

**NOTICE OF MEETING
VILLAGE OF FOX POINT
VILLAGE BOARD MEETING**

**SCHWEMER HALL – MUNICIPAL BUILDING
7200 N. SANTA MONICA BLVD
FOX POINT, WI 53217**

**TUESDAY
September 10, 2024
7:00 P.M.**

NOTE: THE VILLAGE BOARD WILL BE MEETING IN PERSON AT VILLAGE HALL, WITH A REMOTE ATTENDANCE OPTION, PER THE HYBRID MEETING PROCEDURES FURTHER DESCRIBED IN SECTION 19-32 D. OF THE VILLAGE CODE. THIS MEETING IS OPEN TO ALL CITIZENS IN PERSON AT VILLAGE HALL, OR THROUGH THE ZOOM PARTICIPANT INFORMATION SHOWN BELOW, SUBJECT TO THE FOLLOWING: NO ASSURANCE IS PROVIDED TO THOSE GOVERNING BODY MEMBERS AND CITIZENS INTENDING TO ATTEND REMOTELY THAT THE TECHNOLOGY WILL PERFORM SUFFICIENTLY TO ALLOW FOR THEIR PARTICIPATION AND THE MEETING WILL PROCEED REGARDLESS. PUBLIC OFFICIALS AND CITIZENS WISHING TO ENSURE THEY CAN PARTICIPATE ARE ENCOURAGED TO ATTEND IN PERSON. CITIZENS ARE ENCOURAGED TO SUBMIT ANY COMMENTS IN WRITING IN ADVANCE OF THE MEETING TO THE VILLAGE MANAGER AT sbotcher@villageoffoxpoint.com, HOWEVER THERE IS NO LARGER RIGHT TO COMMENT REMOTELY OR IN WRITING THAN IN PERSON.

Zoom Participant Information

<https://us02web.zoom.us/j/87335256142>

Meeting ID: 873 3525 6142

Dial: (312) 626-6799

AGENDA

1. Roll Call

2. Persons desiring to be heard

At this time, individuals can address the Village Board on one or more topics for up to three-minutes with time extensions at the Village President's discretion. Citizen comment when agenda items are called will be heard at the discretion of the chair, subject to the overall three-minute limit. In connection with non-agenda items, no action will be taken except for possible referrals to individuals or committees. NOTE: No comments will be heard during this agenda item concerning the matters noted in item 4, below, as the appropriate time for such comments will be at the duly noticed public hearing, so that all interested persons can hear the comments and due process is preserved.

3. Committee Reports

- a. Plan Commission

4. Public Hearing

- a. Ordinance to Repeal and Recreate Chapter 724 of the Village of Fox Point Village Code Relating to Floodplain Zoning.

The Village Board will hear comments and input regarding the proposed amendments to the Village floodplain zoning ordinance, to comply with requirements of State law as directed by the Wisconsin Department of Natural Resources.

- b. St Augustine Prep Conditional Use Permit Application (See Note Below)

The Village Board will hear comments and input regarding St. Augustine Prep Conditional Use Permit Application.

(Note: Village staff anticipates that the Village Board will table this matter to October 8, 2024, as the Plan Commission has not yet offered a recommendation due to the applicant offering to provide additional information.)

5. Consent Agenda – All items listed under the Consent Agenda will be approved in one motion without discussion unless any Board member requests that the item be removed for individual discussion and possible action. Any item(s) so removed shall be considered individually prior to consideration of any New Business agenda items in the same order in which they were originally listed in the Consent Agenda.

- a. Approve the minutes of the August 13, 2024 Village Board meeting. Pages 4 - 6
- b. Approve the request of Bob and Jenny Hillis residing at 951 E Wye Lane for a waiver under Section 260-25(A)(2) of the Village Code, which would allow discharge water from the swimming pool into the sanitary sewer system. Pages 7 - 8
- c. Approve payment of the bills in the amount of \$1,580,198.90 for the period August 1, through August 31, 2024 per the report submitted by the Village Manager. Pages 9 - 23

6. New Business

- a. **Consideration and Possible Action on an Ordinance to Repeal and Recreate Chapter 724 of the Village of Fox Point Village Code Relating to Floodplain Zoning.** Pages 24 - 68

The Village Board will consider and may act to adopt amendments to the Village floodplain zoning ordinance, to comply with requirements of State law as directed by the Wisconsin Department of Natural Resources.

- b. **Consideration of Design Contract for the 2026 Road and Utility Project** Pages 70 - 86

The Village Board will consider and may act to approve the proposal from Kapur & Associates in an amount not to exceed \$168,705 for the design services associated with the 2026 Road and Utility Project on Bell Road, Thorne Lane and Yates Road.

7. Future Agenda Items

The Village Board will act on any Trustee requests to place additional matters on an upcoming agenda, without discussion.

8. Announcements

The following individuals will be given the opportunity to make announcements at the meeting in regard to (i) actions taken since the previous Village Board meeting on behalf of the Village, (ii) future Village activities and (iii) communications received from citizens. These matters will not be discussed or acted on, and Board members shall not comment on matters announced by others. Referrals may be made to committees and/or individuals.

- a. Village President Symchych
- b. Trustee Fonstad
- c. Trustee Ollman
- d. Trustee Aelion

- e. Trustee Stoltz
- f. Trustee Freedman
- g. Trustee Miller
- h. Village Manager Botcher

9. Closed Session

It is anticipated the Village Board will convene into closed session for the following reason(s): Upon motion duly made and seconded, and adopted by roll call vote, the Village Board may convene into closed session pursuant to Wisconsin Statutes Section 19.85(1) (g), for conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved; more specifically, concerning the Town Club operation of pickle ball courts without accepting or complying with the terms approved by the Village Board conditional use order issued on or about May 14, 2024.

10. Reconvene into Open Session

The Village Board will reconvene into open session and may take action as it deems appropriate regarding the matter discussed in closed session.

11. Adjournment

NEXT REGULAR VILLAGE BOARD MEETING:

October 08, 2024 7:00 P.M.

PLEASE NOTE:

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. Also, upon reasonable notice, best efforts will be used to ensure that members of the public lacking access to the virtual meeting platform are provided alternative reasonable methods to attend. For additional information or to request these services, contact the Village Clerk at (414) 351-8900. "Persons requiring an interpreter or other assistance should contact the Village Clerk's office 72 hours prior to the meeting. Notice is hereby given that a majority any other board, commission or committee may be present at the meeting to gather information about a subject in which they are interested. This constitutes a meeting of any other board, commission or committee pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis. 2d 553, 494 2d 408 (1993), and must be noticed as such, although said boards, commissions or committees will not take any formal action at this meeting."

VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES
August 13, 2024

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A meeting and public hearing of the Fox Point Village Board was held by a combination of in-person and virtual attendance via telephonic and video conferencing on Tuesday, August 13, 2024 in Schwemer Hall, 7200 N. Santa Monica Boulevard. Village President Symchych called the meeting to order at 7:00 p.m. and asked the Village Anager to take roll call. Roll Call of the Village Board present included:

Village President Christine Symchych
Trustee Eric Fonstad
Trustee Greg Ollman
Trustee Liz Aelion
Trustee Jennie Stoltz
Trustee Freedman
Trustee Miller

Also, present were Village Attorney Eric Larson, Village Manager Scott Botcher, Public Works Director Scott Brandmeier, Assistant Village Manager Kevin Ausman

Notice of the meeting was provided to the North Shore Now and to all others as required by State open meetings laws and posted on the official bulletin board at 7200 N Santa Monica Boulevard, as well as the village website at www.villageoffoxpoint.com, as per 2015 Wisconsin Act 79 and as described in Village Ordinance Chapter 116-2, 116-2(C).

PERSONS DESIRING TO BE HEARD

At this time, individuals can address the Village Board on one or more topics for up to three-minutes with time extensions at the Village President's discretion. Citizen comment when agenda items are called will be heard at the discretion of the chair, subject to the overall three-minute limit. In connection with non-agenda items, no action will be taken except for possible referrals to individuals or committees. NOTE: No comments will be heard during this agenda item concerning a pending application for a zoning code amendment or conditional use permit application, as the appropriate time for such comments will be at the duly noticed public hearing, so that all interested persons can hear the comments and due process is preserved. The pending application submitted by St. Augustine regarding the property previously owned by Cardinal Stritch University, involves a conditional use as defined in 62.23(7)(de), Wisconsin Statutes, and will be the subject of a public hearing, so comments will not be heard on this subject at this time.

Kathe Lake, 7471 N Beach Court disputed the number of trees planted along Lake Michigan, and stated one more should be planted as promised.

Amy Barth, 7815 N Boyd Way, recommended the lighting ordinance be updated to not exclude sport courts. She distributed pictures of the Town Club at night.

COMMITTEE REPORTS

a. North Shore Dementia Consortium

Trustee Stoltz gave a report on the activities of the Consortium.

CONSENT AGENDA

**VILLAGE OF FOX POINT
VILLAGE BOARD MEETING MINUTES**

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August 13, 2024

All items listed under the Consent Agenda will be approved in one motion without discussion unless any Board member requests that the item be removed for individual discussion and possible action. Any item(s) so removed shall be considered individually prior to consideration of any New Business agenda items in the same order in which they were originally listed in the Consent Agenda.

- b. Approve the minutes of the July 9, 2024 Village Board meeting.
- c. Adopt the proclamation declaring September 21 through 29 as Wisconsin Stormwater Week in Fox Point.
- d. Accept the bid of Compass Minerals in the amount of \$79.24 per ton for sodium chloride per the Director of Public Works' memorandum dated August 8, 2024.
- e. Approve payment of the bills in the amount of \$529,263.72 for the period July 1, 2024 through July 31, 2024 per the report submitted by the Village Manager.

Motion by Fonstad, seconded by Stoltz, and carried by roll call vote (7-0), to approve the consent agenda.

NEW BUSINESS

Consideration of Southeastern Wisconsin Watershed Trust

Presentation to the Village Board about the Bacteria Testing program by Southeast Wisconsin Watershed Trust (Sweetwater).

Erin Novak and Melissa Schussman gave a presentation on the water quality research on Indian Creek. Mr. Brandmeier may seek to have Indian Creek delisted given the water quality found.

Consideration of Referral of St Augustine Prep Conditional Use Permit Application to Plan Commission

The Village Board will consider and may refer to the Plan Commission a conditional use permit application for St. Augustine Prep on the former Cardinal Strich property, 6801 N Yates Road

Motion by Symchych seconded by Stoltz and carried by a roll call vote (7-0) to refer St Augustine Prep Conditional Use Permit Application to Plan Commission.

Consideration of Request of Fox Point Garden Club RE Spooner Road

The Village Board will consider and may take action on request from the Fox Point Garden Club to create and maintain a Native Meadow in the area southwest of the pedestrian bridge at Spooner Road.

Motion by Fonstad, seconded by Ollman and carried by a roll call vote (7-0) to authorize the FP Garden Club to create and maintain a Native Meadow in the area southwest of the pedestrian bridge at Spooner Road.

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Review of 2025-2029 Capital Plan

The Village Manager and Staff reviewed the Village's 2025-2029 five-year Capital Plan. No action was taken as part of this agenda item.

Presentation on Port Washing Road Overlay District

The Village Board heard an informational presentation from Staff on the possible addition of a new zoning district. No action was taken. Staff will return with a draft for further consideration.

FUTURE AGENDA ITEMS

None.

ANNOUNCEMENTS

President Symchych announced The President announced the Foundation Picnic September 7, the Fire Department budgeting process, and there will be no ICC in August.

Manager Botcher announced Rock the Fox August 21st, Town Club hearing will be Thursday, and Fox Point Beer Garden is here the next three Fridays.

ADJOURNMENT

Motion made by Fonstad, second by Miller, and carried unanimously) to adjourn the Village Board meeting at 8:41 p.m.

Respectfully submitted,

Scott A Botcher, Village Manager



VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA
BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

To: Village of Fox Point Village Board
From: Scott Brandmeier, Director of Public Works *SB*
Through: Scott Botcher, Village Manager *SB*
Date: September 5, 2024
Re: Request for Permission to Discharge Swimming Pool Water into Sanitary Sewer System

Bob and Jenny Hillis, who reside at 951 East Wye Lane, have requested permission to discharge swimming pool water into the Village's sanitary sewer system. Village Code Section 260-25(A)(2) permits such discharge upon receiving a waiver from the Village Board. In addition, I checked with the Milwaukee Metropolitan Sewerage District (MMSD) and they have indicated they have approved of this one-time discharge.

As I noted to Bob and Jenny Hillis, the discharge is subject to the following:

1. The release be done slowly so as to not inundate the sanitary sewer system.
2. That they indemnify the Village for any basement backups caused by their discharge into the sanitary sewer system.
3. That they pay the appropriate sewer fee for the discharge (with the Hillis' to provide the actual quantity of the discharge which is currently estimated at approximately 24,000 gallons).
4. Any other conditions that the Village Attorney or Village Board may impose in granting the waiver.

This is before the Board for their review and consideration.

Jenny and Bob Hillis

August 23, 2024

VIA EMAIL (csymchych@villageoffoxpoint.com)

Village of Fox Point
Attn: Christine Symchych, Village President
7200 N Santa Monica Boulevard
Fox Point, WI 53217

**Re: 951 E. Wye Lane
Request for Waiver to Discharge Swimming Pool into Sanitary Sewer
System**

Dear Members of the Village Board,

We are the owners of 951 E. Wye Lane in the Village of Fox Point. We are writing to formally request a waiver under Section 260-25(A)(2) of the Village Code, which would allow us to discharge water from our swimming pool into the sanitary sewer system. Our pool is a Reverse Osmosis pool as opposed to a Chlorine or Saltwater Pool, resulting in a purer water. This request comes following discussions I had this week with the Village Director of Public Works, Scott Brandmeier informing me that under the Village Code, swimming pool discharges are generally prohibited in the sanitary sewer system without an express waiver from the Village Board.

We understand the importance of adhering to the Village Code, and we truly appreciate the opportunity to request this waiver. The reason for our request is to discharge water from our swimming pool to allow for maintenance, cleaning, and repair needs. We are committed to ensuring that the discharge will be done in compliance with all necessary conditions to minimize any potential impact on the sanitary sewer system. Please note that Mr. Brandmeier obtained approval from the Milwaukee Metropolitan Sewerage District of the discharge into the sanitary sewer system on August 22, 2024.

Mr. Brandmeier informed me, and I fully understand, that if the Village Board grants our requested waiver, the Board will expect that (i) the discharge will be done in a manner that allows for a slow entry into the sanitary sewer system, preventing any undue strain on the system; and (ii) the cost of the discharge will be my responsibility, and I am prepared to cover any expenses calculated based on the actual number of gallons discharged.

Please add our waiver request to the agenda for the Village Board's next meeting, scheduled for September 10, 2024, and please do not hesitate to contact me if you require any additional information or documentation in support of this request.

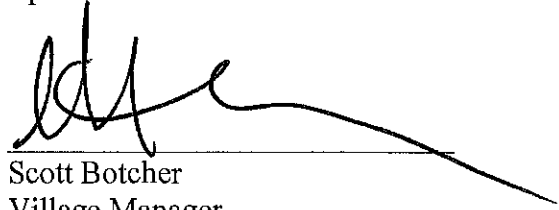
Your time and consideration of this matter is greatly appreciated. Thank you!

