station
Jul-20

State of: Wisconsin
County of: Outagamie

Subcontractor/ Supplier Name	Kind of Work	Contract Value	Total Billed Includes this app	Net Previously Paid	Net Amount of this payment
Century Fence/ PO Box 727 Pewaukee WI 53072	Fence	\$ 11,598.00	\$ -	\$ -	\$ -
Chcchini Asphalt/4700 52nd Avenue Kenosha WI 53144	Asphalt	\$ 27,563.00	\$ -	\$ -	\$ -
Core & Main / 1830 Craig Park Court, St Louis MO 63146	Pipe and Fittings	\$ 20,225.00	\$ -	\$ -	\$ -
Crest Precast / 609 Kistler Drive LaCrescent MN 55947	Manholes & Vaults	\$ 90,900.00	\$ -	\$ -	\$ -
Dale Nehls/714 43rd St. Kenosha WI 53140	Painting	\$ 28,650.00	\$ -	\$ -	\$ -
Dorner Company/PO Box189 Sussex, WI 53089	Valves	\$ 51,380.00	\$ 51,380.00	\$ -	\$ 51,380.00
Ferguson Waterworks/ 2300 N Sandra St Appleton, WI 54911	Pipe & Fittings	\$ 30,822.30	\$ -	\$ -	\$ -
JH Hassinger / N60 W16289 Kohler Lane Menonimee Falls WI	General Construction	\$ 62,134.00	\$ -	\$ -	\$ -
Pieper Electric / 5477 S Westridge Court, New Berlin WI 53151	Electrical	\$ 192,095.00	\$ -	\$ -	\$ -
Quality Precast/ 7800 Adobe Road Kalamazoo MI 49009	Precast Building	\$ 78,500.00	\$ -	\$ -	\$ -
Seven Oaks HD LLC/ w229 county Road ZZ Kaukauna, WI 54130	Drilling	\$ 10,000.00	\$ -	\$ -	\$ -
SJE/LW Allen / 4633 tomkins Drive Madison WI 53716	SCADA & Controls	\$ 108,000.00	\$ -	\$ -	\$ -
William Reid/ PO Box 397 Germantown, WI 53022	Pumps	\$ 38,000.00	\$ -	\$ -	\$ -
Wisconsin Pump Works / 825 SW Ordinance Rd Ankeny IA 50023	Access Hatches	\$ 13,699.66	\$ 13,699.66	\$ -	\$ 13,696.66
					\$ -
TOTALS		\$ 763,566.96	\$ 65,079.66	\$ -	\$ 65,076.66

That, for the purpose of said contract, the following persons have been contracted with, and have furnished or are furnishing and preparing materials for, and have done or are doing labor on said improvement. That there is due and to become due to them, respectively, the amounts set opposite their names for materials or labor as stated. That this statement is a full, true and complete statement of all such persons, the is a full, true and complete statement of such persons, the amounts paid and the amounts due or to become due as such.

Signed



Name/Title

Derek Lewin, Project Manager

Subscribed and sworn before me on this 19th day of October, 2023



5/13/2025



Limited Waiver of Construction Lien

1. Upon receipt of payment, the undersigned hereby waives all rights to or claims for a lien on the land hereafter described, for any and all work, materials, plans and specifications made or furnished for the improvements of said lands, furnished between the date of October 1, 2023 and October 31, 2023 to the extent of \$ 85,575.68 only.

(Describe) Eighty five thousand five hundred seventy five dollars & 68/100**

said improvements being done for Village of Somers, Owner
by August Winter & Sons, Inc., Prime Contractor said lands being situated in
Racine County, Wisconsin, and described as 45th Avenue & 63rd Avenue Lift Station
(legal description, street address or other clear description).

2. The work done or to be done or materials furnished or to be furnished by the undersigned for said job consists of Plumbing Work
3. The right to assert construction lien rights for work done or materials furnished in excess of said amount or exclusive of stated period on said job is hereby expressly reserved.
4. This waiver furnished is a waiver of lien rights only, and not of any contract rights of the claimant otherwise existing.
5. Notwithstanding Section 779.05, Wisconsin Statutes, if the consideration for this lien waiver consists of an uncertified check or other negotiable instrument, this lien waiver is null and void if such check or other negotiable instrument is dishonored or otherwise not paid when due.

Dated this 19th day of Oct, 2023

AUGUST WINTER & SONS, INC.