Very Truly Yours,

Bob Hillis (414-870-7450)

cc: Mr. Scott Brandmeier (sbrandmeier@villageoffoxpoint.com)
Mr. Scott Botcher (sbotcher@villageoffoxpoint.com)

This is to certify that the attached is true and correct list of bills due for a period from August 1-31, 2024, in the total amount of \$1,580,198.90. Each bill has been approved in writing by the official department head or employee authorized to incur the obligations and which bills have been audited by the undersigned pursuant to resolution of the Village Board.



Scott Botcher
Village Manager
Village of Fox Point

This is to certify that the above listed accounts and demands have been presented and allowed and ordered paid by the Village Board at a meeting thereof held on September 10, 2024

Christine Symchych
Village President

Sara A. Bruckman
Village Clerk/Treasurer
Village of Fox Point

VILLAGE OF FOX POINT

Payment Approval Report - by GL - Board Report
Report dates: 08/01/2024-08/31/2024

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	Date Paid
10-21520 GROUP LIFE						
18	SECURIAN FINANCIAL GROUP I	SEPTEMBER 2024	LIFE INSURANCE	08/05/2024	1,048.53	08/09/2024
Total 10-21520 GROUP LIFE:					1,048.53	
10-21521 SUPPLEMENTAL PLANS						
1227	AFLAC	847677	ACCT #G8B41	08/12/2024	593.46	08/16/2024
Total 10-21521 SUPPLEMENTAL PLANS:					593.43	
10-21525 UNION DUES						
185	FOX POINT POLICE PROT. ASS	AUGUST 2024	POLICE DUES	08/29/2024	577.50	08/30/2024
Total 10-21525 UNION DUES:					577.50	
10-21530 DEFERRED COMPENSATION						
77	MissionSquare - 303753	PR0815241	Deferred Comp ICMA-PRETAX	08/14/2024	1,160.14	08/16/2024
77	MissionSquare - 303753	PR0829241	Deferred Comp ICMA-PRETAX	08/28/2024	1,160.14	08/30/2024
375	NORTH SHORE BANK, FSB	PR0815242	Deferred Comp NORTH SHORE	08/14/2024	2,260.00	08/16/2024
375	NORTH SHORE BANK, FSB	PR0829242	Deferred Comp NORTH SHORE	08/28/2024	2,260.00	08/30/2024
814	GREAT-WEST TRUST COMPAN	PR0815241	Deferred Comp WI DEFER - PRE	08/14/2024	3,697.60	08/16/2024
814	GREAT-WEST TRUST COMPAN	PR0815241	Deferred Comp WI DEFER - RO	08/14/2024	1,215.00	08/16/2024
814	GREAT-WEST TRUST COMPAN	PR0829241	Deferred Comp WI DEFER - PRE	08/28/2024	3,697.60	08/30/2024
814	GREAT-WEST TRUST COMPAN	PR0829241	Deferred Comp WI DEFER - RO	08/28/2024	1,240.00	08/30/2024
Total 10-21530 DEFERRED COMPENSATION:					16,690.48	
10-44120 LIQUOR/TOBACCO LICENSES						
727	WI DEPT. OF JUSTICE	07/25/2024	BARTENDERS	07/29/2024	14.00	08/02/2024
Total 10-44120 LIQUOR/TOBACCO LICENSES:					14.00	
10-45100 FINES/FORFEITURES						
2119	FEHRENBACH, SEAN	00014627	OVERPAYMENT BG398770-1	08/01/2024	20.00	08/02/2024
Total 10-45100 FINES/FORFEITURES:					20.00	
10-46710 PAVILION RENTALS						
1040	O'MEARA, ROSALIE	1.060118	REFUND DEPOSIT	08/26/2024	50.00	08/30/2024
1139	LORICCO, MARIA	1.059890	REFUND DEPOSIT PAVILLION	08/05/2024	50.00	08/09/2024
2118	ZAMBRANA ARIAS, OLIVIA	1.060289	PAVILLION DEPOSIT	07/31/2024	50.00	08/02/2024
2124	JANQUART, MICHELE	1.060288	DEPOSIT REFUND	08/27/2024	50.00	08/30/2024
Total 10-46710 PAVILION RENTALS:					200.00	
10-51200-395 COUNTY COURT FEES						
330	MILWAUKEE COUNTY TREASU	JULY 2024	DRIVER SUR/JAIL FEE	08/01/2024	543.00	08/02/2024
552	WISCONSIN, STATE OF - COUR	JULY2024	JULY	08/01/2024	2,031.98	08/02/2024
Total 10-51200-395 COUNTY COURT FEES:					2,574.98	
10-51300-218 VILLAGE ATTORNEY						
535	MUNICIPAL LAW & LITIGATION	12805	VLG ATTORNEY	08/05/2024	3,738.60	08/09/2024
Total 10-51300-218 VILLAGE ATTORNEY:					3,738.60	
10-51300-219 VILLAGE PROSECUTOR						
935	PADWAY & PADWAY LTD	04/19/2024	PROSECUTOR	08/26/2024	1,890.00	08/30/2024

VILLAGE OF FOX POINT

Payment Approval Report - by GL - Board Report
Report dates: 08/01/2024-08/31/2024

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	Date Paid
Total 10-51300-219 VILLAGE PROSECUTOR:					1,890.00	
10-51410-310 SUPPLIES/ MISC EXPENSES						
57	JPMORGAN CHASE BANK NA	07/27/2024	CLERK	08/05/2024	100.10	08/09/2024
Total 10-51410-310 SUPPLIES/ MISC EXPENSES:					100.10	
10-51420-322 TRAINING						
57	JPMORGAN CHASE BANK NA	07/27/2024	CLERK	08/05/2024	490.00	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	CLERK	08/05/2024	20.80	08/09/2024
Total 10-51420-322 TRAINING:					510.80	
10-51440-310 SUPPLIES/EXPENSES						
57	JPMORGAN CHASE BANK NA	07/27/2024	ELECTIONS	08/05/2024	1,648.72	08/09/2024
Total 10-51440-310 SUPPLIES/EXPENSES:					1,648.72	
10-51440-321 DUES/TRAINING						
57	JPMORGAN CHASE BANK NA	07/27/2024	CLERK	08/05/2024	149.00	08/09/2024
Total 10-51440-321 DUES/TRAINING:					149.00	
10-51530-210 CONTRACT SERVICES						
2706	ASSOCIATED APPRAISAL CON	175579	PROFESSION SERV/ INTERNET	07/31/2024	2,850.15	08/02/2024
Total 10-51530-210 CONTRACT SERVICES:					2,850.15	
10-51600-210 CONTRACT SERVICES						
57	JPMORGAN CHASE BANK NA	07/27/2024	ZOOM	08/05/2024	40.00	08/09/2024
265	GREATAMERICAN FINANCIAL S	37003947	MONTHLY COPIER	07/31/2024	232.00	08/02/2024
265	GREATAMERICAN FINANCIAL S	37228439	MONTHLY COPIER	08/29/2024	232.00	08/30/2024
405	PITNEY BOWES INC.	331945409	QUARTERLY FEES	08/01/2024	462.72	08/02/2024
405	PITNEY BOWES INC.	3319457409	QUARTERLY FEES	08/12/2024	462.72	08/16/2024
477	TAYLOR COMPUTER SERVICES	26677	MANAGED SERVICES	08/26/2024	1,420.75	08/30/2024
789	DO IT NOW CLEANING LLC	802	MONTHLY CLEANING	07/31/2024	1,583.37	08/02/2024
789	DO IT NOW CLEANING LLC	813	MONTHLY CLEANING	08/29/2024	1,583.37	08/30/2024
1353	FORWARD TS, LTD	AR233212	MONTHLY COPIES	08/15/2024	581.27	08/16/2024
Total 10-51600-210 CONTRACT SERVICES:					3,598.20	
10-51600-220 GAS-HEAT						
538	WE-ENERGIES	7/25/2024	0702787382-00002	07/31/2024	20.76	08/02/2024
Total 10-51600-220 GAS-HEAT:					20.76	
10-51600-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	08/07/2024	0702787382-00009	08/12/2024	20.41	08/16/2024
536	WE-ENERGIES	7/25/2024	0702787382-00002	07/31/2024	1,487.30	08/02/2024
Total 10-51600-221 ELECTRIC UTILITIES:					1,507.71	
10-51600-222 TELEPHONE UTILITIES						
2691	CENTURYLINK-BUSINESS SVC.	700266542	87619173	08/12/2024	.30	08/16/2024
5312	AT & T- VILLAGE	07/22/2024	414 351-8900 758 7	07/31/2024	63.50	08/02/2024

VILLAGE OF FOX POINT

Payment Approval Report - by GL - Board Report
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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	Date Paid
Total 10-51600-222 TELEPHONE UTILITIES:					63.80	
10-51600-234 VILLAGE HALL MAINTENANCE						
57	JPMORGAN CHASE BANK NA	07/27/2024	VILLAGE	08/05/2024	81.00	08/09/2024
380	NASSCO INC.	8448933	CLEANER	07/29/2024	173.58	08/02/2024
502	VILLAGE HARDWARE - VH	240933/1	MISC	08/06/2024	3.30	08/09/2024
502	VILLAGE HARDWARE - VH	240934/1	VH	08/06/2024	15.81	08/09/2024
502	VILLAGE HARDWARE - VH	241508/1	CLEANING	08/21/2024	8.80	08/30/2024
502	VILLAGE HARDWARE - VH	241766/1	VLG HALL SUPPLIES	08/29/2024	77.13	08/30/2024
752	EMC2 MECHANICAL SOLUTION	408	REPAIRS	08/06/2024	1,040.00	08/09/2024
778	GRAINGER, INC.	9196468830	DRINKING WATER	08/08/2024	1,913.10	08/09/2024
892	SPECTRUM	8/7/24	8348 10 012 0042231 VLG	08/16/2024	14.89	08/30/2024
1248	SECURE FIRE & SAFETY LLC	44943	ANNUAL VH	07/29/2024	690.35	08/02/2024
1289	DIGITEK DIGITAL	7471	CONFERENCE ROOM SHADES	08/02/2024	7,078.51	08/09/2024
4283	BONAFIDE SAFE & LOCK, INC.	INV-19079	MAINTENANCE	08/15/2024	371.35	08/30/2024
Total 10-51600-234 VILLAGE HALL MAINTENANCE:					11,487.82	
10-51600-310 SUPPLIES/MISC EXPENSES						
57	JPMORGAN CHASE BANK NA	07/27/2024	VILLAGE	08/05/2024	193.47	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	AMAZON	08/05/2024	13.88	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	VILLAGE	08/05/2024	19.00	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	VILLAGE	08/05/2024	47.49	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	AMAZON	08/05/2024	68.45	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	VILLAGE	08/05/2024	197.99	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	VILLAGE	08/05/2024	88.83	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	AMAZON	08/05/2024	5.99	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	AMAZON	08/05/2024	17.95	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	AMAZON	08/05/2024	34.99	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	AMAZON	08/05/2024	17.98	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	AMAZON	08/05/2024	6.99	08/09/2024
Total 10-51600-310 SUPPLIES/MISC EXPENSES:					713.01	
10-51700-511 GROUP HEALTH - RETIREES						
270	LAMM, GERALD	8	Health Insurance	08/01/2024	.00	08/09/2024
270	LAMM, GERALD	AUG2024FINAL	HEALTH INSURANCE	08/06/2024	139.52	08/09/2024
433	RESNICK, AMY	55	HEALTH INSURANCE REIMBUR	08/01/2024	313.50	08/02/2024
435	RIES, DANIEL	71	HEALTH	08/01/2024	466.80	08/02/2024
520	WICHMAN, MICHELLE	16	MONTHLY	08/01/2024	386.76	08/02/2024
1227	AFLAC	847677	ACCT #G8B41	08/12/2024	166.98	08/16/2024
2194	OBREMSKI, DANIEL	20	SUPPLEMENTAL PAY	08/01/2024	386.76	08/02/2024
Total 10-51700-511 GROUP HEALTH - RETIREES:					1,860.32	
10-52100-210 POLICE MAINTENANCE CONTRACTS						
1560	FP SOLUTIONS LLC	27623	ANNUAL FIRE	08/01/2024	650.00	08/02/2024
5152	JAMES IMAGING SYSTEMS, IN	1470750	MONTHLY PD	08/15/2024	118.36	08/16/2024
Total 10-52100-210 POLICE MAINTENANCE CONTRACTS:					768.36	
10-52100-220 GAS UTILITIES						
536	WE-ENERGIES	07/25/24	0702787382-00008	07/29/2024	148.40	08/02/2024
Total 10-52100-220 GAS UTILITIES:					148.40	

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10-52100-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	07/25/24	0702787382-00015	07/29/2024	29.08	08/02/2024
536	WE-ENERGIES	07/25/24	0702787382-00006	07/29/2024	2,360.53	08/02/2024
Total 10-52100-221 ELECTRIC UTILITIES:					2,389.61	
10-52100-222 TELEPHONE UTILITIES						
892	SPECTRUM	20240801 OTA	8348 10 012 0041845 POLICE	08/15/2024	12.96	08/16/2024
892	SPECTRUM	238770901080124	238770901	08/08/2024	599.00	08/09/2024
2101	IPITOMY COMMUNICATIONS LL	43332	SIP TRUNK 85995	08/05/2024	164.86	08/09/2024
2891	CENTURYLINK-BUSINESS SVC.	700266542	87619173	08/12/2024	.30	08/16/2024
5312	AT & T- VILLAGE	07/22/2024	414 351-8900 758 7	07/31/2024	39.69	08/02/2024
5312	AT & T- VILLAGE	287329447591X071	287329447591-PD	08/01/2024	411.23	08/02/2024
5312	AT & T- VILLAGE	287329447591X081	287329447591-PD	08/26/2024	420.22	08/30/2024
Total 10-52100-222 TELEPHONE UTILITIES:					1,848.26	
10-52100-232 VEHICLE MAINTENANCE						
57	JPMORGAN CHASE BANK NA	07/27/2024	POLICE	08/05/2024	17.41	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	POLICE	08/05/2024	13.99	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	CREDIT	08/05/2024	159.99-	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	CREDIT	08/05/2024	159.99-	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	POLICE	08/05/2024	208.86	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	POLICE	08/05/2024	59.34	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	POLICE	08/05/2024	299.68	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	POLICE	08/05/2024	54.14	08/09/2024
172	Gordie Boucher Ford	146544	REPAIR	08/05/2024	289.67	08/09/2024
Total 10-52100-232 VEHICLE MAINTENANCE:					623.11	
10-52100-233 EQUIPMENT MAINTENANCE						
57	JPMORGAN CHASE BANK NA	07/27/2024	CREDIT	08/05/2024	149.99-	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	POLICE	08/05/2024	9.97	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	POLICE	08/05/2024	149.99	08/09/2024
921	CITY OF GLENDALE	2400010232	TASER/ CARTRIDGE	08/05/2024	300.00	08/09/2024
1271	WI DEPT OF FINANCIAL INST.	20240820KA	BOND RENEWAL	08/27/2024	20.00	08/30/2024
5839	LEXISNEXIS	1246411-20240731	MONTHLY FEE	08/08/2024	30.50	08/09/2024
Total 10-52100-233 EQUIPMENT MAINTENANCE:					360.47	
10-52100-234 BUILDING MAINTENANCE						
57	JPMORGAN CHASE BANK NA	07/27/2024	POLICE	08/05/2024	116.99	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	POLICE	08/05/2024	19.99	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	POLICE	08/05/2024	14.99	08/09/2024
503	VILLAGE HARDWARE - DPS	241328	MISC	08/15/2024	11.69	08/16/2024
503	VILLAGE HARDWARE - DPS	241492	MISC	08/26/2024	73.12	08/30/2024
503	VILLAGE HARDWARE - DPS	241589	SPRAY PAINT	08/26/2024	7.73	08/30/2024
4777	BATTERIES PLUS -	P75261354	12VOLT	08/27/2024	29.85	08/30/2024
Total 10-52100-234 BUILDING MAINTENANCE:					274.36	
10-52100-310 SUPPLIES/EXPENSES						
57	JPMORGAN CHASE BANK NA	07/27/2024	POLICE	08/05/2024	119.88	08/09/2024
Total 10-52100-310 SUPPLIES/EXPENSES:					119.88	
10-52100-330 CLOTHING ALLOWANCE						
57	JPMORGAN CHASE BANK NA	07/27/2024	CREDIT	08/05/2024	6.55-	08/09/2024