Assistant Corporate Secretary
2323 North Roemer Road, PO BOX 1896
Appleton, WI 54913

January 31, 2024

Ms. Brandi Baker, Clerk
Village of Somers
7511 12th Street
Somers, WI 53171

Subject: 45th Avenue and 63rd Avenue Lift Station Replacements-- Payment Recommendation

Dear Brandi,

Enclosed is an Application for Payment, Sworn Statement, and partial lien waiver from August Winters & Sons, Inc., Contractor, for work performed for the 45th Avenue and 63rd Avenue Lift Station Replacement Project. The following is our opinion of the amount due and payable to the Contractor:

Contract Price	\$1,649,700.00
Work Completed to Date	\$149,499.66
Less Amount Retained	<u>(\$ 7474.98)</u>
Subtotal	\$142,024.68
Less Previous Payments	<u>(\$85,575.68)</u>
Total Amount Due for Partial Payment 2	\$56,449.00

We recommend payment to August Winters & Sons, Inc. for \$56,449.00.

Sincerely,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS



Douglas R. Snyder, P.E.

DRS/drs

Encs.

C/encs.: Jason Peters, Administrator (email)
Derek Lewin, August Winters & Sons, Inc. (email)

APPLICATION AND CERTIFICATE FOR PAYMENT

Invoice #: 56016

To Owner: Village of Somers
PO Box 197

Kenosha, WI 53144

From Contractor: August Winter & Sons, Inc.
2323 N. Roemer Road
Appleton, WI 54912

Contract For: Somers 45th Ave Lift Station

Project: 68123- Somers 45th & 63rd Lift Stations

Via Architect:

Application No.: 2

Period To: 1/31/2024

Project Nos: 201061.40

Contract Date: 3/29/2023

Distribution to:

☐

Owner

☐

Architect

☐

Contractor

☐

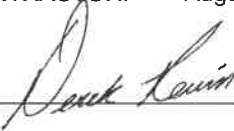
CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet is attached.

1. Original Contract Sum	\$1,649,700.00
2. Net Change By Change Order	\$0.00
3. Contract Sum To Date	\$1,649,700.00
4. Total Completed and Stored To Date	\$149,499.66
5. Retainage:	
a. 5.00% of Completed Work	\$7,474.98
b. 0.00% of Stored Material	\$0.00
Total Retainage	\$7,474.98
6. Total Earned Less Retainage	\$142,024.68
7. Less Previous Certificates For Payments	\$85,575.68
8. Current Payment Due	\$56,449.00
9. Balance To Finish, Plus Retainage	\$1,507,675.32

CHANGE ORDER SUMMARY	Additions	Deductions
Total changes approved in previous months by Owner	\$0.00	\$0.00
Total Approved this Month	\$0.00	\$0.00
TOTALS	\$0.00	\$0.00
Net Changes By Change Order	\$0.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief, the work covered by this Application for Payment has been completed in accordance with the Contract Documents. That all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: August Winter & Sons, Inc.
By:  Date: 1/22/2024

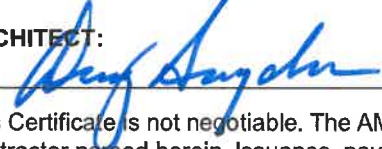
State of: Wisconsin County of: Outagamie
Subscribed and sworn to before me this 22nd day of January, 2024
Notary Public:
My Commission expires: 5/13/2025

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information, and belief, the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 56,449.00

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:
By:  Date: 01-31-24

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

Application and Certification for Payment, containing

Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

Application No. : 2

Application Date : 01/22/24

To: 01/31/24

Architect's Project No.: 201061.40

Invoice # : 56016

Contract : 68123- Somers 45th & 63rd Lift Stations

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		F Materials Presently Stored (Not in D or E)	G Total Completed and Stored To Date (D+E+F)	H % (G / C)	I Balance To Finish (C-G)	J Retainage
			From Previous Application (D+E)	This Period In Place					
001	Bonds	25,000.00	25,000.00	0.00	0.00	25,000.00	100.00%	0.00	1,250.00
002	Mobilization	65,000.00	0.00	0.00	0.00	0.00	0.00%	65,000.00	0.00
003	Gas/Electric Allowance	10,000.00	0.00	0.00	0.00	0.00	0.00%	10,000.00	0.00
004	Control System Allowance	108,000.00	0.00	0.00	0.00	0.00	0.00%	108,000.00	0.00
005	SCADA Panel Inseption Allowance	2,000.00	0.00	0.00	0.00	0.00	0.00%	2,000.00	0.00
006	Sewer Televising Allowance	5,000.00	0.00	0.00	0.00	0.00	0.00%	5,000.00	0.00
007		0.00	0.00	0.00	0.00	0.00	0.00%	0.00	0.00
008	45TH AVE LS	0.00	0.00	0.00	0.00	0.00	0.00%	0.00	0.00
009	Demo/Removals	37,000.00	0.00	0.00	0.00	0.00	0.00%	37,000.00	0.00
010	Dog House MH	65,000.00	0.00	0.00	0.00	0.00	0.00%	65,000.00	0.00
011	Directional Drilling	25,700.00	0.00	0.00	0.00	0.00	0.00%	25,700.00	0.00
012	Site Piping	95,000.00	0.00	0.00	0.00	0.00	0.00%	95,000.00	0.00
013	Wet Well Install	190,000.00	0.00	0.00	0.00	0.00	0.00%	190,000.00	0.00
014	Meter/Valve Vault install	95,000.00	0.00	6,800.00	0.00	6,800.00	7.16%	88,200.00	340.00
015	Pumps Installed	45,000.00	0.00	17,100.00	0.00	17,100.00	38.00%	27,900.00	855.00
016	Interior Piping	90,000.00	25,690.00	5,810.00	0.00	31,500.00	35.00%	58,500.00	1,575.00
017	Precast Building Foundation	30,000.00	0.00	0.00	0.00	0.00	0.00%	30,000.00	0.00
018	Precast Building	65,000.00	0.00	0.00	0.00	0.00	0.00%	65,000.00	0.00
019	Electrical	125,000.00	0.00	0.00	0.00	0.00	0.00%	125,000.00	0.00
020	Pavement	20,000.00	0.00	0.00	0.00	0.00	0.00%	20,000.00	0.00
021	Site Restoration	5,000.00	0.00	0.00	0.00	0.00	0.00%	5,000.00	0.00
022	Fencing	5,000.00	0.00	0.00	0.00	0.00	0.00%	5,000.00	0.00
023	Bypass Pumping	20,000.00	0.00	0.00	0.00	0.00	0.00%	20,000.00	0.00
024		0.00	0.00	0.00	0.00	0.00	0.00%	0.00	0.00
027	63RD AVE LS	0.00	0.00	0.00	0.00	0.00	0.00%	0.00	0.00
028	Demo/Removals	22,000.00	0.00	0.00	0.00	0.00	0.00%	22,000.00	0.00
029	Wet Well Modifications	15,000.00	0.00	0.00	0.00	0.00	0.00%	15,000.00	0.00
030	Meter/Valve Vault Install	95,000.00	0.00	6,800.00	0.00	6,800.00	7.16%	88,200.00	340.00
031	Pumps Installed	55,000.00	13,699.66	17,100.00	0.00	30,799.66	56.00%	24,200.34	1,539.98
032	Interior Piping	90,000.00	25,690.00	5,810.00	0.00	31,500.00	35.00%	58,500.00	1,575.00
033	Precast Building Foundation	30,000.00	0.00	0.00	0.00	0.00	0.00%	30,000.00	0.00
034	Precast Building	65,000.00	0.00	0.00	0.00	0.00	0.00%	65,000.00	0.00

CONTINUATION SHEET

Application and Certification for Payment, containing

Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

Application No. : 2

Application Date : 01/22/24

To: 01/31/24

Architect's Project No.: 201061.40

Invoice # : 56016

Contract : 68123- Somers 45th & 63rd Lift Stations

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		F Materials Presently Stored (Not in D or E)	G Total Completed and Stored To Date (D+E+F)	H % (G / C)	H Balance To Finish (C-G)	I Retainage
			From Previous Application (D+E)	This Period In Place					
035	Electrical	110,000.00	0.00	0.00	0.00	0.00	0.00%	110,000.00	0.00
036	Pavement	15,000.00	0.00	0.00	0.00	0.00	0.00%	15,000.00	0.00
037	Site Restoration	5,000.00	0.00	0.00	0.00	0.00	0.00%	5,000.00	0.00
038	Bypass Pumping	20,000.00	0.00	0.00	0.00	0.00	0.00%	20,000.00	0.00
Grand Totals		1,649,700.00	90,079.66	59,420.00	0.00	149,499.66	9.06%	1,500,200.34	7,474.98

August Winter & Sons, Inc.
Sworn Statement - Somers 45th Avenue & 63rd Avenue Lift Station
Jul-20