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57	JPMORGAN CHASE BANK NA	07/27/2024	POLICE	08/05/2024	44.99	08/09/2024
473	STREICHER'S	1711393	JOHNSON	08/05/2024	59.99	08/09/2024
473	STREICHER'S	1712311	PAUL	08/08/2024	199.99	08/09/2024
473	STREICHER'S	1714805	WALKER	08/26/2024	206.98	08/30/2024
473	STREICHER'S	1714806	PAUL	08/23/2024	61.98	08/30/2024
1294	Galls, LLC,-	028673038	FREEDY	08/05/2024	76.98	08/09/2024
Total 10-52100-330 CLOTHING ALLOWANCE:					644.36	
10-52100-334 JANITORIAL SUPPLIES						
383	PACKERLAND RENT-A-MAT INC.	3136323	POLICE 10586-10586	08/09/2024	158.20	08/16/2024
1585	QUILL CORPORTATION	40001250	PAPER TOWELS	08/29/2024	26.09	08/30/2024
Total 10-52100-334 JANITORIAL SUPPLIES:					184.29	
10-52100-335 SCHOOL EXPENSES						
57	JPMORGAN CHASE BANK NA	07/27/2024	TRAINING	08/05/2024	236.25	08/09/2024
511	WAUKESHA COUNT TECH. COL	S0837046	SCHOOL	08/01/2024	650.00	08/02/2024
5626	KALAHARI RESORT & CONVEN	PUJQSB14	ARENDT	08/01/2024	98.00	08/02/2024
Total 10-52100-335 SCHOOL EXPENSES:					984.25	
10-52200-377 2% FIRE DUES(NSFD)						
54	NORTH SHORE FIRE DEPARTM	2024 FIRE DUES	FIRE DUES	08/12/2024	50,024.36	08/16/2024
Total 10-52200-377 2% FIRE DUES(NSFD):					50,024.36	
10-52520-400 MATERIALS						
502	VILLAGE HARDWARE - VH	241221/1	BATTERY	08/12/2024	21.58	08/16/2024
Total 10-52520-400 MATERIALS:					21.58	
10-53100-233 GIS MAINTENANCE						
39	RUEKERT MIELKE, INC.	152352	ANNUAL	08/05/2024	1,387.00	08/09/2024
Total 10-53100-233 GIS MAINTENANCE:					1,387.00	
10-53100-321 PROFESSIONAL DUES/MEETINGS						
57	JPMORGAN CHASE BANK NA	07/27/2024	ENGINEER	08/05/2024	55.00	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	ENGINEER	08/05/2024	1.24	08/09/2024
Total 10-53100-321 PROFESSIONAL DUES/MEETINGS:					56.24	
10-53300-221 STREET LIGHTS - ELECTRIC						
536	WE-ENERGIES	08/07/2024	0702787382-00001	08/12/2024	208.12	08/16/2024
536	WE-ENERGIES	08/12/2024	0702787382-00013	08/16/2024	18.53	08/30/2024
Total 10-53300-221 STREET LIGHTS - ELECTRIC:					226.65	
10-53300-495 MISCELLANEOUS SUPPLIES & TOOLS						
502	VILLAGE HARDWARE - VH	241246/1	MISC	08/14/2024	8.99	08/16/2024
Total 10-53300-495 MISCELLANEOUS SUPPLIES & TOOLS:					8.99	
10-53400-221 BUS STOP-ELECTRIC						
536	WE-ENERGIES	08/12/2024	0702787382-00016	08/16/2024	16.25	08/30/2024
536	WE-ENERGIES	08/12/2024	0702787382-00005	08/16/2024	16.25	08/30/2024
536	WE-ENERGIES	08/13/2024	0702787382-00003	08/26/2024	18.21	08/30/2024

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Total 10-53400-221 BUS STOP-ELECTRIC:					50.71	
10-53630-370 LANDFILL FEES						
1298	WASTE MANAGEMENT OF WI-M	0001014-1896-8	MSW	08/07/2024	8,531.46	08/09/2024
1298	WASTE MANAGEMENT OF WI-M	0070604-2286-7	GENERATOR	08/07/2024	150.00	08/16/2024
Total 10-53630-370 LANDFILL FEES:					8,681.46	
10-53642-400 MATERIALS						
1298	WASTE MANAGEMENT OF WI-M	0070604-2286-7	YARDWASTE	08/07/2024	913.33	08/16/2024
1298	WASTE MANAGEMENT OF WI-M	0070726-2286-8	YARDWASTE	08/26/2024	774.01	08/30/2024
Total 10-53642-400 MATERIALS:					1,687.34	
10-53700-300 MISCELLANEOUS EXPENSE						
2241	ITU ABSORB TECH, INC	8376403	SHOP	07/29/2024	12.20	08/02/2024
2241	ITU ABSORB TECH, INC	8384166	SHOP	08/12/2024	12.20	08/16/2024
2241	ITU ABSORB TECH, INC	8391956	SHOP	08/26/2024	12.20	08/30/2024
Total 10-53700-300 MISCELLANEOUS EXPENSE:					36.60	
10-53700-341 REPAIR PARTS						
57	JPMORGAN CHASE BANK NA	07/27/2024	SHOP	08/05/2024	34.98	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	SHOP	08/05/2024	86.55	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	SHOP	08/05/2024	213.33	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	STATE CHEMIC	08/05/2024	646.28	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	SHOP	08/05/2024	9.90	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	SHOP	08/05/2024	21.99	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	SHOP	08/05/2024	47.64	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	SHOP	08/05/2024	53.98	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	SHOP	08/05/2024	7.79	08/09/2024
281	LINCOLN CONTRACTORS SUP	J11298	PARTS	07/29/2024	29.88	08/02/2024
281	LINCOLN CONTRACTORS SUP	J12566	MISC	08/06/2024	11.98	08/09/2024
327	MENARD'S - MILWAUKEE	92511	MISC	08/26/2024	5.69	08/30/2024
349	MONROE TRUCK EQUIPMENT	853072	PARTS	07/30/2024	598.53	08/02/2024
436	RITTER TECHNOLOGY LLC	e11976-001	HOSE AND FITTING	08/08/2024	67.89	08/09/2024
502	VILLAGE HARDWARE - VH	12449/3	BLADE	08/15/2024	35.23	08/30/2024
502	VILLAGE HARDWARE - VH	240437/1	MISC HARDWARE	07/29/2024	8.97	08/02/2024
502	VILLAGE HARDWARE - VH	240748/1	NUTS BOLTS	07/29/2024	9.29	08/02/2024
502	VILLAGE HARDWARE - VH	240930/1	SMALL TOOLS	08/06/2024	11.69	08/09/2024
502	VILLAGE HARDWARE - VH	241660/1	NUTS/BOLTS	08/26/2024	23.35	08/30/2024
547	ROLAND MACHINERY	40128145	LUBE SPIN	08/06/2024	81.35	08/09/2024
547	ROLAND MACHINERY	40128232	MISC	08/06/2024	34.06	08/09/2024
631	FACTORY MOTOR PARTS	13-1737141	MISC	07/29/2024	5.27	08/02/2024
631	FACTORY MOTOR PARTS	160-215733	MISC	07/29/2024	110.25	08/02/2024
631	FACTORY MOTOR PARTS	160-215942	BATTERY LESS CORE	07/29/2024	176.86	08/02/2024
631	FACTORY MOTOR PARTS	160-216019	MISC	07/29/2024	58.58	08/02/2024
631	FACTORY MOTOR PARTS	160-216040	MISC	07/29/2024	129.48	08/02/2024
631	FACTORY MOTOR PARTS	160-216549	MISC	07/29/2024	5.27	08/02/2024
631	FACTORY MOTOR PARTS	160-217201	FILTER	08/06/2024	7.35	08/09/2024
631	FACTORY MOTOR PARTS	160-219472	BATTERY LESS CORE	08/26/2024	134.75	08/30/2024
631	FACTORY MOTOR PARTS	160-219615	MISC	08/26/2024	27.60	08/30/2024
631	FACTORY MOTOR PARTS	50-5518285	MISC	08/15/2024	29.74	08/16/2024
665	LAKESIDE INTERNATIONAL TR	1427182P	MISC	07/29/2024	254.40	08/02/2024
665	LAKESIDE INTERNATIONAL TR	1429326P	MISC	08/26/2024	613.94	08/30/2024
665	LAKESIDE INTERNATIONAL TR	1429650P	MISC	08/26/2024	106.40	08/30/2024
665	LAKESIDE INTERNATIONAL TR	1429655P	MISC	08/26/2024	80.22	08/30/2024

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665	LAKESIDE INTERNATIONAL TR	15009015	DEDUCTIBLE	08/13/2024	500.00	08/16/2024
931	RAYS TOWING INC	139811	HEAVY DUTY TOWING	08/15/2024	562.50	08/30/2024
976	GORDIE BOUCHER FORD OF M	746867	MISC PARTS	08/15/2024	56.08	08/16/2024
1042	EJ EQUIPMENT INC	P13102	CABLE	07/29/2024	99.39	08/02/2024
1261	INTERSTATE POWER SYSTEMS	R041048373:01	REPAIR	08/26/2024	2,510.88	08/30/2024
1405	JX PETERBUILT- WAUKESHA	12280826P	FILTERS	08/06/2024	442.93	08/09/2024
4389	BOBCAT PLUS, INC.	IB27823	HOSE	08/06/2024	154.82	08/09/2024
4389	BOBCAT PLUS, INC.	IB28041	HOSE	08/26/2024	319.09	08/30/2024
4389	BOBCAT PLUS, INC.	IB28099	PARTS	08/26/2024	395.21	08/30/2024
102169	TRUCK COUNTRY OF WISCON	R207027087:01	DIAGNOSE	08/26/2024	2,040.87	08/30/2024
102169	TRUCK COUNTRY OF WISCON	X207069527:01	MISC PARTS	08/15/2024	77.14	08/30/2024
Total 10-53700-341 REPAIR PARTS:					10,940.37	
10-53700-342 TIRES						
57	JPMORGAN CHASE BANK NA	07/27/2024	TIRES	08/05/2024	516.00	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	TIRES	08/05/2024	38.97	08/09/2024
Total 10-53700-342 TIRES:					554.97	
10-53700-343 FUEL						
631	FACTORY MOTOR PARTS	160-219615	DEF	08/26/2024	49.44	08/30/2024
2179	EDWARD H. WOLF & SON'S INC	888186	FUEL	07/29/2024	2,806.34	08/02/2024
2179	EDWARD H. WOLF & SON'S INC	888245	FUEL	07/29/2024	1,658.10	08/02/2024
2179	EDWARD H. WOLF & SON'S INC	902264	FUEL	08/12/2024	2,328.10	08/16/2024
2179	EDWARD H. WOLF & SON'S INC	902278	FUEL	08/12/2024	1,833.23	08/16/2024
2179	EDWARD H. WOLF & SON'S INC	915733	FUEL	08/26/2024	2,016.31	08/30/2024
2179	EDWARD H. WOLF & SON'S INC	915748	FUEL	08/26/2024	1,651.58	08/30/2024
Total 10-53700-343 FUEL:					12,143.10	
10-53700-344 OIL						
327	MENARD'S - MILWAUKEE	92511	MISC	08/26/2024	180.24	08/30/2024
776	GRAINGER, INC.	8208770710	OIL	08/15/2024	43.62	08/30/2024
Total 10-53700-344 OIL:					203.86	
10-53700-346 MISC DPW SHOP TOOLS						
502	VILLAGE HARDWARE - VH	240933/1	MISC	08/06/2024	19.72	08/09/2024
5528	TODD A GAULKE AUTHORIZE D	073024120190	MISC	08/06/2024	39.99	08/08/2024
Total 10-53700-346 MISC DPW SHOP TOOLS:					59.71	
10-53800-220 GAS UTILITIES						
536	WE-ENERGIES	7/25/2024	0702787382-00002	07/31/2024	20.76	08/02/2024
Total 10-53800-220 GAS UTILITIES:					20.76	
10-53800-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	7/25/2024	0702787382-00002	07/31/2024	1,487.30	08/02/2024
Total 10-53800-221 ELECTRIC UTILITIES:					1,487.30	
10-53800-222 TELEPHONE UTILITIES						
5312	AT & T- VILLAGE	07/22/2024	414 351-8900 758 7	07/31/2024	55.57	08/02/2024
Total 10-53800-222 TELEPHONE UTILITIES:					55.57	

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10-53800-224 CELL PHONES						
57	JPMORGAN CHASE BANK NA	07/27/2024	APPLE	08/05/2024	.99	08/09/2024
2136	VERIZON WIRELESS	9970448151	787000169-00001	08/12/2024	17.53	08/16/2024
5312	AT & T- VILLAGE	07152024	287334403697 VLG	07/30/2024	126.98	08/02/2024
5312	AT & T- VILLAGE	08152024	287334403697 VLG	08/20/2024	111.77	08/30/2024
Total 10-53800-224 CELL PHONES:					257.25	
10-53800-300 MISCELLANEOUS EXPENSE						
2241	ITU ABSORB TECH, INC	8376405	TOWELS/MATS	07/29/2024	231.86	08/02/2024
2241	ITU ABSORB TECH, INC	8384168	DPW	08/12/2024	36.18	08/16/2024
2241	ITU ABSORB TECH, INC	8391958	TOWELS/MATS	08/26/2024	231.86	08/30/2024
Total 10-53800-300 MISCELLANEOUS EXPENSE:					499.50	
10-53900-324 DRUG TESTING						
5247	CONCENTRA MEDICAL CENTE	1234024397	RANDOM TEST	08/26/2024	128.00	08/30/2024
Total 10-53900-324 DRUG TESTING:					128.00	
10-55200-435 PLAYGROUND MATERIALS						
57	JPMORGAN CHASE BANK NA	07/27/2024	STATE CHEMIC	08/05/2024	426.27	08/09/2024
4888	CARLIN SALES	3060326	MISC	08/23/2024	571.07	08/30/2024
Total 10-55200-435 PLAYGROUND MATERIALS:					997.34	
10-55400-430 LX CLUB MATERIALS						
890	FOX POINT BAYSIDE LX CLUB	7.30.2024	LX CLUB FEES	08/13/2024	200.00	08/16/2024
890	FOX POINT BAYSIDE LX CLUB	8.7.2024	LX CLUB FEES	08/13/2024	375.00	08/16/2024
Total 10-55400-430 LX CLUB MATERIALS:					575.00	
10-55440-220 GAS UTILITIES						
536	WE-ENERGIES	08/12/2024	0702787382-00011	08/16/2024	28.70	08/30/2024
Total 10-55440-220 GAS UTILITIES:					28.70	
10-55440-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	08/12/2024	0702787362-00010	08/16/2024	138.43	08/30/2024
Total 10-55440-221 ELECTRIC UTILITIES:					138.43	
10-55440-450 SKATE RINK MATERIALS						
57	JPMORGAN CHASE BANK NA	07/27/2024	STATE CHEMIC	08/05/2024	476.27	08/09/2024
360	NASSCO INC.	6448933	CLEANER	07/29/2024	173.58	08/02/2024
502	VILLAGE HARDWARE - VH	241508/1	CLEANING	08/21/2024	8.81	08/30/2024
Total 10-55440-450 SKATE RINK MATERIALS:					660.66	
10-56100-125 FORESTRY CONSULTANT						
5933	WACHTEL TREE SCIENCE & SE	139418	FORESTY REQUESTS	08/01/2024	3,231.25	08/02/2024
Total 10-56100-125 FORESTRY CONSULTANT:					3,231.25	
10-56100-465 TREE MAINTENANCE						
502	VILLAGE HARDWARE - VH	240880/1	MISC	07/31/2024	17.99	08/02/2024
776	GRAINGER, INC.	9190876004	FORESTRY	07/31/2024	25.08	08/02/2024
1465	GRAND ARBOR SUPPLY	77547	BLADES	07/26/2024	75.99	08/02/2024