State of: Wisconsin
 County of: Outagamie

Subcontractor/ Supplier Name	Kind of Work	Contract Value	Total Billed Includes this app	Net Previously Paid	Net Amount of this payment
Century Fence/ PO Box 727 Pewaukee WI 53072	Fence	\$ 11,598.00	\$ -	\$ -	\$ -
Chcchini Asphalt/4700 52nd Avenue Kenosha WI 53144	Asphalt	\$ 27,563.00	\$ -	\$ -	\$ -
Core & Main / 1830 Craig Park Court, St Louis MO 63146	Pipe and Fittings	\$ 20,225.00	\$ -	\$ -	\$ -
Crest Precast / 609 Kistier Drive LaCrescent MN 55947	Manholes & Vaults	\$ 90,900.00	\$ -	\$ -	\$ -
Dale Nehls/714 43rd St. Kenosha WI 53140	Painting	\$ 28,650.00	\$ -	\$ -	\$ -
Dorner Company/PO Box189 Sussex, WI 53089	Valves	\$ 51,380.00	\$ -	\$ 51,380.00	\$ 51,380.00
Ferguson Waterworks/ 2300 N Sandra St Appleton, WI 54911	Pipe & Fittings	\$ 30,822.30	\$ -	\$ -	\$ -
JH Hassinger / N60 W16289 Kohler Lane Menonimee Falls WI	General Construction	\$ 62,134.00	\$ -	\$ -	\$ -
Pieper Electric / 5477 S Westridge Court, New Berlin WI 53151	Electrical	\$ 192,095.00	\$ -	\$ -	\$ -
Quality Precast/ 7800 Adobe Road Kalamazoo MI 49009	Precast Building	\$ 78,500.00	\$ -	\$ -	\$ -
Seven Oaks HD LLC/ w229 county Road ZZ Kaukauna, WI 54130	Drilling	\$ 10,000.00	\$ -	\$ -	\$ -
SJE/LW Allen / 4633 tomkins Drive Madison WI 53716	SCADA & Controls	\$ 108,000.00	\$ -	\$ -	\$ -
William Reid/ PO Box 397 Germantown, WI 53022	Pumps	\$ 38,000.00	\$ 34,200.00	\$ -	\$ -
Wisconsin Pump Works / 825 SW Ordinance Rd Ankeny IA 50023	Access Hatches	\$ 13,699.66	\$ -	\$ -	\$ 13,696.66
					\$ -
TOTALS		\$ 763,566.96	\$ 34,200.00	\$ 51,380.00	\$ 65,076.66

That, for the purpose of said contract, the following persons have been contracted with, and have furnished or are furnishing and preparing materials for, and have done or are doing labor on said improvement. That there is due and to become due to them, respectively, the amounts set opposite their names for materials or labor as stated. That this statement is a full, true and complete statement of all such persons, the is a full, true and complete statement of such persons, the amounts paid and the amounts due or to become due as such.

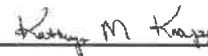
Signed



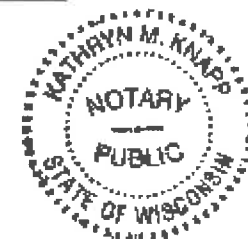
Name/Title

Derek Lewin, Project Manager

Subscribed and sworn before me on this 22nd day of January, 2023



5/13/2025



Limited Waiver of Construction Lien

1. Upon receipt of payment, the undersigned hereby waives all rights to or claims for a lien on the land hereafter described, for any and all work, materials, plans and specifications made or furnished for the improvements of said lands, furnished between the date of January 1, 2024 and January 31, 2024 to the extent of \$ 56,449.00** only.

(Describe) Fifty Six Thousand Four Hundred Forty Nine &00/100**

said improvements being done for Village of Somers, Owner
by August Winter & Sons, Inc., Prime Contractor said lands being situated in
Racine County, Wisconsin, and described as 45th Avenue & 63rd Avenue Lift Station
(legal description, street address or other clear description).

2. The work done or to be done or materials furnished or to be furnished by the undersigned for said job consists of Plumbing Work
3. The right to assert construction lien rights for work done or materials furnished in excess of said amount or exclusive of stated period on said job is hereby expressly reserved.
4. This waiver furnished is a waiver of lien rights only, and not of any contract rights of the claimant otherwise existing.
5. Notwithstanding Section 779.05, Wisconsin Statutes, if the consideration for this lien waiver consists of an uncertified check or other negotiable instrument, this lien waiver is null and void if such check or other negotiable instrument is dishonored or otherwise not paid when due.

Dated this 22nd day of Jan, 2024

AUGUST WINTER & SONS, INC.


Assistant Corporate Secretary
2323 North Roemer Road, PO BOX 1896
Appleton, WI 54913



**VILLAGE OF SOMERS
VILLAGE BOARD
MEETING ITEM MEMORANDUM**

MEETING DATE: February 13th, 2024

TO: Village President Stoner and Village Trustees

PREPARED BY: Brandi Baker, Clerk-Treasurer

AGENDA ITEM: #13 Action on application for Class “B” (Picnic) Beer License from Shoreland Lutheran High School Booster Club for the Connections We Make: Dinner & Auction Event on April 6, 2024. Event to be held at Shoreland Lutheran High School, 9026 12th Street Kenosha, WI 53144

#14 Action on application for Temporary Operators License: Amber Wasurick, for the Shoreland Lutheran High School Shoreland Lutheran High School Booster Club for the Connections We Make: Dinner & Auction Event and request to waive fee

BACKGROUND:

Shoreland Lutheran High School Booster Club is a club organization that was established in 1971. They have approached the Village to request a Class “B” (Picnic) Beer License for the Connections We Make: Dinner & Auction Event for the date listed below.

- April 6, 2024, from 5 p.m. to 9 p.m. at Shoreland Lutheran High School located at 9026 12th Street.

They have also applied for a temporary operator for Amber Wasurick for the event.

They have also requested to waive associated fees with both applications.

PRIOR ACTION TAKEN:

These matters were reviewed and discussed at our February 6th Work Session.

SUGGESTED ACTION/ACTION REQUESTED/COMMENTS:

Staff would recommend approval both matters. In the event that the Village Board agrees with the suggested action, a suggested motion to approve would be as follows:

#13

“Motion to approve application for Class “B” (Picnic) Beer License from Shoreland Lutheran High School Booster Club for the Connections We Make: Dinner & Auction Event on April 6, 2024. Event to be held at Shoreland Lutheran High School, 9026 12th Street Kenosha, WI 53144”

#14

“Motion to approve application for Temporary Operators License: Amber Wasurick, for the Shoreland Lutheran High School Shoreland Lutheran High School Booster Club for the Connections We Make: Dinner & Auction Event and request to waive fee”

ATTACHMENTS:

Request to waive fees letter

Temporary Class “B” / “Class B” Retailers License Application

Temporary Operators application

Site Plan



January 25, 2024

To Whom it May Concern (Town of Somers):

I understand that alcoholic beverages will be distributed at the Shoreland Lutheran High School event being held on Saturday, April 6, 2024 from 5:00pm until 9:00pm. The event is a fundraiser dinner auction to raise funds to support the increasing needs of our students.

I am hereby requesting a waiver allowing our school to serve alcohol under the conditions established and supervised by our planning committee. I am also requesting that you waive the fees for the Bartender License and the Class B License due to Shoreland Lutheran High School being a not-for-profit organization.

Proceeds from this event are used for program assistance, not for the profit of an individual or party.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Scriver", with a long horizontal flourish extending to the right.

Paul Scriver
President

9026 12th Street - Kenosha, WI 53144
Phone: 262.859.2595

Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ 10

Application Date: 1.24.24

☒ Town ☒ Village ☐ City of Somers

County of Kenosha

The named organization applies for: (check appropriate box(es).)

☒ A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.

☐ A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning 4.6.24 and ending 4.6.24 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

1. Organization (check appropriate box) →

☒ Bona fide Club ☐ Church ☐ Lodge/Society

☐ Chamber of Commerce or similar Civic or Trade Organization

☐ Veteran's Organization ☐ Fair Association

(a) Name Shoreland Lutheran HS Booster Club

(b) Address 9026 - 12th Street
(Street) ☐ Town ☒ Village ☐ City

(c) Date organized 11.2016

(d) If corporation, give date of incorporation N/A

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box: ☐

(f) Names and addresses of all officers:

President Al Ferber 11021-7th Street Sturtevant, WI 53177

Vice President Jody Huteman 10891-292 Ave Trevor, WI 53179

Secretary Ronda Bailey 341-100th Ave Sturtevant, WI 53177

Treasurer _____

(g) Name and address of manager or person in charge of affair: Paul Sriver
4113 Felicia Run Kansasville, WI 53177

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number 9026 - 12th Street, Kenosha, WI 53143

(b) Lot _____ Block _____

(c) Do premises occupy all or part of building? part

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: _____

3. Name of Event

(a) List name of the event The Connections we make A Hall of Fame Dinner Auction

(b) Dates of event 04/06/2024

DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Officer Al Ferber 1/25/24
(Signature/date)

Shoreland Lutheran Booster Club
(Name of Organization)
Officer [Signature]
(Signature/date)

Officer Ronda Bailey 1-25-24
(Signature/date)

Officer _____
(Signature/date)