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1465	GRAND ARBOR SUPPLY	77549	MISC	07/25/2024	630.22	08/02/2024
Total 10-56100-465 TREE MAINTENANCE:					749.26	
21-71000-400 MATERIALS						
57	JPMORGAN CHASE BANK NA	07/27/2024	STATE CHEMIC	08/05/2024	2,907.27	08/09/2024
2260	PORT A JOHN	1372665	PORT A JOHN	07/28/2024	113.00	08/02/2024
2260	PORT A JOHN	1373827	PORTAJOHN	08/26/2024	113.00	08/30/2024
Total 21-71000-400 MATERIALS:					3,133.27	
21-72000-220 GAS UTILITIES						
536	WE-ENERGIES	08/12/2024	0702787382-00004	08/16/2024	11.78	08/30/2024
Total 21-72000-220 GAS UTILITIES:					11.78	
21-72000-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	08/12/2024	0702787382-00007	08/16/2024	22.28	08/30/2024
536	WE-ENERGIES	08/12/2024	0702787382-00004	08/16/2024	76.20	08/30/2024
Total 21-72000-221 ELECTRIC UTILITIES:					98.48	
21-72000-229 ALARM						
482	CATTRON NORTH AMERICA	50IV24010404	REMOTE PREMIER SERV	08/12/2024	625.00	08/16/2024
Total 21-72000-229 ALARM:					625.00	
21-73000-226 MMSD CHARGES						
290	MMSD	160-24	MAY 01-JULY 31	08/16/2024	139,709.43	08/30/2024
Total 21-73000-226 MMSD CHARGES:					139,709.43	
21-73000-310 SUPPLIES/EXPENSES						
415	POSTMASTER	3RD Q WATER PO	3rd Quarter Water Bill Postage	08/20/2024	508.59	08/20/2024
Total 21-73000-310 SUPPLIES/EXPENSES:					508.59	
21-73000-400 MATERIALS						
50	BADGER METER, INC.	80167500	MOB UNIT	07/30/2024	688.39	08/09/2024
5312	AT & T- VILLAGE	07152024	287334403697 VLG	07/30/2024	70.21	08/02/2024
5312	AT & T- VILLAGE	08152024	287334403697 VLG	08/20/2024	70.21	08/30/2024
Total 21-73000-400 MATERIALS:					828.81	
21-91000-871 TELEVISIONING						
256	KAPUR & ASSOCIATES, INC.	126744	CCTV	08/05/2024	10,875.00	08/09/2024
Total 21-91000-871 TELEVISIONING:					10,875.00	
21-91000-888 SEWER SYSTEM IMPROVEMENTS						
256	KAPUR & ASSOCIATES, INC.	126746	SANITARY	08/05/2024	500.00	08/09/2024
256	KAPUR & ASSOCIATES, INC.	126775	MANHOLE	08/05/2024	4,671.07	08/09/2024
2121	STRUCTURED SOLUTIONS, LL	pay app 1	SANITARY MANHOLE REHAB	08/06/2024	76,136.50	08/09/2024
2121	STRUCTURED SOLUTIONS, LL	pay app 2	SANITARY MANHOLE REHAB	08/06/2024	63,406.58	08/09/2024
Total 21-91000-888 SEWER SYSTEM IMPROVEMENTS:					144,714.15	

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	Date Paid
22-53650-210 CONTRACT SERVICES						
1299	WASTE MANAGEMENT OF WI-M	IAC5774275	RECYCLING	08/16/2024	3,007.96	08/30/2024
Total 22-53650-210 CONTRACT SERVICES:					3,007.96	
22-53800-310 SUPPLIES/EXPENSES						
5312	AT & T- VILLAGE	08152024	287334403897 VLG	08/20/2024	39.85	08/30/2024
Total 22-53800-310 SUPPLIES/EXPENSES:					39.85	
23-55420-220 GAS UTILITIES						
536	WE-ENERGIES	07/16/24	0702787382-00012	07/29/2024	9.90	08/02/2024
536	WE-ENERGIES	08/13/2024	0702787382-00012	08/26/2024	10.89	08/30/2024
Total 23-55420-220 GAS UTILITIES:					20.79	
23-55420-221 ELECTRIC UTILITIES						
536	WE-ENERGIES	07/16/24	0702787382-00012	07/29/2024	54.84	08/02/2024
536	WE-ENERGIES	08/13/2024	0702787382-00012	08/26/2024	55.34	08/30/2024
Total 23-55420-221 ELECTRIC UTILITIES:					110.18	
24-52400-210 CONTRACT SERVICES						
2256	SAFEBUILT	541482	INSPECTIONS	07/31/2024	583.68	08/09/2024
Total 24-52400-210 CONTRACT SERVICES:					583.68	
24-52400-224 CELL PHONES						
5312	AT & T- VILLAGE	07152024	287334403697 VLG	07/30/2024	29.92	08/02/2024
5312	AT & T- VILLAGE	08152024	287334403697 VLG	08/20/2024	29.92	08/30/2024
Total 24-52400-224 CELL PHONES:					59.84	
24-52400-321 PROFESSIONAL DUES/MEETINGS						
57	JPMORGAN CHASE BANK NA	07/27/2024	INSPECTOR	08/05/2024	120.00	08/09/2024
Total 24-52400-321 PROFESSIONAL DUES/MEETINGS:					120.00	
25-53420-400 MATERIALS						
280	LIESENER SOILS INC.	0223449	SOIL	08/05/2024	840.00	08/09/2024
327	MENARD'S - MILWAUKEE	91185	MISC	07/29/2024	22.98	08/02/2024
327	MENARD'S - MILWAUKEE	91186	MISC	07/29/2024	24.49	08/02/2024
327	MENARD'S - MILWAUKEE	91929	MISC	08/12/2024	8.98	08/16/2024
502	VILLAGE HARDWARE - VH	241100/1	PARTS	08/12/2024	17.26	08/16/2024
502	VILLAGE HARDWARE - VH	241603/1	PARTS	08/26/2024	17.26	08/30/2024
1273	WOLF PAVING CO. INC.	48138	GRADE 5	08/23/2024	284.00	08/30/2024
4888	CARLIN SALES	3059420-00	MISC	08/06/2024	972.99	08/09/2024
5410	UNITED STONE CORP.	32100	CUTWALL	08/29/2024	2,000.00	08/30/2024
8930	WESTERN CULVERT & SUPPLY	071097	PARTS	08/12/2024	214.39	08/16/2024
Total 25-53420-400 MATERIALS:					4,402.35	
25-53800-210 CONTRACT SERVICES						
5312	AT & T- VILLAGE	07152024	287334403697 VLG	07/30/2024	70.21	08/02/2024
5312	AT & T- VILLAGE	07152024	287334403697 VLG	07/30/2024	39.85	08/02/2024
5312	AT & T- VILLAGE	08152024	287334403697 VLG	08/20/2024	70.21	08/30/2024

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Total 25-53800-210 CONTRACT SERVICES:					180.27	
25-53800-233 GIS MAINTENANCE						
39	RUEKERT MIELKE, INC.	152352	ANNUAL	08/05/2024	681.00	08/09/2024
39	RUEKERT MIELKE, INC.	152692	MAINTENANCE & MAPPING	08/05/2024	2,254.25	08/09/2024
Total 25-53800-233 GIS MAINTENANCE:					2,935.25	
25-53800-234 GREEN INFRASTRUCT MAINTENANCE						
2824	MAREK LANDSCAPING	5682	MIXED INVASIVES	07/26/2024	3,303.20	08/02/2024
2824	MAREK LANDSCAPING	5699	TREE SEEDLINGS	08/15/2024	1,721.65	08/16/2024
Total 25-53800-234 GREEN INFRASTRUCT MAINTENANCE:					5,024.85	
25-55410-310 SUPPLIES/EXPENSES						
415	POSTMASTER	3RD Q WATER PO	3rd quarter Water Bill Postage	08/20/2024	508.59	08/20/2024
Total 25-55410-310 SUPPLIES/EXPENSES:					508.59	
25-91500-800 WPDES COMPLIANCE PROGRAM						
221	PROPET DISTRIBUTORS INC.	146863	DOG BAGS	08/27/2024	124.60	08/30/2024
Total 25-91500-800 WPDES COMPLIANCE PROGRAM:					124.60	
25-91500-833 STORM SEWER SYSTEM IMPROVE.						
535	MUNICIPAL LAW & LITIGATION	12605	VLG ATTORNEY	08/05/2024	1,317.60	08/09/2024
Total 25-91500-833 STORM SEWER SYSTEM IMPROVE.:					1,317.60	
25-91500-835 STORM SEWER SYSTEM (MISC)						
256	KAPUR & ASSOCIATES, INC.	126589	GI INSPECTION	08/05/2024	5,155.77	08/09/2024
1630	MJ CONSTRUCTION INC.	7.16.2024	BEACH DR WATERMAIN	08/15/2024	8,746.52	08/16/2024
Total 25-91500-835 STORM SEWER SYSTEM (MISC):					13,902.29	
30-58100-312 BORROWING EXPENSE						
125	MOODY'S INVESTORS SERVIC	GO PROMISSORY	GO PROMISSORY NOTE 2024	08/20/2024	20,000.00	08/20/2024
253	HUSCH BLACKWELL LLP	GO PROMISSORY	GO PROMISSORY NOTE 2024	08/20/2024	20,500.00	08/20/2024
806	ROBERT W. BAIRD & CO	GO PROMISSORY	GO PROMISSORY NOTE 2024	08/20/2024	27,500.00	08/20/2024
Total 30-58100-312 BORROWING EXPENSE:					68,000.00	
40-91000-878 VOTING SYSTEM						
774	ELECTION SYSTEMS & SOFTW	CD2095961	SCANNER	08/15/2024	7,660.00	08/16/2024
Total 40-91000-878 VOTING SYSTEM:					7,660.00	
40-91100-816 SMALL EQUIPMENT PURCHASES						
2620	SIRCHIE FINGER PRINT LAB, IN	0658705IN	TEST KITS	08/15/2024	104.20	08/16/2024
Total 40-91100-816 SMALL EQUIPMENT PURCHASES:					104.20	
40-91200-801 SQUAD CARS						
57	JPMORGAN CHASE BANK NA	07/27/2024	MISC	08/05/2024	485.16	08/09/2024
904	CKC GRAPHICS & SIGNS	7330	SQUAD LETTERING	08/26/2024	1,125.00	08/30/2024

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	Date Paid
Total 40-91200-801 SQUAD CARS:					1,610.16	
40-91500-801 STREET RESURFACING						
535	MUNICIPAL LAW & LITIGATION	12305	VLG ATTORNEY	08/05/2024	979.60	08/09/2024
574	UPI, LLC	pay app 3	BRADLEY RD	08/29/2024	86,330.63	08/30/2024
1073	WI DEPT. OF TRANSPORTATIO	395-0000361812	DESIGN	08/15/2024	13,240.10	08/16/2024
1298	WASTE MANAGEMENT OF WI-M	0070726-2286-8	GENERATOR	09/26/2024	10,425.34	08/30/2024
2016	BAXTER & WOODMAN INC.	0261654	BRADLEY RD	08/05/2024	12,512.01	08/09/2024
2027	JESSICA NAST-ROBINETTE GIF	parcel 1	EASEMENT	08/01/2024	4,000.00	08/12/2024
2037	SCHWAB, KATHY	parcel 11	EASEMENT	07/30/2024	4,800.00	08/12/2024
Total 40-91500-801 STREET RESURFACING:					132,287.68	
40-91600-800 STORMWATER ROAD PROJECT						
256	KAPUR & ASSOCIATES, INC.	126743	LAKE DR	08/05/2024	2,577.00	08/09/2024
256	KAPUR & ASSOCIATES, INC.	126745	LAKE DR	08/05/2024	1,250.00	08/09/2024
574	UPI, LLC	pay app 3	BRADLEY RD	08/29/2024	695,268.11	08/30/2024
2016	BAXTER & WOODMAN INC.	0261654	BRADLEY RD	08/05/2024	25,024.00	08/09/2024
Total 40-91600-800 STORMWATER ROAD PROJECT:					724,119.11	
40-91600-833 TREE REPLACEMENT						
516	M & M TREE CARE LLC	42628	TREE INJECTIONS	08/22/2024	31,231.20	08/30/2024
2824	MAREK LANDSCAPING	5700	WOODY INVASIVE	08/15/2024	1,304.16	08/16/2024
Total 40-91600-833 TREE REPLACEMENT:					32,535.36	
40-91600-849 BEACH DRIVE-SHORELINE EROSION						
983	MSA PROFESSIONAL SVCS, IN	R17951003.0-23 B	SHORELINE REPAIRS	08/28/2024	2.00	08/30/2024
101644	TAPCO	1784209	SIGNS	08/07/2024	568.00	08/30/2024
Total 40-91600-849 BEACH DRIVE-SHORELINE EROSION:					560.00	
50-53100-233 GIS MAINTENANCE						
39	RUEKERT MIELKE, INC.	152692	MAINTENANCE & MAPPING	08/05/2024	1,901.25	08/09/2024
Total 50-53100-233 GIS MAINTENANCE:					1,901.25	
50-81000-601 SOURCE OF WATER SUPPLY						
378	NORTH SHORE WATER COMMI	100	MONTHLY	08/01/2024	22,939.74	08/02/2024
Total 50-81000-601 SOURCE OF WATER SUPPLY:					22,939.74	
50-81000-640 OPERATIONS LABOR WATER MAINS						
2839	CITY WATER LLC	1118	HOURLY	08/05/2024	975.00	08/09/2024
2839	CITY WATER LLC	1118	MONTHLY MANAGEMENT FEE	08/05/2024	6,300.00	08/09/2024
Total 50-81000-640 OPERATIONS LABOR WATER MAINS:					7,275.00	
50-81000-641 OPERATIONS SUPPLY AND EXPENSE						
57	JPMORGAN CHASE BANK NA	07/27/2024	WATER DEPT	08/05/2024	16.36	08/09/2024
57	JPMORGAN CHASE BANK NA	07/27/2024	WATER DEPT	08/05/2024	68.53	08/09/2024
Total 50-81000-641 OPERATIONS SUPPLY AND EXPENSE:					84.89	
50-81000-651 MAINTENANCE OF MAINS						
280	LIESENER SOILS INC.	0223449	SOIL	08/05/2024	840.00	08/09/2024