Date Filed with Clerk _____

Date Reported to Council or Board _____

Date Granted by Council _____

License No. _____



www.somers.org

P.O. Box 197, Somers, WI 53171 • PH: (262) 859-2822 • FAX: (262) 859-2331

TEMPORARY OPERATOR'S LICENSE APPLICATION

For one (1) to fourteen (14) consecutive days. Two(2) per calendar year

Temporary Operator (\$10.00)

FILLING OUT YOUR APPLICATION

1. Should your information on this application not be complete, correct or illegible, your license may be denied.
2. Applications must attach copy of Responsible Beverage Server Class Certificate; or current license from another Wisconsin Municipality.
3. Attach a copy of the front and back of your valid driver's license or state issued photo identification card.

REVIEW OF YOUR APPLICATION

1. Somers will perform a background check and recommend approval or denial.
2. If you are denied, you may request an appeal through the Village Clerk's office and your appeal will be placed on the next Village Board agenda. If your application is denied, the fee is non-refundable, and you cannot reapply for a minimum period of six months. Meetings of the Village Board are open to the public. This application is a public record and subject to release.

PLEASE PRINT CLEARLY

FIRST NAME Amber		M.I. L	LAST NAME Wasuricka	
OTHER NAMES, ALIASES, OR BIRTHDATES EVER USED Amber L. Land				
DATE OF BIRTH 08/24/1981	AGE 42	DRIVER LICENSE NO. W262-0128-1804-03		ISSUING STATE WI
HOME ADDRESS 8927-29 Ave		CITY Kenosha		STATE & ZIP WI
PHONE 262-515-3380		EMAIL wasuricka@slhs.us		
MAILING ADDRESS (IF DIFFERENT)		CITY		STATE & ZIP
SPONSORING ORGANIZATION: Shoreland High School				
EVENT: The Connections we Make: A Hall of Fame Event: Dinner Auction		EVENT DATE(S): 4-6-2024		

ARREST AND CONVICTION RECORD

Since your 17th birthday, have you ever been convicted of a felony or misdemeanor? (Including criminal traffic offenses)	YES	☒ NO
As a juvenile, were you ever waived into adult court and convicted of a felony or misdemeanor?	YES	☒ NO
Have you ever been convicted by a military court-martial?	YES	☒ NO

<https://somerstwp.sharepoint.com/sites/Home/Office Documents/10. FORM - Forms/2023 Forms/2023 CLK Forms/2022 CLK Forms Temp Operator License Application.docx>

Have you ever been convicted of disorderly conduct that involved violence against another person?	YES	NO
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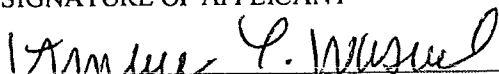
List any PENDING Citations, Tickets or Criminal Charges

YEAR	LOCATION	CHARGE	At time of incident were you under the influence of alcohol and/or other drugs?	Did the incident occur in or around a business that serves alcohol?

Criminal Convictions & Citations, Excluding Traffic Citations that are Not Alcohol Related

YEAR	LOCATION	CHARGE	At time of incident were you under the influence of alcohol and/or other drugs?	Did the incident occur in or around a business that serves alcohol?

I hereby agree to display and/or surrender my operator's license to any police officer or the State of Wisconsin for verification while I am working and further agree to abide by the State Statutes and local ordinances governing the sale of beer and intoxicating liquors. I hereby acknowledge being given and having read a copy of Wis. Stat. 125.32 (2) and (3). I give the Village of Somers permission to perform any necessary checks to verify the above statements. Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.

SIGNATURE OF APPLICANT 	DATE 1-25-2024
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For Office Use Only

Date Paid	Amount Paid	Conditions: Education ___ Police ___ Fees ___
Clerk Approval	Date	Village Board Approval Date
License # Issued:		

Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ 10

Application Date: 1.24.24

☒ Town ☒ Village ☐ City of Somers

County of Kenosha

The named organization applies for: (check appropriate box(es).)

☐ A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.