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474	CORE & MAIN LP	V228600	PARTS	07/11/2024	145.39	08/02/2024
474	CORE & MAIN LP	V380680	DESCALER	08/05/2024	250.00	08/30/2024
474	CORE & MAIN LP	V404135	REP CLP	08/08/2024	310.00	08/30/2024
502	VILLAGE HARDWARE - VH	240708/1	WATER DEPT	07/25/2024	5.03	08/02/2024
502	VILLAGE HARDWARE - VH	240948/1	WATER DEPT	08/01/2024	12.58	08/09/2024
1273	WOLF PAVING CO. INC.	47700	5LTS	07/31/2024	494.00	08/02/2024
1273	WOLF PAVING CO. INC.	48138	GRADE 5	08/23/2024	284.00	08/30/2024
1572	ROZGA PLUMBING & HEATING	20241532	1208 E GOODRICH	04/30/2024	9,670.00	08/02/2024
2241	ITU ABSORB TECH, INC	8376404	WATER	07/29/2024	47.87	08/02/2024
2241	ITU ABSORB TECH, INC	8384167	WATER DEPT	08/12/2024	8.80	08/16/2024
2241	ITU ABSORB TECH, INC	8391957	WATER	06/26/2024	47.87	08/30/2024
101806	USA BLUEBOOK	INV00442273	TAPE	08/02/2024	100.97	08/30/2024
Total 50-81000-651 MAINTENANCE OF MAINS:					12,216.51	
50-81000-654 MAINTENANCE OF HYDRANTS						
502	VILLAGE HARDWARE - VH	240980/1	WATER DEPT	06/02/2024	17.93	08/09/2024
101806	USA BLUEBOOK	INV00415592	MARKER	07/08/2024	119.15	08/02/2024
Total 50-81000-654 MAINTENANCE OF HYDRANTS:					137.08	
50-81000-800 CAPITAL OUTLAY						
574	UPI, LLC	pay app 3	BRADLEY RD	08/29/2024	58,319.97	08/30/2024
2016	BAXTER & WOODMAN INC.	0261654	BRADLEY RD	08/05/2024	12,512.01	08/09/2024
Total 50-81000-800 CAPITAL OUTLAY:					70,831.98	
50-81000-844 NSWC CAPITAL PROJECTS						
378	NORTH SHORE WATER COMMI	08/14/24 UNATTEN	UNATTENDED OPER	08/15/2024	897.34	08/16/2024
378	NORTH SHORE WATER COMMI	8/14/24 BASIN 5	BASIN	08/15/2024	2,203.01	08/16/2024
378	NORTH SHORE WATER COMMI	8/14/24 KLODE	KLODE	08/15/2024	2,477.87	08/16/2024
Total 50-81000-844 NSWC CAPITAL PROJECTS:					5,578.32	
50-81000-903 SUPPLIES AND EXPENSE						
50	BADGER METER, INC.	80167500	MOB UNIT	07/30/2024	688.39	08/09/2024
Total 50-81000-903 SUPPLIES AND EXPENSE:					688.39	
50-81000-921 OFFICE SUPPLIES AND EXPENSE						
57	JPMORGAN CHASE BANK NA	07/27/2024	APPLE	08/05/2024	.99	08/09/2024
415	POSTMASTER	3RD Q WATER PO	3rd Quarter Water Bill Postalge	08/20/2024	508.59	08/20/2024
2136	VERIZON WIRELESS	9970448151	787000169-00001	08/12/2024	17.53	08/16/2024
5312	AT & T- VILLAGE	07152024	287334403697 VLG	07/30/2024	132.73	08/02/2024
5312	AT & T- VILLAGE	08152024	287334403697 VLG	08/20/2024	132.73	08/30/2024
Total 50-81000-921 OFFICE SUPPLIES AND EXPENSE:					792.57	
50-81000-930 MISC GENERAL EXPENSE						
900	AWWA	Q	7002236883	MEMBERSHIP	06/17/2024	430.00
Total 50-81000-930 MISC GENERAL EXPENSE:					430.00	
70-12100 TAXES RECEIVABLES						
2117	SCHMIDT, DENNIS R	36388	OVERPAYMENT	07/31/2024	9.00	08/02/2024
Total 70-12100 TAXES RECEIVABLES:					9.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Amount Paid	Date Paid
Grand Totals:					1,580,498.9	

Date Approved: _____

Village Manager: _____

Village Board: _____

Municipal LAW

& L I T I G A T I O N G R O U P

DALE W. ARENZ (1935-2022)
DONALD S. MOLTER, JR. (Retired)
JOHN P. MACY
H. STANLEY RIFFLE (Court Commissioner)
ERIC J. LARSON
REMZY D. BITAR

730 N. GRAND AVENUE
WAUKESHA, WISCONSIN 53186
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LUCAS C. LOGIC
GREGORY M. PROCOPIO
BENJAMIN T. CROCKETT
ADAM J. MEYERS
SAVANNA M. GAIN

STEPHEN J. CENTINARIO, JR.
MICHAEL J. MORSE
JAMES P. WALSH

August 29, 2024

Scott Brandmeier, DPW Director
Village of Fox Point
7200 N Santa Monica Blvd.
Fox Point, WI 53217

**Re: Floodplain Zoning Ordinance Update
Revised Draft**

Dear Mr. Brandmeier:

I received your proposed changes to the floodplain ordinance and your request that I prepare a revised Ordinance in this regard. I have had an opportunity to carefully consider this matter.

Enclosed please find a revised draft of the ordinance that I prepared for your consideration. I have updated the ordinance to reflect the numbering of the Village Code. Please find a revised draft marked to show certain changes and recommendations in this regard. I incorporated the changes recommended by Tanya Lourigan of the DNR. Please note that beginning on page 23, there is language related to 2019 Wisconsin Act 175 that the DNR describes as being optional to include. At this time, I incorporated this language into the draft ordinance. However, please note that I did not incorporate the language required for the Village to be subject to the Community Rating System, which is a voluntary federal program, and requires higher standards in the ordinance. I am also enclosing a clean copy for your use.

If you should have any questions or concerns regarding this matter, please do not hesitate to contact me.

Very truly yours,
MUNICIPAL LAW & LITIGATION GROUP, S.C.

Eric J. Larson

Eric J. Larson

EJL/BTC/em
Enclosure

cc: Scott Botcher, Village Manager
Sara Bruckman, Village Clerk/Treasurer

MUNICIPAL LAW & LITIGATION GROUP, S.C.
ARENZ, MOLTER, MACY, RIFFLE, LARSON & BITAR

STATE OF WISCONSIN

VILLAGE OF FOX POINT

MILWAUKEE COUNTY

ORDINANCE NO. _____

**AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 724 RELATING TO
FLOODPLAIN ZONING OF THE MUNICIPAL CODE OF THE VILLAGE OF FOX POINT.
MILWAUKEE COUNTY, WISCONSIN**

WHEREAS, the Director of Public Works has recommended that the Village of Fox Point Floodplain Ordinance be amended to be consistent with the Wisconsin Department of Natural Resources model floodplain ordinance, and the Village Attorney has drafted the enclosed ordinance to do so; and

WHEREAS, upon publication of a Class 2 Notice per Chapter 985 Wisconsin Statutes once each week for two consecutive weeks prior to the hearing, and upon at least 10 days prior written notice to the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the proposed Zoning Code territory as required by Wisconsin Statutes Section 62.23(7)(d), the Village Board held a public hearing regarding the tentative recommendations, on _____; and

WHEREAS, the Plan Commission has recommended the ordinance be adopted; and

WHEREAS, this ordinance will not take effect until it is approved by the State of Wisconsin Department of Natural Resources as described in Section NR 116.21(6)(e) of the Wisconsin Administrative Code; and

WHEREAS, upon careful consideration of all information received in the public hearing, the Plan Commission recommendation and being duly advised, the Village Board finds that the Village of Fox Point Floodplain should be repealed and re-created as shown herein.

NOW THEREFORE, the Village Board for the Village of Fox Point, Milwaukee County, Wisconsin does hereby ordain as follows:

SECTION 1: Chapter 724 of the Municipal Code of the Village of Fox Point entitled "Floodplain Zoning" is hereby repealed and re-created as follows.

CHAPTER 724: FLOODPLAIN ZONING

ARTICLE 1 GENERAL PROVISIONS

724-1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in §§ 61.35 and 62.23, Wis. Stats., and the requirements in § 87.30, Wis. Stats., as a code pursuant to § 66.0103, Wis. Stats.

724-2 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.

724-3 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.

724-4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for the Village of Fox Point, Wisconsin.

724-5 AREAS TO BE REGULATED

This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, 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.

724-6 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 Director of Public Works of the Village of Fox Point.

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

1. Flood Insurance Rate Map (FIRM), panel number, 55079C0041F, 55079C0042F, 55079C0043F, and 55079C0044F dated October 24, 2024;

Flood Insurance Study (FIS) for Milwaukee County, Volumes 55079CV001B, 55079CV002B, 55079CV003B, 55079CV004B, 55079CV005B, 55079CV006B, dated October 24, 2024.

Approved by: The DNR and FEMA

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

724-7 ESTABLISHMENT OF 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 Section 724-31 .
- 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 Section 724-31, 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.

724-8 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 Article VIII *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 Section 724-38(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 Article VIII *Amendments*.

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

724-9 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 Article VIII *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 Zoning 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.

724-10 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 Article IX .
- c) Floodplain development permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Zoning Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Article IX.

724-11 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 Zoning 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.

724-12 ABROGATION AND GREATER RESTRICTIONS

- a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 61.35; 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.

724-13 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.

724-14 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.

724-14.5 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.

724-15 ANNEXED AREAS FOR CITIES AND VILLAGES

The Milwaukee 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.

724-16 GENERAL DEVELOPMENT STANDARDS

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 Section 724-36(2).

ARTICLE II: GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

724-17 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 Article VIII *Amendments* are met.

724-18 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 Section 724-17 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 Article VIII *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.

724-19 Development Requiring State Permit

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 Article VIII *Amendments*.

724-20 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 Article III, IV, or V, or Section 724-31.5 or 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 724-20(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 724-20 or meet the applicable requirements in Article III, IV, V, Section 724-31.5 , or 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 724-20(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 724-20(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 724-20(4) .

12) A land use permit shall be obtained as provided under Section 724-36(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.

ARTICLE III: FLOODWAY DISTRICT (FW)

724-21 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Section 724-31 .

724-22 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 Sections 724-23 and 724-24 ; and

- all permits or certificates have been issued according to Section 724-36.
- 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 Section 724-23(4).
- 4) Uses or structures accessory to open space uses or classified as historic structures that comply with Sections 724-23 and 724-24 .
- 5) Extraction of sand, gravel or other materials that comply with Section 723-23(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 Section 723-23(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.

724-23 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY

- 1) GENERAL
 - a. Any development in the floodway shall comply with Section 724-16 and Article II 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 Sections 724-17 and 724-36(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 Section 724-23(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 Section 724-9.

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 724-23(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 724-23(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 Sections 724-23(2)(a) through 724-23(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 723-24(4) 723-24(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 Section 724-17.

4) FILLS OR DEPOSITION OF MATERIALS

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

- a. The requirements of Section 724-17 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.

724-24 PROHIBITED USES

All uses not listed as permitted uses in Section 724-22 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.

ARTICLE IV: FLOODFRINGE DISTRICT (FF)

724-25 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Section 724-31 .

724-26 PERMITTED USES

Any structure, land use, or development is allowed in the Floodfringe District if the standards in Section 724-27 are met, the use is not prohibited by this, or any other ordinance or regulation and all permits or certificates specified in Section 724-36 have been issued.

724-27 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

Section 724-16 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Article VI *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;

- 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 Section 724-9.
- b) Notwithstanding Section 724-27(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 Section 724-16 , 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 Section 724-16 , any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of Section 724-27(1) . Subject to the requirements of Section 724-27(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 Section 724-16 , 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 Section 724-40 . Subject to the requirements of Section 724-27(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 Section 724-40. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

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

- a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with Section 724-40.

- 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 Section 724-40(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 Section 724-40(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 Section 724-27(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 Sections 724-27(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.

ARTICLE V: GENERAL FLOODPLAIN DISTRICT (GFP)

724-28 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 Section 724-6(a) .

724-28.5 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 Section 724-6(a) , the boundaries of the regulatory floodway shall be determined pursuant to Section 724-31 . If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of Article III . If the development is located entirely within the floodfringe, the development is subject to the standards of Article IV .

724-29 PERMITTED USES

Pursuant to Section 724-31 it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (Section 724-22) and Floodfringe (Section 724-26) Districts are allowed within the General Floodplain District, according to the standards of Section 724-30 provided that all permits or certificates required under Section 724-36 have been issued.

724-30 STANDARDS FOR DEVELOPMENT

Article III applies to floodway areas, determined to pursuant to Section 724-31 ; Article IV applies to floodfringe areas, determined to pursuant to Section 724-31 .

- 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 feet (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 Article IV applicable to flood fringe areas.

724-31 DETERMINING FLOODWAY AND FLOOD-FRIDGE 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 Section 724-36(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.

724-31.25 [Reserved]

724-31.5 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 Section 724-7(d) or a regulatory floodway identified pursuant to Section 724-31, extends into a Coastal Floodplain District, development shall comply with the standards of Article III and Section 724-31.5.

(2) STANDARDS FOR DEVELOPMENT IN THE COASTAL FLOODPLAIN DISTRICT

Development in the CFD district shall meet the requirements of Article II:

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 runoff, 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 Section 724-31.5(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 Section 724-31.5(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 Sections 724-31.5(2)(A) through Sections 724-31.5(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 Sections 724-31.5(2)(a) through 724-31.5(2)(g) inclusive

ARTICLE VI NONCONFORMING USES

724-32 GENERAL PROVISIONS

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 Section 724-27(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 Section 724-27(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 Section 724-27(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 Section 724-40(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 Section 724-30.
- 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 Section 724-32(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 Sections 724-40(1) or (2).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Section 724-30.
- 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 Section 724-23(1) , flood resistant materials are used, and construction practices and floodproofing methods that comply with Section 724-40 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Section 724-32(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 Article II;
- d) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of 724-23(1) , 724-23(2)(b) through (e), 724-23(3), 724-23(4), and 724-33. 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 724-31. If the encroachment is in the floodway, it must meet the standards in Section 724-23(4) ;
- e) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of 724-27 and 724-34;
- 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 Section 724-32(4)(g) .
 - 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 Section 724-32(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 Sections 724-32(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 724-31. If the encroachment is in the floodway, it must meet the standards in Section 724-

- 23(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 724-31 . If the encroachment is in the floodway, it must meet the standards in Section 724-23(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 Section 724-32(4)(g) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

724-33 FLOODWAY AREAS

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - a) Has been granted a permit or variance which meets all ordinance requirements;
 - b) Meets the requirements of Section 724-32;
 - c) Shall not increase the obstruction to flood flows or regional flood height;
 - d) Any addition to the existing structure shall be floodproofed, pursuant to Section 724-40, 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, Section 724-40(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, Section 724-40(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

724-34 FLOOD-FRIDGE AREAS

- 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 Section 724-27 except where Section 724-34(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 Appeals, using the procedures established in Section 724-38, 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 Section 724-27(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, Section 724-40(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, Section 724-40(3) and ch. NR 811 and NR 812, Wis. Adm. Code.

724-34.25 [Reserved]

724-34.5 6.5 COASTAL FLOODPLAIN DISTRICT (CFD)

- 1) New construction and substantial improvement shall meet the standards of Section 724-31.5.
- 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 Section 724-31.5.

ARTICLE VII: ADMINISTRATION

724-35 GENERAL PROVISIONS.

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.

724-36 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 Section 724-31.5.
- 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 Article III or Article IV 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 Section 724-17. This may include any of the information noted in Section 724-23 .

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 Section 724-40 are met.
- e) Where applicable pursuant to Section 724-30, 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 Section 724-30, 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 Section 724-30.

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.

724-37 PLAN COMMISSION

- 1) The Village of Fox Point Plan Commission shall:
 - a) oversee the functions of the office of the Zoning Administrator; and
 - b) review and advise the governing body on all proposed amendments to this ordinance, maps, and text.
 - c) publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place, and subject of the public hearing.
- 2) The Village of Fox Point Plan Commission 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.

724-38 BOARD OF APPEALS

The Board of Appeals created under s. 62.23(7)(e), Stats., 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 and the Milwaukee Metropolitan Sewerage District 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 Section 724-38(3);
- b. Decide variance applications according to Section 724-38(4); and
- c. Decide appeals of permit denials according to Section 724-39 .

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 *Article VIII 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 Section 724-3 .
- 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 Article VIII *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.

724-39 APPEALS OF PERMIT DENIALS

- (1) The Board of Appeals shall review all data related to the appeal. This may include:
- a. Permit application data listed in Section 724-36(2) ;
 - b. Floodway/floodfringe determination data in Section 724-31 ;
 - c. Data listed in Section 724-23(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 of Appeals with the appeal.
- (2) For appeals of all denied permits the Board of Appeals shall:
- a. Follow the procedures of Section 724-38 ;
 - 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 of Appeals shall:
- a. Uphold the denial where the Board of Appeals 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 Article VIII *Amendments*; and

- b. Grant the appeal where the Board of Appeals agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

724-40 FLOODPROOFING

- (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 Articles II, III, IV, V, or Section 724-31.5 .
- (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.

724-41 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.

ARTICLE VIII: AMENDMENTS

724-41.5 AMENDMENTS FOR OBSTRUCTIONS OR INCREASES

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 Section 724-42 .

- (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 Section 724-42. 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 Section 724-42.

724-42 ACTIONS REQUIRING AMENDMENT

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in Section 724-43 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 Section 724-6(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.

724-43 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats. The petitions shall include all data required by Section 724-31 and 724-36(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.
- (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.

ARTICLE IX: ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the Village 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.

ARTICLE X: TERMINOLOGY

724-45 WORD USAGE; 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.

B. For purposes of the chapter, the following terms shall be defined as follows:

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 runoff.
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 Section 724-31.5(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 Village of Fox Point, Milwaukee County, Wisconsin.
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.
90. **ZONING ADMINISTRATOR** – shall mean the individual with the powers and duties granted in Section 724-36.

SECTION 2: CONTINUATION OF EXISTING PROVISIONS.

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: DNR REVIEW.

The Village Clerk is directed to refer this ordinance to the Wisconsin Department of Natural Resources for their review per NR 116.21(6) of the Wisconsin Administrative Code.

SECTION 5: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law, upon the approval by the Village Board of the Village of Fox Point, Milwaukee County, Wisconsin as required by Wisconsin Statutes §61.50, immediately following approval of this ordinance by the State of Wisconsin Department of Natural Resources per Section NR 116.21 (6)(e) of the Wisconsin Administrative Code.

Passed and approved this _____ day of _____ 2024.

VILLAGE OF FOX POINT

By: _____
Christine Symchych, Village President

ATTEST:

Sara Bruckman, Village Clerk/Treasurer



VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

VILLAGE HALL

7200 N. SANTA MONICA
BLVD.

FOX POINT WI 53217-3505

414-351-8900

FAX 414-351-8909

To: Village of Fox Point Village Board

From: Scott Brandmeier, Director of Public Works *SB*

Through: Scott Botcher, Village Manager *SAR*

Date: September 5, 2024

Re: Recommendation for Acceptance of Proposal for Design for the 2026 Yates, Thorne, and Bell Road and Utility Reconstruction Project

The proposed 2026 Capital Improvement Program includes the replacement of the water main, reconstruction of the roads and replacement of storm sewer pipes, cross culverts and ditch re-grading along Yates Road from Santa Monica Boulevard north to Green Tree, Thorne Road and Bell Road from Lake Drive to Calumet Road.

A request for proposal (RFP) was submitted to seven local consulting firms – Baxter & Woodman, MSA, Graef, Sigma, Strand, Ruekert & Mielke, and Kapur & Associates – requesting that they provide a proposal for the design activities associated with the project. Five of the seven consultants submitted a proposal addressing the various tasks (Strand and Ruekert & Mielke did not submit a proposal) with the cost of the proposals ranging from approximately \$169,000 up to \$388,000. After reviewing the proposals, each of the consultants are fairly similar in terms of the level of effort and are capable of performing the work.

In evaluating each proposal, I look at not only the cost associated with the project but the number of staff hours the consultant proposes to complete the work. With the exception of one proposal, the cost estimates to perform the work are well under that which is proposed to be budgeted for design in 2025 (\$300,000 as presented at the August 2024 Village Board meeting). Please note that approximately 25 percent of the work is expected to be completed in 2024 so that we can get a head start on the survey work and reach out to the utilities that may be in conflict with the planned reconstruction project.

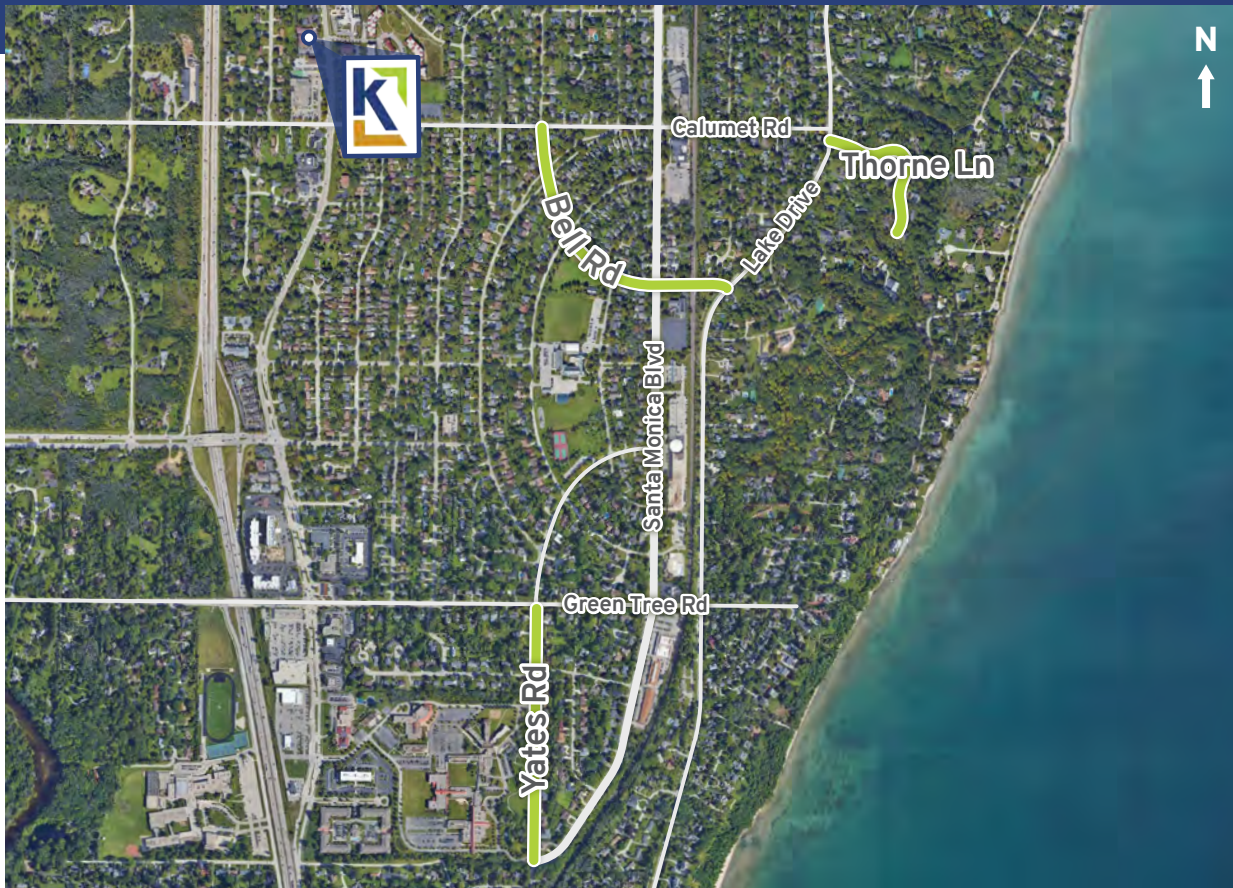
Of the proposals received, Kapur & Associates submitted the lowest cost proposal but appears to have adequate hours allocated to the project (see below for the comparison of proposals submitted to the Village. Therefore, it is my recommendation that the Village Board accept the proposal of Kapur & Associates in an amount not to exceed \$168,705 for the design services associated with the project and that the Village Board authorize the Village President and Village Clerk to sign the contract on behalf of the Village subject to the review of the Village Attorney.

Consultant	Hours	Fees
Kapur & Associates	1,286	\$168,705
Baxter & Woodman	1,440	\$198,458
Sigma	1,441	\$222,940
MSA	1,316	\$229,755
Graef	2,297	\$387,895

Proposal to Provide Design and Bid Documents

Yates Road, Bell Road, and Thorne Lane Reconstructions

Fox Point, WI | August 22, 2024



Presented To:

Scott Brandmeier, PE
Director of Public Works
Village of Fox Point
7200 N Santa Monica Boulevard
Fox Point, WI 53217

Presented By:

Yuriy Amelyan, PE
Associate/Project Manager
Kapur & Associates, Inc.

August 22, 2024

Scott Brandmeier, PE
Director of Public Works/Village Engineer
Village of Fox Point
7200 N Santa Monica Boulevard
Fox Point, WI 53217

RE: RFP to Provide Consulting Engineering Services for the Yates, Bell, & Thorne Road Reconstructions

Dear Mr. Brandmeier,

Kapur & Associates, Inc. (Kapur) is pleased to submit our proposal for preparing the design and bid documents for the reconstruction of Yates Road, Bell Road, and Thorne Lane. Having already worked extensively with the Village of Fox Point, we look forward to partnering again to help a community we're intimately familiar with and whose standards we know well enough to exceed.

Our demonstrated history of success in completing projects for the Village has been the result of the efforts of the individuals who make up our proposed project team. Each has been selected with consideration for their prior experience and proven ability to perform the potential engineering-related services required. Having already established a personal investment in the Village, we are prepared to dedicate ourselves to ensure successful completion of this project. From us, you can continue to expect:

Cost-effective design and timely infrastructure solutions

Our ability to anticipate and manage design/construction challenges has consistently helped the Village complete their desired projects on time and on budget. Coordination with WE Energies (if utility poles need to be relocated) and the railroad are crucial to completing the project in a timely manner. Delays could push bidding into spring or summer which will result in high bid prices. We will bid the project in the winter of 2025 to ensure the Village receives the best construction bid prices.

Continuous communication and a strong working relationship

We will regularly update you, your staff, and any impacted stakeholders on the progress of the project, as we believe proactive communication will ensure the goals of this undertaking are met. We know the Village and we understand the expectations of Village staff and residents.

Commitment to safety, sustainability, and the Community

To positively impact the Village for years to come, we are driven by a client-first mindset and a deep commitment to your community. Our focus is on enhancing the safety and accessibility of transportation networks, installing reliable new watermain infrastructure, and improving storm water drainage systems.

The following proposal has been prepared in accordance with the requirements outlined in the RFP. We appreciate the opportunity to submit it, eagerly await feedback, and are happy to answer any questions that arise.

Sincerely,
Kapur

A handwritten signature in black ink, appearing to read "Yuriy Amelyan", with a stylized flourish at the end.

Yuriy Amelyan, PE
Associate/Project Manager
Kapur & Associates, Inc.
414.751.7285 | yamelyan@kapurinc.com



Village of Fox Point – Yates, Bell, & Thorne Reconstructions

TEAM QUALIFICATIONS



Aaron Groh, PE – Client Liaison

BS, Civil Engineering, University of Wisconsin-Platteville, 1999

A project manager with 25 years of experience, Aaron oversees Kapur's municipal team and is responsible for quality control, coordination and design, and client satisfaction. His experience includes urban and rural design for roadway reconstruction and rehabilitation.

Relevant Experience

Owners Representative Services, Sheboygan, WI

In overseeing over 100 employees and 10 supervisors/superintendents, Aaron helped progress projects involving \$500+ million in improvements. He also lent his expertise in providing guidance on design.



Yuriy Amelyan, PE – Project Manager

BS, Civil Engineering Technology, MATC & University of Wisconsin-Milwaukee, 1997

Yuriy is a project manager with 46 years of experience in the design and construction management of local street improvements and rehabilitation of sanitary sewer, storm sewer, and water mains.

Relevant Experience

Sanitary Sewer Rehabilitation, Fox Point, WI (2004-2023)

Project manager for the investigation and evaluation of the sanitary sewer system, determining infiltration/inflow sources, structural and hydraulic deficiencies, and developing rehabilitation measures.

Water Main Improvements, Fox Point, WI (2002-2021)

Project manager for the replacement of approximately 22,000 linear feet of water main (6 to 20 inches) and selected replacement of valves/hydrants.



Brad Jors, PE – Lead Engineer

BS, Civil Engineering, University of Wisconsin-Milwaukee, 2007

With more than 15 years of experience in municipal engineering, private and public site development, stormwater management, agency permitting, roadway design, and utility design, Brad's diverse knowledge and skills contribute to delivering successful projects.

Relevant Experience

Bywater & Portage Drainage Study & 2022 Stormwater Improvements, Fox Point, WI

Project engineer for a drainage study of two separate residential areas. The project included HydroCAD modeling of existing conditions and proposed improvements with the preparation of a drainage report containing recommended alternatives and associated cost estimates.



Jeremy Schwartz, PE – Stormwater Engineer

BS, Civil Engineering, University of Wisconsin-Milwaukee, 2000

Jeremy is a professional engineer and project manager with 23 years of experience. He is responsible for the design, permitting, stormwater management, and erosion control for municipal and site development projects.

Relevant Experience

Calumet Road, Fox Point, WI

Project engineer for the 1-mile rural roadway reconstruction, geometric improvements, and multi-stage traffic control plan. A paved shoulder was added to create a safe walking space for the many residents who use this stretch of roadway. New water main was installed along the entire project corridor.

Village of Fox Point – Yates, Bell, & Thorne Reconstructions

TEAM QUALIFICATIONS



Nick Bobinski, PE – Traffic Control Design

BS, Civil Engineering, University of Wisconsin-Madison, 2008

A senior project engineer with 15 years of experience, Nick designs roadway construction and reconstruction projects. He is responsible for all aspects of roadway design, including alternative analysis, pavement design, geometric layout, vertical alignment, and traffic control.

Relevant Experience

STH 32 (Lake Drive), Fox Point, WI

Project engineer for this 2.6-mile resurfacing project, which included roadway widening for on-street bicycle accommodations and the addition of six crosswalks. Developed horizontal and vertical geometry to minimize impacts on surrounding residential properties and oversaw the design of curb ramps to meet ADA requirements. Led plan development including pavement marking and construction staging.