☐ A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning 4.6.24 and ending 4.6.24 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

1. Organization (check appropriate box) → ☒ Bona fide Club ☐ Church ☐ Lodge/Society

☐ Chamber of Commerce or similar Civic or Trade Organization

☐ Veteran's Organization ☐ Fair Association

(a) Name Shoreland Lutheran HS Booster Club

(b) Address 9026-12th Street
(Street) ☐ Town ☒ Village ☐ City

(c) Date organized 11.2016

(d) If corporation, give date of incorporation N/A

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box: ☐

(f) Names and addresses of all officers:

President Al Ferber 11021-7th Street Sturtevant, WI 53177

Vice President Jody Hateman 10891-292 Ave Trevor, WI 53179

Secretary Ronda Bailey 341-100th Ave Sturtevant, WI 53177

Treasurer _____

(g) Name and address of manager or person in charge of affair: Paul Skriver
4113 Felicia Run. Kansasville, WI 53177

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number 9026-12th Street, Kenosha, WI 53143

(b) Lot _____ Block _____

(c) Do premises occupy all or part of building? part

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: _____

3. Name of Event

(a) List name of the event The Connections we Make: A Hall of Fame Dinner Auction

(b) Dates of event 04/06/2024

DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Officer Al Ferber 1/25/24
(Signature/date)

Shoreland Lutheran Booster Club
(Name of Organization)
Officer [Signature]
(Signature/date)

Officer Ronda Bailey 1-25-24
(Signature/date)

Officer _____
(Signature/date)

Date Filed with Clerk _____

Date Reported to Council or Board _____

Date Granted by Council _____

License No. _____

Additional Information

May be Granted and Issued only to:

- (1) Bona fide clubs.
- (2) State, county, or local fair associations, or agricultural societies.
- (3) Churches, lodges, or societies that have been in existence for at least 6 months prior to the date of application.
- (4) Posts of veterans organizations.
- (5) Chambers of commerce or similar civic or trade organizations organized under ch. 181, Wis. Stats.

Application:

- (1) Filing: In writing, for each event, on Form AT-315.
- (2) The local licensing authority may act on application or authorize an official or body of the municipality to issue the license. (ss. 125.26(1) and 125.51(1)(a), Wis. Stats.)
- (3) The written application shall be filed with the clerk of the municipality in which premises are located:
 - Class "B" (Beer):
 - a. The governing body shall establish any waiting period before granting of a license for events lasting less than 4 days (s. 125.04(3)(f), Wis. Stats.)
 - b. At least 15 days prior to the granting of the license for events lasting 4 or more days.
 - "Class B" (Wine):

The application shall be filed with the clerk of the local municipality in which the event will be held at least 15 days prior to the granting of the license.
- (4) Seller's Permit: Sec. 77.54 (7m), Wis. Stats., provides an exemption from Wisconsin sales and use taxes relating to certain sales by a nonprofit organization. Check the box if your organization qualifies for the exemption and therefore is not required to hold a seller's permit.
- (5) Publication: Not required.

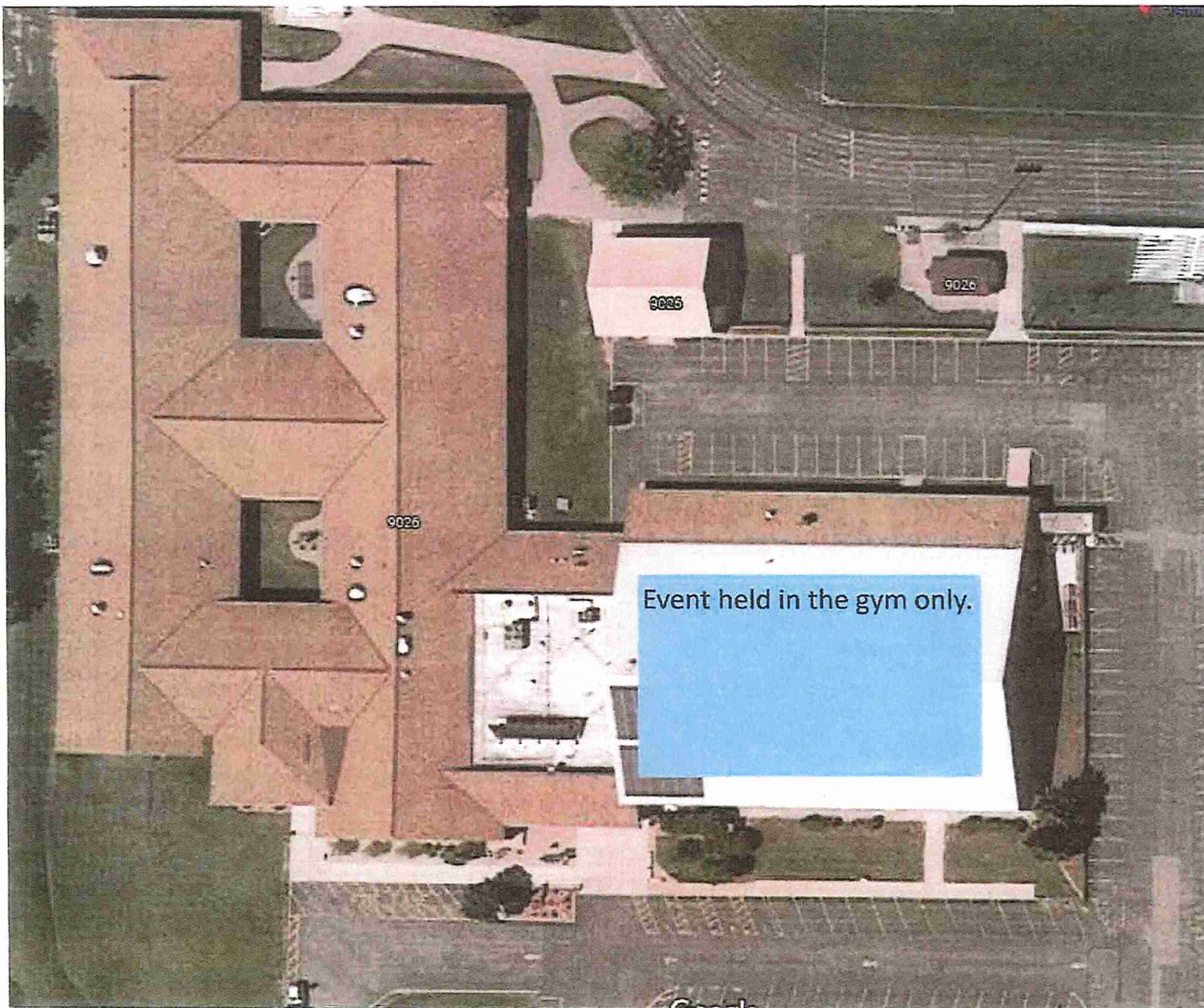
Fee: Determined by the municipality, but may not exceed \$10. (Exception: No additional fee may be charged if organization is applying for both a Temporary Class "B" and a Temporary "Class B" license for the same event.)