Robbie Maas, PE – Utility & Permitting Coordination

BS, Civil Engineering, University of Wisconsin-Platteville, 2018

A staff engineer with nearly five years of experience, Robbie is responsible for design and construction inspection for municipal engineering projects. He has experience in underground utility design, roadway design, construction management, and inspection.

Relevant Experience

Regent Road, Santa Monica Boulevard, and Goodrich Lane, Fox Point, WI

Construction manager and inspector for the full roadway reconstructions, including a new water main, storm sewer, and roadway. Water main included the installation of more than 3,500 feet of 8-inch PVC water main, 500 feet of 6-inch water main, 3,000 feet of new water service, and 12 hydrants.

Lake Drive Water Main, Fox Point, WI

Staff engineer responsible for designing 5,200 feet of new 12-inch water main. The project included water services, hydrant replacement, and 24 street crossings.



Jason Herther – Survey

Civil Engineering Technician, Moraine Park Technical College, 2001

Jason is a project manager with 23 years of experience in surveying using LiDAR and UAV (drone) data. He is responsible for base mapping topographic data, easement exhibits, parcel mapping, final deliverables, project management, and survey fieldwork coordination/oversight.



Ted Cera (CGC, Inc.) – Geotech

BS, Civil/Geotechnical Engineering, Marquette University, 1985

One of Kapur's many dependable subconsultants, Ted has 26 years of geotechnical engineering experience. He has supervised and participated in field studies, laboratory testing, analyses/design, report preparation, and construction observation/testing.



Brett Healy (Great Lakes TV and Seal) – Closed-Circuit Television

BS, Geotechnical and Hydrological Engineering, University of Wisconsin-Platteville, 1996

As a long-time subconsultant of Kapur, Brett has leveraged his knowledge of Cobra, Aries, IBAK, Schalm, and Picote technologies to excel in pipe inspection. With a focus on saving time and boosting crew productivity, he excels at efficiently obtaining pipe information.

Village of Fox Point – Yates, Bell, & Thorne Reconstructions

PROJECT APPROACH

To ensure the successful completion of this project, **Kapur** proposes a team of expertly qualified municipal design professionals.

In addition to vast experience with engineering water mains, storm sewers, green infrastructure (GI), and roads, this team also possesses an intimate knowledge of the Village of Fox Point acquired through the execution of similar projects and services for the Village throughout the past several decades.

We believe our team's professional experience and proven record of delivering exceptional engineering services to the Village of Fox Point position Kapur as the premier candidate for the award of this project.

Task 1 – Project Management

Yuriy Amelyan, Project Manager, will supervise design related activities and ensure the final design includes recommended improvements, revised plans, specifications, and estimates. In addition, Yuriy will oversee the grant application(s) submittal for incorporating GI and coordinate with Union Pacific Railroad and WE Energies.

Aaron Groh, Client Liaison, will oversee the project, assist Yuriy Amelyan with managing it as needed, and provide QA/QC.

Brad Jors, Lead Engineer, will design the water main, roadway, path, storm improvements, and prepare specifications.

Robbie Maas, Utility and Permitting Coordination, will assist Brad with utility design and permitting. Robbie will also prepare grant application(s).

Jeremy Schwartz, Stormwater Engineer, will assist Brad with the design of GI and Robbie with the grant application(s) preparation for GI.

Nick Bobinski, Traffic Control Design, will develop the traffic control plan to ensure the projects are completed safely and with a minimum of disruption to travelers and residents.

Task 2 – Meetings with Village Staff

Kapur knows that clear, face-to-face communication ensures the success of design projects yet acknowledges the scarcity of stakeholders' available

time. We agree with the five proposed in person meetings as outlined in the RFP (Kickoff, Concept, Progress (2) and Final Design Review) to ensure agreement on project designs, along with two public information meetings (PIM). Summarized meeting goals are listed below. To respect stakeholders' time, we will rely on phone and email communication between scheduled meetings to maintain clear lines of communication and ensure accuracy and accountability.

- **Kickoff Meeting:** Further define the project goals and key dates for project deliverables. Establish a chain of communication for effective project coordination. Discuss both the Village's and Kapur's ideas for a successful start to the design process.
- **Concept Meeting:** A preliminary design review with Village staff to ensure it addresses the client's needs. Discuss the addition of GI with Village staff, including the Village Forester, and determine if any trees or bushes within the project limits need to be removed.
- **Progress Meetings (2):** Kapur and Village staff will discuss current design considerations.
- **Final Design Review Meeting:** Kapur presents and reviews final plans with the entire design team. The primary deliverable following this meeting will be a bid package for contractors.
- **Public Information Meetings (2):** Kapur will present to the adjacent residents during design and present a second meeting post-bid award to discuss construction specifics and schedule.

Task 3 – Road, Storm Sewer, Sanitary Sewer, and Water Main Design

TOPOGRAPHIC SURVEY

Control Survey

Kapur will utilize data from the Village GIS As-Built information.

Benchmarks will be placed and set at 500-foot intervals by a closed and adjusted Class III level loop.

Village of Fox Point – Yates, Bell, & Thorne Reconstructions

PROJECT APPROACH

The horizontal alignment will run along, at, or near the centerline of the street right-of-way. The right-of-way widths will be determined using Milwaukee County GIS mapping and locating iron pipe property markers in the field.

Design Survey

This will include horizontally locating all visible features within the right of way boundary of Yates Road, Bell Road, and Thorne Lane.

Value Added

Kapur has already surveyed portions of these locations and will leverage those surveys to reduce cost to the Village

The east portion of Bell Road and the west portion of the Thorne Lane were already surveyed by Kapur as part of the STH 32/Lake Drive project scheduled for construction in 2025. We will incorporate those surveys into our design from the Lake Drive project.

We will collect adequate survey points (x,y,z) to determine drainage at a minimum of 50 feet in each direction from the intersecting centerlines along the entire route and at each intersection.

Based on the RFP, our field review, and our familiarity with Fox Point, we do not anticipate the need to acquire right-of-way; therefore, right-of-way platting and acquisition are not included in this proposal. If needed, Kapur can provide these services upon request.

UTILITY AND RAILROAD COORDINATION

Kapur will contact Digger's Hotline to request the field locations of all utilities and all available maps, which will be used to compare utility field locations.



Note: If a utility has not been marked per the Digger's Hotline ticket, Kapur will contact the locator, if known, and/or the utility. Utility plans will assist in drafting existing utilities if they are not located in the field.

If utilities are not marked and as-built plans are available, Kapur will draft the utility on the topography base map with a line type indicating it was drafted by the plan. If as-built plans are not received, we will use the same process described above.

Kapur will provide the Village with condition reports for manholes, catch basins, and inlets, noting the type, size, material, and amount of adjustment available on each structure. We will also report the condition of the water main valve boxes. The base map will show invert elevations on pipes within structures.

The Kapur team will coordinate our design with WE Energies and other utilities. Initially, we will notify them by sending Utility Notification forms and location maps. This will give utility companies the opportunity to decide if they need to upgrade or relocate any of their infrastructure. Next, we will send preliminary plans for review to determine potential conflicts. Kapur will work with the utilities to make necessary revisions to minimize or avoid conflicts where necessary. All appropriate coordination and/or permits will be obtained from the utility companies.

Kapur staff has extensive experience working with Union Pacific Railroad, including on Fox Point projects in 2012, 2015, 2018, and 2019. Railroad coordination will relate to drainage, clearing, grubbing, and paving within the railroad right of way. Early coordination helps reduce the possibility of delays. We will acquire permits prior to construction.

ROAD DESIGN

The Kapur Project Team has an extensive background in road design, American Association of State Highway and Transportation Officials (AASHTO) best practices, and the WisDOT Facilities Development Manual (FDM) process. Kapur has successfully designed and managed many roadway projects within

Village of Fox Point – Yates, Bell, & Thorne Reconstructions

PROJECT APPROACH

the Village of Fox Point and we understand the nuances of road construction within your community.

Geotechnical investigations will be ordered. The placement of the borings is key so that they can be utilized for roadbed, GI, and directional drilling analysis. We propose five soil borings at Yates Road, three soil borings at Bell Road, and three soil borings at Thorne Lane. All soil borings will advance to about 10 feet deep.

Alternatives will be provided to the Village for consideration of traffic, pedestrians, and GI along Yates Road. These can include the design of permeable turf stone grid pavers, reducing the road lane width, and/or consideration of paved shoulders.

Kapur has experience with the design and inspection of similar turf stone structures, as articulated concrete blocks were installed at stormwater outfall approaches at 7600 and 7900 Beach Drive.

Kapur also designed a five foot paved shoulder on the west side of Santa Monica between School Road and Yates Road. A paved shoulder was also successfully implemented into the Calumet Road design.

Village staff will be presented with each alternative to discuss their advantages and disadvantages, with the goal of selecting a recommended alternative.

Ditching improvements will be implemented to improve drainage. When adequate slope is not available, bio-swales will be considered to convey stormwater. Driveway approaches and culverts will be designed per the Village standards. External seals will be placed on all sanitary manholes and adjusted to the final pavement grade.

Kapur will draft traffic control plans, including all necessary detours, and will coordinate the construction schedule with bus companies, police, fire departments, school districts, residents, and businesses.

Kapur will prepare all necessary documents required for the PIMs to gauge interest in the pedestrian turf stone grid paver, pedestrian path, paved shoulder concepts, or any other design alternatives deemed worthy of communication to residents.

Kapur will utilize data from the previous projects related to this RFP particularly:

Value Added

Kapur will leverage our recent adjacent designs to streamline efficiencies and reduce design and construction costs

- Intersection of Green Tree Road and Yates Road from 2012 Green Tree Road and Utilities Improvement project
- Intersection of Calumet Road and Bell Road from 2019 Calumet Road and Utilities Improvement project
- Intersection of Santa Monica Boulevard and Yates Road from 2021 Road and Utilities Improvement project
- Intersection of Lake Drive and Bell Road from 2025 Lake Drive Reconstruction project
- Intersection of Lake Drive and Thorne Lane from 2025 Lake Drive Reconstruction project

STORM SEWER

Kapur will design conveyance improvements that include replacing cross culverts and driveway culverts, regrading of ditches within the project limits, and installing storm sewer where necessary and feasible. A hydraulic analysis with HydroCAD software will ensure the proper pipe size along each of the roads.

Value Added

We will inspect the storm sewer pipes and structures at Yates Road and Thorne Lane to assess their condition and determine if any replacement or rehabilitation is necessary

Kapur will inspect storm sewer structures within the project limits and provide recommendations for rehabilitation.



Village of Fox Point – Yates, Bell, & Thorne Reconstructions

PROJECT APPROACH

Kapur also has extensive experience analyzing and improving stormwater conveyance/storage as part of the Village's yearly street program.

Value Added

Existing 12-inch CMP driveway culverts are typically replaced with 10-inch HDPE or 14x9-inch CMP Arch to provide sufficient cover and increase flow.

Long-term maintenance plans include annual inspections of all relevant features or structures to evaluate performance. Inspection and maintenance priorities include:

- Ensuring proper drainage through inlets and outlets
- Assessing structural condition
- Removing trash, debris, and unwanted vegetation
- Identifying and addressing excessive erosion or sedimentation.

Consideration will be given to the planned removal of the pond on the St Augustine Prep property.

GREEN INFRASTRUCTURE (GI)

We realize the importance of GI within the Village/MMSD service area and intend to incorporate GI solutions into this design.

Value Added

Previously, Kapur received GI grants from MMSD for the 2019, 2020, and 2021 projects, saving the Village \$265,175.

We are confident that we can secure a similar financial award to help offset the cost of GI.

GI solutions such as a bioretention facilities, bioswales, soil amendments, rain gardens, etc. will be considered to improve drainage and increase storage. Kapur will analyze the areas within the project limits for the installation of GI improvements. Particularly, we will propose bioswales on the west side of Yates Road and within the grass areas at the intersection of

Bell Road and Crossway Road. Kapur will submit the necessary grant applications and prepare the long-term maintenance plans.

These GI improvements may require relocating existing underground utilities. When installing GI, our intention is to preserve as many trees as possible in these areas, while maximizing the effectiveness of GI improvements. Kapur will seek input and advice from Village staff to find the ideal solution for preserving trees/vegetation while simultaneously installing new GI.

Kapur has successfully designed and implemented numerous GI projects throughout southeastern Wisconsin. In addition, Kapur has extensive experience applying for and securing grants from the Wisconsin Department of Natural Resources (WDNR) and the Milwaukee Metropolitan Sewerage District (MMSD) to help fund these projects.

WATER MAIN DESIGN

We will perform the design for the upsizing of the existing 6-inch water main to an 8-inch water main at Bell Road and Thorne Lane, along with the replacement of the 12-inch water main at Yates Road, including associated valves and hydrants. Service laterals also will be replaced to the right-of-way concurrent with this roadway improvement project. Lead services will be addressed as Kapur and the Village have on past projects.

Kapur will provide the design for installing a surge suppressor at the point of connections between the new and existing water mains. The surge suppressor will reduce or eliminate destructive surges and prevent hydraulic water hammer, which can damage pipes, valves, and fittings.

Our design team will consider two options: open-cut trench installation and trenchless water main replacement by using directional drilling or pipe bursting techniques.

Cost estimates will be prepared to budget for replacing all 12-inch water main if during construction frequent breaks begin to occur. This budgeting process can help the Village be prepared for a worst-case scenario.



Village of Fox Point – Yates, Bell, & Thorne Reconstructions PROJECT APPROACH

We will present these options to the Village Water Utility Department for their input/concurrence throughout all phases of design.

Potential Savings

The cost of replacing of lead water service connections may be reimbursable from the WDNR, which could further enhance the value of this project by offering significant and tangible savings over the proposed budget.

WDNR permitting will be acquired prior to placing advertisements for bids.

ADDITIONAL CONSIDERATIONS

Kapur is heavily involved in several adjacent, concurrent projects, including the resurfacing of Lake Drive. Our insight into these projects will enable us to develop a comprehensive plan that considers traffic volumes, detours, and other effects of these projects and determine the best times to schedule construction.

We can conduct Unmanned Aerial Vehicle (UAV) – drone flights to assess the project area during the construction phase if selected for design. Weekly flights can be conducted, and video footage can be shared with the Village.

We will consider a full reconstruction for Bell Road during design.

Special attention will be given to traffic control and construction staging, particularly on Thorne Lane, where the narrow roadway and existing obstructions pose additional challenges.

All other items from the RFP not described here will be incorporated into our design.

Task 4 - Construction Document Preparation

The Kapur Project Team has substantial experience preparing construction and bid documents, including formulating cost estimates, publishing appropriate notices, and digital distribution of relevant materials.

We will attend bid openings and site walk-throughs, recommend contractors based on review/evaluation of bids, and attend Village Board meeting(s) to further discuss the recommendations (if needed).

Following the bid opening, Kapur will conduct a PIM to inform residents about the upcoming construction activities.

We will use Village of Fox Point specifications and procedures for infrastructure projects including sanitary sewer, storm sewer, water main, and roadway reconstruction, which Kapur has implemented on past projects.

It is assumed for budgeting purposes that these three street projects will be incorporated into one bid package.

Task 5 – Grant Preparation, Submittals and Coordination

Working with Village staff, Kapur will spearhead the effort to develop content for grant applications. We plan to submit grant proposals for the incorporation of GI into the project design to MMSD, DNR, and WisDOT for funding along Yates Road. In addition, Kapur will coordinate with the funding entities as much as possible for accounting, reporting, or other requirements.

Kapur will perform the CMAQ application that is due September 30.



DESIGN FOR THE 2024 ROAD AND UTILITY RECONSTRUCTION PROJECT OF YATES ROAD, BELL ROAD AND THORNE ROAD								
VILLAGE OF FOX POINT, WISCONSIN								
TASK	Project Manager	Project Engineer	Staff Engineer	RLS	One Man Survey Crew	Cad Technician	Total Task Hours	Total Task Cost
	\$185.00	\$135.00	\$110.00	\$155.00	\$145.00	\$110.00		
1. PROJECT MANAGEMENT								\$0.00
2. MEETINGS								\$0.00
A. Kick-off Meeting	2	2	2				6	\$860.00
B. Concept Meeting	3	3	3				9	\$1,290.00
B. Progress Meetings - 2 Meetings	6	6	6				18	\$2,580.00
C. Public Meetings - 2 Meetings	6	6	6				18	\$2,580.00
D. Final Design Meeting	4	4	4				12	\$1,720.00
TOTAL DESIGN FOR MEETINGS:	21	21	21	0	0	0	63	\$9,030.00
3. ROAD, STORM SEWER AND WATER MAIN DESIGN:								
3.1. N. YATES ROAD (BETWEEN N. SANTA MONICA BLVD. AND E. GREEN TREE ROAD)								
A. Topographic Survey and Base Mapping- Task 3, Item1.				9	38	22	69	\$9,325.00
B. Road Design - Task 3, Items 4, 5, 6,8 and 9.								
Roadway Plan and Profile	20	96	120			40	276	\$34,260.00
Path Design, Utility Coordination	2	8	24			24	58	\$6,730.00
C. Storm Sewer Design - Task 3, Item 2 and 10:								
Field Review			8				8	\$880.00
CCTV								\$600.00
CCTV Internal Review			4				4	\$440.00
Design, including green infrastructure	4	32	60			28	124	\$14,740.00
D. Water Main Design - Task 3, Items 3 and 7 (Based on SEH analysis)								
Geotechnical Investigation	Five Soil Borings (10 feet deep each)							\$4,000.00
Design		8	8			16	32	\$3,720.00
Agency Coordination/Permits			4				4	\$440.00
E. Mileage and Expenses								
TOTAL DESIGN FOR N. YATES ROAD:	26	144	228	9	38	130	575	\$75,135.00
3.2 N. BELL ROAD (FROM E. CALUMET ROAD SOUTH TO N. LAKE DRIVE)								
A. Topographic Survey and Base Mapping- Task 3, Item1.				9	44	22	75	\$10,195.00
B. Road Design - Task 3, Items 4, 5, 6,8 and 9.								
Roadway Plan and Profile	2	24	24			8	58	\$7,130.00
Railroad Coordination	2		8				10	\$1,250.00
C. Storm Sewer Design - Task 3, Item 2 and 10:								
Field Review			8				8	\$880.00
CCTV								\$300.00
CCTV Internal Review			4				4	\$440.00
Design, including green infrastructure	3	16	32			12	63	\$7,555.00
D. Water Main Design at N. Santa Monica Boulevard - Task 3, Items 3 and 7.								
Geotechnical Investigation	Three Soil Boring (10 feet deep each)							\$2,400.00
Design:		4	16			8	28	\$3,180.00
Agency Coordination/Permits			4				4	\$440.00
E. Mileage and Expenses								
TOTAL DESIGN FOR E. BELL ROAD:	7	44	96	9	44	50	250	\$33,470.00
3.3 E. THORNE LANE								
A. Topographic Survey and Base Mapping - Task 3, Item 1.				9	36	22	67	\$9,035.00
B. Road Design - Task 3, Items 4, 5, 6 and 8.	4	12	16			16	48	\$5,880.00
C. Storm Sewer Design - Task 3, Item 2 and 10:								
Field Review			8				8	\$880.00
CCTV								\$300.00
CCTV Internal Review			4				4	\$440.00
Design	3	24	24			24	75	\$9,075.00
D. Water Main Design - Task 3, Items 3 and 7.								
Geotechnical Investigation	Three Soil Boring (10 feet deep each)							\$2,400.00
Design		8	16			8	32	\$3,720.00
Agency Coordination/Permits			4				4	\$440.00
E. Mileage and Expenses								\$0.00
TOTAL DESIGN FOR E. THORNE LANE:	7	44	72	9	36	70	238	\$31,870.00
4. CONSTRUCTION DOCUMENT PREPARATION (Including Item 9 from Task 3)								
Bidding/Contract Document, Cost estimate, Publishing, Bid Opening, Finalized Bid Tab and Award	8	24					32	\$4,720.00
Recommendation to Low Bidder, Preparation of Figures for Public Information Meeting	2	2					4	\$640.00
Pre-Bid Walk Through With Prospective Bidders								
TOTAL CONSTRUCTION DOCUMENT PREPARATION:	10	26	0	0	0	0	36	\$5,360.00
5. GRANT PREPARATION, SUBMITTALS AND COORDINATION								
A. TAP funding MMSD GIPP		4	32				36	\$4,060.00
TOTAL DESIGN FOR GRANT:	0	4	32	0	0	0	36	\$4,060.00
TOTAL PROJECT FEE:	71	283	449	27	118	250	1198	\$158,925.00

* Title Search \$450 per parcel
** Easement prep \$1,200 per easement
*** Kapur is preparing the design for St Augustine Prep so no additional effort will be needed for coordination



Village of Fox Point – Yates, Bell, & Thorne Reconstructions

COST SAVINGS



SAVINGS FOR RECENT ROAD AND UTILITY IMPROVEMENT PROJECTS COMPLETED BY KAPUR FOR THE VILLAGE OF FOX POINT

	Year and Project Name	Contract Amount	Actual Work Performed	Savings
1	2012 Road and Utility Reconstruction (Green Tree Road Quarles Place)	\$874,595	\$828,563	\$46,032
2	2017 Road and Utility Reconstruction (Navajo Road, Seneca Road, and Lake Drive)	\$1,079,011	\$1,012,090	\$66,921
3	2018 Road and Utility Reconstruction (Poplar Drive, Club Circle, Lilac Lane, and Merrie Lane)	\$1,805,012	\$1,716,345	\$88,667
4	2019 Road and Utility Reconstruction (Calumet Road and Bergen Drive)	\$2,214,450	\$2,130,255	\$84,195
5	2020 Road and Utility Reconstruction (Barnett Lane, East Acacia Road, and View Place)	\$1,176,685	\$1,112,102	\$64,583
6	2021 Road and Utility Reconstruction (Regent Road, Santa Monica Boulevard, Goodrich Lane, and West Acacia Road)	\$2,368,290	\$2,289,000 (estimated)	± \$60,000 (estimated)
TOTAL SAVINGS FOR PAST 6 YEARS:				± \$410,000

Kapur provides cost-conscious engineering design solutions to its municipal clients, and the examples above prove that we have closely and effectively monitored the budgets of previous projects for the Village of Fox Point.

We look forward to the opportunity to prove once again how our approach can provide effective solutions *and* significant savings.





September 4, 2024

Mr. Scott Brandmeier, PE
Director of Public Works
Village of Fox Point
7200 North Santa Monica Boulevard
Fox Point, WI 53217

RE: 2024 Road and Utility Reconstruction - Yates Road, Bell Road, and Thorne Lane

Dear Scott,

Kapur is pleased to submit this proposed contract to provide professional engineering services for the above referenced project.

SCOPE OF SERVICES

The scope of work for the 2024 Road and Utility Reconstruction Project includes the scope as presented in the RFP, as shown on the enclosed spreadsheets, and as outlined below:

1. Project Management
2. Meetings
3. Topographic Survey and Base Mapping
4. Road Design
 - Design scope includes 3 alternatives for Yates Road
5. Storm Sewer Design
6. Water Main Design
7. Agency Coordination:
 - WDNR (NOI permit and hydrant fire flow approval/permit), We-Energies and AT&T conflicts
 - Railroad permitting
8. Construction Document Preparation

A fee for added design services has been included in this proposal. Added scope includes the addition of cross sections along Yates Road and Bell Road.

SCHEDULE

Work on the 2024 Road and Utility project will begin upon receipt of signed contract. The project will be bid in late 2025/early 2026.

FEES AND BILLINGS

The total fee for the above referenced scope of work will be billed as a time and material basis not to exceed \$168,705. An itemized breakdown of the fee is provided below:

▪ RFP Submittal	Time and Materials	\$158,925
▪ Addition of Roadway Cross Sections	Time and Materials	\$9,780

These fees are determined based upon our understanding of the project as described in this proposal. Expansion or changes to the scope of work, performance time, or unanticipated site conditions may require a contract amendment.

ACCEPTANCE

If this proposal is acceptable, please sign and date this original copy on Standard General Contract Terms and return it to our office.

Thank you for the opportunity to submit this proposal. We look forward to working with you on this project. Should you have any questions, or require further information, please call me at (414) 751-7213 or email: agroh@kapurinc.com. Receipt of a signed copy of this document will constitute an executed agreement.

STANDARD GENERAL CONTRACT TERMS FOR PROFESSIONAL ENGINEER/SURVEY SERVICES

Article 1 Scope of Services

ENGINEER shall provide CLIENT with services in connection with the Project as described in Scope of Services. ENGINEER shall use the standard of care typically exercised in conducting professional practices outlined in the Scope of Services. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with the ENGINEER's service.

Unless otherwise specifically included in the proposal, ENGINEER's scope of services does not include geotechnical or environmental audits for the identification of hazardous wastes, wetlands, floodplains or any other structural or environmental qualities of the land, air or water.

Article 2 Schedule of Services

ENGINEER shall start and complete work as set forth in the Scope of Services. ENGINEER shall conduct the work in an expeditious manner subject to limitations such as weather, information acquisition, communications and other factors outside of ENGINEER's control. Both parties recognize that the schedule of services is subject to factors that may be unknown at the time of this Agreement.

Article 3 CLIENT's Responsibility

CLIENT shall do the following in a timely manner so as not to delay the service of ENGINEER:

3.1 Provide all criteria and full information as to CLIENT's requirements for the Project, including design objectives and constraints.

3.2 Assist ENGINEER by placing at ENGINEER's disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project; all of which the ENGINEER may use and rely upon in performing the services under this Agreement. Verification of the accuracy and completeness of any information provided by the CLIENT is beyond the scope of this agreement.

Article 4 Payment Terms

CLIENT agrees to pay all fees within 45 days of the date of the invoice. Balances due over 45 days will be assessed an interest rate of 1.5 % per month. CLIENT agrees to pay for any costs of collection including, but not limited to lien costs, court costs or attorneys' fees involved in or arising out of collecting any unpaid or past due balances.

CLIENT understands and agrees to pay for all services rendered regardless of CLIENT's ability or inability to proceed with the project for any reason, gain governmental approvals or permits or secure financing for the project.

Article 5 Term and Termination

ENGINEER's obligation to render services under this Agreement will extend for a period that may reasonably be required for the services to be provided, including extra work and required extensions. If CLIENT fails to give prompt authorization to proceed with any phase of services after completion of the immediately preceding phase, or if ENGINEER's services are delayed or suspended by CLIENT for more than three months for reasons beyond ENGINEER's control, ENGINEER may, after giving seven days' written notice to CLIENT, suspend or terminate services under this Agreement.

If payment is not received within 45 days of the date of invoice, ENGINEER reserves the right, after giving seven days' written notice to CLIENT, to suspend services to the CLIENT or to terminate this Agreement. ENGINEER shall not be liable to CLIENT or any third parties for any damages caused by the suspension or termination of work for non-payment. CLIENT may terminate this Agreement for any reason or without cause upon 30 days' written notice to ENGINEER. If any work covered by this Agreement is suspended, terminated or abandoned for any reason other than ENGINEER'S breach of the Agreement, the CLIENT shall compensate the ENGINEER for

services rendered to the date of written notification of such suspension, termination or abandonment.

Article 6 Indemnity

CLIENT and ENGINEER each agree to indemnify and hold the other harmless, and their respective officers, employees, agents and representatives, from and against liability for all claims, losses, damages and expenses, including reasonable attorneys' fees, to the extent such claims, losses, damages or expenses are caused by the indemnifying party's negligent or intentional acts, errors or omissions. In the event claims, losses, damages or expenses are caused by the joint or concurrent negligence of CLIENT and ENGINEER, they shall be borne by each party in proportion to its negligence. Nothing contained within this Agreement is intended to be a waiver or estoppel of the contracting municipality CLIENT or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained within Wisconsin Statutes §§ 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the municipality CLIENT or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law.

Article 7 Ownership and Copyright of Documents

All documents prepared or furnished by ENGINEER pursuant to this Agreement are instruments of ENGINEER's professional service, and ENGINEER shall retain an ownership and property interest therein, including all copyrights. ENGINEER grants CLIENT a license to use instruments of ENGINEER's professional service for the purpose of purchasing or identifying property or constructing the project. Reuse or modification of any such documents by CLIENT, without ENGINEER's written permission, shall be at CLIENT's sole risk, and CLIENT agrees to indemnify and hold ENGINEER harmless from all claims, damages and expenses, including attorneys' fees, arising out of such use by CLIENT or by others acting through the CLIENT.

Article 8 Electronic Media

Copies of documents that may be relied upon by the CLIENT are limited to the printed copies (also known as hard copies) that are signed or sealed by ENGINEER. Files in electronic formats, or other types of information furnished by ENGINEER to CLIENT such as text, data or graphics, are only for the convenience of CLIENT. Any conclusion or information obtained or derived from such electronic files will be at the user's sole risk. When transferring documents in electronic formats, ENGINEER makes no representations as to long-term compatibility, usability, or readability of documents resulting from the use of software applications packages, operating systems or computer hardware differing from those in use by ENGINEER at the beginning of this project.

ENGINEER

Kapur

By: _____
Print: Aaron Groh
Title: Associate/Municipal Manager
Date: 9-4-2024

The above and foregoing proposal is hereby accepted and ENGINEER is authorized to proceed with the work.

CLIENT

Village of Fox Point

By: _____ By: _____
Print: _____ Print: _____
Title: _____ Title: _____
Date: _____ Date: _____

COST NOT TO EXCEED
ADDITIONAL DESIGN FOR THE YATES ROAD, BELL ROAD AND THORNE LANE RECONSTRUCTIONS
VILLAGE OF FOX POINT, WISCONSIN

TASK	Project Manager	Project Engineer	Staff Engineer	RLS	One Man Survey Crew	Cad Technician	Total Task Hours	Total Task Cost
	\$185.00	\$135.00	\$110.00	\$155.00	\$145.00	\$110.00		
ROAD, STORM SEWER AND WATER MAIN DESIGN:								
N. YATES ROAD (BETWEEN N. SANTA MONICA BLVD. AND E. GREEN TREE ROAD)								
A. Road Design - Cross Sections @50' Intervals and Driveways (56 total)*		2	12			30	44	\$4,890.00
TOTAL DESIGN FOR N. YATES ROAD:	0	2	12	0	0	30	44	\$4,890.00
BELL ROAD (FROM E. CALUMET ROAD SOUTH TO N. LAKE DRIVE)								
A. Road Design - Cross Sections @50' Intervals and Driveways (55 total)*		2	12			30	44	\$4,890.00
TOTAL DESIGN FOR E. BELL ROAD:	0	2	12	0	0	30	44	\$4,890.00
TOTAL PROJECT FEE:	0	4	24	0	0	60	88	\$9,780.00

* Assumes half of the driveways fall near a 50' interval where a combined cross section at the driveway will be shown on the plans