Duration: The day, or consecutive days, that the specified event is in progress. A municipality may issue up to 20 licenses to the same licensee for a single event, if each license is issued for the same date and time.

Restrictions:

- (1) License may not be issued to individuals.
- (2) Licenses to organizations, other than ex-servicemen's organizations, can be issued only for a picnic or similar gathering. They may not be issued for business or social meetings of the organization.
- (3) Licenses for club or organization meetings may be issued only to ex-servicemen's posts.
- (4) License may cover either a specified area or the entire picnic grounds.
- (5) License issued to a county or district fair must cover the entire fairground (ss. 125.26(6) and 125.51(10), Wis. Stats.)
- (6) No license to clubs having any indebtedness to any wholesaler for more than 15 days for beer (s. 125.33(7), Wis. Stats.) and 30 days for wine (s. 125.69(4)(b), Wis. Stats.)
- (7) Licensed operator(s) must be present at all times (ss. 125.26(6), 125.32(2) - Beer; 125.51(10), 125.68(2) - Wine; 125.17)
- (8) The licensed club, club members, or any other persons are not permitted to possess intoxicating liquor on licensed premises on the Temporary Class "B"/"Class B" licensed picnic area. (s. 125.32(6), Wis. Stats.)
- (9) Not more than 2 wine licenses may be issued to any club, county or local fair association, agricultural association, church, lodge, society, chamber of commerce or similar civic or trade organization or veterans' post in any 12 month period. A municipality may issue up to 20 wine licenses to the same licensee if: 1) each license is issued for the same date and times, 2) the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times, 3) an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol beverages at the event, and 4) within the immediately preceding 12-month period, the municipality has issued these multiple licenses for fewer than 2 events. In addition, each event for which multiple licenses are issued shall count as one license toward the 2-license limit.
- (10) Licensed organizations must purchase their product from a licensed wholesaler.

NOTE: Most coolers presently on the market have a fermented malt beverage base allowing sale under a beer license, e.g. Bartles and James, Seagrams, etc.





This certificate represents the successful completion of an approved Wisconsin Department of Revenue Responsible Beverage Server Course in compliance with secs. 125.04(5)(a)5., 125.17(6), and 134.66(2m), Wis. Stats.

Certificate of Completion

This is to certify that

Amber Wasurick

*has successfully completed the
LIQUORexam.com Responsible Beverage
Server and Seller Training Program*

Course Name: Wisconsin Alcohol Server and Seller Certification


Edward D McLean, Administrator
www.LIQUORExam.com

Date: 02/03/2023
Expiration: 24 Months
Certificate #: 142334
Birth Date: 08/24/1981